

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
19 August 2014

Agenda Item	8.1
Report No	PLS/063/14

13/03694/PIP: Loch Ness Homes Ltd
Land 145M North of Smiddy Bar, Lewiston, Drumnadrochit

Report by Area Planning Manager - South

SUMMARY

This planning application has been appealed on the grounds of non-determination and will be determined by a Reporter appointed by the Scottish Government. The Reporter has issued a procedure notice requesting the Planning Authority's response to four points related to his determination of the appeal. This report details the points and provides a draft response for approval by the Committee in order that a response to the procedure notice may be submitted.

Description: Mixed use development comprising housing, affordable housing, homes for the elderly, mixed commercial uses, health centre, public open space and associated infrastructure

Recommendation: To respond to the Reporter in accordance with Section 9 of this report.

Ward: 13 - Aird and Loch Ness

Development category: Major

Reason referred to Committee: To seek Committee approval of the proposed response to the Reporter.

1. BACKGROUND

- 1.1 This application had not been reported to Committee for determination due to unresolved objections to the inclusion of the application site within the proposed Inner Moray Firth Local Development Plan. The applicant appealed the non-determination of the application and the Reporter appointed to determine the appeal has issued a procedure notice requesting the Planning Authority's response to four points (noted below).

This report provides a draft response to each of the points for Committee approval. For the avoidance of doubt, Committee is not being asked to determine the planning application. That is a matter for the Reporter. However, the Committee's response to the four points will inform the Reporter of the Planning Authority's position on matters important to the determination of the appeal.

- 1.2 In order to respond to the points raised by the Reporter, it is considered necessary to provide details of the application now the subject of the appeal and the consultee responses received thereon.

Responses are required on the following four points:

1. Compliance or departure from the current adopted development plan.
2. The merits of the planning application, taking account of the results of consultations and representations.
3. Compliance or departure from the proposed Inner Moray Firth Local Development Plan.
4. The merits of the related representations on the proposed Inner Moray Firth Local Development Plan.

2. **PROPOSED DEVELOPMENT**

- 2.1 The application is for planning permission in principle for a mixed use development within an open field to the north-east of the A82(T) running through Drumnadrochit. This will comprise a mixture of housing tenures including mainstream housing, affordable housing, and homes for the elderly, in addition to mixed commercial uses, and public open space. On the south-west of the A82, but included within the application boundary, a site is reserved for development of a purpose built health centre. This will take vehicular access from the A82. Members are advised that planning permission was granted in June 2014 for the health centre which was also submitted as a separate planning application (14/01406/FUL). The site of the proposed health centre was not subject to unresolved objections to the proposed Inner Moray Firth Local Development Plan and could therefore be brought to determination.
- 2.2 The application includes an indicative layout showing the possible location of housing, a commercial centre and the health centre. The eastern boundary includes a significant area of land reserved as parkland/open space and this will help to form a buffer between the development and the existing properties at Lewiston. To the west of the site, an area is reserved as a central green. An internal footpath network will be formed to connect into existing paths in the area.
- 2.3 A formal Proposal of Application Notice, 12/04780/PAN, was submitted in December 2012. A report was submitted with the present application outlining the consultation undertaken with the community and stakeholders. This included informal drop in sessions with the wider community and representatives of the Community Council.

Exhibitions were also held at the Craigmonie Centre in Drumnadrochit. These events generally took place from January to April 2013. The events were advertised in the Inverness Courier and the Highland News and also on the Council's web site. It is considered that the consultation process was acceptable.

2.4 As a Major category of development, the application included the following information :

Supporting Statement including a Design and Access Statement, a Drainage Impact Assessment and a Transport Assessment.

2.5 **Variations:** Revised site masterplan to adjust indicative location of amenity housing in north corner of the site.

3. SITE DESCRIPTION

3.1 The site comprises an open field located generally to the south of Drumnadrochit and towards Lewiston. The site is bordered by woodland and the Church/manse/hall on the north-west boundary; by existing housing development on the north-east boundary (Coiltie Crescent/Culanlon); and on the south-east boundary by houses at Lewiston. The south-west boundary fronts onto the A82 Trunk Road and a field to the south-west.

4. PLANNING HISTORY

4.1 14/01406/FUL – Health Centre granted approval on 6 June 2014 on a site to the south west of A82 and shown as the NHS site on the application masterplan. This is allocated as site DR7 in the proposed Inner Moray Firth Local Development Plan.

5. PUBLIC PARTICIPATION

5.1 Advertised : unknown neighbour 25.10.13

Representation deadline : 25.10.13

Timeous representations : 1

Late representations : 2 – one from Glenurquhart Community Council and the other from a resident

5.2 Material considerations raised are summarised as follows:

- Loss of amenity through development of the site.
- Proposal is contrary to the adopted Inverness Local Plan and is allocated as an amenity area. The decision on the future of the site should be assessed through the Inner Moray Firth Local Development Plan (IMFLDP) process and not pre-empt the outcome of the Hearing process. Any assessment of the application should also consider comments submitted as part of the IMFLDP consultation process.
- Amenity – for many years the pressure to develop this site has been resisted and it is considered that any development would have a significant adverse impact on the landscape and visual amenity of the area.

