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| Agenda Item | 1.1 |
| Report No | NPC/01/20 |

HIGHLAND COUNCIL

Report of handling for consultation which Chair of NPAC under the revised Scheme of Delegation applicable during the Covid19 outbreak

Date: 21 April 2020

Report Title: 18/05159/PIP : The Mackay Robertson & Fraser Partnership
Lochan Corr, Black Isle Road, Muir Of Ord

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Erection of 104 houses
Ward: 08 – Dingwall and Seaforth

1.2 **Development category:** Major Development

Under the previous Scheme of Delegation this application would have been reported to Committee for the following reasons: Major development and Community Council objection.

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 The Chair is asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application is for planning permission in principle for a total of 104 residential units, open space, and supporting roads and drainage infrastructure. The first phase of the development would be up to 40 affordable homes, with 15 of these being 1-2 bedroomed units targeted toward older people and those with specific housing needs.
- 3.2 The site is an agricultural field with no existing infrastructure. The access to the site would be via the A832 (Black Isle Road). Servicing will likely be available via adjacent housing development and the proposed surface water drainage solution would likely discharge to the east of the site.
- 3.3 The applicant carried out pre-application consultation including a public consultation event in Muir of Ord on 7th September 2016. A meeting was also held with Council Officers along with a Community Council representative, Tarradale Primary School Head Teacher and a representative of the Tarradale Primary Parent Council. Given that the consultation event was held two years prior to the submission of the application, the Community Council and school have been re-notified of the proposals.
- 3.4 Supporting Information: The following information was submitted in support of the application:
- Design and Access Statement
 - Ecology Report
 - Great Crested Newts Survey Report
 - Pre-application Consultation Report
 - Phase 1 Habitat Survey
 - Planning Statement
 - Transport Assessment
- 3.5 Variations:
- The application site boundary was amended to include footpath link to Tarradale Gardens and to extend to the boundary with Lilyloch; amended details of potential works along Black Isle Road between the site and the village centre; drainage strategy submitted.

4. SITE DESCRIPTION

- 4.1 The site comprises agricultural land at the eastern edge of Muir of Ord. Black Isle Road bounds the northern edge of the site. The Lilyloch housing development lies adjacent to the north west of the site and two houses lie adjacent to the north east of the site. The Blair of Tarradale housing development lies to the north of Black Isle Road. The remainder of the site is bounded by a sports field and recreation ground to the south.
- 4.2 Access to the site would be from the A832 Black Isle Road which connects the site to the village centre to the west and Tore and the A9(T) to the east.

- 4.3 There are no natural or cultural heritage designations covering the site. The wider area is known to support European Protected Species (Great Crested Newts). There are sites of archaeological interest recorded in the Highland Historic Environment Record within vicinity of the site and a Scheduled Ancient Monument (a Neolithic or bronze aged henge) lies about 400m to the west of the site.
- 4.4 The development site is not covered by any international, national, regional or local landscape designations. The site lies within the Farmed River Plains Landscape Character Type 342 as identified within Scottish Natural Heritage's revised Landscape Character Types 2019.

5. PLANNING HISTORY

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| 5.1 | 27.06.2016 | 16/02559/PAN – Proposal of Application Notice for Residential Development | Case Closed |
| 5.2 | 20.10.2015 | 13/01170/PIP – Residential Development (104 Units) | Permission Refused |
| 5.3 | 31.08.2010 | 10/03449/PIP – Residential Development (120 Units) | Declined to Determine |
| 5.4 | 01.02.2010 | 09/01776/PAN – Proposal of Application Notice for Residential Development | Case Closed |

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Schedule 3 Development, Unknown Neighbour
 Date Advertised: 16.11.2018
 Representation deadline: 02.12.2018
 Timeous representations: 1 Representation (1 Household)
 Late representations: 4 Representations (4 Households)
- 6.2 Material considerations raised are summarised as follows:
- a) Road safety concerns on Black Isle Road. Traffic calming measures do not work.
 - b) Weight restrictions won't improve safety, most accidents involve cars not larger vehicles; large vehicles will still need to access the site for management.
 - c) Even with a weight restriction the road is still too narrow for vehicles to safely pass; a 7.5 ton lorry, or a 3 or 5 ton van, can be in excess of 7m long x 2.44m wide; refuge vehicles, school & doctors delivery vehicles, etc will still need to use the road; Black Isle Show results in traffic being diverted along here.
 - d) Proposed improvements to the footpath at the Black Isle Road junction are not feasible as the road is too narrow.
 - e) Existing street furniture presents a challenge for wheelchair users to manoeuvre around.

- f) Will lead to vehicles avoiding the area and a decline in the village High Street.
- g) Traffic survey is old and out of date, does not take recent development into account.
- h) Tarradale junction inadequate, existing poor road alignment; low/ dropped kerb outside the Tarradale Hotel encourages drivers to use the pavement to manoeuvre.
- i) Tree at Tarradale junction should be retained – it adds to character and appearance of the centre of the village, has historical significance, and does not obstruct visibility.
- j) Poor visibility at junction of A832 and B9169, and poor maintenance.
- k) Site access positions could become an accident blackspot; having 2 site access points will create 2 conflict points instead of one.
- l) There is potential for the development to set a precedent for further land at Blair of Tarradale Farm to be developed which will increase traffic and pedestrian movements.
- m) Following the rail bridge upgrades to relieve years of traffic disturbance, the proposals would be a backwards step.
- n) Footpath link from the Bowling green access road is not safe due to traffic to and from the school; relies on route which is not paved or lit; crosses land earmarked for development by the community.
- o) Land shown for recreation is contaminated from previous landfill use
- p) Any ponds will need to be fenced for safety; potential for seepage from the contaminated land into the site and the proposed ponds,
- q) Pocket parks are unnecessary, would be better to supply a substantial and appropriate open play / leisure area
- r) Should be a green corridor to support wildlife and link to other nearby sites
- s) Insufficient capacity at Tarradale Primary School, there are already 2 temporary classrooms in the playground.
- t) Loss of privacy, light, and disturbance to neighbouring properties
- u) Vehicle headlights shining into neighbouring houses due to location of junctions
- v) Loss of amenity from construction works over 5+ years (20 units per year)
- w) Muir of Ord Community Association note that one of the proposed footpath links goes through the land leased by them from the Council and the community would need to be consulted on the path.

6.3 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.

7. CONSULTATIONS

7.1 **Muir of Ord (Tarradale) Community Council** object to the application due to a lack of information. In addition it has raised a number of concerns including:

It considers that Black Isle Road is inadequate. It does not consider it appropriate to decrease the width of the road, regardless of the width of the footpath and the weight restriction which has been introduced. It believes that narrowing the road will increase the chance of vehicles mounting the footpath to pass. It notes that this is also the access to the Health Centre and the Primary School, so there are young children and parents, many with prams / pushchairs.

It sets out that, the annual Black Isle Show leads to all routes being very heavily trafficked on the days of the show, and a smaller road comes with an increased threat to all users.

The Community Council wish that the tree at the junction (A832 and A862) should be retained as it has historical value to the community and does not restrict signs or visibility. The extension of the 20mph zone is welcomed, but it suggests that further traffic calming measures should be introduced.

It requests that appropriate developer contributions are sought towards education and community facilities.

