Agenda Item	7.1
Report No	PLN/062/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 14 September 2021

Report Title: 20/00563/FUL: Broadland Properties Ltd

Land To North West Of Tore Roundabout Tore Muir Of Ord

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Formation of 14 serviced house plots, including 4 no. affordable houses

Ward: 09 - Black Isle

Development category: Local

Reason referred to Committee: Community Council objection

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the road, drainage, landscaping and plot layouts for a development of 14 houses on housing allocated site Tore- TR1 of the adopted Inner Moray Firth Local Development Plan.
- 1.2 There is currently no infrastructure on the site.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: Drainage Statement (as amended 04.05.2021), Landscape plan and Maintenance schedule
- 1.5 Variations: Amended plan received 04.05.2021 General Plan ref 602392-DRG-0004 REV P1, 602392-DRG-0002 REV P4 Amended plans received 09.03.2021 . 602392-DRG-0002 REV P3, 602392-DRG-0001REV P3 and 602392-DRG-0003 REV P2. Amended plans received 18.11.2020 602392-DRG-0001 REV P2, 602392-DRG-0002 REV P2, 602392-DRG-0003 REV P1 and PL002 REV C.

2. SITE DESCRIPTION

- 2.1 The site is farmland located to the north west of the Tore Roundabout. It is located on the edge of the group of houses and the primary school which lies between the A9 and A835. The site take access from the U2708, which is a single track unclassified road which connects with the A835. To the south of the site is a mature area of woodland with houses beyond. The boundary with the A9 is marked by post and wire fencing and mature shrubs. A post and wire fence also runs along the boundary with the U2708. The western site boundary is defined by a drainage ditch and vegetation.
- 2.2 The site surrounds a single storey property 'The Cottage'. This property is located in the middle of the road frontage of the U2708. Beyond the woodland to the south are a number of detached properties. More detached houses lies to the west which also front the U2708. A further area of farmland lies beyond the drainage ditch and field boundary to the west. Tore Primary School is located 350m or thereby to the west of the site. The school lies on the north side of the U2708.

3. PLANNING HISTORY

3.1 02.11.2014 08/00973/FULRC Formation of ten house plots Lapsed and four affordable house plots 02.11.2017

4. PUBLIC PARTICIPATION

4.1 Advertised: unknown Neighbour

Date Advertised: 21.02.2020

Representation deadline: 07.03.2020

4.2 Timeous representations: Three representations from three households

(Two objections and one neutral comment).

Late representations: None

4.3 Material considerations raised are summarised as follows:

- a) Inappropriate development in the countryside.
- b) Road and pedestrian safety.
- c) Foul and surface water drainage.
- d) Impact on neighbouring residential amenity
- 4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 Killearnan Community Council - Object

- Access is from a single track road which passes the primary school, the
 playground of which is adjacent to the road protected by a wooden fence,
 only.
- Road safety issues with respect to the junction of the A835 and U2708.
- Development of more houses is premature pending the outcome of Transport Scotland's investigation in to the A9 between the Kessock Bridge and Tore Roundabout
- Limit to public transport in the Tore area.
- Existing problems with surface water drainage in the area

5.2 **Development Plan Team** – No objections

- Development shows a high degree of conformity with the development plan and statutorily adopted guidance.
- The landscaping proposals, which includes the provision of green space should be secured by condition.
- Connection to the public wastewater infrastructure is an essential requirement of the development plan and requires separate agreement with Scottish Water.
- Developer contributions area required towards the Black Isle leisure centre in accordance with the adopted supplementary guidance.
- The proposal of 4 units as affordable houses satisfies the requirements of the adopted supplementary guidance.
- The scale of development and lack of public prominence sets aside the need for public art.

5.3 **Forestry Officer** – Initial objection withdrawn

- Conditions is recommended to secure the timescale for implementation of the landscape plan and details of the factoring agreement.
- A Tree Protection Plan and Arboricultural Method Statement will be required for the installation of the footpath line to Torwood Way.

5.4 Flood Risk Management Team – Initial objection withdrawn

- Conditions required to ensure that the finished floor level of any proposed construction should have a freeboard of no less that 250mm over the surrounding finished ground level.
- Drainage Information Assessment (Version 3) addresses concerns with respect to the development potentially exacerbating existing drainage issues in the area. However further information will be required and should be secured by condition. This will include a factoring system for any parts of the drainage system that are not vested to Scottish Water, rainfall calculations in accordance with the method agreed with Highland Council, although it is accepted that there is sufficient room, if necessary to increase the size of attenuation tanks within the site should this be required. Details of surface water outfall are also required.

5.5 **Transport Planning Team** – initial objections due to lack of information removed

- Recommend a condition be attached to ensure that the visibility splays and forward visibility splays for the development as shown on the latest plans are secured in perpetuity.
- Road improvements to the U2708, increasing the width to 3.5m and providing a 1.5m footway are generally acceptable. Further cross section required to include proposed filter drain at the back of the footway. Secure by condition.
- Swale should be designed to comply with Suds Manual. Secure by condition.

