Agenda Item	6.2
Report No	PLN/086/19

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 November 2019

19/00234/MSC: Ian Elliot Ltd

Report Title: Land 150m west of Wyndhill Industrial Estate, Muir of Ord

Report By: Acting Head of Development Management – Highland

Purpose/Executive Summary

1.1 **Description:** Erection of 60 residential units (Discharge of Conditions

13/04534/PIP)

1.2 **Ward:** 08 – Dingwall and Seaforth

1.3 **Development category:** Major

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1.4 Reason referred to Committee: Major Application

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. Recommendations

2.1 Members are asked to agree the recommendation to Grant planning permission as set out in section 13 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 Planning Permission in Principle was granted for a mixed use development; comprising Class 4 business/office use; Class 1 garden centre/retail use; and class 9 residential use; as well as landscaping, open space, footpaths and supporting infrastructure; in January 2016. This current Matters Specified in Conditions application seeks to discharge many of the conditions attached to this parent permission and specifically seeks approval for Phase 1 of the wider development, comprising the erection of 60 houses at the northern end of the development site. A separate Section 42 planning application has also been submitted, seeking a variation to Condition 8 of Planning Permission in Principle 13/04534/PIP to allow the 60 houses to be developed in a single phase, as opposed to being restricted to a maximum of 20 units per annum as previously approved. Although originally submitted in the name of Ian Elliot Ltd. and Scotia Homes, the Council was notified by the agent in May 2019 that Scotia Homes has withdrawn from the landowner agreement to promote the site and therefore the application is now being taken forward by Ian Elliot Ltd. only.
- The details for Phase 1 submitted include formation of a new access point onto the A862 public road to serve a mix of detached and semi-detached houses, substantially two storeys in height, interspersed with some single storey properties. Whilst the supporting design statement refers to materials, colours and finishes being from a contemporary vernacular palette and the elevation drawings show substantially white rendered walls with some feature panels and grey roofs, no details of finishes have been provided and will require to be secured by condition.
- There is no existing infrastructure on site. The application proposes the formation of a new access onto the A862. A new footpath/cycle way is also shown along the eastern boundary adjacent to the public road. It is proposed to extend the current 40MPH speed limit southwards to the bend in the public road at Wyndhill. It is also proposed to connect to the public water and waste water networks and to provide SUDS compliant surface water drainage within the site.
- 3.4 Pre Application Consultation: Formal pre-application consultation was undertaken prior to submission of the application for Planning Permission in Principle. The applicants consulted with the Council's Major Pre-Application team on 13 May 2013 (13/01775/PREAPP) and received a response on 10 July 2013. Subsequent to this, statutory consultation with the Community was undertaken and a proposal of application notice was lodged with the Council on 8 August 2013 (13/03032/PAN).
- 3.5 Supporting Information: Transport Statement; Drainage Impact Assessment; Topographical Mapping; Design and Access Statement; Heritage Interpretation Plan; Swept Path Analysis.
- 3.6 Variations: Minor amendments made to site layout to address transport and streetscape issues. Full set of amended drawings received 07.11.2019.

4. SITE DESCRIPTION

4.1 The site is located on the southern edge of Muir of Ord to the south-west of the established Industrial Estate. It lies to the south of 'The Cairns' housing development and is contained between the railway line to the west and the A862 public road to the east. The site is relatively flat and is in agricultural use. A natural stone wall runs along the eastern boundary and a Scheduled Ancient Monument 'Wyndhill Standing Stone' lies within the south-east corner of the site. The MSC application submitted covers the northern part of the site, closest to Muir of Ord.

Advice issued

10 07 2010

5. PLANNING HISTORY

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5.1	13/01/75/PREAPP PIE-application enquiry	Advice issued	10.07.2019
5.2	13/03032/PAN Proposal of Application	Lodged	08.08.2013
5.3	13/03139/SCRE Screening Request for Environmental Impact Assessment	Screening Opinion advising EIA not required	09.11.2013
5.4	13/04534/PIP Mixed use development comprising Class 4 (business/office), Class 1 (garden centre/horticultural retail), Class 9 (private and affordable houses). Creation of formal and informal open space, footpaths and	Permission in	28.01.2016

5.5 19/00233/S42 Section 42 Application to vary Application Condition 8 of planning permission pending 13/04534/PIP to allow 60 houses to be developed in Phase 1 of the mixed use scheme

13/01775/DREADD Dre-application enquiry

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 01.02.2019

improved footway on the A862.

Representation deadline: 17.02.2019

Timeous representations: 0

Late representations: 0

7. CONSULTATIONS

7.1 **Muir of Ord Community Council:** No objection. The application is generally welcomed. The one area the CC wishes to comment upon is the requirement for the delivery of the connecting active travel path connecting Wyndhill to the Cairns development. This forms the final part completing the aspirational Square to Square active travel connection between Beauly and Muir of Ord.

Planning condition 14 attached to 13/04534/PIP states that: "Prior to first occupation of any part of the development, a 3 metre wide combined footpath/cycleway shall be provided for the full length of the development site parallel with the A862". The path shall be connected within the road verge to the existing path within the Cairns development to the North and to the existing path to the South which extends to Beauly."

The community wishes to ensure this important element is adhered to and that the requirement is reinforced to connect at both ends to the existing network - including across the front of the BandB at the North end of the development site - delivery before the first occupation - and ideally as early as is feasible in site delivery.

The second part of the condition reads as follows: "This path should be built to the adopted standards (section 10) within Cycling By Design(transport Scotland 2010), consideration of cycle priority at junctions (section 7.2.2.3) and details for future maintenance shall be submitted for approval by the Planning Authority in consultation with the Roads Authority".

The community would like to see the prioritisation of the cycle/footpath over the road at the entrance to the development - ideally with the level of the path being maintained and priority given to active travel users over road vehicles. A raised speed blanket to slow vehicle on entry may be appropriate - but at least adequate signage and road lining to indicate priorities at the point the road crosses the active travel network.

- 7.2 **SEPA:** No objection.
- 7.3 **Scottish Water:** No objection. There is currently sufficient capacity in the public water and waste water networks. The applicant should be aware that SW is unable to reserve capacity at its water and/or waste water treatment works for the proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, SW will review the availability of capacity at that time and advise the applicant accordingly.
- 7.4 **Network Rail:** Object to the proposed 1.2m timber fence along the boundary of the railway. In the interests of public safety and the protection of the railway, the developer must provide a suitable trespass proof fence of at least 1.8 metres in height along their land ownership boundary adjacent to the railway. Network Rail would be content with a 1.8m timber fence. The developer should submit amended plans showing the location and specification of the proposed fencing along the railway boundary. In addition it is requested that an informative is added to remind the developer that construction work must be undertaken in a safe manner which does not disturb the operation of the railway line.
- 7.5 **Transport Planning:** No objection. Initial responses of 07.02.2019; 13.06.2019; and 29.10.2019 asked for additional supporting information and adjustments to layout. Further to submission of this information and amended drawings, the Transport Planning team confirms no objections subject to conditions being attached to the permission in respect of the following matters:
 - RCC cannot be granted until confirmation of vesting by Scottish Water, including evidence of approved technical audit and any waivers required. A condition or informative to this effect will be required in any planning permission granted;