It notes that one of the footpath connections to the site is through land that the Community Association are the leaseholders for. Part of this route also suffers from standing water after heavy rain, and this should be resolved as part of any upgrade.

It requires that infrastructure improvements and footpath links are completed before the first house is occupied.

7.2 **Flood Risk Management Team** objects to the application due to a lack of information on the management of surface water. They are content that there should be a drainage solution for the site, but no drainage impact assessment has been carried out so this can not be established.

7.3 **Transport Planning Team** do not object to the application following submission of further information and clarifications related to traffic volumes and active travel linkages.

A transport assessment has been submitted based on traffic counts taken in Sept 2018. The national data base TRICS together with census data has been used to predict the vehicle movements generated by the development. Transport Planning do not consider that the development will have a significant impact on the operational capacity of the road network in Muir of Ord.

It recommends that no development beyond a first phase of 40 units, comprising no more than 25 mainstream affordable homes and 15 low traffic generating homes, should commence until a pedestrian link to the village centre / school along the Black Isle Road is delivered.

Based upon the information provided it estimates that the number of trips during the evening peak hour from 25 general housing units is 18, and from 15 retirement / care units is 6. This total increase of around 24 vehicle trips during the evening peak hour from this initial phase of development (25 general houses and 15 retirement / care units) is not judged as significant and will not result in a detrimental impact on road safety. Following delivery of this mitigation Transport Planning do not object to the delivery of the remainder of the development proposed in the application site.

It has reviewed the indicative solution to provide a 2m wide footway along the Black Isle Road by introducing a traffic calming feature and considers that this is a feasible solution subject to detailed design. It recommends that a condition be attached to any permission granted to secure final design details prior to

commencement of any development and subsequent delivery prior to occupation of the 41st house. It also notes that there are other options to the provision of this link including the provision of a remote path through land at the school or the adjacent private curtilage (previously the library).

It requests a continuous, direct and accessible non-motorised user link of a minimum 2m width with appropriate lighting and surfacing between the site and the nearest bus stops on the A862 (Tarradale Gardens) to reduce the length of the walk from the proposed new houses toward the bus route which serves the wider area (including Dingwall Academy). A condition is also sought for the provision of a new bus shelter with real time information equipment. A condition is sought to secure full details of a surfaced and lit route toward the Lilyloch housing development. This condition will be required to secure details of maintenance responsibilities.

A drainage impact assessment is required to confirm the outline design and proposals for long term maintenance of the surface water drainage system, including roads drainage, are practicable. If permission is granted, a condition relating to this is required.

SuDS ponds are indicated on the indicative layout. An additional drawing has since been submitted showing an indicative outfall to the Lochan to the south east of the site. It is recommended that a shared suds system is provided and designed in accordance with Sewers for Scotland 4. This will require positive outfalls but should not include infiltration devices within a meter of the groundwater level. There will also be a requirement for installation of a suitable surface water drainage system for the existing road due to the kerbing of the carriageway and the development of the adjacent site which means the current run off over the verge to the open land is no longer suitable.

The lack of pedestrian provision at the A832 Black Isle Road / Seaforth Road junction needs to be addressed. A sketch solution shows provision of dropped kerbs and tactile paving to assist non-motorised users to cross the Black Isle Road. These do require removal of the mature tree at the junction. There are also improvements shown to assist crossing Seaforth Road. Further possible improvements are noted to assist crossing the Great North Road, but these require removal of a single parking bay. It is considered that these preliminary proposals are appropriate and the necessary consultation and detailed design can be dealt with by a condition.

Developer contributions are requested toward the cost of delivery of the recently completed railway bridge on the A862 as this increased the capacity on the local road network to, in part, facilitate development. It requests that the second access point should be provided prior to the first occupation of the 50th unit. The frontage of the scheme and the southern access point are beyond the existing 30mph area. The 30mph speed limit needs to be extended beyond the site access. . Street lighting also needs to be extended. The existing carriageway width must not be reduced. A shared use footway / cycleway along the site frontage, of at least 2.5m in width should be required by condition. The standard visibility splay would be 4.5m x 90m where the access is within the 30mph zone. This should be secured by condition.

A condition should be used to secure an appropriate detailed design for the road layout within the site.

A condition requiring a construction phase traffic management plan is requested.

Due to the size of the development, a road is required; a private access is not acceptable. Road Construction Consent will also be required.

- 7.4 **Contaminated Land Team** do not object to the application. It identifies that part of the site may have an historic use as a refuse tip. It requires further information detailing the nature of overlap between the planning application boundary and the refuse tip. It recommends a condition requiring the submission of a scheme to deal with potential contamination on site. It also recommends that an assessment of potential contamination issues is provided which evidences that the site is suitable for its proposed use.
- 7.5 **Development Plans Team** do not object to the application. It sets out that the application is on an allocated site and highlights the requirements associated with the allocation, in particular the requirement for active travel links. It sets out design and placemaking principles that are required to be incorporated as part of any future detailed site layout. It sets out that developer contributions are required toward primary education, secondary education, and community facilities.
- 7.6 **Forestry Officer** does not object to the application. He recommends that conditions are attached which require: separation distances between any proposed house/outbuilding and existing trees are established and that permitted development rights are removed for development which encroaches into this separation; a Tree Protection Plan and Arboricultural Method Statement to be submitted, approved and thereafter supervised by a suitably qualified professional approved by the Planning Authority; a detailed Landscape Plan for each phase of the development along with a maintenance programme to be approved by the Planning Authority and implemented in full prior to first occupation of each phase; details of a factoring agreement to be submitted for approval to ensure that the future maintenance of communal landscaped area is secured.
- 7.7 **Access Officer** does not object to the application. He supports some of the path proposals shown. He also requests that footways and paths within the site should be appropriate for use by cycle, disabled users and pushchairs thus a 2m min. with sealed path surface and that off-road paths to the recreation area should be 1.5m wide and either a sealed or unbound type 1 surface. He also requests that maintenance of paths and open space be included in a factoring arrangement for the development in perpetuity.
- 7.8 **Historic Environment Team** do not object to the application. It considers that the application area has archaeological potential. As this is the case they have requested a condition to secure a programme of survey, evaluation, preservation and recording of any archaeological and historic features affected by the development.
- 7.9 **Scottish Environmental Protection Agency** do not object to the application. They welcome the retention of adjacent natural features and expect them to be protected during the works. They note that several ecological interests have been

identified in the general area and would be supportive of the creation/enhancement of blue/green corridors. They request conditions which secure a connection to the public sewer and that a buffer of at least 6m is applied around any lochs or watercourses.

7.10 **Scottish Natural Heritage** do not object to the application. It does not raise any concerns with the Great Crested Newt Survey report in terms of methodology used or the main findings and conclusions reached. It supports the recommendations made in the report for further surveys and mitigation.

7.11 **Scottish Water** do not object to the application. It is unable to confirm capacity at either Assynt Water Treatment works or Muir of Ord Waste Water Treatment Works at this time and it recommends that the developer submits a pre-development enquiry to them to establish capacity.