5.6 **Scottish Water -** No objection

- Water There is currently sufficient capacity in the ASSYNT Water Treatment Works.
- Foul- This proposed development will be serviced by TORE Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre- Development Enquiry Form.

5.7 **Transport Scotland** – No objection.

- When considering this planning application, it was recognised that the site is allocated in the adopted Inner Moray Firth Local Development Plan (Site TR1 By Woodneuk) with a housing capacity of 14 units. The number of units proposed complies with this. In accordance with Scottish Planning Policy (SPP), proposals that accord with up-to-date plans should be considered acceptable in principle. It was also recognised that the proposed development was the subject of a previous planning application (Ref: 08/00973/FULRC) for the same and was granted planning permission in October 2014. When consulted on the previous application, Transport Scotland had no objection.
- In assessing the impact of this development on the trunk road network, a development of this type and size could reasonably be anticipated to generate around an additional 10 two-way vehicle movements during the morning and evening peak hour periods. The impact of this level of increase in traffic on the A835 and on the A9 is considered to be minimal. In addition, the location of this development is such that it will not result in an increase in turning movements at the A9 / B9161 Munlochy junction.

- The proposed development is accessed directly from the local road network which forms a simple priority junction on the A835. In accordance with current design standards, this junction is considered to be of an appropriate form to safely accommodate the anticipated increase in traffic without the need for any improvement such as the provision of a right turn ghost island.
- Based on the above, Transport Scotland has no basis upon which to object to this planning application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 32 Affordable Housing
- 34 Settlement Development Areas
- 51 Trees and Development
- 56 Travel
- 63 Water Environment
- 64 Flood Risk
- 65 Waste Water Treatment
- 75 Open Space

6.2 Inner Moray Firth Local Development Plan 2015

TR1 By Woodneuk – identified for housing development (3.4ha for 14 units). Requirements: In accordance with the minded to grant Committee decision 08/00973/FULRC including: agreed Flood Risk Assessment; protection of trees, houses set down to reduce prominence; compliance with agreed design brief; landscaping programme for tree planting buffer zone; additional passing place on the public road; pubic sewer connection.

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Open Space in New Residential Developments (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

National Planning Framework 3

Designing Streets

Creating Places

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) road and pedestrian safety
 - c) foul and surface water drainage
 - d) Impact on neighbouring residential amenity

Development plan/other planning policy

- 8.4 The IMFLDP allocates the site for housing under policy TR1. The principle of housing development on the site is therefore acceptable. The number of units proposed accords with the previous permission, issued in 2014, as referred to in the IMFLDP and the capacity stated in the local plan text (see para 6.2 above). The site is identified as a preferred site in the Inner Moray Firth 2 Main Issues Report.
- 8.5 Policy 28 Sustainable design aims to ensure development is sustainable and lists criterion against which proposals shall be assessed. The parts of the policy of particular relevance to this proposal state that proposals should be assessed on the extent to which they compatible with "public service provision, are accessible by public transport, cycling and walking as well as car", "demonstrate sensitive siting and high-quality design..." and impact on individual and community residential amenity". 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 is must be noted that the development for which planning permission is sought does not include details of the house designs. A further application(s) will be required before any units could be built on the site. In general it is considered that the proposals meet the requirements of policy 28 and 29.
- 8.6 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 toward increased education capacity, transport and infrastructure. Taking the projected school rolls for both primary and secondary education at Tore and Fortrose, respectfully no capacity issues are present or forecasted and therefore no contribution towards education are sought.