- The applicant has confirmed agreement in principle to provision of northbound and southbound bus stops on the A862 in accordance with the planning in principle permission. Final details of the required bus stops are not clear and have still to be agreed. The submitted details of the bus stops, ref. Drawing No. SK05 Rev. D, are acceptable in principle. Final details will be subject to Road Safety Audit;
- The applicant's proposals for extension of the existing 40mph restriction on the A862 and the provision of a suitable Gateway feature are acceptable in principle with final details still to be agreed;
- The site access is to incorporate a "ghost island" priority junction which will result in a left/right stagger arrangement with the A862/B9169 junction. The preliminary design in the applicant's submission is acceptable in principle; however, RCC will be required for the proposed junction works and final agreement of the junction proposals and all works affecting the A862 will be subject to detailed design, supported by Road Safety Audit. A condition to this effect will be required in any planning permission granted;
- The internal roads shall be designed and constructed to adoptable standards in accordance with the requirements of Council guidelines. A design speed of 20 mph will apply, which shall be reinforced by the introduction of a 20mph speed limit or zone. The developer will be responsible for all legal, administrative and engineering costs associated with the 20mph speed limit or zone. A condition to this effect will be required in any planning permission granted;
- Road Construction Consent (RCC) will be required for all works intended for adoption by the Council, as roads authority. The internal road and parking layout proposed is considered generally acceptable. Various matters will, however, need to be addressed before RCC can be granted and the relevant roads recommended for adoption;
- The Council will be unable to maintain landscaped verges and communal hard or soft landscaped areas, including SUDS areas, to a high standard of amenity. Appropriate private long term management and maintenance arrangements will, therefore, be required for such areas. A condition to this effect will be required in any planning permission granted;
- As recommended in the Transport Statement, a Welcome Pack for residents, to increase awareness of the availability of more sustainable forms of transport, should be provided for each household within the development. A condition to this effect will be required in any planning permission granted;
- In the interests of safety and security, street lighting shall be provided, both within and outwith the development, as required, to the satisfaction of the Council's Area Lighting Engineer. A condition to this effect will be required in any planning permission granted;
- A Construction Traffic Management Plan (CTMP) for the development shall be prepared by the developer for the agreement of the Council, as roads authority. The CTMP shall include measures to minimise the impact of construction traffic and, where necessary, propose measures to mitigate the impact of such traffic. Depending on the level of traffic to be generated, consultation with stakeholders, including local community representatives, may be necessary. A condition to this effect will be required in any planning permission granted.

- 7.6 **Flood Risk Management:** No objection. Initial responses of 11.02.2019 and 02.09.2019 asked for additional supporting information including updated Drainage Impact Assessment. Further to review of submission of Drainage Impact Assessment in July and subsequent additional supporting information in October, the FRM team now confirms it is satisfied with surface water drainage proposals.
- 7.7 **Historic Environment Team:** No objection. Several phases of archaeological work were carried out following the consent granted under 13/04534/PIP. The results showed that extensive and complex archaeological features were present with the potential to provide previously unknown detail on prehistoric life in the area that is now Wyndhill/Muir of Ord. Pre-commencement investigations across almost all of the new site boundary are complete. There is one outstanding area, though it is not clear from the submitted pans what is proposed there a small area at the southwestern extent of the site was not covered by the evaluation and would require evaluation in advance of any ground-breaking works. However as this is a small area, there may be an option for this to be covered by the watching brief as an alternative.

The remainder of the site requires no further evaluation, but a watching brief is required for all ground-breaking works as the site has considerable archaeological potential. In addition, post-excavation analyses are required to complete the earlier works and these should be combined with the results of the watching brief in due course. Retaining the ARC1 condition would ensure that this programme of works is carried out in accordance with the required professional standards. A Written Scheme of Investigation for the mitigation work will need to be submitted by the applicant's archaeologists and agreed with this office before the start of works on site. If the southern area is included as a watching brief (rather than an evaluation), then there are no additional pre- commencement works required.

In addition, it is considered that the submitted Interpretation Plan should be seen as a draft only. As it looks like the buried remains on site may have a relationship with the standing stone, it is recommended that the final text is agreed only following the completion of the archaeological analyses.

7.8 **Development Plans:** No objection. The site is allocated under M05 in the Inner Moray Firth Local Development Plan. A Section 75 Agreement is in place covering Developer Contributions in respect of 13/04534/PIP. These previously negotiated contributions apply to the development now subject of the current S42 and MSC applications; there is no requirement to recalculate and renegotiate contributions. It is noted that contributions include: the provision of Affordable Housing (note that the MSC application meets the requirement for 25% affordable housing by proposing 15 affordable units); contribution to Community Facilities; contribution to Education Facilities; contribution to Transport Facilities (towards the cost of provision and installation of two bus shelters on the A862 road, each equipped with real time information points). It is understood that the agreement provides for staged payment of the Community and Education contributions in step with the completion of homes. Whilst it is acknowledged that the overall 'masterplan' in 13/04534/PIP was indicative only, it is unfortunate that the current proposals do not include a revised indicative masterplan for the whole site - particularly given that the proposals covered by the MSC application are quite different from that previous indicative masterplan in terms of the location of the housing element of the mixed

use scheme within the site. It would be helpful to see a revision, to understand how the other elements of the mixed use scheme might be delivered in terms of a successful design and layout.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 32 Affordable Housing
- 34 Settlement Development Areas
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 75 Open Space
- 77 Public Access

8.2 Inner Moray Firth Local Development Plan 2015

Within Muir of Ord Settlement Development Area. MO5 – Allocated for Mixed use.

8.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Open Space in New Residential Developments (Jan 2013)

Public Art Strategy (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 2014

10. PLANNING APPRAISAL

10.1 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

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

- 10.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) any other material considerations.

Development plan/other planning policy

- As noted above, the site is allocated for mixed development use in the adopted Inner Moray Firth Local Development Plan and comprises a Matters Specified in Conditions application relating to delivery of a first phase of sixty houses in respect of an extant Planning Permission in Principle. The proposed development therefore complies generally with policy and with the terms of the previously granted Planning Permission in Principle.
- 10.5 The one aspect of the proposal which is at odds with policy is the proposal for the total number of 60 houses to be built as a single phase, as opposed to the statement within the Local Development Plan 'Development in separate phases not exceeding 20 units in any one calendar year.' The proposal would therefore not comply with this particular provision of the Development Plan or with Condition 8 of the Planning Permission in Principle (13/04534/PIP). If the housing is, as now envisaged by the developer, delivered as a single phase over two years, then the annual completion rate would be 30 (50% higher than that anticipated by the IMFLDP). However, the overall number of homes complies with the IMFLDP's indicative housing capacity for the site (60) and reflects the maximum of 60 set in Condition 2 of the permission 13/04534/PIP. Furthermore, whilst the percentage increase in rate of development appears large, the numbers of units involved are relatively low and no development has taken place on site since permission was granted in January 2016, almost four years ago. The applicant envisages development of the 60 units over a two year period and this would therefore deliver 30 houses per year as opposed to 20. It is considered that this is not a significant departure from policy and can be supported.

Developer contributions have already been secured on the Planning Permission in Principle by S75 legal agreement, comprising £2,013 per residential unit towards Education and £500 per unit towards Community use, as well as a minimum of 25% affordable housing and transport contributions. (The Section 75 Agreement will require to be modified in association with 19/00233/S42 and the issue of both decision notices will have to await the completion of the modification)

Layout, Design and Landscaping

10.6 The detailed layout for this initial first phase of development proposes a new access onto the A862 public road and a spur north from this into the housing development. An area of landscaped open space is proposed around the junctions as well as along the frontage of the site with the A862. The continuation of the established

cycle way/pedestrian path along this frontage is proposed remote from the road within the open space. The site also includes a large area of open space to the south of the proposed housing, incorporating SUDS and a play area.

