Agenda Item	6.8
Report No	PLS-23-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 March 2022

Report Title: 20/03445/FUL: Springfield Properties PLC

Land Adjacent to Fire Station, East End, Beauly

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 11 residential units (7 houses and 4 flats) and roads

Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: Manager's discretion

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 The proposal is to erect 11 residential units (7 houses and 4 flats) along with the associated works required for a residential development.
- 1.2 There are six different house and flat styles across the site, but all tie together in terms of materials. It is proposed to use contemporary external materials and finishes palette. This would include the use of high-quality concrete smooth grey roof tiles, modern K-rend and dry-dash roughcast render wall finishes.
- 1.3 Pre Application Consultation: (19/01228/PREAPP) The principle of remixing the site and increasing the density of the housing is acceptable at this location. It is acknowledged that this is the only site in the ownership of the applicant at present but given the site links into the wider allocation as identified in the Development Plan, the plan should show how this site will interact with the wider allocation BE1 and adjacent allocations BE3 and BE5 in the longer term. Principles set out in the Designing Streets documentation should be followed in considering the amended design for the north side of the site. Open space should be a feature of the site and the provision of an equipped play area should also be included.
- 1.4 Supporting Information: Supporting Information: Design and Access Statement, Domestic Waste Management Plan, Drainage Assessment, Planning Statement, Proposal of Application Notice, Pre-Application Consultation Report, Construction Phase Management Plan, SUDS plan.
- 1.5 Variations: Minor variations to vehicle tracking and bin stores and measure to mitigate flood risk.

2. SITE DESCRIPTION

- 2.1 This site is located to the north end of Beauly and as a whole extends to 0.83 hectares in area. It is relatively flat land accessed from the A862 at the existing fire station. The site forms part of a larger housing allocation in the Development Plan with the intention that the access will be extended into the fields beyond and link on to Croyard Road. The area referred to in this application is to the south of this road. A separate application (20/03444/FUL) will consider the site to the north of the road.
- 2.2 To the south of the site is the burn that separates the application site from the existing housing at the north end of the village. The north of the site is the proposed road that will provide the link through the site, as well as an area for 42 units (24 houses, 16 flats) (20/03444/FUL). To the west are open fields and to the east the parcel of land currently under construction for 12 affordable homes.

3. PLANNING HISTORY

3.1	05.05.2008	07/01057/FULIN –	Erect 35 houses	(10 Affordable)	Withdrawn

3.2 29.07.2014 08/00430/FULIN – Erection of 37 houses (10 Planning affordable) Permission

Granted

13.06.2019 19/02244/PAN – Residential development and Closed associated infrastructure
 07.09.2020 20/03228/FUL – Erection of 53 Homes and Withdrawn associated works
 20/03444/FUL – Erection of 42 units (24 houses, 16 Application Fending Consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 and Unknown neighbour

Date Advertised: 02.10.2020

Representation deadline: 16.10.2020

Timeous representations: 4 (from 4 households)

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - a) Is there sufficient provision for walking/cycling?
 - b) Is the access sufficient on to the A862?
 - c) What are the requirements for the Fire Station?
 - d) Is there a children's play area?
 - e) What is the impact on residents of Croyard Road and users of the allotments?
 - f) Safe route to school
 - g) Amenity of residents in Abbots Place
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Development Plans Team**: "The principle of development on this site is accepted as the proposal is located within part of a site allocated for housing in the local development plan; there is also extant planning permission for the site. It is providing the opportunity for a mix of house sizes and types (including bungalows) to be delivered within an allocated site and will assist in the delivery of the proposed link road between the High Street and Croyard Road.

Design and Place - 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 consists of one small cul de sac. There is a separate affordable homes development immediately adjacent to this site. It is understood why it has not been possible to create a road that loops through the two sites. However, the pedestrian link between the two sites and the natural surveillance provided by

housing, is welcomed. What is also especially welcome is one of houses with driveway access and an active frontage onto what will become the new link road.

Travel and Connectivity - The site is central in terms of its proximity to the High Street and the primary school. In this regard the site is well located for residential development, offering people somewhere to live that they can walk and cycle to school and local amenities. Safer Routes to Schools must be considered as part of this proposal. The site is close to the primary school but at present any active travel route to the school is indirect and must be taken via the A862."

- 5.2 **Transport Planning Team** has reviewed the information submitted to support this development and based on its findings, no longer object, subject to the following conditions being applied:
 - 2 metre public utility services strip / verge
 - Provision of visitor cycle parking
 - A862 culvert upgrade works
 - Construction Traffic Management Plan
- 5.3 **Flood Risk Management Team:** "Having reviewed the latest information provided, we withdraw our objection, subject to the following conditions.

Flood Risk

- i). We have reviewed the latest Flood Risk Assessment (FRA) provided (Beauly FRA. Final Updated V7.0. Kaya Consulting. 10.02.2022) and have the following comments.
- ii). The FRA has considered flood risk from the East End Burn that runs along the southern boundary of the site. The FRA concluded that there is risk to the existing houses to the east during a 1 in 200 year flood event or in the event of blockage to the culvert just downstream of the development site.
- iii). Recently constructed houses in the south east corner of the development site have finished floor levels (FFLs) that are lower than the predicted 1 in 200 year flood level in the burn. This is due to the watercourse being located behind an informal flood embankment. In the eastern part of the site the embankment is approximately 5m wide and so there is a clear risk to the houses in the event of the embankment being breached. The modelling carried out in the FRA confirms this. The houses were built under an existing permission that requires the FFLs to be minimum 500mm above the predicted 1 in 200 year flood level (based on modelling carried out at the time of the previous application). The houses built under the existing permission were not constructed to the correct FFL, being some 500mm too low.
- iv). In order to mitigate the risk to the recently constructed houses, and consequently the existing houses to the south and east, a system to divert flood waters through the site and back into the culverted watercourse downstream of the fire station is proposed. As planning have indicated that it is not desirable to take enforcement action to correct the FFL of the new houses, we would accept appropriately designed and maintained mitigation in this case. It is noted that if there was no suitably agreed mitigation option, then our recommendation would be for the existing built houses to be rebuilt to the correct FFL.
- v). The FRA sets out the requirements for the diversion system. This will consist of two lateral weirs diverting flow from the watercourse into a new network that diverts

water through the development site, via an above ground attenuation pond (this pond will also take surface water flow from the cut off ditches). The principle of the mitigation, to alleviate flood risk to the houses that have been built already is accepted.

- vi). The Proposed Culvert General Arrangement Drawing (BE01-Eng-PH1-623 Rev: B) shows the proposed offtake weirs. This includes measures to ensure that stability of the watercourse channel and prevent excess flows (beyond the design standard) from entering the diversion channel. We are content with this proposed arrangement.
- vii). The diversion system has been modelled and the results are provided in the FRA. The modelling is based on the proposed diversion network layout set out in drawings:

Phase 1, Proposed Drainage Layout. BE01-Eng-PH1-600 Rev: O

Phase 2, Drainage Layout. BE01-Eng-600-PH2 Rev: K

Culvert Basin Details. BE01-ENG-624-PH1

At this stage we are content with the proposals for the diversion system. Details of the final design of the diversion network, including the offtake weirs and basin, shall be secured through an appropriately worded condition.