- 8.7 The Transport Planning Team have highlighted the need for considerable off-site infrastructure works to deal with the increase in traffic that will be generated by the development. These works are directly related to the development proposed and are necessary to make the development acceptable in relation to the site allocation requirements as set out in the IMFLDP. These infrastructure works can appropriately be delivered through the use of suspensive conditions. No additional public infrastructure contributions are required which requires a developer contribution.
- 8.8 The adopted supplementary guidance for developer contributions requires a financial contribution of £1,019 to be collected for each housing unit, where more than three are proposed. The facility earmarked for this contribution in the supplementary guidance is the Black Isle leisure centre in Fortrose. The applicant has suggested that a more local facility should benefit from the contribution. It is recognised that there is a strong desire for local communities to contribute to the identification of infrastructure projects that might be eligible for developer contributions to mitigate the impacts of development. The Council's Developer Contributions Action Group are carefully considering the options for introducing this approach in a manner that aligns with Scottish Government regulations, no final decision has been taken and therefore the contributions attributable to this application will be in line with the adopted supplementary guidance.
- 8.9 Policy 32 Affordable Housing requires a contribution of 25% affordable housing for all developments of four or more houses. The description of development includes reference to the provision of four affordable units which is in line with this requirement and also the Section 75 Agreement previously negotiated with the applicant/landowner. It is noted that an modification will be required to the Section 75 Agreement should planning permission be issued in relation to the current application.
- 8.10 Policy 51 requires new development to promote the protection of existing hedges, trees and woodlands on and around development sites. It is also a site specific requirement as set out in the IMFLDP that the trees are protected. The site layout plan and the landscaping proposals indicate that plots 8-10 lie closest to the woodland to the south. Between the plot boundaries and the edge of the woodland there is an existing overhead powerline. A 7m buffer zone for the powerline is indicated on the landscaping plan. The plots varying in size between 642 square metres and 1062 square meters. It is considered that development on plots 8-10 can be achieved with adequate separation from the trees which will both ensure the protection of the trees and also remove future pressure to remove the trees due to matters that would affect the enjoyment of the dwellinghouse on these plots. In accordance with best practice a condition which requires a 18m set back from the trees is recommended.
- 8.11 In accordance with the site requirements as set out in the IMFLDP the landscaping proposals include a woodland buffer zone along the boundary of the site with the A9 to the east. The buffer will be 25m wide and consist of block planting along the boundary as well as group of trees interspersed with paths and mown grass areas, thereby contributing to the open space within the development.

- 8.12 Policy 75 Open Space requires adequate and suitable public open space provision. The landscaping and site layout plan includes a number of open spaces within the red line with different functions. As well as the wooded area referred to above, the layout plan also includes a play area adjacent to plot 5 in addition to a central landscaped area. The total amount of open space provision excesses that set out in adopted guidance.
- 8.13 Policy 64 requires development to avoid areas susceptible to flooding and promote flood management. The IMFLDP requirements for the site indicate that a flood risk assessment is required. The application has been supported by a drainage statement which details the existing ground conditions and the proposed foul and surface drainage arrangements. This information has been assessed by the Flood Risk Management (FRM) Team who have confirmed, following the request for additional information, that they have no objection to the drainage solution proposed and request that a condition is attached to any permission granted that requires the finished floor level to have a freeboard of no less that 250mm over the surrounding finished ground level.

Road and Pedestrian Safety

- 8.14 The application is supported by proposals for offsite road works to satisfy the site requirement of the IMFLDP which include the provision of an additional passing place on the U2708. The impact of additional traffic using the single-track road, particularly in relation to the lack of a footway and the proximity to the primary school has been highlighted in third party comments as well as the consultation response from the Community Council. The off site works include, in addition to the required passing place, an increase in the width of the road way with the provision of a 1.5m footway on the northern side of the U2708 between the boundary with the primary school estate to a point beyond the proposed shared entrance for plots 13 and 14. The Transport Planning Team have offered no objections, following requests for further information, with respect to these off site works. The works will require to be the subject of separate approval under the Road Scotland Act. The provision of a footway will enhance pedestrian safety and is considered to adequately address these concerns.
- 8.15 Transport Scotland have set out a detailed response (see section 5.7) to the Community Council comments about the increase in usage of the junction between the A835 and U2708. It is acknowledged that the final outcomes and any proposals from the study commissioned by Transport Scotland in 2020 into the A9 corridor from the Kessock Bridge to the Tore Roundabout have not been finally concluded. It is not considered reasonable for the Planning Authority to delay determination of the current application to await the outcome of this study given its long standing allocation, as the remit for the study did not include this junction and Transport Scotland have offered no objections to the application. The comments from the Transport Scotland that the development is likely to generate in the region of an additional 10 two-way vehicle movements during the morning and evening peak hour periods and that the impact of this level of increase in traffic on the A835 and on the A9 is considered to be minimal is accepted.

Foul and surface water drainage

- 8.16 The site requirements of the IMFLDP include that the development requires to connect to the public infrastructure. Scottish Water have offered no objections but indicated that at this stage they cannot confirm that there is sufficient capacity within the WWTW at Tore. The applicant has confirmed that following the issuing of the previous planning permission for this site ref 08/00973/FULRC, further discussions took place with Scottish Water and that subject to their requirements regarding a Development Impact Assessment, a connection to the public system will be provided. Foul drainage will not be required to be delivered until such times as application(s) for residential units are brought forward. However, it is essential given the requirements of the development plan, the ground conditions which are not suitable for private drainage systems and to ensure sustainable development by limiting the number of private drainage systems, that a connection to the public system is achieved. It is therefore recommended that a condition is attached, should planning permission be granted, that requires the applicant to demonstrate that a formal agreement with Scottish Water has been reached, prior to any works which are the subject of the current application, being undertaken. Such a condition also reflects the terms of the previous planning permission 08/00973/FULRC.
- 8.17 The application is supported by plans and a report that set out the surface water drainage proposals. The disposal of surface water from roads, footways and roofs will be conveyed by pipes to a swale for treatment and then discharge to the existing field ditch in the south west corner of the site. Storage and attenuation will be provided by attenuation chambers which will be designed to ensure that post development runoff is maintained below current, greenfield levels including a 1 in 200-year event. The FRM Team have offered no objections, following requests for additional information, to these proposals, Details of the factoring system for the drainage system will be required as it is anticipated that this will not be vested to Scottish Water along with further calculations to ensure that the size of the attenuation tanks is appropriate. These matters can be dealt with by way of a condition.

