

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
20 August 2013

Agenda Item	5.2
Report No	PLS 043/13

11/04653/FUL: Inverness Properties Ltd
Viewhill, Inverness

Report by Area Planning Manager – South

SUMMARY

Description: Demolition of agricultural buildings, formation of 16 house plots, upgrade of access and associated works

Recommendation: GRANT

Ward: 20 - Inverness South

Development category: Major

Pre-determination hearing: N/A

Reason referred to Committee: Five or more unresolved objections. Objection by Community Council.

1. PROPOSAL

- 1.1 The application comprises the demolition of a redundant agricultural complex and redevelopment for 16 house plots, including the conversion/redevelopment of one of the buildings. The proposal also incorporates the upgrading of the U2633 road, provision for communal open space, flood control and landscaping.
- 1.2 Viewhill is located to the south of Balloch near the Forestry School. It is at the end of the single track U2633 which, at present, serves 11 houses. The site extends to 2.3ha and consists of a number of large, agricultural buildings covering some 6,800 sq.m with adjoining road, hardstanding and rough ground. Several of the buildings are now somewhat dilapidated and the complex as a whole is no longer required for the agricultural business.
- 1.3 The application is accompanied by a masterplan. This has evolved from the original PAN application through public consultation and discussions with officers. It now shows a courtyard form with sixteen house plots consisting of a mix of individual detached houses and conversion/redevelopment of existing farm buildings. The buildings generally sit within the footprint of the agricultural buildings with some expansion to allow for an improved layout.

It should be noted that the application is for plots only and no house designs are included. However, the Design Brief provides detailed guidance on the development of the plots and the communal open space/landscaping, which will be incorporated into any grant of planning permission.

- 1.4 The application was subject to mandatory pre-application public consultation. A Pre-Application Consultation Report has been submitted. The application has been through extensive consultation since October 2010, including three public meetings. Overall, the consultation exercise is considered acceptable.
- 1.5 The site is currently served by the U2633 road. This is a narrow road of varying quality. The proposal incorporates an upgrading of the road, including junction improvements with Culloden Road. The houses will be served by the public water supply and will connect into the existing foul drainage system. Surface water will be dealt with via a SUDS system.
- 1.6 The application is accompanied by a Design and Access Statement, Sustainable Design Statement and Pre-Application Consultation Report. A Supplementary Design Brief was also submitted. Several bat surveys and a drainage statement have also been provided.
- 1.7 As noted above the proposal has evolved since the original PAN submission. The original submitted layout showed a standard plot layout, which officers did not consider acceptable in this location. A revised Design Brief was, therefore, submitted showing a more traditional courtyard style layout that sits more comfortably in the landscape.

2. SITE DESCRIPTION

- 2.1 The site consists of a number of agricultural buildings surrounded by hardstanding areas and rough, open ground. There is forestry to the north west with the remainder surrounded by farmland. There are some seven properties within 100 metres of the site. The site is approximately 400 metres to the north west of the Culloden (Battlefield) Conservation Area but within the boundary defined in Historic Scotland's Battlefield Inventory.

3. PLANNING HISTORY

- 3.1 The site has no recent planning history.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour; 27.01.2012

Representation deadline: 27.01.2012; Re-notification 03.08.2013.

Timeous representations: 9

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Road safety issues, including lack of passing places, poor pedestrian safety, exit to public road dangerous; increase in car numbers; lack of detail on proposed improvements.

- Potential flood risk. Concerns over the proposed surface water scheme, including lack of detail.
- Poor surface water drainage.
- Potential impact on Culloden Battlefield.
- Farm buildings actively in use.
- Oppose planting along U2633.
- Loss of privacy and amenity.
- Premature to review of Culloden Battlefield Conservation Area.
- Premature to finalisation of Inner Moray Firth Local Development Plan.
- Neither existing nor Highland-wide LDP support the proposal.
- Any development should be wholly within existing farm building footprint.
- Access road should not lose character – no formal pavements/lighting.
- Use different access for construction works.
- Question need for new foul/stormwater pipes along road.
- Concerns that existing sewer not suitable.
- Not in keeping with rural character.
- No need for the proposal.
- Density artificially inflated.

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

5. CONSULTATIONS

- 5.1 **Balloch Community Council:** Object. Support letter from NTS; concerns over drainage, flooding, design/layout.
- 5.2 **SEPA:** No comment. Refer to standard advice.
- 5.3 **SNH:** No objection. Note need for bat survey.
- 5.4 **Scottish Water:** No objection.
- 5.5 **Historic Scotland:** No objection.
- 5.6 **National Trust for Scotland:** Object. Not supported by development plan; lack of information on house types; insufficient consideration of impact on battlefield; need for archaeological assessment; affect character of conservation area.

- 5.7 **TECS (Area Roads and Community Works Manager):** No objection subject to the agreed road improvements.
- 5.8 **TECS (Contaminated Land):** No objection. Note previous use for agriculture. Request standard condition.
- 5.9 **TECS (Flood Team):** No objection subject to agreed works in relation to SUDS and flood protection.
- 5.10 **Housing & Property:** This site is located in an area of high demand for affordable housing and it should be expected that the development will provide 25% as affordable within the terms of Policy.
- 5.11 **Conservation Officer:** No objection.
- 5.12 **Forestry Officer:** No objection subject to suitable hold back from trees and appropriate landscaping.
- 5.13 **Archaeology:** No objection subject to ARC 1 condition.
- 5.14 **Access Officer:** No objection but concerns over certain detailed issues. Request condition to cover these.

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
35	Housing in the Countryside (Hinterland)
42	Previously Used Land
51	Trees and Development
57	Natural, Built and Cultural Heritage
58	Protected Species
64	Flood Risk
66	Surface Water Drainage
75	Open Space

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Developer Contributions
- Flood Risk and Drainage Impact Assessment
- Highland Historic Environment Strategy
- Highland's Statutorily Protected Species
- Housing in the Countryside and Siting and Design
- Open Space in New Residential Developments
- Trees, Woodlands and Development

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

8. PLANNING APPRAISAL

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

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

8.3 Development Plan Policy Assessment

The site is outwith the boundary of the City of Inverness as defined in the Inverness Local Plan (as Continued in Force) and must therefore be considered under the terms of policy 35 of the Highland-wide LDP in relation to Housing in the Countryside (Hinterland Areas) and the Supplementary Guidance on Housing in the Countryside and Siting and Design.

