Agenda Item	5.11
Report No	PLN/022/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 2 March 2021

20/03812/FUL: Highland Housing Alliance

Report Title: Phase 2, St Andrews Road, Dingwall

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Erection of 34 housing units (14 houses and 20 flats)

Ward: 08 - Dingwall and Seaforth

1.2 **Development category:** Local

Reason referred to Committee: Number of Objections received

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

2. Recommendations

2.1 Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

3.1 The application proposes the erection of 14 two storey houses comprising 6 pairs of semi-detached units and two detached houses, together with 20 flats in four blocks. The houses will be served by an access road which will link the St Andrew's Road development from the east to the previous Highland Housing Alliance development to the west and comprise part of the Dingwall North Distributor road. This will link the eastern section of the Dingwall North development through from Old Evanton Road to Tulloch Castle Drive. The houses will take direct access to this road which is a departure from previous phases of development where only very occasional direct accesses have been approved with most properties being served by roads leading off the distributor. The flats are to be served by a cul de sac from the western end of the development leading down to the lower part of the site.

The houses are of fairly traditional design with pitched roofs finished in dark grey flat tiles with a contemporary feel being achieved through the fenestration pattern and the use of white silicone render with occasional grey render and grey cedral cladding features.

The development retains a small group of Oak trees at the end of the cul de sac in the lower part of the site and a play area is to be provided to the east of this. A safer routes to school link is to be formed to join the lower portion of Scott Crescent to the east to MacIntyre Place to the west, along the southern edge of the site with a path also leading to the play area/cul de sac.

The site will be served by the existing public water and waste water systems. Surface water drainage is to be provided by a SuDS system. Roads and roof water will be collected and below ground gravity sewers will discharge to the existing burn south of the site via a detention basin and swale located close to the southern boundary, above the sawmill. This system will be designed to attenuate and discharge flows at the I in 2 year pre development run off rate with no flooding for all storm events up to the 1 in 30 year return period (as required for Sewers for Scotland).

To protect the site from pluvial flooding cut off drains will be provided along the northern boundary of the site to intercept run off from above the site; at the toe of the slopes to the rear of the five houses above the road/along the top side of the new road to the east; along the western boundary and below the houses all discharging to cut off ditches along the south and south west boundaries which lead to an attenuation area to allow discharge rates to the existing water course below the site to be controlled to pre-development rates. Any field drains found will be incorporated into this system. Sufficient storage is to be provided to ensure post rate discharge is limited to the 1 in 2 year pre development flow for all storms up to 1 in 200 year + 35% climate change allowance.

- 3.3 Pre Application Consultation: 19/05197/PREAPP Erection of 14no dwellings and 20no flats response 3.03.2020
- 3.4 Supporting Information:

Design and Access Statement – 02.10.2020

Drainage Impact Assessment – 02.10.2020

Drainage Impact Assessment and Appendix D – 02.02.2021

Sie Investigation Report – 15.02.2021

3.5 Variations:

02.02.2021:

3547:105-01 REV SK - General Plan - Drainage Layout Sheet 1 of 2

3547:105-02 REV SK - General Plan - Drainage Layout Sheet 2 of 2

3547:112 REV C – General Plan – Land Drainage

04.02.2021:

19001_PL(25)001 REV B - Type 1 Elevations

19001 PL(25)002 REV B - Type 2 Elevations

19001 PL(25)004 REV B - Type 4 Elevations

19001 PL(26)003 - Type 3 Sections

19001_PL(90)003 REV B - general plan - site plan with proposed levels

19001_PL(90)004 REV E - proposed site layout plan

19001_PL(90)005 REV E - proposed site layout plan with levels

19001 PL(90)008 REV B – proposed elevation plan – street scene

16.02.2021:

19001_(SK)029 - Section through plot 6

4. SITE DESCRIPTION

- 4.1 The site is bounded to the north by the access road to Tulloch Farm and the Tulloch Farm listed building courtyard beyond; 1 1 ½ storey detached houses at Carnegie Court to the north east; detached and semi-detached 1 ½ 2 storey houses and flats at MacBeth Court to the east; young woodland with Dingwall Sawmill beyond and detached bungalows at Castlehill Road to the south and semi-detached 2 storey houses at MacIntyre Place and detached and semi-detached 1 ½ and 2 storey houses and flats within the recent development to the west.
- 4.2 The land slopes steeply from north to south with a fall of 27.5m overall and has large areas of spoil deposited in the south west area and elsewhere within the site. There is a small group of mature Oak trees below the proposed road with the appearance of a single tree at the eastern end of the site and mixed woodland is located beyond the site boundary beside the sawmill.

5. PLANNING HISTORY

5.1 05/00734/OUTRC - Outline Planning Permission for Outline 11.05.2006
Five Hundred Housing Development, including 25% consent
Affordable Houses, Associated Open Space,
Commercial Development and Associated Road and
Infrastructure

05/00894/FULRC - Formation of 56 House Plots, Withdrawn 11.10.2006

Open Space & Play Area (Detail)

09/00306/REMRC - Formation of distributor link road Granted 01.09.2010

(ARM)

5.2 16/04218/FUL - Erection of 15 houses with associated Pending roads and infrastructure Consideration

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbours

Date Advertised: 23.10.2020

Representation deadline: 06.11.2020

Timeous representations: 11 Representations from 11 Households

Late representations: 1 from Dingwall Community Council

6.2 Material considerations raised are summarised as follows:

- a) Loss of privacy houses and gardens overlooked from upper floor windows of plots 11/12 and 13/14 –topography has not been fully understood. Plots 11/12 shown at 76.8m and apex of 2 storey property is 7.85m from ground 84.65m also states our garden is 81.5 and eaves level 85.5m (plot 20).
- b) Amount of infilling required to form plots 13/14 to west will impact use of garden during construction due to noise, dust – concerned building materials may be thrown up by heavy machinery onto unprotected children's play area elevated above fence level
- c) Two storey semi-detached houses not in keeping with detached bungalows in Carnegie Court opposite
- d) Impact on mature Oak tree –plots 13/14 will disrupt wildlife it supports, including a red kite contrary to policy 51 HwLDP and 20m set back from mature tree and tree protection plan as required by IMFLDP not provided
- e) Siting of play area should not be immediately adjacent to oak tree likely to impact the wildlife and tree. More suitable areas available adjacent to the safe route to school.
- f) Propose to build on top of soil that should not be there (approx. 100,000 tonnes)— an application to form spoil heaps should have come first area covered by soil prone to sink holes what has been done to assure potential occupiers these will not recur?
- g) Amount of spoil on site cannot have all come from the previous phase of development what is in this that inhibits vegetation growth in places?
- h) Potential for spoil to slip down slope
- i) Adequacy of drainage current development and deposited spoil caused adverse changes to local drainage characteristics. Continues to worsen – several properties in Macintyre Place suffered flooding for first time in over 30 years. Since work commenced open areas on south side become more steadily waterlogged – water seems to come up from the ground during wet spells.

- Developers should resolve problems they have caused before being allowed to proceed. Gardens now wet presume due to increasing pore pressure and elevated water table
- j) Loss of amenity unacceptable to erect plateaus over 20ft high close to neighbouring properties to build houses on. Assurances in local press four years ago from Council and HHA that these piles of spoil would require planning permission to remain in place and would be removed when initial development completed – not happened.
- k) Access- Tulloch Castle Drive and Old Evanton Road in poor condition both used heavily by commercial/agricultural traffic – development will overload inadequate roads
- I) Risk to children walking to primary school, many cross before pedestrian crossing and more will be attracted from St Andrew's Road by footpath link
- m) Primary and secondary schools lack capacity traffic congestion at primary school
- n) I am one of closest residents to the site, I am an essential (Covid) worker, work shifts sleep in morning work should start 9/10am or later.
- o) Careful consideration should be given to residents, properties and private road on this difficult hillside
- p) Land above plot 1 too narrow to private road to north; not retained like previous phase
- q) Poor clay soil and history of sink holes -area needs widened and reinforced, preventing damage to private road & properties and underpinning to north
- r) North drainage ditch needs to be constructed first from within site followed by continuous 2.2m high fence, above suitable reinforcement of bank minimising impact on residents to north
- s) Plans show "existing Play Area" inaccurate play area was removed many years ago
- t) Proposed path close to and set above rear of Castlehill Road houses paths will have view of windows and gardens. Upper floor of flats plots 23-29 will have same impact.
- u) Upper flats in plots 15-21 will overlook our garden
- v) 2005 planning permission stated lower densities should apply not exceeding 5 houses per acre, gross density and should respect siting of listed buildings at Tulloch Farm. Proposal will impact on the setting – there is no buffer zone in front of the historic courtyard. Assume a written assessment prepared taking into account significance of this historic asset and its setting – can see no record of this.
- w) 2010 planning permission for distributor road stated a max of 60 houses only to be served by Tulloch Castle Drive – distributor road was to avoid excessive traffic on Tulloch Castle Drive in interests of road and pedestrian safety. Linking of developments will far exceed that number. Tulloch Castle Drive not fit for purpose.
- x) Dingwall Community Council Overall we have no objections to the scheme.
 - Pleased application will complete St Andrews Road from Old Evanton Road through to Tulloch Castle Drive but have concern regarding additional traffic on Tulloch Castle Drive. Suggest improvements to this. Some have commented chicanes along this part of the road, can hold up traffic particularly heading uphill;
 - Pleased to see completion of footpath from this area towards schools, keeping children off main roads;

- 3. Plans appear to show the footpath passing beside the SuDS pond we would like to see fencing around the basin.
- 4. Consider that, even when St Andrews Road is completed through to Chestnut Road, there will still be a certain amount of traffic from the middle of the overall scheme which will continue to use Tulloch Castle Drive to access town centre. Improvements should be made to this road in due course. We would also like to press the Council for the completion of the Kinnairdie Link Road, which would relieve some of the traffic.
- 5. Note comments of some of the objectors, in respect of loss of privacy due to levels of gardens from upper floor windows (although these views are across the width of a road, in common with many other residential streets); setting of the historic farmhouse at Tulloch; building on (unconsented?) spoil heaps we assume developer will take appropriate measures if building on infill, or that this will be removed prior to works taking place.
- 6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

7. CONSULTATIONS

7.1 Development Plans: No objection

Highland-wide Local Development Plan (HwLDP) (2012)

Highland-wide Local Development Plan (HwLDP) sets out general policies which any application will be assessed against. Policies listed below are particularly relevant, however a number of other general policies and Supplementary Guidance will apply.

- Policy 28 Sustainable Design
- Policy 29 Design Quality and Placemaking
- Policy 31 Developer Contributions
- Policy 32 Affordable Housing
- Policy 34 Settlement Development Areas
- Policy 51 Trees and Development
- Policy 57 Natural, Built and Cultural Heritage
- Policy 61 Landscape
- Policy 64 Flood Risk
- Policy 65 Waste Water Treatment
- Policy 66 Surface Water Drainage
- Policy 75 Open Space

Supplementary Guidance

Key documents of relevance to the proposal include: Developer Contributions (including affordable housing), Flood Risk and Drainage Impact Assessment and Open Space.

Inner Moray Firth Local Development Plan (IMFLDP) (Adopted July 2015)

Site comprises allocated site DW5 Dingwall North allocated for housing with indicative capacity of 71 units. This capacity figure is however erroneous and refers to the number of units already approved on the site.

Requirements listed in the plan are as follows:

- Contributions towards Kinnardie Link Road
- Delivery of the Dingwall North Distributor Road through the site

- Contribution towards a Multi Games Use Area
- Safer Routes to School Audit
- Landscaping Plan
- Tree Protection Plan including a 20m set back from mature trees
- Stone dyke to north of the site retained and repaired.

Developer Contributions

HwLDP Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Apart from the KLR contributions, which are Q4 2020 the rest of the figures are based on Q2 2018 BCIS All-in TPI and will all need index linked at time of payment.

- 14 x 3-bedroom houses
- 16 x 2-bedroom flats
- 4 x 1-bedroom flats one bedroom flats not required to pay education contributions.

Summary of Developer Contrib	outions		
Infrastructure / Service Type	Answer	Contribution Rate (per house)	Contribution Rate (per flat
Schools – Primary – Build Costs (Dingwall PS) Schools – Primary – Land Costs	school rate	£7,359	£4,171
Schools – Secondary – Build Costs (Dingwall Academy)	Major extension/new school rate	£3,482	£1,875
Schools – Secondary – Land Costs	N/A		
Active Travel Contributions	1 bus shelter to be provided on site		
Green Infrastructure	Preference for on- site provision		
Public Art	Preference for on- site provision		
Affordable Housing	25% provision		
Community Facilities	Dingwall Leisure Centre (improvements to changing facilities) and Multi Use Games Area within		£1,019

			£893.47/ Type 3 2 bed flat
Kinnairdie Link Road and oth road improvements	r	£1,301.50	£873.79/ Type 4 2 bed flat
	£9.07/m2 @ Q4 2020 = £13.12/m2		£641.56/1 bed
Total Per House with Two or M	ore Bedrooms (14)	£13,161.50	
Total per 2-bedroom Flat (8)			£7,958.47 £7,938.79
Total per 1-bedroom Flat (4)			£1,660.56
Development Total		£184,261 +£63,510.32 £318,081.32	+ £63,667.76 +£6,642.24 =

Affordable Housing

Policy 31: Affordable Housing (HwLDP) and Developer Contributions Supplementary Guidance states all developments of 4 or more dwellings will be required to contribute 25% equivalent of affordable housing in areas of need. It is understood that all the houses are to be affordable.

