

Agenda item	5.1
Report no	PLN/059/17

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 17 October 2017

Report Title: 13/00497/FUL - Land To East of Balloan Road and South of Ord Road, Marybank

Report By: Area Planning Manager - South

1. Purpose/Executive Summary

1.1 **Applicant:** Mr Angus MacLean

Development: Formation of one house plot and access (Further application to planning permission 07/00777/FULRC)

Ward: 05 - Wester Ross, Strathpeffer and Lochalsh

Category: Local Development:

Reasons referred to Committee: Number of Representations lodged.

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

2. Recommendation

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

1. PROPOSED DEVELOPMENT

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

2. SITE DESCRIPTION

- 2.1 Access is to be taken from the A832 Marybank to Muir of Ord public road. The site rises up from the public road and is bounded by existing houses to the west, the public road to the north, existing houses to the east and agricultural land to the south subject to planning applications 13/00498/FUL and 13/00499/FUL for 16 and 10 serviced house plots respectively. Further to the south lies the Arcan public road with estate woodland beyond. There is a belt of mature trees to the north of the site, between Tir Aluin and Balloan House Hotel.

3. PLANNING HISTORY

- 3.1 06/01015/FULRC - Formation of 27 house plots, associated landscaping, services and roads (Detail) – withdrawn 19.07.07.
07/00777/FULRC - Formation of twenty seven house plots, associated landscaping, services and roads (Detail) (Resubmission) – granted 11.02.2008
12/04318/S42 - Application under Section 42 to extend time limit and vary condition 8 of planning permission 07/00777/FULRC for the erection of 27 houses – Application Returned -14.11.2012
13/00498/FUL - Formation of 16 house plots including access, landscaping and amenity/play areas (Further application to planning permission 07/00777/FULRC) – pending consideration

13/00499/FUL - Formation of 10 house plots including access, landscaping and amenity/play areas (Further application to planning permission 07/00777/FULRC) – pending consideration.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline : 08.03.2013

Timeous representations : 7 from 6 households

Late representations : 1

4.2 Material considerations raised are summarised as follows:

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

- Provided plan to Agent showing that surface water discharge from Farthings and Garden Cottage runs into a retention pit in middle of site proposed for one single storey property. This needs to be addressed before any building can commence. This would tidy up overgrown site, make area look better and then there would be no objection to this single house.
- Single plot is an attempt to avoid providing flood prevention scheme
- Will all properties be single storey?
- Problem of cars speeding through the village; with extra housing this problem would increase with extra families using the road where speeding occurring.

In support

- Request that access to Farthings and Garden Cottage is not impeded during construction without prior notification.

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

5. CONSULTATIONS

5.1 **Development Plan Policy** : No objection: comments dated 04.10.2017

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

Highland-wide Local Development Plan (2012)

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

- *Policy 28 Sustainable Design* - aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. In relation to this application is requirement that proposals must "demonstrate sensitive siting and high quality design in keeping with local character".
- *Policy 29 Design Quality and Placemaking*- requires new development to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located and to consider the incorporation of public art as a means of creating a distinct sense of place and identity.
- *Policy 51 Trees and Development* – supports development that promotes protection to existing hedges, trees and woodland.
- *Policy 56 Travel* - relevant in terms of traffic generation, in respect of construction and operation.
- *Policy 57 Natural, Built and Cultural Heritage* - requires consideration of impacts on 'features', including designated sites and identified sites of value
- *Policy 58 Protected Species* – where protected species believed to be present a species survey will require to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise impacts on species.
- *Policy 61 Landscape* – Underlines that development proposals should relate to landscape characteristics of the area and cumulative effects should be taken into account.

- *Policy 64 Flood Risk* – requires a flood risk assessment for sites identified to be at risk of flooding.
- *Policy 65 Waste Water Treatment* – presumes in favour of connecting to public sewer.
- *Policy 66 Surface Water Drainage* – requires development to be drained by Sustainable Drainage Systems (SuDS).