Impact on neighbouring residential amenity

8.18 It is acknowledged that The Cottage as the property surrounded by the site will be directly affected by the development. The principle of developing the land which surrounds this property for housing has been the subject of a development plan allocation for a significant period of time; the site was allocated in the Ross and Cromarty East Local Plan which predates the current IMFLDP. The principle of development has therefore been considered through the development plan process and is accepted. No details of the house designs have been provided within this application. The site layout plan proposes that other than plot 13 which lies to the immediate east of The Cottage none of the other house plots will share a boundary with this property. To the south and west of The Cottage the land will be retained as open space. A buffer strip 10m wide which is in the ownership of the applicant, will be retained between the southern boundary of The Cottage and the edge of the application site. This land along with the land to the west of The Cottage will form part of the wider landscaping for the plots. Whilst it is accepted and recognised that the development of this allocated site will bring change to the area particularly in

connection with The Cottage, it is considered that the development of the individual plots can be achieved in a manner which will ensure that The Cottage does not suffer a no loss of daylight, overshadowing or privacy by direct intervisibility between windows. The separation distances and intervening woodland and vegetation between the houses to the south and west of the site will also ensure that there will be no loss of privacy to these existing properties.

8.19 With respect to the neighbouring amenity within the development site. The site layout plan indicates that the plots will be range in size from 350 square meters across plots 1 to 6 and over 800 square meters across the rest of the site. The layout ensures that each plot has a frontage to a road. Given the size of the plots and the road layout it is considered that appropriate plot layouts and house designs can be brought forward that will ensure an appropriate level of residential amenity for a development of this nature.

Other material considerations

8.20 The development plan requirements refer to compliance with the agreed design brief which relates to the previous application 08/00973/FULRC. This permission has lapsed and therefore it is appropriate to secure a new design brief, this matter can be dealt with by condition.

Non-material considerations

8.21 A third-party comment has been received regarding the impact that the development will have on views from a neighbouring property. The right to views over third party land is not a material planning consideration. The changes that the development will bring to the area are acknowledged and the concerns from neighbours understood. The impact that the development will have on the amenity of the surrounding properties has been dealt with in paragraph 8.18 above.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.22 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
 - a) Affordable housing provision
 - b) Financial contribution towards community facilities.
- 8.23 There is an existing Section 75 Agreement in place which covers the provision of affordable housing connected with the expired planning permission. Given the passage of time and the need to secure the contribution towards community facilities, it is appropriate for the current agreement to be discharged/modified with a new agreement put in place if required. The applicant has indicated that they do not wish to pay the financial agreement up front.
- 8.24 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 or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement.

Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers for the following reason:

1. The proposed application has failed to conclude a legal agreement required to secure reasonable and proportionate contributions to secure mitigation for the impacts of the proposed development. As such the application is contrary to the provisions of Policy 31 and Policy 31 of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the Inner Moray Firth Local Development Plan.

9. CONCLUSION

- 9.1 The application is for the development of an allocated site for the number of units anticipated in the IMFLDP although further application(s) will be required before houses can be built. The proposals are a first step to securing the delivering of affordable housing in Tore which is welcomed. However, development of this site is reliant on the availability of a connection to the public sewer. The applicant has previously engaged with Scottish Water and there is an expectation that agreement between these parties can be reached. Securing the agreement of Scottish Water is a separate matter for the applicant to resolve. Nonetheless given the terms of the site requirements set out in the IMFLDP regarding this matter, a suspensive condition is recommended. Suspensive conditions are also recommended to cover the submission of the following matters; design brief, further surface water drainage information and details regarding factoring arrangements for the landscaping and surface water drainage as well as details of the play equipment, management plans for construction traffic and details of electrical substations, junction boxes and broadband cabinets.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

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

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. No development shall commence until the developer(s) has submitted to the Planning Authority for written approval, the formal agreement between the developer(s) and Scottish Water which secures that improvement works to the existing public foul drainage network shall be undertaken to allow all 14 residential plots to connect to the public foul drainage network. Thereafter, no residential occupation of the development shall be permitted until the agreed works have been completed in full.

Reason: To secure compliance with the requirements for the site as set out in the Inner Moray Firth Local Development Plan and in the interest of public health.