Education

Within catchment for Dingwall Primary School and Dingwall Academy - both schools require a major extension.

Transport and Active Travel

Contribution required towards the construction of the Kinnardie Link Road in accordance with the Dingwall Developer Contributions Guidance (2006) at £9.07/sq.m of residential floor space - index linked to £13.12 as at Q4 2020.

Open Space

Open space provision is required in line with the Council's Open Space in Residential Development Supplementary Guidance. This requires 40sqm of open space per person.

Community Facilities

Improvements to address capacity constraints at Dingwall Leisure Centre identified in the Inner Moray Firth LDP Delivery Programme (February 2020) and all residential developments in the Dingwall Academy catchment area required to contribute towards its provision. Also identified in the Delivery Programme is a Multi-Use Games Area which all residential developments in the Dingwall North area are required to contribute towards.

Public Art

Council's preference is for Public Art to be an integral part of the overall design of a development. Preferred approach is to integrate public art into the design of fixtures and fittings in the public realm to promote neighbourhood identity and a distinctive sense of place. Normally b secured by planning condition.

Indexation

Developer contributions are subject to indexation and will be recalculated to reflect the Current BCIS All-in Tender Price Index figures at time of payment. Costs set out above for education and community facilities reflect Q2 2018.

- 7.2 **Historic Environment Team Archaeology**: **No objection** site within an area with archaeological potential recommend condition requiring archaeological evaluation by a professional archaeological contractor which, dependent upon results, may require further study, before and during construction works.
- 7.3 Access Officer: No objection: No existing paths on site but general public access rights exist, and mitigation expected. Path linking Scott Crescent to Macintyre Place welcomed. Provides safer route to school and shorter, attractive route for residents to town facilities. Documents mention linking path to Macbeth Court but not shown as important for affected residents. Gap site to west of plot 45 Macbeth Court provides obvious end of link, down a gradient, but not beyond engineering solutions. Sealed surface such as bitmac required as high demand likely. Details of construction specifications and Macbeth Court link should be submitted for approval before commencement.
- 7.4 Flood Risk Management Team: Originally Objected –further information required.

 09.02.2021: Withdraw objection Having reviewed additional information provided subject to conditions:

Flood risk

Proposal includes series of cut-off drains/ditches to intercept runoff from above and at toe of slopes within site (Drawing: 3547:112 Rev: C). Flows ultimately directed into existing watercourse to south of site, which is the natural, pre-development runoff route based on topography.

Conclude, based on topography, that existing cut-off ditch behind Carnegie Court serves a relatively small catchment to the east of the proposed tie-in. Potential catchment of existing and proposed cut off ditches on the northern boundary will need to be fully investigated in order to inform detailed design of the drainage infrastructure.

Space set aside to accommodate an attenuation area on the downstream end of land drainage network, prior to discharge to watercourse. Require condition that full details of land drainage design and proposed discharge rates are submitted for review and approval prior to any works commencing on site. Network should be designed to accommodate runoff from a 1 in 200 year plus climate change storm event and discharge rates limited to mimic pre-development situation. Details shall include confirmation that suitable access for maintenance/inspection available.

Any land drains encountered during construction to be directed into new land drainage infrastructure ensuring any previous or existing land drainage is retained.

Maintenance responsibility for the land drainage to be passed to an appointed factor.

Expect land drainage to be located within publicly accessible areas of development to allow access for maintenance/inspection purposes. Cut-off drain at the rear of plots 1 to 5 will be located within the plot boundaries. It has been stated that these plots will remain in ownership of a single responsible party and so right of access for

maintenance/inspection will be retained. Recommend provisions put in place to ensure right of access for the party responsible for land drainage infrastructure within these plots is retained in perpetuity.

FRA recommended finished floor levels (FFLs) of proposed buildings should be a minimum of 150mm above finished ground levels; applicant has confirmed this. Request this is secured through condition.

Drainage

Proposed drainage design will limit all discharge into watercourse to the 1 in 2 year return period greenfield runoff rate. Drainage infrastructure will be put forward for adoption by Scottish Water and Highland Council; with the maintenance responsibilities being shared with an appointed factor. Recommend the Council's Transport Planning team is consulted on suitability of maintenance proposals and the road drainage arrangements. Also recommend it is confirmed that Scottish Water are prepared to enter into a section 7 agreement based on current design. This will require the design to be in accordance with Sewers for Scotland and applicant is advised that a Scottish Water waiver likely to be required.

Discharge point for drainage infrastructure is approximately 50m north of the watercourse. New ditch is proposed to connect existing surface water discharge from Macbeth Court and land and surface water drainage from proposed development to watercourse. This will allow much easier access for maintenance and inspection purposes. However, it should be noted that the route is on private land (though it is understood to be the same landowner as for the existing discharge route) and is outwith the current application boundary.

Require a condition that final surface water drainage design is submitted for review and approval. Discharge shall be limited to the 1 in 2 year greenfield runoff rate for all storms up to and including the 1 in 200 year plus climate change event. Written confirmation that Scottish Water are prepared to enter into a Section 7 agreement to vest the network should be included with the submission.

7.5 **Transport Planning: No objection** subject to suspensive conditions and informatives.

Active Travel and Cycle Storage

Proposals include elements to provide walking and cycling routes. A remote path crossing lower part of site connects MacIntyre Place with Scott Crescent and will provide a route to school. This would be expected to be put forward for addition to the list of public roads and would require street lighting. Condition required for details of the route especially in the vicinity of the Suds pond (drawing scale 1:500), to be submitted prior to any works starting.

Covered cycle storage proposed compliant with standards set out in guidelines. Ongoing maintenance of this infrastructure will sit with the housing unit landlord (social housing).

Public Transport

Two bus stops lie within 400m of the site. Condition required for submission of details for installation of 2 bus shelters with real time information and the approved provision to be installed prior to occupation of the first property. Completion of the top road will facilitate potential of a circular bus service corridor, leaving only the gap at the DW3 site.

Electric Vehicle Charging, Car Club and Travel Plan

Scottish Planning Policy (SPP) confirms EV charging should be considered for all development proposals. EV infrastructure can be an important element of any travel plan.

Car Clubs are now much more widespread in Highland. This involves modern/lower carbon vehicles being available to a pool of users. Development is understood to be social housing split across 2 landlord organisations. Opportunity to address travel arrangements of future residents. Condition recommended that requires proposals to be submitted, prior to the start of work on the site, for provision of a minimum of 2 EV charging points and Car Club arrangements (dedicated bays within the parking layout submitted) as part of a Travel Plan.

Condition requested for submission of a Residential Travel Plan prior to occupation of first housing unit.

Road Design and Future Gritting Arrangements

Layout for top road and lower road includes properties fronting on to the road. This is acceptable and is supported by proposed traffic calming infrastructure on top road. The details will be covered in more detail in the Road Construction Consent. Gradient of the first part of lower road is steepest part of the new road network. Condition is required for details to be submitted for grit bin arrangements at steepest section of lower - to be implemented prior to occupation of first housing unit. Applicant is reminded they remain responsible for all maintenance operations until road network is vested by Roads Authority.

Retaining structure (gabion baskets) proposed at the rear of the turning head on the lower road. For avoidance of doubt this structure is not part of road network and will not be vested by Roads Authority.

Drainage

Land Drainage (for noting). Proposed design includes series of cut-off drains/ditches to intercept runoff from above and at toe of slopes. This will take flows to the south of the development. It is noted that there is an attenuation element at the downstream end of this drainage system. Maintenance responsibility for the land drainage is the responsibility of the landowner, who may appoint a factor.

Sustainable Urban Drainage System (SUDS)

Drainage Impact Assessment (DIA) states surface water drainage design will be in accordance with Scottish Water design guide 'Sewers for Scotland' and 'CIRIA C753' (The SUDS Manual) which means the Roads Authority and Scottish Water will be expected to deal with roads drainage and in-curtilage drainage through a Section 7 agreement under the Sewerage (Scotland) Act 1968. DIA states Scottish Water will be asked to vest the proposed foul and surface water sewers and the pipe filter trench and detention basin, all in accordance with Sewers for Scotland. The Highland Council will be asked to adopt road gully pots and will be asked to enter into a Section 7 agreement for the discharge of roads water into the Scottish Water surface water sewer. Condition requiring submission of final surface water drainage design for review and approval prior to work commencing requested. In step with information provided by the FRMT the discharge shall be limited to the 1 in 2-year greenfield runoff rate for all storms up to and including the 1 in 200 year plus climate change event. Written confirmation that Scottish Water are prepared to enter into a Section 7 agreement to vest the network should be included with the submission.

Construction Traffic Management

Condition requiring submission of Construction Traffic Management Plan including an agreement to deal with damage to existing public road is required to cover issues including: school pupil traffic; impact of construction traffic on the road network (wear and tear) and; amenity of existing residents

Informatives to be provided to the applicant

Road Construction Consent (RCC) is mandatory for the development.

Site Investigation and penetration tests for the evaluation of subgrade strength for roads and pavements is required.

Traffic calming details to be provided in RCC application.

Waste Management arrangements (large bins) to be confirmed to ensure operational arrangements can function safely within proposed road layout.

Council Public Transport Team can provide guidance for the bus shelter specification.

Guidance for EV charging layout requirements for off street parking bays can be provided.

Developer Contributions

7.7

Active Travel: Transport Planning consider provision of route between MacIntyre Place and Scott Crescent as an acceptable delivery of infrastructure that benefits the wider community. No further contribution is requested for Active Travel.

Kinnairdie Link Road (KLR): Developer contribution towards KLR is required.

7.6 **Forestry Officer:** Originally Objected - pending submission of further information

18.02.2021: Withdraw objection, subject to conditions

Proposed site is steeply sloping to the south with mature southern boundary adjacent to the sawmill where drainage links proposed.

Mature group of oak trees located between the proposed houses and SUDS basin. Protective barrier installed during previous phase of development remains in place.

Further to consultation response dated 18th January 2021 an Arboricultural Impact Assessment (AIA) and a draft Arboricultural Method Statement (AMS) have been prepared. A Tree Protection Plan, Landscape Plan and Factoring arrangement have not yet been submitted.

Despite the length of the AIA and AMS, these documents are not considered to adequately address the key issues or to provide a workable solution to proposed off-site drainage route through woodland to the south. However, it is considered that options are available. These have been discussed and agreed in principle with the Agent and their Arboricultural Consultant.

It would be preferred if this outstanding information was provided in support of the planning application, but it is accepted that in this instance this detailed information can be submitted in response to a suspensive condition, should approval be given. This should include a more concise AIA and AMS to replace those currently submitted. Condition recommended.

Housing Development Manager: No Objection - All units are to be affordable with a mix of Social Rent and Mid-Market Rent. This is a joint site with the Highland Housing Alliance and the mix of affordable homes will meet need in Dingwall.

- 7.8 **Scottish Water: No objection** currently sufficient capacity in water and waste water treatment works but further investigations may be required once formal application submitted to SW, unable to reserve capacity. Surface water will not be accepted to combined sewers.
- 7.9 **Network Rail: No objection** consider no impact on railway infrastructure.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 **Highland Wide Local Development Plan 2012**

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 32 Affordable Housing
- 34 Settlement Development Areas
- 51 Trees and Development
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 65 Waste Water Treatment
- 66 Surface Water Drainage

8.2 Inner Moray Firth Local Development Plan (2015)

DW5 – identified for housing development (7.14 Ha for 71 units). Development in accordance with planning permissions 09/608/FULRC, 09/00607/FULRC and 10/01281/FUL including contributions towards provisions of Kinnairdie Link Road; delivery of the Dingwall North Distributor Road though the site; contribution towards a Multi-Use Games Area; Safer Routes to School Audit for each phase of development and resultant mitigation; Landscaping Plan; Tree Protection Plan (which includes a 20m set back of all mature trees); for the land covered by 10/01281/FUL only 35 homes accessed from Tulloch Castle Drive; for the land covered by 09/00607/FULRC and 09/00608/FULRC upgrading of the junction at Old Evanton Road and St Andrews Road; stone dyke to the north of the site retained and repaired.

8.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Open Space in New Residential Developments (Jan 2013)

Public Art Strategy (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

10. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 10.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) resolution of drainage issues
 - c) representation/other material considerations.

Development plan/other planning policy

The IMFLDP allocates the site for housing under policy DW 5; the principle of housing development on the site is therefore acceptable. 66 units have been built on the allocated site so far. A total of 34 housing units (14 houses and 20 flats) is proposed for the site and is considered acceptable in terms of density and in how the layout and design deals with the steep contours of the site and enables all houses to benefit from both a southern aspect and a view.

Streets should be designed with a movement hierarchy that begins with pedestrians, cyclists and then private vehicles as per guidance set out in Designing Streets. Highland-wide LDP Policy 29 Design Quality and Placemaking requires the design and layout of new development to focus on the quality of places and living environments for pedestrians rather than movement of vehicles. The proposed layout has some positive features in this respect.

The distributor road links existing residential areas on an east/west axis between St Andrew's Road and Macbeth Court and plays an important role in providing a circular northern link road which will benefit both active travel and public transport. Active frontages along the distributor road for the first time are welcomed, which will provide natural surveillance and ultimately lend it to becoming a street rather than a road. This is a departure from the pervious permissions where direct accesses have been minimised, in accordance with the original outline planning permission in 2005. However, the current approach is more in keeping with the Designing Streets guidance and is to be welcomed.