8.4 Policy 35 presumes against new housing in the Hinterland area but identifies a number of exceptions to this general rule. One of the criteria is:

“The proposal involves the conversion or reuse of traditional buildings or the redevelopment of derelict land; development of brownfield sites will be supported where a return to the natural state is not readily achievable and where a wider environmental benefit can be achieved through development”

This policy is supplemented under the Housing in the Countryside Supplementary Guidance.

Section 6.22 states:

“The development of derelict land and buildings including small sites and redundant non-traditional buildings is supported where these have ceased to be required for their original purpose and where conversion to residential use would bring about an environmental benefit subject to appropriate siting and design within the immediate curtilage of the site. In line with national guidance, these will be sites that have been significantly degraded by a former activity. Information should be supplied indicating how long the property has been disused.”

8.5 The present proposal involves the demolition of several agricultural buildings that are no longer required for the farming business. Several are in a rundown condition and are generally no longer fit for purpose. It is understood that the farm business makes use of more modern facilities elsewhere. In relation to policy, therefore, the buildings have become redundant. Whether there will be an overall environmental benefit is, perhaps, a moot point. Redundant agricultural buildings are not an uncommon site in the countryside and, visually, therefore, the buildings may be no different from others in the Highland countryside. Others may take the view that, given their condition, they are something of an eyesore. There is the potential for contamination within the site as noted by the Contaminated Land Team. Removal of this would clearly be an environmental benefit. There is also the issue as to whether a well-designed new housing development, incorporating affordable housing, is a better use of the site than vacant agricultural buildings. On the other hand, the National Trust for Scotland has referred to the potential negative impact on the Battlefield. There is no absolutely correct answer to the issue and views will differ. On balance it is considered that the proposal would bring an environmental benefit on the basis that a well-designed housing development with a smaller developed footprint would, visually, enhance the area and could bring further benefits through, for example, an improved road infrastructure and affordable housing. Overall, therefore, the proposal is judged to comply with the housing in the countryside policy.

8.6 **Conservation Area**

The site is within 400 metres of the Culloden Battlefield Conservation Area. Whilst it is not within the conservation area, the National Trust for Scotland has raised the issue of the potential impact on the battlefield. The Council must, therefore consider whether or not the proposal preserves or enhances the conservation area. The National Trust for Scotland has concerns that the proposal will, potentially, materially affect the character of the conservation area by interrupting open views and prospect. On the other hand Historic Scotland has made clear that it does not consider that the development would have an adverse impact on the integrity or significance of the battlefield. Moreover, the Council’s Conservation Officer takes a similar view.

8.7 Policy 57 of the HwLDP states that for features of local/regional importance “we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource”. In this instance the Scottish Government’s adviser on the historic environment has stated that they do not consider that there will be an adverse impact on the battlefield. The conservation area is some 400 metres from the site

and, whilst the open nature of the area is important to the setting of the battlefield, the site currently contains substantial built development. It is arguable that the impact of a number of smaller buildings will have less of an impact. Overall, given the views of Historic Scotland and the Conservation Officer it is considered that the proposal is in accordance with Policy 57 and, at the very least, preserves the conservation area.

8.8 European Protected Species

The site has been the subject of several bat surveys as required under Policy 58 of the HwLDP. The surveys have concluded that

1. Bats are utilising the buildings for roosting and foraging throughout the year.
2. Building B and E showed bat activity during the winter months and are likely to be providing the conditions for winter hibernacula roosting for small numbers of bats.
3. There are a wide variety of features which can support bat roosts providing dry safe shelter close to foraging habitat within the variety of buildings found on site.
4. Building A and F have confirmed bat roosts with live bats seen accessing them (2 bats in each of Soprano Pipistrelle). One roost is high on the main roof beam of building A and another within the breeze block wall of building F.
5. There are a number of other roosts identified from small numbers of bat droppings in buildings A, B, C, E and F. No bats were observed entering these roosts although it is known that bats often move between roosts on a regular basis and these alternative roosts are possibly used by the 'resident bats' at other times of the year.

A derogation licence application to develop these buildings to SNH will need to be supported by a clear, concise and unambiguous description of the mitigation/compensation measures to be provided.

8.9 Policy 58 makes clear that development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species, will only be permitted where:

- There is no satisfactory alternative;
- The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The Committee must, therefore, consider whether or not the proposal complies with the above tests. These tests are set down in Regulation 44 of the Conservation (Natural Habitats, &c) Regulations 1994 (the Habitats Regulations).

- 8.10 The interpretation of the tests is extremely difficult and there is little or no guidance from Scottish Government/Europe. Scottish Natural Heritage, as the Licensing Authority for European Protected Species, has produced some guidance on the first two tests and is currently working on guidance for the third test. Members should note that the tests under planning and licensing are the same.
- 8.11 With regard to the first test – no satisfactory alternative – this is not defined in the Habitats Directive and there is no interpretation in any European or Scottish Government Regulations. The SNH Guidance states that they must be satisfied that no other option presented or possible can meet the identified and proven “need” for which a licence is sought. However, a degree of proportionality is allowed. Thus the test becomes more severe as the severity of the impact on the species increases. In this instance the survey shows a very limited impact on the species and also suggests a scheme of mitigation to compensate for the loss of roosts. Moreover if the development does not take place, there is the potential for the buildings to continue to deteriorate with the consequent loss of the roost. In this instance the application is seeking to address the housing need in the Inverness area, a need identified in the HwLDP as just over 9000 houses between 2011 and 2021. Whilst there are alternatives to meeting this need by developing elsewhere, it is considered that the proportionality assessment would allow the test to be met.
- 8.12 The second test refers to “imperative reasons of overriding public interest”. It also allows for a proportionality test. SNH advise that, under this test, they will take into account whether an activity or development is required to meet, or contribute to meeting a specific need, such as:
- maintaining the health, safety, education or environment (sustainable development, renewable or green energy, green transport) of Scotland’s people;
 - complying with national planning policies;
 - supporting economic or social development (nationally important infrastructure development projects, employment, regeneration, mineral extraction, housing etc.).