- 10.7 The existing drystone wall along the A862 roadside is to be locally repaired where damaged. Where this has collapsed, it is to be taken down to sound bedding and rebuilt in matching local style using existing stone supplemented with coarse sandstone rubble sourced within the local area with selected vertically laid cope stones; and a new section of 1100mm height drystone dyke is to be built, extending from the existing wall in the same manner. This will ensure that Condition 18 of the PIP to repair, restore and continue this feature along the entire road frontage of the site is complied with. Whilst the submitted landscape plans show the detail of planting; the layout of the play area; and the repair, restoration and continuation of the wall; no programme of implementation has been provided and will therefore require to be secured by condition.
- 10.8 The housing layout itself comprises a loop, with houses on either side of the service road. A mix of house types are proposed, the majority being detached 3 and 4 bedroom units, but with 14 semi-detached units. Most houses are two storeys in height but there is a scatter of bungalows (detached and semi-detached) throughout the site which will help break up the massing of those higher buildings. Significantly, further to negotiation during consideration of this application, the houses proposed on plots 26-29 to the north-east corner of the site are now single storey to relate better to the established detached one and a half storey house of Hillview Park to the immediate north. Finished materials are not specified in the submitted drawings but the elevations submitted suggest predominantly white rendered walls with contrasting feature panels; with dark grey roofs. A condition is recommended requiring submission and approval of materials prior to development on any of the houses commencing. Pockets of open space are proposed throughout the site adjacent to the service road and remote footpaths which will help soften the development and enhance the streetscape.
- 10.9 It is considered that the layout and house designs proposed are appropriate for this edge of village location and comply with the relevant conditions attached to the Planning Permission in Principle.

Transport and Access

10.10 A Transport Statement has been submitted in support of the application, following on from a Transport Assessment provided in support of the Planning Permission in Principle. The Council's Transport planning team confirms that it is satisfied that these documents demonstrate that the site will be accessible by sustainable modes of transport and that the it can be accommodated on the local road network without adverse impact. Vehicular access to the wider site will be via a single junction with the A862, which will incorporate a 'ghost island' priority junction resulting in a left/right stagger arrangement with the A862/B9169 junction to the immediate north. Access from this main service road to the housing site is proposed via an internal T-junction, which has capacity to be upgraded to a round-a-bout, if required to serve future development. A segregated pedestrian/cycle path is to be provided along

the A862 frontage of the site which will link with the existing Muir of Ord – Beauly shared use path to the south and, to the north with the existing pedestrian/cycle path at the Cairns.

- 10.11 The application also proposes the provision of northbound and southbound bus stops on the A862, in accordance with Condition 13 of the Planning Permission in Principle. In addition, it is proposed to extend the 40 mph restriction on the A862 closer to Wyndhill and provide a suitable Gateway feature in accordance with Condition 5 of the Planning Permission in Principle. The Council's Transport Planning team is content with the information now submitted, subject to various matters of detail being secured by additional conditions attached to any MSC approval granted; and on the basis of detailed compliance with Council roads guidelines to be confirmed through the RCC process.
- 10.12 All internal roads are to be designed and constructed to the Council's adoptable standards. A design speed of 20 mph will apply and shall be reinforced by the introduction of a 20mph zone. Road Construction Consent will be required and the Council's Transport Planning team has already secured adjustments to the detail of the layout design to ensure that it is consentable under the RCC process.
- 10.13 The submission allows for the discharge/part discharge of Conditions 1, 4, 5, 7, 9, 12, 13, and 14 attached to the Planning Permission in Principle, subject to agreement of further details as specified in the further conditions recommended below and subject to development proceeding in accordance with the details as recommended for approval.

Flood Risk and Drainage

10.14 A Drainage Impact Assessment and additional drainage information has been submitted in support of the application. This has demonstrated to the satisfaction of SEPA and the Council's Flood Risk Management team, that the site can be adequately drained and that there is no flood risk to the development or, as a result of the development, to adjoining land. The details for the first phase of development include a SUDS detention basin feature to the south of the site, to provide the necessary treatment for roads, driveways, parking and roofs with a traditional gravity fed pipe to convey discharge from the basin alongside the boundary with

the railway line ultimately to the Black Burn to the south of the site. It is considered that this partially discharges Conditions 7 and 9 of the Planning Permission in Principle insofar as it relates to the first phase of development and on the basis that the development proceeds on the basis of the information submitted.

Historic Environment

10.15 An Archaeological Evaluation and Excavation report has been submitted in support of the application. The Council's Archaeologist has reviewed the information and notes that several phases of archaeological work were carried out following the Planning Permission in Principle, showing that extensive and complex archaeological features were present. Other than a small area at the far southwestern end of the wider site no further evaluation is necessary but a watching brief is required for all ground-breaking works, as the site has considerable archaeological potential. In addition, post-excavation analyses are required and

should be combined with the results of the watching brief as the development proceeds. Thus whilst Condition 16 attached to the Planning Permission in Principle has been partially discharged, it is recommended that it is retained, to ensure that the programme of works is carried out in full accordance with the required professional standards.

10.16 As noted at Section 4.1 above, the site contains a standing stone which is a Scheduled Ancient Monument. As part of this first phase of development it is proposed to lay out a corridor of open space on either side of the proposed new pedestrian/cycle path link along the A862 frontage. This will link to a larger area of open space around the standing stone. Condition 17 of the Planning Permission in Principle required submission of a Heritage Interpretation Plan for the standing stone and this has been submitted with the current application as supporting information. This document proposes the installation of an interpretation board set on a plinth of local field or quarry stones. The Council's Archaeologist recommends that the submitted Interpretation Plan which is to be the public art installation as required by conditions 1 vi and 17 should be seen as a draft only. As the buried remains on site may have a relationship with the standing stone, it is recommended that the final text is agreed only following the completion of the archaeological analyses. This can be secured by condition.

Other material considerations

10.17 Network Rail objects to the height of the proposed fence along the mutual site boundary with the railway line to the west, advising that rather than the 1.2m high fence proposed it would be content with a suitable 1.8m high fence along this boundary. In response, the applicant's agent states that the housing developer will provide for a 1.8m high open metal fence (to be approved by Network Rail) which will address security requirements whilst affording views out to the countryside beyond. A condition can be attached to secure this.

Community Council comments

- 10.18 Muir of Ord Community Council has confirmed that it generally welcomes the details contained in the MSC application but wishes reassurance over the delivery of the connecting active travel path connecting Wyndhill to the Cairns development, as this forms the final part of the active travel connection between Beauly and Muir of Ord. In this respect the Community Council wishes to ensure that this link is completed before first occupation of any part of the development as required by Condition 14 of the Planning Permission in Principle. The details of the application include the works to form the path as part of this first phase of development and Condition 14 will remain in place and cannot be discharged until the path is delivered as specified.
- 10.19 Whilst the Community Council has asked that ideally the cycle/footpath should be given priority over the road at the entrance to the development this is not considered practical at such a junction onto a major road. The Council's Transport Planning team confirms that the details submitted for the cycle/footway are acceptable and an additional condition is recommended that the final agreement of the junction proposals, including the detail, markings and signage of the pedestrian/cycle way crossing, shall be subject to detailed design, supported by Road Safety Audit prior to any works commencing.

Matters to be secured by Section 75 Agreement

10.20 a) The existing Section 75 which secures a minimum of 25% affordable housing; and contributions towards education and community use will require to be modified in association with the related planning application ref 19/00233/S42 before either decision notice can be issued.

11. CONCLUSION

- 11.1 It is considered that the drawings and information submitted, as amended through the application assessment and consultation process is now sufficient to grant permission discharging many of the outstanding PIP conditions with regard to Phase 1 of the development, subject to appropriate additional conditions being attached.
- 11.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.
- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: Not applicable.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision Yes issued

Conclusion of Modified Section 75 Yes Obligation

The existing Section 75 which secures a minimum of 25% affordable housing; and contributions towards education and community use will require to be modified in association with the related planning application ref 19/00233/S42 before either decision notice can be issued.