In the cul-de-sac as shown, there is parking provided for a number of the properties. There has been no attempt to break up any of the parking bays into groups and as shown the streetscape is dominated by car parking. The streetscape would benefit from the creation of blocks of parking softened and separated by landscaping. The agent has agreed that the landscaping could be reviewed to soften this element.

A Safer Routes to School path is being incorporated on an east to west basis between land at MacIntyre Place and Scott Crescent. This will provide a safe and more direct active travel route to the Primary School and also facilities such as shops following a clear desire line.

The position of the play area at the eastern side of the development, whilst adjacent to a pedestrian safer route to school path, does not benefit from any overlooking from adjacent houses. It is however acknowledged that the contours of the site limit the location of a play area and the position of the path linking east to west should increase footfall past the play area. The retention of a small group of mature trees immediately adjacent to the play area is welcomed and locating the play area beside this facilitates the retention of the treea.

10.5

In accordance with the requirements of policy DW5 the developer is aware of the requirement for contributions towards the provision of the Kinnairdie Link Road and a Multi-Use Games Area: the application includes the completion of the Dingwall North Distributor Road though the site; a Safer Routes to School Audit was to be required by for this phase of the development together with resultant mitigation but it is considered that the east to west link path and proposed pavements together with traffic calming on Tulloch Castle Drive secured in relation to previous phase of development to west is considered make adequate provision; a Landscaping Plan; Tree Protection Plan (which includes a 20m set back of all mature trees). The planning permission for the recent development to the west (10/01281/FUL) was subject to a limit of only 35 homes being accessed from Tulloch Castle Drive. However, re-running the Dingwall Traffic simulation model indicated that providing the link through from Old Evanton Road to Tulloch Castle Drive before the link through to Chestnut Road further to the west is available, should lead to a slight reduction in traffic on Tulloch Castle Drive and therefore there is no longer a reason to delay the link. The upgrading of the junction at Old Evanton Road and St Andrews Road to enable its use by buses has now been completed. There is very little evidence of a stone dyke to the north boundary at this part of the site.

10.6

Policy 28 Sustainable Design aims to ensure development is sustainable and lists criterion against which proposals shall be assessed. Of particular note to this proposal is that proposals must "[be] accessible by public transport, cycling and walking as well as car"; "demonstrate sensitive siting and high quality design..."; and "promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime". Policy 29 Design Quality and Placemaking – requires new development to be designed to make a positive contribution to architectural and visual quality of place in which it is located. It also emphasises design should incorporate all six of the qualities of successful places (distinctive; safe and pleasant; easy to get around, welcoming, adaptable and resource efficient.) It is considered that the proposal meets these requirements.

- 10.7 Policy 31 Developer Contributions sets out that developer contributions may be sought when a development would result in a deficiency in public services. Contributions can be sought to address such deficiencies, for example towards increased education capacity, transportation and infrastructure. As required under policy DW5 of the IMFLDP and set out above the agent is aware of the contributions required towards education, community provision and infrastructure. Transport Planning have requested two bus shelters with real time information are provided. However, funds for one shelter with real time information to the west has already been deposited with the Council in relation to the previous development to the west so only one shelter will be required by condition.
- Policy 32 Affordable Housing requires a contribution of 25% affordable housing for all developments of four or more houses. All units within this development are to be provided as affordable units. A condition will be applied to secure at least 25% in case circumstances change.
- Policy 56 Travel requires sufficient information to be provided to allow assessment of transport implications of development and for proposals to be served by sustainable modes of transport. This development by virtue of completing the link from Old Evanton Road to Tulloch Castle Drive facilitates the future use of the Dingwall North Distributor Road by buses whilst the link path from Scott Crescent to MacIntyre Place provides a much shorter pedestrian/cycle route to local schools and shops. Dingwall Community Council welcome the provision of this path but note that the plans appear to show the footpath passing beside the SuDS pond and request fencing around the basin. It is usual practice to avoid fencing such structures to allow them to become and amenity features and for ease of maintenance access. However, in view of the lack of overlooking, the proximity of the play area and footpath link and the views of the Community Council this will be secured by condition.
- Policy 61 Landscape underlines that development proposals should relate to landscape characteristics of the area and that cumulative effects should be taken into account. It is accepted that this is an extremely difficult site to develop, due to the topography, but it is considered that the proposals generally relate to the setting in an acceptable manner.
- Policy 75 Open Space presumes against loss of existing open spaces with amenity value and requires developments of four or more houses to provide publicly accessible open space at a ratio of 40sq m per person. The site was previously used as agricultural land and therefore did not provide an open space available for public use. The proposal includes the provision of a play area designed to use the sloping nature of the site, closely associated to a retained small group of mature trees whilst the footpath link and associated land in the lower portion of the site will together provide an adequate area of open space. The development will also be able to access the existing round Dingwall walk located to the north by using the link previously provided within the St Andrew's Road development to the east.
- Policy 51 Trees and Development supports development that promotes protection to existing hedges, trees and woodland on and around development sites. Any plans which may affect these features will need careful consideration of this policy.

Representations have expressed concerns regarding the potential impact on the mature group of oak trees suggesting that the proximity of plots 13/14 will affect the group and disrupt the wildlife it supports, including a red kite, suggesting that the proposal is contrary to policy 51 of the HwLDP whilst the 20m set back from mature tree and tree protection plan as required by the IMFLDP has not been provided. Existing residents suggest that the siting of the play area should not be immediately adjacent to the oak trees as this is likely to impact the wildlife and the tree itself. They consider more suitable areas are available adjacent to the safe route to school.

This group of trees is to be retained, the root protection area has been identified and is not to be disturbed by the level changes equating to the canopy area plus a margin. A condition will be imposed requiring further information/plans to be submitted for assessment and written approval which will, amongst other things, protect the group of trees during construction, pull back the boundary fence of plots 12 and 14 and secure a landscaping scheme. It is considered that the trees will provide an attractive setting for the play area which is designed to use the natural slope of the site to provide the play features.

Accordingly, the development is considered to generally accord with policy.

b) resolution of drainage issues:

10.13

The Flood Risk Management Team, having reviewed the additional information provided within the Drainage Impact Assessment and Appendix D submitted on 2nd February 2021, have withdrawn their earlier objection subject to conditions requiring the full details of the design to intercept run off water from above the site and from the toe of slopes to be submitted for further consideration and approval, adequate access for on-going maintenance, the appointment of a factor responsible for maintenance and any field drains encountered during development to be directed into the new scheme. Such conditions can be applied to ensure that the relevant requirements are met. Discharge rates will be attenuated to pre-development rates.

Road and roof surface water will drain into a detention basin before discharging to the water course below the site at the 1 in 2 year return period pre development runoff rate. The system is to be put forward for adoption by Scottish Water and the Council

Transport planning are satisfied with these proposals subject to these conditions

Accordingly, the requirements of Policy 64 Flood Risk and Policy 66 Surface Water Drainage have been met.

Representation/other material considerations.

Dingwall Community Council/ access issues have commented that overall they have no objections to the scheme and are pleased that the application will complete St Andrews Road from Old Evanton Road through to Tulloch Castle Drive but have concerns regarding additional traffic on Tulloch Castle Drive and note that comments have been made that the chicanes along this part of the road can hold up traffic particularly heading uphill. They consider that, even when St Andrews Road is completed through to Chestnut Road, there will still be a certain amount of traffic from the middle of the overall scheme which will continue to use Tulloch Castle Drive to access the town centre. They suggest improvements should be made to this road in due course. They also continue to press the Council for the completion of the Kinnairdie Link Road, which would relieve some of the traffic.

Concerns have been expressed by residents pointing out that both Tulloch Castle Drive and Old Evanton Road are used heavily by commercial and agricultural traffic and that development will further overload these inadequate roads which are in poor condition. Reference is also made to the potential risk to children walking to the primary school, as many cross Tulloch Castle Drive before pedestrian crossing, more will be attracted from St Andrew's Road by the footpath link and there is already traffic congestion at the primary school.

Representations refer to the permission for the distributor road in 2010 stating a maximum of only 60 houses were to be served by Tulloch Castle Drive and the distributor road was to avoid excessive traffic on Tulloch Castle Drive the in interests of road and pedestrian safety. It is suggested that the linking of the developments will far exceed that number. It is asserted that Tulloch Castle Drive not fit for purpose now, let alone additional traffic.

Transport Planning have fully assessed the issues and raise no objection to the proposal. They consider that linking up this section of the distributor road together with the active travel measures proposed will improve traffic flows and accessibility with the footpath link providing a desire line to the schools and shops; it will also take more children away from other, longer routes beside public roads. Traffic congestion at the primary school is acknowledged but it is anticipated that the improved active travel link will encourage more walking and cycling and to school, with a reduction in the number of cars, whilst the Education Service is separately investigating options to improve drop off arrangements at the primary school and encouraging active travel to school by means of the School Travel Plan. As stated above, contrary to expectations, the re-running of the Dingwall Traffic Simulation model showed that there were some positive outcomes in respect of traffic on Tulloch Castle Drive if the road was linked up as now proposed whilst the traffic calming previously installed on Tulloch Castle Drive can also be seen as a disincentive to people to use this route when it can be avoided.

Primary and secondary schools capacity. Residents have referred to the fact that both schools lack capacity. This is acknowledged and developer contributions are being collected from all residential developments, other than single bed flats, towards extending capacity at both schools whilst the Education Service is progressing options to provide this.

Amount of land infilling/hours of construction. A representation has been submitted regarding the level of infilling required to form plots 13/14 to West MacBeth Court to the south of the road and the impact upon the use of their garden during construction due to noise, dust. Another resident states that they are an essential (Covid) worker who works shifts and sleeps in the morning requesting that work should start at 9/10am or later.

The proposed houses to the west of this property are to have a FFL of 77.315 which is only marginally above the FFL of the existing house at 77.25 (+0.065m). Whilst there will be some infilling required to engineer the road line and house sites, this is not excessive whilst the site allocated for further housing when the houses to the east were developed. It is inevitable that there will be some disturbance due to construction work but a standard informative will be applied advising that working hours for which noise is audible at the boundary of the 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. It is not reasonable or enforceable to restrict

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these hours further. The contractor will be responsible for adopting safe working practices. A Construction Environmental Management Plan will also be required by condition to demonstrate how the developer will manage issues on noise, dust and disturbance to residents for consideration and approval.

Loss of privacy. Concerns are expressed regarding loss of privacy in terms of houses and gardens being overlooked from upper floor windows and, in particular, plots 11/12 and 13/14. These are the first two pairs of semi-detached houses below the proposed road to the east of the site. The new houses will be on the opposite side of the new road from the houses in Carnegie Crescent, over 18m from any directly opposing windows which is the generally acceptable separation distance in such circumstances. Contrary to the suggestion that the topography has not been fully understood, the FFL for plots 11/12 is shown at 76.8m and the apex of the proposed 2 storey property is 7.85m from the ground giving 84.65m to the ridge. Plot 20 Carnegie Court garden ground is 81.5m and eaves level is 85.5m. This will result in the properties facing each other but this is not unusual within housing developments and the separation distance is acceptable. Whilst the development will introduce change into the area it is not accepted that the impact upon privacy justifies resisting the proposal. This area has been allocated for development for many years, including when Carnegie Court was developed.

10.17

Objections have been lodged on the basis that the proposed path will be close to and set above the rear of gardens of the two properties in Castlehill Road. It is suggested that the path will have view of bathrooms, bedrooms and gardens.

The plans state that the existing steep embankment of spoil is to be regraded and its ridge lowered. It is anticipated that views from the path towards the two houses below the site would be at roof level.

The properties in Castlehill Road have expressed concern regarding the upper floor of flats plots 15-21 and 23-29 will also affect their privacy overlooking windows and gardens. At the closest point these flats are set back 36m increasing to 50m. Whilst these properties will look towards the rear and generally considered more private areas of the houses, with such separation the impact upon privacy is not considered to be significant.

- Inappropriate Design: With regard to concerns that the two storey semi-detached houses proposed are not in keeping with the detached bungalows and 1 ½ storey houses in Carnegie Court opposite, it has to be acknowledged that MacBeth Court to the east and the housing to the west comprises of mainly two storey properties. It is good practice to introduce a variety of house designs into a residential area to meet various housing needs whilst two storey semi-detached houses are a much more efficient use of housing land than bungalows which have large footprints and require extensive plots.
- 10.19 **Spoil deposited on site/sink holes:** Concerns have been lodged regarding the proposal to build on top of soil deposited on site by the contractor who developed the housing to the west (residents approximate this amounts to 100,000 tonnes suggesting that an application to form spoil heaps should have been submitted first). They also assert that the area covered by soil is prone to sink holes, first drawn to the attention of the Council in 2006, and question what has been done to assure these will not recur.

It is asserted that the amount of spoil on site cannot all have come from the previous phase of development and it is suggested that something in the spoil inhibits vegetation growth in places. It is claimed that there is potential for spoil to slip down

the slope whilst it is suggested that the current development and deposited spoil has caused adverse changes to local drainage characteristics which continue to worsen with several properties in the lower part of Macintyre Place suffering flooding/becoming waterlogged for the first time in over 30 years. Gardens are now wet and it is presumed this is due to increasing pore pressure and an elevation in the water table. Objectors assert that the developers should resolve problems they caused before being allowed to proceed.

