

The Highland Council

**South Planning Applications Committee
18 August 2015**

Agenda Item	6.5
Report No	PLS/062/15

**15/01431/FUL: The Highland Council
Canal Parks, Bught Road, Inverness**

Report by Head of Planning and Building Standards

Summary

Description: Demolition of existing clubhouse and erection of new clubhouse, installation of an artificial pitch, regrading work to two grassed pitches & relocation of existing training area with associated works

Recommendation: Grant Planning Permission

Wards: 14 – Inverness West

Development category: Major

Pre-determination hearing: None

Reason referred to Committee: Major Application and 5 or more timeous objections

1.0 Proposed Development

1.1 This application relates to the delivery of a reconfigured and enhanced rugby facility at the Canal Parks, Inverness. The application forms part of a wider project in the south west of Inverness related to the delivery of the Inverness West Link and enhanced sports and recreational facilities.

1.2 The proposed development includes:

- Formation of one all weather rugby pitch;
- Re-grading and re-positioning of two grass pitches;
- Erection of fencing;
- Formation of car park with 106 parking spaces (including 7 disabled spaces);
- Formation of access and coach parking area;
- Demolition of existing clubhouse;
- Erection of new clubhouse; and
- Formation of footpath from Whin Park to Caledonian Canal.

1.3 To access the site, traffic will likely travel from the A82 onto Bught Drive and then

onto Bught Road where the site access is proposed. A shared use path will link into the site from the Inverness West Link. There is no direct motorised vehicular access from the Inverness West Link. An access is also to be formed to allow for use of the proposed rugby car park as over-flow parking for Inverness Leisure.

- 1.4 The applicant anticipates that project will be delivered on a phased basis as follows:
- Phase 1 - Construction of Clubhouse and Car Parking
 - Phase 2 - Formation of Artificial Pitch
 - Phase 3 - Re-grading of Grass Pitches.
- 1.5 The development is to be built in tandem with the section of the Inverness West Link which passes through Canal Parks. The applicant advises that the project will utilise a Construction Environmental Management Document (CEMD) throughout the construction of the site. This will include any additional requirements of The Highland Council (THC), Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA), other relevant statutory bodies.
- 1.5 Information submitted in support of the application includes:
- Ecology Report
 - Arboricultural Impact Assessment
 - Tree Protection Plan
 - Arboricultural Method Statement
 - Scheme of Arboricultural Supervision
 - Landscape and Visual Impact Assessment
 - Landscape Management Plan
 - Design and Access Statement
 - External Lighting Report
 - Outdoor Access Plan
 - Flood Risk Assessment
 - Drainage Statement
 - Desk Based Archaeological Assessment
 - Pre-Application Consultation report

2.0 Site Description

- 2.1 The site is currently occupied by four grass pitches, mainly used for rugby, a car park and Highland R.F.C's Clubhouse. Land uses surrounding the site include Inverness Leisure, the Floral Hall and the Archive Centre to the East and Whin Park to the South.
- 2.2 While there are no water courses or water bodies within the application site, the site is bounded to the north by the Caledonian Canal and to the south by the Electric Burn, which discharges into the River Ness to the south west.
- 2.3 There are no natural heritage designations covering the site.
- 2.4 The development site is not covered by any international, national, regional or local landscape designations. The site lies within the *Rolling Farmland and Woodland*

Landscape Character Type (LCTs) identified in the Inverness District Landscape Character Assessment (LCA) (SNH, 1999).

- 2.5 The Caledonian Canal (SM-6499) Scheduled Ancient Monument is to the North of the development but is not directly affected by the proposed development. Inverness Riverside Conservation Area runs along the southern boundary of the site and takes in the south east corner of the site.
- 2.6 Within the application boundary, there are no sites of archaeological interest recorded in the Highland Historic Environment Record. However, investigations associated with this project and the Inverness West Link are ongoing.
- 2.7 Tomnahurich Cemetery, to the north of the proposed development, is listed in the National Inventory of Historic Gardens and Designed Landscapes. No listed buildings are located within the application boundary or are likely to be affected by the development.

3.0 PLANNING HISTORY/BACKGROUND

- 3.1 14 April 2014 Construction of 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal & a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting etc. 13/03825/FUL

4.0 PUBLIC PARTICIPATION

- 4.1 Advertised: 01 May 2015 and 15 May 2015 in the Inverness Courier.

Representation deadline: 15 May 2015

Timeous representations against:	5
Comments:	0
Representations in support:	42
Non-timeous representations against:	0

- 4.2 The following issues have been raised in objection to the application:

- Adverse impact on public access
- Loss of rugby pitch;
- Impact on traffic;
- Visual impact of fencing;
- Insufficient tree planting;
- Car parking should be shared with Inverness Leisure.

- 4.3 The following issues have been raised in support of the application:

- Fencing will deter vandalism / mis-use of the pitches;
- Fencing will protect health of pitch users (prevent dog fouling and provide

- safety run-off area;
- Pitches will be multi-use.