- viii). The ownership and maintenance and operation responsibilities for all of the proposed flood diversion infrastructure will be handed over to the site factor (and hence the residents). As this is a complex system, which will be difficult to design, build and operate it may well require remedial works/design changes to ensure that it operates as intended. An appropriately worded condition will be required so that the property owners (and any appointed factor) are made aware of their responsibility to maintain, and ensure the operation of, the flood diversion infrastructure.
- ix). There is an area of raised ground approximately 20m wide along the northern bank of the watercourse in the western part of the proposed development site. The Flood Drawing (BE01-ENG-100 Rev D) shows that all of the new properties in this area will have FFLs of 8.3mAOD and that finished ground levels will be 8.15mAOD. We are content that this will ensure that the FFLs will have minimum freeboard of 600mm above the 1 in 200 year plus climate change flood event and that the area of raised ground is retained. In order to ensure that this is carried through to the final design, we request that this is secured through an appropriate condition.
- x). It is stated in the FRA that the following mitigation will be carried out 'Clearance of vegetation within the channel and improvements to channel banks, this should include improvement to access to the channel and engineering (compaction) of the banks to improve their condition and to reduce any residual risk of water entering the site by way of seepage through or under the embankments. The banks should be made water resistant. The bank level should not be raised above current levels, so there is no increased risk to others. This work would need to undertaken/supervised by suitably qualified professionals. Embankment Strengthening Drawing BE01-ENG-102 shows the section of embankment where works will be carried out. A condition that all necessary embankment reinforcement works are carried out prior to occupation of any of the properties shall be attached to any consent.

Drainage

- xi). We have reviewed the Drainage Impact Assessment (DIA) has been provided (Proposed Development at Beauly, Drainage Assessment Rev D. Springfield. 25.08.21).
- xii). At this stage we are satisfied with the surface water drainage proposals. We will require a condition that the final drainage design is submitted for review and approval. This shall confirm that discharge will be limited to the existing greenfield run off rates for a range of return periods (i.e., 2, 30, 200 year) up to and including the 1 in 200 year plus climate change storm event. All design shall be in accordance with Sewers for Scotland so that the network can be vested by Scottish Water and The Highland Council under a section 7 agreement."
- 5.4 **Environmental Health:** No objection
- 5.5 **Historic Environment Team:** No objection but include archaeology condition.
- 5.6 **Access Officer** has no objection subject to a condition relating to the implementation of the Access Management Plan.
- 5.7 **Contaminated Land:** No objection
- 5.8 **Scottish Water:** No objection
- 5.9 **SEPA:** "This site is unusual and complicated and as a result of its history and the fact that the development could give a potential betterment elsewhere, we have accepted the principle of flood mitigation measures in this specific case. It had to be clearly demonstrated that any flood mitigation works undertaken would reduce the flood risk to those properties already constructed and must not increase flood risk to other properties within, or out with, the site, including through the failure or exceedance of the mitigation measures.

The mitigation works comprise of two offtake structures from the watercourse on the southern boundary of the site (one at the upstream and one at the downstream of the site), which divert flows during flood conditions in the watercourse through the site via a ditch, culverts and attenuation pond. The finalised FRA demonstrates that the proposed measures will reduce flood levels on the watercourse such that those properties already constructed will no longer be at significant flood risk from an embankment failure and existing properties out with the site will also see a reduction in flood risk.

There does however remain a risk of failure of the mitigation measures. This could result in (1) flows not entering the mitigation culverts through the site, and as such the flood risk would remain as present to existing properties through exceedance of the downstream culvert and through the possible embankment failure. Works are however proposed to the embankment to reduce the flood risk further during this event, and (2) flood flows within the site due to a culvert collapse or blockage at the proposed culvert inlet adjacent to Plot 23.

We note that a flow pathway through the site via the roads is provided during a potential failure of the system within the site. Some of these flows will be captured by the surface water drainage and remaining flows will route to the low point at Plots 1-4 where porous paving with a collector pipe to return flows to the downstream

offtake culvert is proposed. Whilst a residual risk remains to these properties already constructed in the low-lying area of the site, we are satisfied that the proposed measures will reduce this risk and the further proposed properties are designed at a higher level to avoid any residual flood risk. The maintenance of the flow diversion culvert, including trash screen, porous paving and surface water network is crucial to ensuring the measures reduce the risk of flooding and should be conditioned.

As outlined above the FRA outlines that improvement works to the embankment adjacent to the properties already constructed should be undertaken. A drawing has been provided to the specification which is required to be met to ensure the embankment is watertight and it is proposed to establish the condition and undertake remedial measures at the time of construction works on site. We are satisfied that these works can be conditioned.

We are now therefore in a position to withdraw our objection to these applications subject to conditions covering the issues outlined below.

- The submission of an embankment condition report outlining the works required to the existing embankment in the south of the site to ensure it meets the standard set out on drawing BE01- Eng-102 Embankment Works.
 All works to be carried out prior to the occupation of any new houses.
- Requirement for a factoring agreement (or other legal agreement) which includes a monitoring and maintenance schedule (to be agreed with the planning authority in consultation with SEPA and the council's flood management team if they are in agreement) which specifically include details of how each element of the scheme including the embankment, offtake structures, channel bed controls and trash screens will be monitored and maintained to ensure the mitigation measures perform as per the design set out in the Flood Risk Assessment and Drainage Drawings. Agreement and schedule to be in place prior to the occupation of any new houses."

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 & Place-making
- 30 Physical Constraints
- 31 Developer Contributions
- 34 Settlement Development Areas
- 56 Travel
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 75 Open Space
- 77 Public Access

6.2 Inner Moray Firth Local Development Plan 2015

Policy 2 Delivering Development BE1 Beauly East

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Managing Waste in New Developments (March 2013)

Physical Constraints (March 2013)

Open Space Supplementary Guidance (2013)

Public Art Strategy (March 2013)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Designing Streets (2010)

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) siting, design and residential amenity
 - c) flooding and drainage
 - d) affordable housing
 - e) any other material considerations.

Development plan/other planning policy

8.4 The site lies within the Settlement Development Area of Beauly as identified in the Inner Moray Firth Local Development Plan, which sets out the managed expansion of the west side of the town to provide over 400 new homes. The application site is covered by the allocation BE1 Beauly East which has an indicative capacity of 238 homes. The application site, in turn, links into BE2 which is a mixed use allocation with an indicative capacity of 185 houses plus business and community uses.

- 8.5 Policy 2 of the IMFLDP supports development on allocated sites where the necessary infrastructure either exists or will be provided. In this case the proposed amount of housing will make a sizeable contribution toward supply requirements needed in larger settlements, utilising a sustainable allocated site within a settlement identified for expansion which can take advantage of both existing and planned infrastructure. The principle of development is established.
- Planning permission was granted for a 37 house development on this site in 2014. The first phase of this included 10 affordable homes. These are currently under construction by Albyn, although this number has risen to 12 through swapping two private houses out for affordable ones. Development on the site has therefore commenced.
- 8.7 Providing that the development has been designed to make a positive contribution to the architectural and visual quality of Beauly and its sense of place, can provide opportunities for active travel, do not place undue pressure on existing infrastructure or adversely impact on individual and community residential amenity, the proposals would accord with the Development Plan.