Existing residents to the south west are concerned regarding a loss of amenity to their properties asserting it is unacceptable to erect plateaus over 20ft high close to neighbouring properties to build houses on. References are made to assurances in the local press four years ago from the Council and HHA that these piles of spoil would be removed when the initial development was completed or would require planning permission to remain in place and. Why the spoil is not being removed is questioned.

The proposals make provision for the material previously stored on site to be taken away from the western area and used in the wider design. The existing steep embankment is to be regraded and the ridge height reduced. Cut off drains at the lower level combined with road drainage will intercept water run-off and any field drains encountered are to be incorporated within the system. The site is an extremely difficult area to develop, as was the site to the west. Regrading of land is unavoidable to allow for the engineering of the road lines and sewer falls from house sites. This area has been allocated for housing development for many years. The engineers have fully reviewed the drainage impact and all land drainage within the site shall be addressed by the drainage proposals. The contractor for the previous development placed the spoil material on site, with the agreement of the landowner, which comprised permitted development at that time, in relation to the development underway. Subsequently an application was submitted for the erection of 16 houses on the site which remains valid (16/04218/FUL) and allowed for the material to be retained pending the determination of the case. It has not been possible to progress the case to determination due to insufficient information to address the drainage issues on site and the applicants have declined to withdraw the application. A Site Investigation Report has been submitted including trial pit investigations for foundation design purposes which identified infill material at trial pits 1-4, 6 and 8, that is all areas below the proposed road line.

There is no evidence that any spoil was brought into the site from elsewhere other than the site to the west or that any potential contaminated material is on site. Any variations to vegetation growth on the spoil can be due to the amount of topsoil present.

Impact on Tulloch Farm courtyard listed building and environs. Residents suggest the land above plot 1 is too narrow to the private road to north and question why it is not retained like previous stages of development. They refer to the poor clay soil and history of sink holes, suggesting this area needs widened and reinforced, preventing damage to the private road and properties and underpinning to north. They state that the north drainage ditch needs to be constructed first from within site followed by a continuous 2.2m high fence, above suitable reinforcement of the bank to minimise impact on residents to the north.

The road line has to tie in with the existing road to the west along an engineered route which defines the area for development to the north of this. The agents have designed the proposals to avoid retaining wherever possible which is likely to result in a more attractive development. Engineers have been closely involved in the

10.20

design. The cut off ditches along the north side of the site will be one of the first features to be installed to collect run off from above the site and a 2.0m boundary fence is proposed to the rear garden areas, set back from the north boundary at the top of the slope by approximately 8m at the closest point, with the set back increasing eastwards. This set back will minimise impact on the private road and is considered a more desirable arrangement in terms of amenity than a screen fence beside the private road. It is not considered reasonable or practical to require this to be provided whilst the development is underway.

Representations make reference to the 2005 outline consent granted stating lower densities should apply – not exceeding 5 houses per acre, gross density and should respect the siting of the listed buildings at Tulloch Farm. It is asserted that the proposal will impact on the setting with no buffer zone in front of the historic courtyard.

The outline consent granted expired long ago, it is now well outwith the time period for lodging any Matters Specified in Conditions application and the current application has to be considered on its merits. The houses to the south of Tulloch Castle Farm courtyard listed building are set back approximately 60m from the building and at least 7m below. Therefore, with building heights of 7.8m to ridge, only a small portion of the roof should be visible although rear garden fences at the top of the excavation will be seen. This is considered not to significantly impact upon special architectural and historic interest of the site and is an acceptable arrangement.

Error in submitted plans/proposed path link. The reference to an "existing Play Area" to the south west of the site is an error. It is acknowledged that the play equipment was removed long ago. The agents have apologised for this error. However, the area remains in Council ownership and enables the proposed active travel route to link into existing footpaths and provide a shorter route to schools and local facilities for residents.

Matters to be secured by Section 75 Agreement

- 10.22 developer contributions towards:
 - Dingwall Primary and Academy
 - Community Facilities Dingwall leisure Centre and MUGA within Dingwall North
 - Kinnairdie Link Road
- The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

11.1 CONCLUSION

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

12. IMPLICATIONS

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

13. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation

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

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Conditions and Reasons

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

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

2. No work shall commence on site until full details of the land drainage design and proposed discharge rates are submitted to, and approved in writing by, the Planning Authority in consultation with the Flood Risk Management Team. The network shall be designed to accommodate runoff from a 1 in 200 year plus climate change storm event and discharge rates limited to mimic the pre-development situation. The details shall include:

- confirmation that suitable access for maintenance/inspection will be available and that
- any land drains encountered during construction shall be directed into the new land drainage infrastructure to ensure that any previous or existing land drainage is retained.

Reason: To reduce the risk of flooding.

A right of access for maintenance/inspection purposes for the party responsible for the land drainage infrastructure shall be retained to the cut-off drain located at the rear of plots 1 to 5, which will be located within the plot boundaries, in perpetuity.

Reason: To ensure the ongoing maintenance of the drainage system to reduce the risk of flooding.

4. Prior to the occupation of the first house contact details for a factor appointed to be responsible for the maintenance of the land drainage system shall be provided to the Planning Authority and the Flood Risk Management Team.

Reason: To ensure the ongoing maintenance of the drainage system to reduce the risk of flooding.

The finished floor levels (FFLs) of the proposed buildings shall be a minimum of 150mm above finished ground levels and at the levels illustrated within the plans hereby approved. Any variation shall required the prior written approval of the Planning Authority.

Reason: to reduce the risk of flooding and in the interests of visual amenity.

No work shall commence on site until full details of the final surface water drainage design have been submitted to, and approved in writing by, the Planning Authority in consultation with the Flood Risk Management Team and Transport Planning. Discharge shall be limited to the 1 in 2 year greenfield run off rate for all storms up to and including the 1 in 200 year plus climate change event. Written confirmation that Scottish Water are prepared to enter into a Section 7 Agreement to vest the network shall be included in the submission.

Reason: To reduce the risk of flooding.

7. No development shall commence until a Construction Environmental Management Plan which shall include the following:

details of the volume of earthworks;

the routeing and numbers forf HGV traffic on the public road;

embargos on HGV traffic movement during school start and finish periods; advisory speed limits;

an agreement to address damage to the public roads (a wear and tear agreement)

a noise management plan including:

best practicable measures to reduce impact of noise upon existing domestic residents, and any residents who move into the first properties within the development;

working hours;

reversing alarms;

community liaison;

control of noise from multiple tonal alarms;

dust suppression measures and

has been submitted to, and approved in writing by, the Planning Authority, in consultation with Transport Planning and Environmental Health. Thereafter the development shall be undertaken in accordance with the approved details. The approved CEMP shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road traffic and pedestrian safety, to reduce the risk of noise and dust nuisance and ensure the proper disposal of any waste materials from the site

8. No development or work (including site clearance) shall commence until full details at a scale of 1:500 of the path linking Scott Crescent to Macintyre Place construction specification, including a link into Macbeth Court, are submitted to and approved in writing by the Planning Authority in consultation with the Access Officer and Transport Planning. Particular attention shall be paid to these details in the vicinity of the SUDS pond and the plans shall include proposals for fencing the path in this area. For the avoidance of doubt the path shall have a sealed surface such as bitmac and be lit. Thereafter the paths shall be completed in accordance with the approved details before the houses adjoining the path are occupied.

Reason: In the interests of promoting active travel.

9. No development shall commence until detailed plans for the installation of a bus shelter with real time information within the site have been submitted to and approved in writing by the Planning Authority in consultation with Transport Planning. The bus shelter shall be installed prior to the occupation of the first house adjacent to the distributor road.

Reason: In order to reduce dependency on the private car and to encourage greater use of public transport.

- 10. No development shall commence until a scheme for the inclusion of electric vehicle charging points within the development has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
 - identification of locations for communal electric vehicle charging points serving flatted developments in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
 - ii. dedicated bays within the parking layout submitted for Car Club vehicles
 - the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
 - iv. a timescale for implementation for infrastructure within each phase or sub phase; and
 - v. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure and Car Club vehicles.

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

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

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

The Residential Travel Pack shall be provided to each property within the relevant phase or sub-phase on first occupation of each property.

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

12. No development shall commence until detailed plans showing the location of two grit bins at the steepest section of the cul de sac have been submitted to and approved in writing by the Planning Authority in consultation with Transport Planning. These bins shall be located on site prior to occupation of the first housing unit. (The applicant is reminded that they will remain responsible for all maintenance operations until the road network is adopted by the Roads Authority.)

Reason: In the interests of road safety.

13. No development shall commence until a scheme for the layout, design and construction of the play area (including specifications for equipment which shall be demonstrated as complying with the relevant British Standards, protection measures and boundary treatments) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full before the residential units adjoining the play area are occupied.

Reason: In order to secure high-quality open spaces in compliance with Council Supplementary Planning Guidelines.

14. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site path links, green spaces and the play area, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the 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 landscaped areas are properly managed and maintained.

15. No other development shall commence until detailed plans showing cycle parking for the flats provided in accordance with the Council's Roads and Transport Guidelines for new developments Table 6.9. have been submitted to, and approved in writing by, the Planning Authority in consultation with Transport Planning. Thereafter the development shall be completed in accordance with the approved details and thereafter the cycle storage shall be maintained in perpetuity.

Reason: In order to encourage and facilitate the use of active travel.

16. No development shall commence, including tree felling or site excavation, until the following information has been submitted to and approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). These documents shall be prepared by, and subsequently implemented under the supervision of a suitably qualified arboricultural consultant, approved by the planning authority.

- Arboricultural Impact Assessment
- Tree Protection Plan and Arboricultural Method Statement
- Landscape Plan (this shall include:
 - the southern boundary of Plots 12-14 being pulled back from group of mature oak trees following the contour from the corner of the proposed turning head below Plot 11, around the north of the tree group and joining with the SW corner of 1 Macbeth Court.
 - -landscaping features to break up the parking bays off the lower road
- Maintenance schedule
- Factoring arrangement

For the avoidance of doubt, the current alignment of the drainage through tree Groups B & E and the position of the southern boundaries for Plots 12-14 have not been agreed and will need to be amended for the approval of the planning authority. Thereafter the development shall be undertaken in accordance with the approved documents and plans.

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

- 17. No development shall commence until a scheme for the inclusion of public art within the development has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
 - i. detailed design of public art provision including but not limited to provision of gateway features, street furniture, etc;
 - ii. locations of any and all public art provision;
 - iii. the management and maintenance of any and all public art provision; and
 - iv. a timetable for implementation.

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

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

18. Communal satellite dishes shall be provided for the flats hereby approved.

Reason: In the interests of visual and residential amenity.

19. No development shall commence until evidence is exhibited to the Planning Authority that an agreement has been reached between the Developer and Scottish Water for the provision of a drainage scheme to serve the development.

Reason: In the interests of public health to ensure the adequate provision of water/sewerage infrastructure.

20. External finishes shall comprise white with grey feature silicone render, and Cedral Grey clad areas to walls and dark grey flat concrete roof tiles with any variation requiring the prior written approval of the planning authority.

Reason: In the interests of visual amenity and for the avoidance of doubt.

21. Full details of the siting and design of any electricity sub-stations shall be submitted for the consideration and written approval of the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of residential amenity.

22. All housing within this development site shall comprise affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Affordable Housing definition as set out in Supplementary Planning Guidance: Developer Contributions dated 2018 (as amended, revoked or replaced; with or without modification).

Reason: In accordance with the development for which planning permission has been submitted and to secure the provision of affordable housing in accordance with the Council's Supplementary Planning Guidance: Developer Contributions dated 2018 (as amended, revoked or replaced; with or without modification)

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 LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans and Conditions

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

Flood Risk

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

Scottish Water

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

Local Roads Authority Consent

Road Construction Consent (RCC) is required for the development.

Site Investigation and penetration tests for the evaluation of subgrade strength for roads and pavements are required.

Traffic calming details must be provided in RCC application.

Waste Management arrangements (such as large communal bins) to be confirmed to ensure operational arrangements can function safely within the proposed road layout.

