

Agenda Item	8.3
Report No	PLN/047/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 15 June 2022

Report Title: 22/00465/FUL: 3A Partnership Ltd
Land opposite Rose Croft, Balvaird Road, Muir of Ord

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Erection of 3 houses

Ward: 08, Dingwall and Seaforth

Development category: Local

Reason referred to Committee: Manager discretion – acceptable departure from development plan.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan but is acceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of 3 detached houses accessed via a private driveway off Balvaird Road. They are all 1 ³/₄ storey and symmetrical in nature to their front elevations, with peaked roof dormers and steeply sloping roof and vertically proportioned fenestration, giving them a traditional feel. Additional accommodation is provided in rear annexes. The houses are all orientated to face towards Balvaird Road.
- 1.2 There is an existing agricultural field access gate into the site. In addition, an overhead power line crosses the site. There is no other existing infrastructure.
- 1.3 Pre-Application Consultation: Discussions took place between the Case Officer and the Agent in relation to a previous application, 18/00367/FUL, which led to it being withdrawn and replaced with this current proposal.
- 1.4 Supporting Information: private access checklist; drainage tank specification; drainage assessment report.
- 1.5 Variations: Details of vehicular footway crossing added; visibility splays added; driveways adjusted; parking provision increased; drainage assessment updated.

2. SITE DESCRIPTION

- 2.1 The site lies along the west side of Balvaird Road, roughly opposite the junction with Rose Croft. There are trees adjacent to but outwith the application site to the south and northwest boundaries. The site is currently unkept grassland, which slopes down from Balvaird Road and rises steeply to fields to the north west and north east, to form a natural 'bowl'.
- 2.2 The site lies adjacent to an existing house (Gordonna) fronting Balvaird Road immediately to the south, and to an area of public open space which separates the site from higher density housing to the south west, and to houses alongside Rose Croft on the opposite (east) side of Balvaird Rd, and is therefore on the boundary between the urban area of Muir of Ord and the rural area.

3. PLANNING HISTORY

- | | | | |
|-----|-------------|---|-----------|
| 3.1 | 2 Oct 2006 | 05/00141/OUTRC. Formation of housing development (8 plots, outline) | Granted |
| 3.2 | 29 Oct 2009 | 09/00474/OUTRC. Erection of 36 housing units (outline) | Withdrawn |
| 3.3 | 1 Sept 2010 | 09/00639/PIPRC. Erection of 24 housing units | Refused |

3.4	3 Sept 2013	13/02423/FUL. Formation of 7 serviced house plots comprising 12 semi-detached and one detached unit	Refused
3.5	22 Dec 2015	14/02842/PIP. Formation of 8 house plots (resubmission of 13/02423/FUL) (Amended from 10 plots)	Granted
3.6	22 Nov 2017	17/01288/FUL. Erection of 14 semi-detached houses	Withdrawn
3.7	20 Dec 2021	18/00367/FUL. Erection of 11 houses	Withdrawn

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 18/02/22

Representation deadline: 04/03/22

Timeous representations: 2 representations received

4.2 Material considerations raised are summarised as follows:

- a) Loss of green space
- b) Loss of wildlife habitat
- c) High water table
- d) Standing water during wet weather
- e) Water run off down Balvaird Road and into Rose Croft will be exacerbated from more hard surfaces
- f) Use of pumps and macerators to discharge of foul waste into Rose Croft sewers
- g) Recreational use of Balvaird Road by walkers, cyclists, children, etc
- h) Dangerous access off Balvaird Road; too close to Rose Croft
- i) Traffic on Balvaird Road frequently exceeds the 30mph speed limit
- j) No pavement or street lighting after Rose Croft, so unsuitable for additional houses
- k) Historic permissions but now Hinterland and no longer allocated for housing
- l) Will lead to ribbon development on Balvaird Road
- m) Not good practice to pass on responsibility of drainage system to occupiers of houses; will lead to problems for neighbours if not properly maintained.
- n) Minimal soft landscaping proposed
- o) Insufficient within curtilage parking for the size of houses proposed
- p) Inadequate space for larger delivery vehicles to turn within the site

- q) No provision for safe pedestrian/cyclist access to the individual houses
- r) Pavements along Balvaird Rd to the village centre are in a state of disrepair

- s) No detail of the 11kv line which crosses the site nor the underground cables on site 1 – 2.

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

5. CONSULTATIONS

5.1 **Development Plans** comment that the proposal is not in overall conformity with the approved development plan. It lies outwith the Muir of Ord Settlement Development Area and should therefore be treated as a housing in the countryside proposal. No exceptional policy justification has been offered for such a proposal. However, it has a complex planning history. The very dated permission and former local plan allocation could be regarded as other material considerations pointing in favour of the current proposal.

Proposals close to the edge of a settlement should be assessed as to their fit with that settlement and the pattern of development within the adjoining countryside. The reduction in units as compared to the previous wider site, their positioning below a raised slope, could be regarded as a suitable rounding-off of the settlement edge. Development further north on Balvaird Road is more classic and inappropriate ribbon development. The current proposal is also served from a single shared access and of a layout that should not encourage any development of the balance of the wider site.

5.2 **Transport Planning** are now satisfied that the junction with Balvaird Road is designed to a satisfactory standard with adequate visibility and separation from existing junctions. Adequate parking and manoeuvring is shown.

5.3 **Flood Risk Management** comment that the DIA shows the predicted surface water flood routing /ponding areas, and the houses will be outwith the areas identified as being at risk. The drainage strategy and DIA suggest that the properties will be at low risk of flooding and will not have a detrimental impact on flood risk to others.

The proposed strategy is to retain the areas that are at risk of surface water flooding within the garden ground of the properties. The gardens may have standing water on them during wet weather and will have limited use as garden/recreational space. Future homeowners will need to be made aware of these limitations, along with the requirement to retain existing ground levels within any areas identified as being at risk of surface water flooding.

The DIA sets out a strategy for the use of rainwater harvesting and raingardens for the management of in curtilage surface water drainage. This will provide attenuation and limit surface water runoff. It will need to meet the relevant Building Regulations. The practical use of rainwater harvesting for storm water attenuation may be limited.

5.4 **Building Standards** comment that there is insufficient information presented to enable an assessment against Building Regulations at present.

5.5 **Scottish Water** has no objection. They confirm that there is capacity in the water treatment works, and capacity in the waste water for a foul only connection. Capacity can not be reserved. Scottish Water requires land title to the area of land where a pumping station is constructed.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
35 - Housing in the Countryside (Hinterland Areas)
51 - Trees and Development
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

Policies: outwith Settlement Development Area; within Hinterland. No site-specific policies apply.

6.3 Inner Moray Firth Proposed Local Development Plan

Policies: outwith Settlement Development Area; within Hinterland. No site-specific policies apply.

6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Rural Housing (Dec 2021)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)
National Planning Framework 3
Designing Streets

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) Design and layout
 - c) Access and parking
 - d) Drainage
 - e) Trees
 - f) Loss of wildlife habitat
 - g) Impact on infrastructure and services and proposed mitigation (developer contributions)
 - h) any other material considerations

Development plan/other planning policy

- 8.4 The site lies adjacent to, but outwith, the settlement development area of Muir of Ord, and within the Hinterland. Proposals within the Hinterland stand to be assessed against Policy 35, which presumes against housing in the countryside unless it complies with one of the exceptions as stipulated in the Rural Housing Supplementary Guidance. In view of its location adjacent to the existing housing within the Settlement Development Area of Muir of Ord, it should be considered against the criteria for rounding off a housing group.
- 8.5 There is currently a treed boundary alongside the house to the south, Gordonna, which visually separates the built form of the urban area from the farmland of the rural area. The proposal constitutes the expansion of the built form into a previously undeveloped field and can not therefore be assessed as infilling or rounding off the existing housing group. The site, however, forms a 'bowl' with rising land to the boundaries which provides a sense of containment and prohibits future expansion.
- 8.6 Historically, the site lay within the settlement boundary and was allocated for housing along with adjacent land (Ross and Cromarty East Local Plan). Accordingly,

permission for housing was granted in 2006 and again in 2015 (14/02842/PIP). Application 18/00367/FUL was received prior to the expiry of 14/02842/PIP, and thus the existence of a current planning permission for the site was a material planning consideration. Application 18/00367/FUL was eventually withdrawn in December 2021, when the applicant accepted that the site was too severely constrained to accommodate the proposed 11 houses and accepted that the proposal needed to be amended to 3 houses. This was so different to the 11 houses originally applied for that the Planning Authority requested that the application was withdrawn, and a new proposal submitted. This application to be determined is the new proposal for 3 houses.

- 8.7 However, in the interim the site allocation has changed from housing land to hinterland through the publication of the Inner Moray Firth Local Development Plan. The extensive planning history is however a material consideration in the assessment of the proposal. As such, in view of the history of the site and the opportunity to achieve a more appropriate development through the withdrawal of 18/00367/FUL in December and its replacement with this current application 22/00465/FUL, it seems appropriate to take a pragmatic approach to the assessment of this proposal particularly as the previous application was withdrawn at the Planning Authority's request very recently.
- 8.8 The site lies adjacent to an existing house (Gordonna) fronting Balvaired Road immediately to the south, and to an area of public open space which separates the site from higher density housing to the south west, and to houses alongside Rose Croft on the opposite (east) side of Balvaired Rd, and is therefore on the boundary between the urban area of Muir of Ord and the rural area.
- 8.9 The proposed stepped row of 3 houses facing Balvaired Road will form an appropriate low density rural style development marking the transition from urban to rural area, and will be contained by the steeply rising land immediately to the north west and north east.
- 8.10 The history of the site remains a material planning consideration, and negotiations to date have resulted in a low key development which does not overwhelm the landscape setting, integrates in a satisfactory manner, and does not encourage any further development. On balance, the history of the site and ongoing negotiations outweigh the development plan.

Design and Layout

- 8.11 Policy 28 (HwLDP) aims to ensure that development is sustainable. It assesses development against a number of factors, including demonstrating sensitive siting and high quality design in keeping with the local character and natural environment, and making use of appropriate materials.
- 8.12 The site is peripheral to the settlement of Muir of Ord. It has a good range of local facilities and employment, and also offers good sustainable travel mode connectivity to higher order centres.
- 8.13 The houses are all 1 $\frac{3}{4}$ storey and symmetrical in nature, with central front entrance porch and steeply pitched roofs to give a traditional appearance. Additional

floorspace is created by use of rear annex projections. All have 4 bedrooms, with one house having an office / playroom which could be utilised as a 5th bedroom. Two will be finished in off white wet dash harl with smooth render bands around the windows and timber clad dormers, and flat grey roofing tiles. The third will be finished in white K-Rend with coloured render band around the windows, timber dormers, and flat grey roofing tiles. They all utilise the same style and size of windows and dormers, to achieve a cohesive feel to the proposals whilst achieving an element of individuality.

- 8.14 The houses will all be set away from the edge of the public road, and will therefore be at a lower level than the road. The scale of development is appropriate given the site levels and set back from the road edge. The proposal is assessed as complying with Policy 28.

Access and Parking

- 8.15 The access off Balvaird Road will fork, with a 'prong' going to a parking and turning area within the front garden grounds of each of the proposed houses. The area between the access driveways and Balvaird Road will be landscaped. A wall will be built along the boundary with Balvaird Road, outwith the visibility splays. The area between this wall and the pavement / access will be shared green space.
- 8.16 There will be a shared access off Balvaird Road, which will remain a private access to these 3 houses only. This is a common arrangement for developments of this scale. Due to the low volume of traffic generated by 3 houses, this use of a shared surface is not viewed as creating a hazard for pedestrians or cyclists but will by nature keep vehicle speeds low and not constitute a safety risk.
- 8.17 The application has been amended to increase the within curtilage parking from 2 spaces per house to 3, and this now complies with Council guideline standards. Within curtilage turning is also proposed for each house. A swept path analysis plan has been submitted to demonstrate that a long wheel based transit van can turn within the site. This represents the size of vehicle commonly used by delivery and trades people. Adequate within curtilage parking and turning is therefore proposed for the householders and their visitors/ delivery vehicles.
- 8.18 The site lies within the 30mph speed limit, but it is recognised that vehicles approaching from the north commonly exceed this speed. Therefore, visibility splays of 2.4m x 90m to the south (30mph), and 2.4m x 120m to the north (40mph) are proposed. This reflects the speeds experienced in this location and is appropriate.
- 8.19 There is a pavement and streetlights along the site frontage with Balvaird Road, but there is not a pavement or lighting alongside the opposite side of the carriageway.
- 8.20 Transport Planning are satisfied with the amended access and parking arrangement, and do not object to the proximity of the access to junction with Rose Croft (26.3m, Council guidelines require a minimum of 25m).