4.4 Non-material considerations to the determination of this application have been raised through representations. The non-material points raised are as follows:

- Opposition to route of Inverness West Link Road; and
- Lack of provision of sport facilities in the east of the city.

4.6 A list of all those who made representation is provided in Appendix 1 of this report. All letters of representation can be viewed via the Council's e-planning portal <http://wam.highland.gov.uk> .

5.0 CONSULTATIONS

5.1 Ballifeary Community Council: No response received.

5.2 Transport Planning Team has not objected to the application. Conditions are sought to secure the formation and operation of an events management group, a protocol between the operators of the leisure centre and the rugby pitches regarding shared use of car parks for large scale events. An informative is suggested related to the relocation of bus stops.

5.3 Flood Team has not objected to the application. Conditions are sought to ensure that the finished floor level of the building is no lower than 10.6m Above Ordinance Datum (AOD) and secure the final design of the drainage.

5.4 Access Officer has not objected to the application. A condition is sought to secure an Outdoor Access Management Plan.

5.5 Historic Environment Team has not objected to the application. A condition is sought to secure an evaluation in order to establish the archaeological content and potential.

5.6 Forestry Officer has not objected to the application. Conditions are sought to secure detailed tree protection plans.

5.7 Scottish Water has not responded to the application.

5.8 Scottish Environment Protection Agency (SEPA) has not objected to the application. SEPA have requested that the "Planning earth Works" and "Car Park Drainage Strategy" drawings become approved drawings or the provisions of these are secured by condition.

5.9 Scottish Natural Heritage (SNH) has not objected to the application.

5.10 Transport Scotland (Trunk Roads and Bus Operations) has not objected to the application.

5.11 Historic Scotland has not objected to the application.

5.12 SportScotland has not objected to the application. Conditions are sought to ensure that both the grass and synthetic pitches are designed and constructed by specialist pitch contractors registered with The Sports and Play Construction Association.

6.0 Development Plan Policy

6.1 The following policies are relevant to the assessment of the application:

Highland-wide Local Development Plan (April 2012)

- 6.2
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|-----------|--------------------------------------|
| Policy 28 | Sustainable Design |
| Policy 29 | Design Quality and Place-making |
| Policy 34 | Settlement Development Areas |
| Policy 51 | Trees and Development |
| Policy 55 | Peat and Soils |
| Policy 56 | Travel |
| Policy 57 | Natural, Built and Cultural Heritage |
| Policy 58 | Protected Species |
| Policy 59 | Other Important Species |
| Policy 60 | Other Important Habitats |
| Policy 61 | Landscape |
| Policy 64 | Flood Risk |
| Policy 65 | Waste Water Treatment |
| Policy 66 | Surface Water Drainage |
| Policy 74 | Green Networks |
| Policy 75 | Open Space |
| Policy 77 | Public Access |
| Policy 78 | Long Distance Routes |

Inner Moray Firth Local Development Plan (July 2015)

6.3 Allocation IN24 - Torvean and Ness-side (Northern Part) – Mixed Use (Homes, Business, Retail, Tourism, and Community).

Inverness Local Plan (Adopted 2006, As Continued in Force 2012)

6.4 The provisions of the Inverness Local Plan have been superseded in relation to this application by the adoption of the Inner Moray Firth Local Plan.

Flood Risk and Drainage Impact Assessment: Supplementary Guidance (January 2013)

- 6.5 This Supplementary Guidance reflects the principles set out in Policy 64 Flood Risk and Policy 66 Surface Water Drainage of the Highland-wide Local Development Plan. In addition it also reflects further advice and guidance provided by SEPA and other bodies related to flooding and drainage.

Green Networks: Supplementary Guidance (January 2013)

- 6.6 This Supplementary Guidance reflects the principles set out in Policy 74 Green Networks of the Highland-wide Local Development Plan. It also contains priorities and projects for the Inverness to Nairn Green Network which this development sits within.

Highland Historic Environment Strategy: Supplementary Guidance (March 2013)

- 6.7 This Supplementary Guidance reflects the cultural heritage principles of Policy 57 Natural, Built and Cultural Heritage of the Highland-wide Local Development Plan. It contains a series of Strategic Aims to ensure the protection and enhancement of the built and cultural heritage of Highland.

Managing Waste in New Developments: Supplementary Guidance (March 2013)

- 6.8 This Supplementary Guidance provides a set of standards which the Council expects to be met to enable the effective and efficient management of waste in Highland.

Physical Constraints: Supplementary Guidance (March 2013)

- 6.9 This Supplementary Guidance sets out what The Highland Council consider to be physical constraints to development reflecting Policy 30 Physical Constraints of the Highland-wide Local Development Plan.

Sustainable Design Guide: Supplementary Guidance (January 2013)

- 6.10 This Supplementary Guidance provides advice and guidance promoting the use of sustainable design concepts within the design of developments. This reflects the principles set out in Policy 28 of the Highland-wide Local Development Plan.