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 & Place-making
- 30 – Physical Constraints
- 31 – Developer Contributions
- 32 – Affordable Housing
- 34 – Settlement Development Areas
- 51 – Trees and Development
- 56 – Travel
- 57 – Natural, Built & Cultural Heritage
- 58 – Protected Species
- 59 – Other important Species
- 60 – Other Importance Habitats
- 61 – Landscape
- 63 – Water Environment
- 64 – Flood Risk
- 65 – Waste Water Treatment
- 66 – Surface Water Drainage
- 74 – Green Networks
- 75 – Open Space
- 77 – Public Access

8.2 **Inner Moray Firth Local Development Plan 2015**

Policy 2 Delivering Development

Muir of Ord Settlement Development Area

Allocation M02 Tore Road – 104 homes

8.3 **Highland Council Supplementary Planning Policy Guidance**

Construction Environmental Management Process for Large Scale Projects (August 2010)
Developer Contributions (November 2018)
Flood Risk & Drainage Impact Assessment (Jan 2013)
Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Managing Waste in New Developments (March 2013)
Open Space in New Residential Developments (Jan 2013)
Physical Constraints (March 2013)
Public Art Strategy (March 2013)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

9. **OTHER MATERIAL POLICY CONSIDERATIONS**

- 9.1
- Scottish Government Planning Policy and Guidance
 - Scottish Planning Policy (The Scottish Government, June 2014)
 - National Planning Framework 3 (The Scottish Government, June 2014)
 - Creating Places (The Scottish Government, June 2013)
 - Designing Streets (The Scottish Government, 2010)
 - PAN 61 – Sustainable Drainage Systems
 - PAN 68 – Design Statements
 - PAN 75 – Planning for Transport
 - PAN 77 – Designing for Safer Places
 - PAN 1/2011 Planning and Noise

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

- 10.2 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

- 10.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy.
 - b) design and layout;
 - c) roads, access and parking;

- d) drainage;
- e) impact on the natural environment (including protected species and trees);
- f) amenity impacts;
- g) impact on infrastructure (including education);
- h) contamination; and
- i) archaeology.

Development plan/other planning policy

- 10.4 Development plan policy is set out in the Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP) and statutorily adopted supplementary guidance. The site is within the settlement development area where there is general support for development.
- 10.5 The site is within site allocation IMFLDP (MO2) which is allocated for 104 homes. Therefore the principle of development is supported. The response from the Development Plans Team identifies the site requirements for the allocation, in particular the requirement for active travel and transport connections between the site and the village. As set out in Policy 2 of the IMDFLP, development of allocated sites will only be supported subject to provision of the necessary infrastructure, services and facilities required to support new development. The most recent application (13/01170/PIP) for development of the site was refused due to unresolved traffic and transport issues only. Since the previous application was refused, modifications have been made to the junction between Black Isle Road and Great North Road as a result of the replacement bridge across the railway. Further, a traffic order has been made to limit the weight of vehicles moving along Black Isle Road to no more than 7.5 tonne. These modifications and orders have contributed to an increase in capacity of the local road network. The key issue for this application is therefore to consider whether the matters of traffic and transportation have been satisfactorily addressed by the works which have been undertaken and whether any additional mitigation may be required so that the proposal can be seen to accord with the Development Plan.
- 10.6 The Development Plan contains a number of further policy tests that must be taken into account in determining this application, in particular matters related to layout, design, place-making and infrastructure provision.

Design and Layout

- 10.7 Policy 2 of the IMFDLP also requires that larger sites are appropriately masterplanned. Whilst it is acknowledged that this is not a prescribed requirement for this allocation, it is nonetheless a major housing development and the application is for a masterplan for the erection of 104 houses.
- 10.8 The provision of two accesses to the site will facilitate the delivery of a layout which will create a loop road which does not rely on one access into the site. In turn this will allow for the delivery of a layout which can be considered in broad accordance with Designing Streets. With that said, there are aspects of the layout which would not accord with Designing Streets such as the cul-de-sacs with no

through routes for active travel. The application, however, is for 'permission in principle', and the layout is therefore purely indicative at this stage and intended to demonstrate that the site can accommodate the proposed 104 houses. The indicative layout does demonstrate that 104 houses can be accommodated within the development. Conditions can be used to secure particular details for the site. The detailed layout, guided by these conditions, will be subject to future applications for matters specified in conditions.

- 10.9 In considering any future application for matters specified in conditions it will be important that the site layout is arranged to avoid a back garden fences to Black Isle Road. Conditions, including the requirement for a design code, will require the delivery of an attractive 'active' frontage to the existing road network and promote a clear street hierarchy within the development. This approach to the layout and design of the development will assist in performing a natural 'traffic calming' function and enhance active travel opportunities.
- 10.10 The indicative landscape strategy for the site seeks to ensure the setting of development is of an appropriate quality, with open space and structural tree planting linking in with the existing woodland to the east. The strategy allows for the delivery of a green network which will comprise a series of interconnected open spaces, which link to the existing recreation ground to the south and east, the sports ground to the west, and the Lily Loch housing development. The open spaces within the site will be required to accord with the provisions of the Open Space in New Residential Development Supplementary Guidance. The details of any landscaping and open space, as well as its management and maintenance, can be secured by condition.
- 10.11 The indicative information shows units of no more than 1 $\frac{3}{4}$ storeys in height. The adjacent housing on Lilyloch to the west is small single storey units, whereas the housing at Blair of Tarradale to the north is primarily 1 $\frac{3}{4}$ storey generously proportioned detached units. It is important that future housing is of an appropriate scale and design to take account of existing neighbouring development and the topography of the site. The proposed design code condition will detail that development of no more than 2 storeys in height can be delivered on the site. In addition it will be required to set out the range of materials to use used on the site as well as boundary treatments.
- 10.12 The applicant has indicated that the buildings will include built in bird boxes and integrated bat tubes. This is of benefit to wildlife and is welcomed, the details of this can be secured by condition.
- 10.13 Following negotiation with the applicant and joint working with colleagues across the Council, a series of measures to enhance the future design and layout of the development, in particular connectivity have been agreed. This includes off site footpath links to Tarradale Gardens (A862) and the provision of a bus shelter with real time information at the bus stop, improved pedestrian provision alongside the Black Isle Road to the primary school and the village centre, improvements to the junction of the Black Isle Road and Seaforth Road, and the extension of the 30mph speed limit along the site frontage.

- 10.14 Overall, the indicative masterplan demonstrates an appropriate layout is achievable within the land available. However this requires some refinement prior to commencement of any other development being progressed on the site. This detailed masterplan can be secured by condition.

Phasing

- 10.15 The application is accompanied by an indicative phasing plan, which shows that development will be over 6 phases, with not more than 20 units being completed in any calendar year. This complies with the MO2 allocation in the IMFLDP. It is however proposed that due to the acute need for the delivery of affordable housing in the area, that any affordable housing would be excluded from the 20 unit limit. A condition can be used to secure a more detailed phasing plan following the refinement of the masterplan.
- 10.16 To ensure the timeous delivery of appropriate supporting infrastructure, a phasing plan for the delivery of infrastructure will also be secured by condition. Phase 1 of the development would need to include the delivery of the access to the site; surface water drainage enhancements for the Black Isle Road, provision of a footway, and street lighting along the site frontage; and the surface water drainage infrastructure for the site. In terms of off-site infrastructure it is necessary to ensure that the development of the remote footpath link between the site and A862 (Tarradale Gardens) is provided, along with the bus shelters and real time passenger information is delivered within Phase 1 of the overall development.
- 10.17 Transport Planning have agreed to the provision of a maximum of 40 houses ahead of the required upgrading of pedestrian links along the Black Isle Road to the school and the village centre. This, however, requires that a maximum of 25 of these units are for family accommodation, with the remaining 15 units being for low traffic generating uses (wheelchair users, older occupiers, etc). This is based on traffic modelling information which suggests that this level of development will not have a significant increase in traffic during the AM and PM peaks in traffic.