Drainage

- 8.21 There is capacity in the sewer to accommodate foul waste only, and Scottish Water will not agree to any surface water discharging into the foul sewer. Furthermore, Policy 66 requires surface water to be dealt with according to the principle of SuDS (sustainable drainage systems). All surface water therefore requires to be dealt with within the site.
- 8.22 Policy 64, flood risk, requires development proposals within or bordering medium to high flood risk areas to demonstrate compliance with Scottish Planning Policy through the submission of suitable information. The site lies within an area assessed as at medium risk of surface water flooding. A drainage impact assessment has therefore been submitted, and a drainage strategy identified.
- 8.23 This makes provision for rainwater harvesting in order to help deal with surface water, along with a rain garden to provide a discharge for larger exceedance events. The main access and driveways are to be formed in free draining gravels, and it is therefore considered that there will be no increase to overland flows generated. A single soakaway is proposed to manage the surface water from the proposed tarred access.
- 8.24 There is also evidence of surface water ponding in the south west corner of the site. The levels here will remain unaltered so as to not lead to water run-off and potentially flooding elsewhere. This does, however, mean that the garden grounds will have limited function, since they may have standing water on them during wet weather. An informative note should be used to inform the applicant of this, and to request that this is passed on to future homeowners.
- 8.25 It is also important that the ground levels are not altered, since this could result in water run-off and flooding elsewhere. This can be covered by condition.
- 8.26 There is also a well/spring within the site. This will remain unaltered, except being fenced off for protection.
- 8.27 The topography is such that there is the potential for surface water runoff from the adjacent land impacting on the site. It is proposed that the existing overland flows are maintained and not intercepted, since there would be no detrimental impact to the new properties and no increase in risk to existing properties.
- 8.28 Flood Risk Management are satisfied that this drainage strategy will result in the houses being at low risk of flooding and will not have a detrimental impact on flood risk to others, and have therefore withdrawn their initial objection.
- 8.29 Details of the proposed rainwater harvesting and raingardens have been supplied to Building Standards, who comment that there is insufficient information available to demonstrate that this aspect of the proposal complies with their requirements. This will need to be further assessed as part of their Building Warrant application.

- 8.30 Foul waste will be pumped to discharge into the Rose Croft sewer. Scottish Water have no objection to the application, but comment that they require title to the area of land where a pumping station is constructed. This can be included as an informative note.
- 8.31 Since the site relies upon pumping the foul waste into the public sewer, issues will arise should the pump fail for any reason. It would be advisable to have a contingency plan to deal with this potential, to include a secondary pump, incorporate emergency storage, and also have a warning system in place. A condition can be used to require full detail of the foul drainage system to be submitted prior to any development commencing. A condition should also be used to require a factoring agreement for the upkeep of all communal spaces, including the communal drainage, so that it can be properly maintained and repairs can be quickly implemented in the event of failure.

Trees

- 8.31 The proposed houses are all located outwith the root protection area of the existing boundary trees. Additional tree planting is proposed alongside the site access track and to the north east corner of the site and part of the north east site boundary. This meets the requirement of Policy 51, which affords protection to existing trees, shrubs and hedges within and alongside application sites. The proposed additional tree planting is welcomed and will reflect the treed setting of most of the adjacent buildings alongside Balvaird Road.

Wildlife Habitat

- 8.32 Unfortunately, development can impact on wildlife habitat. This requires further investigation only if there is good reason to believe that a protected species may be present. The site is not assessed as being at high likelihood of housing protected species, although it may well be used for foraging. There is, however, abundant adjacent farmland which will remain available for foraging purposes. A protected species survey has therefore not been requested. An informative should be used to advise the applicant of the correct course of action should protected species be found within the site.

Other material considerations

- 8.33 No amendments to the current overhead line are proposed. The applicant is not aware of any underground cables crossing the site.
- There are no other material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.34 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) Tarradale Primary School – Major Extension / New School - £2,676 per house

b) Dingwall Academy – 2 Classroom Extension - £383 per house

Total for the development - £9,178

The applicant has indicated a willingness to pay via an upfront payment which will be required prior to any decision being issued.

9. Minor Departure Justification

Based on the above assessment, it is considered that the minor departure from the development plan is justified on the following grounds:

- Historically, the site lay within the settlement boundary and was allocated for housing along with adjacent land (Ross and Cromarty East Local Plan) and had received planning permission for development in December 2015 which only lapsed in December 2018.
- A revised application for 11 houses was withdrawn in December 2021 as the site was too severely constrained to accommodate 11 houses and agreement in principle for a revised 3 house development was reached.
- Although the site is no longer allocated in the Inner Moray Firth Local Development Plan given the extensive site history a more appropriate revised layout was agreed which could be supported
- The revised layout was agreed following extensive discussion with the Planning Service to secure an acceptable form of development

Any impacts related to the development have been suitably mitigated through design and the suggested conditions.

9. CONCLUSION

9.1 The history of planning permissions on this site and new applications being made prior to their expiry is a material planning consideration. In this instance, the principle of 3 houses on this site is acceptable given the planning history. The design and layout are acceptable, as are the access and proposed site drainage mechanism.

9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan but is acceptable in terms of applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

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

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Notification to Scottish Ministers N

Upfront payment of Developer Contributions Y

Revocation of previous permission N

Subject to the above actions, it is recommended to

GRANT the application subject to the following conditions and reasons

1. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:
 - i. the junction formed to comply with drawing ref.BR01-900 Rev A; and
 - ii. visibility splays of 2.4m x 120m to the north and 2.4m x 90m to the south (the X dimension and Y dimension respectively) formed from the centre line of the junction.

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

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

2. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete. For the avoidance of doubt, construction traffic shall not be routed along the section of Balvaird Road to the north of the site.

Reason: In the interests of road safety, and in order to safeguard the safety and amenity of neighbouring properties and occupants.

3. No development shall commence until full details of the proposed foul drainage infrastructure, to include a contingency plan in case the system fails (an alarm, emergency storage, secondary pump), has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out fully in accordance with the approved details.

Reason: To ensure that adequate foul drainage arrangements are in place and include measures to take account of potential failure, in the interests of public health and environmental protection.

4. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and/or other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as the shared access, boundary wall, and those elements of foul and surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained

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

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

6. No development shall commence on site until full details of the proposed Balvaird Road boundary wall has been submitted to and approved in writing by the Planning Authority. Thereafter, the wall shall be completed in full prior to the first occupation of any one of the houses the subject of this planning permission.

Reason: To ensure the provision of a high standard of boundary treatment alongside Balvaird Road, in the interests of visual amenity.

7. Prior to the first occupation of each of the dwellinghouses, the car parking and access arrangements detailed on approved plan ref. BR01-900 Rev A associated with that house shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

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

8. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the

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

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

9. The vehicle turning area shown on the approved plans shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

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

10. The refuse collection area shown on the approved plans shall be constructed prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of waste and recycling bins.

11. Surface water drainage shall accord with the details in the approved Drainage Assessment by gmcsurveys GMC21-1002 Rev B received 14 April 2022 and shall be implemented in full prior to the first occupation of the associated house.

Reason: In order to guard against risk of surface water flooding, and in order to protect the water environment.

12. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted, with or without modification) no development or landraising is permitted within the curtilage of the dwelling without planning permission being granted on application to the Planning Authority.

Reason: To ensure that development which is normally permissible without the need for a planning application is carefully managed and free from flood risk and does not exacerbate flood risk elsewhere.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan but is acceptable in terms of 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.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

You are advised that the drainage strategy is to retain the areas that are at risk of surface water flooding within the garden ground of the properties. As a result, the gardens may have standing water on them during wet weather and so will have limited use as garden/recreational space. Land must not be raised unless planning permission is first obtained for any such works, since it could result in displacement of water and flooding elsewhere.

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.

Pumping Station

If the connection to the public sewer and / water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude. Scottish Water requires land title to the area of land where a pumping station is constructed.

Rainwater harvesting / rain garden

You are advised that it is proposed to manage surface water by means of rainwater harvesting and raingardens. This will need to be designed to comply with Building Standards requirements.

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Damage to the Public Road

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

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Area Planning Manager – North
Author: Susan Hadfield
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 2741-PL001 Location Plan

- Plan 2 - 2741-PL010 Floor / Elevation Plot 1
- Plan 3 - 2741-PL011 Rev A Floor/Elevation Plot 2
- Plan 4 - 2741-PL012 Floor / Elevation Plot 3
- Plan 5 - 2741-PL002 Rev D Site Layout Plan
- Plan 6 - 2741-PL004 Rev C Landscaping Plan
- Plan 7 - 2741-PL005 Rev C Sections
- Plan 8 - 2741-PL008 Rev B Road and Driveway
- Plan 9 - BR01-900 Rev A Site Access Plan

Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools²									
Primary – Build Costs	Major extension / new school rates Tarradale Primary School	£2,676	n/a	£8,028	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Primary – Land Costs	n/a	£0	£	£	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Secondary – Build Costs	2 classroom extension Dingwall Academy	£383	n/a	£1,149	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Land Costs	n/a	£	£	£	No		TOC/CC	Apr/Oct	
Community Facilities	n/a	£	£	£	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Affordable Housing									
On-site provision ³	n/a	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴	n/a	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵	n/a	N/A	N/A		N/A	N/A		N/A	5 Years
Agreement for Delivery Needed	N	N/A	N/A	N/A	N/A	N/A		N/A	N/A

*¹ Adjust total to take account of flat exemptions

*² Base Date – Set out in Supplementary Guidance on Developer Contributions

*³ TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*⁴ Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*⁵ Clawback – 15 years for Major development; 20 years for Local development

