

Agenda Item	5.1a
Report No	PLS/16/26

## HIGHLAND COUNCIL

Committee: South Planning Applications Committee  
Date: 01 April 2026  
Report Title: 24/02815/FUL: Ms Yvonne Birrell  
Delmore Bungalow, Inverness, IV3 8RG  
Report By: Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Erection of house

**Ward:** 13 – Inverness West

**Development category:** Local

**Reason referred to Committee:** More than 5 Objections / technical Objection

**Supplementary Paper:** Updated design following consideration and deferral of application by SPAC on 06 February 2025.

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 application was deferred by the South Planning Applications Committee (SPAC) at its meeting on 06 February 2025. The Committee agreed to defer consideration of the proposal following advice from the Area Planning Manager (South), who advised that a potential surface water flood risk had been identified on the site. Further clarification on this matter was required before the application could be determined.
- 1.2 Further information relating to flood risk on the site was submitted by the applicant on 09 December 2025 and 03 February 2026 and has been reviewed by the Council's Flood Risk Management Team.
- 1.3 The original report of handling for the application, which was deferred by SPAC on 06 February 2025, is attached and requires consideration in full.

## **2. PUBLIC PARTICIPATION**

- 2.1 Two further letters of representation (from one household) have been received in response to the additional information submitted by the applicant. This brings the total number of representations to 13 from 11 households
- 2.2 Material considerations raised in the 2 additional letters, and not otherwise covered in the attached Report of Handling, are summarised as follows:
  - dispute the statement that the burn has followed the same route for 150 years, arguing that historical maps show a different natural watercourse running through a long-established gorge.
  - maintain that the current ditch directing water toward the gorge was created by the landowner around 2011 and sits lower and closer to the proposed development than the historic drainage route.
  - concern that the hydraulic modelling may not reflect the altered, man-made ditch and note visible lack of maintenance, suggesting this undermines the reliability of the flood-risk conclusions and could affect properties downhill.
  - question the reliability of assurances that the watercourse will be actively maintained, highlighting the current deteriorated condition of the ditch and collapsed banks.
  - Regarding the temporary access:
    - Note the temporary access would descend around 40m from the U2381, with potential impacts on surface water flow
    - Concern that the temporary access could become permanent
- 2.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <https://www.highland.gov.uk/planning/view-comment-planning-applications>.

### 3. CONSULTATIONS

- 3.1 **Flood Risk Management:** Response dated 14 February 2025: Objects due to concerns about flood risk. Although the applicant's Drainage Impact Assessment from March 2023 states that the site is not at risk of flooding based on SEPA maps, a small watercourse flows down the hillside toward the plot that is too small to appear on these maps and has therefore not been assessed. Site plans show this watercourse running directly downhill toward the proposed house before turning east, with the house positioned much lower than the channel and cut into the slope. This increases vulnerability to both flooding and bank erosion, particularly at the bend in the watercourse, and would make maintenance difficult. The plans also indicate a 3-metre bund around the burn, but development cannot rely on informal flood defences under NPF4. Local representations highlight existing problems with surface water runoff, and because the property is cut into the slope and sits below the ground to the rear, it would be at risk from overland flows.

For these reasons, FRMT objects and requires a full Flood Risk Assessment by a suitably qualified professional. This must consider all sources of flood risk, demonstrate that the property will not be at risk and will not increase risk elsewhere, and assess the scenario in which informal flood defences are absent. A new temporary access is proposed that crosses the watercourse at a sensitive location where it enters the site and turns east, and the impact of these works must also be evaluated within the FRA, including ensuring that the crossing is properly sized and does not increase flood risk. The team is, however, satisfied with the proposed surface water drainage arrangements, as all hardstanding will drain through SUDS before discharging to the watercourse.

Response dated 06 January 2026 (following submission of a Flood Memo - Kaya Consulting - 04 November 2025): FRMT reviewed the applicant's updated information and maintains its objection due to outstanding concerns about flood risk. The Flood Memo (Kaya Consulting, 4 November 2025) includes a hydraulic assessment indicating that a 1 in 200-year flood event plus climate change would remain within the channel, even under sensitivity testing. However, the memo notes the presence of a bund of excavated material along much of the left bank, and it is unclear whether the proposed dwelling would depend on this informal bund for flood protection. As development cannot rely on informal defences under NPF4, clarification is required before the objection can be reconsidered.