- Development of this site would not comply with the Highland-wide Local Development Plan (HwLDP). There is a need to protect the distinct landscape character of the area and the distinct settlements of Lewiston and Drumnadrochit. No methodical capacity assessment, including landscape sensitivity or capacity assessment has been provided to justify the selection of the site as part of the IMFLDP. Other sites are located within the village on which development could better fit the character of the landscape and follow the characteristic pattern of the Lewiston and Drumnadrochit settlements. As a result, the proposal is considered contrary to policy 28 and policy 61 of HwLDP. Green corridors and setting back of the development by landscaping suggested by the IMFLDP will not maintain the open character of the site or views across the Glen.
- Glenurquhart Community Council view the 3 key requirements for village development as: 1) all aspects of “mixed use” proposals should be delivered; 2) development is phased over a period of years with a maximum of 10 houses per year within this area so that the community can expand and grow at a sustainable rate; and 3) attention is given to landscaping and its maintenance.
- Development of the proposed commercial areas should be undertaken within Phase 1.
- Pedestrian/cyclist/horse rider routes across A82 have not been clarified due to uncertainty of the site access from A82.
- Narrow roads and congestion issues, particularly in the Kilmore area, would be made significantly worse by traffic flow to the development. The applicant should be requested to ensure the site encompasses an appropriate number of access points for pedestrians/cyclists etc, including linked footpaths through the woodlands to the key areas.
- Development would include 12 amenity houses beside the Glenurquhart Community Centre and 20 affordable units which is equivalent to 45% of the total development comprising amenity and affordable housing. The total number should not exceed 75 units.
- A community working group has been set up to work with the developers to discuss the details of landscaping, planting, footpaths, walls etc with the objective of the community managing, and taking ownership of, the open space for the benefit of the community. This group would establish after care/maintenance of open spaces.

5.3 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.

6. CONSULTATIONS

6.1 **Transport Scotland: Object** - the proposed new roundabout junction on the A82 Trunk Road network is not supported. The principle of access to the trunk road has not been agreed for the proposed development to the north of the A82. There are still a number of outstanding issues that need to be addressed by the applicant. In pre-application correspondence TS recommended the access to the Health Centre should be separated from that to the development to the north. This is because any justification for access to the Health Centre is likely to consider different issues to those for development to the north - for instance improved community benefits.

Members are advised that Transport Scotland did not object to the proposed health centre which proposed a T junction access onto the A82. This current proposal involves a roundabout on the A82 which would serve both the new mixed use development and health centre.

6.2 **SNH:** no objections.

6.3 **SEPA:** no objections.

6.4 **Scottish Water:** Glenconvinth Water Treatment Works currently has capacity to service this proposed development. Drumnadrochit Waste Water Treatment Works currently has capacity to service this proposed development.

6.5 **Access Officer:** an access management plan is required. Unsegregated shared use paths should be built along the front of the development and segregated from the A82 in line with the draft Inner Moray Firth Local Development Plan. That Plan also identifies paths to Benleva through the wood and to the wider village network. There is a good network of paths planned for the site that appears to link to existing routes and green spaces and this is welcomed. The proposal also takes into consideration the existing core path and rights of way networks as well as the community's aspirations for a path through the wood north of the church.

6.6 **Planning Gain Negotiator:** developer contributions will be required as detailed.

Affordable housing – at least 25% of the units to be affordable to be secured by a Section 75 Agreement.

Transport – contributions towards public transport improvements to enable the existing network to accommodate new development with the provision of 2 bus stops.

Green infrastructure and Outdoor Access – open space has been provided on site. Provision should also be made on site for play facilities or as a financial contribution towards the upgrade of a nearby facility. Green networks/links should be provided to link to the wider Core Path network.

Community facilities – the land on the south side of A82 is being gifted to the NHS for development of a health centre with housing for the elderly on the north side of A82.

Public art – ideally this should be provided on site and secured through condition rather than a financial contribution.

6.7 Transport Planning: a number of comments are made:

Due to the scale of the development including significant residential, commercial and community uses the applicant shall provide a detailed Transport Assessment. Recommend a scoping document be prepared by the applicant's transport consultant for agreement with the Council.

Kilmore Road and Balmacaan Road are not suitable to serve a development of this size. There shall be no vehicular access to Kilmore Road from the proposed development other than from the Amenity Housing associated with the Glenurquhart Centre.

The new roundabout proposed on the A82 shall be designed to comply with DMRB standards and to the approval of Transport Scotland.