Trees, Woodlands and Development: Supplementary Guidance (January 2013)

- 6.11 This Supplementary Guidance reflects the policy advice given in Policy 51 Trees and Development of the Highland-wide Local Development Plan and Policy 52 Principle of Development in Woodland and generally follows the advice within Scottish Government Control of Woodland Removal policy.

Torvean and Ness-side Development Brief (November 2013)

- 6.12 This Development Brief was statutorily adopted as Supplementary Guidance to Policy 8 Ness-side and Charleston of the Highland-wide Local Development Plan. The Development Brief sets out a framework for the development of this area following analysis of the areas constraints and opportunities based around a shared vision for the area.

7.0 Other Relevant Planning Policy

Scottish Government Planning Policy and Guidance

- 7.1
- National Planning Framework 2
 - Scottish Planning Policy
 - Designing Places
 - Creating Places
 - PAN 43 – Golf Courses and Associated Developments
 - PAN 60 – Planning for Natural Heritage
 - PAN 61 – Planning and Sustainable Urban Drainage Systems
 - PAN 65 – Planning and Open Space
 - PAN 69 – Planning and Building Standards Advice on Flooding
 - PAN 75 – Planning for Transport
 - PAN 1/2011 – Planning and Archaeology

8.0 Planning Appraisal

- 8.1 Section 25 and of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

- 8.3 The planning permission granted for the Inverness West Link was conditioned to ensure that a scheme of mitigation for the loss of playing fields at the Canal Parks as a result of the development of the Inverness West Link is submitted to the satisfaction of the Planning Authority in consultation with SportScotland. The relevant conditions attached to that permission are contained in Appendix 2 of this report. This application seeks to satisfy these conditions, however given the scale of the scheme of mitigation, planning permission is required.

8.4 The Development Plan policy with regard to playing field provision and mitigation has not changed since the time of the decision to grant planning permission for the Inverness West Link in 2014. The key issue therefore is whether the scheme submitted provides an acceptable level of compensation for the loss of one playing field as a result of the development of the Inverness West Link. Therefore in order to address the determining issues, the Committee must consider:

- a) Design and layout;
- b) Phasing and construction;
- c) Vehicular access and parking;
- d) Flood risk, drainage, and water;
- e) Trees and landscaping;
- f) Natural heritage;
- g) Cultural heritage;
- h) Landscape and Visual Impact;
- i) Access and recreation;
- j) Amenity impact;
- k) any other material considerations.

Design and Layout

8.5 The development will involve the demolition of the existing Highland R.F.C clubhouse to be replaced by a new facility that will have shared community use. The development will comprise of this singular new built structure, the re-contouring of the pitches and erection of fencing.

8.5 The pitches have been designed by a Sports and Play Council Registered Contractor and the artificial pitch is designed to International Rugby Board Standards. The proposed pitches, both grass and artificial, will be levelled out and in terms of the grass pitches re-graded. While there does not need to be a significant level of cut and fill, there will be the requirement for a new retaining structure between the new artificial pitch (Main Pitch) and Pitch No. 1

8.6 The layout of the pitches gives due cognisance to the constraints of the site including trees, flood risk and the development of the Inverness West Link. It is clear that orientation of the pitches responds to these and also to the prevailing weather conditions of the area. The features on the site take cues from the existing features in the area including the use of natural stone walls and planting to retain the character of the area.

8.7 The key change to the character of the area will be the erection of additional fencing around the pitches. Those writing in support of the application state that the fencing is required for health and safety and to prevent mis-use of the pitches. Further to this, SportScotland requested fencing around the pitches to prevent balls from leaving the pitches. This requirement was attached as a condition of the consent of the Inverness West Link. The fence would also define a safety run-off area from the pitches. The reasons for requiring the fencing are accepted, so the key issue relates to the design of the fencing.