Siting, design and residential amenity

- 8.8 This proposal forms part of what is essentially a redesign of this wider site. The redesign has been more efficient in terms of its land use, which has enabled a total of 63 units to be developed on the wider site; the 12 existing affordable housing units along with the 40 units located to the north side of the access road and the 11 units proposed within this application.
- 8.9 Designing Streets (2010) sets out the Scottish Government's aspirations for design and the role of the planning system in delivering it. This statement sits alongside the policy Designing Places on architecture and is a material consideration in determining planning applications. It places an emphasis on high standards of street and place design and stresses that this can promote a better quality of living for everyone. Fundamentally it places good street design before vehicular movement.
- 8.10 The applicant is proposing a modern, contemporary form of design along with a layout that reflects current roads standards and Designing Streets approaches. The houses will be predominantly two-storey detached but with semi-detached houses and bungalow properties with established principal building lines for each row fronting onto principal roads or open spaces. The streetscene are broken up by varied house types, landscaping and sensitive boundary treatments. As indicated by both Development Plans and Transport Planning, the proposed layout has taken cognisance of this guidance to create a well-connected, multi-modal accessible layout.
- 8.11 Landscaping and open space provision is designed to meet the Development Plan requirements. 6941sqm of usable open space is provided across the wider development site amounting to 22% of the site area or 45sqm per person. This exceeds the levels suggested in the Open Space Supplementary Guidance and ensures the quality and quantity of open space provided is significantly better than in the approved layout. The applicant has sought to ensure the open space is functional, well-connected to the developable areas and easy to maintain and use.

Structural landscaping and planting to the northern boundary of the site is proposed which aims at both preserving and enhancing amenity and the landscape setting of the village.

- 8.12 In terms of design, it is proposed to use a palette of contemporary external materials and finishes. This includes the use of high-quality concrete Quinn Rathmore grey roof tiles, smooth grey and white render wall finishes with a combination of dark grey or taupe weatherboarding features cladding. There are five different variations of house and flat design which complement each other and are connected by the external materials and finishes palette. This provides interest and variety in the streetscape that is welcome. In summary, the amended layout would appear to follow good place-making principles resulting in a development of varied homes, greenspaces and roads with active frontages and high quality landscaping ensuring the requirements of Policy 29 are addressed.
- 8.13 In terms of residential amenity, it is noted that there is a change in outlook for three of the properties in Croyard Drive to the south. Previously, the properties adjacent to the burn were single storey with patio doors and windows on the rear elevations facing the rear of the Croyard Drive houses. The current proposal is that the Croyard Drive houses will face the side elevation of two 1¾ storey houses at the end of the cul de sac. These houses are around 2.3m higher than the existing houses and have no windows on the side elevation. There is a gap of 19-23m separating the proposed houses from those in Croyard Drive which is considered acceptable in a residential setting such as this. Although the proposed houses are higher than previously granted permission, the removal of windows overlooking Croyard Drive is welcome and as such the impact on individual and community residential amenity is not considered significant.

Flooding and Drainage

- 8.14 Flood risk and drainage has been an ongoing issue in this part of Beauly. Since the original planning permission was assessed in 2008/2009, flood risk and how this is considered has changed. The applicant has therefore been required to carry out far more extensive flood risk assessments than previously required to demonstrate that neither the existing houses nor the proposed houses will be at risk of flooding as a result of this development proceeding. The applicant has also had to reach agreement with the Flood Risk Management Team and SEPA that the proposed drainage and flood mitigation measures will also be maintained in perpetuity. Both SEPA and the Flood Risk Management Team have withdrawn their objections to the proposal subject to conditions.
- 8.15 There is an existing flood risk to properties on East End, with water backing up and overtopping the inlet of the watercourse culvert near the north-western end of East End. The proposed development site is not predicted to flood from the watercourse, but areas of the site are protected by an embankment along the northern edge of the burn. Therefore, flood management measures are proposed that will take water from the burn and route it through the site away from the culvert inlet. This will reduce flows arriving at the inlet and reduce water levels in the burn, which will reduce the risk of flooding at East End and remove the reliance on the embankment to protect the site. The diverted flows will return to the watercourse culvert on Moray Firth Road, where the culvert has a higher capacity than the section further

- upstream. In addition, the site will provide offline storage within the site (for site runoff and diverted flows) to reduce the peak flow in the culvert leaving the site.
- 8.16 Two representations received queried the drainage and capacity of culverts. Transport Planning has considered these comments and has advised that the A862 culvert near Orchard Park should be upgraded as the developer has designed the surface water drainage to flow into it. The original permission stated it was to be upgraded to 350mm however with the new modelling work the applicant is now upgrading the section of culvert crossing the road and into the back garden of the adjacent property to 600mm to match the rest of the culvert pipes.
- 8.17 SEPA concluded that this site is unusual and complicated and as a result of its history and the fact that the development could give a potential betterment elsewhere, it has accepted the principle of flood mitigation measures in this specific case. It has had to be clearly demonstrated that any flood mitigation works undertaken would reduce the flood risk to those properties already constructed and must not increase flood risk to other properties within, or out with, the site, including through the failure or exceedance of the mitigation measures. With the inclusion of the various conditions requested by SEPA and the Flood Team, it is accepted that this application can now be supported in relation to flooding and drainage.

Affordable Housing

- 8.18 The original planning permission for this site, granted in 2014 included the site immediately to the west of the Fire Station. This element of the permission forms approximately a quarter of the overall housing elements of the site. This quarter accommodates 12 affordable homes that are currently under construction for Albyn Homes and will form the majority of the affordable housing requirement for this wider development.
- 8.19 In order to meet the 25% requirement set out in the Affordable Housing Supplementary Guidance, for the site as a whole, the applicant is proposing a further four affordable units to be provided within this site. Provision of these will be secured through the legal agreement.

Other material considerations

8.20 Safer routes to school are a consideration when assessing applications of this nature. The applicant has commissioned a Safer Routes to School Review which identifies that the "route from the development to the school benefits from a good standard of footway throughout with all crossings over minor accesses or low flow junctions ensuring these do not act as a barrier to safe pedestrian movement. The route has an active frontage throughout which provides natural surveillance thereby providing parents with comfort that the route is safe and attractive. The route is approximately 600m which is well within the recommended walking distance of 1600m to amenities. 600m equates to a 7 minute walk if taken at an average walking speed of 1.4m/s which is considered to be attractive to residents". The Review concludes that the "available routes are safe and benefit from a good level of infrastructure which ensures that children and parents have a viable option if considering walking to school."

Non-material considerations

8.21 Views over the open countryside is a non-material planning consideration.

Matters to be secured by Section 75 Agreement

- 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) Contributions to Beauly Primary School accommodation (£2,041 per house and £1,157 per flat);
 - b) Contributions to Charleston Academy accommodation (£3,482 per house and £1,875 per flat);
 - c) Contributions to Community Facilities at Charleston Community Campus (£1,019 per home);
 - d) Delivery of Affordable Housing;
 - e) A factoring agreement which includes a monitoring and maintenance schedule (to be agreed with the planning authority in consultation with SEPA and the Flood Risk Management Team) for the flood diversion infrastructure. For the avoidance of doubt, this should specifically include details of how each element of the scheme including the embankment, offtake structures, channel bed controls and trash screens will be monitored and maintained to ensure the mitigation measures perform as per the design set out in the Flood Risk Assessment and Drainage Drawings. Agreement and schedule to be in place prior to the occupation of any new houses.
- 8.23 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:

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 (Developer Contributions) of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the Inner Moray Firth Local Development Plan.