Other Legal Agreement requirements

n/a

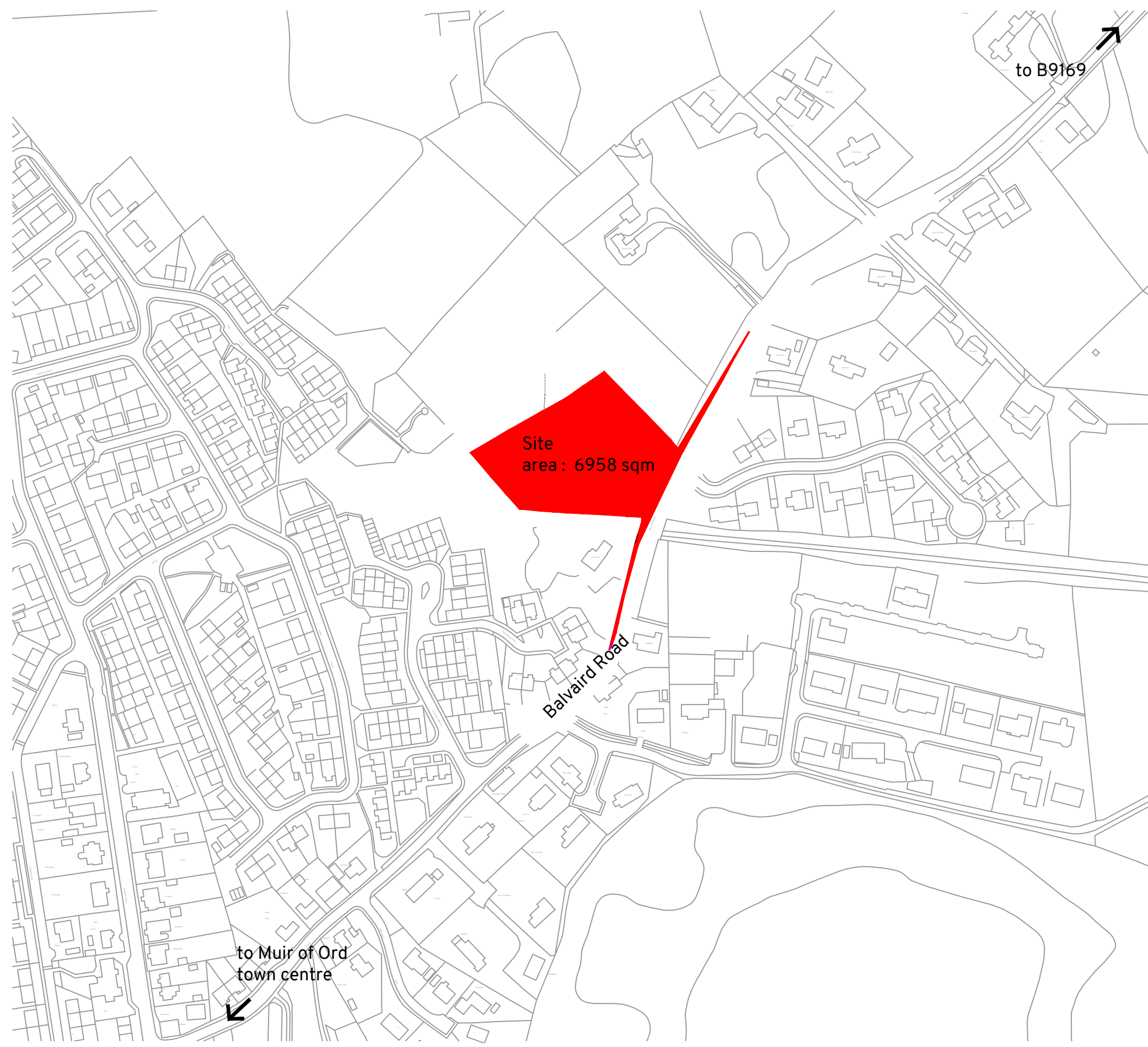
¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)



Rev.	Description	Drawn	Date
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Project
**Housing Development at
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Muir of Ord**

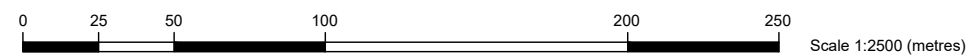
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Location Plan

Status
Planning Submission

Scale 1:2500 Date 06.01.22

Sheet A3 Drawn by CL

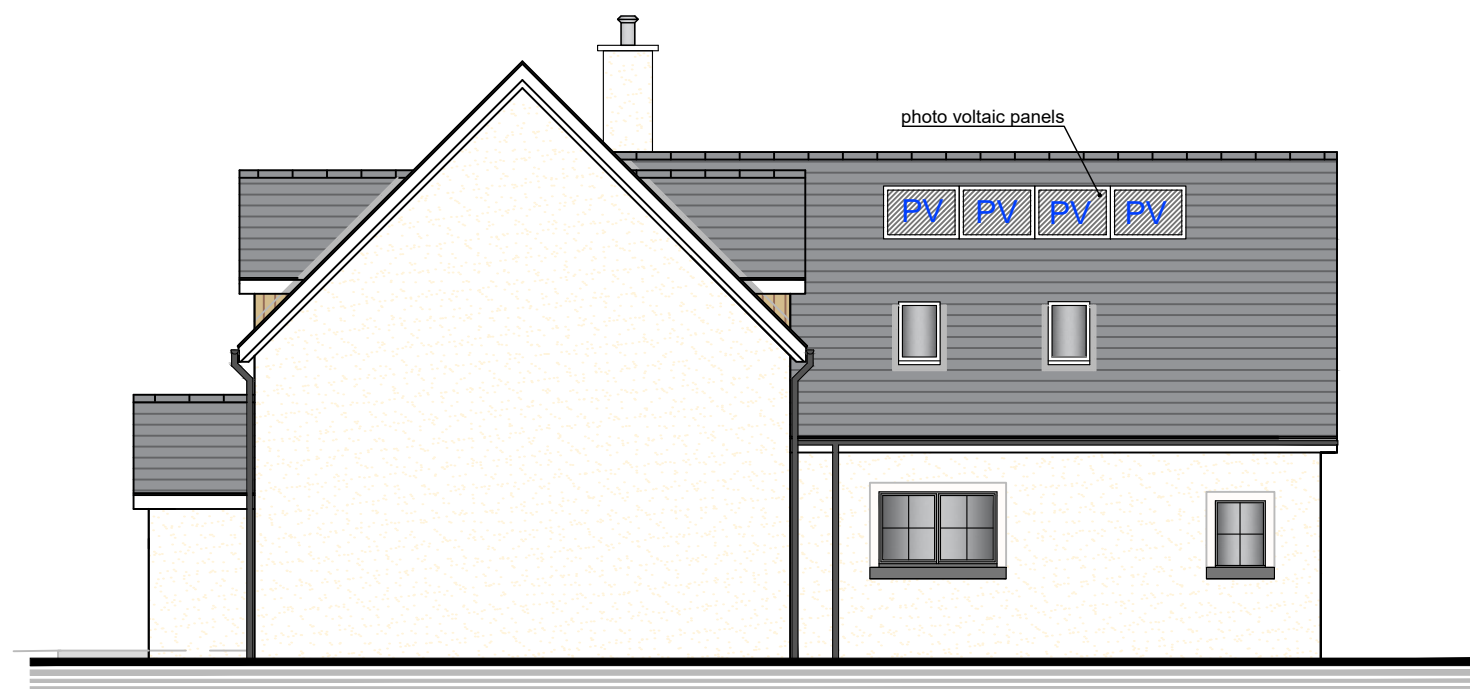
Drawing No: **2741 / PL001** Rev



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 All setting out must be checked on site prior to commencement.
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Front Elevation



Side Elevation

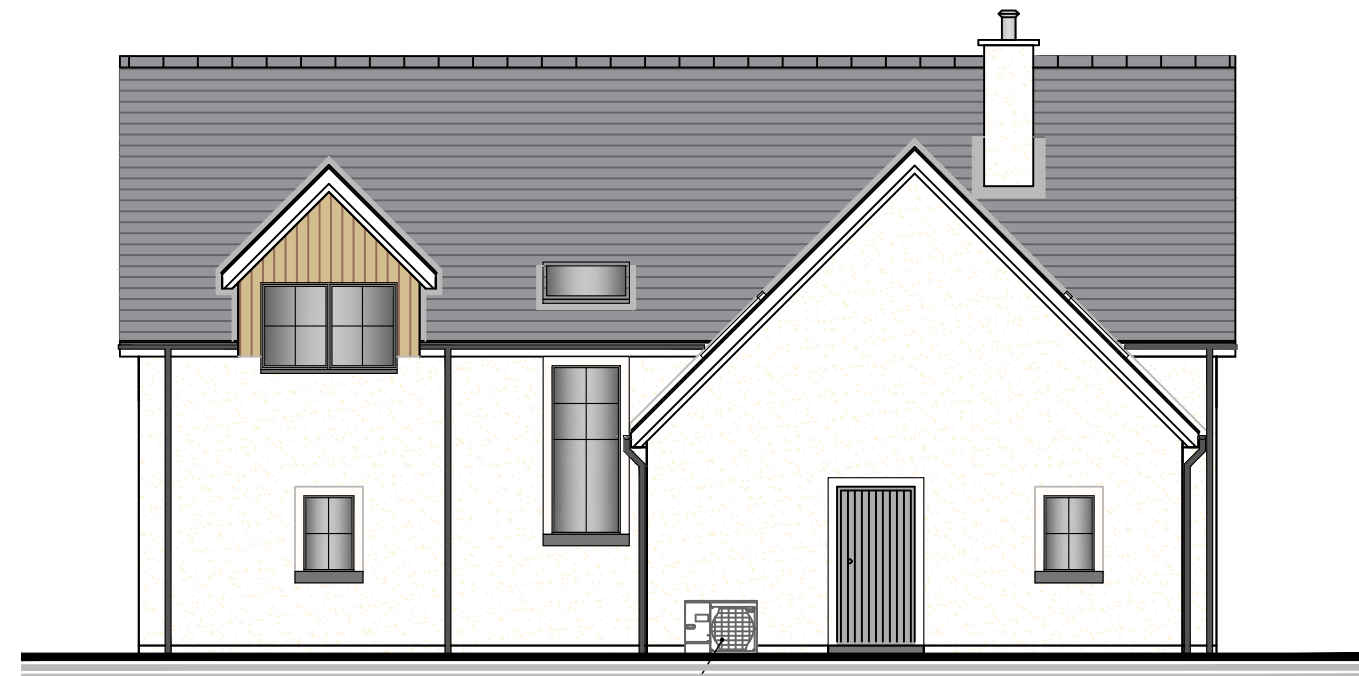
Key to Materials:-

ELEVATIONS

- Roof:- Plain Concrete Tiles in Grey finish with concrete ridge with Code 5 lead valleys
- Walls:- Off White wet harl textured render with smooth render bands around windows and timber dormers
- Basecourse:- Off White wet harl textured render
- Windows:- High performance timber or uPVC in iron grey colour
- Doors:- House Doors:- High performance doorsets with iron grey frame. Colour to be agreed.
- Cladding:- Porch walls & feature cladding in fibre cement planking
- Gutters:- uPVC colour black
- Downpipes:- uPVC colour black



Side Elevation



Rear Elevation

Rev.	Description	Drawn	Date
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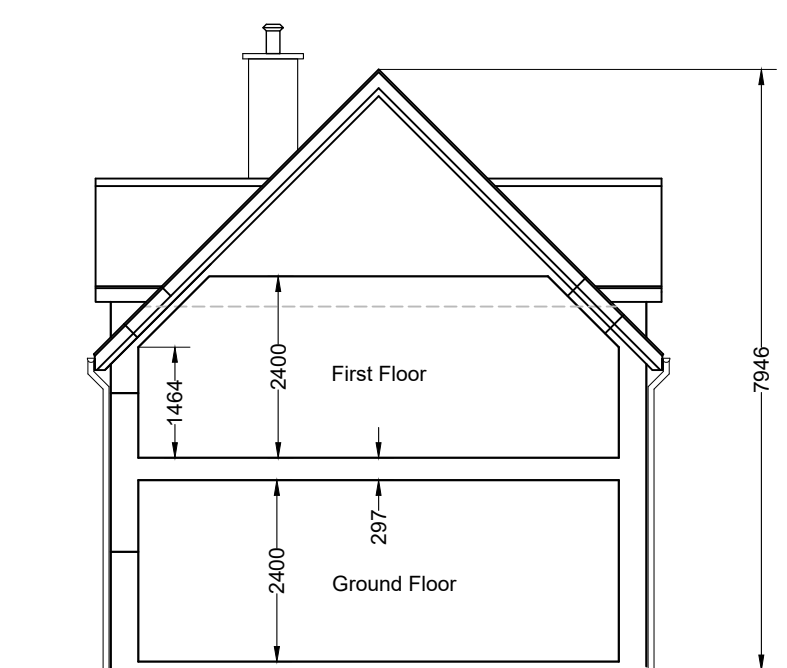
Drawing
**House - Plot 1
 Floor Plans & Elevations**