- No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Planning Authority. The CTMP, which shall be implemented as approved during all period of construction, shall include:
 - An estimate of the number and type of vehicle movements that will be generated during the construction period.
 - Details of arrangements for the delivery and storage of plant and materials.
 - Proposed measures to mitigate the impact of construction traffic on the routes to the site following assessment of the affected roads.
 - Measures to avoid conflict with school opening/closing times and any planned local events.
 - Details of appropriate traffic management measures to be established and maintained for the duration of the construction period.
 - Measures to ensure that all affected public roads are kept free of mud and debris arising from construction traffic.
 - Details of a site compound, including welfare facilities.
 - Details of car parking arrangements for staff and visitors

Reason: To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

3. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development has been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained.

4. No development shall commence until a design brief for each house plot has been submitted for the consideration and written approval of the Planning Authority. Thereafter all future applications for the development of the site shall accord with the terms of the design brief, unless otherwise agreed with the Planning Authority.

The design brief shall include but is not limited to the following matters

- Parameters for the siting of each house within the plot to ensure that the requirement for access and vehicle parking (including cycles) comply with current guideline standards and the need to provide electric car charging points for each individual property with a private driveway.
- A footprint for the houses which establishes a built ratio to plot size no greater than 25 %.
- Boundary treatments
- A palette of finishing materials
- Parameters for the design of the houses which restricts the height of any house to 1 \(^3\)4 storey, other than on Plots 5, 13 and 14 on which the height of any house shall not exceed 1 \(^1\)2 storey.
- Parameters for the design of the house on Plot 13 which restricts any window (other than an obscure window to a bathroom or a hall window) at first floor level on the western elevation towards the neighbouring property The Cottage.
- Parameters for the siting of a house on Plots 8,9 and 10 which establishes a set back of all development a minimum of 18 meters from the woodland to the south of the site.
- Parameters for the design of the houses which secures a finished floor level with a freed board of no less than 250mm above the surrounding finished ground level.

Reason: To ensure that the development of each plot is appropriate for its location, taking into account the approved site layout, current standards for access and parking, neighbouring properties and the adjacent woodland and the ground conditions across the site.

5. No development shall commence, including site excavation, until a Tree Protection Plan and Arboricultural Method Statement 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) for the footpath link to Torwood Way. This report shall be prepared and subsequently supervised by a suitably qualified arboricultural consultant approved by the planning authority.

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

6. No development shall commence until a Drainage Statement produced in accordance with the requirements set out in the adopted supplementary guidance Flood Risk and Drainage Impact Assessment has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the statement shall include information about any elements of the drainage system that are not to be vested to Scottish Water, rainfall calculations in accordance with the supplementary guidance and details of the condition and capacity of the ditch which is to receive the surface water outfall. All detail shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time). Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first residential occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

7. No development shall commence until a detail specification for the play equipment and construction details of the communal footpaths within the site, inclusive of material finishes and drainage details have been submitted for the consideration and written approval of the Planning Authority. Thereafter the development shall proceed in accordance with the agreed detail and shall be available for use prior to first residential occupation of the development, herby approved.

Reason: To allow the Planning Authority to consider this matter(s) in detail and to allow it to be delivered timeously.

8. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and woodland, the play area, and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual plot (including 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: In order to secure the long term management of the open spaces, woodland, play area and other features or parts of the development that are not the exclusive property of any identifiable individual plot.

9. No other development shall commence until the off-site road improvements to the U2708 have been carried out in accordance with the approved plans, or as otherwise agreed in writing with the Planning Authority. Prior to any works commencing a cross section drawing of the proposed works shall be submitted, which includes details of the filter drain at the back of the footway, for the consideration and written approval of the Planning Authority. Thereafter the works shall be carried out in accordance with the agreed details

Reason: In the interest of road and pedestrian safety to ensure the timeous deliver of these required off site works.

10. Prior to first residential occupation of the development hereby approved, the approved Landscape Plan shall be implemented in full and maintained thereafter until successfully established to the satisfaction of the planning authority. Details of a factoring agreement must be submitted for approval to ensure that the future maintenance of the communal landscaped areas is secured.