- 8.8 The fencing varies in height between 1.2m to 8m high. The highest sections of fence will be to the rear of the goals on the artificial pitch as it is close to the coach parking area. In all other areas, which are in close proximity of a road or car park, where the direction of play is toward the fence, the fences are 6m high. In most other areas, including around the entirety of Pitch No. 2 and south east and south west boundaries of Pitch No. 1, there is a low level 1.2m high fence. The mix of heights may be visually confusing when close to the development, however at this distance one would see the fencing in context and the reasons for the changes in height. This is demonstrated by the visualisation from Viewpoint 2 - Whin Park Entrance which was submitted in support of the application. From further away the difference in heights of the fencing between 4m, 6m and 8m in height will become less apparent. This is demonstrated by the visualisation from Viewpoint 6 - Tomnahurich Cemetery.
- 8.9 The finish of the fencing is important to help it integrate into the surrounding area. This will include the final colour choice and the gaps between the wires. The finished colour is suggested as dark grey (RAL7004 - Signal Grey). This is considered acceptable as it will sit well against the pitches and the surrounding landscaping. The size of mesh will be an important factor in reducing the visual impact of the fencing and enabling it to integrate well into its setting. The mesh will require to be of a certain size to prevent balls from leaving the playing area. If the mesh is too small it will be less transparent and therefore have a greater visual impact. Therefore it is appropriate to secure the final design and finish of the fencing by condition.
- 8.10 The clubhouse building will be two storeys in height and have a simple material palette consisting of glass, smooth course render and dark grey metal. There will also be elements of wood with exposed glue laminated beams on the upper floor. The building will primarily be viewed from Bught Road and from the Inverness West Link where it will appear at a scale in keeping with its surroundings while providing a focal point. It is considered that the clubhouse is of a high quality design and will provide sufficient space to meet the needs of the club and community users. The internal space comprises of:
- 8 team changing rooms
 - 2 officials changing rooms
 - Weights / fitness suite
 - Office space
 - Plant room
 - Storage rooms;
 - Function suite;
 - Kitchen;
 - Cloakroom;
 - Meeting room; and
 - Cycle store.

Phasing and construction

- 8.11 The development of the rugby pitches will provide an enhanced facility. However, during construction works the availability of the existing facility will obviously be

limited. During Phase 1 the current training area will be out of use, during Phase 2 much of facility will be out of use during construction of the artificial pitch and in Phase 3 while the artificial pitch will be ready and available for use the grass pitches won't be as they need time to "grow in". It is therefore important to consider how the demand for rugby pitches can be met through the construction period. It is understood that the applicant is in discussion with Highland R.F.C. on this matter and there are alternative facilities which can be used. Information on this arrangement can be secured by condition.

- 8.12 A condition requiring a Construction and Environmental Management Document (CEMD) to be submitted and approved, will be required. This will ensure that all the proposed construction works are assessed prior to commencement of construction with the preferred contractor to minimise harm to the environment, hydrology, ecology and local communities / properties. The CEMD can be secured by planning condition which requires that statutory agencies are consulted and agree to the CEMD following appointment of the principle contractor for the development.

Vehicular access and parking

- 8.13 Access to the new facility would be from Bught Road, part of which will have been stopped up as a result of a Road Order related to the Inverness West Link. There will be a singular point of access and egress from the car park for cars and a separate one way system for buses and coaches. Additionally there will be a one-way link across from the Inverness Leisure car park, which will only be used in exceptional circumstances. The access to the site is provided in line with the Council's Road and Transportation Guidelines. The Transport Planning Team has not objected to the application.
- 8.14 There will be car parking provided for a total of 106 cars. This is considered to provide parking to a level that will ensure that during busy periods there should not be the requirement for overspill parking. The Transport Planning Team is content with the level of parking provided. The Transport Planning Team has requested that further consideration is given both by the applicant and the bus operators in this area to moving the bus stop. This is out-with the remit of the application however, the request has been passed to the applicant.
- 8.15 Covered cycle parking spaces will be provided in an external store to the side of the building. The cycle parking comprises 12 vertical cycle racks and 2 horizontal cycle racks. This number of spaces is considered sufficient. A representation has raised concerns over the use of vertical cycle racks. It is considered that as two types are provided, there are alternatives available to the use of these vertical racks. This is considered acceptable.
- 8.16 Representations have raised concerns over the increase in the level of traffic in this area as a result of this development. The Transport Statement has shown that the day to day operation of the development will not significantly increase traffic in the area. During the larger events, which may be more frequent as a result of the improved facilities, it is anticipated that traffic on the local road network will increase slightly however it is anticipated that this will be mitigated by the development of the Inverness West Link. As Members will be aware, the area can

already be busy when large events are held at Inverness Leisure and Bught Park.

- 8.17 Information has been submitted in support of the application related to the intention to manage traffic during busy events. While this is acceptable it is considered that a Traffic Events Management Plan should be secured by condition to ensure traffic is appropriately managed.

Flood risk, drainage, and water

- 8.18 The design of the pitches and the wider development has been informed by the completion of a flood risk assessment which takes into consideration the changes to the site as a result of the development and of the Inverness West Link. A limited area of flood water storage within the functional flood plain would be lost as a result of this development however the Flood Team have assessed this and it is considered unlikely that this will be problematic except in very low probability flood events. The flood risk assessment demonstrates that while elements of the grass pitches will flood during a 1 in 200 year flood event, there will still be access and egress from the clubhouse and the artificial pitch will also be out with the flood plain. This is due to the finished floor level being proposed at 10.6m AOD. To ensure that the finished floor level is no lower than this, the Council's Flood Team has asked that the finished floor level is secured by condition.
- 8.19 The drainage of the pitches have been designed to draw water away and then discharge into the Electric Burn. This is considered acceptable. The car parking is to drain to a sustainable drainage system and this is considered adequate to provide two levels of treatment.
- 8.20 The application has demonstrated that it will connect to the public water and waste water network for use of the clubhouse and the maintenance depot. This ensures that the proposal accords with Policy 65 of the Highland-wide Local Development Plan. The connection will however be dependent on spare capacity in the network at the time of application to Scottish Water for a network connection. Both the Council's Flood Team and SEPA have been consulted and neither has objected to the application.