The memo identifies a residual flood risk in the event of erosion or blockage and recommends further assessment of erosion risk and implementation of remedial measures. Responsibility for maintaining the watercourse, including clearance and repairs, lies with the landowner, and such work is strongly advised. Surface water flood risk has also been assessed, with the memo identifying overland flow paths to the west of the house running south to north; these must be preserved through site landscaping. The surface water risk is considered low.

The team also notes that the Flood Memo does not assess the impact of the proposed temporary access, which would cross the watercourse. As previously requested, the flood risk assessment must address this and ensure any crossing is appropriately sized to avoid increasing flood risk.

Response dated 25 February 2026 (following submission of "Response to Council

Comments' document (Kaya Consulting 16<sup>th</sup> January 2026): FRMT has reviewed the applicant's latest submission and is **now able to withdraw its objection**. The updated report provides further analysis of the bunded section of the watercourse and confirms that the proposed development does not rely on the bund for protection during the design flood event. While the raised bank offers additional freeboard, it is not functioning as an informal flood defence, allowing the objection to be lifted.

The original Flood Memo (4 November 2025) noted a residual risk in the event of erosion or blockage and recommended further assessment alongside any necessary remedial measures. Responsibility for maintaining the watercourse rests with the landowner, and the applicant has acknowledged this duty.

The updated document also confirms that the temporary access remains part of the proposal. It specifies that watercourse crossings will use culverts of at least 500 mm in diameter to avoid increasing flood risk. Measures will be taken to limit impacts on existing ground levels, and all access works will be temporary. Provided that these works are removed once construction is complete, the team is satisfied with this approach.

## **4. PLANNING APPRAISAL**

### **4.1 Flood Risk**

A previously unidentified watercourse, which is too small to appear on SEPA's flood mapping, flows downslope from east to west toward the proposed house site. Given the sloping nature of the land and the fact that the watercourse takes a sharp bend immediately upstream of the house position (a feature that can increase vulnerability to overtopping during flood events), further information was required to properly assess any potential flood risk to the development. It was also noted that a bund has been formed along the western bank, which cannot be relied upon as a flood defence under NPF4.

4.2 The Council's FRMT initially objected to the application, pending submission of a Flood Risk Assessment demonstrating that the proposed development would not be at risk of flooding and would not increase flood risk elsewhere. Following submission of a Flood Report by Kaya Consulting, which confirmed that flows from a 1 in 200-year event plus climate change would remain within the channel, and clarification that the bund is not relied upon as a defence feature, the FRMT removed their objection.

4.3 The Flood Report also confirms that the temporary construction access track, which must cross the watercourse to reach the house site, will be formed using culverts with a minimum diameter of 500 mm to avoid increasing flood risk; that measures will be taken to minimise alterations to existing ground levels; and that all access works will be temporary. These requirements will be secured through a revised planning condition to ensure compliance.

## **5. CONCLUSION**

5.1 The submitted flood information has satisfactorily demonstrated that the house site is not at risk of flooding and there is therefore no change to the conclusions and recommendations of the original Report of Handling dated February 2025 and

attached to this report.

- 5.2 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.