In addition to planning permission, you will require one or more separate consents (such as road construction consent, 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 wor king on public roads/2

Mud and Debris on Road

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

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

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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 responsibilities protected developer species and is available NatureScot: https://www.nature.scot/professional-advice/planning-anddevelopment/planning-and-development-advice/planning-and-development-

protected-species

Designation: Acting Head of Development Management – Highland

Author: Julie Ferguson, Planning Team Leader

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

Relevant Plans:

Plan 1 - HC Location Plan

Plan 2 - 19001 PL(90)001 REV A - Location Plan

Plan 3 - 19001 PL(90)004 REV E - proposed site layout plan Plan 4 - 19001 PL(90)005 REV E - proposed site layout plan

with levels

Plan 5 - 19001 PL(20)001- Type 1 Floor Plan

Plan 6 - 19001 PL(25)001 REV B - Type 1 Elevations

Plan 7 - 19001 PL(02)002 - Type 2 Floor Plan

Plan 8 - 19001 PL(25)002 REV B - Type 2 Elevations

Plan 9 - 19001 PL(20)003 - Type 3 Floor Plan

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Plan 10 - 19001_PL(25)003 REV A - Type 3 Elevations
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Plan 11 - 19001_PL(26)003 - Type 3 Sections

Plan 12 - 19001-PL(20)004 - Type 4 Floor Plans

Plan 13 - 19001_PL(25)004 REV B - Type 4 Elevations

Plan 14 - 19001_PL(90)008 REV B - proposed elevation plan - street scene

Plan 15 - 3547:105-01 REV SK – General Plan - Drainage Layout Sheet 1 of 2

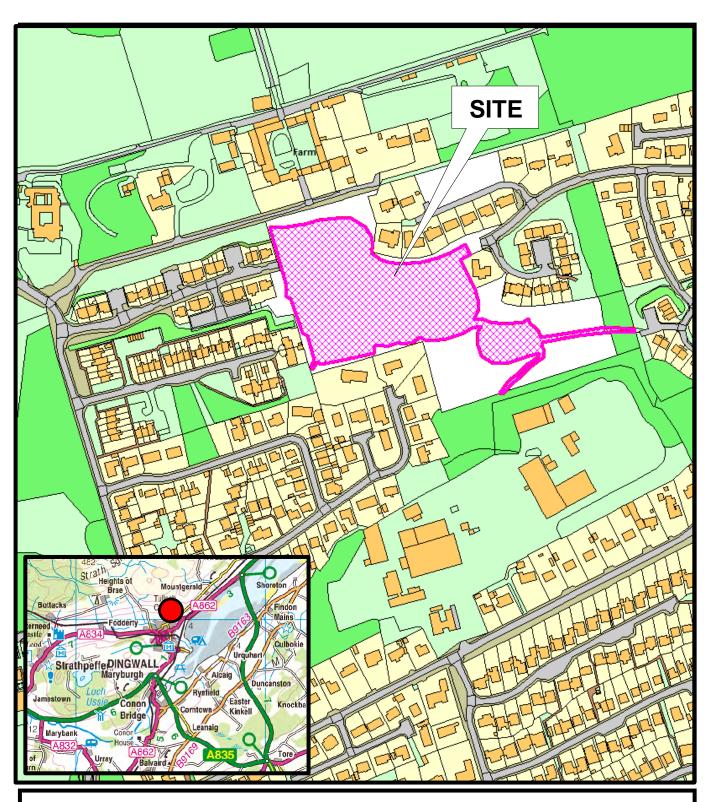
Plan 16 - 3547:105-02 REV SK – General Plan - Drainage Layout Sheet 2 of 2

Plan 17 - 3547:112 REV C - General Plan - Land Drainage

Plan 18 - 19001_PL(90)006 - Site Sections as existing

Plan 19 - 19001_PL(90)007 - - Site Sections as proposed

Plan 20 - 19001_(SK)029 - Section through plot 6





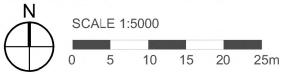
Planning & Development Service

20/03812/FUL

Erection of 34 housing units (14 houses and 20 flats) at Phase 2, St Andrews Road, Dingwall



Site Location Plan



NOTES

ORIGINAL A3

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REVISION

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PLANNING



- Site

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PROJECT

St Andrews Road Dingwall Residential Development

DRAWING

Site Location Plan



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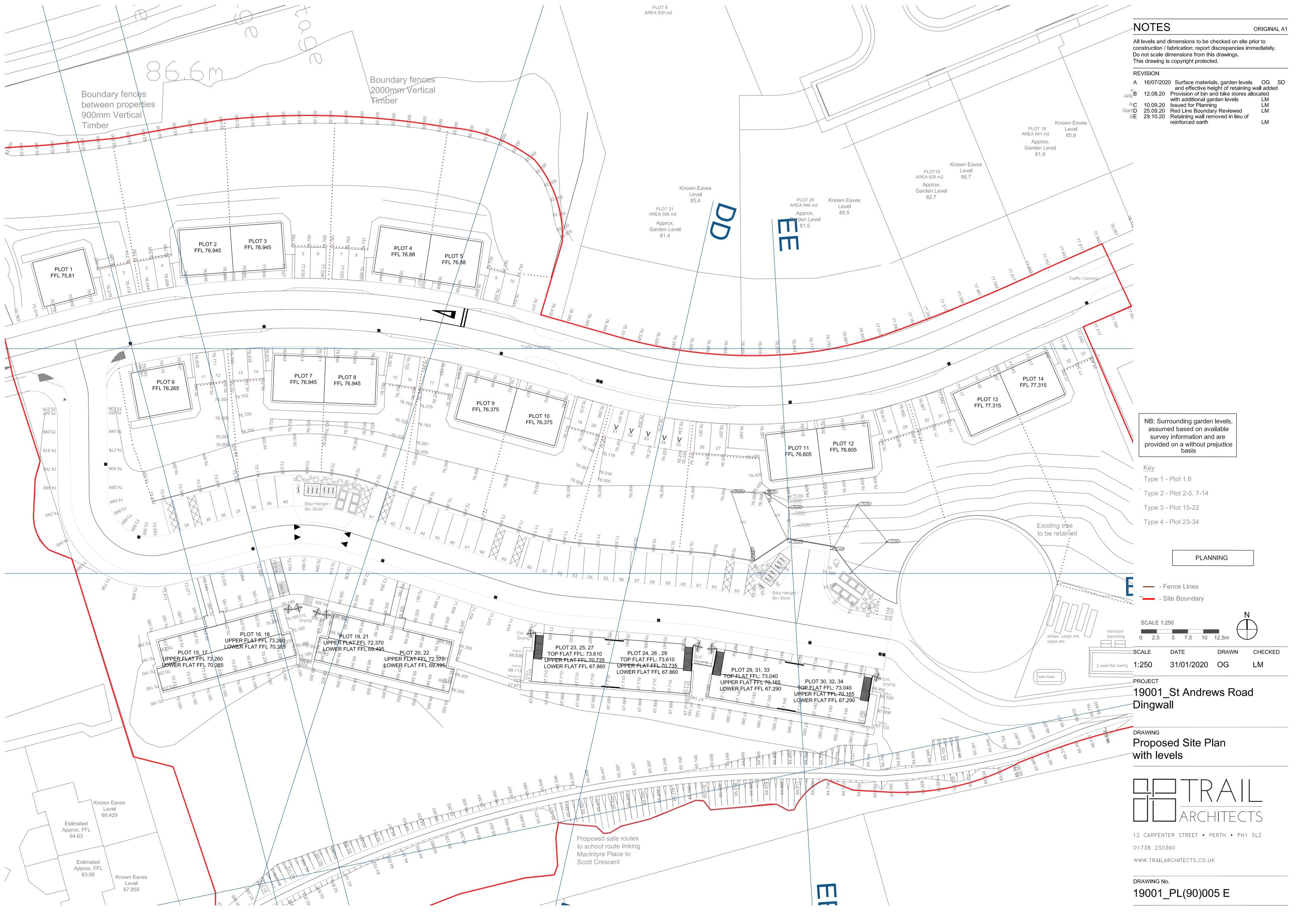
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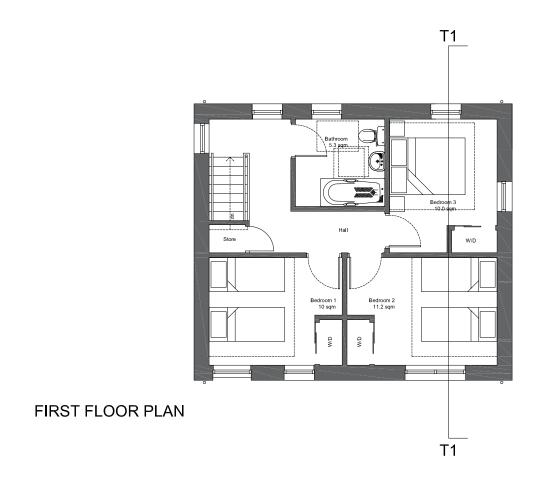
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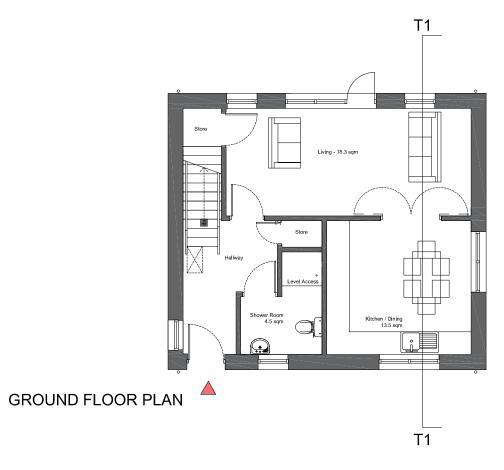
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19001_PL(90)001_A









NOTES

ORIGINAL A3

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REVISION

Key

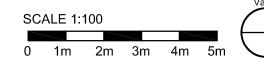
Type 1 - Plot 1,6

Type 2 - Plot 2-5, 7-14

Type 3 - Plot 15-22

Type 4 - Plot 23-34

PLANNING



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PROJECT

19001_ St Andrews Road Dingwall Residential Development

Type 1 Detached 3 Bed Plans



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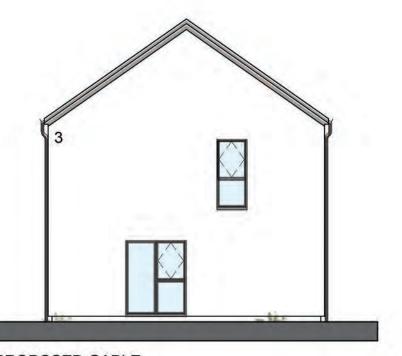
PROPOSED REAR ELEVATION



PROPOSED GABLE



PROPOSED FRONT ELEVATION



PROPOSED GABLE

NOTES

ORIGINAL A3

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REVISION

A 23.09.20 Cladding amended and PVs added LM B 28.10.20 Low level cedral replaced with grey JR

Type 1 - Plot 1,6

Type 2 - Plot 2-5, 7-14

Type 3 - Plot 15-22

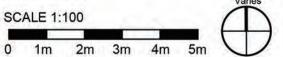
MATERIAL KEY

Type 4 - Plot 23-34

- **CONCRETE TILES GREY**
- CEDRAL CLICK WOOD CLADDING - GREY
- SILICON RENDER WHITE
- SILICON RENDER GREY
- ALUCLAD TIMBER WINDOWS -**RAL7016**
- INDICATIVE LOCATION OF PV PANELS - SPECIFICATION AND **DESIGN TBC**

PLANNING

SCALE 1:100



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PROJECT

19001_ St Andrews Road Dingwall Residential Development

Type 1 Detached 3 Bed Elevations

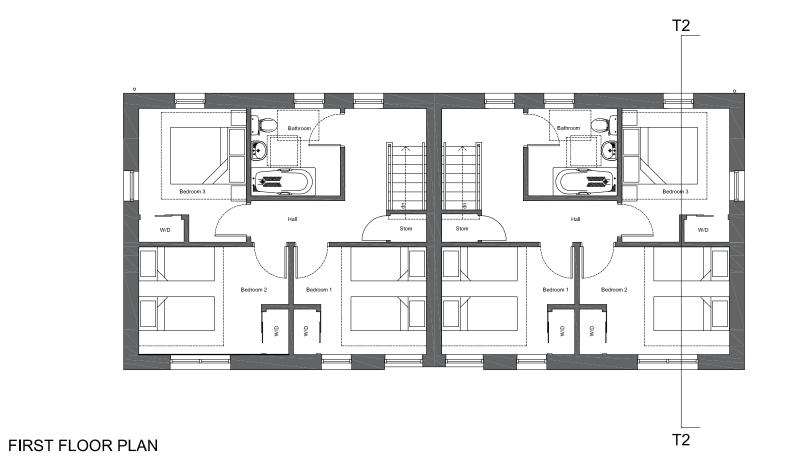


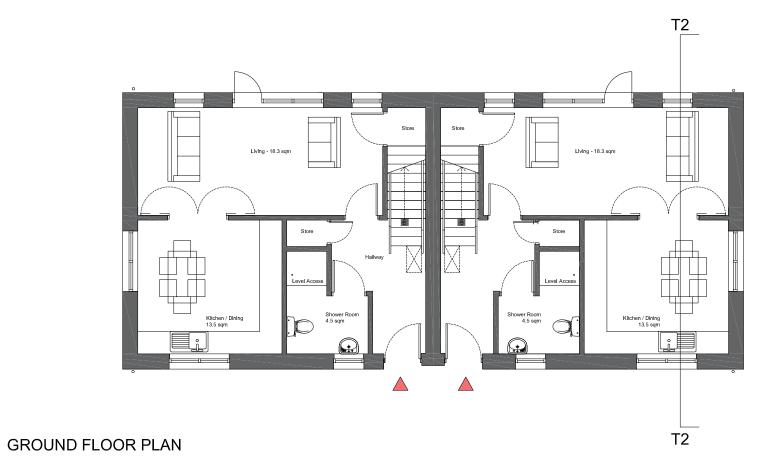
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REVISION

Key

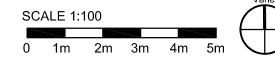
Type 1 - Plot 1,6

Type 2 - Plot 2-5, 7-14

Type 3 - Plot 15-22

Type 4 - Plot 23-34

PLANNING



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PROJECT

19001_ St Andrews Road Dingwall Residential Development

DRAWING

Type 2 Semi-Detached 3 Bed Plans



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19001_PL(20)002



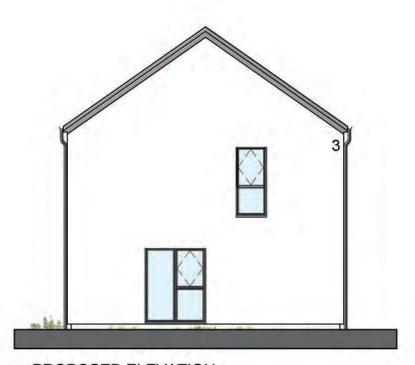
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED ELEVATION