Trees and landscaping

- 8.21 The boundary of the site currently comprises a number of mature and semi-mature trees. It is proposed that just under half of these will be removed to facilitate the development and to allow the rest of the trees of the site room to grow and to be appropriately managed. Some of these trees are located within the Inverness Riverside Conservation Area but it is not considered that the loss of these trees will affect the qualities of the Conservation Area.
- 8.22 The trees to be removed during the construction of the development are mainly to the south of the pitches to ensure that trees are not overhanging the pitch. The trees proposed for removal are a mix of Ash, Elm Beech, Rowan and Hawthorn. All of the trees that require to be removed have been identified on the tree removals plan. As is the case with all developments that are to be constructed in the vicinity

of trees, there may be a need for further tree removals during the construction period. It is considered that a condition should be attached to any planning permission which may be granted to ensure that no further trees can be removed or cut back without written permission. This ensures that no trees, other than those shown on the tree removals plan are purposefully removed or damaged during construction works. There are some concerns over the impact of the new path on the roots of the trees however a cellular confinement system with a no-dig solution is proposed as mitigation. This can be secured by condition. A tree protection plan has also been submitted for approval, the details of which are acceptable, however final detail of this will be secured by condition.

- 8.23 Details have been provided of the proposed soft landscaping on the site. It is considered that there is an appropriate level of planting to soften the car parking and help it integrate into the landscape. This will also help to define the character of the place. However, further details are required on the mix, size and type of planting proposed. This can be secured by condition.
- 8.24 As discussed earlier in the report there will be some cut and fill to allow for the artificial pitch to be levelled out and for the grass pitches to be re-graded. The details of this are contained on the Earthworks Cut and Fill Plan. The re-profiling of the site is considered to be acceptable as for the most part it will work with the contours of the existing site and not create any landscaped features which could be considered to have a significant adverse impact on the landscape.

Natural Heritage

- 8.25 Information on the proposed approach to pre-commencement protected species surveys has been submitted. It is considered that this is proportionate to the impacts of the development. Further pre-commencement surveys are required and any subsequent mitigation will require to be implemented. This can be secured by condition.

Cultural Heritage

- 8.26 The site is adjacent to the Caledonian Canal Scheduled Monument, however it is unlikely to affect its setting given the existing change in topography and the planting which will separate the two developments.
- 8.27 A small part of the site is within the Inverness Riverside Conservation Area. The impact of the removal of trees in this area has been discussed in section 8.21 of this report. While the new clubhouse building is within proximity to the Conservation Area it is not considered to effect the key characteristics of the Conservation Area or its setting.
- 8.28 The application lies within an area where important prehistoric and historic remains have been identified in the past and there is potential for further finds as a result of this development. A programme of work for the evaluation, preservation and recording of any archaeological and historic features can be secured by condition.

Landscape and Visual Impact

- 8.29 As with any development, the proposed development will have an impact on the landscape. At present the landscape in which the development sits is classed as Rolling Farmland and Woodland and Suburban Fringe Landscape Character Types. The landscape character sub-type for this area of Inverness is the River Ness and Caledonian Canal. It is likely that the increase in fencing and the larger clubhouse the entire site would change to the Suburban Fringe sub type. While there is a likely change in the landscape character type it is not considered that this would be out of keeping with the landscape of the wider area, which will not be adversely affected and would remain clearly defined by the retained trees and unaltered landscapes surrounding the site.
- 8.30 There will be a visual impact, mainly from the fencing. The magnitude of change from is low, it is not considered that the visual change as result of the development will be a significant. The main change will be the fencing, mitigation in the form of fencing design is discussed in sections 8.8 and 8.9 of this report. On balance it is not considered that the proposed development have an adverse visual impact from key locations around the site.

Access and Recreation

- 8.31 An Outdoor Access Management Plan has been submitted which shows how access will be maintained through the site during operation of the development. This recognises that there is a change in the access provision on the site as a result of the development. The plan also shows the paths which will be formalised as a result of this development and the linkages to the wider area which will be maintained. A final version of the Outdoor Access Management Plan which covers both the construction and operational phases can be secured by condition.
- 8.32 Representations have raised concerns that this development will exclude these areas of land from access rights. The fencing around the artificial pitch is required as it will be a commercial facility and as such there needs to be a barrier around it to prevent unauthorised access and prevent misuse. It is clear that the fences will be in place to deter access across the pitches and as discussed in the design section of this report the reasons which have been argued to require the fencing around the remaining pitches (including health and safety matters and avoidance of misuse of the pitches) put forward by those in support of the application are accepted. However it is not considered that the fence around the grass pitches will prevent access to these areas as there will be gates which will facilitate access onto these pitches and the fence is of a low level design around these pitches.