Roads, access and parking

- 10.18 Access to the site will be taken from Black Isle Road. There is sufficient site frontage to facilitate two access points to be provided into the site off the Black Isle Road, whilst maintaining an appropriate distance from the Blair of Tarradale access opposite the site.
- 10.19 Visibility splays of 4.5m x 90m will be required where the access is within the 30mph zone. A condition will be required to ensure that the required visibility splay is provided and maintained. Transport Planning are content with this proposed access arrangement subject to the detailed design being submitted for approval through any future matters specified in conditions (MSC) application.
- 10.20 The frontage of the site and the southern access point lie beyond the existing 30mph area. The 30mph speed limit therefore needs to be extended, which will require promotion of a new traffic order, at the developer's expense. A new

gateway to the village will also be required, and a condition can be used to ensure any detailed design of the road layout will include this feature along with the extended speed limit and suitable traffic calming measures.

- 10.21 The proposed development will deliver additional traffic on to the local road network. A Transport Assessment has been provided which demonstrates that there is sufficient capacity to accommodate this additional traffic. This is based on traffic counts taken in September 2018.
- 10.22 The Transport Assessment used the national data base Trip Rate Information Computer System (TRICS) together with census data to predict the vehicle movements generated by the development giving a total of 51 vehicle movements during the am peak hour and 53 during the pm peak hour. This is less than the am total of 68 and the pm total of 74 movements agreed in the scoping report in 2016, mainly due to the use of census data rather than the TRICS database to predict the modal split.
- 10.23 Even with the reduced generation the assessment predicts a significant increase in traffic on the A832 Black Isle Road. The evening peak experiences the highest flows and the factored increase in traffic is predicted to be greater than 10%. However, the existing traffic volumes measured on the network are modest. The A832/ A862 junction was modelled in the Transport Assessment for application 13/01170/PIP dated July 2010 using PICADY. This was for slightly lower traffic volumes than are currently predicted. The ratio of flow to capacity reported was 0.82 (any value less than 0.85 is generally acceptable). The traffic volumes observed in 2016 were slightly below those in 2010. The junction is difficult to model as the form is not standard. No excessive queuing was observed during the 2010 transport assessment, and there are no reports of capacity problems at the junction. The queue modelled with the increased flow in 2010 was only 4 vehicles.
- 10.24 Given these considerations and the removal of the larger vehicles from the Black Isle Road (with the 7.5t weight limit now in place), it is accepted that the development will not have a significant impact on the operational capacity of the road network in Muir of Ord.
- 10.25 The accident record has been reviewed over a 10 year period and shows that there is not a significant collision record in the village. There is no pattern of incidents and a 20mph scheme has recently been introduced. It is therefore accepted that the development will not have a detrimental impact on road safety subject to appropriate detailed design and mitigation.
- 10.26 Muir of Ord is well served by public transport, with bus links and a railway station. A new bridge has recently been provided over the railway line, along with a pedestrian crossing point, which improves access to the railway station. Utilising the proposed active travel connection to the A862 (Tarradale Gardens) will now allow improved access to bus services. Cantilever bus shelters and real time bus information is required to be provided by the developer as part of the remote

footpath / cycle link from the site to the bus stop and should be provided as part of Phase 1. This relies on land within Council ownership, but leased to the Muir of Ord Community Association, to facilitate the required footpath link.

- 10.27 The 30mph speed limit on the Black Isle Road will need to be extended to take account of this development and the new access points. The existing street lighting will require to be extended along the site frontage, along with the provision of a footway, of a minimum 2.5m in width, to enable it to be shared by cyclists.
- 10.28 Due to the limited scale and topography of Muir of Ord, travelling on foot and by bike from the development to local destinations is therefore a realistic and attractive option for future residents.
- 10.29 The current pedestrian links along the Black Isle Road between the site and the village centre require improvement to accommodate the development. These linkages also provide access for non-motorised users toward the primary school and doctors surgery. There is currently no footway along the site frontage, although one is provided on the opposite side of the A832 Black Isle Road. The footway on the south side of Black Isle Road begins immediately west of the site boundary and runs past Tarradale Primary School before narrowing to less than 0.5m. The footway on the opposite side of the carriageway is also narrow with street furniture creating further obstacles.
- 10.30 It is agreed that improvements to the footpath links are required to facilitate safe pedestrian access from the site to the town centre. This would also provide a safer route to school for existing residents. There is however a limited width available to accommodate both the road carriageway and the footway, due to existing private curtilages abutting the footway on both sides of the Black Isle Road. A Traffic Regulation Order has recently been made to introduce a 7.5t weight limit on this road. This is to remove the larger vehicles, and give scope for carriageway narrowing in order to enable the widening of the footway. However, even with the removal of the larger vehicles, there remains insufficient width for 2 vehicles to pass if the footway is widened to guideline standards to accommodate the increased pedestrian flows. Various options have been investigated, including the introduction of a traffic calming feature, but a design solution remains to be finalised. Transport Planning are satisfied that this can be mitigated for and requests the detailed design to be secured by condition. It requests implementation of the agreed solution prior to occupation of the 41st residential unit on the site. It is considered that the first 40 units can be accommodated safely prior to the agreed solution being in place.
- 10.31 The existing junction between Black Isle Road and Seaforth Road (Tarradale junction) is substandard, particularly in relation to pedestrian provision. The applicant has submitted a potential solution showing provision of dropped kerbs and tactile paving to assist non-motorised users to cross the Black Isle Road. These do likely require removal of the mature tree at the junction. The Community Council, along with some neighbouring residents, have commented that the tree at the junction has historical value to the community and does not restrict signs or visibility. The representations made set out the tree should not be removed for no

apparent reason. While the detailed design of the safety improvements require to be progressed, it is considered that pedestrian safety is a valid reason for the removal of the tree.

- 10.32 Improvements are proposed to assist crossing of Seaforth Road. Further possible improvements are noted to assist crossing the Great North Road, but these require removal of a single parking bay. It is considered that these preliminary proposals are appropriate and the necessary consultation and detailed design can be dealt with by a condition.
- 10.33 Representations have suggested that changes to the road network would lead to vehicles under 7.5t avoiding the village centre and lead to its decline. Conversely, it is considered the provision of improved of active travel links to the village centre, would make it more attractive, more readily accessible to those living locally, and encourage its use by local residents.
- 10.34 An objector has raised concerns that visibility at the A832/B9169 junction is substandard. This is the junction that vehicles in excess of 7.5t will be required to use to bypass the now restricted section of the Black Isle Road. There are no plans to amend this as part of the proposals.
- 10.35 A number of paths are proposed through the site to link in to the circular walk around Lily Loch, and across the recreation ground. This is appropriate, both for recreational purposes and to help encourage active travel.
- 10.36 Within the site itself, any future application will be required to provide details of car and cycle parking in accordance with the Roads and Transportation Guidelines for New Developments. This can be secured by condition.
- 10.37 To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition. In addition, a strategy for energy use and sustainability should be considered by the applicant and also secured by condition.