Reason: In the interests of amenity.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

INFORMATIVES

Initiation and Completion Notices

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

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

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

Flood Risk

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

Scottish Water

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

Local Roads Authority Consent

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

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

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

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

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for working on public roads/2

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on

Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

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

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

Protected Species – Halting of Work

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

Designation: Area Planning Manager -North

Author: Erica McArthur

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

Relevant Plans: Plan 1 - Location Plan - Highland Council

Plan 2 - Site Layout Plan Ref PL002 REV C

Plan 3 - Landscaping Proposals Ref BP 100.20 SL-02

Plan 4 - Road Improvements Ref 602392-DRG-0002 REV P4
Plan 5 - Road Layout Ref 602392-DRG-0004 REV P1

Plan 6 - Drainage Layout Ref 602392-DRG-0001 REV P3

Plan 7 - Swept Path Analysis Ref 602392-DRG-0003 REV P2

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS			REQUIRED FOR LEGAL AGREMEENTS ONLY					
Туре	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger* ³	Accounting Dates*4	Clawback Period*5
Community Facilities	Community Facility – Black Isle Leisure Centre	£1,019	N/A	£14,266	BCIS	Q2 2018	TOC/CC	Single one off payment for total amount to be made on occupation of the first unit.	20
Affordable Housing									
On-site provision ²	4 units. As per the existing Section 75 Agreement (ref 08/00973/FULRC)	N/A	N/A	N/A	N/A	N/A	4 units. As per the existing Section 75 Agreement (ref 08/00973/FULRC)	N/A	N/A
Off-site provision ³	4 units. As per the existing Section 75 Agreement (ref 08/00973/FULRC)	N/A	N/A	N/A	N/A	N/A	4 units. As per the existing Section 75 Agreement (ref 08/00973/FULRC)	N/A	N/A
Commuted Sum ⁴	4 units. As per the existing Section 75 Agreement (ref 08/00973/FULRC)	N/A	N/A	£0.00	N/A	N/A	As per the existing Section 75 Agreement (ref 08/00973/FULRC)	N/A	5 Years

⁻

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

² Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

³ As above

⁴ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

Agreement for Delivery	As per the existing	N/A	N/A	N/A	N/A	N/A	As per the	N/A	N/A
Needed	Section 75 Agreement (ref						existing Section		
	08/00973/FULRC)						75 Agreement (
	,						ref		
							08/00973/FULRC)		

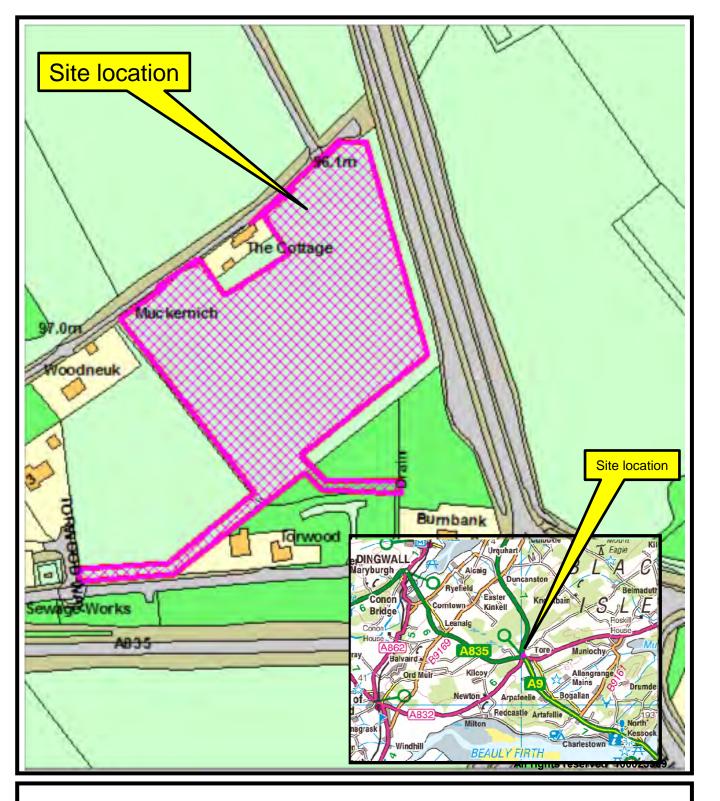
^{*1} Adjust total to take account of flat exemptions