Amenity impact

- 8.33 There is limited noise emanating from a development of this type and there are limited noise sensitive receptors in proximity to the development. However, it is appropriate to secure noise limits arising from the development (in terms of ventilation systems on the building) to ensure that if complaints arise in the future there is a mechanism to deal with any complaints arising in an effective and

efficient manner. In addition details of any external ventilation systems will be required by planning condition.

- 8.34 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance, which is then tackled via the Council's Environmental Health services under Section 60 of the Control of Pollution Act 1974 which can set restrictions in terms of hours of operation, plant and equipment used and noise levels etc. Should the application be granted, an informative will be set out to invite the developer discuss the construction noise with relevant Council officers.
- 8.35 Lighting of the development during twilight and early evening is proposed. A lighting strategy has been submitted which uses a mix of lighting columns for use in the car park, flood lighting of the artificial pitch and low level lighting bollards, wall mounted lighting and ground based uplighters around the main building. The lighting strategy proposes to direct light from the flood lights on to the pitches only and there are no light sensitive receptors in proximity of the development. The proposed lighting scheme is acceptable as it is considered that it will avoid sky glow and not have an adverse impact on sensitive receptors amenity.

Other Material Considerations

- 8.36 There are no other material considerations.

Non-material issues raised in representations

- 8.37 Representations have raised concerns that the facility is in the wrong location and should either be on the area identified for the sports hub in the Torvean and Ness-side Development Brief or they should have facilities like this located in the east of the City. There is no specific test in planning terms for the location of sports facilities and the distribution of these across a settlement. However, it is considered that the enhancement of facilities in an area already used for this purpose is appropriate. There are other potential sites Inverness, specifically at the Inverness Campus site, which may deliver sports facilities to the east of the city in due course.
- 8.38 Representations have also raised the issue of the route of the Inverness West Link and have suggested that this proposal would not be required if an alternative route was chosen for the road. The decision on this planning application must take into consideration the planning history of the site and any other proposals which may affect the development of the site. In determining this application, the alignment of the Inverness West Link is not relevant and therefore has not been considered.

9.0 Conclusion

- 9.1 The Highland Council has made a commitment to the delivery of the Inverness West Link and associated projects. This application has a level of public support (42 responses), but has also attracted a small number of objections from the public (5 responses). It is important to consider the benefits of the proposal and the potential drawbacks and when assessing it against the policies of the Development

Plan.

- 9.2 The application presented here provides an opportunity to bring forward a project which will firstly compensate for loss of facilities as a result of the West Link development and secondly enhance the provision through the development of an artificial pitch which can be used more frequently and be easier to maintain. The grass pitches which will be re-graded and realigned and will have to better drainage than at present. In addition the replacement of the clubhouse has provided an opportunity to deliver a shared community facility. The location of the rugby pitches is entirely consistent with the approved Torvean and Ness-side Development Brief, which forms part of the statutory Development Plan for the area.
- 9.3 As explained earlier in this report this application provides a compensation scheme for the loss of a playing field as a result of the development of the Inverness West Link. The level of compensation provided is considered appropriate. The conditions on the Inverness West Link Planning Permission are largely satisfied by this application, however this will need to be confirmed through a separate process in due course.
- 9.3 All relevant matters have been taken into account when appraising these matters specified in conditions. It is considered that overall the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10.0 Recommendation

- 10.1 It is recommended the planning application be **GRANTED** subject to the following conditions and reasons:
1. No development shall commence affecting any of the rugby pitches until it has been confirmed to the Planning authority that the construction of the artificial pitch and the grass pitches, including their drainage and earthworks, will be undertaken by a Sports and Play Construction Association registered contractor.
Reason: To ensure this pitches will be built by a contractor with an appropriate level of experience and understanding of the construction of playing fields.
 2. No development shall commence affecting any of the rugby pitches until the pitch specification for both the artificial and grass pitches has been submitted to and agreed in writing by the Planning Authority, in consultation with SportScotland. The construction of the pitches shall then be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority in Consultation with SportScotland.
Reason: To ensure the development of the pitches are built to an appropriate standard.
 3. No development shall commence until a scheme for the temporary relocation of Highland Rugby Football Club during the construction period of the development

has been submitted to and agreed in writing by the Planning Authority.

Reason: To ensure that there is no net detrimental affect on Highland Rugby Football Club during the construction period

4. The development shall not be occupied until an operational phase Traffic and Access Management Plan has been submitted to, and approved in writing by, the Planning Authority taking into consideration events which may be held at the rugby pitches and Inverness Leisure that may attract a large number of spectators. The approved traffic and access management plan shall be implemented.

Reason: In the interests of road safety.