## 6. RECOMMENDATION

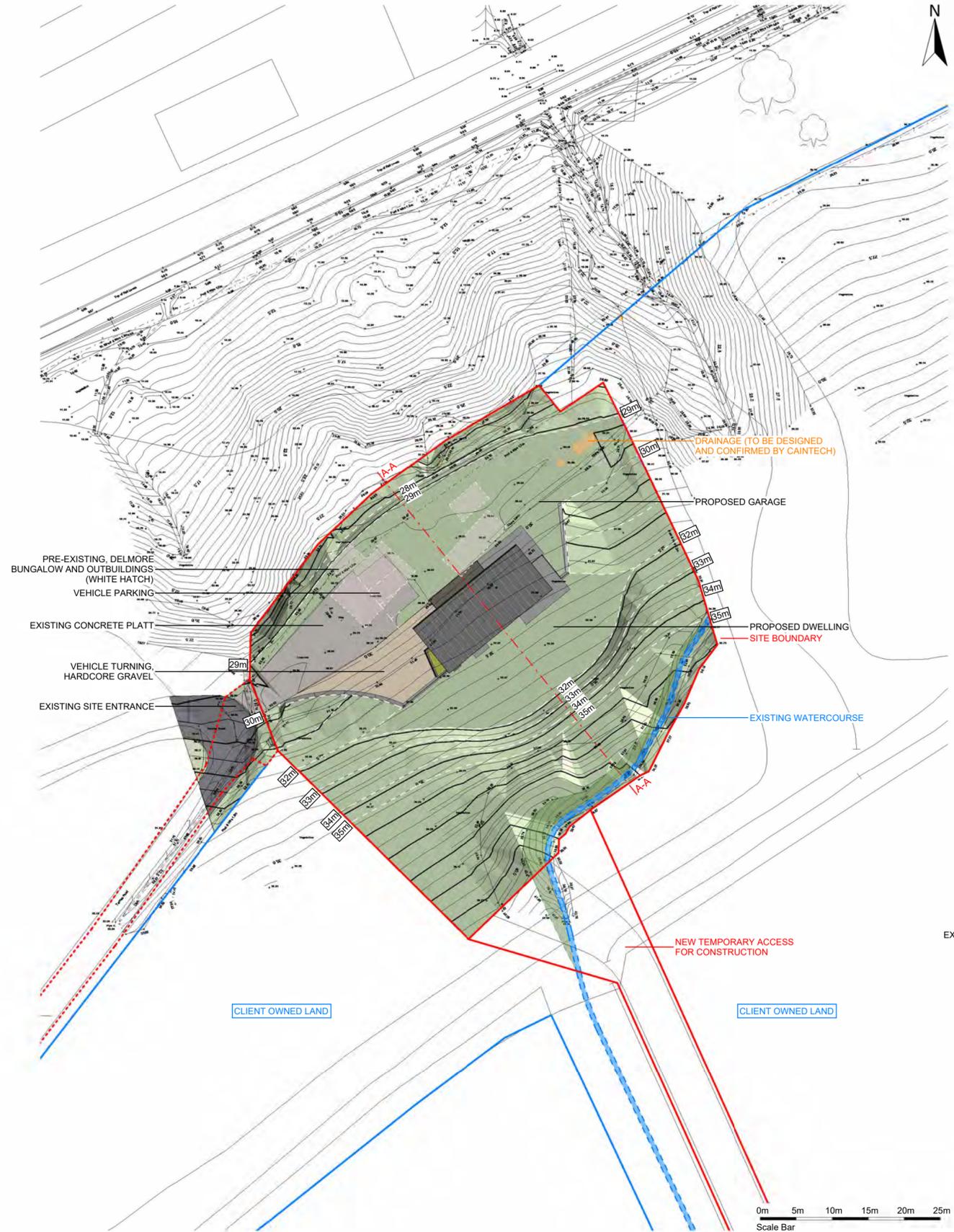
Recommended to **GRANT** the application subject to the conditions and reasons set out in the attached report (24/02815/FUL) of 06 February 2025, with Condition 3 to be amended as follows:

3. No development shall commence until full details of the temporary construction access track shall have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the track shall be constructed in accordance with the approved details and shall be fully removed from the site within 3 months of completion of the house hereby approved, and the land made good. For the avoidance of doubt, the temporary construction track shall be formed, where possible, using a temporary overlay matting; will use culverts with a minimum diameter of 500 mm; and shall include measures to minimise alterations to existing ground levels.