In this instance it is arguable that the proposal is seeking to comply with national planning policies in relation to meeting housing needs and economic development as expressed through the Highland-wide LDP. Moreover, the proportionality issue discussed above must also be taken into account. Given the limited impact on bats and potential for mitigation, it is judged that the proposal meets the second test.

- 8.13 The third test relates to the potential impact on the conservation status of the species. Again, there is no information or guidance on how to assess a proposal under this test. However, previous discussions with SNH have suggested that the number of bats involved would need to be substantial unless there was a specific impact on a rare species. In this instance, the number of bats affected is small and the compensation put forward will help mitigate the impact.
- 8.14 Officers have great difficulty in interpreting the above tests as there is little or no planning advice available on the subject. It is a matter for assessment by officers and Committee. In this instance, for the reasons outlined above, it is considered that the proposal meets the three tests as laid down by the Habitats Regulations.

8.15 **Design**

The proposal as noted above is for the provision of services/infrastructure and 16 plots. One of the plots (Plot 15) involves the conversion of an existing agricultural building. No house designs are included at this stage. However, a Design Brief has been submitted as part of the application that sets out the principles on which future development will be based. This covers a variety of issues, including: a defined building zone; a restricted curtilage zone; a courtyard layout; landscaping/green space; and design principles for new houses, including heights, roof ridges and span dimensions.

8.16 The concept envisages a main shared surface courtyard with houses tightly controlled to the edge of the courtyard to reflect a traditional layout and reduce the visual impact from the Battlefield. The main access will be 5.5 metres in width reducing to 3.5 metres at certain locations. An area is reserved for open space and the road/courtyard will have a green margin. There will also be a green margin around the site. The Brief envisages a variety of houses of different heights/styles but with an overall coherence defined by a building zone, materials, ridge lines, span dimensions, roof pitches and boundary treatment. The concept has been discussed extensively with the Conservation Officer who is generally satisfied with the overall contents of the Brief.

8.17 **Affordable Housing**

The proposal is for 16 house plots and the Council's Affordable Housing Policy applies. Under the policy a minimum of four houses/plots will be required. The applicant has agreed to meet the requirements of the policy and discussions have taken place with Housing and Property but no agreement has been reached. The matter can be covered by a Section 75 Agreement.

8.18 **Infrastructure**

The site has been the subject of extensive technical discussions particularly over the access road and surface water/flooding issues. The design of the road has been discussed in detail with TEC Services and they are now satisfied with the road layout. There are minor details that will be covered by the Road Construction Consent. The proposal includes a contribution of £6,500 towards footpath/cycleway improvements for active travel between the development site and the city centre in line with other developments which has again been discussed and agreed with TEC Services. The design shows a shared surface road of 5.5 metres width with priority build outs of 3.5 metres width to act as traffic calming measures. Existing turning heads will be upgraded and a new road ditch constructed. The proposal provides for 50 car parking spaces.

8.19 Members will note the concerns raised by residents over the issue of flooding and surface water drainage. Again this is an issue that has been extensively discussed with TEC Services (Flood Team) and agreement has been reached on a solution. This generally involves the use of permeable block paving within the development to attenuate roof and parking area run-off, construction of a stormwater sewer that will act as a storage pipe, to connect to an existing culvert under the public road and the creation of a landscaped bund that will ensure any pluvial run-off from the

adjacent fields will be captured, stored and directed to the culvert. Run-off from the road will discharge into a new road ditch.

8.20 **Trees**

There are no existing trees of significance within the red-line boundary of the site. The main trees which have a bearing on the site are the mature beech, Scots pine, rowan, birch and Sitka spruce which stand along the whole length of the north-west side of the site. These trees are in woodland which is listed on the Ancient Woodland Inventory as Long-established Plantation Origin (LEPO 1860). The key issue is to ensure that there is a suitable holdback from these trees. The advice from the Forestry Officer is for a 20 metre holdback. This does affect plots 13 and 14 particularly, requiring a house close to the road. However, this is in accordance with the proposed Masterplan, which seeks to create a build zone close to the road/courtyard. These matters can be covered by condition.

8.21 **Amenity**

The proposed house plots are adjacent to four existing houses, one of which is now boarded up. At present these look onto the existing agricultural buildings. Their outlook will therefore be altered but it is arguable that the impact will be less as the massing of the new houses will be smaller than the existing agricultural buildings. Overall, it is considered that their amenity will not be significantly detrimentally affected. The remaining houses along the U2633 do not directly adjoin the development but the proposal will increase the amount of traffic using the road. There was, clearly, farm-related traffic in the past, including large machinery, that will now no longer be accessing the buildings. There will, however, be an increase in car movements. Again this is judged not to have a significant impact on their amenity.

8.22 **Material Considerations**

The proposed site is within the boundary of the Culloden Battlefield Inventory site as defined by Historic Scotland. Designation under the Battlefield Inventory is a material consideration. The National Trust for Scotland has raised concerns over the potential impact on the battlefield but as noted above Historic Scotland has no objection to the proposal, nor does the Council's Conservation Officer.

8.23 There have been several letters of representation outlining a number of concerns. The majority have been covered in the above paragraphs. Those not covered relate to: farm buildings are actively in use; premature to review of development plan and Culloden Battlefield Conservation Area; out of keeping with rural character; no need; and density artificially inflated. The applicant has advised that the buildings are no longer required as the farm now uses more modern facilities elsewhere. Scottish Government has made clear to Planning Authorities that prematurity is not a reason for preventing development. Applications must be considered against the current development plan and other material considerations. Whether the area has a rural character is open to question. There has been significant development in the general area notably around Woodside House and Braehill and the existing 11 houses have tended to erode the rural character. The site is also on the edge of the Inverness/Culloden built-up area.

It is not considered, therefore, that the character of the area would be compromised. In relation to need, the HwLDP sets out a target of almost 16000 houses by 2031 for the Inverness area. The proposal will help to meet this target. The site is 2.3ha in extent and the proposal is for 16 houses. This equates to a gross density of 7 houses per ha, which is similar to the adjacent houses.

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

The Council's Affordable Housing Policy is applicable and a Section 75 will be needed to agree the method by which this will be provided. An agreement or equivalent method will be required to secure the contribution towards footpath/cycleway improvements for active travel between the development site and the city centre.