9. CONCLUSION

9.1 This application, along with application for the 40 houses on the adjacent site (20/03444/FUL), are essentially are a redesign of the layout and house types previously granted in 2014. The more efficient use of land and simplified and improved road layout, that meets current policies, has enabled the applicant to increase the level of development on this site overall. This is not however at the expense of the architectural and visual quality of Beauly. The significant

improvements to the open spaces, areas for play and landscaping and the high quality and varied design provide a good level of distinctive placemaking that can be supported. There will be no significantly detrimental impact upon individual or community residential amenity.

- 9.2 Flood risk has long been an issue in this part of Beauly with existing properties already being subject to flooding. The proposed works to alleviate the situation will not only provide betterment for the proposed houses but for the existing houses too. The affordable houses that have already been built, under the previous planning permission, but cannot be occupied until the flood mitigation works recommended for this application, and 20/03444/FUL, have been carried out. The proposals would help unlock this current constraint.
- 9.3 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

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation Y

Revocation of previous permission N

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

Conditions and Reasons

No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, reservation 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. In order to protect the archaeological and historic interest of the site.

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

2. The properties along the northern bank of the watercourse shall have minimum finished floor levels of 8.3mAOD and finished ground levels around each property of 8.15mAOD.

Reason: In order to ensure the site is protected from flood risk

3. The units shall not be occupied until full details of all street lighting within the site have been submitted to and received the approval in writing of the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to allow the Lighting Engineer to assess the proposed Lighting Scheme

4. No development shall commence until full details of all temporary surface water drainage measures designed to prevent flooding and contamination of existing watercourses during construction shall be submitted to and agreed in writing by the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to prevent flooding and contamination of existing watercourses during construction.

- 5. No development, including any demolition works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction; and
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

For the avoidance of doubt, at no time shall the access between the Fire Station and the public road be obstructed.

Reason: To ensure that the site compounds are sensitively located and are adequately secured to prevent unauthorised entry.

- 6. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained:
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

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

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

7. No development shall commence until a scheme for the layout, design and construction of green spaces and play areas (including specifications, protection measures, boundary treatments and timescales for implementation) has 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 comply with the requirements of the Council's Open Space in New Residential Development supplementary planning guidance (adopted 20th May 2009) and to ensure that sufficient play equipment exists within the application site to serve future residents' needs.

8. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and/or woodland and/or play areas and/or other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as 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 landscaping areas are properly managed and maintained.

- 9. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
 - i. ensuring that the Landscaping Plans to be approved under Conditions 7 and 8 are implemented to the agreed standard; and
 - ii. the preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to and approved in writing by the Planning Authority.

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

10. No development shall commence until an Access Management Plan has been submitted to and received the approval in writing of the Planning Authority. The approved Plan shall be implemented in full prior to the completion of development unless otherwise agreed in writing by the Planning Authority.

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

11. No development shall commence until full details of improvements to the access road from the A862 to the development site, including timescales for implementation, have been submitted to and received the approval in writing of, the Planning Authority. Thereafter the approved details shall be implemented in full and in accordance with the timescales contained therein.

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

12. Details of road markings to be provided at the junction with the Fire Station to ensure cars cannot stop and block the route from the Fire Station at time of emergency shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority and shall be brought into use prior to any unit on the site being occupied.

Reason: In order to ensure emergency egress from the Fire Station is retained at all times.

13. The units shall not be occupied until visitor cycle parking (1 no. hooped type stand is provided, suitably sited near the main entrance to each of the flatted units) has been provided and maintained at all times thereafter.

Reason: In order to facilitate the use of a variety of modes of transport.

14. No development shall commence until a scheme to upgrade the culvert on the A862 has been submitted to and received the approval in writing of the Planning Authority in consultation with the Roads Authority. Thereafter, the approved scheme shall be implemented in full prior to occupation of the first unit.

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

15. The waste management proposals detailed in the Site Layout Waste Management Plan (drawing no. BE01_WM_01 REV C dated September 2020 hereby approved shall be implemented in full prior to occupation of the first unit unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that waste on the site is managed in a sustainable manner.

No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland 4, or any superseding guidance prevailing at the time and include details of the surface water drainage for the site) have been submitted to, and approved in writing by, the Planning Authority. The submission shall be supported by a revised Drainage Impact Assessment and Flood Risk Assessment (inclusive of any revised modelling) to ensure the final design does not have an adverse impact on the established principles of flood risk and drainage established through this application. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to the first 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.

17. No development shall commence on site until a scheme for the inclusion of public art within the development, including types and locations of artworks and the management and maintenance thereof, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented prior to occupation of the development and maintained in perpetuity.

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

18. The units shall not be occupied until details of a 'safer route to school' have been submitted to, and received the approval in writing of, the Planning Authority. Thereafter, the approved details shall be implemented prior to occupation of the first house.

Reason: In the interests of pedestrian safety.

19. No unit shall be occupied until the embankment reinforcement works set out in Drawing BE01-Eng-102 have been implemented in full.

Reason: To ensure that flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

20. No development shall commence until details of the final design of the diversion network, including the offtake weirs and basin, have been submitted to and received the approval in writing of, the Planning Authority in consultation with the Flood Risk Management Team. All works shall be carried out in accordance with the approved details prior to the occupation of any new units.

Reason: To ensure that flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

21. No development shall commence until final details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

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

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

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

Flood Risk

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

permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Local Roads Authority Consent

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

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

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

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

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

Mud & Debris on Road

Please note that it 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

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Elaine Watt

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

Relevant Plans: Plan 1 - BE01 LP 02 - Location Plan

Plan 2 - BE01 SP 01 02 Rev R - Site Layout

Plan 3 - BE PL L 02 Rev L - Landscaping Layout

Plan 4 - BE01 SL 04 02 Rev D - Parking Provision

Plan 5 - BE01 PL 02 Rev J - Roads Hierarchy

Plan 6 - BE01 WM 01 Rev C - Waste Management

Plan 7 - BE01 MC 02 Rev G - Material Conditions

Plan 8 - BE01-Eng-100 Rev E - Flood Drawing for Planning

Plan 9 - BE01-Eng-102 - Embankment Works

Plan 10 - BE01-Eng-623-PH1 Rev B - Culvert Structure General Arrangement

Plan 11 - BE01-Eng-624-PH1 - Culvert Basin Details

Plan 12 - 1060BW(AS)901 Rev A - Croy Floor/Elevation Plan

Plan 13 - 1104DT(AS)901 REV C - Lauder Floor/Elevation Plan

Plan 14 - 1287DT(AS)901 REV C - Balerno Floor/Elevation Plan

Plan 15 - 1339DT(AS)901 REV G - Braemar Floor/Elevation Plan

Plan 16 - 1432DT(AS)901 REV E - Crail Floor/Elevation Plan

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
Schools ²		,	,						
Primary – Build Costs	Beauly Primary School	£2,041	£1,157	£18,915	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	-	£0	£0	£0	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Charleston Academy	£3,482	£1,875	£45,802	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs		£0	£0	£0	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	Charleston community campus	£1,019	£1,019	£11,209	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20