**Reason:** In the interests of road safety and to reflect the temporary nature of the track

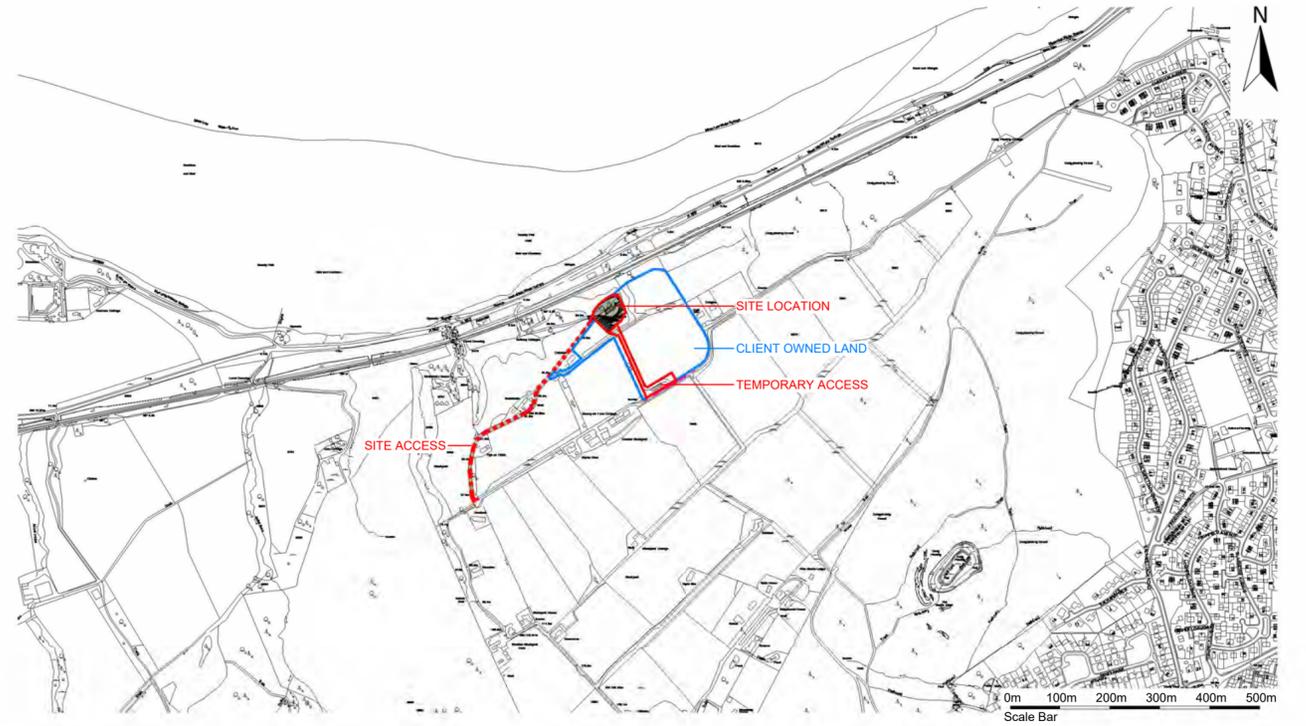
Signature: Bob Robertson  
Designation: (Acting) Area Planning Manager – South  
Author: Christine Macleod  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - 2023-10-MRH-202 REV E - Location/Site Layout  
Plan 2 - 2023-10-MRH-203 - Proposed Site Plan  
Plan 3 - 2023-10-MRH-204 REV B - Landscaping Plan