9. **CONCLUSION**

- 9.1 In conclusion, it is considered that the proposal accords with the Housing in the Countryside Policy; the technical issues of road improvements and surface water/flood risk have been agreed with TEC Services; Historic Scotland do not consider that there will be an impact on Culloden Battlefield; the Conservation Officer is generally satisfied with the submitted Masterplan and it is considered that the impact on bats meets the three tests set out in the Habitats Regulations. In these circumstances, the recommendation is to grant permission.

10. **RECOMMENDATION**

Action required before decision issued	Y
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	Y
Revocation of previous permission	N

Reason: In order to meet the terms of the Council's policy on affordable housing.

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

1. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In order to ensure the safety and free flow of traffic on the public road.

2. Prior to the first occupation of each of the houses, parking spaces for a minimum of 50 cars shall be provided within the associated curtilage as detailed on the approved plans and shall be maintained for this use in perpetuity. Provision on individual plots, which shall exclude garages, shall be as follows:
- i. Two spaces per 1 to 3 bedrooms;
 - ii. Three spaces per 4 to 5 bedrooms; and
 - iii. Four spaces per 6 or more bedrooms.

Reason: In order to ensure that the level of off-street parking is adequate.

3. 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.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

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

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

5. No development shall commence until evidence that the site is suitable for its proposed use, by way of an assessment of potential contamination, has been submitted to and approved in writing by the Planning Authority. The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33 and the BS10175:2001 (as amended, revoked or re-enacted; with or without modification). In the event that contamination is found, details of the measures required to treat/remove contamination (a remedial strategy) to ensure that the site is fit for the uses proposed shall be submitted to, and approved in writing by, the Planning Authority. The approved remedial strategy shall be implemented prior to development commencing.

Reason: In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

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 the approved landscaping works are properly undertaken on site.

7. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and/or woodland and/or sports facilities 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: In order to secure high-quality open spaces in compliance with Council Supplementary Planning Guidelines.

8. A minimum separation of 20 metres shall be maintained between existing trees and any future development within the application site. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no extensions or outbuildings which encroach into any such separation area shall be erected within the curtilage of the development without planning permission being granted on application to the Planning Authority.

Reason: In order to avoid future conflict due to safety concerns and restricted light or views.

9. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

10. The mitigation proposals set out in the report "Viewhill Farm Buildings, Inverness (Demolition and Renovation) Design Criteria for Bat Roost Provision" dated October 2012 shall be implemented within each house plot on the site. Full details of the proposed bat mitigation measures shall be submitted with each planning application for an individual plot. Thereafter these measures shall be implemented as agreed.

Reason: To protect and enhance the nature conservation interests of the area.

11. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation 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.

12. All measures to mitigate flooding, as shown on the approved plans, shall be constructed in full and brought into use prior to the first occupation of the development. Thereafter, these measures shall be maintained in perpetuity.

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

13. All new and upgraded culverts and bridges within the development site shall be designed to accommodate a 1 in 200 year flood event.

Reason: To ensure that the flood works are capable of accommodating the 1 in 200 year flood event.

14. Each individual house within the scheme shall be designed and constructed in accordance with the principles set out in the approved Design and Access Statement / Sustainable Design Statement and the Design Brief (Supplementary).

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

15. Before development commences, a detailed plan of public access across the site (existing, during construction and upon completion) shall be submitted to and agreed in writing by the Planning Authority. The details shall show:

1. All existing paths, tracks and rights of way, and any areas currently outwith or excluded from statutory access rights (Under Part One of the Land Reform (Scotland) Act 2003);

2. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;

3. All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc;

4. Any diversion of paths, temporary or permanent, proposed for the purposes of the development.

The agreed plan and/or works shall be implemented prior to the occupation of the first house.

Reason: To ensure public access in the vicinity of the site is maintained.

16. All improvements to the U2633 road, the access road between the application site and the Culloden Road, shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

Reason: To ensure that improvements to the access road are provided timeously in the interests of public safety.

REASON FOR DECISION

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

INFORMATIVE NOTE REGARDING THE 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

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

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

Conditions: Your attention is drawn to the conditions attached to this permission. 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 meet these 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 (of emanating from) the application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Permitted Development Rights: Please note that certain permitted development rights have been removed from the land in question, as explained in the conditions above. This means that certain developments, for which planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Street Names: In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

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.

Section 75 Legal Agreement: You are advised that this planning permission has been granted subject to a Section 75 Legal Agreement. The terms of the agreement must be read in conjunction with the planning permission hereby approved. The terms of the Agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

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 or more information.