Inner Moray Firth Local Development Plan (2015)

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

Policy Appraisal

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

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

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

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

Developer Contributions

Education

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

Flood Risk

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

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

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

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

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

5.3 Transport Planning: (16.08.2017) Withdraw objections:

Visibility and proposed access

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

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

Layout of new road

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

Public Transport

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

Overland Flow – Cut off / Land drainage system

The site suffers from flooding due to overland flow from above the site. This report relates to the impact on the public road. A separate cut off system is proposed to intercept the overland flow which discharges to a new culvert beneath the garden of the single house proposed under 13/00497/FUL and then under the A832 which will discharge to a drainage ditch/small watercourse running along the north field boundary on the north side of the A832 (on the opposite side of the main road to the development). On grounds of good practice it is recommended that where the system runs through the field it should be an open ditch rather than a piped system. The proposal for the separate cut off / land drainage system is acceptable to the roads authority in principle but the detail will require approval by the Roads Authority and a written permit is required prior to any work on the new culvert which passes beneath the road. The detail shall include the inlet and manhole details.

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

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

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

Drainage

SUDS and surface water from the site itself

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

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

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

Construction Transport Management Plan

A transport management plan will be required and should identify the volume of heavy traffic generated during construction and the route for these vehicles avoiding the weight limited Moy bridge on the A832. It should detail appropriate mitigation such as measures to keep the public road free of mud and dust, temporary signage, advisory speed limits, and restrictions on the timing of deliveries to avoid the school opening and closing times. It should also detail measures for ensuring the plan is complied with. Requested Construction Traffic Management Plan has not been provided, condition recommended

Ord Road Footway - Footpath link to the school

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

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

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

Informative - Roads Authority Permissions

The applicant will be required to apply for Road Construction Consent the Roads Authority. No works should commence until official permission obtained.

5.4 Forestry Officer: No objection.

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

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

Recommend a condition be imposed:

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

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

Concerned regarding measures proposed to provide flood prevention both to the site and also run off affecting other properties below the site. Understand Council was

satisfied with previous proposals for flood prevention but the area above the site has proved to be vulnerable to flash flooding. Ask that the advice of the Flood Risk Management Team is sought to determine whether the site/s are still able to withstand the types of flash flooding which have become prevalent in the last 4 years.

5.7 SEPA: (17.05.2016) Withdraw objection.

Flood risk

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

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

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

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

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

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

6.2 Inner Moray Firth Local Development Plan (2015)

3 Other Settlements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not Applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Sustainable Design Guidelines (2013)

Public Art Strategy (March 2013)

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

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

8. PLANNING APPRAISAL

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

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

8.3 Development Plan Policy Assessment

The key policies in relation to the assessment of this application and the adjoining applications (sites 13/00498/FUL and 13/00499/FUL) are policy 3 – Other Settlements - of the Inner Moray Firth Local Development Plan (2015) and policies 28 - Sustainable Design; 29 - Design Quality and Place-making and 64 - Flood Risk of the Highland wide Local Development Plan (2012). The Development Plan policy section have stated in their consultation response (para 5.1) that the proposal is considered to comply with the terms of policy 3 as a suitable consolidation of the settlement by adjoining parts of its eastern and southern boundaries. Furthermore the development is within walking distance of both the village primary school (where there is spare capacity) and the village hall. It will support both these local facilities and complements the development pattern of the more recent houses built in the vicinity. It will also be able to utilise the capacity recently provided within the new village waste water treatment works and as the rate of build is likely to be relatively slow the social balance of Marybank will have time to adjust.