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

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

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

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



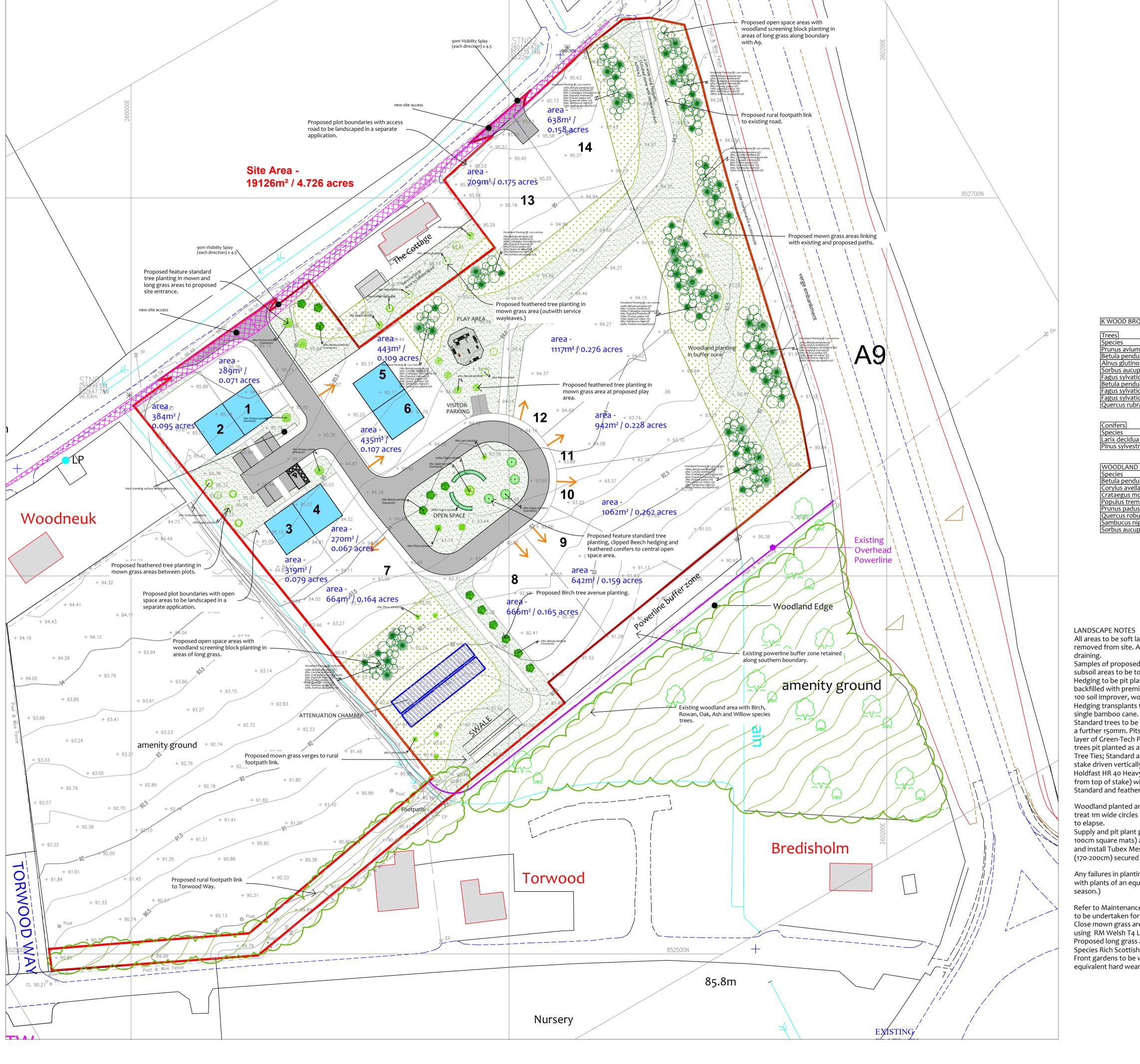


Development & Infrastructure Service

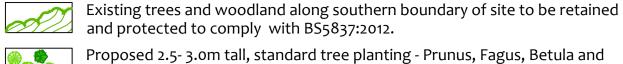
20/00563/FUL

Formation of 14 serviced house plots, including 4 no. affordable houses at Land To North West Of Tore Roundabout, Tore September 2021





KEY





Proposed 1.5-1.75m high feathered trees: Sorbus, Betula and Alnus



Proposed 1m high feathered conifer trees- Pinus species.



Proposed native species woodland planting: Corylus, Sambucus, Populus, Quercus, Crataegus, Prunus, Betula, Pinus and Sorbus species transplants, protected with mesh guards, stakes and mulch mats.



Proposed hedging maintained at 0.9m, Fagus species. (Hedging to be protected with post and wire fencing and spiral guards.)



Proposed communal close mown grass areas- seeded.



Proposed species rich long grass areas to be sown and managed surrounding the proposed woodland screening planting and open space

K WOOD BROADLAND PROPERTIES LTD- PROPOSED HOUSING SITE- LAND EAST OF WOODNEUK, TORE, IV6 7SW.

Trees						
Species	Height	Girth	Pot Size			Number
Prunus avium	250-300cm	8-10cm			Counted	
Betula pendula	150-175cm		bare-root	Feather: 3 brks: 2x	Counted	6No.
Alnus glutinosa	150-175cm		bare-root	Feather:5 brks:2x	Counted	3No.
Sorbus aucuparia	150-175cm		bare-root		Counted	
Fagus sylvatica	175-200cm		bare-root	Feather:5 brks:2x	Counted	2No.
Betula pendula	250-300cm	8-10cm			Counted	12No.
	60-80cm		bare-root	1+2 :Transplant :4 brks		88No.
Fagus sylvatica					Counted	
Quercus rubra	250-300cm	8-10cm	Rootballed	Standard : 3 brks: 2x	Counted	1No.