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

Other Legal Agreement requirements

Туре	Details
Factoring agreement	 Related to the need for a monitoring and maintenance schedule (to be agreed with the planning authority in consultation with SEPA and the Flood Risk Management Team) for the flood diversion infrastructure

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

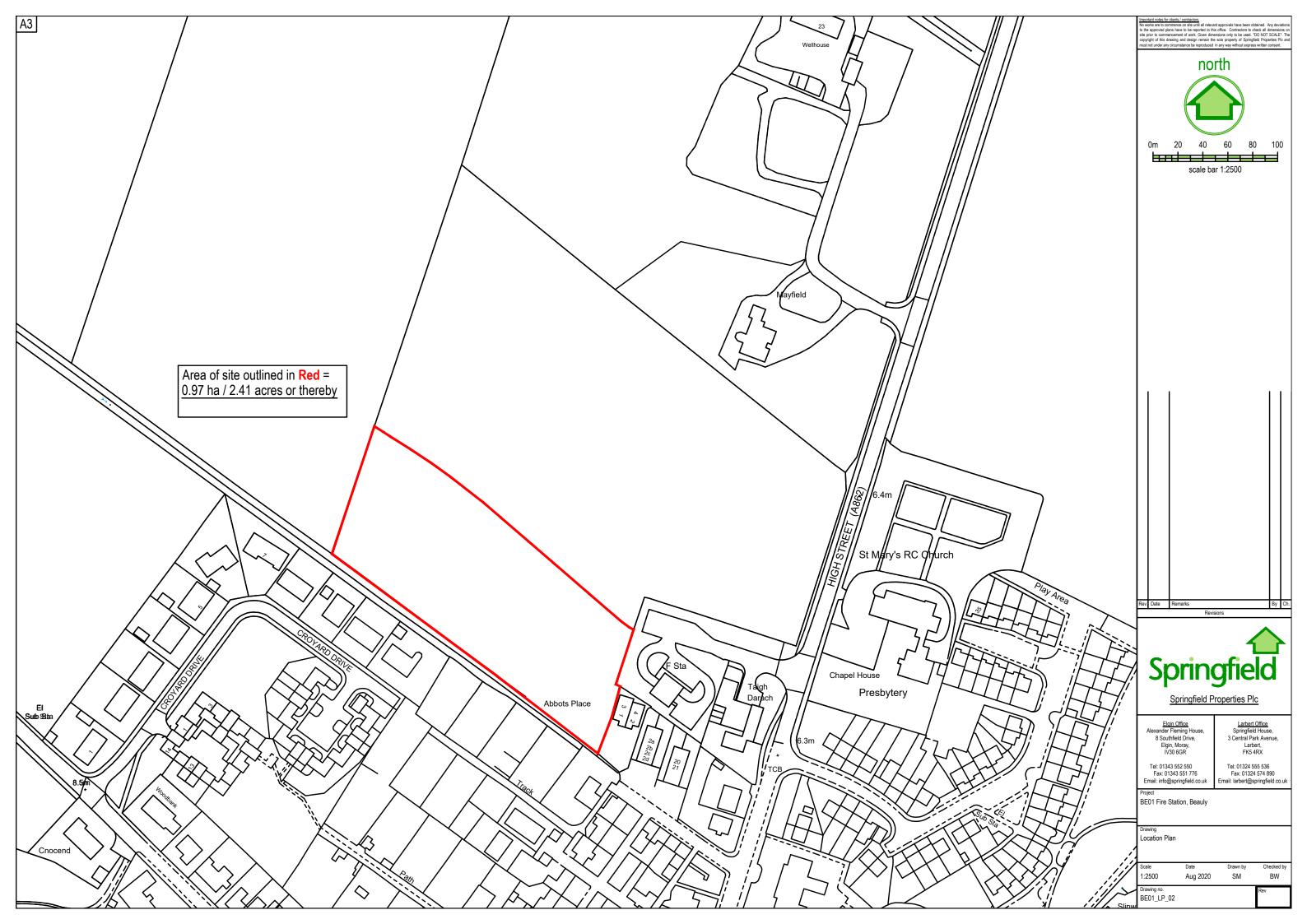
^{*3} TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

Accounting dates - 1 April & 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