In consultation with Transport Scotland, the 30mph speed limit shall be relocated beyond the proposed roundabout or alternatively beyond the settlement of Lewiston, subject to agreement.

In consultation with Transport Scotland, pedestrian crossings on the A82 Trunk Road shall be installed linking the proposed development to the existing bus stops and the proposed Health Centre.

A remote foot / cycle way shall be constructed along the frontage of the proposed development.

As an application for Planning in Principle, the layout is indicative only. It should therefore be a condition of any consent that a layout be produced in due course for the approval of the Council showing the dimensions and gradients of all roads to be adopted together with footways, shared surfaces and verges. A 20mph design speed should be adopted and parking for all elements of the development must be provided in accordance with Council guidelines.

The contents of the Drainage Statement are noted and while there are some reservations about some of the proposals for dealing with surface water these can be dealt with as part of any further application and covered by condition.

Pedestrian / cycle routes to Glenurquhart High School, Glenurquhart Primary School and other local facilities shall be identified and provided taking account of any necessary mitigation.

Clarification is required regarding the parking layout at the Glenurquhart Centre and how the proposals would impact on existing parking arrangements.

6.8 **Forestry Officer:** There are no trees within the site, but there is mature mixed broadleaf woodland to the north-west. This woodland is listed in the Ancient Woodland Inventory. This is a feature of Local/Regional Importance in the Highland-wide Local Development Plan where it is noted that the Highland Council will allow developments only if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource. Concerns are expressed about the proposed housing in the northern-most corner of the site which is just 10m from the edge of mature woodland. A holdback of 20m would be more appropriate, as has been given to the Commercial Units 1, 2 & 3. In addition there is indicative car parking adjacent to the existing woodland and Units 1, 2 & 3. There should be no excavation within the root protection area or crown spread of existing trees in the development of the site and tree protection measures will be required to ensure that the trees are not damaged by construction activity.

In terms of the outline landscape planting within the development, concern is expressed over the planting of Norway maple to the south side of the proposed housing which is less than 15m from the buildings. The landscape planting specification also makes reference to native hedging, but the species list includes beech. Hazel would be more appropriate. The Landscape Layout Plan shows a significant number of trees along the side of the A82 and the side of the main entrance road, but the specification refers to the planting of just five Norway Maple and five Field Maple. Further clarification will be required in terms of numbers of trees and shrubs; planting locations for each species; tree protection measures; and a five year maintenance programme.

6.9 **Flood Team:** have reviewed the Drainage Statement and accept the drainage principles and will seek full details at the detailed planning stage.

7. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

7.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality & Place Making
31	Developer Contributions
32	Affordable Housing
56	Travel
57	Natural, Built & Cultural Heritage
74	Green Networks
75	Open Space
77	Public Access

7.2 **Inverness Local Plan 2006 (as continued in force)**

21 A82 and 30mph speed restriction

24 Amenity Area

8. **OTHER MATERIAL CONSIDERATIONS**

8.1 **Inner Moray Firth Proposed Local Development Plan**

DR6 – Land allocated for 75 houses, business, community, retail

DR7 – Land allocated for community, business

8.2 **Highland Council Supplementary Planning Policy Guidance**

Developer Contributions

Flood Risk and Drainage Impact Assessment

Sustainable Design Guide

Trees, Woodlands and Development

Affordable Housing

8.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy 2014

9. **RESPONSE TO POINTS RAISED BY THE REPORTER**

9.1 **Compliance or departure from the current adopted development plan**

The application site is identified in the Inverness Local Plan (adopted in 2006 and continued in force by Order in 2012) as an Amenity Area where there is a presumption against development not associated with maintaining the open character and adjacent woodlands.

Given the description of development proposed the application represents a departure from the Inverness Local Plan.

9.2 **The merits of the application (taking account of the results of consultations and representations)**

The consultee comments received are referred to in detail in Section 6 of this report.

With the exception of Transport Scotland, the terms of the consultee responses are generally supportive of the principle of the development and any concerns can be addressed by appropriate conditions.

Transport Scotland object to the proposed access arrangements which involve the formation of a new roundabout junction on the A82(T). Transport Scotland does not consider, based on the traffic surveys undertaken by them, that a roundabout junction is either required or desirable. It is evident that the existing vehicular accesses in the area via Kilmore Road and East Lewiston are inadequate to accommodate additional traffic associated with this development, and use of these roads would not be supported by the Council's Transport Planning Section.

This means that the only appropriate access to the site for the majority of the development is directly from the A82.

This objection is therefore unresolved. It is the Council's preferred option that, if the application is granted planning permission, a roundabout junction is formed to serve both the proposed residential development and the health centre.