Subject to the above, it is recommended that Matters Specified in Conditions of Planning in Principle 13/04534/PIP be **APPROVED,** subject to the following:

Discharge of Conditions 1; 2(4); 3; 4; 5; 7; 9; 10; 12; 13; 14; 17; and 18; in so far as this relates to Phase 1 only and on the basis that development proceeds in accordance with the details hereby approved; and subject to the additional conditions below:

Conditions and Reasons

No development shall commence until a Construction Traffic Management Plan (CTMP) for the development has been submitted by the developer to, and approved in writing by, the Planning Authority after consultation with the Roads Authority. The CTMP shall include measures to minimise the impact of construction traffic and, where necessary, propose measures to mitigate the impact of such traffic. Depending on the level of traffic to be generated, consultation with stakeholders, including local community representatives, may be necessary. The approved CTMP shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road and pedestrian safety, and that the works involved comply with applicable standards.

2. No development shall commence until details (location and specification) of a suitable trespass proof fence of at least 1.8 metres in height along the site boundary adjacent to the railway is submitted to and approved in writing by the Planning Authority after consultation with Network Rail. The fence as approved shall be erected prior to first occupation of any part of the development and maintained as such in perpetuity.

Reason: In the interests of public safety.

3. No development shall commence on any of the houses hereby approved 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: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

4. No development shall commence until a programme of works (including timetable) for implementation of the approved landscaping scheme has been submitted to, and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein. For the avoidance of doubt, this shall include a programme for delivery of the equipped play area. Thereafter, the play area shall be installed by, and at the expense of, the developer in line with these approved details and its ongoing upkeep shall be included in a factoring agreement (or similar), unless otherwise first agreed in writing by the Planning Authority.

Reason: To ensure that adequate measures for the delivery and future maintenance of sufficient green spaces and play space have been provided in accordance with Policy 31 of the Highland-wide Local Development Plan.

5. For the avoidance of doubt, the Heritage Interpretation Plan submitted is only hereby approved as a draft. Following the completion of the archaeological analyses required as part of discharging Condition 16 of 13/04534/PIP, the final text of the Interpretation Plan shall be submitted to and approved in writing by the

Planning Authority, on the basis that the buried remains on site may have a relationship with the standing stone. The Plan shall thereafter be implemented as approved.

Reason: In order to promote the archaeological/historical interest of the site.

6. No development shall commence until the developer provides evidence to the Planning Authority that the infiltration basin and drainage network will be vested by Scottish Water, including evidence of technical audit and any waivers required.

Reason: In order to ensure that drainage infrastructure is carefully managed and provided timeously, in the interests of public health and. to reduce the risk of flooding occurring both within and outwith the application site.

7. For the avoidance of doubt, whilst the details of the proposed bus stops and crossing point, as shown on approved drawing ref. SK05 Rev D, are acceptable in principle, final details shall be subject to Road Safety Audit and shall be submitted to and approved in writing by the Roads Authority prior to implementation. The details shall thereafter be implemented as approved prior to first occupation of any part of the development.

Reason: To ensure timeous enhancement of public transport services in accordance with Policies 28, 31 and 56 of the Highland-wide Local Development Plan.

8. For the avoidance of doubt, with regard to the new junction onto the A862, whilst the preliminary design as shown on drawing ref. SK02 Rev D is acceptable in principle; final agreement of the junction proposals (including the detail, markings and signage of the pedestrian/cycle way crossing) and all works affecting the A862 shall be subject to detailed design, supported by Road Safety Audit and shall be submitted to and approved in writing by the Roads Authority prior to implementation. The details shall thereafter be implemented as approved and all works on the junction completed to the satisfaction of the Roads Authority prior to the commencement of any other development on site.

Reason: In the interests of road safety and to ensure a standard of access commensurate with the scale of development in accordance with Policy 28 of the Highland-wide Local Development Plan.

9. The internal roads shall be designed and constructed to adoptable standards in accordance with the requirements of Council roads guidelines. A design speed of 20 mph shall apply, which shall be reinforced by the introduction of a 20mph speed limit or zone prior to first occupation of any part of the development, or as otherwise may be agreed with the Planning Authority, after consultation with the Roads Authority. The developer shall be responsible for all legal, administrative and engineering costs associated with the 20mph speed limit or zone.

Reason: In the interests of road safety and to ensure a standard of access commensurate with the scale of development in accordance with Policy 28 of the Highland-wide Local Development Plan.

As recommended in the Transport Statement submitted as supporting information with the application, a Welcome Pack for residents, to increase awareness of the availability of more sustainable forms of transport, shall be provided for each household within the development and evidence that such pack has been provided shall be provided to the Planning Authority on request within three months of first occupation of any houses hereby approved.

Reason: In order to promote the use of a variety of modes of transport.

Street lighting shall be provided, both within and outwith the development, as required, to the satisfaction of the Council's Area Lighting Engineer prior to first occupation of any part of the development, or as otherwise may be agreed with the Planning Authority, after consultation with the Roads Authority.

Reason: In the interests of safety and security.

REASON FOR DECISION

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 MATTERS SPECIFIED IN CONDITIONS APPROVAL

FOOTNOTE TO APPLICANT

In addition to the additional conditions above, in relation to Phase 1 the following Conditions attached to 13/04534/PIP remain to be discharged: 5, 6, 11, 14, 15, 16.

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.

- 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.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice <u>must</u> be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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 (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.

Septic Tanks and Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

Please note that it 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

Network Rail

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be

necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. The developer must contact Network Rail Asset Protection Engineers regarding the above matters, contact details below: Network Rail Asset Protection Engineer, 151 St. Vincent Street, Glasgow, G2 5NW Tel: 0141 555 4352.

E-mail: AssetProtectionScotland@networkrail.co.uk

Designation: Acting Head of Development Management – Highland

Author: Dorothy Stott

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

Relevant Plans: Plan 1 - Location Plan

Plan 2 - Location Plan ZZ-XX-DR-0001 Rev P4

Plan 3 - Site Layout /Phasing Plan ZZ-ZZ-DR-A-0004 Rev P1

Plan 4 - Housing Site Layout Plan XX-DR-A-2001 Rev P13

Plan 5 - Landscaping Plan 2121-01 Rev D

Plan 6 - Floor/Elevation (Villa) 115-XX-DR-A-2001 Rev P1

Plan 7 - Floor/Elevation (Villa semi-d) 85-XX-DR-A-2001 Rev P2

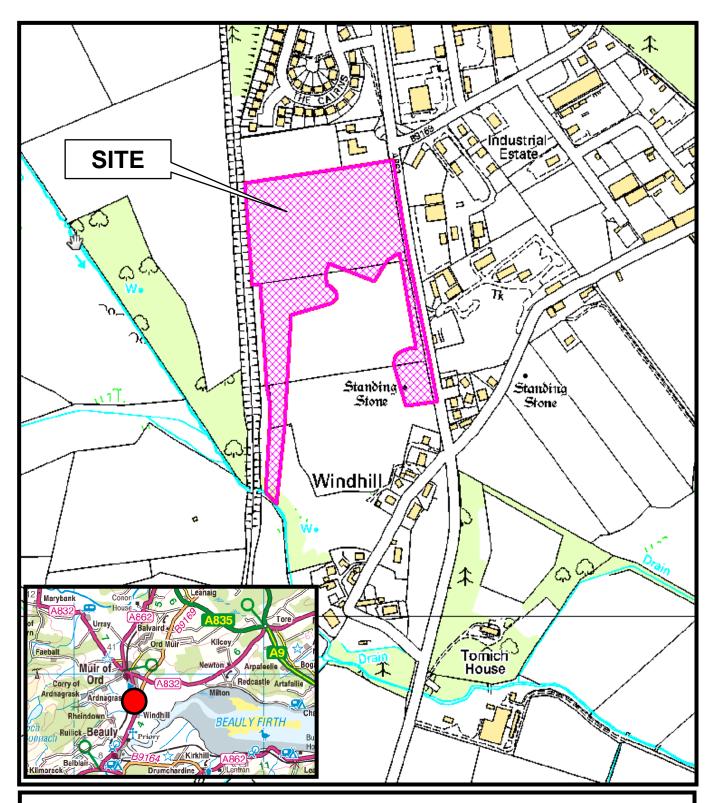
Plan 8 - Floor/Elevation (Villa) 95-XX-DR-A-2001 Rev P1