5. The development shall not be occupied until an Events Management Group is established by the developer, in collaboration with The Highland Council, Inverness Leisure, Highland Rugby Club, local Community Councils and other local sports groups as appropriate. The group shall act as a vehicle to ensure the co-ordination of events which will work together to avoid conflicting events which may create parking and traffic management problems. The Events Management Group, or element of any combined liaison group relating to this development, shall be maintained in perpetuity with meetings at least once every six months.

Reason: To assist with the provision of mitigation measures to minimise the potential for conflict of events which may lead to traffic management problems.

6. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is fully operational.

Reason: To assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.

7. 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 safety during construction.

8. The Finished Floor Level of the proposed Clubhouse shall be set no lower than

10.6m Above Ordnance Datum.

Reason: To ensure that the required flood risk mitigation is provided.

9. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:
- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
 - ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
 - iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Habitat and Species Protection;
 - b. Pollution Prevention and Control;
 - c. Dust Management;
 - d. Noise and Vibration Mitigation;
 - e. Site Waste Management;
 - f. Surface and Ground Water Management;
 - i. Drainage and sediment management measures from all construction areas including access track improvements; and
 - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
 - g. Water Course Management;
 - h. Public and Private Water Supply Protection Measures; and
 - i. Other relevant environmental management as may be relevant to the development.
 - iv. Special Study Area plans for:
 - a. Species habitat identified within the supporting information and/or raised by consultees; and
 - b. Any other specific issue identified within the supporting information and/or conditions attached to this permission;
 - v. Post-construction restoration and reinstatement of temporary working areas and compounds
 - vi. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
 - i. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
 - ii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties. Thereafter, development shall be carried out

in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: To ensure that the construction of the proposed development is carried out appropriately and does not have an adverse effect on the environment.

10. No development shall commence until an Environmental Clerk of Works (ECoW) has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority (in consultation with SEPA and SNH). For the avoidance of doubt, the ECoW shall be appointed as a minimum for the period from the commencement of development to the final commissioning of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
- i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
 - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
 - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
 - iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
 - v. The power to call a halt to development on site where environmental considerations warrant such action.

Reason: To ensure that an Environmental Clerk of Works, with sufficient remit, is appointed for the duration of development in order to monitor, advise and direct the developer; in the interests of nature conservation

11. No development shall commence until the Planning Authority has approved the terms of appointment and the identity of the appointee by and at the cost of the Developer of an independent and suitably qualified consultant to assist the Planning Authority in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of Development to the date of completion of the development.

Reason: To enable the Development to be suitably monitored during the construction phase to ensure compliance with the permission issued.

12. No development or work shall commence until a detailed specification for all proposed external materials and finishes for the rugby club house (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In the interests of visual amenity

13. 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.

14. No development shall start until a detailed Access Management Plan for 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 1 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 paths, tracks and other routes for use by walkers, riders, cyclists and any other relevant outdoor access enhancement i.e. car park (including construction specifications, signage, information leaflets, proposals for ongoing 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 Access Management 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: To safeguard and maximize the opportunities for continued public access in and around the development site in accordance with Policy 77 of the Highland wide Local Development Plan.

15. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

16. No development shall commence until full details of all external ducting and other elements of the proposed ventilation system have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details.

Reason: In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

17. No development of the sports pitches shall commence until a Noise Management Plan has been submitted to, and approved in writing by, the Planning Authority. The Management Plan and any supporting assessments shall be carried out by a suitably qualified and competent person and shall assess the likely impact of noise emanating from the development on neighbouring properties. Furthermore, the following should comprise part of the assessment:-

- i. A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same;
- ii. A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate;
- iii. A detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations;
- iv. A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations neighbouring the proposed site;
- iii. A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development. The raw data and equations used in the calculations should be provided; and
- iv. vi. An assessment of the predicted noise levels in comparison with relevant standards. Development shall progress in accordance with the approved Noise Impact Assessment and all approved mitigation measures shall be implemented prior to the first occupation/use of the development, or as otherwise may be agreed in writing by the Planning Authority.

Reason: To avoid loss of amenity to nearby noise sensitive properties.

18. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed

- walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

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

19. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
- i. Ensuring that the landscaping plan to be approved under Condition 18 of this planning permission is implemented to the agreed standard; and
 - i. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site.

20. No development shall commence until a scheme for the maintenance, in perpetuity, of all trees and/or woodland identified for retention and management on the approved plans have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that retained trees and woodland are properly managed and maintained.

21. No trees within the application site shall 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.

22. No development, site excavation or groundwork shall commence until a tree protection plan and an Arboricultural Method Statement has been prepared, submitted and agreed by the Planning Authority. The agreed plan and method statement and any require mitigation shall be implemented ensuring all retained trees have been protected against construction damage using protective barriers (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time) and detailing the extent of the cellular confinement system to be used in the construction of the path along the southern boundary. These barriers and root protection measures 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 and long term management of the trees and woodland.