9.3 **Compliance or departure from the proposed Inner Moray Firth Local Development Plan**

The appeal site is allocated (DR6 & 7) for development within the proposed Plan and the proposed uses are in accordance with the allocations. The decision to allocate these sites was based on their effectiveness in delivery when compared to alternative expansion areas in the village.

9.4 The proposal would support a genuine mixed use development in the heart of the settlement with all the sustainability advantages that offers. The landowner/ developer is prepared to transfer a greenspace corridor to the Glenurquhart Greenspace Company that would guarantee its future retention and management as an amenity and wildlife resource. It also appears from the mix of uses within the application and negotiations to date that there is a reasonable expectation that if developed as proposed then the site could support the relocation and expansion of several commercial enterprises with an attendant increase in local employment and a reduction in travel to facilities outwith the settlement.

The proposal accords with the spirit of allocation DR6 in that it will provide a development comprising the mix of uses intended. The phasing of development to include commercial uses in Phase 1 can be controlled by condition. As an application in principle, details of the design and scale of buildings can be addressed in future applications. Details of landscaping, footpaths, cycleways, etc can similarly each be dealt with by means of appropriate conditions.

9.5 Transport Scotland's objection to the planning application and the proposed Inner Moray Firth Local Development Plan is due to the lack of submission of an appropriate access strategy for the A82 in Drumnadrochit which is required to deal with the cumulative safety impact of the numerous accesses to the road across the extent of the village. Access to allocations DR6 & 7 from the existing local road network is impracticable as identified by the Council's Transport Planning team.

It is however understood that Transport Scotland's concerns could be overcome if a case can be made demonstrating that:

- i) further traffic management measures will be funded by the Council/ developer; and
- ii) the uses proposed are essential to the social and economic wellbeing of the community (i.e. are not simply a speculative housing scheme) and will deliver employment and enhanced community facilities.

The proposal is therefore considered to accord with the relevant policies of the Proposed Inner Moray Firth Local Development Plan.

9.6 **The merits of the related representations on the proposed Inner Moray Firth Local Development Plan**

Two of the outstanding objections are from residents in the area: Ms Caroline Stanton and Mr Wynne-Evans and relate specifically to allocation DR6. The first 4 bullet points of paragraph 5.2 summarise these objections. The third objection is from Transport Scotland and has been addressed in paragraph 8.2.

The representations raise objections to the loss of the presently zoned amenity land for development and this is considered in the context of the safeguards set out in the text of allocation DR6. The objectors are concerned about the adverse impact on the landscape and the visual amenity of the area and maintenance of the open character of the site or views across the Glen. Development of the site is viewed by the objectors as contrary to Policies 28, 35 and 61 of the Highland-wide Local Development Plan (HwLDP).

The Council's response to these objections is that the site lies within the settlement boundary of Drumnadrochit and does not represent housing in the countryside. It is not therefore contrary to Policy 35.

In terms of Policies 28 and 61, the provision of a significant swathe of land as open space as proposed is considered to address some of the concerns raised. It consists of parkland to the south east, a further area as a central green, and development is set back from the A82 retaining a walkway and landscaped area as shown on the masterplan.

The Council's view is that much of Highland is of high landscape quality including most of the Great Glen corridor. Accordingly, finding land with landscape capacity to absorb new development is problematic. However, the centre of a settlement, on flat land, enclosed by existing development and higher glen slopes is considered an appropriate solution to meeting a recognised housing/commercial land demand and is consistent with enabling expansion of the village within the broader settlement boundary.

The village margins where there is a break of slope offer some additional scope for single houses or small groups of buildings as does the tree cover within the wider Glenurquhart but these are not suitable and sustainable locations for larger mixed use developments.

10. **RECOMMENDATION**

To respond to the Reporter in accordance with Section 9 of this report.

CONDITIONS

It is normal practice for a Reporter to seek the views of the Planning Authority on conditions that might be imposed in the event of planning permission being granted. A schedule of suggested conditions is annexed to this report.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Notional Sketch Perspective - Site entrance looking east
Plan 4 – Notional Sketch Perspective - Site entrance looking north west

APPENDIX – SUGGESTED CONDITIONS

1. No development shall commence within a phase, or relating to a phase, until all of the matters specified below, as they relate to or are relied upon by that phase, have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development
 - iv. details of all boundary enclosures to individual house plots and areas of open space and the boundary to the A82;
 - v. details of access and parking arrangements;
 - vi. details of the proposed water supply and drainage arrangements; and
 - vii. tree protection measures.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase.

2. The size, orientation and location of the dwellinghouse(s) as shown on the approved plans is indicative only and no development shall commence until these matters have been approved on application to the Planning Authority.

Reason: In order to enable the Planning Authority to consider this matter in detail prior to the commencement of development; in the interests of amenity.

3. No development shall commence until a Phasing Plan outlining details of the phasing of the development has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan. For the avoidance of doubt, the timing and mechanism for the delivery of the commercial units shall be included within the Phasing Plan and thereafter completed in accordance with the approved phasing.