PROPOSED ELEVATION

ORIGINAL A3

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REVISION

A 23.09.20 Cladding amended and PVs added LM B 28.10.20 Low level cedral replaced with grey JR

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Type 1 - Plot 1,6

Type 2 - Plot 2-5, 7-14

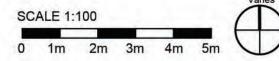
Type 3 - Plot 15-22

MATERIAL KEY

Type 4 - Plot 23-34

- 1. CONCRETE TILES GREY
- . CEDRAL CLICK WOOD CLADDING GREY
- 3. SILICON RENDER WHITE
- 4. SILICON RENDER GREY
- ALUCLAD TIMBER WINDOWS -RAL7016
- INDICATIVE LOCATION OF PV PANELS - SPECIFICATION AND DESIGN TBC

PLANNING



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PROJECT

19001_ St Andrews Road Dingwall Residential Development

DRAWIN

Type 2 Semi-Detached 3 Bed Elevations



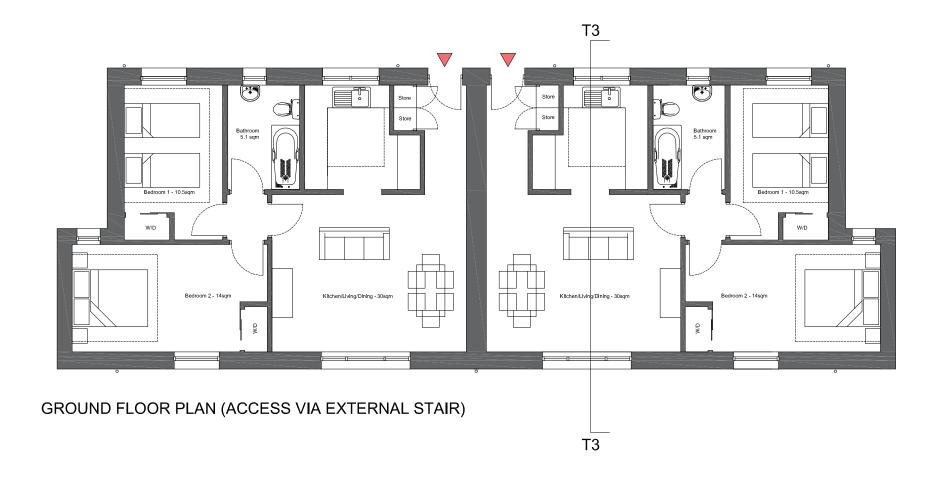
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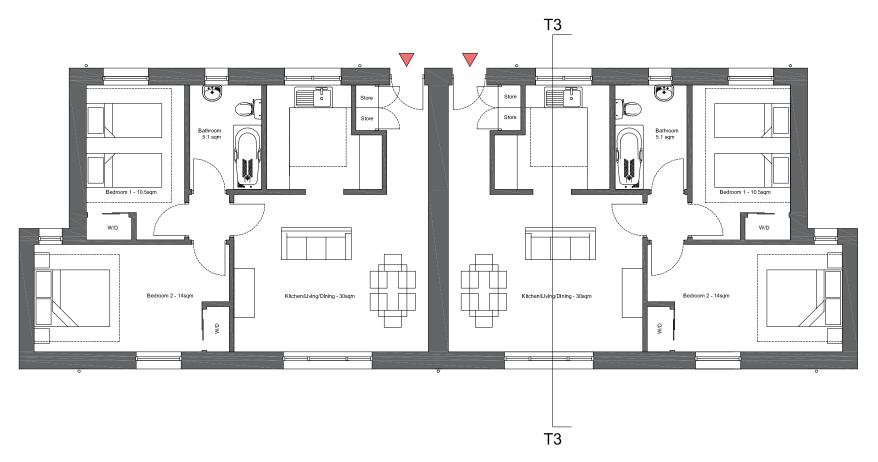
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19001_PL(25)002_B





FIRST FLOOR PLAN (ACCESS VIA BRIDGE)

NOTES

ORIGINAL A3

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REVISION

Key

Type 1 - Plot 1,6

Type 2 - Plot 2-5, 7-14

Type 3 - Plot 15-22

Type 4 - Plot 23-34

PLANNING



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PROJECT

19001_ St Andrews Road Dingwall Residential Development

DRAWIN

Type 3 Fourplex 2 Bed Flats Plans



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REVISION

A 23.09.20 Cladding amended and PVs added LM



PROPOSED END ELEVATION

SCALE 1:100

0 1m 2m 3m 4m 5m

SCALE DATE DRAWN CHECKED

PROJECT

1:100

PLANNING

19001_ St Andrews Road Dingwall Residential Development

11.09.20 LM

DRAWIN

Type 3 Fourplex 2 Bed Flats Proposed Elevations



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DRAWING No.

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PROPOSED REAR ELEVATION

PROPOSED FRONT ELEVATION

Key Type 1 - Plot 1,6

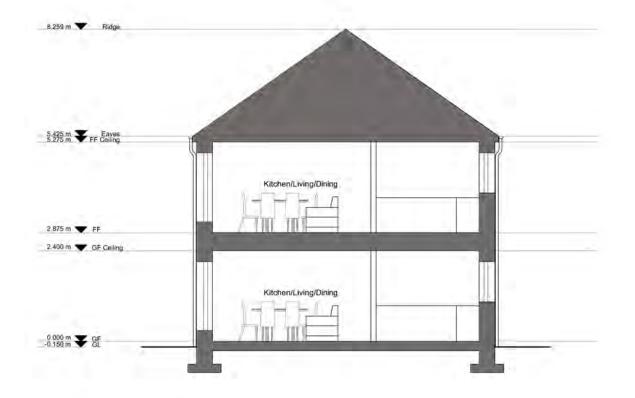
Type 2 - Plot 2-5, 7-14

Type 3 - Plot 15-22

Type 4 - Plot 23-34

MATERIAL KEY

- 1. CONCRETE TILES GREY
- 2. CEDRAL CLICK WOOD CLADDING GREY
- WET DASH RENDER OR EQUIVALENT - WHITE
- ALUCLAD TIMBER WINDOWS -RAL7016
- INDICATIVE LOCATION OF PV PANELS - SPECIFICATION AND DESIGN TBC



SECTION T3

ORIGINAL A3

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REVISION

CRA

Type 1 - Plot 1,6

Type 2 - Plat 2-5, 7-14

Type 3 - Plot 15-22

Type 4 - Plat 23-34

PLANNING

SCALE 1:100 0 1m 2m 3m 4m 5m

PROJECT

19001_ St Andrews Road Dingwall Residential Development

DRAWIN

Type 3 Fourplex 2 Bed Flats Sections



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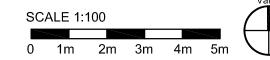
ORIGINAL A3

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REVISION

Key
Type 1 - Plot 1,6
Type 2 - Plot 2-5, 7-14
Type 3 - Plot 15-22
Type 4 - Plot 23-34

PLANNING



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PROJECT

19001_ St Andrews Road Dingwall Residential Development

DRAWING

Type 4 Flat Plans



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Type 2 - Plot 2-5, 7-14

Type 3 - Plot 15-22

Type 1 - Plot 1,6

Key

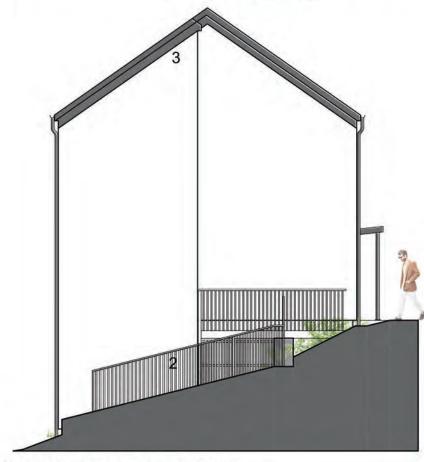
Type 4 - Plot 23-34

All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately. Do not scale dimensions from this drawings. This drawing is copyright protected.

ORIGINAL A3

REVISION

A 23.09.20 Cladding amended and PVs added LM Cedral replaced with silicon render JR Stair window removed



PROPOSED GABLE ELEVATION



INDICATIVE LOCATION OF PV **PANELS - SPECIFICATION AND DESIGN TBC**

CONCRETE TILES - GREY

SILICON RENDER OR

EQUIVALENT - WHITE

RAL7016

ALUCLAD TIMBER WINDOWS -

SCALE

1:100

PROJECT

DRAWING

Dingwall

Type 4 Flat

DATE

11.09.20 LM

19001_ St Andrews Road

Residential Development

Proposed Elevations

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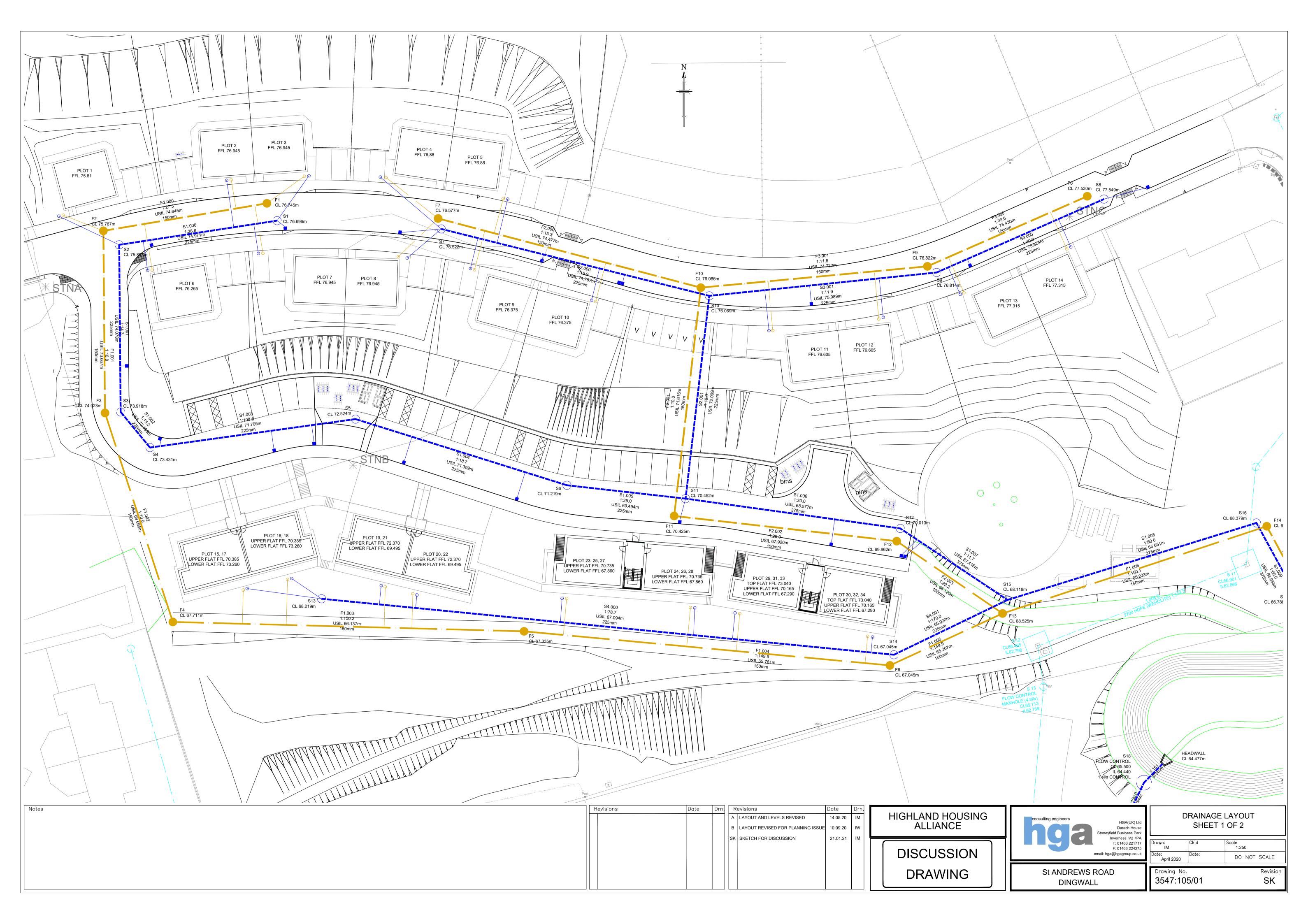
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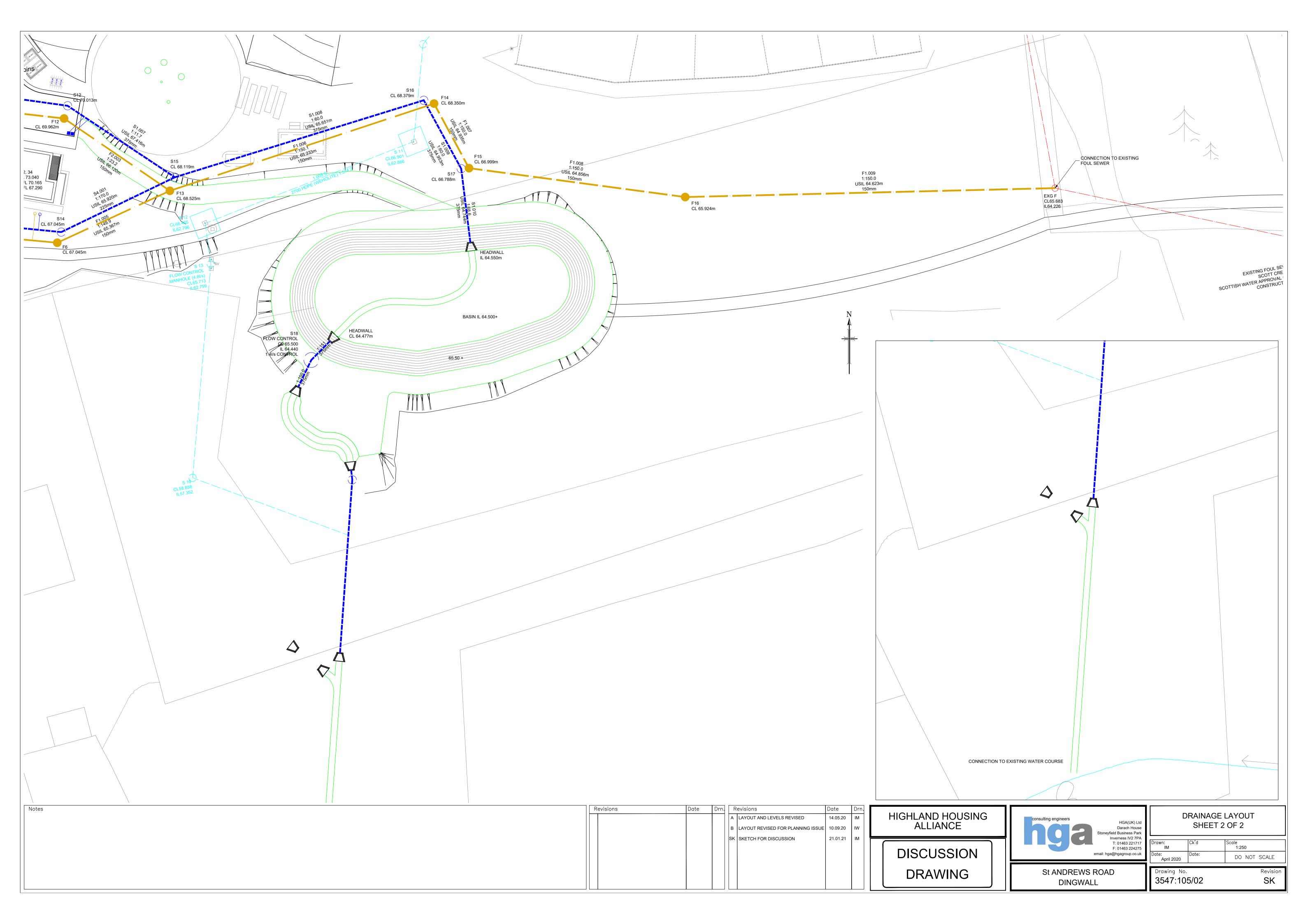
PROPOSED STREET ELEVATION