Drainage

- 10.38 It has been indicated that drainage will utilise the fall over the land towards the kettlehole lochan to the south east, and from there across the recreation area to Lily Loch. Sustainable Drainage System (SuDS) detention areas will be required to ensure that post development run off into the Loch does not exceed pre-development run-off. Drainage will also need to be provided for the Black Isle Road surface water, which currently runs off into the site where it drains away naturally. This option will no longer be available once the road frontage is developed.
- 10.39 A Drainage Impact Assessment (DIA) for the site has not been submitted with this application. It is noted that a drainage impact assessment was carried out for a previous application on the site but standards in relation to such documents have changed in the intervening period. While a DIA for this application has not been

submitted given the size of the site and availability of suitable discharge points, it is considered that design and implementation of an effective drainage strategy can be achieved and is safeguarded by a suspensive condition.

- 10.40 SuDS ponds are indicated on the indicative layout. It is recommended that a shared suds system is provided and designed in accordance with Sewers for Scotland 4. This will require positive outfalls to a suitable feature. Reliance on soakaways alone will be problematic both in terms of Scottish Water design requirements and practical considerations. The site is adjacent to a former lochan part of which still forms a pond on occasion, and infiltration devices should not be used within a meter of the groundwater level. Ground water conditions are currently unknown, and appropriate site investigation is therefore required to support the SuDS proposals.
- 10.41 A DIA will be required to support the final design solution for the SuDS. This will need to include maintenance and vesting arrangements based on the design of each phase of development. A condition can be used to secure these matters as part of any application for Phase 1 and delivered prior to first occupation of Phase 1.
- 10.42 Concerns about potential safety from ponds which are unfenced are noted. However, unfenced ponds have a much higher amenity value, and, if fences are breached, rescue from ponds can be problematic. The requirement for SuDS ponds / basins to be fenced off will be determined by Scottish Water once their design has been finalised, as part of the technical approval process.
- 10.43 A 10m buffer where no development can be progressed is required around the kettlehole lochan located adjacent to the south site boundary. This is to ensure that access can be maintained for maintenance and to ensure development which may increase the risk of the lochan flooding.

Impact on the natural environment (including protected species and trees)

- 10.44 The applicant has undertaken a desktop study and a site walkover to identify the presence or otherwise of protected species within the site. This found signs of potential badger foraging within the application site.
- 10.45 There are no bat roosting locations on the site. It is possible that bats forage over the site or commute to more favourable feeding areas. The completed development would provide new roosting locations, in particular if bat tubes are included as part of future house designs, along with providing new commuting corridors and foraging areas.
- 10.46 Great Crested Newts are known to reside within Muir Of Ord. They require a network of ponds to be available to them at all times. Temporary ponds, such as kettlehole lochans, are ideal since their main predators cannot survive in such ponds.
- 10.47 A Great Crested Newt Survey has been carried out, which found no evidence of Great Crested Newts within the site. However, newt proof fencing should be erected along the eastern boundary of the site to prevent newts potentially moving

in to the site during construction. The fence line will need to be regularly monitored to transfer any newts to the lochan side of the fence. It also recommended that a full population size class assessment for Great Crested Newts is carried out prior to the commencement of development, to allow for a determination of the potential negative impacts of the development (eg habitat loss, fragmentation, isolation, disturbance, injury or fatality) as well as the potential positive impacts (eg habitat creation in the form of SuDS ponds and terrestrial habitat) on the population. This will also help inform the requirement for licensing and allow for a detailed working Method Statement to ensure that no Great crested Newts are harmed or disturbed as a result of the development. This can be required by condition.

- 10.48 Map records show that the current Lily Loch, which lies close to the site, is the remnant of a much larger loch which was present in 1872. The small lochan on the south eastern edge of the site is not a permanent water body, but a Kettlehole Lochan. These have a distinctive hydrology, whereby they are typically dry in autumn and winter, and flooded in the spring and summer.
- 10.49 A Construction Environmental Management Plan will be required, to help guard against potential pollution, and to ensure that adequate protection is in place in respect of protected species. This should be conditioned. This should be combined with SuDS to control surface water discharge and prevent water pollution.
- 10.50 The site is located within an area of land used for grazing. There are small strips of woodland along the south and east boundaries of the site linking in with a larger area of woodland and lochans to the east. A separation distance of 20 metres should be established between proposed housing and existing trees to avoid future conflict.
- 10.51 The applicant has submitted an indicative layout showing the proposed layout in combination with the tree constraints on the site. As the design progresses, it is important to ensure suitable setback from trees in order to protect the retained trees from the development and also to protect the amenity of future residents.. A design parameter for all future phases which ensures a 20m setback from all retained trees will be secured by condition in line with the advice from the Forestry Officer.

Amenity impacts

- 10.52 The location of the development and the topography of the site are such that amenity impacts in terms of privacy or daylight to existing properties at Blair of Tarradale (opposite the site) should not arise. The residential amenity enjoyed by the Lilyloch housing to the west site boundary can also be adequately protected by a suitably designed future layout. The existing houses adjacent to the Lily Loch to the east of the site are set in generous garden grounds, which should ensure that there is no material loss of amenity to these properties.

10.53 A Construction Noise Management Plan and Dust Suppression plan should, however, be required. These can be secured through a condition relating to construction environmental management. A construction traffic management plan will also be required. This will be need to detail construction traffic routes, construction site operation times and provide a commitment to no deliveries or heavy goods movements immediately before or after school pick up and drop off times at Tarradale Primary School.

10.54 The neighbour's concerns that the headlights of vehicles exiting the new development will shine directly into his home are noted. The land has been allocated for housing, with access taken off the Black Isle Road, for a number of years. The design of the junction is still to be finalised, and this can be assessed further as part of this process.

Impact on Infrastructure (Education)

10.55 The development is located within the Tarradale Primary School and Dingwall Academy school catchment areas.

10.56 Tarradale Primary School has a capacity of 317 pupils, and the 2018 school roll figures showed 238 pupils, with the school operating at 75% capacity. The roll is predicted to rise above 90% capacity in 2021/22, and continue to rise throughout the forecasting period. The school's current capacity includes modular classroom accommodation already in situ to relieve capacity constraints. Therefore, major extension / new school rates are required due to a predicted excess of 50 pupils above the 90% threshold for 6 of the forecast years. Land costs are also required to accommodate a major extension/ new school, to be proportionately contributed to by housing developments within the primary school catchment.

10.57 Based on the 2018 / 19 school roll figures, Dingwall Academy has a capacity of 1240 pupils, and is currently operating at 85% capacity. The roll is predicted to rise above 90% capacity in 2021/22, and continue to rise throughout the forecasting period. Major extension / new school rates are required due to a predicted excess of 50 pupils above the 90% threshold for 11 of the forecast years.

Other Material Considerations

10.58 It is inevitable that development results in some disruption, dust, noise, and disturbance. A Construction Environmental Management Plan can be required by condition to help minimise the impacts of the construction process.