Plan 9 - Floor/Elevation (Bungalow) 105-XX-DR-A-2001 Rev P1

Plan 10 - Floor/Elevation (Bung. semi-d) CT85-XX-DR-A-2001 Rev P1

Plan 11 - New Bus Stops Location Plan SK05 Rev D

Plan 12 - Access Layout Plan SK02 Rev D





Planning & Development Service

19/00234/MSC

Erection of 60 residential units (private and affordable) (discharge of Planning Conditions 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 15, 16, 17 and 18 of 13/04534/PIP)

Land West of Wyndhill Industrial Estate, Muir Of Ord











Phase 1
1:500

1P 12.0

NOTES

ORIGINAL A1

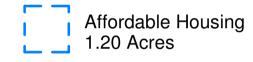
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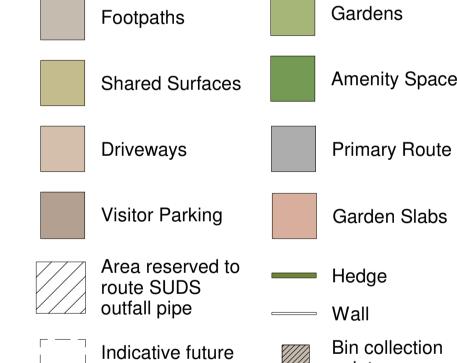
Rev	Description	Date	Dr by	App b
P1	Layout updated	12.12.18	CF	SS
P2	Layout updated	13.12.18	CF	SS
P3	Layout updated. Boundary Updated.	21.12.18	CF	SS
P4	Layout updated	08.01.19	CF	SS
P5	Mix amended. Layout Updated	11.01.19	CF	SS
P6	Layout updated	16.01.19	CF	SS
P7	Layout updated	17.01.19	CF	SS
P8	Planning issue.	18.01.19	CF	SS
P9	House type 115 elevations updated. Type 115 B added.	31.05.19	CF	AM
P10	Layout amended.	06.06.19	CF	AM
P11	Plots 1, 2, 22, 23, 24, 25 amended	16.09.19	BD	AM
P12	Amend parking bay Road AL- 2.0	27.09.19	EC	AM
P13	Roads and verges revised as engineer	05.11.19	BD	AM

House Types Schedule				
House Type	Count	Bedrooms		
75	2	2		
85	8	3		
95	5	3		
105	5	3		
110	7	4		
115	12	4		
125-1	5	4		
125-2	5	4		
CT 85	4	3		
CT 95	6	3		
Cullross (CUL)	1	4		

Grand total 60		
Parking Schedule		
Description	Count	
Accessible visitor parking	2	
Garage residents parking	35	
Residents parking	120	
Single visitor space	18	
Grand total	175	

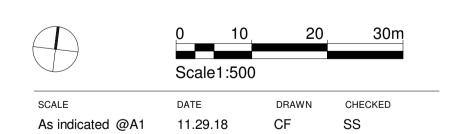






Note: For trees and landscaping refer to drawing No. 2121/01: Proposed Landscape Layout

development



SCOTIA HOMES
PROJECT
WYNDHILL, MUIR OF ORD

DRAWI

Phase 1 Residential Site Plan



MORAY HOUSE 16-18 BANK STREET INVERNESS IV1 1QY

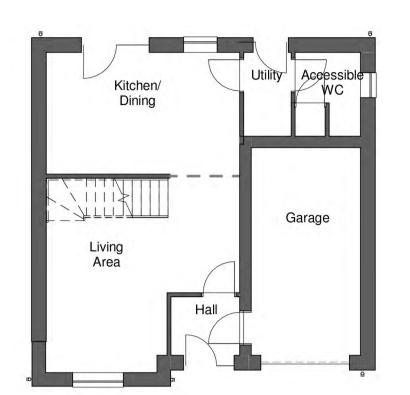
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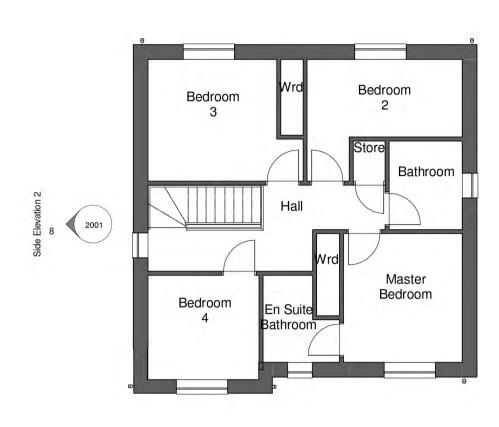
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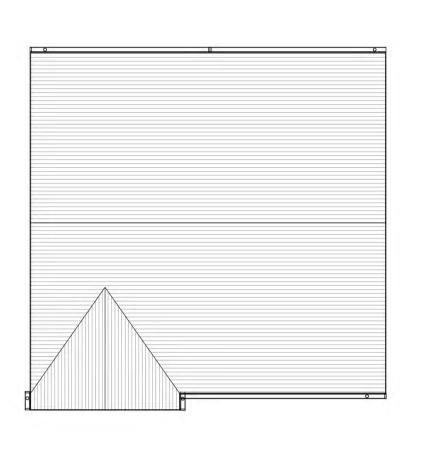
REVISION ISSUE STATUS
P13 PLANNING

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Ground Floor Plan
1:100

2 First Floor Plan
1:100

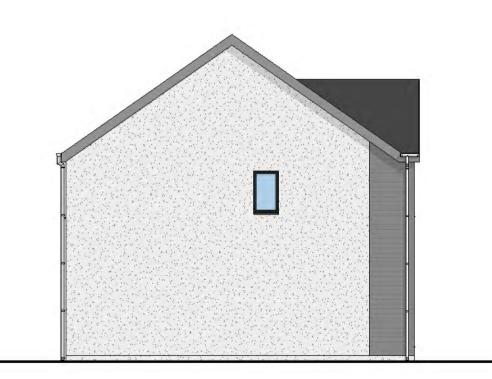
3 Roof Plan
1:100



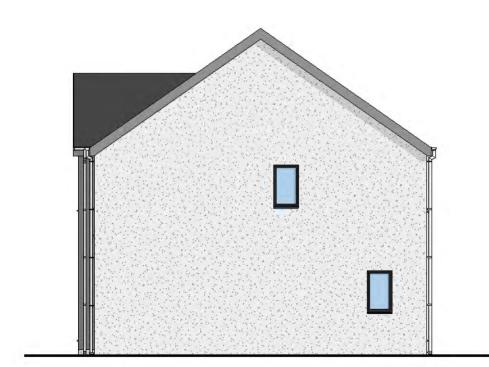




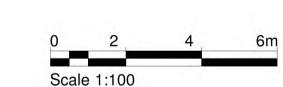
Back Elevation1:100



Side Elevation 1



8 Side Elevation 2



SCALE DRAWN CHECKED 1:100 @A1 16/01/19 CF

NOTES

Rev Description
P1 Planning issue.