Status
Planning Submission

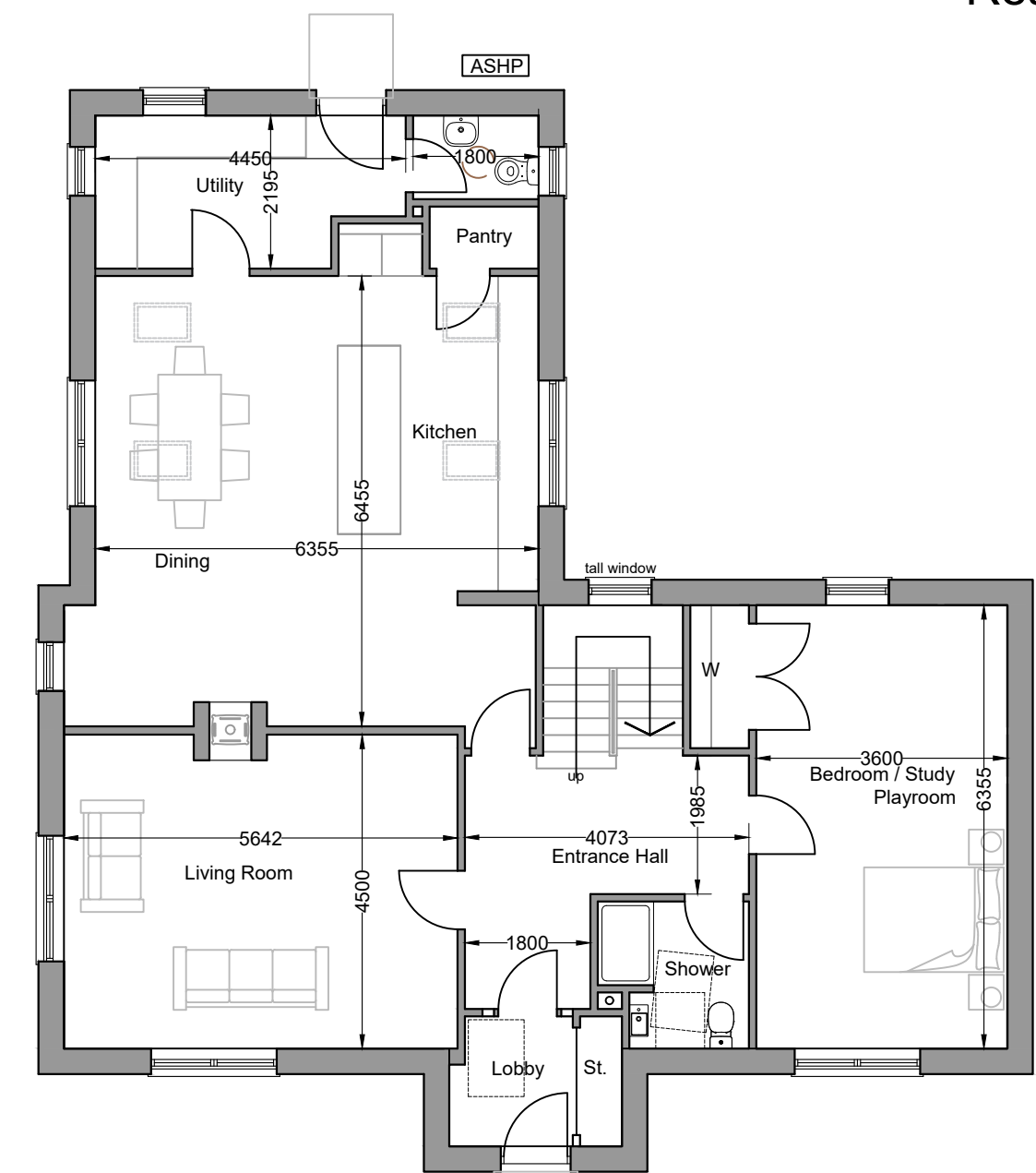
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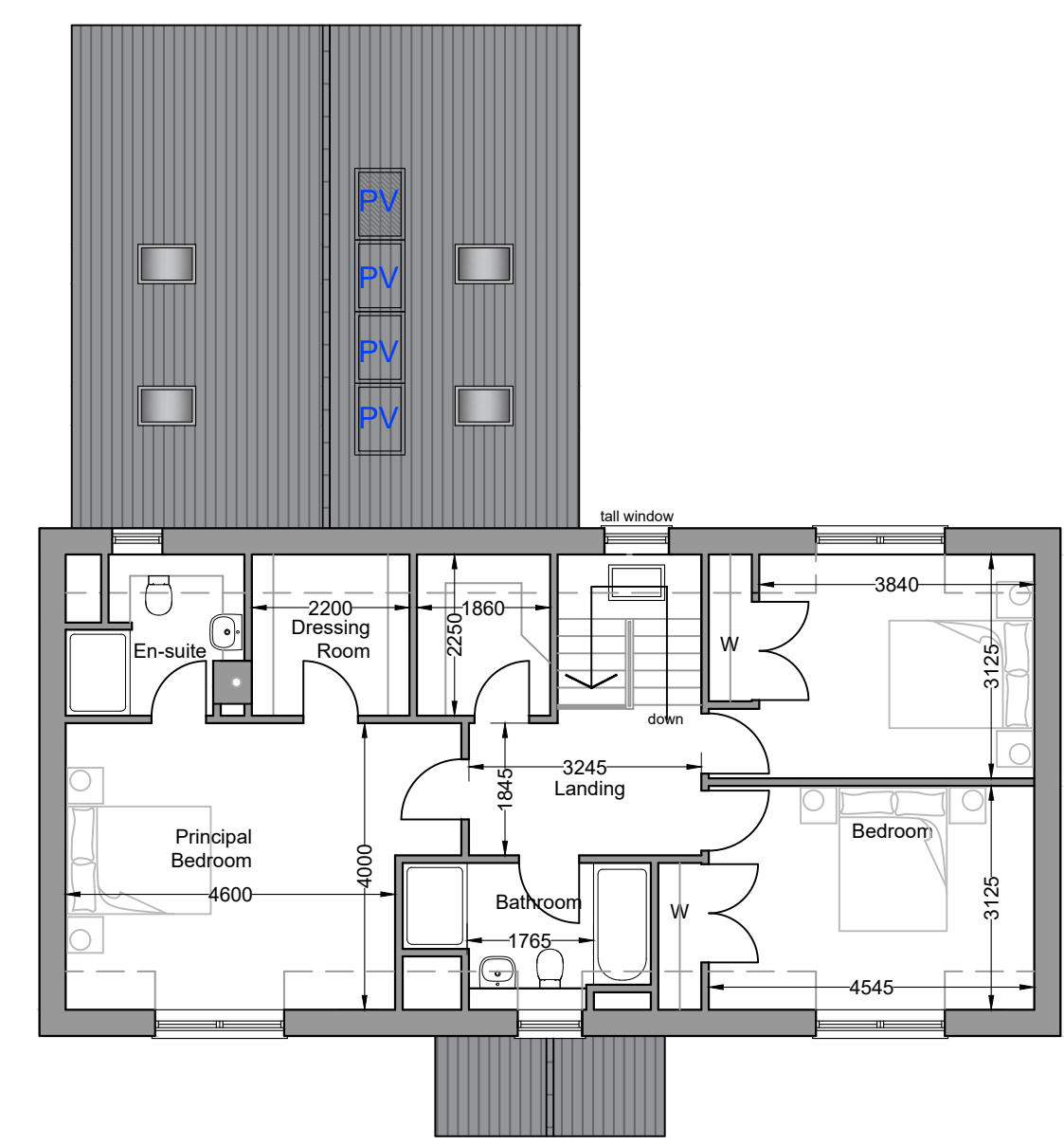
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2741 / PL010