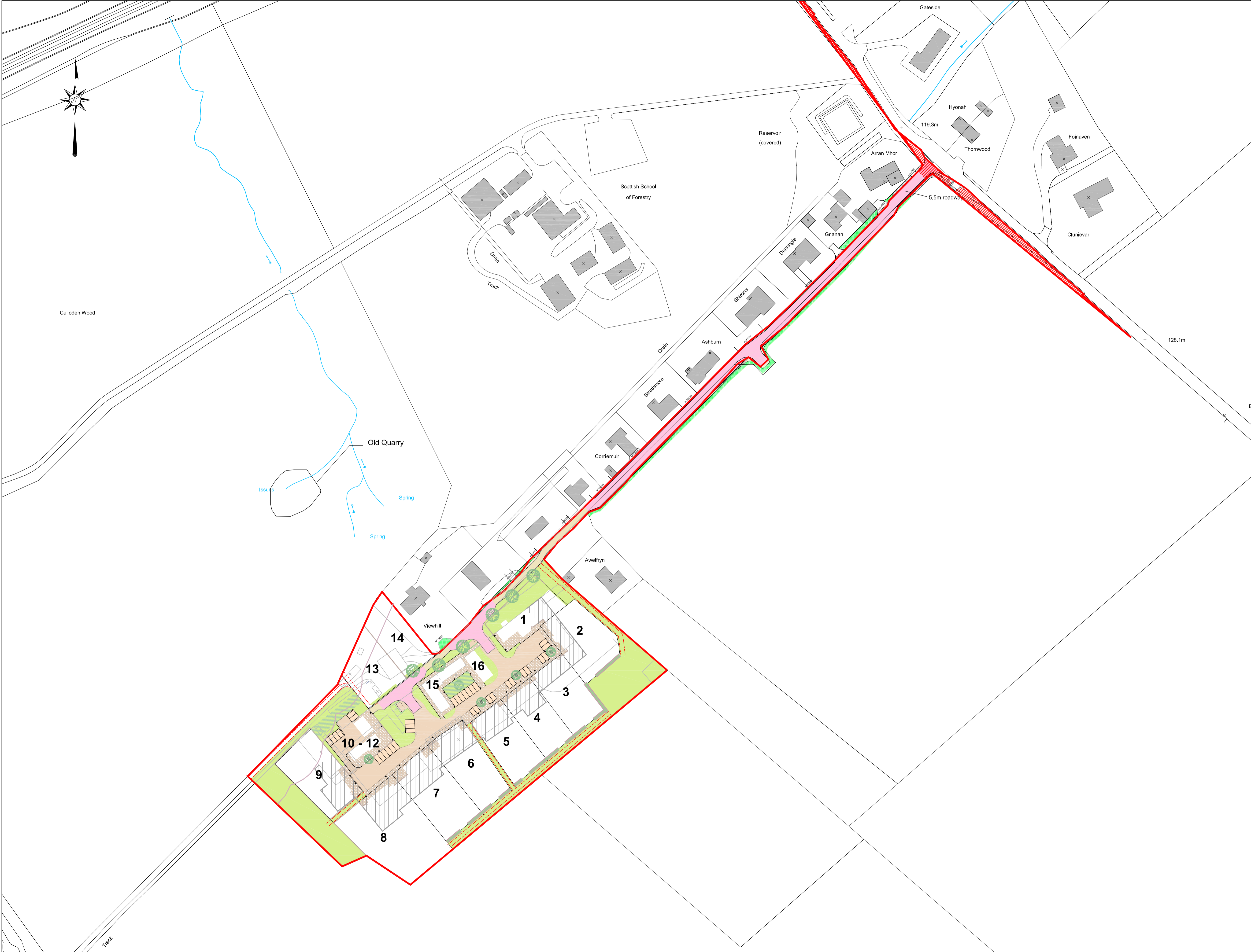
Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886606.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Case Officer: J. Harbison
Background Papers: Highland-wide Local Development Plan, Inverness Local Plan
Relevant Plans: Plan 1: 2554:105/01 REV D Drainage Layout
Plan 2: 2554:105/02 REV D Drainage Layout
Plan 3: 2554:101/01 REV E Road Layout
Plan 4: 2554:101/02 REV E Road Layout
Plan 5: PL003 REV B Site Layout

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
M. Hendry	Woodside House Viewhill Inverness IV2 5EA	31.01.2012	A
D. MacNeil	Ashburn Viewhill Inverness IV2 5EA	27.01.2012	A
Mr and Mrs MacKinnon	Dunringle Viewhill Inverness IV2 5EA	27.01.2012	A
E. Alexander	Gateside Viewhill Inverness IV2 5EA	31.01.2012	A
Mr and Mrs Cockburn	Arranmhor Viewhill Inverness IV2 5EA	30.01.2012	A
Mr and Mrs McAuslane	Grianan Viewhill Inverness IV2 5EA	25.01.2012	A
J. Bain	Thornwood 1 Viewhill Inverness IV2 5EA	26.01.2012	A
A. Shama	Shirona Viewhill Inverness IV2 5EA	23.01.2012	A
G. MacDonald	Hyonah 2 Viewhill Inverness IV2 5EA	23.01.2012	A

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



- STRUCTURE**
- boundary of planning application —
 - boundary of other land owned by applicant —
 - plot boundary ---
 - plot number **1**
 - building line set back —
 - indicative building zone
 - indicative curtilage zone
 - indicative services zone
 - communal parking zones
- SERVICES**
- proposed access upgrading (shared surface)**
- 3.5m width
 - 5.5m width
 - proposed private courtyard
 - visibility splay
- AMENITY**
- footpath/ pedestrian ---
 - proposed green-space / play area
 - proposed communal drying green
 - BM 128.94m +
 - bin collection point ⊗
 - "green wall" enclosure ---
 - proposed tree planting ⊗
 - proposed bollard lighting ⊙
 - proposed plot enclosure ---
 - root protection area ---