Reason : To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure until required improvements have been put in place.

4. Any details pursuant to Condition 1 above, shall show housing development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate or agreed equivalent;
 - iii. a maximum of 2 storeys in height;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 35° and not greater than 45°;and

vi. predominantly rectangular in shape with traditional gable ends.

Reason : In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

5. For the avoidance of doubt, no more than 10 houses shall be erected before development commences on the delivery of the commercial unit(s) to the satisfaction of the Planning Authority, with completion of the unit(s) before development commences on Phase 2 of the development hereby granted planning permission, all to the satisfaction of the Planning Authority.

Reason: To control the rate of development and to ensure timeous delivery of commercial facilities.

6. For the avoidance of doubt, the use of the commercial units shall be restricted to Class 1 and 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, to the satisfaction of the Planning Authority unless planning permission is otherwise obtained.

Reason : In the interests of residential amenity.

7. For the avoidance of doubt a stone wall or dyke shall be erected and completed on the south-west boundary with the A82 as agreed in terms of condition 1 prior to occupation of the first house in the first phase of development or occupation of the first commercial unit, whichever is the sooner.

Reason: In the interests of visual amenity.

8. The use of the commercial centre for which planning permission is hereby granted consent shall not be implemented until the car parking and service facilities have been laid out, demarcated and completed to the satisfaction of the Planning Authority and thereafter retained solely for that purpose. For the avoidance of doubt, no excavation shall take place within the defined root protection area of adjacent trees without the written consent of the Planning Authority.

Reason : In order to ensure that adequate parking facilities are provided and trees protected.

9. The use of the commercial centre for which planning permission is hereby granted consent shall not be implemented until full details of a covered and secure communal bicycle storage/racking system for bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: In order to ensure provision is made for cyclists.

10. Delivery by service vehicles for the commercial centre shall be restricted to between the hours of 0600 and 1200 midnight. For the avoidance of doubt, and prior to the commencement of development of the commercial centre, it must be demonstrated to the satisfaction of the Planning Authority that there will be no unacceptable noise nuisance associated with delivery vehicles for adjacent residents.

Reason: In the interests of residential amenity.

11. All building material, plant and equipment associated with the commercial centre and health centre shall be stored within the boundaries of the individual application sites throughout the construction period and outwith the root protection area of existing trees to the satisfaction of the Planning Authority.

Reason: To ensure that there are no obstructions to the public highway and to protect existing trees.

12. For the avoidance of doubt there shall be no roof plant or equipment located on the roof of the commercial centre or the health centre to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity.

13. No development shall commence on either the commercial centre or health centre until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity. The storage of refuse shall be incorporated into the design of the building and no external storage areas shall be formed.

Reason : To ensure that suitable provision is made for the storage of communal waste and recycling bins.

14. A minimum separation of 20 metres shall be maintained between existing trees and any proposed development to the satisfaction of the Planning Authority in order to avoid future conflict due to safety and nuisance concerns.

Reason : In order to secure an appropriate distance between existing trees and any new development.

15. No development shall commence on site until a plan clearly showing the footprints of all development, along with any underground services due to be excavated in relation to existing trees, has been submitted to and agreed in writing by the Planning Authority.

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

16. With effect from the date of this permission, no trees adjacent to the site are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

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

17. No development shall commence on site until a Tree Protection Plan has been submitted to and subsequently approved in writing by the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). The development shall thereafter proceed in accordance with the approved measures to protect trees.

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

18. The land identified on the indicative site layout plan for amenity housing shall be reserved for this use only to the satisfaction of the Planning Authority.

Reason : In the interests of amenity.

19. The land identified on the indicative site layout plan for the provision of a health centre shall be reserved for this use only to the satisfaction of the Planning Authority.

Reason: In order to secure an appropriate mix of uses within the development.

20. 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. This shall be a phased landscaping scheme to accord with the approved phasing of the development unless otherwise approved in writing by the Planning Authority. The area of Parkland shall be formed within the first planting season following occupation of the tenth house in phase 1 of the development or occupation of the first unit in the commercial centre, whichever is the sooner. 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 the interests of visual amenity.

21. The approved Landscape Plan shall be implemented in full during the first planting season following commencement of each phase of development. As part of the first phase of development, the footpath link provision and associated landscaping on the frontage with the A82 and Parkland shall be provided prior to occupation of the first house. For the avoidance of doubt, the area identified as Parkland shall be landscaped and laid out to grass and made available for public use before occupation or completion of the tenth house on site to the satisfaction of the Planning Authority. A scheme for the maintenance of the area shall be submitted to and agreed in writing by the Planning Authority and thereafter implemented.

Reason : In the interests of visual amenity.