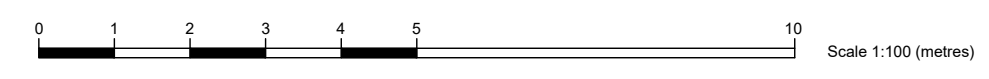
Indicative Section



Ground Floor Plan
 area : 134 sqm

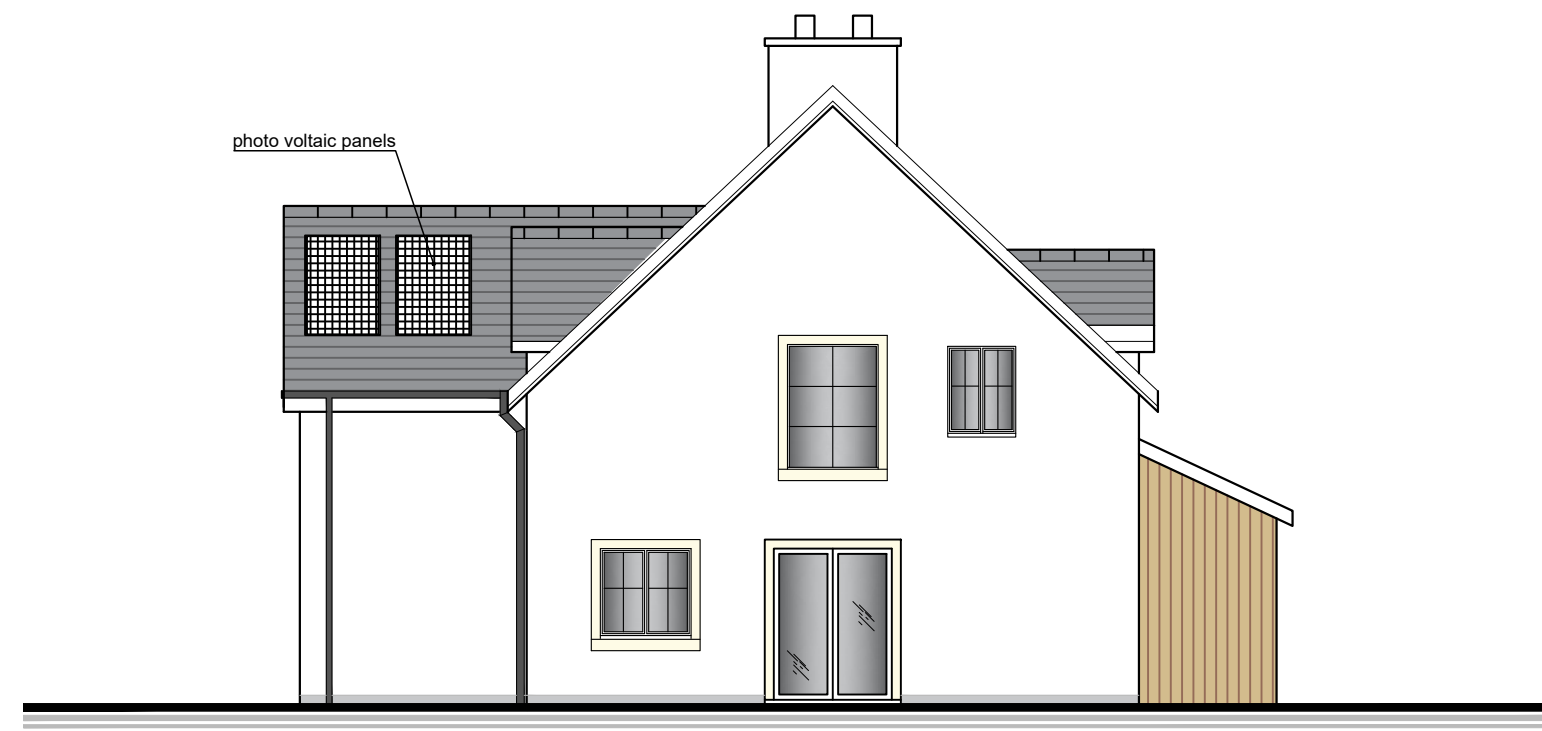


First Floor Plan
 area : 86 sqm
 Total Floor area : 220

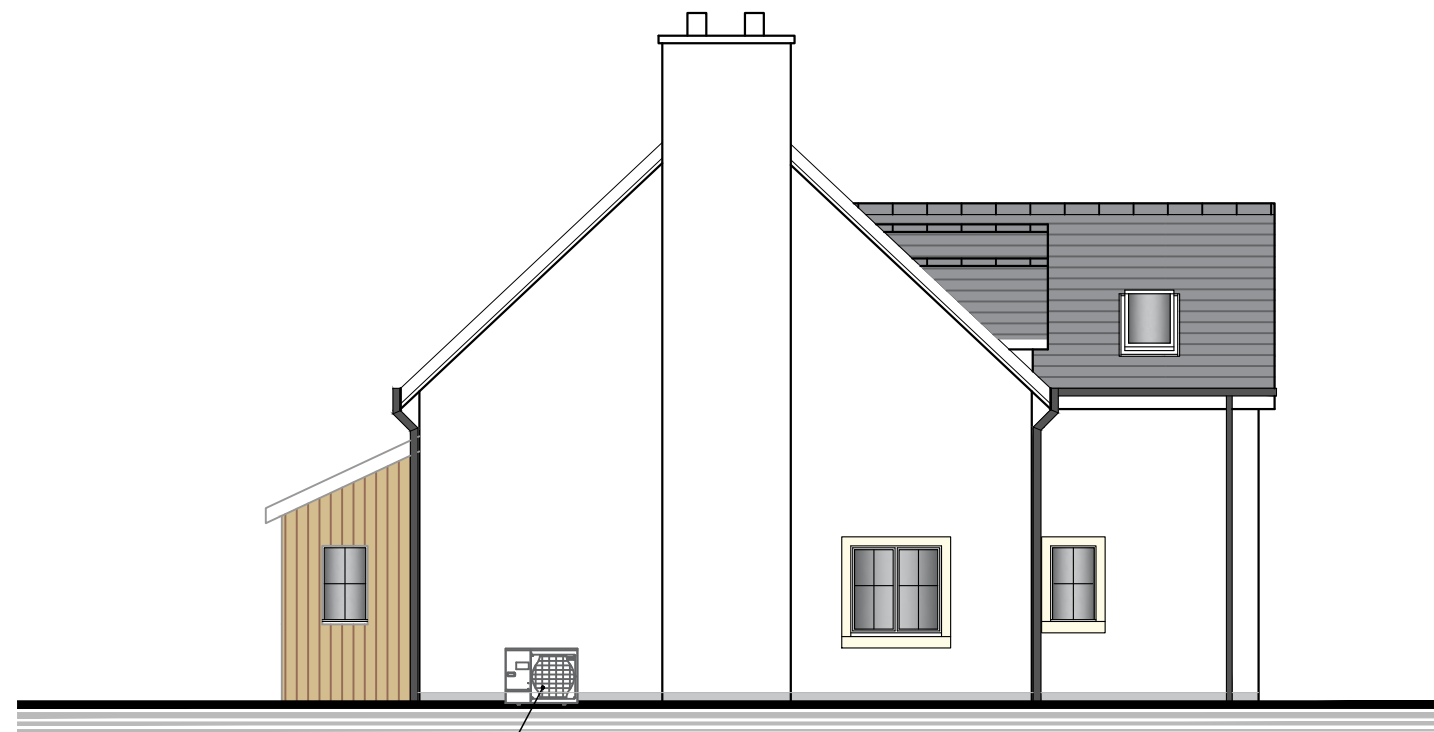




Front Elevation



Side Elevation



Side Elevation



Rear Elevation

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Key to Materials:-

ELEVATIONS

- Roof:- Plain Concrete Tiles in Grey finish with concrete ridge with Code 5 lead valleys
- Walls:- White K Rend with coloured render bands around windows and timber dormers
- Basecourse:- Grey wet harl textured render
- Windows:- High performance timber or uPVC in White colour
- Doors:- House Doors:- High performance doorsets with iron grey frame. Colour to be agreed.
- Cladding:- Porch walls & feature cladding in fibre cement planking
- Gutters:- uPVC colour black
- Downpipes:- uPVC colour black

A	House Mirrored on site	CL	10.05.22
Rev.	Description	Drawn	Date



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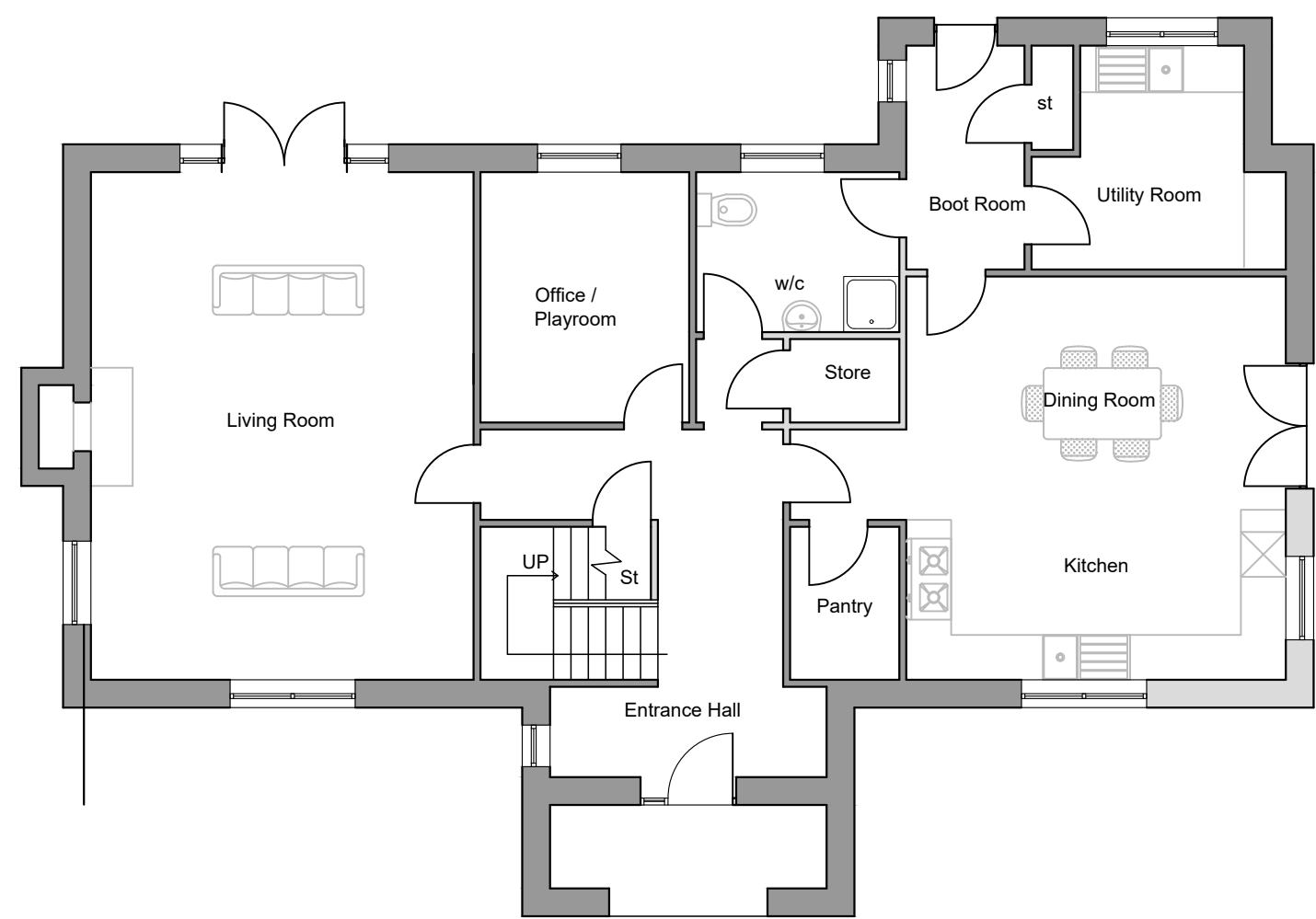
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House - Plot 2
Floor Plans & Elevations

Status
Planning Submission

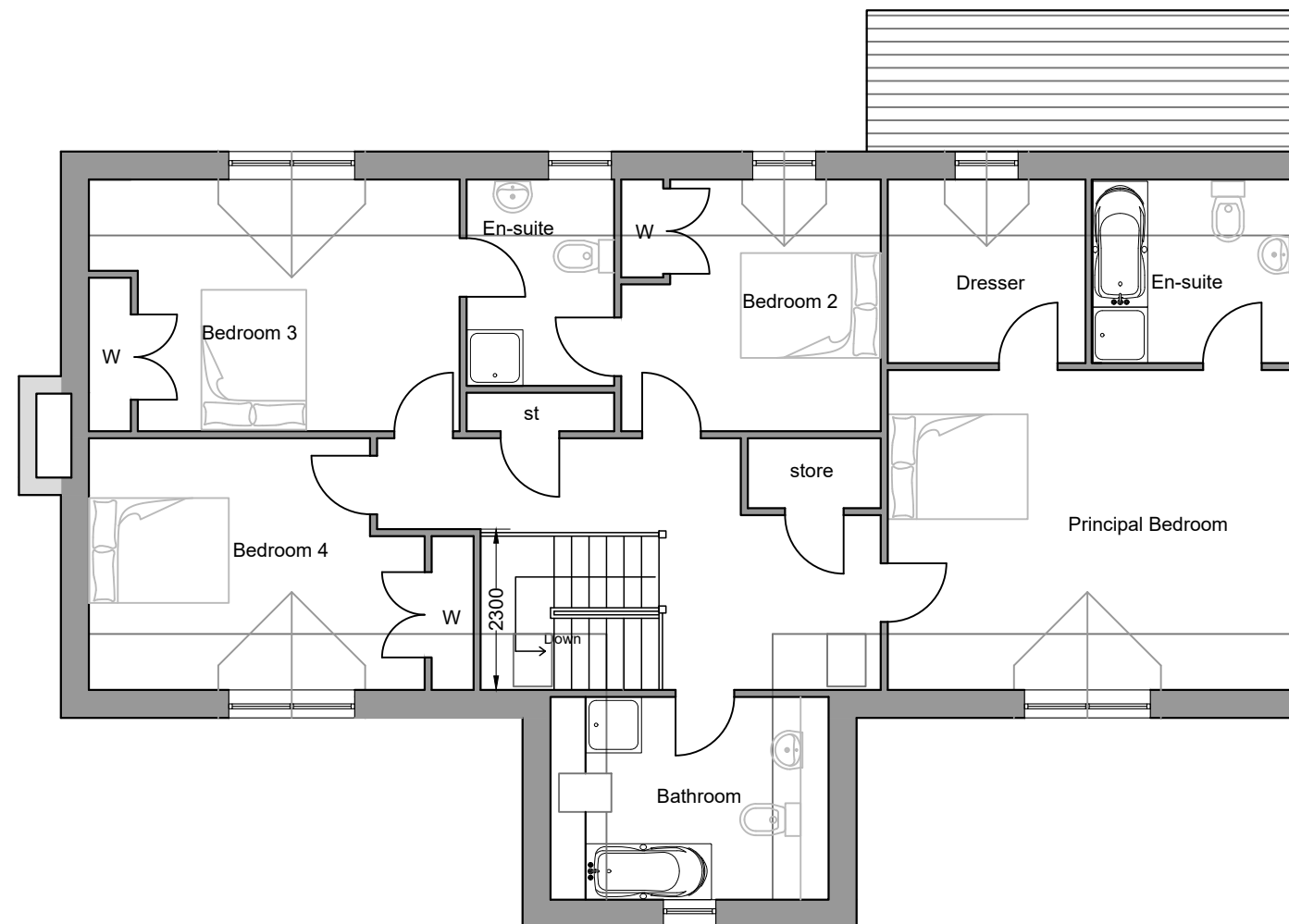
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Sheet A2 Drawn by CL