10.59 Records indicate that part of the site may have an historic use as a refuse tip, which may have resulted in land contamination. There is potential for overlap between the application site boundary and the refuse tip. A condition is recommended to deal with potential contamination on site.

10.60 The site lies in an area of archaeological potential. A condition is recommended to require the submission of a programme of work for the evaluation preservation and recording of any archaeological and historic features.

Non-Material Considerations

- 10.61 Representations raised concerns about further development at Blair of Tarradale as a result of this application. Each planning application will be assessed in accordance with Planning Policy and other material planning considerations. Any future proposals for development at Blair of Tarradale will be assessed accordingly, if they are received.
- 10.62 During the course of processing the application the landownership of the site has changed from The Mackay Robertson & Fraser Partnership to The Highland Council. No further procedure is required in relation to this but it has implications for the type of agreement which is entered to secure developer contributions.

Matters to be secured by Section 75 Agreement

- 10.63
- Contributions to the delivery of enhanced Primary Education capacity within the Dingwall Academy catchment area, in the first instance to the cost of the recent classroom extensions at Muir of Ord Primary School to mitigate the impacts of the first phase of the development (units 1-40) (£2,041 per house or £1,157 per flat);
 - Contributions to the delivery of enhanced Primary Education capacity within the Dingwall Academy Catchment Area, in the first instance to an enhanced capacity at Tarradale Primary School to mitigate the impacts of phases 2-6 of the development (units 41-104) (£7,359 per house or £4,171 per flat); (Q2 2018)
 - Contributions to the delivery of enhanced Secondary Education capacity within the Dingwall Academy Catchment Area, in the first instance to the delivery of a major school extension at Dingwall Academy to mitigate the impacts of the development (£3,482 per house or £1,875 per flat); (Q2 2018)
 - Contributions to the delivery of enhanced community facilities within the Dingwall Academy Catchment Area; in the first instance toward enhancements to the Village Hall and other community buildings within Muir of Ord (£1016 per dwelling); (Q2 2018)
 - Contributions to pay for the installed traffic calming, pedestrian crossing and introduction of the 20mph zone on A862 (£480.77 per dwelling); (Q4 2019)
 - Contribution toward the delivery of a new bus stop on Great North Road, Muir of Ord, £11,600 to be paid prior to completion of the 26th residential unit within the development; (Q2 2018)
 - Minimum of 25% affordable housing to be delivered on-site at a scheme to be agreed prior to commencement of development.
 - Extension of the 30mph speed limit along the Black Isle Road to take account of the new access points for this site, to be completed prior to the commencement of any development on site, all costs to be covered by the applicant.

10.64 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement under Section 75 of the Town and Country Planning Act 1997 (As Amended), to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

11. CONCLUSION

11.1 The principle of providing housing on this site accords with the provisions of MO2 (IMFLDP). Since the application is for permission in principle all submitted layouts are for indicative purposes only, and a detailed masterplan and design code for the site will be required to guide its future development in an acceptable manner.

11.2 There are a number of representations, including from Muir of Ord (Tarradale) Community Council, who have objected to the primarily due to access concerns. It is however recognised that the applicant has brought forward modifications to the scheme. It has been demonstrated that adequate linkages to and from the site along Black Isle Road can be provided alongside the Black Isle Road between the site and the village centre can be delivered but further design work is required. Transport Planning are satisfied to secure the final design and delivery, being no later than occupation of the 41st house, by condition. Further transport based mitigation can be secured by condition to ensure the development will not have an adverse impact on the safety and free flow of the local road network.

11.3 Subject to a suite of conditions to manage the design and layout of the development, the development is acceptable and will facilitate the delivery of a high quality development, including the provision of a significant proportion of affordable housing, which would not have a significantly detrimental impact on the existing community.

11.4 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.

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: Future applications for matters specified in conditions will be required to address matters related to sustainable design, electric car charging infrastructure and energy strategy.

12.5 Risk: Not applicable

12.6 Gaelic: Not applicable

13. RECOMMENDATION

Action required before decision Y issued

Conclusion of Section 75 Obligation Y

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

Conditions and Reasons

1. Planning Permission in Principle is hereby granted for a development of 104 residential units to be developed in a maximum of six sequential residential phases.

No development shall commence until a detailed phasing plan for the development has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full.

For the avoidance of doubt the scheme shall detail timescales for delivery of the development in accordance with the following:

- *No more than 20 residential units to be sold on the open market shall be completed within any one 12 month period starting at the commencement of development which shall be notified to the Planning Authority. If less than 20 residential units to be sold on the open market are delivered in a 12 month period the balance can be carried forward to the next 12 month period.*
- *Phase 1 shall comprise of no more than 40 residential units, 25 of which are permitted as mainstream housing and 15 of which shall be low traffic generating houses.*

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

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

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages, and in order to comply with development plan requirements.

2. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-

- a. Any such application for Phase 1 shall include a Masterplan and Design Code for the entire application site. The Masterplan and Design Code shall take full account of Creating Places, Designing Streets and other relevant national and local policy and guidance and shall include the following:
 - i. Place-making and public realm;
 - ii. Transportation, access, active travel and connectivity;
 - iii. Drainage, sustainable drainage and the water environment;
 - iv. Landscaping and open space;
 - v. Public art strategy;
 - vi. Character and design including material palette;
 - vii. Phasing, implementation and integration

Thereafter each application within each phase or sub-phase shall accord with the terms of the Masterplan and Design Code and the phasing strategy to be approved under Condition 1 of this planning permission in principle.

- b. the siting, design and external appearance of all buildings and other structures which shall be no more than 2 storeys in height, and where houses are adjacent to two roads within the development, the inclusion of dual aspect design;
- c. details of sustainable design considerations inclusive of energy strategy;
- d. the means of access to the site including connections to Black Isle Road for all modes of transport;
- e. the layout of the site, in accordance with Designing streets principles;
- f. road layout including:
 - i. the road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. junction layouts and design with projected traffic figures supported by traffic modelling;
 - iv. junction and forward visibility requirements;
 - v. junction spacing both within the development and on the spine road;
 - vi. vehicle tracking at junctions and standard radii;
 - vii. details of any bus routes and bus stops inclusive of bus tracking;
 - viii. details of provision for cyclists and pedestrians (including linkages to Black Isle Road, Lily Loch Development and Muir of Ord Town Centre) with junctions and crossing designed to facilitate active travel;
 - ix. details of safer routes to school;

- x. details of the location and type of service strips within the intended adoptable road boundary;
- g. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;
- h. the provision of covered cycle parking including resident cycle parking in houses and communal covered cycle parking at flats and external secure, covered visitor cycle parking at flats;
- i. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- j. details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- k. the details of, and timetable for, the hard and soft landscaping of the site;
- l. details of management and maintenance arrangements of the areas identified in (h), (i), (k) and (j) above;
- m. details of all boundary treatments within the development, as set out within the relevant approved Masterplan and Design Code;
- n. the provision for service vehicles following occupation of the development;
- o. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
- p. details of the water and waste water connections, with connection to the public water and waste water networks;
- q. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including any details of the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);
- r. details of existing trees, shrubs and hedgerows to be retained;
- s. details of existing and proposed site levels with fall arrows;
- t. details of finished floor levels;

details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward;

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

3. Any details pursuant to Condition 2 above shall be informed by and include an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion). This shall be submitted for the written approval of the planning authority for each phase or sub-phase of the development. The plan shall show:
- a) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to construction details of all paths, inclusive of material finishes and drainage details;
 - b) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
 - c) Links to the Highland Council's paths and green frameworks;

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

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

4. No development shall commence on each phase or sub-phase, until a scheme to deal with potential contamination within the phase has been submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:
- a) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 33 (2000) and BS10175.2011+A2:2017 Investigation of Potentially Contaminated Sites – Code of Practice;
 - b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
 - c) measures to deal with contamination during construction works;
 - d) in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
 - e) in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

5. No development shall commence within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:
- a) Species Protection Plan (in respect of Great Crested Newts);
 - b) Pollution prevention plan;
 - c) Dust suppression and management plan;
 - d) Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise
 - e) Site waste management plan;
 - f) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities;
 - g) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties;
 - h) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

Thereafter, development shall proceed in accordance with the approved Construction Environmental Management Document.