8.4 Material Considerations

- 8.4.1 The consideration of this application and those on adjoining sites (13/00498/FUL and 13/00499/FUL) have been significantly delayed. This has been due to protracted discussions and the submission of additional information to address the serious and significant concerns of SEPA, the Council's Flood Risk Management Team and Transport Planning in relation to flood risk to both the proposed houses and existing houses in the vicinity of the sites and in relation to transport issues. All three consultees are now satisfied with the drainage information submitted in relation to the management of flood risk, subject to conditions being imposed to approve final details. A cut off drain is to be provided to the south of the two adjoining sites and along the eastern boundary where it will pass through plot 1 and feed into a culvert under the road. This will discharge to a ditch below the road. It is important to note that the developer is only required to ensure that the development discharges surface water at the same rate as pre-development and is not required to resolve existing drainage problems. However it is anticipated that the interception of the surface water from above the site and its discharge to a ditch to the north of the road will reduce the level of surface water reaching existing houses and the public road in this case. It is considered that these works will address the concerns raised in the majority of the representations which are mainly drainage/flooding related. The provision of the drainage infrastructure to the north of Ord Road will require the removal of a poorer specimen tree within the Tree Preservation Order. The Forestry Officer has no objection to the removal of this tree but requests that all works are suitably supervised. This can be secured by condition.
- 8.4.2 The access details have now been resolved with acceptable visibility splays being identified which retain the mature roadside trees covered by the Tree Preservation Order. The attractive roadside stone dyke to the north of the site will require to be set back to provide the splays. For the adjoining applications a suitable design has been submitted for a dropped pavement footpath detail to be provided where the route to school passes the commercial garage to the west which currently has a wide access with vehicles driving in straight off Ord Road. The comment made in representations regarding vehicles speeding through the village is a matter for the police to enforce. The 30mph speed limit is located well to the east of the site. In the previous approval traffic calming was required at the entrance to the village to the east. This is not justified for a single house but will be required by condition for the larger scale adjoining developments (13/00498/FUL and 13/00499/FUL)
- 8.4.3 Planning permission was previously granted in 2008 (07/00777/FULRC) for the overall development which is the subject of the current three applications. This single plot formed part of that application. There is no justification to resist the development of this single plot ahead of the remainder of the site, provided that this does not prejudice the proper development of the remainder of the site and delivering the drainage requirements in particular. The information submitted has established that the necessary safeguards remain available. The field drain from the rear of the neighbouring development referred to in representations currently passes through the site. The route of this drain is to be utilised to provide the drain which will carry the run off from the cut off drain to be constructed to the south of the wider site and therefore this drain will need to be provided through the single plot before any other development commences. A 4m wide maintenance strip is shown along this route within the site in addition to a similar strip to the south of the site. The

culvert under the road will also need to be constructed at this time as this would be impractical to install once plot 1 was developed. The surface water retention pit, which according to a representation is located within the plot (although no servitude right has been found by the applicant), will be investigated and, if found, will be diverted into the new surface water sewer proposed to the west of the site which is to be provided for in site curtilage and roads drainage .

8.4.4 This application is for permission for the installation of servicing and infrastructure for a prospective house plot. If granted separate applications would be required for the detailed design and layout of the proposed house. The house plot is sufficiently proportioned to facilitate the development of a house which would be in keeping with existing development in the vicinity.

8.5 **Other Considerations – not material**

None

8.6 **Matters to be secured by Section 75 Agreement**

None.

9. **CONCLUSION**

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

10. **IMPLICATIONS**

10.1 Resource – Not applicable

10.2 Legal –Not applicable

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

10.4 Climate Change/Carbon Clever –Not applicable

10.5 Risk – Not applicable

10.6 Gaelic – Not applicable

11. **RECOMMENDATION**

Action required before decision issued N

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

1. No development shall commence on site until the final detailed design of the cut off ditch that protects this and the adjoining sites (13/00498/FUL and 13/00499/FUL) from surface water runoff and a timescale for implementation and completion has been submitted to and approved in writing by the planning authority, in consultation with the Flood Risk Management Team and this shall accord with the principles

contained within The DIA (Outstanding Planning Issues (Drainage), Land South of Ord Road, Marybank. PR055-EN070368-16-01. IDM Fraser. 18 April 2016) hereby approved. This shall also include detailed design of the culvert to demonstrate that this is fully compliant with CIRIA C689 Culvert Design and Operation Guide and analysis of blockage scenarios and any proposed mitigation measures required. The section north of Balloan Road and the SuDS basins, which runs through fields to the ditch to the north, shall be open and not culverted as currently shown. Thereafter the drain along the eastern boundary of the site, the culvert below the road and the drain discharging from this to the existing ditch leading to the river Conon to the north of Ord Road shall be completed in accordance with the approved timescale.

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

2. No development shall commence until a private maintenance agreement in perpetuity for the drain along the eastern boundary of the site, the culvert below the road and the drain discharging from this to the existing ditch leading to the river Conon to the north of Ord Road has been submitted to and approved in writing by the planning authority in consultation with the Flood Risk Management Team. Thereafter the drainage infrastructure shall be maintained in accordance with the approved private maintenance agreement in perpetuity.

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

3. A 4m wide maintenance strip shall be provided and maintained in perpetuity for the drain along the eastern boundary of the site, all in accordance with plan no PL100 Rev D hereby approved.

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

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

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

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

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

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

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

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

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

7. No development shall commence until a timescale for implementation and completion for the diversion of the existing field drain to the rear of the housing development to the east into the drain along the eastern boundary of the site submitted to and approved in writing by the planning authority once the proposed drain has been connected to the existing ditch leading to the river Conon to the north of Ord Road in accordance with plan no PL100 Rev D hereby approved. Thereafter the development shall be completed in accordance with the approved timescale.