23. No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed prior to the commencement of the development and as a minimum retained until the completion of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the Tree Protection Plan and Arboricultural Method Statement approved under Condition 22 of this consent are implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

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

24. No development shall commence until a pre-commencement protected species survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an area of 100m in all directions from the boundary of

application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat

25. The Retaining wall between the Main Pitch and Pitch Number One shall be faced in natural stone, details of which shall be submitted to, and approved in writing, by the Planning Authority. Only the agreed detailing shall be implemented.

Reason: To ensure a high standard of finish that is compatible with the setting of the development and the general aspiration for the improvements to the public realm in this location.

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.

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.

Footnotes And Informatives

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority. Copies of the notices referred to are attached to this decision notice for your convenience.

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.

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 the Roads Authority prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Roads Authority 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.

Trunk Roads Authority Consent

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

Bilingual Signage

In line with the Council's Gaelic Language Plan and policies, you are encouraged to consider the use of both Gaelic and English on signage within in this development (both internal and external signs). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Protected Species - Tree Felling

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an

offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Tree Felling

You are advised that a condition of this planning permission is that no trees within the application site are cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way without the prior written consent of the Planning Authority. This condition applies from the date of this consent and any unauthorised works may result in enforcement action and the service of a fixed penalty notice.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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 BuildingStandards@highland.gov.uk or on 01349 886608.

Section 75 Agreement

None.

Signature: Malcolm MacLeod
Designation: Head of Planning and Building Standards
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans:

<u>Drawing No.</u>	<u>Title</u>
PL01	Site Boundary
PL02	Site Layout
PL03	Car Park Layout Plan
PL04	Car Park Drainage Plan
PL05	Existing Services Plan
PL06	Proposed Services Plan

PL07	Proposes Lighting Plan
PL08	Clubhouse Floor Plan
PL09	Clubhouse Elevation Plan
PL10	Red-line Boundary with Ownership
PL11	Landscaping Plan
PL13 1 of 2	Tree Protection Plan
PL13 2 of 2	Tree Protection Plan
PL14 1 of 2	Tree Retention / Removal Plan
PL14 2 of 2	Tree Retention / Removal Plan
PL15	Signage Layout Plan
PL16	Construction Phasing April 2016 - March 2017
PL17	Construction Phasing March 2017 - September 2017
PL18	Construction Phasing September 2017 - February 2018
PL20	Existing Pitch Layout
PL21	Proposed Pitch Layout
PL22	Earthworks
PL23	Proposed Pitch Drainage Layout
PL24	Floodlighting Layout and Column Detail
PL25	Proposed Retaining Wall Detail
PL26	Proposed Fence Layout Plan
PL27	Proposed Fence Details
PL28	Site Sections
PL29	Proposed Pitch Drainage Details
PL30	Synthetic Pitch Layout and Equipment Setup
PL38	Open Access Plan / Access Baseline
PL39	Existing Areas Excluded from Access Rights
PL40	Proposed Areas Excluded from Access Rights
PL41	Location Plan - Regional Context
PL43	Open Access Plan / Access Baseline
PL44	Vehicle Access Routes to the Development site (Including IWL Scheme)
PL45	Existing Car Park for the canal Park Facility
PL46	Event Management Vehicular Access
FE01	1:200 Year with Scheme Flood Effects

Appendix 2 - Conditions from 13/03825/FUL (Inverness West Link) Related to Rugby Pitch Compensation

- (2.) No development shall commence on Stage 1 (North abutment - Queen's Park Roundabout) until such time as the pitches at Canal Park have been reconfigured in accordance with a scheme, to include details of the design specification, the appointed contractor(s) and work programme, that has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. Such scheme shall include details for protection of the remaining pitches at Canal Park during construction of the road, including condition surveys before, during and post construction, and a statement on remedial measures to be taken in the event of deterioration. The agreed scheme shall be implemented.

Reason: To ensure that an appropriate level of replacement facilities are provided before construction of the road link and that the impact on new facilities at Canal Park can be minimised.

- (3.) As part of the reconfiguration of the Canal Park pitches, four metre (4m) high ball stop fencing shall be erected to the south-east and north-east sides of Canal Park, details of which, including their location, shall be submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed fencing shall be provided prior to the pitches being available for use.

Reason: To minimise the impact of balls on footpaths and the clubhouse parking area as a result of the reorientation of the pitches.

- (4.) No development shall commence on Stage 1 (Mill Lade Roundabout - Canal Park Roundabout) until details of the ball stop fencing identified on drawing HRS7126 PL05 has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

Reason: To ensure appropriate provision in the interests of road safety and to preserve the continuing use of Canal Park as a location for Rugby Football.

- (5.) No development shall commence on Stage 1 (North abutment - Queen's Park Roundabout) until a scheme of pitch compensation (for the playing field areas lost at Canal Park), including design specification and timescale for delivery, has been submitted to, and agreed in writing by, the Planning Authority in consultation with SportScotland. The agreed scheme shall be implemented.

Reason: In order to ensure that the loss of pitch facilities is appropriately compensated in line with SPP.