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

6. No development shall commence within each Phase or sub-Phase until a full population size class assessment for Great Crested Newts has been carried out. This shall allow for a determination of the potential negative impacts of the development (eg habitat loss, fragmentation, isolation, disturbance, injury or fatality) as well as the potential positive impacts (eg habitat creation in the form of SuDS ponds and terrestrial habitat) on the population. Thereafter, a detailed working Method Statement, to be informed by this assessment, shall be submitted to and approved in writing by the Planning Authority. This shall seek to ensure that development is carried out in such a manner as to avoid harming or disturbing Great Crested Newts.

Reason: To protect Great Crested Newts from construction activities.

7. No development on any phase or sub phase shall commence until newt proof fencing has been erected along the eastern boundary of that particular phase/sub phase. Thereafter, the fence line shall be regularly monitored for the presence of newts, and any Great Crested Newts found within the development site shall be transferred to the Lochan side of the fence, and outwith the development site. All such fencing shall be retained and monitored until such time as that phase / sub phase of development has been completed.

Reason: To protect Great Crested Newts from construction activities.

8. Any details pursuant to Condition 2 above shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time). This shall be supported by :
- i. a Drainage Impact Assessment to demonstrate that the proposed drainage strategy will function effectively;
 - ii. details of the proposed maintenance and vesting arrangements, based on the design of each phase of development.

Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the occupation of the first unit in each relevant phase or sub-phase.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution, and to ensure that the surface water drainage system is maintained by an appropriate party.

9. Any details pursuant to condition 2 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

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

10. All roads and footways intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

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

11. No development shall commence each phase or sub- phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. This shall detail construction traffic routes, construction site operating times, and provide a commitment to no deliveries or heavy goods movements immediately before or after school pick up or drop off times for Tarradale Primary School.

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

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

12. Any details pursuant to condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision for car parking

13. Any details pursuant to condition 2 above shall show secure, covered cycle parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: to ensure that the proposed cycle parking is safe and secure for use by the public.

14. Any details pursuant to condition 2 above shall include details of the layout, design and construction of green spaces and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' for that Phase. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

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

15. Any details pursuant to Condition 2 above shall include a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or recreation facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase of sub-Phase. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

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

16. Any details pursuant to condition 2 above shall include and be informed by a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This will include a timetable for investigation which shall require to be submitted for the written approval of the Planning Authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

Reason: To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

17. Any details pursuant to Condition 2 above shall be informed by:
- a. A 20m setback from all existing trees at the boundary of the site;
 - b. Tree Protection Plan
 - c. Arboricultural Method Statement;
- Such details should be in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time). Thereafter, development shall progress in line with the approved details unless otherwise agreed in writing by the Planning Authority.

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

18. Any details pursuant to Condition 2 for each phase or sub-phase shall include details of a scheme of hard and soft landscaping works related to that phase or subphase.
- 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 proposed walls, fences, gates, seating and other landscaping features, within each open space including scale plans showing the detail of the feature;
 - iv. The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including scale plans, within each open space;
 - v. 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
 - vi. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works, including an appropriate factoring agreement.

Thereafter, all landscaping works shall be carried out in accordance with the approved scheme.

All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of that phase of development to which the scheme relates.

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

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

19. Any details pursuant to Condition 2 shall include a 10m buffer from the top of the bank of any watercourse (including the kettlehole lochan) where no development can take place.

Reason: To ensure access to the watercourses can be maintained for maintenance and in the interest of avoiding impact on the watercourse which has the potential to increase risk of flooding.

20. Any details pursuant to Condition 2 for Phase 1, or any subphase of Phase 1, shall include a scheme of hard and soft landscaping works related to the land adjacent to Black Isle Road. Details of the scheme shall include:
- i. all earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. The location and design, including materials, of any proposed gateway feature, walls, fences, and other landscaping features, including plans showing the detail of the feature;
 - iii. 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;
 - 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.

All such landscaping works shall be outwith the visibility splays of 4.5m x 90m in both directions from the proposed access points to the Black Isle Road.

All landscaping works shall be carried out in accordance with the approved scheme and completed prior to the occupation of the 20th residential unit within the development, unless otherwise agreed via the approved scheme

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

21. Any details pursuant to Condition 2 for Phase 1 shall include:
- i. a scheme for the location, design and installation of the accesses to the site from Black Isle Road to be implemented prior to any other element of the development of phase 1. For the avoidance of doubt this shall include provision for visibility splays of 4.5m x 90m in both directions where the accesses to the site join the Black Isle Road;
 - ii. provision of a footway/cycleway of a minimum width of 2.5m along the site frontage with the Black Isle Road, including the extension of the street lighting to be implemented prior to first occupation of the site;
 - iii. a scheme for the drainage of the Black Isle Road along the site frontage to be implemented prior to first occupation of the development;
 - iv. a scheme for the provision of a lit and surfaced footway/ cycle path between the site and the A862 at Tarradale Gardens to be implemented prior to the occupation of the 25th residential unit within the application site;
 - v. a scheme for the location, design and installation of real time information cantilever bus shelters on the A862 at Tarradale Gardens to link in to the footpath connection to the site in (iv) above to be implemented prior to the first occupation of the development;
 - vi. A scheme for the improvements to the junction of the A832 and the A862 (Tarradale junction) with particular regard to facilitating safe pedestrian movement to be implemented prior to occupation of the 41st house within the application site;
 - vii. a scheme for the delivery of an active travel connection between the site and Muir of Ord town centre, via Black Isle Road, including improvements to the junction Tarradale junction (A832 & A 862). For the avoidance of doubt no more than 25 mainstream housing units and 15 low traffic generating units (older persons homes and wheel chair users homes) shall be provided before the provision in full of this agreed scheme.

Thereafter, the scheme shall be implemented in accordance with the timescale thereby agreed.

Reason: To ensure that infrastructure is designed appropriately and meets the needs of non-motorised and motorised users.

22. No Phase or sub-phase shall be occupied until a detailed Residential Travel Pack for the relevant phase or sub-phase, which sets out options for residents for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. The Residential Travel Pack shall be provided to each property within the relevant phase or sub-phase on first occupation of each property.