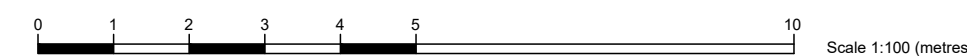
Drawing No:
2741 / PL011
Rev
A



Ground Floor Plan
area : 146 sqm

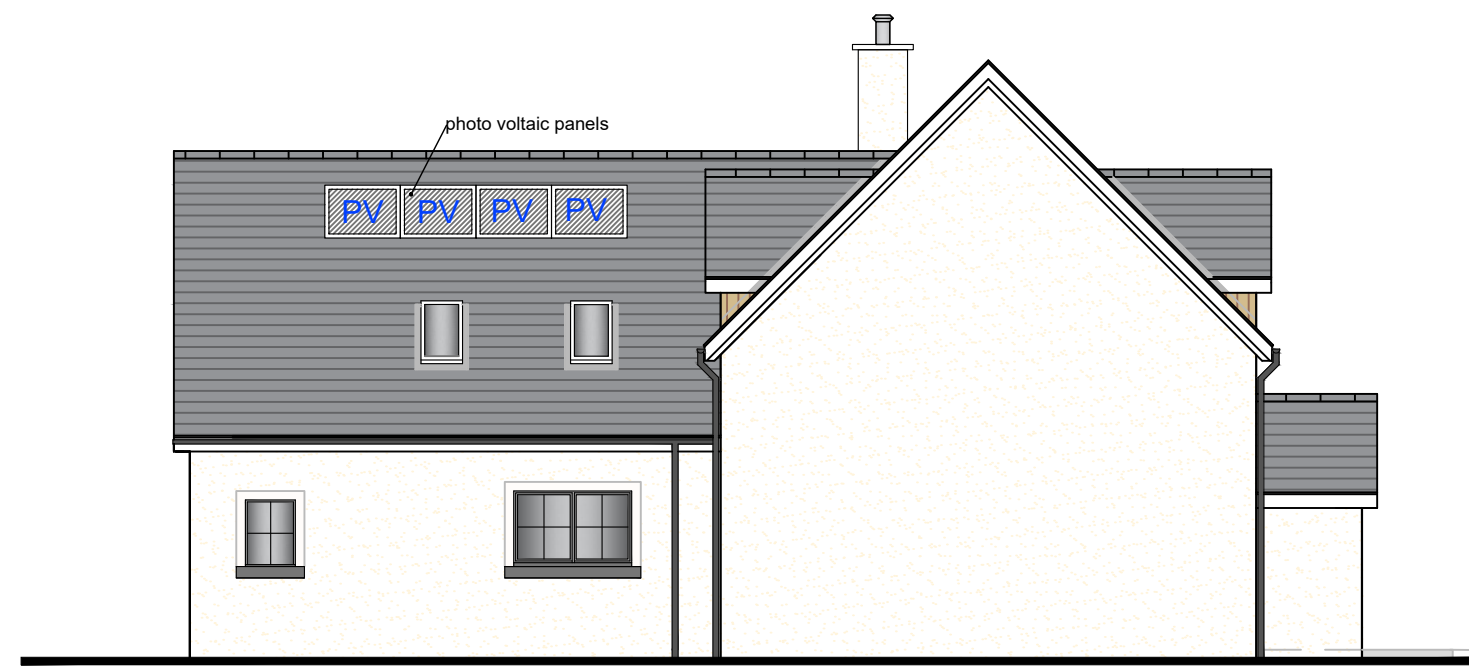


First Floor Plan



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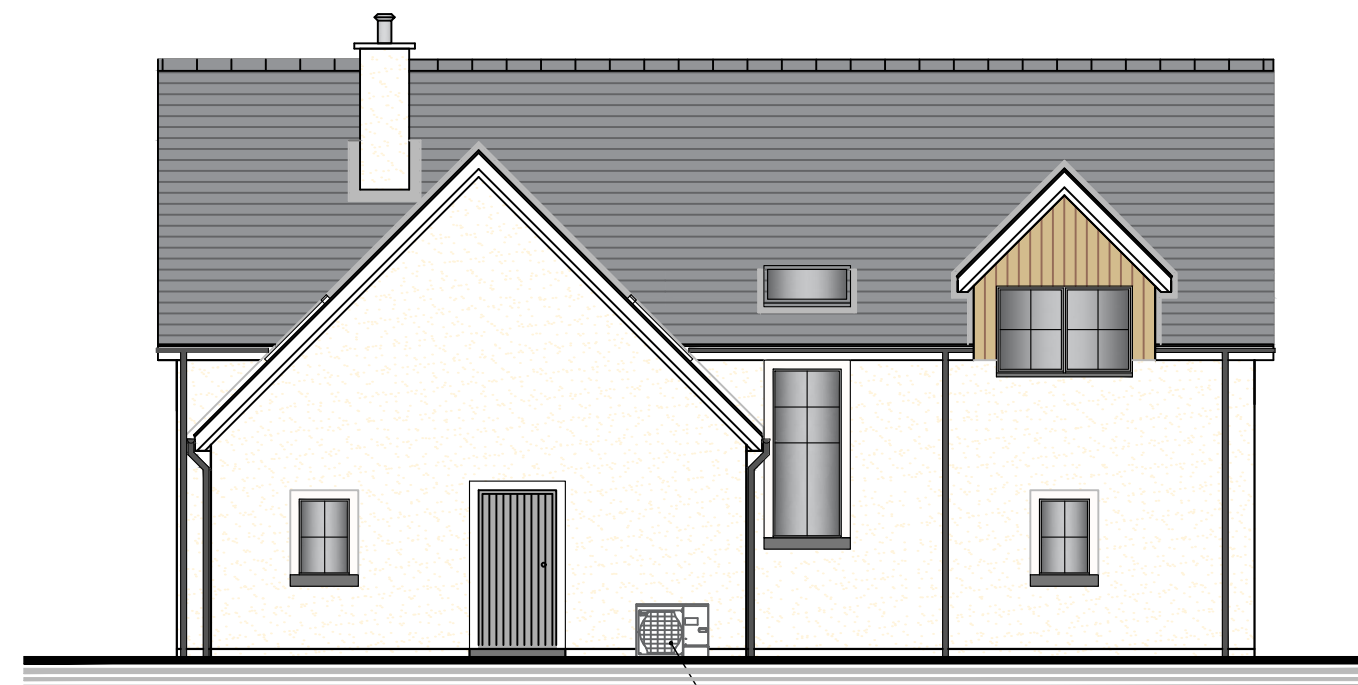
- Key to Materials:-
- ELEVATIONS
- Roof:- Plain Concrete Tiles in Grey finish with concrete ridge with Code 5 lead valleys
 - Walls:- Off White wet harl textured render with smooth render bands around windows and timber dormers
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Side Elevation



Front Elevation



Rear Elevation



Side Elevation

Rev.	Description	Drawn	Date



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**Housing Development at
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Drawing
**House - Plot 3
 Floor Plans & Elevations**

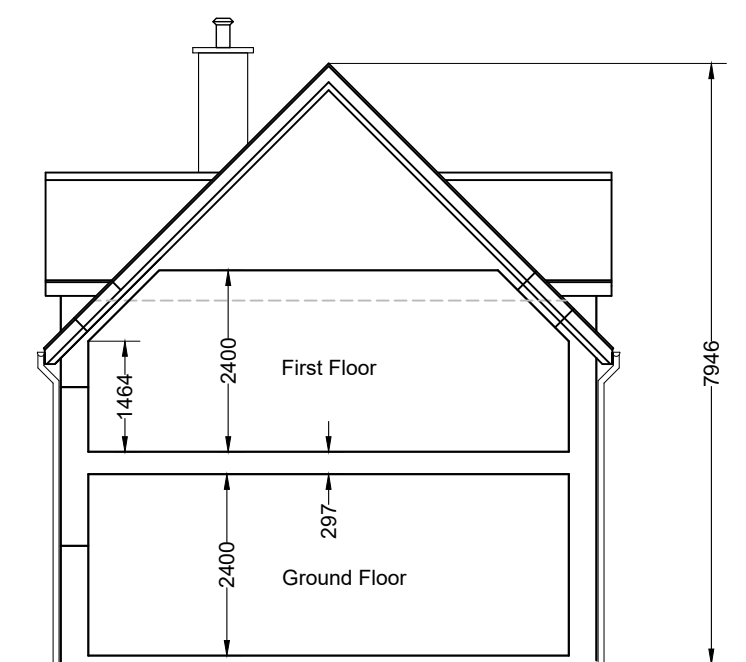
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Scale 1:500 Date 06/01/22

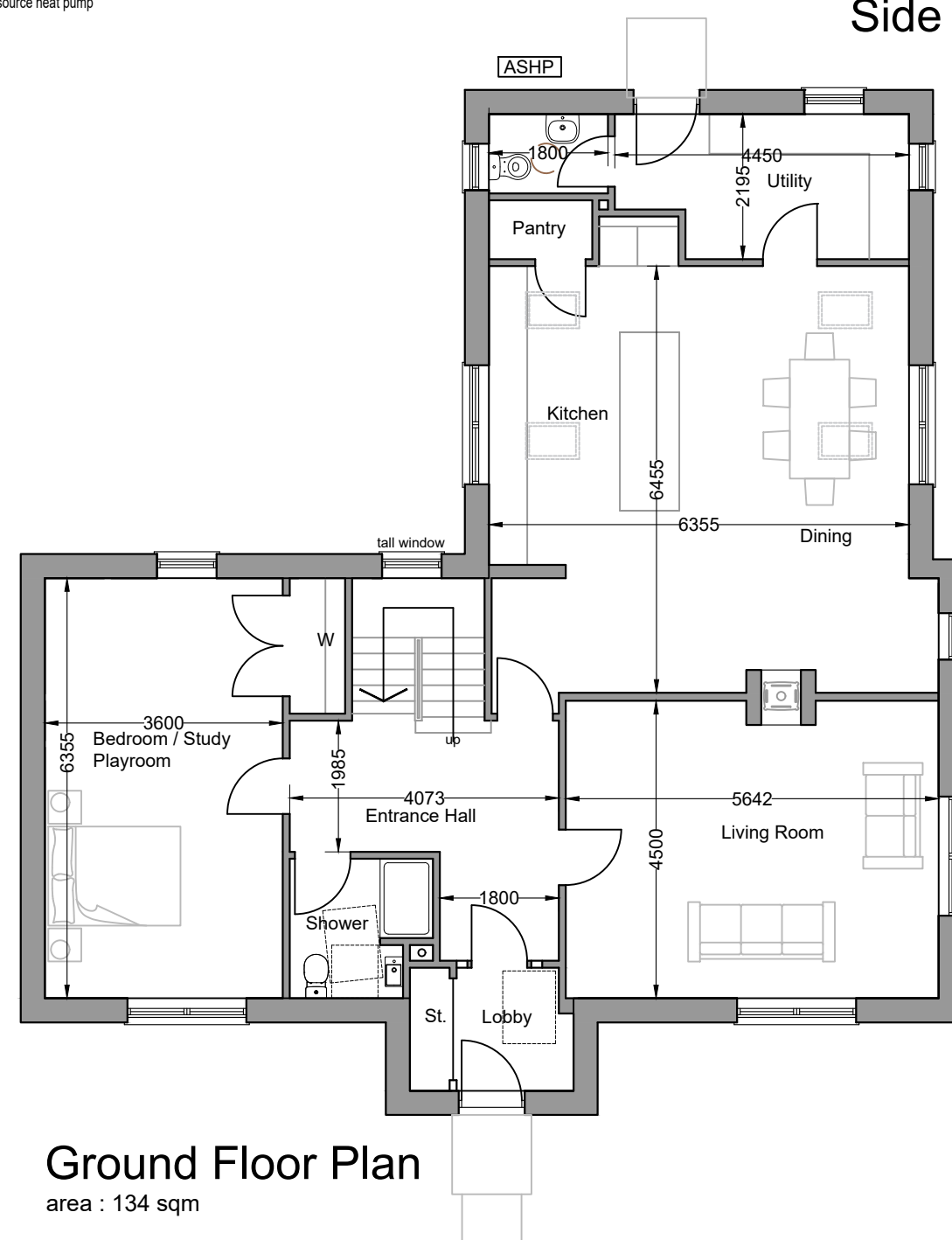
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Drawing No: 2741 / PL012 Rev