22. No development shall commence until a scheme for the layout, design and construction of green spaces, play areas and outdoor sports and recreation facilities (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 secure high-quality open spaces in compliance with Council Supplementary Planning Guidelines.

23. 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, estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), 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 : To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

24. Any details pursuant to Condition 22 above shall include full details of the location, form and programme for delivery of the requisite fully-equipped play areas within the application site. Thereafter, the play area(s) shall be installed by, and at the expense of, the developer in line with these approved details and their on-going upkeep shall be included in a factoring agreement (or similar).

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

25. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
- i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
 - ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
 - iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
 - iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access both during and after the construction phase of the development.

26. On-site provision for public art shall be made in accordance with the Supplementary Guidance for the Public Art Strategy, the location and design of which shall be approved in writing with the Planning Authority with the first application for matters specified in conditions. This shall equate to 1% of the capital construction costs unless otherwise approved in writing by the Planning Authority. The timing for such provision shall be approved in writing by the Planning Authority at the time of the first application for matters specified in conditions.

Reason : To accord with the Supplementary Guidance on Developer Contributions and the Public Art Strategy.

27. 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 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.

28. Development shall not commence on site until full details of all temporary surface water drainage measures designed to prevent flooding and contamination of existing watercourses during construction have been submitted to and agreed in writing by the Planning Authority and thereafter so implemented.

Reason: In order to ensure the proper provision of SUDS facilities.

29. No development shall commence until arrangements for potable water and sewerage infrastructure to serve the site (including a programme for implementation) have been submitted, to, and approved in writing by, the Planning Authority. No part of the development shall be occupied until sewer connections and potable water storage infrastructure, as required, have been completed in accordance with the approved arrangements.

Reason: In order to ensure that water and sewerage infrastructure is carefully managed and provided timeously, in the interests of public health and environmental protection.

30. No development shall commence on any part of the site until the new roundabout onto the A82 is formed and designed to comply with DMRB standards to the satisfaction of Transport Scotland in consultation with the Planning Authority.

Reason : In the interests of road traffic safety.

31. Prior to completion of the first 10 houses or the first commercial unit, whichever is the sooner, pedestrian crossings on the A82 shall be installed, the number, location and design of which shall be approved in writing with Transport Scotland in consultation with the Planning Authority.

Reason : In the interests of road traffic and pedestrian safety.

32. One bus stop and shelter shall be formed on either side of the A82, the locations and design of which shall be approved in writing with Transport Scotland in consultation with the Planning Authority. No development shall commence on the construction of any of the houses until these facilities have been installed.

Reason : To accord with the Supplementary Guidance on Developer Contributions and in the interests of public safety.

33. No work shall start on site until a site layout plan is submitted showing the dimensions and gradients of all roads to be adopted together with footways, shared surfaces and verges. A 20mph design speed shall be adopted and parking for all elements provided in accordance with Council guidelines.

Reason : In the interests of road traffic safety.

34. Unless otherwise approved in writing with the Planning Authority, in consultation with Transport Scotland, the 30mph speed limit shall be relocated beyond the proposed roundabout or beyond the settlement of Lewiston before occupation of any of the houses.

Reason : In the interests of road traffic safety.

35. On completion of, or the substantial completion of, each phase of the development for which planning permission is hereby granted, all roads and footpaths will be constructed and completed to road construction consent standard and allow full public access to the satisfaction of the Planning Authority.

Reason : In the interests of the free flow of traffic and public safety.

36. All roads, including footpaths and cycleway, shall require road construction consent before works commence and all such works, including the provision of car parking, shall require to conform to the Council's Roads and Transport Guidelines for New Developments.

Reason : In the interests of public safety.

37. A street lighting design, which shall minimise light spill on to adjacent areas and skywards, shall be submitted to and require the approval of the Planning Authority prior to the commencement of road construction. All lighting shall thereafter conform to the approved design.

Reason : In order to protect the amenity of the area.

38. No development shall commence until a Construction Environmental Method Statement has been submitted to and received the written approval of the Planning Authority. This shall include the proposed location of the works compound, the means of screening the site, how the site will be developed and mitigation measures in terms of dust and noise for adjacent premises. For the avoidance of doubt the works compound shall not be located adjacent to any houses. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: In the interests of residential amenity.

39. 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 the interests of road traffic safety and amenity.

40. The applicant shall take all necessary measures to avoid nuisance to neighbouring residents caused by dust which arises from operations carried out in connection with the planning permission.

Reason: In order to protect the environment and amenity of residents.

41. No topsoil shall be stripped from any phase area of the development hereby approved (as defined on the approved plans):
- i. which does not benefit from the approval of matters specified in conditions specific to that phase; and
 - ii. until a Notice of Initiation of Development, under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended), has been submitted to, and acknowledged in writing by, the Planning Authority.