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ORIGINAL A1

Scotia Homes
PROJECT
Wyndhill, Muir of Ord

Type 115



MORAY HOUSE 16-18 BANK STREET INVERNESS IV1 1QY

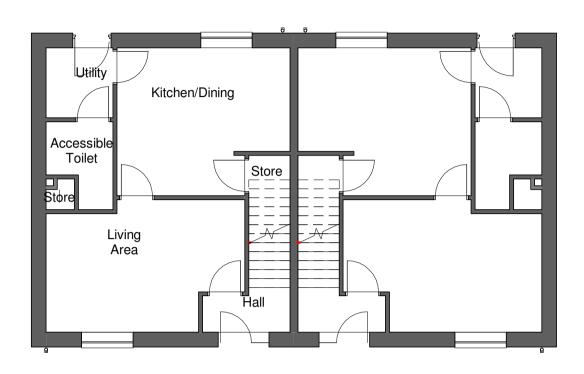
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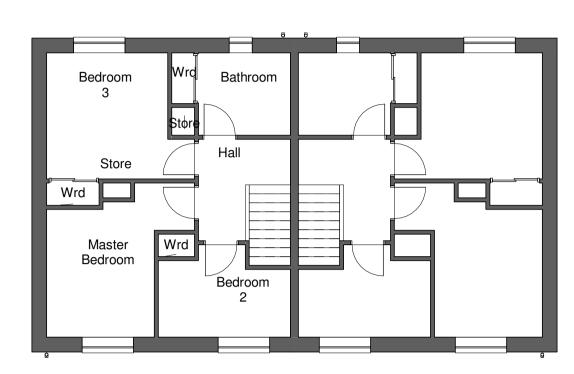
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ISSUE STATUS

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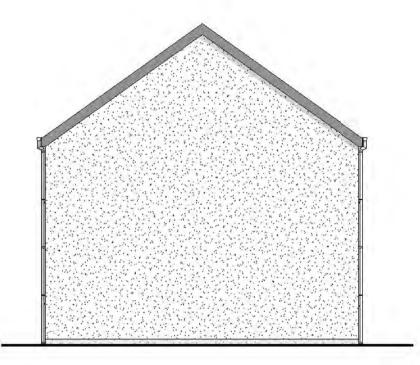
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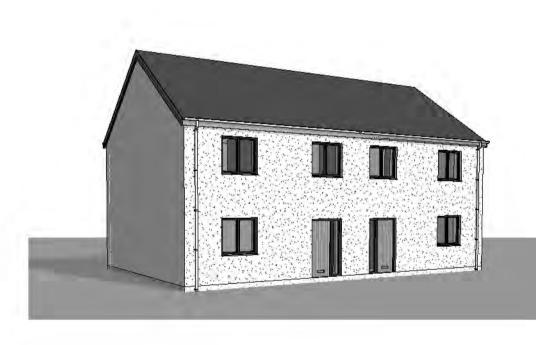
First Floor Plan
1:100

3 Roof Plan 1:100









5 Front Elevation 1:100

Rear Elevation
1:100

6 Side Elevation

7 3D View

NOTES

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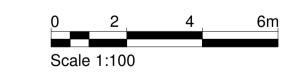
Rev Description
P1 Sheet layout amended.
P2 Planning issue.

 Date
 Dr by
 App by

 16.01.19
 CF
 SS

 18.01.18
 CF
 SS

ORIGINAL A1



MS

DRAWN CHECKED

SCALE DATE @A1 12/03/18 1:100

Scotia Homes
PROJECT
Wyndhill, Muir of Ord

Type 85



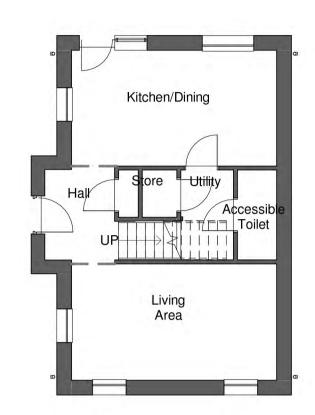
MORAY HOUSE 16-18 BANK STREET INVERNESS IV1 1QY

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PLANNING

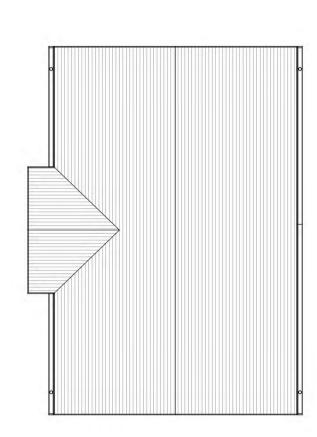
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First Floor Plan
1:100



3 Roof Plan 1:100





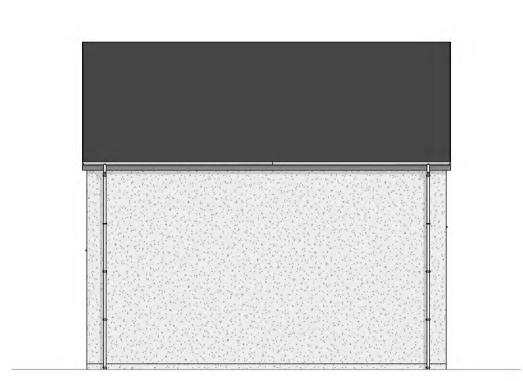




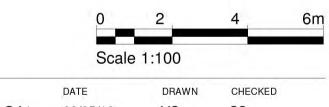
6 Side 1 Elevation
1:100



7 Side 2 Elevation
1:100



Rear Elevation 1:100



SCALE 1:100 MS

Scotia Homes
PROJECT
Wyndhill, Muir of Ord

NOTES

Rev Description
P1 Planning issue.

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ORIGINAL A1

Type 95



MORAY HOUSE 16-18 BANK STREET INVERNESS IV1 1QY

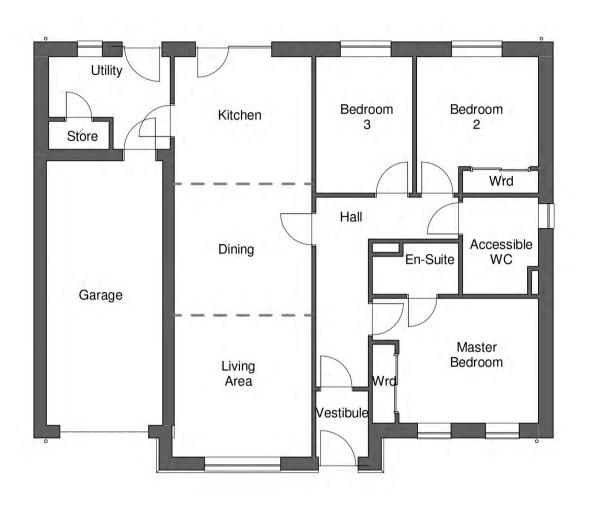
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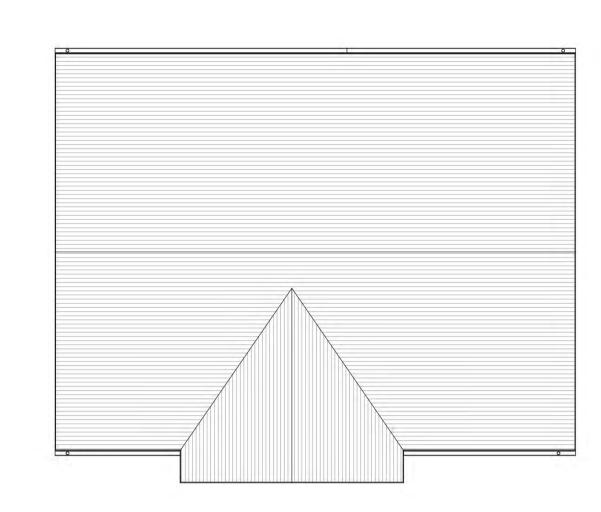
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ISSUE STATUS