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

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





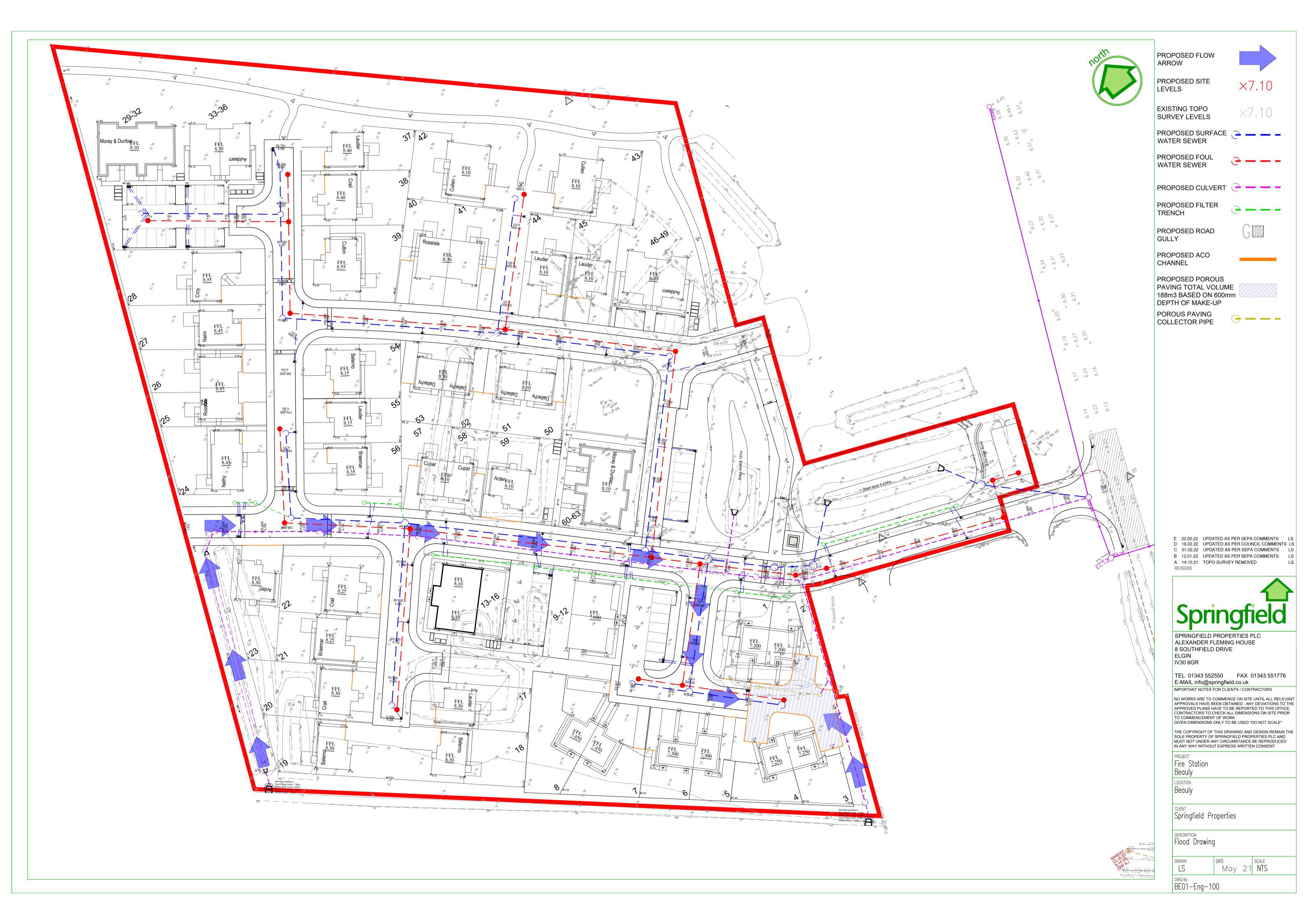


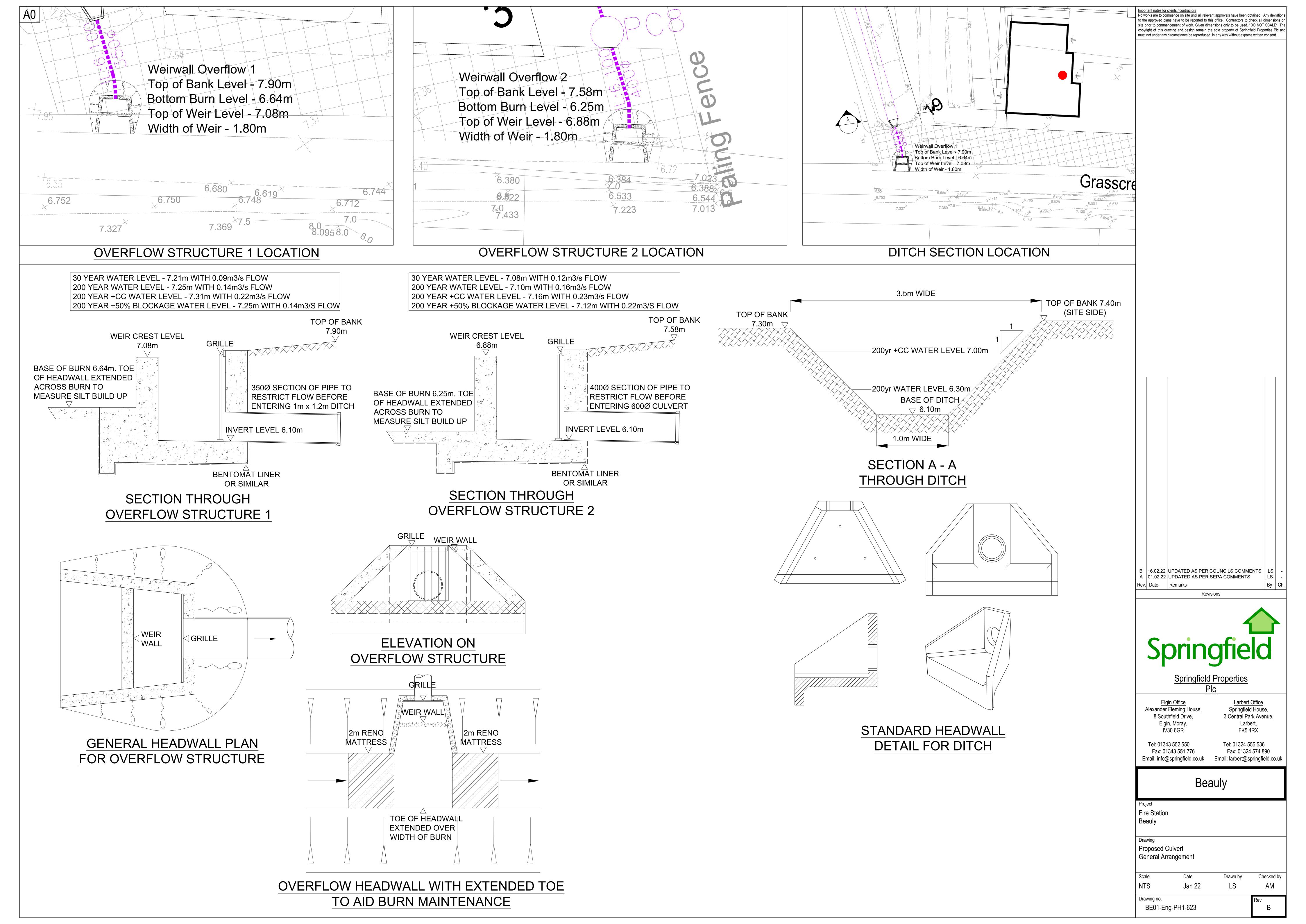


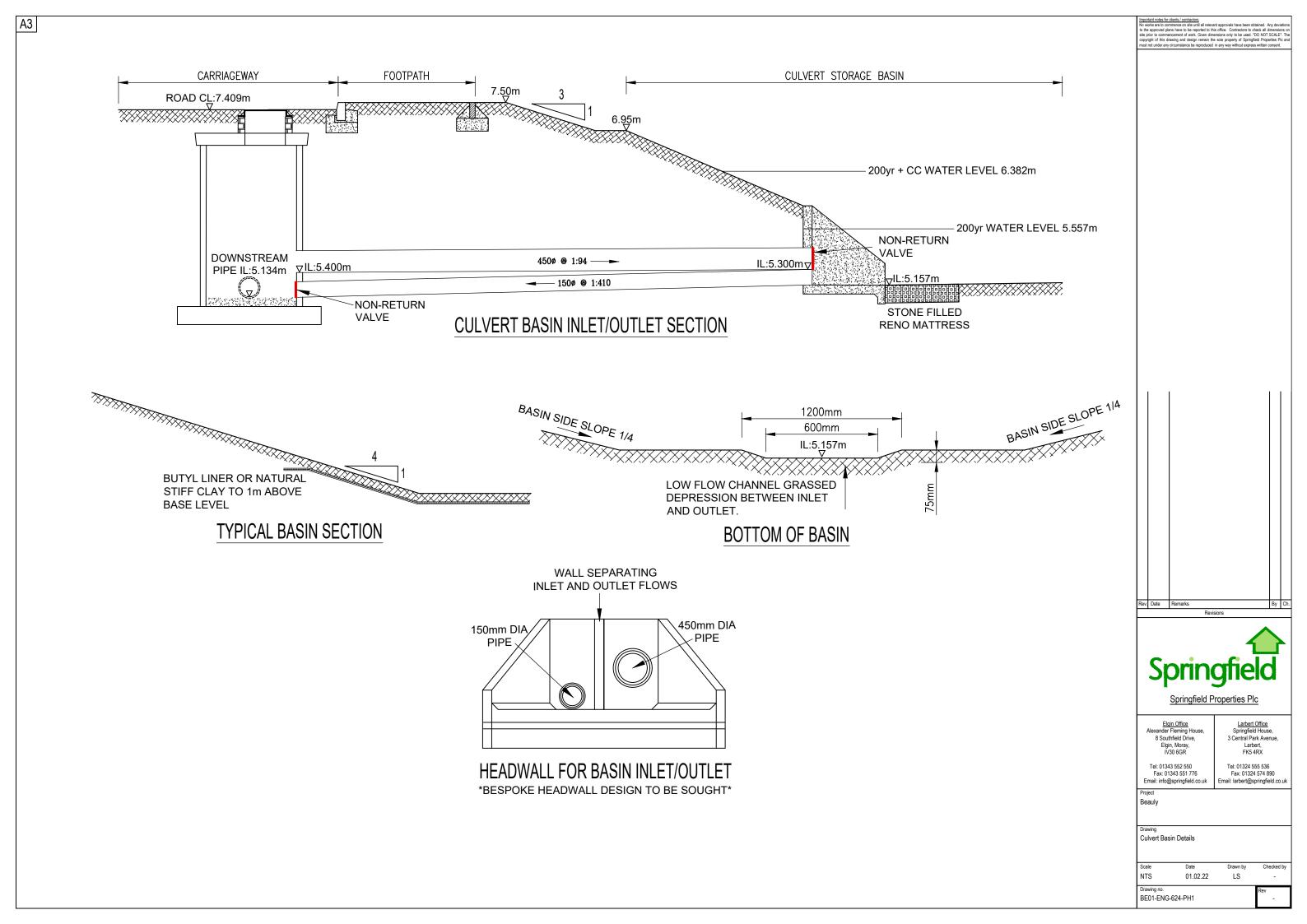












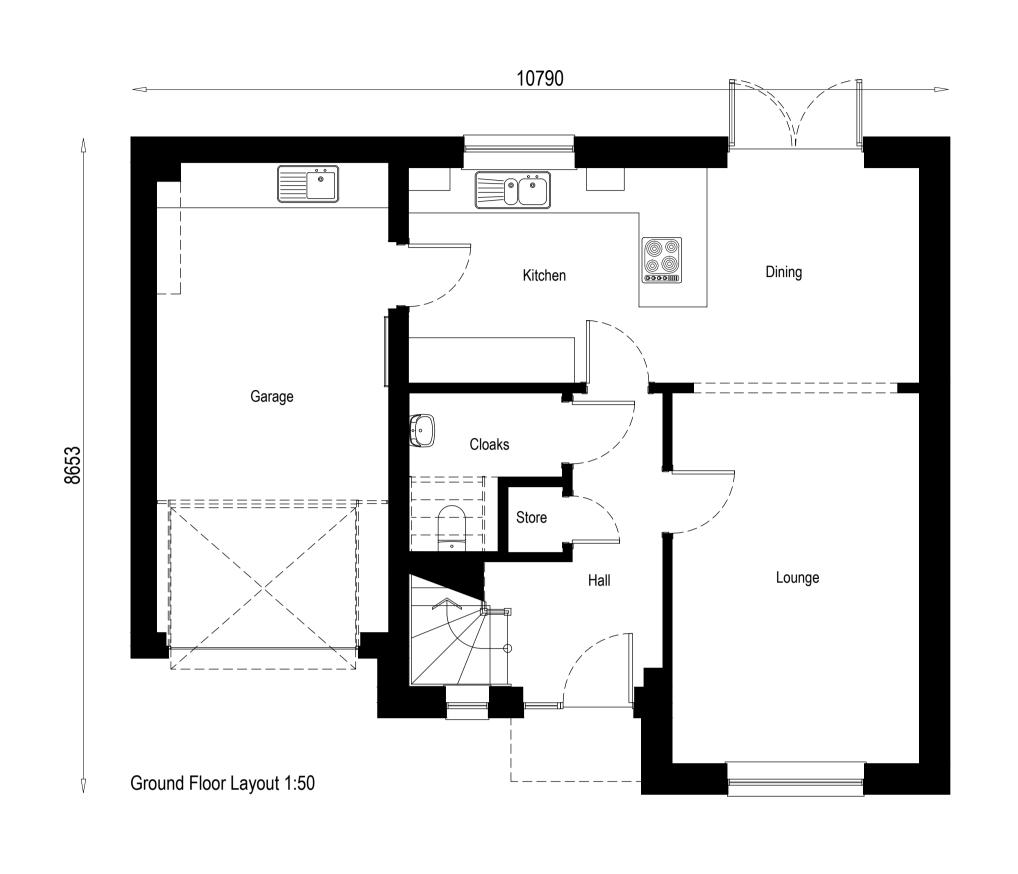
Roof Plan 1:100



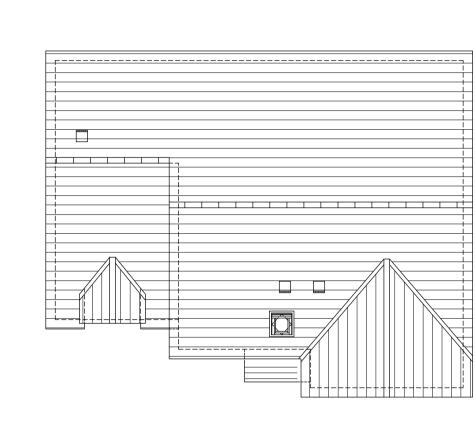
3D Illustration NTS

scale bar 1:50 A 10.03.20 Boiler flue exit repositioned to roof. Shower tray CP JR waste position updated. Important notes for clients/contractors amended. Rev. Date Remarks By Ch. Revisions Springfield Properties Plc Larbert Office
Springfield House,
3 Central Park Avenue, Elgin Office
Alexander Fleming House,
8 Southfield Drive, Elgin, Moray, IV30 6GR Larbert, FK5 4RX Tel: 01324 555 536 Tel: 01343 552 550 Fax: 01343 551 776 Fax: 01324 574 890 Croy Alba House Type Range Planning Submission Plans & Elevations Date Drawn by Checked by 1:50, 1:100 Nov 2017 GR AJY 1060bw(AS)901