Furthermore, any undeveloped phases shall be maintained in a tidy order with weed control measures and grass cutting carried out at least four times per year.

Reason: To ensure that topsoil is not removed from future phases of the proposed development until it is absolutely necessary and that undeveloped phases are properly maintained; in the interests of visual amenity and the prevention of dust-related pollution.

TIME LIMITS

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & 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 (p.198), 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.

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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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:

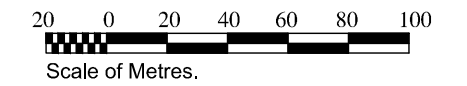
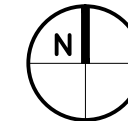
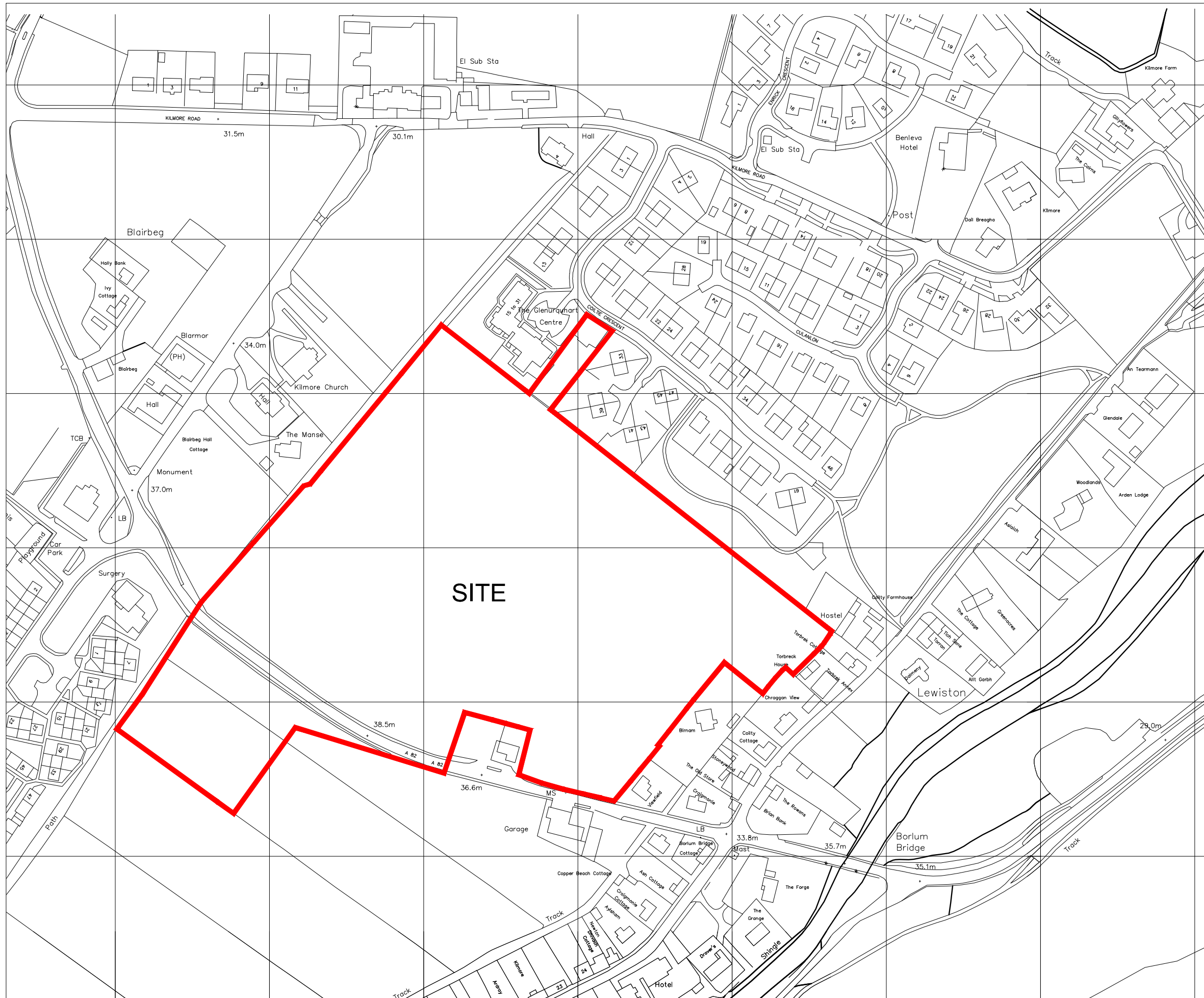
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is 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.