PLANNING

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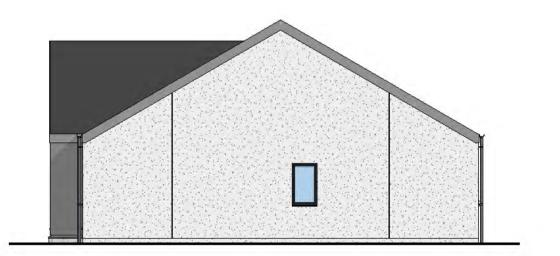


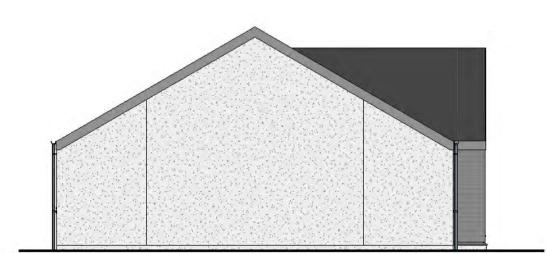


Ground Floor
1:100







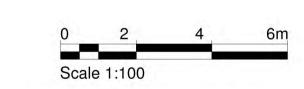


Front Elevation
1:100

5 Back Elevation 1:100

6 Side Elevation 1

7 Side Elevation 2



SCALE DATE 1:100

NOTES

Rev Description
P1 Planning issue.

All levels and dimensions to be checked on site prior to construction/fabrication; report discrepancies immediately.

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ORIGINAL A1

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Scotia Homes
PROJECT
Wyndhill. Muir of Ord

Type 105

Threesixty Architecture

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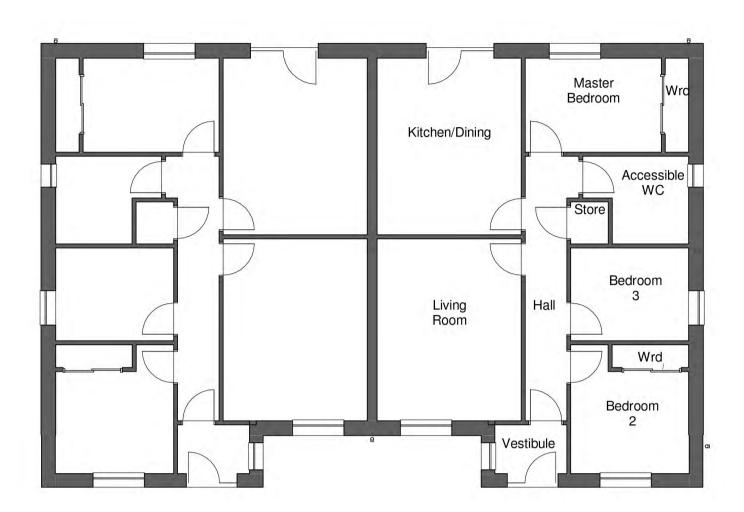
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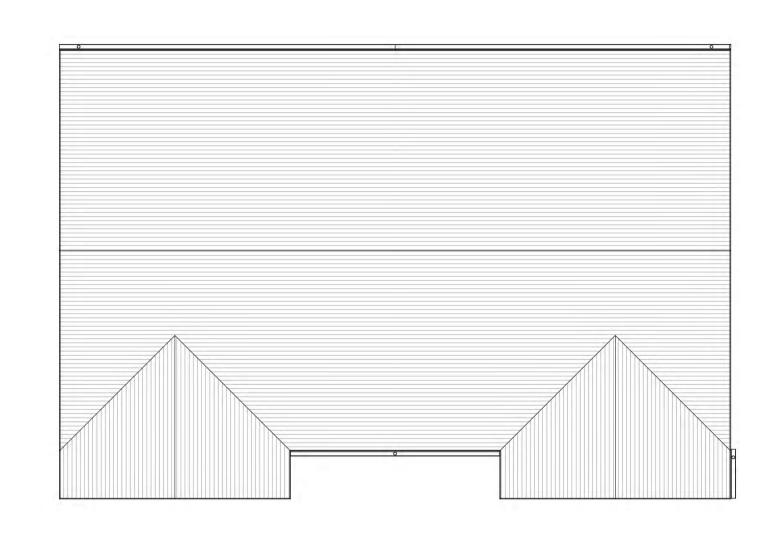
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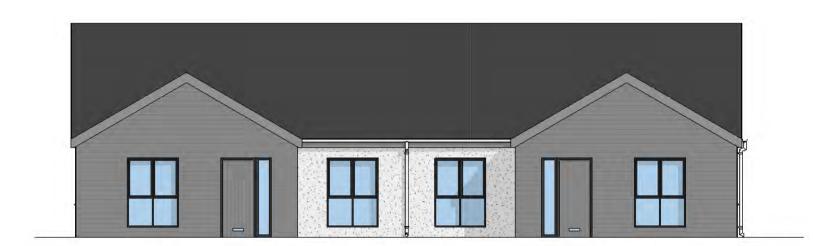




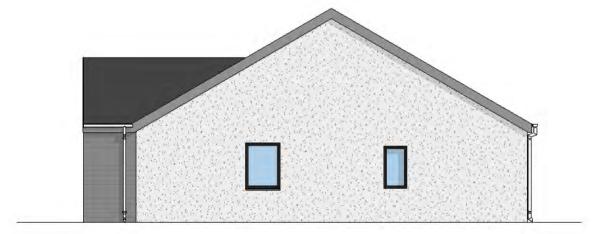
Ground Floor Plan1:100

2 Roof Plan 1:100

3 3D View







Front Elevation
1:100

5 Back Elevation 1:100

6 Side Elevation

SCALE DATE DRAWN CHECKED

1:100 @A1 01/16/19 CF SS

Scotia Homes
PROJECT
Wyndhill, Muir of Ord

Type CT85

NOTES

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P1 Planning issue.