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

23. Any details pursuant to Condition 2 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:
- i. identification of locations for communal electric vehicle charging points serving flatted developments in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
 - ii. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
 - iii. a timescale for implementation for infrastructure within each phase or sub phase; and
 - iv. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

24. Any details pursuant to Condition 2 shall include a scheme for the inclusion of public art within the development. The scheme shall include:
- i. detailed design of public art provision including but not limited to provision of gateway features, street furniture, etc;
 - ii. locations of any and all public art provision;
 - iii. the management and maintenance of any and all public art provision; and
 - iv. a timetable for implementation.

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

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

25. Any details pursuant to Condition 2 above shall include details of the amended design and layout of the Black Isle Road between the site and the village centre, including a new gateway feature to the village, the extension of the speed limit, and suitable traffic calming measures.

Reason: To ensure the safe provision for vehicles, pedestrians, and cyclists travelling between the site and Muir of Ord village centre.

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 & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Section 75 Obligation

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

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must 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.

Road Design and Layout

You are advised to request a workshop style Street Engineering Review, to be undertaken jointly by the various officers who have an interest in the detailed layout and yourself and your agents, prior to submitting a Masterplan for the development of the site.

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 & 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.

Traffic Calming Measures

Please note that the specific detail of any traffic calming measures must be discussed with the Council's TECS Roads, and may require separate consent from them, prior to work commencing. You are also advised to read the Department of Transport's Traffic Advisory Leaflet 11/94 for further guidance and, in particular, you must ensure that all parties with an interest in the amenity, conservation or development of the area are notified of all traffic calming proposals.

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

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

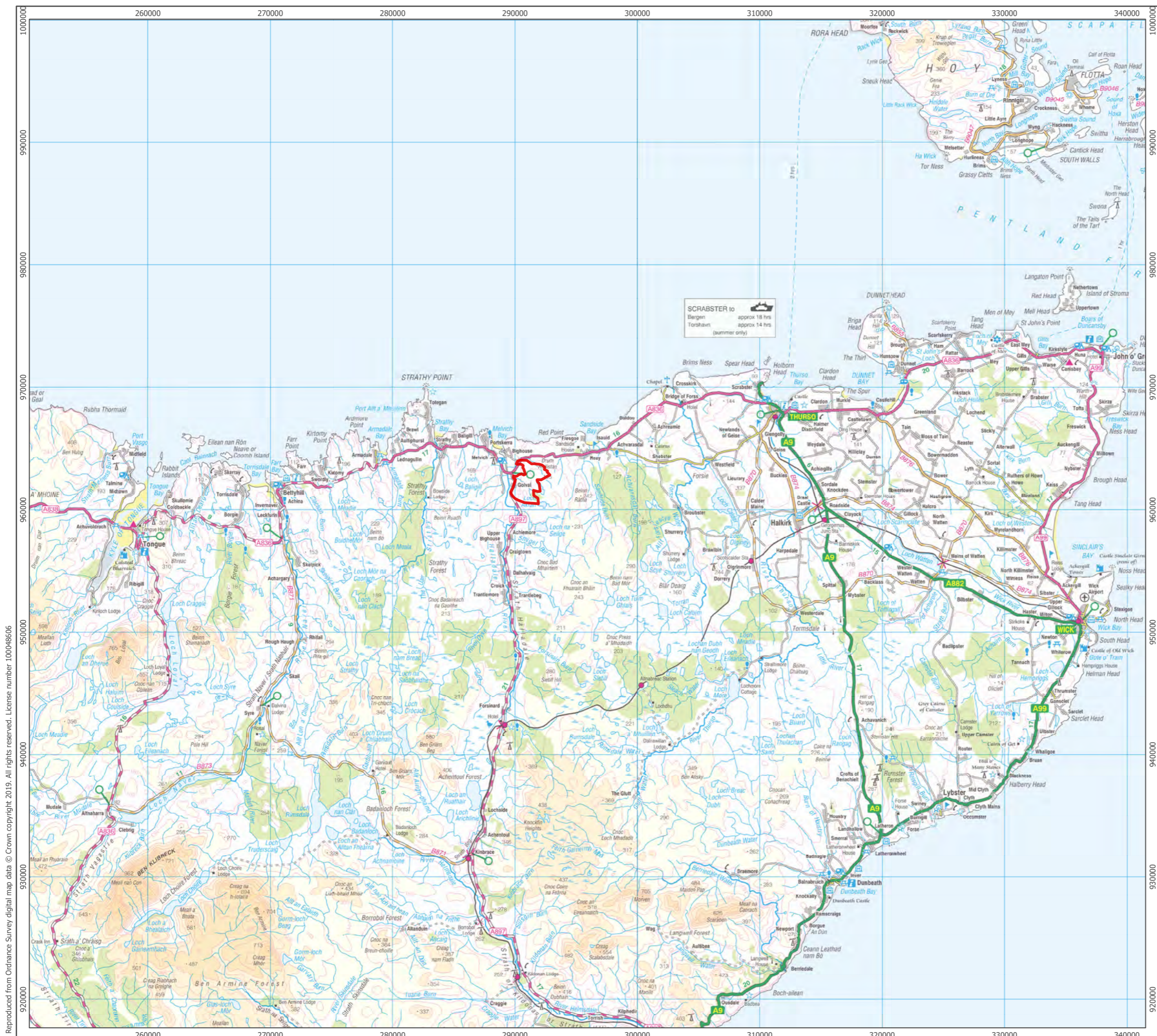
Street Names

In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).


| | |
|--------------------|---|
| Signature: | Dafydd Jones |
| Designation: | Acting Head of Development Management |
| Author: | Susan Hadfield |
| Background Papers: | Documents referred to in report and in case file. |
| Relevant Plans: | Plan 1 - L(00)04 Rev B – Location Plan Plan 2 - L(00)01 Rev B – Indicative Site Layout Plan Plan 3 - L(00)02 Rev B – Indicative Usable Green Space Plan |


Appendix – Letters of Representation

| Name | Address | Date Received | For/Against/Neutral |
|--------------------|---|--------------------------------|---------------------|
| Mr Alasdair Reid | Ord Muir House, Ord Muir, Muir of Ord | 14/12/18 & 11/12/19 | Neutral & Against |
| Ms Donna Coyne | 67 The Cairns, Muir of Ord | 30/04/19 | Against |
| Mr Duncan Chisholm | 3 Blair of Tarradale, Muir of Ord | 12/11/18 & 06/05/19 & 17/12/19 | Against |
| Maureen Howie | Tarradale Schoolhouse, Black Isle Road, Muir of Ord | 18/01/19 & 08/05/19 | Against |
| Martha Chisholm | Hadrian House, Gt North Rd, of Ord | 08/05/19 & 03/12/19 | Against |
| Mr Gordon Shand | 1 Blair of Tarradale, Muir of Ord | 16/12/18 & 08/12/19 | Against |
| Mr David Edge | The Croft, Ord Muir, Muir of Ord | 30/12/18 | Against |



SCRABSTER to
 Bergen approx 18 hrs
 Torshavn approx 14 hrs
 (summer only)

 PAN Boundary

1:300,000 Scale @ A3

 0 5 10 km

| | |
|-----------------|-------------------|
| Produced By: EH | Ref: 3138-REP-011 |
| Checked By: HK | Date: 08/10/2019 |

Site Location

**Ackron Wind Farm
 Proposal of Application Notice**

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