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

8. The site shall be investigated to establish the presence or otherwise of a retention pit/surface water drainage infrastructure serving the property to the west and any services found shall be diverted into the proposed SUDS in curtilage and roads surface water drainage system to be provided to the west of the site in accordance with a plan and timescale for implementation and completion to be first submitted to and approved in writing by the planning authority. Thereafter the development shall be completed in accordance with the approved timescale.

Reason: To reduce the risk of flooding to the proposed and existing properties and ensure that any existing infrastructure is adequately replaced.

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

Reason : In the interests of road safety.

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

Reason : In the interests of road safety.

11. Parking and turning for two vehicles shall be provided prior to first occupation of the site.

Reason : In the interests of road safety due to the proximity of the access to the junction with the main road.

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

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

REASON FOR DECISION

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

TIME LIMITS

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Indicative Layout and Future Applications

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

Accordance with Approved Plans and Conditions

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

Flood Risk

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

Scottish Water

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

Local Roads Authority Consent

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

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

These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

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

Application forms and guidance notes for access-related consents can be downloaded from:
http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

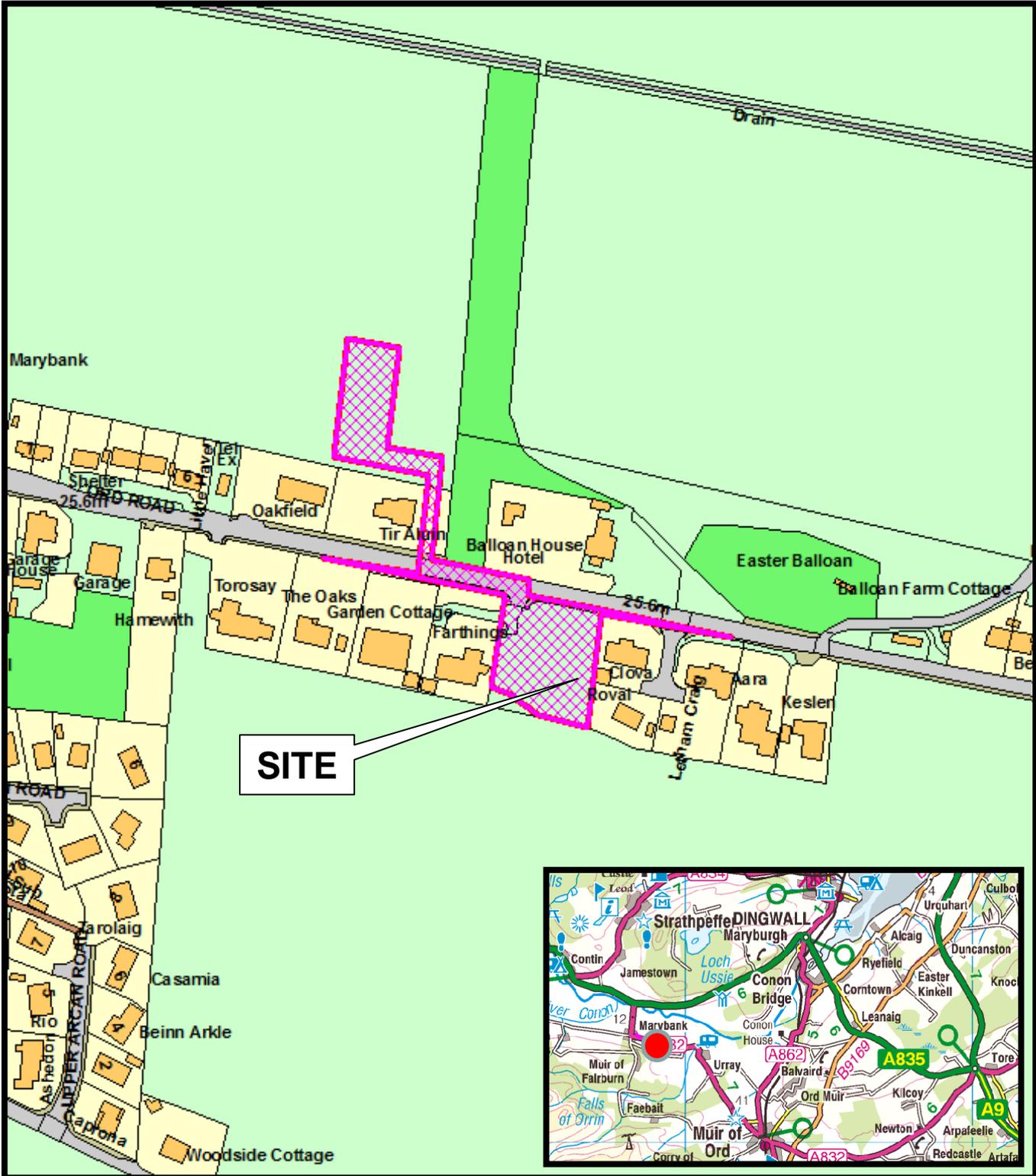
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