# PROPOSED - PLOT AT DELMORE BUNGALOW, BLACKPARK



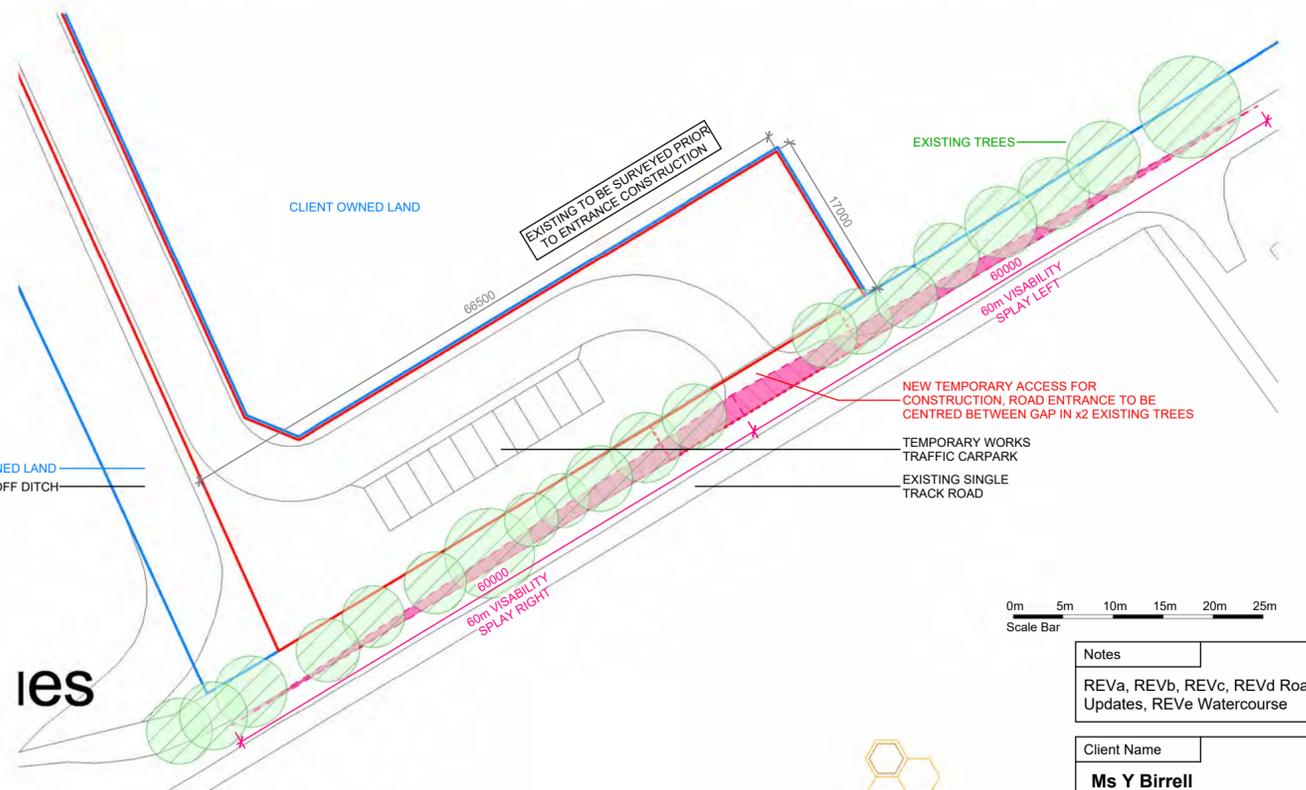
**1** Block Plan  
1 : 500

SITE AREA = 3082m<sup>2</sup>



**2** Location Plan  
1 : 10000

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**3** Access Callout  
1 : 500



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Notes		
REVa, REVb, REVc, REVd Road End Updates, REVe Watercourse		
Client Name		
<b>Ms Y Birrell</b>		
Project Name		
Proposed Dwelling and Garage AT Delmore Bungalow, Blackpark, IV3 8RG		
Title / Description		
Proposed - Location_Block Plan		
Scale	As indicated	Project No. 2023-10
Date	Jan 2025	Drawing No.
Drawn by	KHS	2023-10-MRH-202
current rev.	REVe	A2
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# PROPOSED - PLOT AT DELMORE BUNGALOW, BLACKPARK



GROUND FINISHED FLOOR LEVEL = 29.750  
 FIRST FINISHED FLOOR LEVEL = 32.530  
 TOP OF BANK = 39.500

3m BUND AROUND THE CORNER OF BURN (GREEN HATCH)  
 BANK TOP 6.97m ABOVE FINISHED FIRST FLOOR LEVEL  
 WATER LEVEL IS 1.5m LOWER THAN TOP OF BANK

**1** Site Plan - Watercourse  
 1 : 200

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Notes	-
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Client Name	<b>Ms Y Birrell</b>
Project Name	Proposed Dwelling and Garage AT Delmore Bungalow, Blackpark, IV3 8RG
Title / Description	Proposed - Site Plan_Watercourse