REVISIONS		
rev.	description	date
	Revised Scheme	

Client
 Inverness Properties Ltd

Project
 Redevelopment for housing
 Viewhill
 Inverness-shire

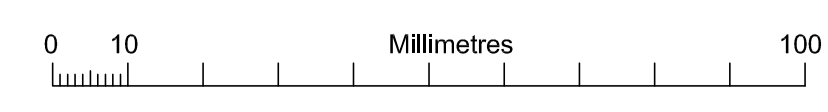
Drawing
 Site Plan - Overall Layout

Scale 1:1000@A1	Date June 2012	Drawn by PHJ
Project no 1942	Dwg no PL 006	Rev

G.H. JOHNSTON
 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk

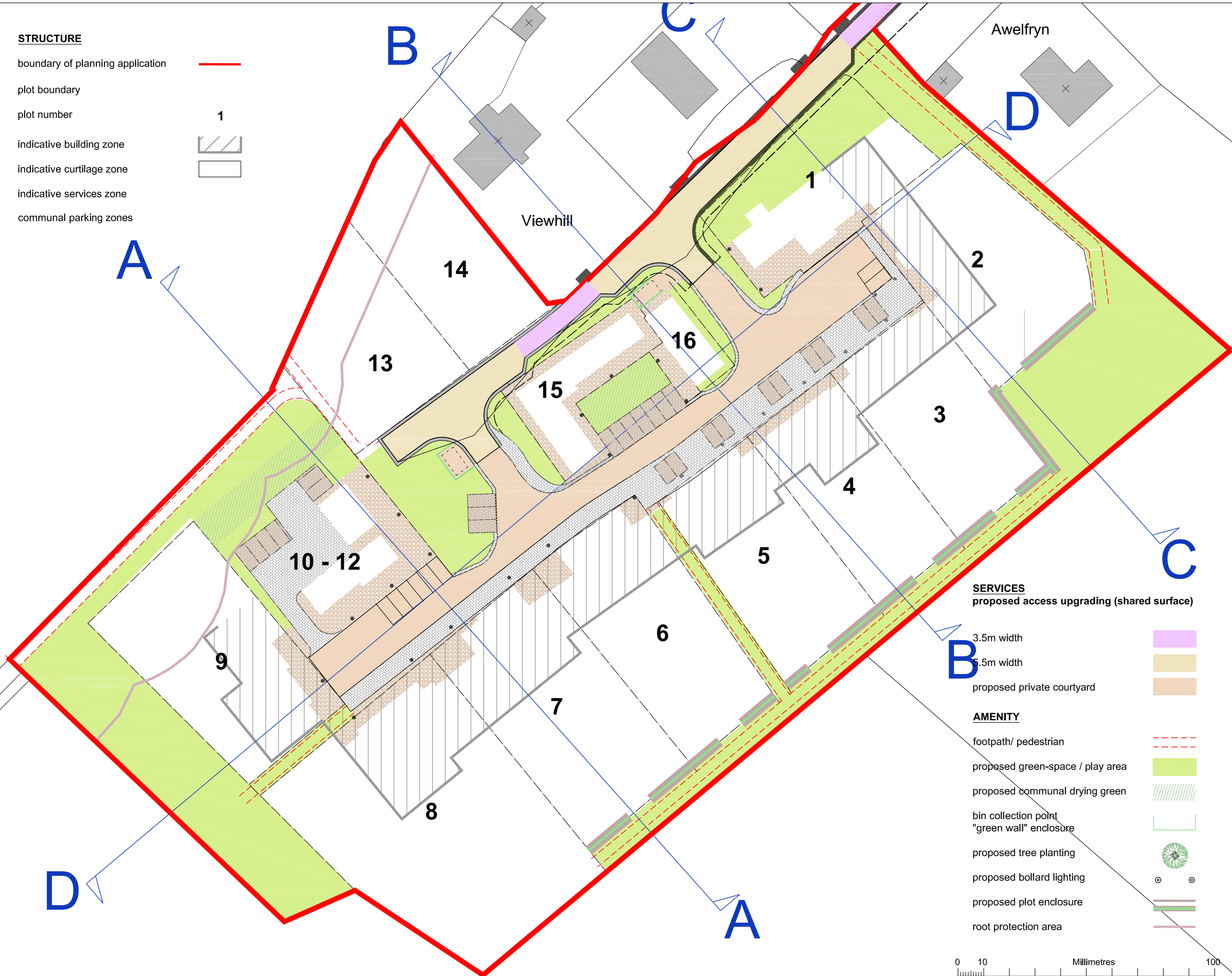
TEL (01463) 237229
 FAX (01463) 243258



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

STRUCTURE

- boundary of planning application —
- plot boundary
- plot number 1
- indicative building zone
- indicative curtilage zone
- indicative services zone
- communal parking zones



SITE AREA : 23751 SQM

REVISIONS

rev.	description	date
A	Revised Scheme Section line locations added.	sep'12
B	Courtyard/roads realigned & minor alts.	oct'12

Client
 Inverness Properties Ltd

Project
 Redevelopment for housing
 Viewhill
 Inverness-shire

Drawing
 Site Plan - Plot Layout

Scale 1:500@A2	Date June 2012	Drawn by PHJ
Project no 1942	Dwg no PL 003	Rev B

G.H. JOHNSTON
 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk

TEL (01463) 237229
 FAX (01463) 243258

SERVICES
 proposed access upgrading (shared surface)

- 3.5m width
- 5.5m width
- proposed private courtyard

AMENITY

- footpath/ pedestrian
- proposed green-space / play area
- proposed communal drying green
- bin collection point "green wall" enclosure
- proposed tree planting
- proposed bollard lighting
- proposed plot enclosure
- root protection area





LEGEND

	DK	DROP KERB WITHIN SHARED SURFACE
		SHARED SURFACE ACCESS ROAD
		FOOTWAY / OVERRUN STRIP
		DITCH
		IMPERMEABLE SURFACING
		PERMEABLE BLOCK PAVING

Drawing No.		Revision	
2554:101/01		E	
Revisions	Date	Drm.	
A LAYOUT REVISED.	27.06.12	DM	
B CONSTRUCTION DETAILS AND NOTES ADDED.	29.06.12	DM	
C ROAD NARROWING LOCATION REVISED.	02.07.12	DM	
D ROAD ALIGNMENT REVISED TO RELECT TECS COMMENTS	14.09.12	IW	
E EXISTING ROAD FOOTWAY REVISED TO 3m. VISIBILITY SPLAYS ADDED TO TURNING HEADS	03.10.12	PJ	