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

Protected Species – Halting of Work

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

Signature: Nicola Drummond
Designation: Area Planning Manager - South
Author: Julie Ferguson, Team Leader
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – PL100 Rev D Site Plan
Plan 3 – PL400 Rev A Overview Phase A - C



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

13/00497/FUL

Formation of house plot and access at Land to East of Balloan Road/ South of Ord Road, Marybank



SITE AREA

RED BOUNDARY: 3999 square metres (0.988 acres)
0.4 hectares

NOTE:

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

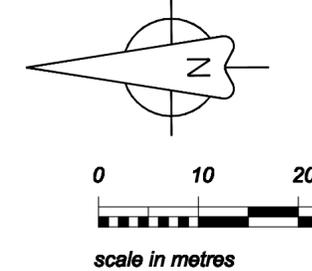
NOTE:

DK - Drop kerb

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

KEY

-  Existing trees close outwith site boundary
-  Proposed close mown grass
-  Proposed area for Landscaping (see GHJ dwg PL 009)
-  Wayleave to be hand excavated
-  Land owned by Mr. Macleod
-  buffer zone for maintenance to SUDs basins



PLANNING SUBMISSION
Phase A

REVISIONS

rev.	description	date
A	Cut-off ditch note added.	nov'14
B	Finished Floor Level added	Aug'14
C	Visibility splays added & maintenance strip added (ca)	06.16
D	Min alt to junction at Farthing	01.17