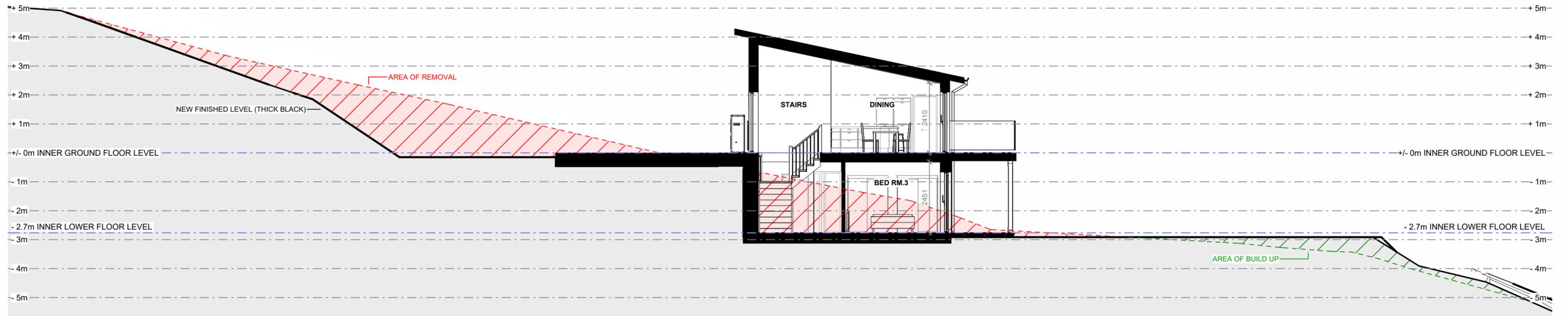
Scale	1 : 200	Project No.	<b>2023-10</b>
Date	Jan 2025	Drawing No.	<b>2023-10-MRH-203</b>
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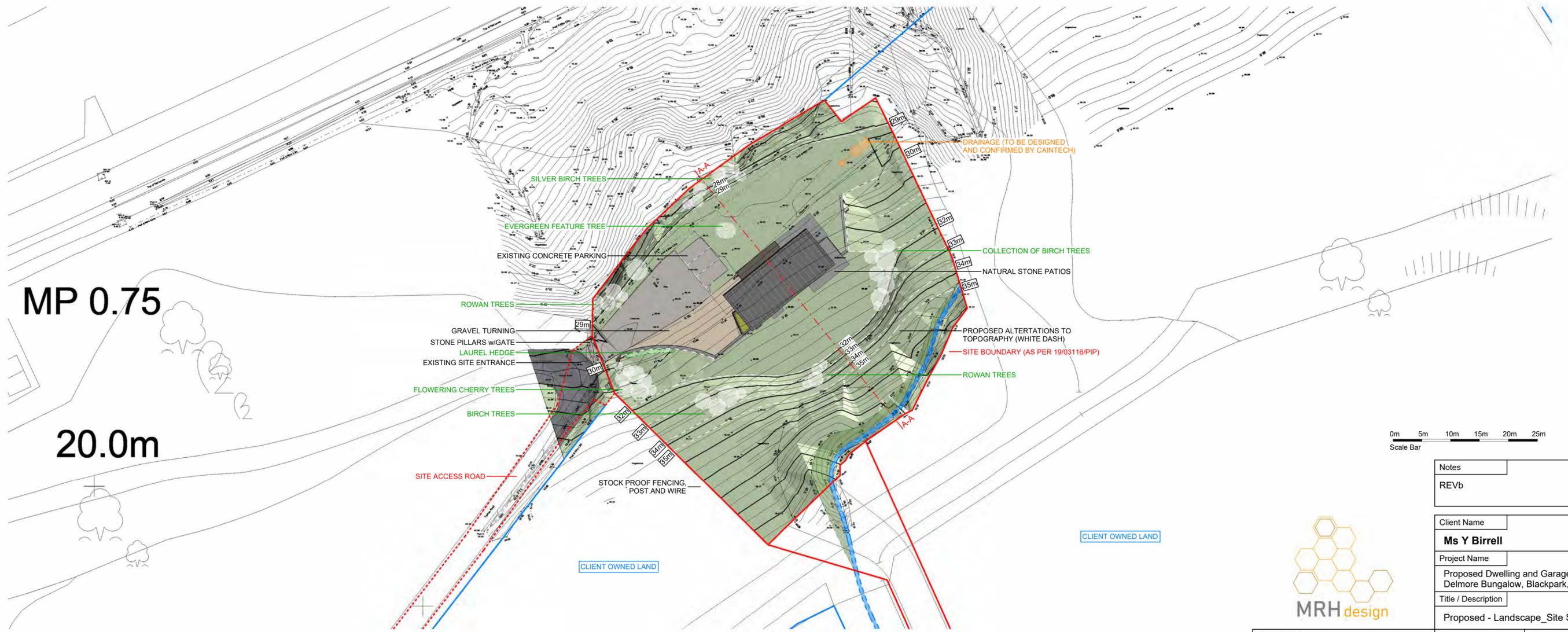
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# PROPOSED - PLOT AT DELMORE BUNGALOW, BLACKPARK



**1** Site Section A-A  
1:100



**2** Landscaping Plan  
1:500

Notes		
REVb		
Client Name		
<b>Ms Y Birrell</b>		
Project Name		
Proposed Dwelling and Garage AT Delmore Bungalow, Blackpark, IV3 8RG		
Title / Description		
Proposed - Landscape_Site Section		
Scale	As indicated	Project No. 2023-10
Date	Jan 2025	Drawing No.
Drawn by	KHS	2023-10-MRH-204
current rev.	REV D	A2

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