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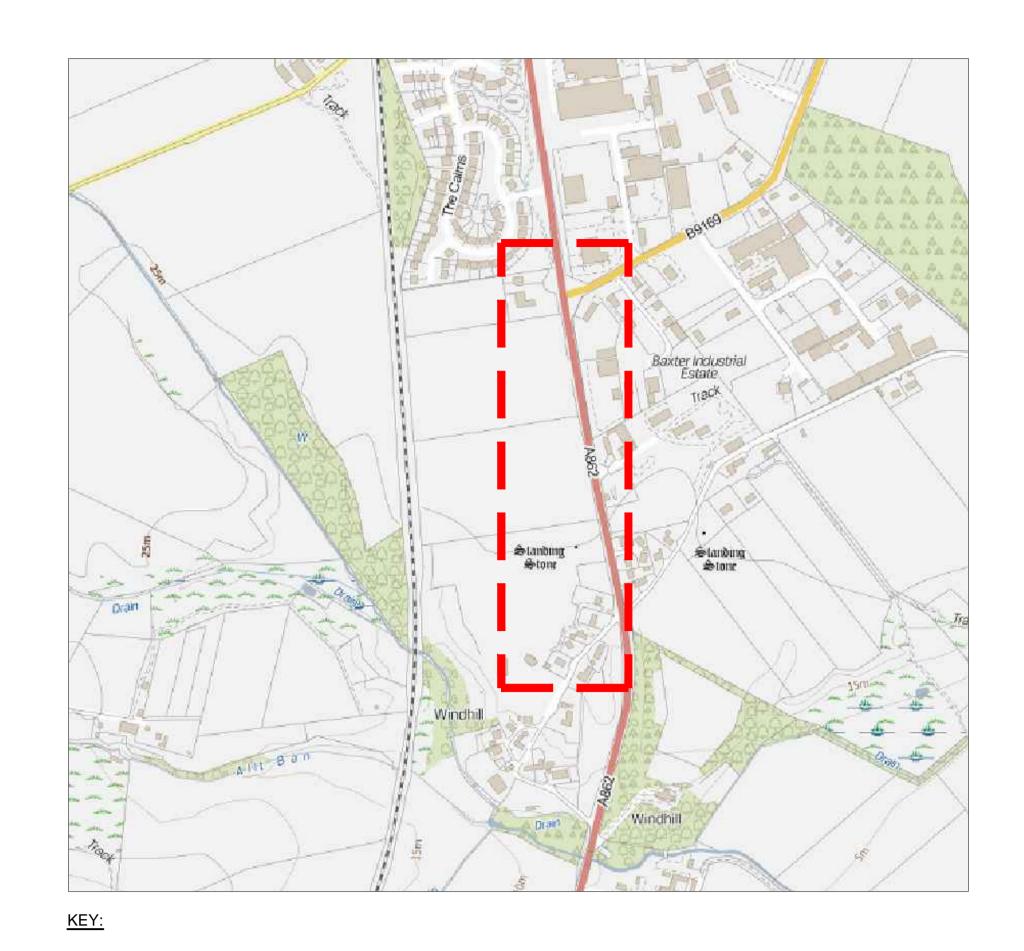
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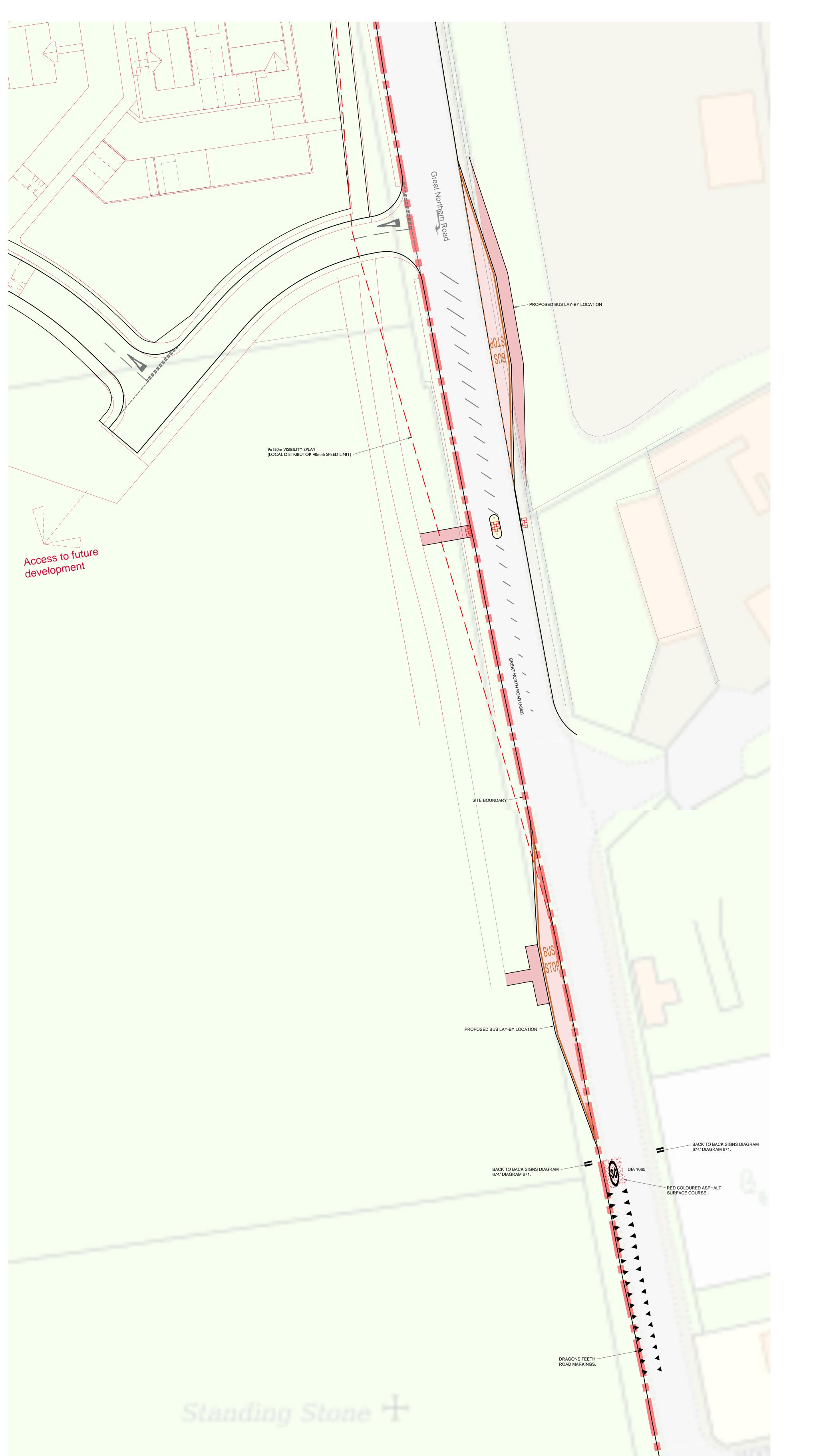
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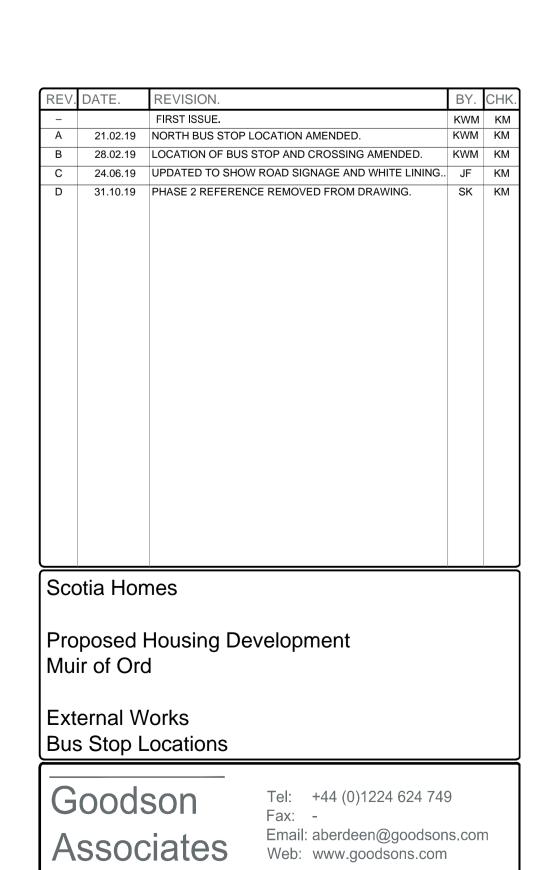
LEGEND:

DENOTES ADOPTED CARRIAGEWAY

DENOTES ADOPTED FOOTWAY







ASSOCIATES

Email: aberdeen@goodsons.com
Web: www.goodsons.com
Consulting Civil, Structural & Transportation Engineers
Commerce House, Commerce Street,
Aberdeen, AB11 5FN
Also at Edinburgh, Glasgow and Leeds.

 PLANNING

 DATE CREATED:
 18.01.19
 SCALE:
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 CONTRACT No:
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