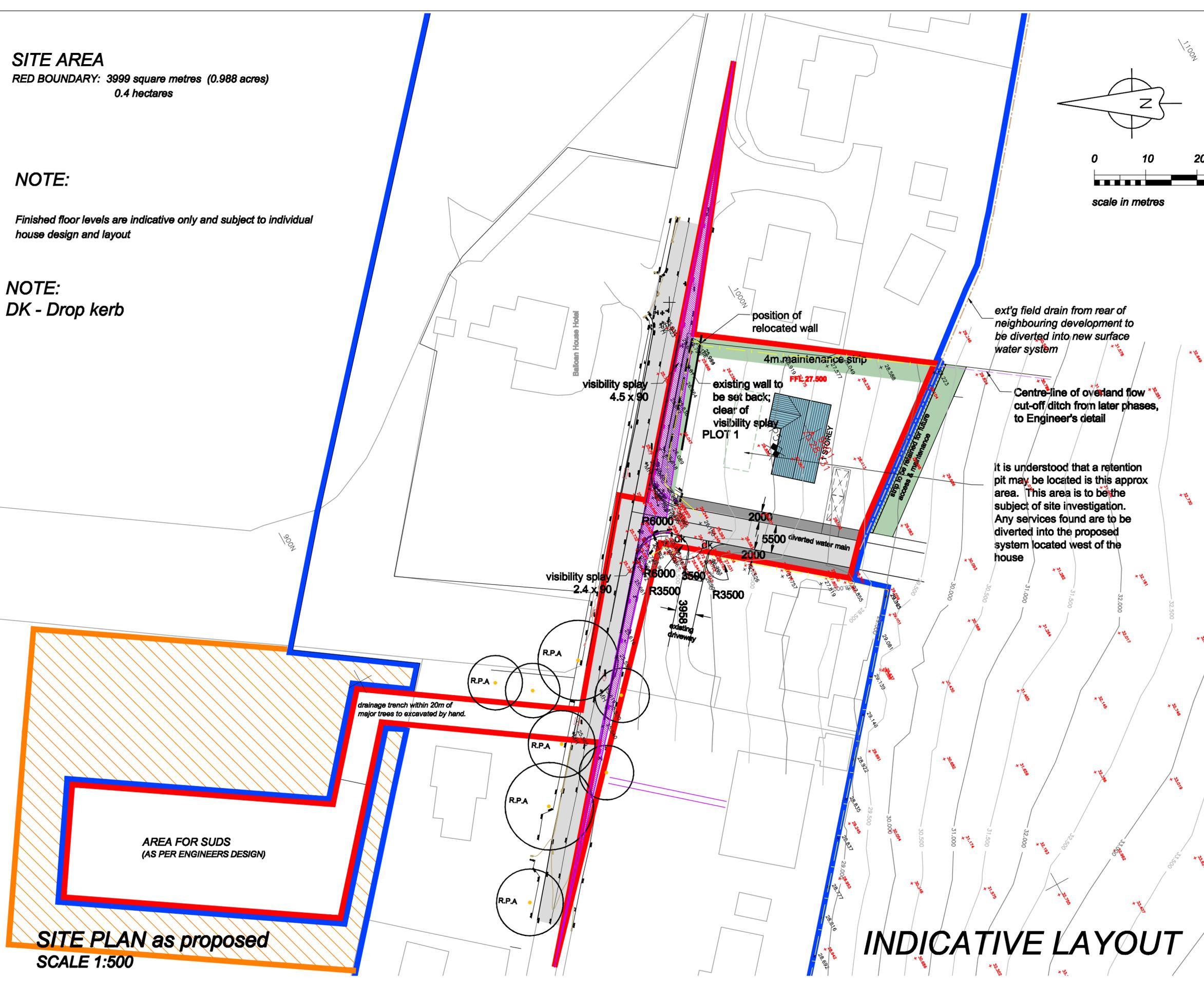
Client
Mr Angus MacLean

Project
One House Plot
Ord Road, Marybank
MUIR OF ORD

Drawing
Site Plan as proposed
PHASE A

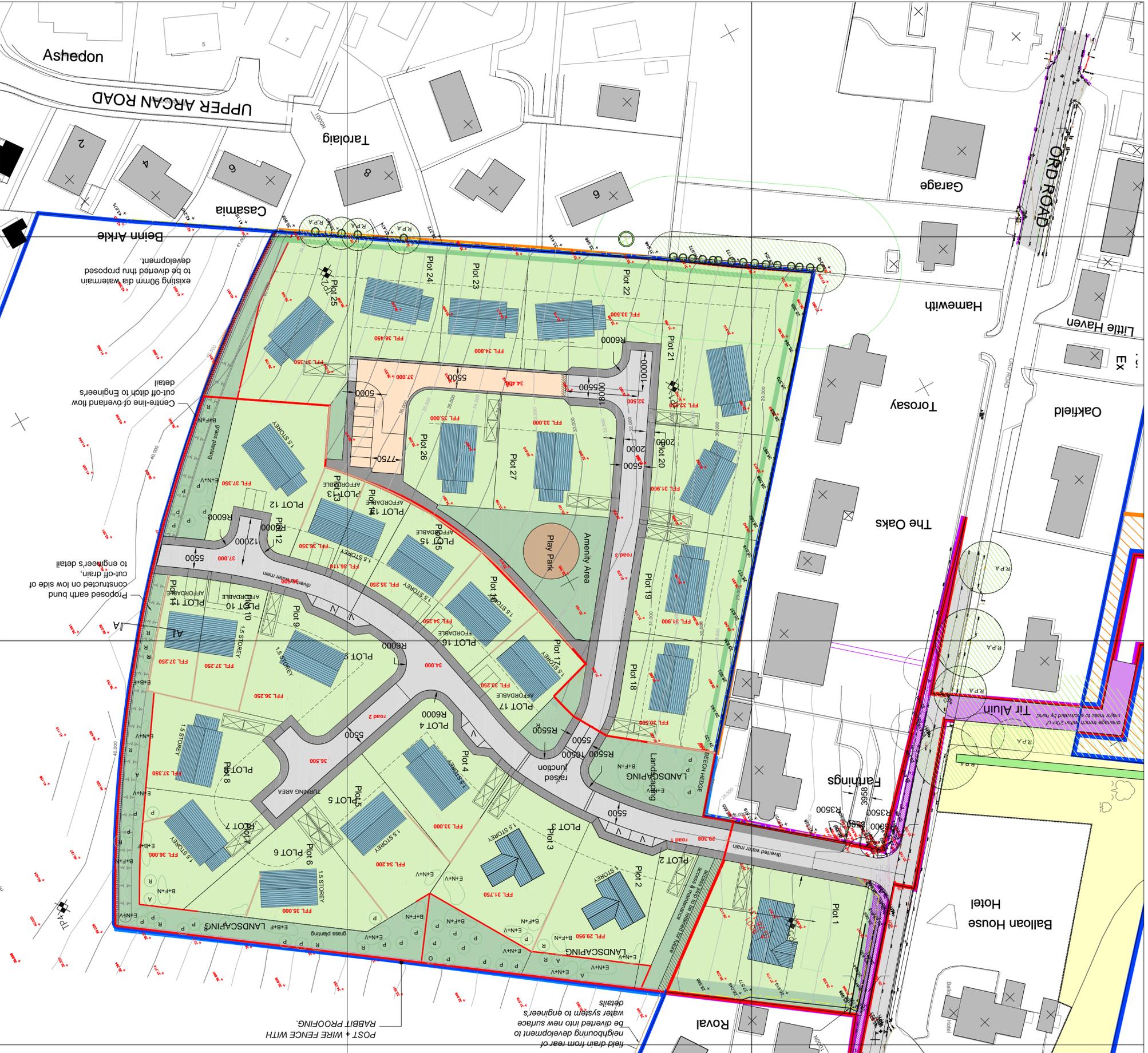
Scale 1:500@A1	Date jan'13	Drawn by bof
Project no 2164	Dwg no PL100	Rev D