scale bar 1:100

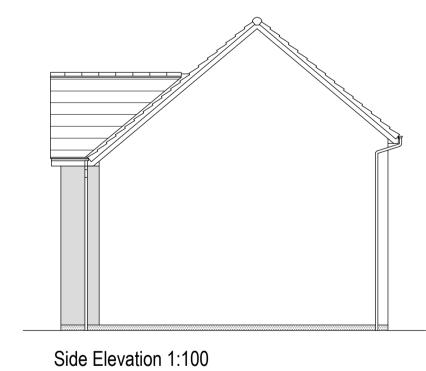


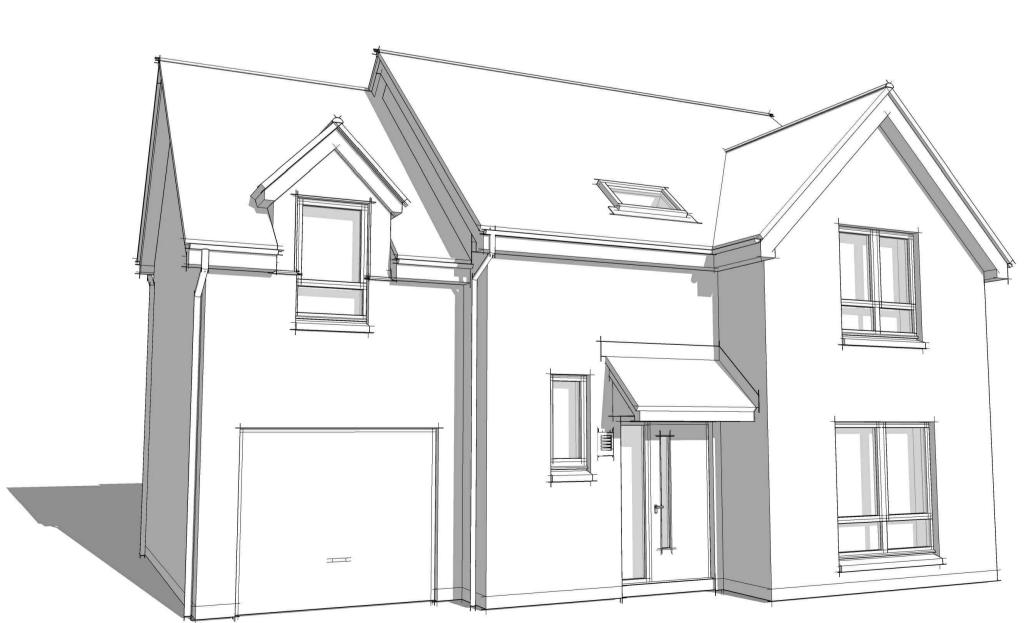




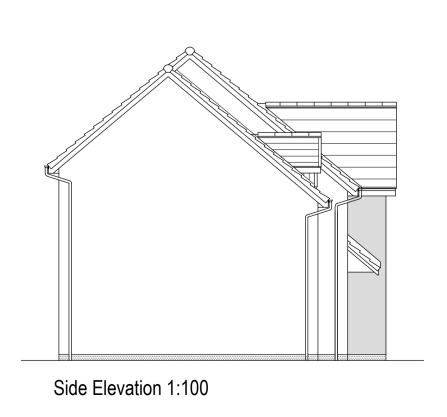
Roof Plan 1:100











3D Illustration NTS

feature base

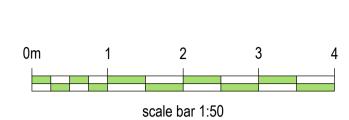
feature timber

feature masonry

Important notes for clients / contractors

No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.

scale bar 1:100



C 01.02.17 Utility units added in garage.
B 01.02.17 Utility units added in garage.
A 19.05.16 House type range added. GR CV GR CV JB GR Rev. Date Remarks Revisions Springfield Properties Plc

Larbert Office
Springfield House,
3 Central Park Avenue,

Elgin Office
Alexander Fleming House,
8 Southfield Drive, Elgin, Moray, IV30 6GR Tel: 01343 552 550

Tel: 01324 555 536 Fax: 01343 551 776 Fax: 01324 574 890 Email: larbert@springfield.co.uk Email: info@springfield.co.uk

Larbert, FK5 4RX

Balerno

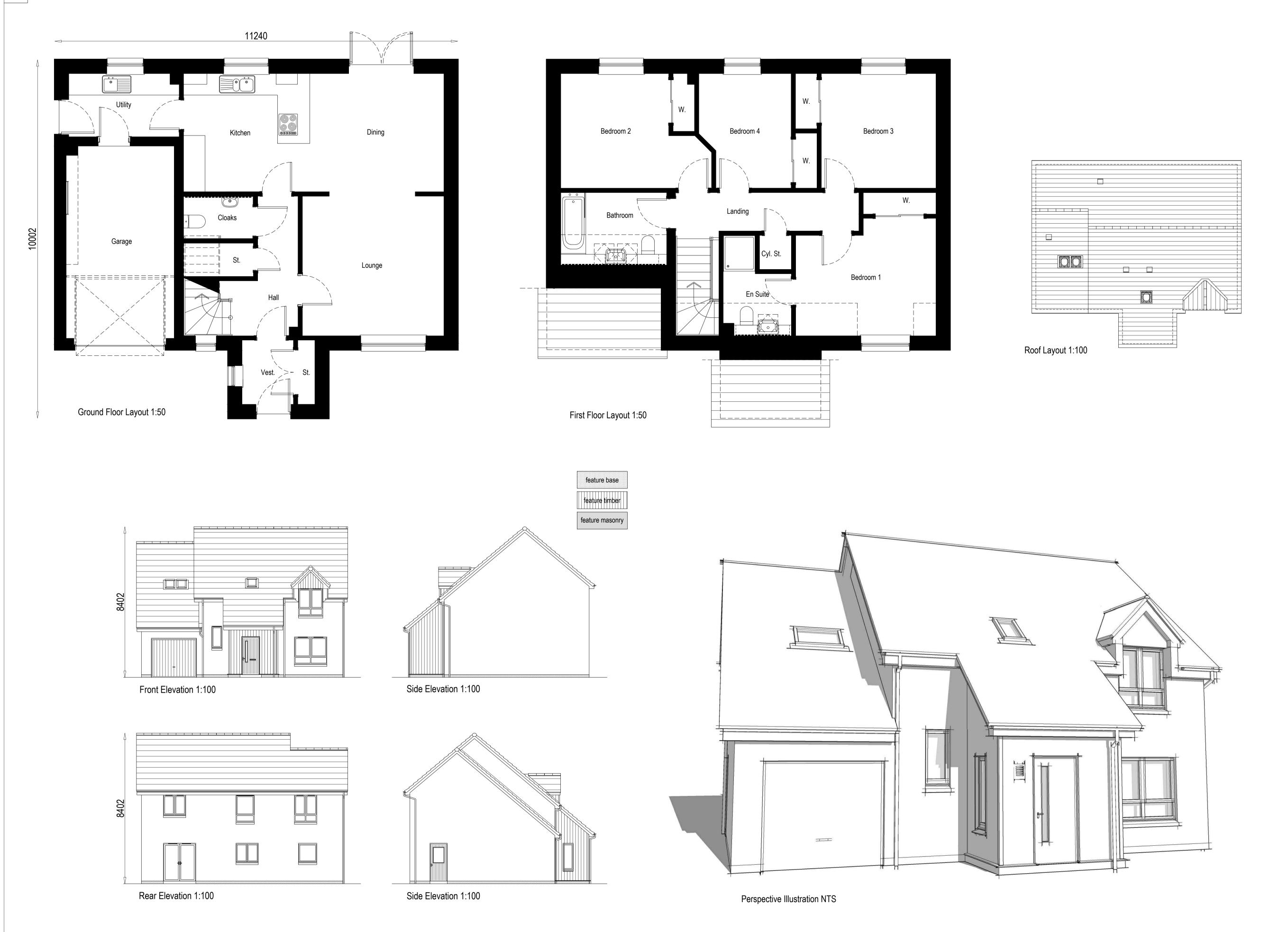
Alba House Type Range

Planning Submission Plans & Elevations

Date Drawn by Checked by 1:50, 1:100 Mar 2015 GR ST Drawing no.

1287dt(as)901





Important notes for clients / contractors

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3 D Illustration updated
3 O1.11.16 Scale bars updated.
4 O2.04.16 House type range added
4 Height elevation revised Rev. Date Remarks Revisions Springfield Properties Plc Elgin Office
Alexander Fleming House,
8 Southfield Drive, Larbert Office
Springfield House,
3 Central Park Avenue, Elgin, Moray, IV30 6GR Larbert, FK5 4RX Tel: 01324 555 536 Tel: 01343 552 550 Fax: 01343 551 776 Fax: 01324 574 890 Email: info@springfield.co.uk Email: larbert@springfield.co.uk Crail (as) Alba House Type Range Planning Submission Plans & Elevations Date Drawn by Checked by 1:50, 1:100 Apr 2016 GR AJY Drawing no. 1432dt(AS)901