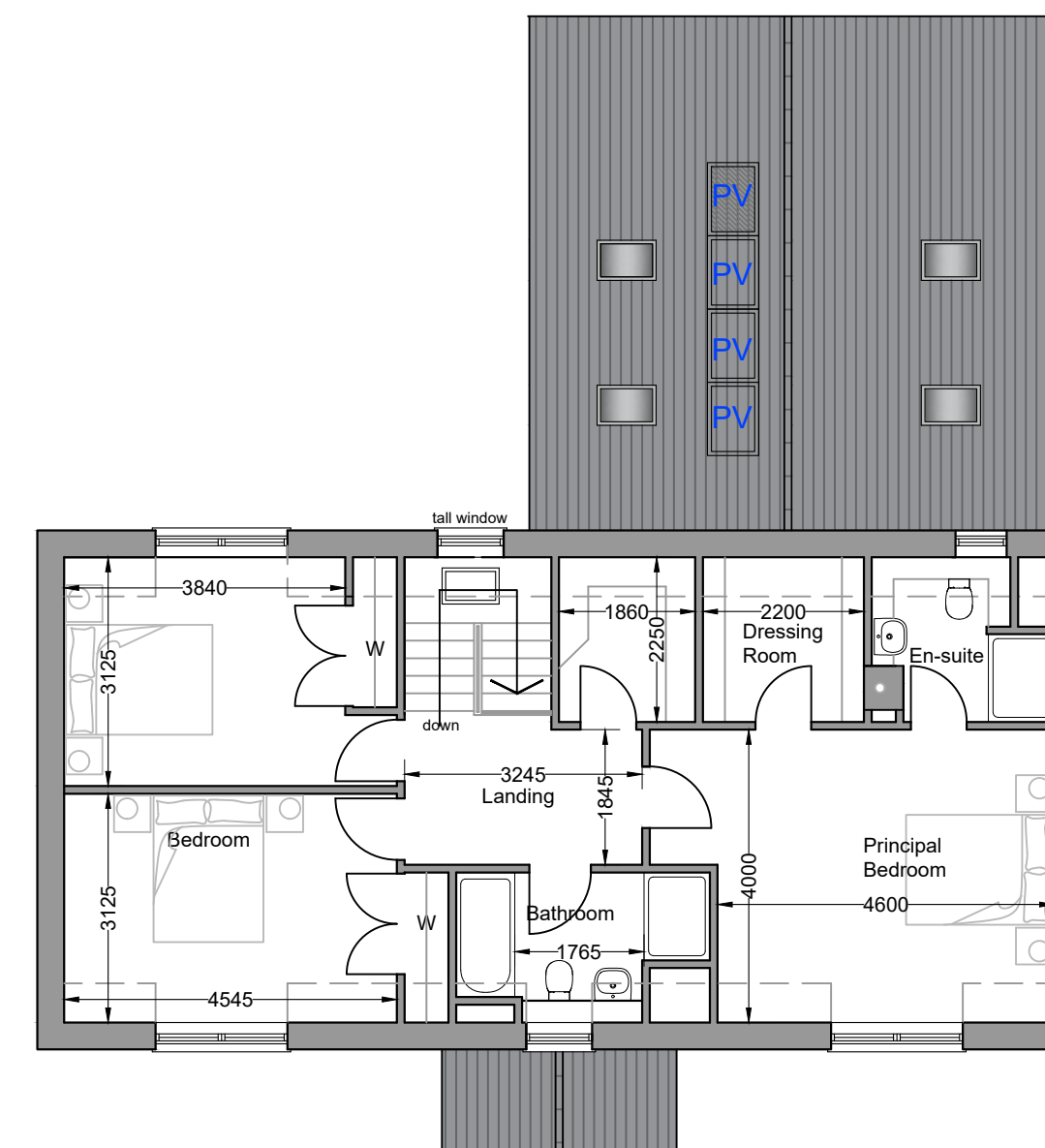
2741 / PL012



Indicative Section



Ground Floor Plan
 area : 134 sqm



First Floor Plan
 area : 86 sqm
 Total Floor area : 220



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BOUNDARY

site boundary

INDICATIVE BUILDINGS

house
 driveway
 plot boundary

SERVICES

Junction to SDB2 standard
 road private
 pavement
 visibility splay

GREENSPACE

private garden
 shared green space
 developable area
 public art / entrance wall

Site area : 6958 sqm
 0.69 ha



D	Alts to junction	CL	19.05.22
C	Pedestrian crossing added	CL	09.05.22
B	Additional parking bay added to each plot	CL	03.05.22
A	Minor adjustments to driveways	CL	28.04.22
Rev.	Description	Drawn	Date



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 Muir of Ord**

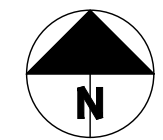
Drawing
Site Plan

Status
Planning Submission

Scale 1:500 Date 06/01/22

Sheet A2 Drawn by CL

Drawing No:
2741 / PL002 Rev
D



Rev.	Description	Drawn	Date
C	Change to junction	CL	19.05.22
B	Alts to road and plot 2	CL	10.05.22
A	Additional parking bays added	CL	04.05.22



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**Housing Development at
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Drawing
Landscaping Plan

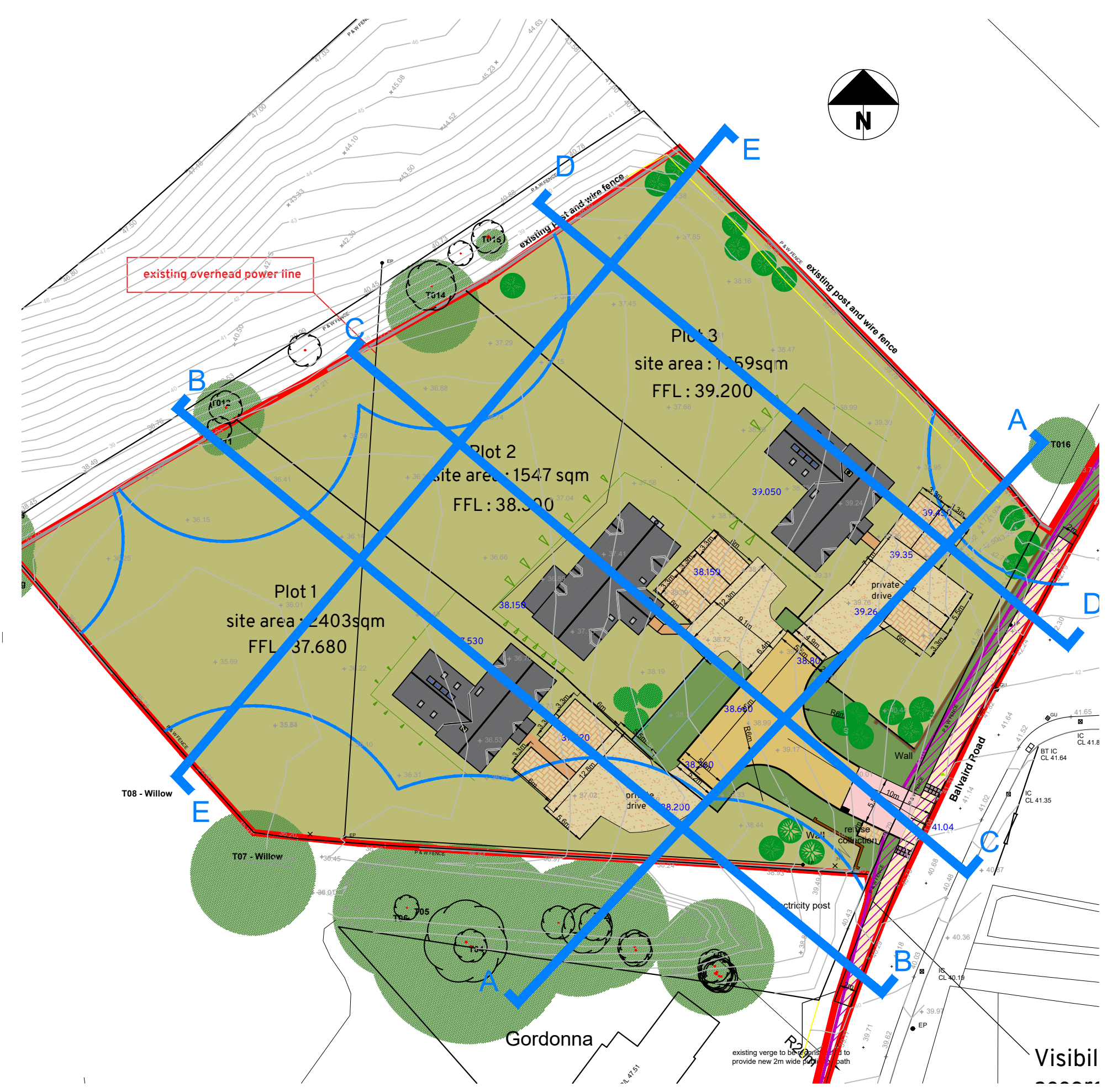
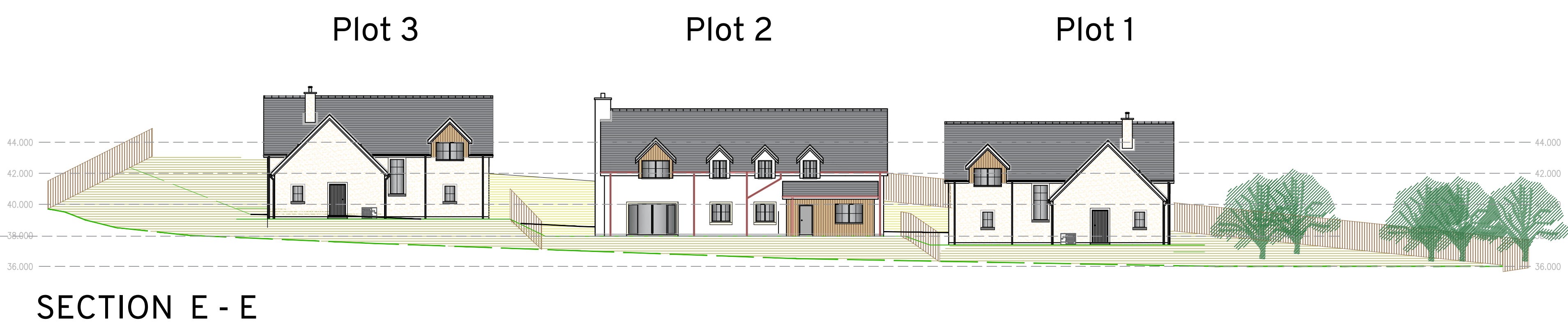
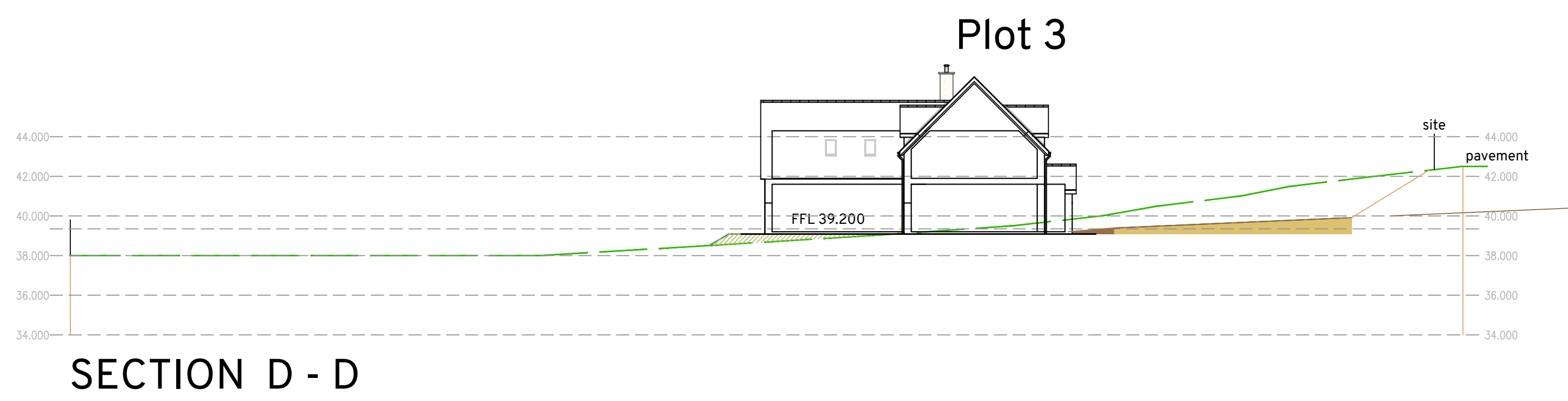
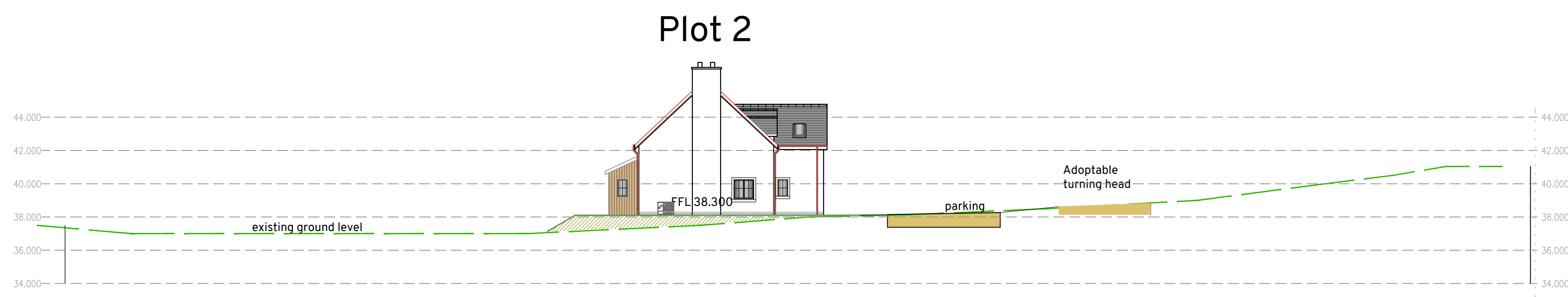
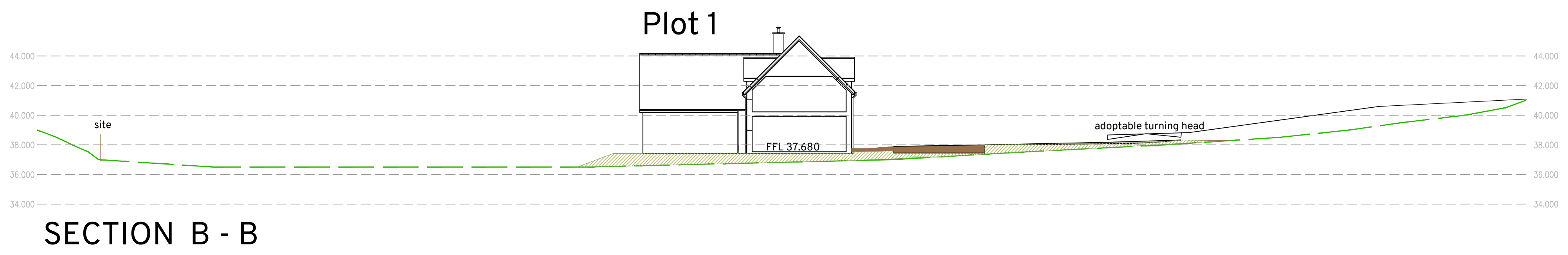
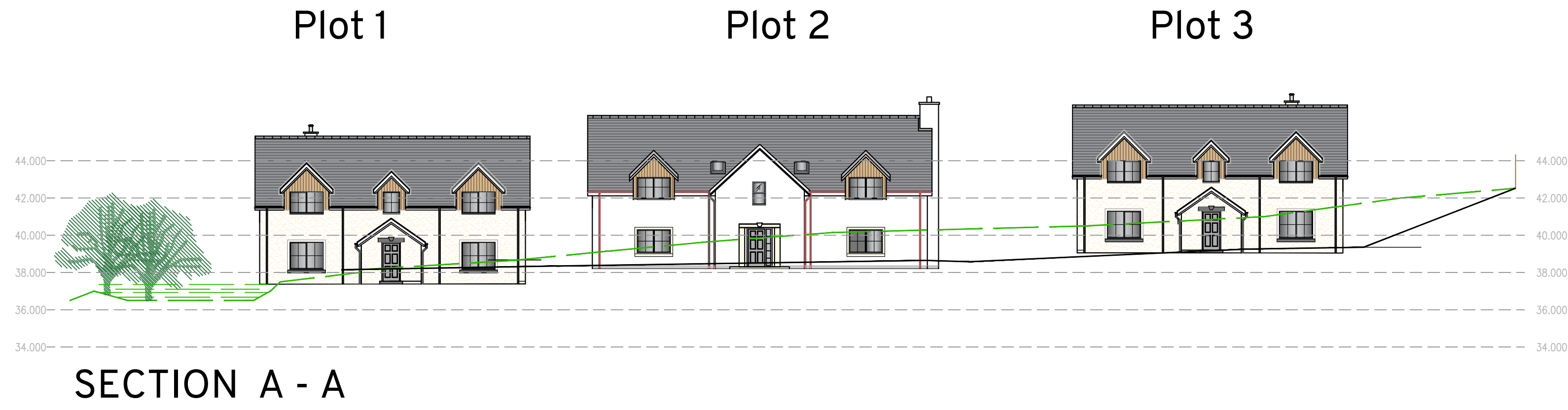
Status
Planning Submission