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



SITE PLAN as proposed
SCALE 1:500

INDICATIVE LAYOUT



Plot Area	Area (sq. m)	Area (acres)	Area (hectares)
PLOT 1	1161 sq. m	0.287 acres	0.116 hectares
PLOT 2	860 sq. m	0.212 acres	0.086 hectares
PLOT 3	902 sq. m	0.223 acres	0.090 hectares
PLOT 4	721 sq. m	0.178 acres	0.072 hectares
PLOT 5	731 sq. m	0.181 acres	0.073 hectares
PLOT 6	784 sq. m	0.189 acres	0.076 hectares
PLOT 7	682 sq. m	0.169 acres	0.068 hectares
PLOT 8	672 sq. m	0.166 acres	0.067 hectares
PLOT 9	843 sq. m	0.208 acres	0.084 hectares
PLOT 10	412 sq. m	0.102 acres	0.041 hectares
PLOT 11	310 sq. m	0.077 acres	0.031 hectares
PLOT 12	772 sq. m	0.191 acres	0.077 hectares
PLOT 13	248 sq. m	0.061 acres	0.025 hectares
PLOT 14	259 sq. m	0.064 acres	0.026 hectares
PLOT 15	441 sq. m	0.109 acres	0.044 hectares
PLOT 16	432 sq. m	0.107 acres	0.043 hectares
PLOT 17	436 sq. m	0.108 acres	0.044 hectares
PLOT 18	705 sq. m	0.174 acres	0.071 hectares
PLOT 19	735 sq. m	0.182 acres	0.074 hectares
PLOT 20	746 sq. m	0.184 acres	0.075 hectares
PLOT 21	1368 sq. m	0.338 acres	0.137 hectares
PLOT 22	902 sq. m	0.223 acres	0.090 hectares
PLOT 23	599 sq. m	0.148 acres	0.060 hectares
PLOT 24	658 sq. m	0.163 acres	0.066 hectares
PLOT 25	944 sq. m	0.233 acres	0.094 hectares
PLOT 26	616 sq. m	0.152 acres	0.062 hectares
PLOT 27	800 sq. m	0.198 acres	0.080 hectares

KEY

- Existing trees close outwith
- site boundary
- Proposed close mown grass
- Proposed area for Landscaping (see GHJ DWG PL 009)
- Wayleave to be hand excavate
- Land owned by Mr. Macleod
- Coloured road surface finish, coloured to be a be agreed with Planning Department
- buffer zone for maintenance to SUDS basins
- Visitors parking

REVISIONS

rev.	description	date
A	Aits to phase B parking	01.17

PLANNING SUBMISSION

Client: Mr Angus Maclean

Project: Ord Road Marybank Muir of Ord

Drawing: Overview of Phase A - C

Scale: 1:500@A1 06.16

Project no: 2164

Dwg no: PL400

Rev: A

G.H. JOHNSTON BUILDING CONSULTANTS LTD

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Email: technical@ghjohnston.co.uk

Drawn by: CA