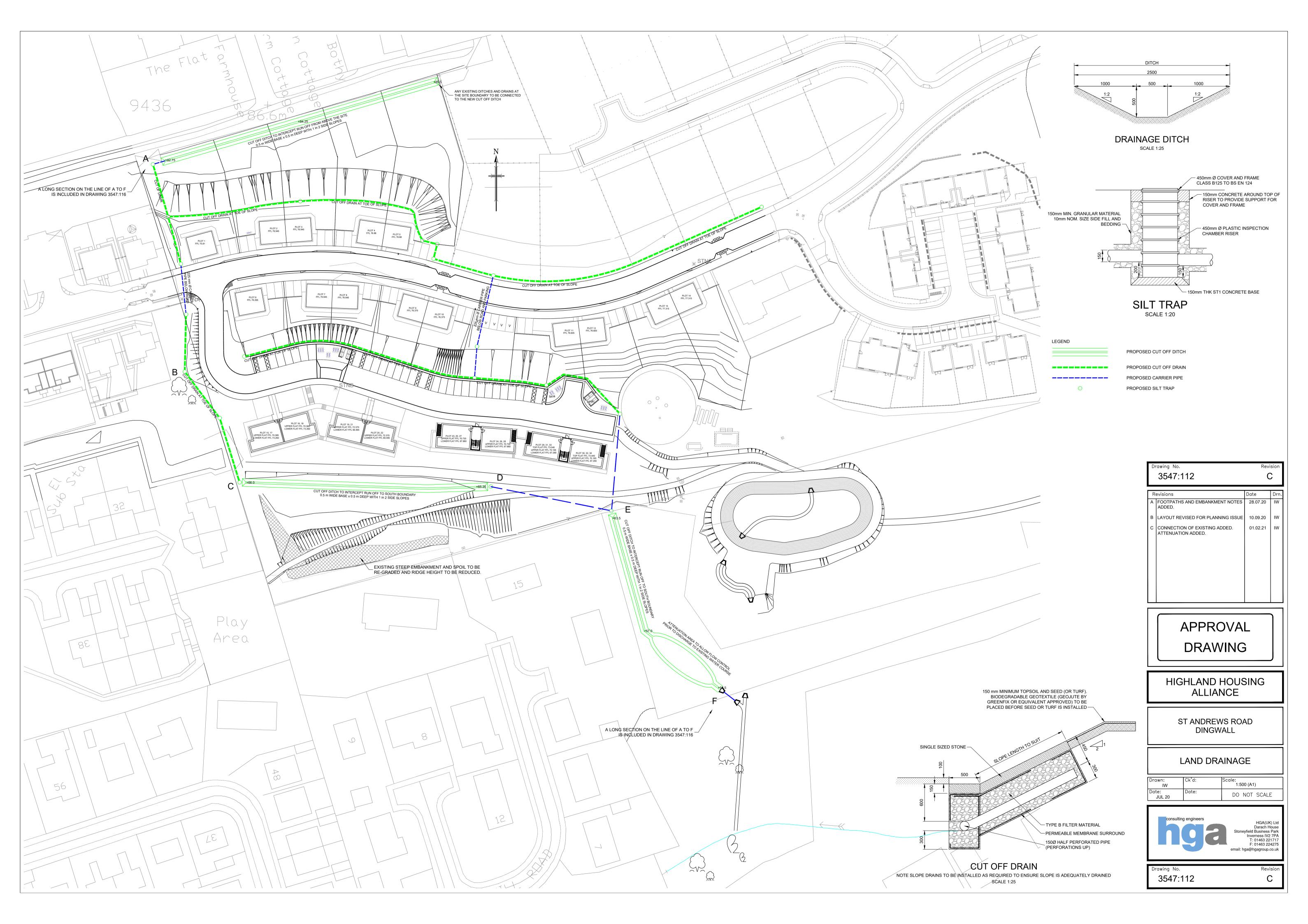
2m 3m 4m

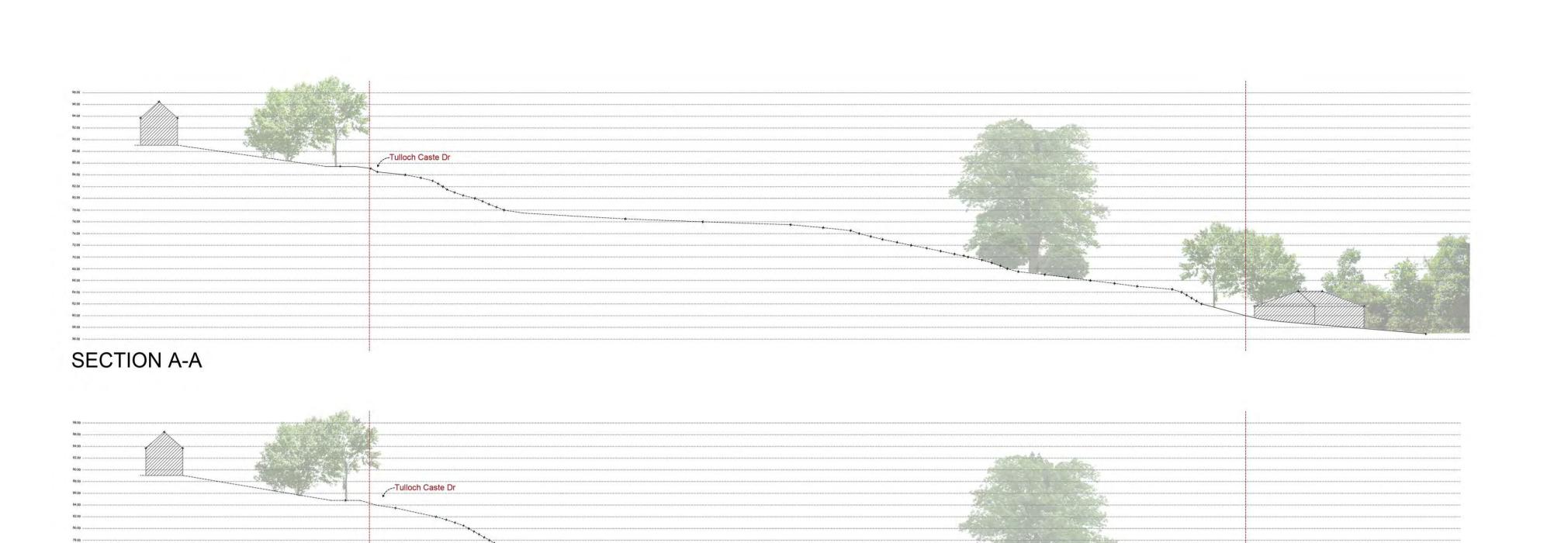
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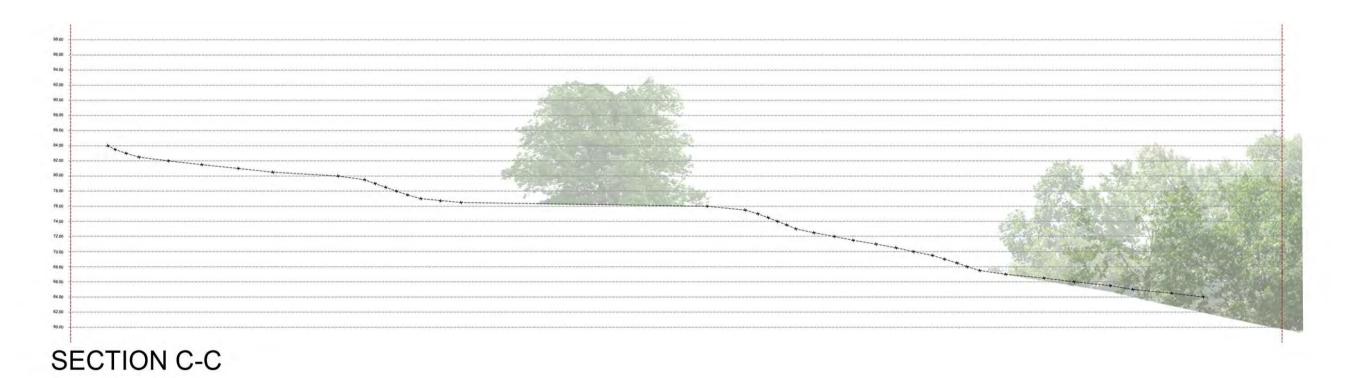


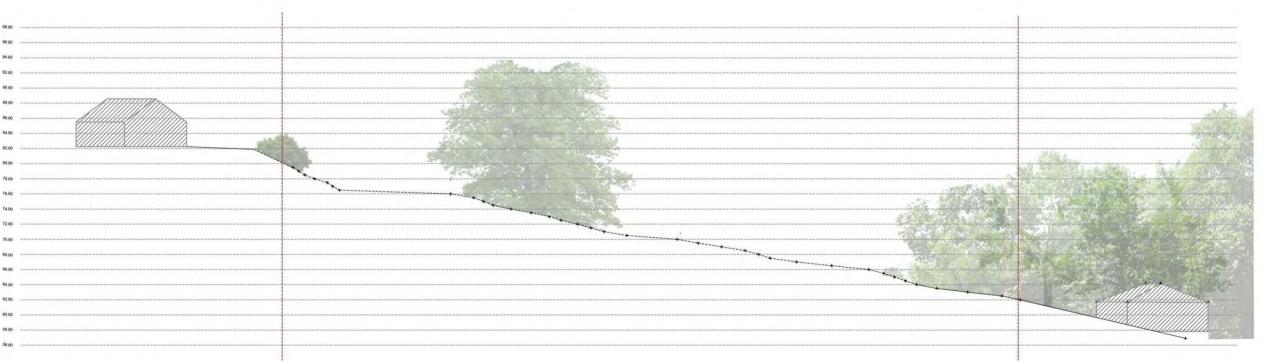




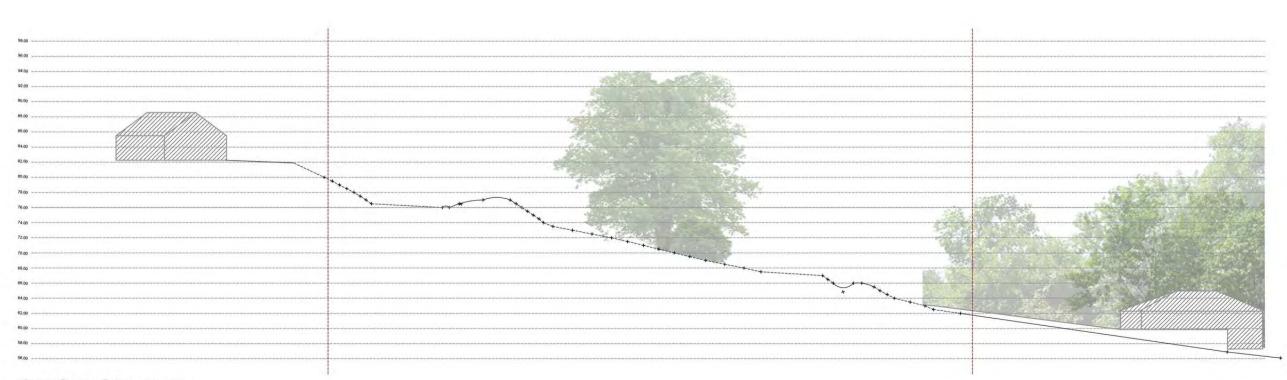


SECTION B-B





SECTION D-D



SECTION E-E

NOTES

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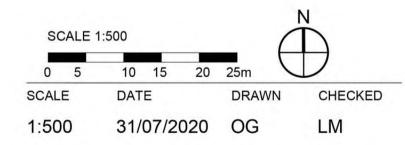
ORIGINAL A1