Scale 1:250 Date 06/01/22

Sheet A2 Drawn by CL

Drawing No:
2741 / PL004 Rev
C

LANDSCAPING
 Existing trees are to be protected in accordance with BS5837.
 Areas of grass seeding namely to SUD's area and amenity area is to be carried out and maintained.
 In the planting areas, weeds are to be cleared, any scrub vegetation shall be cut, the roots cleared and removed from site. The land is to be cultivated with large stone (75mm +) to be removed from site.
 The grass seed to be sown at a rate of 35g/sqm during April to October in clam weather conditions when there is no danger of ground frost.
 The new tree planting shall take place between October to April



Rev.	Description	Drawn	Date
C	Plots 1 & 2 raised 150mm, adj road entrance	CL	19.05.22
B	Plot 2 mirrored, minor adj to FFL	CL	10.05.22
A	Planning Comments	CL	03.03.22

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Project
 Housing Development at
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 Muir of Ord

Drawing
 Site Sections

Status
 Planning Submission

Scale 1:200 Date 06/01/21

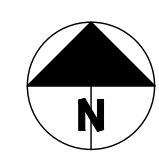
Sheet A1 Drawn by CL

Drawing No:
 2741 / PL005

Rev
 C



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Rev.	Description	CL	Date
B	Amendment to junction	CL	19.05.22
A	Pedestrian Crossing Added	CL	09.05.22



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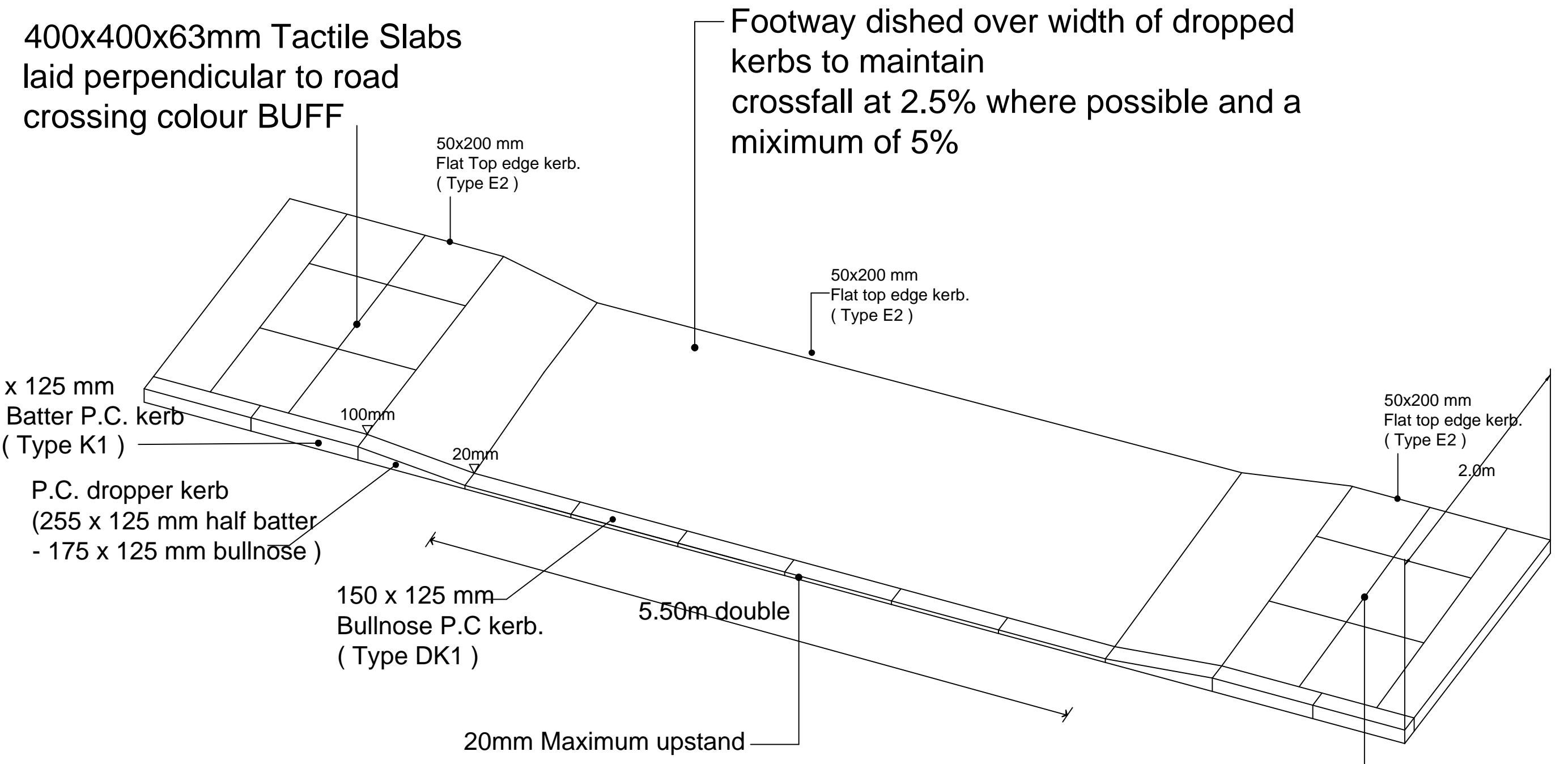
Drawing
Road and driveway dimensions

Status
Planning Submission

Scale 1:200 Date 06/05/22

Sheet A2 Drawn by CL

Drawing No:
2741 / PL008 Rev
B



VEHICULAR FOOTWAY CROSSING/SITE ACCESS (NTS)

Ex Road level

First 5m of access to be Max 1:20

DATUM 35.00m

ROAD1			
CHAINAGE	0.000	10.000	13.118
EXISTING GROUND LEVEL	41.000	40.247	39.964
ALIGNMENT LEVEL		40.748	40.001
VERTICAL ALIGNMENT			
HORIZONTAL ALIGNMENT			

First 5m of access to be Max 1:20, with the first 10m to be surfaced in bituminous macadam to ensure no excess surface water or loose Material enters the public road

Long Section First 10m 1:500

400x400x63mm Tactile Slabs laid perpendicular to road crossing colour BUFF

A	Site Layout updated	GM	19.5.22
REV:	DESCRIPTION:	BY:	DATE:
STATUS:			

gmcsurveys
 Surveys, Setting Out, Civil Engineering Design
 T: 07557 431 702
 E: gmcsurveys@gmail.com

CLIENT:
3A Partnership Ltd
 C/O GH Johnstone
 Willow House
 Stoneyfield Business Park
 Inverness

SITE: Proposed Development
 Balvaird Road, Muir of Ord

TITLE:
Site Access Details

SCALE AT A1: 1:500	DATE: MAR22	DRAWN: GM	CHECKED:
PROJECT NO: BR01	DRAWING NO: 900	REVISION:	A