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Ms Margaret MacRae	25 Coiltie Crescent, Kilmore, Drumnadrochit	22.10.13	Against
Ms Caroline Stanton	Lower Tornabrack, Drumnadrochit	27.12.13	Against
Glenurquhart Community Council	Per Mrs Fiona Urquhart	28.11.13	For



Bracewell Stirling CONSULTING

- 5 NESS BANK, INVERNESS, IV2 4SF
TEL: 01463 233760 FAX: 01463 233785
- 38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF
TEL: 01259 750301 FAX: 01259 752365

**KILMORE
DRUMNADROCHIT
LOCH NESS HOMES LTD**

LOCATION PLAN

SCALE	1/2500	DATE	SEP'13	BY	
				DWG SIZE	A3

DWG NO	3468 / 01-01	REV	
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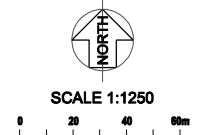


- KEY:**
- NHS SITE HEALTH CENTRE
 - COMMERCIAL CENTRE
 - AMENITY HOUSING ASSOCIATED WITH GLENURQUHART CENTRE
 - LOW COST HOUSING
 - AFFORDABLE HOUSING
 - MAINSTREAM HOUSING
 - SELF BUILD PLOTS

THE GLENURQUHART CENTRE

EXTENSION TO THE GLENURQUHART CENTRE FORMING COURTYARD WITH AMENITY HOUSING

NO VEHICULAR ACCESS TO KILMORE ROAD FROM PROPOSED DEVELOPMENT OTHER THAN AMENITY HOUSING AT THE GLENURQUHART CENTRE



FACILITATE PEDESTRIAN/CYCLE LINKS TO EXISTING PATH NETWORKS.

APPLICATION SITE BOUNDARY

GARDEN EXTENSION

LANDSCAPED PUBLIC PARKLAND

CYCLE AND PEDESTRIAN ROUTES THROUGH AND AROUND DEVELOPMENT

EXISTING SETTLEMENT OF LEWISTON

MAIN A82 ROAD SOUTH

Rev A Amenity housing adjusted. Noise added to woodland and paths. 28 Jan 14

Revisions

MATURE WOODLAND EDGE

INTERVENING FOLIAGE STRIP

LINKS THROUGH WOODLAND PATHS TO VILLAGE CENTRE

ENHANCE AND FRAME VIEWS TO CHURCH

NHS SITE
HEALTH CENTRE

COMMERCIAL CENTRE

CENTRAL GREEN
PROPOSED HIGH THROUGH PUBLIC GREEN SPACE

HOUSING

PARKLAND
PROPOSED HIGH THROUGH PUBLIC GREEN SPACE

ENSURE HIGH QUALITY DESIGN TO CREATE A GATEWAY ENHANCED BY STONE DYKE AND A NEW AVENUE OF TREES AND PLANTING ALONG EDGE OF A82 ROAD

NEW ROUNDABOUT ACCESS ONTO A82 ROAD SERVING COMMERCIAL, HOUSING AND HEALTH CENTRE

HEALTH CENTRE LOCATION FOR NEW HEALTH CENTRE AND PHARMACY

EXISTING PATH NETWORK (LEWISTON & BALMACRAN GLENURQUHART TRAILS DIVACH FALLS)

Bracewell Stirling CONSULTING

● 38 WALKER TERRACE, TILLCULLITY, FK18 8EF ●
TEL: 01286 752001 FAX: 01286 752005

○ 5 NESS BANK, INVERNESS, IV2 4BF ○
TEL: 01463 233760 FAX: 01463 233765

KILMORE DRUMNADROCHIT LOCH NESS HOMES LTD

SITE MASTERPLAN

SCALE 1:1250	DATE SEP'13	BY PLANNING	BY DWG SIZE A1
DWG NO 3468 / 01-02	REV A		



Bracewell Stirling CONSULTING

- 5 NESS BANK, INVERNESS, IV2 4SF ●
TEL: 01463 233760 FAX: 01463 233765
- 38 WALKER TERRACE, TILlicOLTRY, FK13 0EF ○
TEL: 01259 750301 FAX: 01259 752365

**KILMORE
DRUMNADROCHIT
LOCH NESS HOMES LTD**

**NOTIONAL SKETCH PERSPECTIVE AT
SITE ENTRANCE LOOKING EAST**

SCALE	NTS	DATE	SEP'13	BY	DWG SIZE	A3
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DWG NO	3468 / 01-10	REV
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Bracewell Stirling CONSULTING

● 5 NESS BANK, INVERNESS, IV2 4SF ●
 TEL: 01463 233760 FAX: 01463 233765
 ○ 38 WALKER TERRACE, TILLCOULTRY, FK13 6EF ○
 TEL: 01259 750301 FAX: 01259 752365

**KILMORE
 DRUMNADROCHIT
 LOCH NESS HOMES LTD**

**NOTIONAL SKETCH PERSPECTIVE AT
 SITE ENTRANCE LOOKING NORTH WEST**

SCALE	NTS	DATE	SEP'13	BY	
				DWG SIZE	A3

DWG NO	3468 / 01-11	REV	
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