**APPROVAL
DRAWING**

**INVERNESS
PROPERTIES LTD.**

**VIEWHILL
INVERNESS-SHIRE**

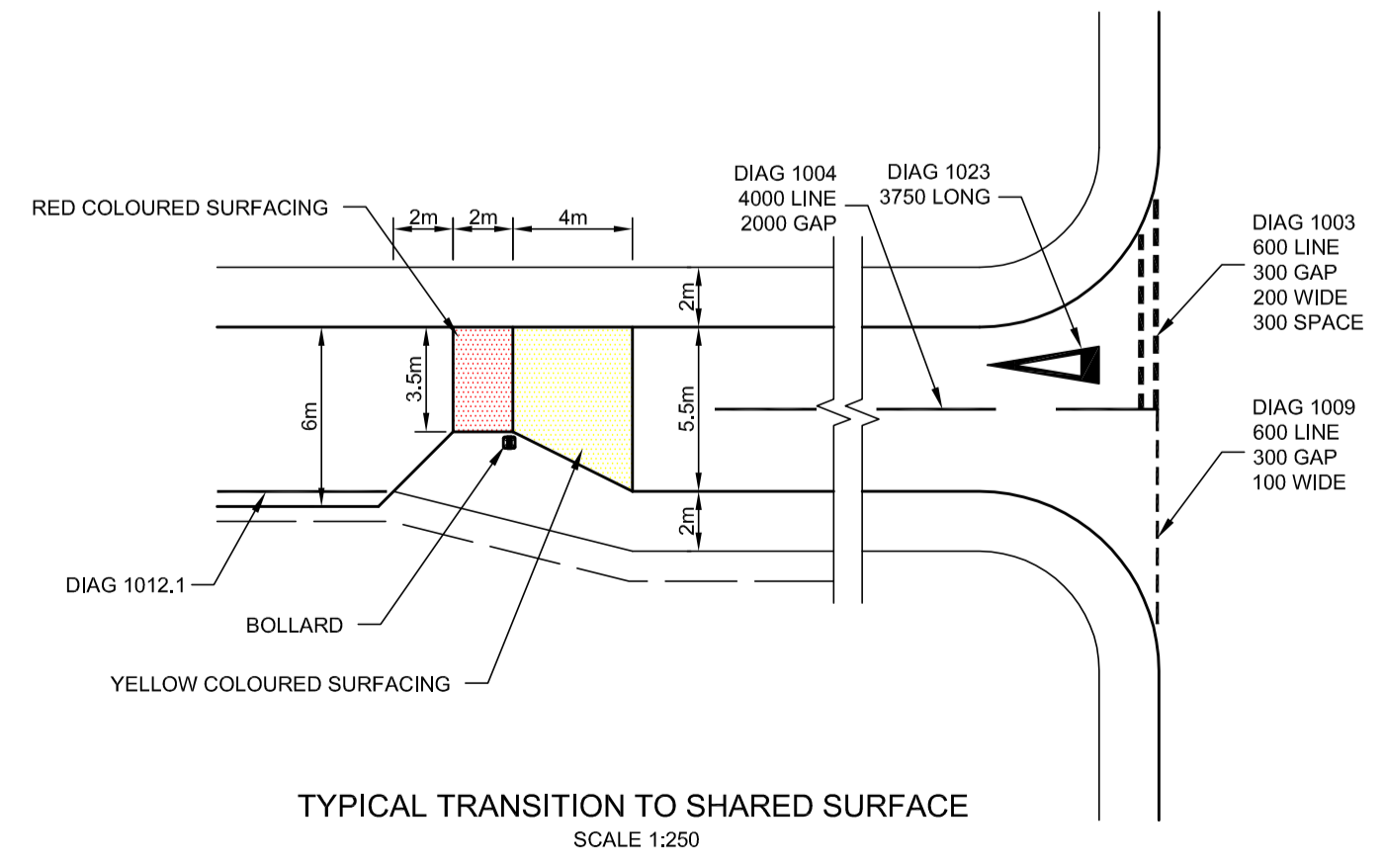
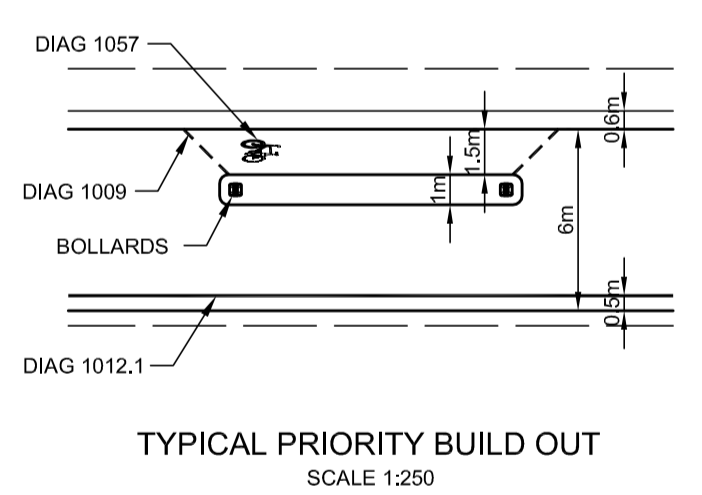
**ROAD LAYOUT
SHEET 1 OF 2**

Drawn: IAW	Ck'd:	Scale: 1:500 (A1)
Date: MAY 12	Date:	DO NOT SCALE

hga consulting engineers

HGA(UK) Ltd
Darach House
Stoneyfield Business Park
Inverness IV2 7PA
T: 01463 221717
F: 01463 224275
email: hga@hagagroup.co.uk

Drawing No.		Revision	
2554:101/01		E	





LEGEND

	DROP KERB WITHIN SHARED SURFACE
	SHARED SURFACE ACCESS ROAD
	FOOTWAY / OVERRUN STRIP
	DITCH
	IMPERMEABLE SURFACING
	PERMEABLE BLOCK PAVING

NOTE:-
 ALL SERVICES TO BE LOCATED WITHIN BLOCK PAVING SERVICE STRIP TO ALLOW FUTURE CONNECTIONS TO BE MADE WITH MINIMUM DISRUPTION TO NEW COURTYARD SURFACING.

Drawing No. 2554:101/02		Revision E
Revisions	Date	Drn.
A LAYOUT REVISED.	27.06.12	DM
B CONSTRUCTION DETAILS AND NOTES ADDED.	29.06.12	DM
C ROAD NARROWING LOCATION REVISED.	02.07.12	DM
D ROAD ALIGNMENT REVISED TO RELECT TECS COMMENTS	14.09.12	IW
E EXISTING ROAD FOOTWAY REVISED TO 3m. VISIBILITY SPLAYS ADDED TO TURNING HEADS	03.10.12	PJ