REVISION

NB: Surrounding garden levels, assumed based on available survey information and are provided on a without prejudice basis

PLANNING

- Site Boundary



PROJECT

19001_St Andrews Road Dingwall

Existing Site Sections with levels

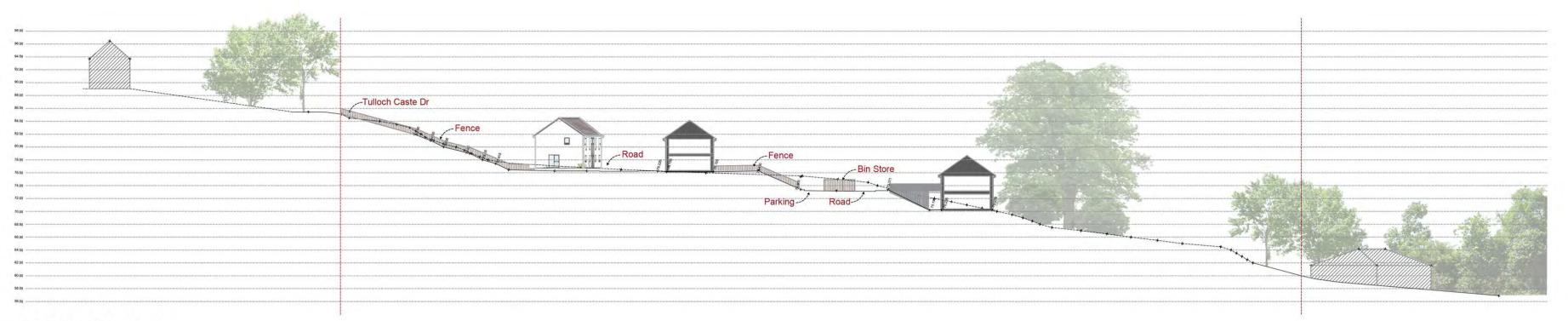


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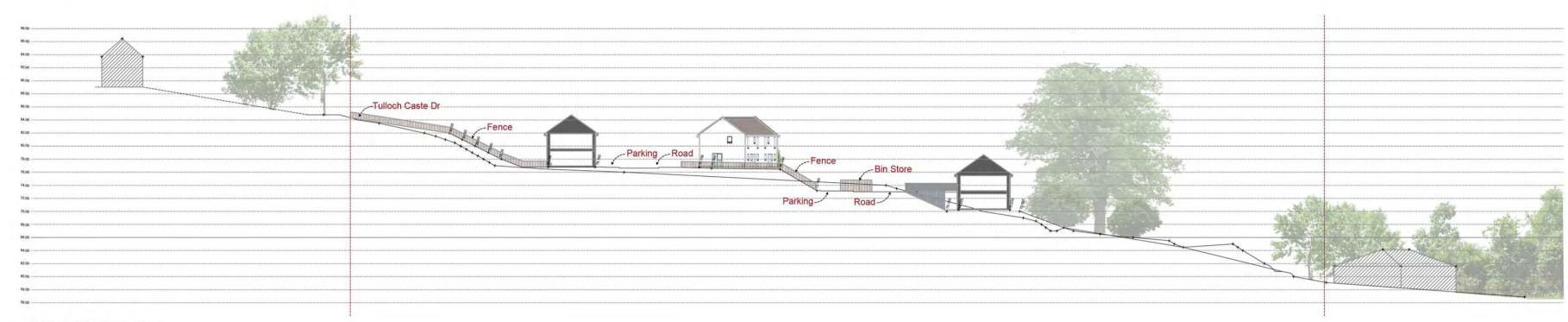
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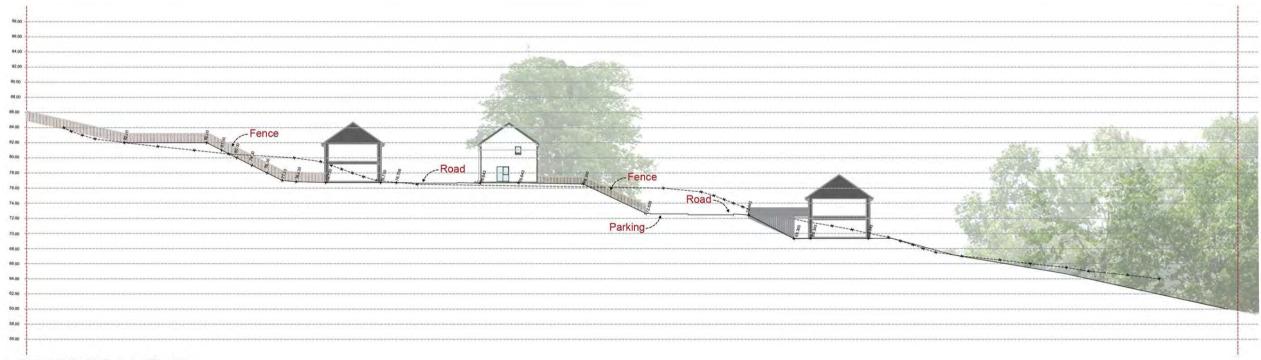
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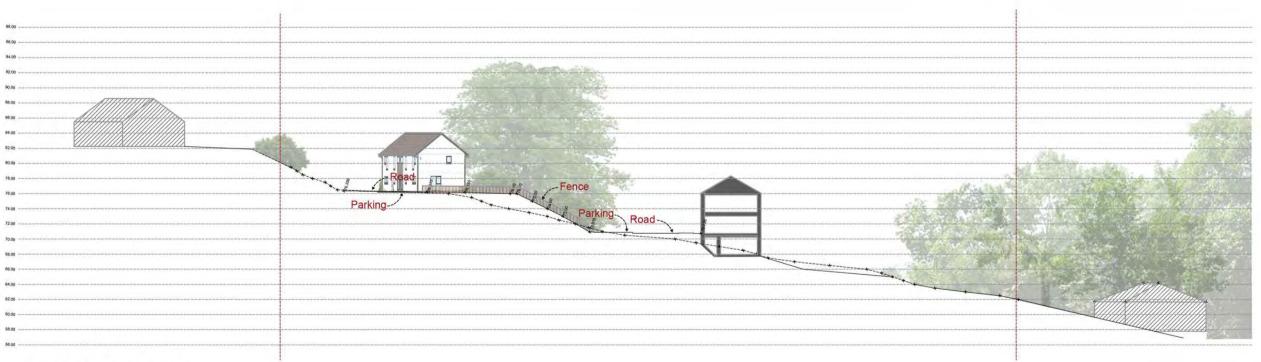
SECTION A-A



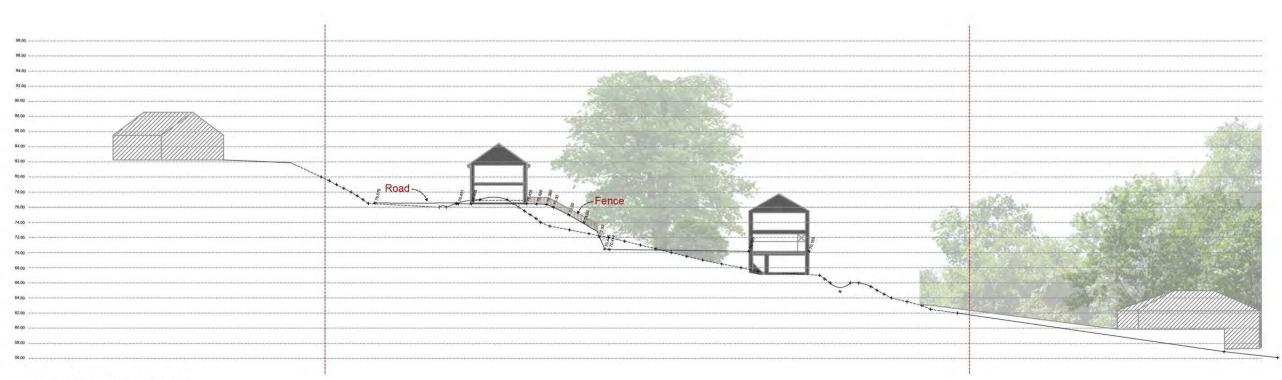
SECTION B-B



SECTION C-C



SECTION D-D



SECTION E-E

NOTES

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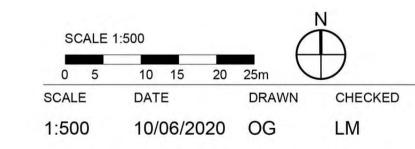
ORIGINAL A1

REVISION

NB: Surrounding garden levels, assumed based on available survey information and are provided on a without prejudice basis

PLANNING

- Site Boundary



PROJECT

19001_St Andrews Road Dingwall

Proposed Site Sections with levels

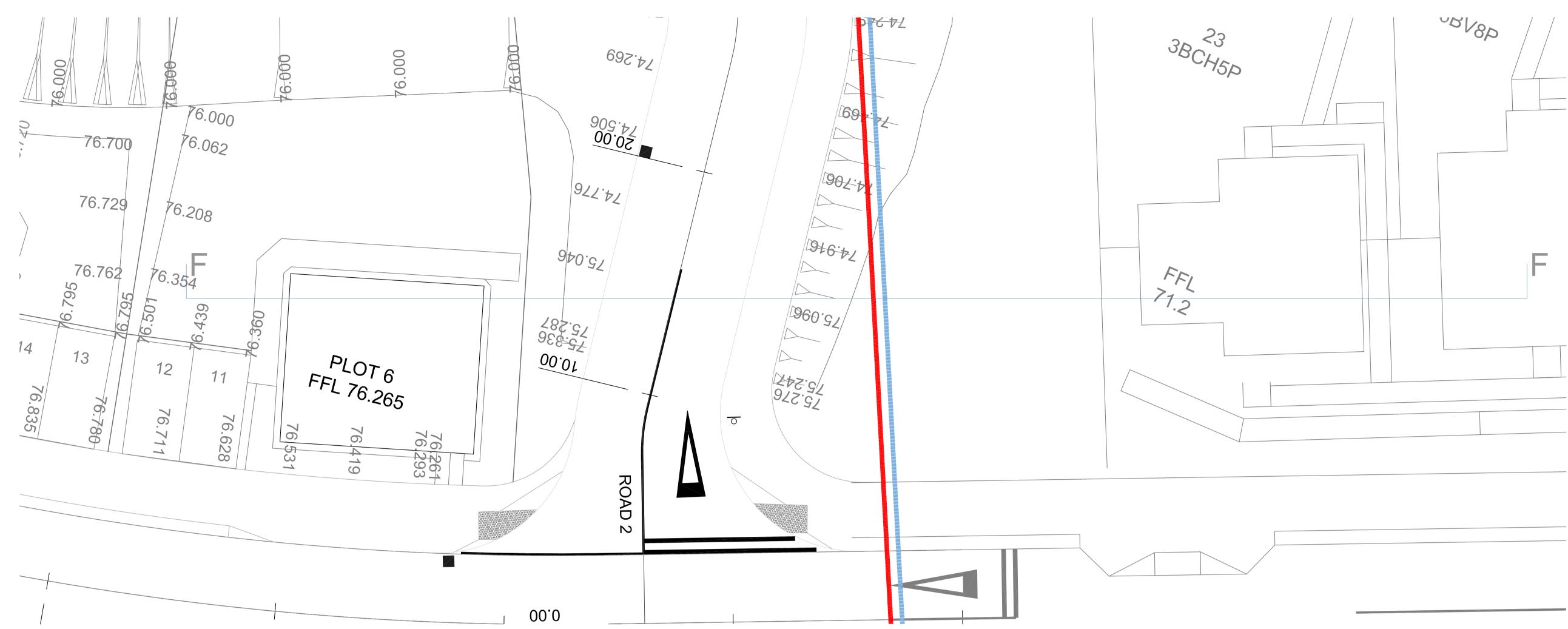


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19001_PL(90)007



Location of Section Line 1:100



Section FF through Plot 6 to adjacent property to the West 1:100

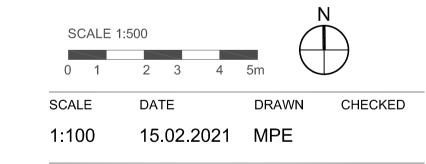
NOTES

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REVISION

PLANNING



PROJECT

19001_St Andrews Road Dingwall Residential Level

Plot 6 Relationship to West Section



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