Conifers					
Species	Height	Pot Size	Specification	Density	Number
Larix decidua	100-125cm	Rootballed	Leader & laterals :2x	Counted	4No.
Pinus sylvestris	100-125cm	Rootballed	Leader & laterals :2x	Counted	4No.

WOODLAND SCREEN					
Species	Header Pot Size			Percentage Contribution	Number
Betula pendula	200CC	Cell grown transplants		25%	134No.
Corylus avellana	200CC	Cell grown transplants	1.5Ctr	5%	31No.
Crataegus monogyna	200CC	Cell grown transplants	1.5Ctr	10%	55No.
Populus tremula	200CC	Cell grown transplants	1.5Ctr	5%	31No.
Prunus padus	200CC	Cell grown transplants		10%	55No.
Quercus robur	200CC	Cell grown transplants	1.5Ctr	15%	81No.
Sambucus nigra	200CC	Cell grown transplants	1.5Ctr	5%	31No.
Sorbus aucuparia	200CC	Cell grown transplants	1.5Ctr	25%	134No.
		-			Total :552No



LANDSCAPE NOTES

All areas to be soft landscaped to be litter picked and all site debris / stones etc to be removed from site. All subsoil to be thoroughly de-compacted to ensure that they are free

Samples of proposed topsoil to be approved by the Project's Landscape Architect and subsoil areas to be top-soiled will be inspected by LA prior to topsoil being spread. Hedging to be pit planted into prepared topsoiled trench, 450 x 450 x 300mm deep backfilled with premium quality topsoil mixed with a 35mm deep layer of Green Tech PAS 100 soil improver, worked into hedging trench during planting. Hedging transplants to be protected with a clear spiral guards (60cm x 38mm dia) with a

Standard trees to be pit planted into 900 x 900 x 600mm deep pits with base broken up for a further 150mm. Pits to be backfilled with premium quality topsoil mixed with 35mm deep layer of Green-Tech PAS 100 soil improver worked into tree pit backfill material. Feathered trees pit planted as above in 600 x 600 x 450mm deep pits.

Tree Ties; Standard and feathered trees to be secured with 1 no. 50mm machine rounded stake driven vertically (finished at 0.5 above ground level) into ground and secured with Holdfast HR 40 Heavy duty rubber belting with HB2 rubber block (nailed to stake, 50mm from top of stake) with galvanised clout nails.

Standard and feathered trees to be supplied with 'Arbortech' strimmer guards, 1 per tree.

Woodland planted areas: Following the completion of the proposed grass seeding areas treat 1m wide circles at 1.5m centres with an approved herbicide and allow sufficient time

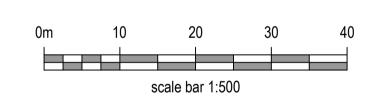
Supply and pit plant proposed cell grown transplants and secure Woven Weed Mats (100 x 100cm square mats) and peg down around trees. Cover edges of mat with topsoil. Supply and install Tubex Mesh Tree Guards: trees 90cm tall (80-100cm dia) and shrubs 60cm tall (170-200cm) secured to 25 x 25mm softwood stakes with 2no. ratchet ties.

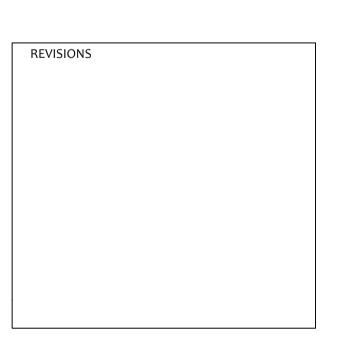
Any failures in planting in the first five years after planting will be replaced by the client with plants of an equal size / specification as to the planted species (in the next planting

Refer to Maintenance schedule for details of the proposed maintenance regime for the site

to be undertaken for the first five years.

Close mown grass areas to be weed-killed, cultivated and sown with Blec 2 pass technique using RM Welsh T4 Low Maintenance mix sown at 50g/m2 (or equivalent.) Proposed long grass areas to be weed-killed, cultivated and seeded with a R M Welsh Species Rich Scottish Provenance Mix sown at 15kg / hectare, (or equivalent.) Front gardens to be weed-killed, cultivated and turfed with Scotlawn 'Silver Grade' or equivalent hard wearing grade turf.







1,Old Branziet Cottage, Balmore, By Torrance, Glasgow, G64 4AH. Tel: 01360 620358 Mob:07584 054586 email: keith.l.wood@btopenworld.com www.keithlwoodlandscapedesign.scot

Project Title: PROPOSED HOUSING DEVELOPMENT ON LAND TO EAST OF WOODNEUK, TORE, CLIENT: BROADLAND PROPERTIES LTD DRAWING LANDSCAPE PROPOSALS-PLANTING PLAN.

	PLANNIN	IG			
Scale	1:500@ A1	Date	05.10.20		
Drawn	k wood	Appro	ved		
Drawing No. BP 100.20 SL-02 Rev					