**APPROVAL
DRAWING**

**INVERNESS
PROPERTIES LTD.**

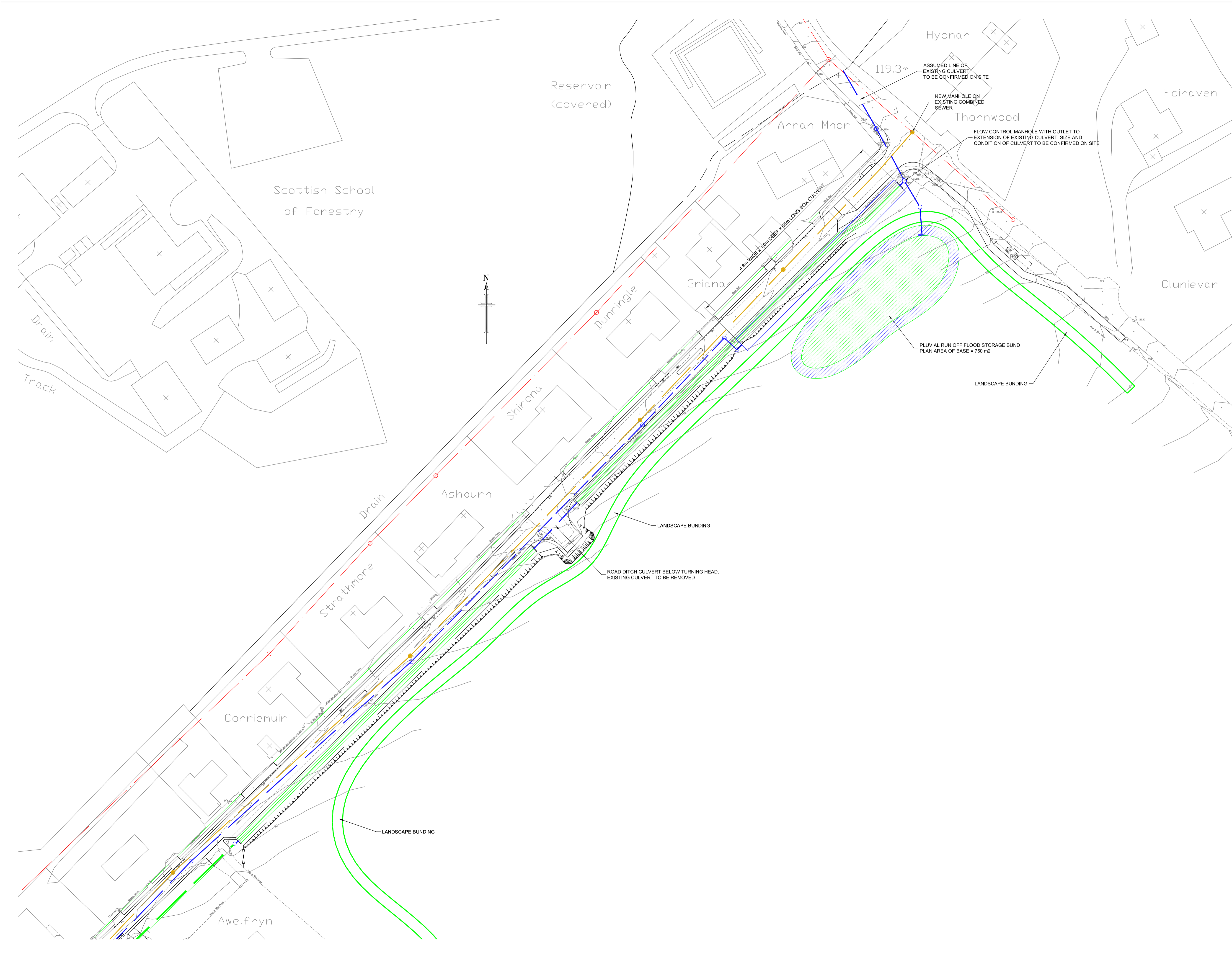
**VIEWHILL
INVERNESS-SHIRE**

**ROAD LAYOUT
SHEET 2 OF 2**

Drawn: IAW	Ck'd:	Scale: 1:500 (A1)
Date: MAY 12	Date:	DO NOT SCALE

HGA(UK) Ltd
 Darach House
 Stonefield Business Park
 Inverness IV2 7PA
 T: 01463 221717
 F: 01463 224275
 email: hga@hagagroup.co.uk

Drawing No. 2554:101/02		Revision E
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- LEGEND**
- EXISTING COMBINED SEWER
 - PROPOSED STORM SEWER
 - PROPOSED FOUL SEWER
 - PROPOSED FILTER DRAIN
 - PERMEABLE BLOCK PAVING WITH FIN DRAIN OVERFLOW
 - ROOF WATER OUTLET TO PERMEABLE BLOCK PAVING
 - PROPOSED ROAD DITCH
 - PROPOSED LANDSCAPE BUND

Drawing No. **2554:105/01** Revision **D**

Revisions	Date	Drn.
A LAYOUT REVISED.	27.06.12	DM
B CONSTRUCTION DETAILS AND NOTES ADDED.	29.06.12	DM
C CONNECTION TO EXISTING REVISED.	04.09.12	PJ
D STORAGE DETAILS REVISED. PLUVIAL FLOOD STORAGE ADDED.	14.09.12	IW

**APPROVAL
DRAWING**

**INVERNESS
PROPERTIES LTD.**

**VIEWHILL
INVERNESS-SHIRE**

DRAINAGE LAYOUT

Drawn: IAW	Ck'd:	Scale: 1:500 (A1)
Date: MAY 12	Date:	DO NOT SCALE

HGA(UK) Ltd
Darach House
Stoneyfield Business Park
Inverness IV2 7PA
T: 01463 221717
F: 01463 224275
email: hga@hagagroup.co.uk

Drawing No. **2554:105/01** Revision **D**



- LEGEND**
- EXISTING COMBINED SEWER
 - PROPOSED STORM SEWER
 - PROPOSED FOUL SEWER
 - PROPOSED FILTER DRAIN
 - PERMEABLE BLOCK PAVING WITH FIN DRAIN OVERFLOW
 - ROOF WATER OUTLET TO PERMEABLE BLOCK PAVING
 - PROPOSED ROAD DITCH
 - PROPOSED LANDSCAPE BUND

NOTES:-
 SERVICE STRIP TO BE CONSTRUCTED OF PERMEABLE BLOCK PAVING.
 COURTYARD TO DISCHARGE ONTO PERMEABLE BLOCK PAVING.
 ROOF DRAINAGE TO DISCHARGE TO SUB-BASE OF PERMEABLE BLOCK PAVING.
 FIN DRAIN OUTLET FROM PERMEABLE BLOCK PAVING TO SURFACE WATER SEWER.

Drawing No.	Revision
2554:105/02	D

Revisions	Date	Drn.
A LAYOUT REVISED.	27.06.12	DM
B CONSTRUCTION DETAILS AND NOTES ADDED.	29.06.12	DM
C CONNECTION TO EXISTING REVISED.	04.09.12	PJ
D STORAGE DETAILS REVISED. PLUVIAL FLOOD STORAGE ADDED.	14.09.12	IW

**APPROVAL
DRAWING**

**INVERNESS
PROPERTIES LTD.**

**VIEWHILL
INVERNESS-SHIRE**

DRAINAGE LAYOUT

Drawn: IAW	Ck'd: Date:	Scale: 1:500 (A1)
Date: MAY 12	Date:	DO NOT SCALE

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