

Agenda Item	8.5
Report No	PLS 038/17

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 20 June 2017  
**Report Title:** 16/03609/PIP: Tulloch Homes Ltd  
Land 100M NE Of 66 Castleton Village, Inverness  
**Report By:** Area Planning Manager – South/Major Developments

### Purpose/Executive Summary

**Description:** Development sites for residential, commercial/business and community/recreation facilities; access, open space and landscaping.

**Ward:** 19: Inverness South

**Development category:** Major

**Reason referred to Committee:** Major Application

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

### Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission in principle as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves a mixed use development comprising business use on the east side of the access road and residential development on the west side of the access road. At the northwest boundary a building for community use is proposed along with a kick pitch and play area. Open space and landscaping is proposed around the margins of the site.
- 1.2 Supporting documents include a Transport Assessment, Aboricultural Implications Assessment, Ecological Survey Report, Masterplan, Flood Risk Assessment and Drainage Impact Assessment.
- 1.3 **Variations:** An amended indicative site layout plan has been submitted to show the route of the flood relief channel and to reflect the comments of SEPA with an increase in the open space to the northeast of 65 and 66 Castleton Village to avoid direct impacts on the highly groundwater dependent flush habitat.

## 2. SITE DESCRIPTION

- 2.1 The site is an open area of grass at Milton of Leys located to the northeast of the houses at Castleton Village and bordered by the distributor road to the north. It slopes from southeast to northwest.

## 3. PLANNING HISTORY

- 3.1 11.04.2017 - Development of land at neighbourhood centre for sites for commercial/retail, residential (including special needs), community (children's day nursery), care home and recreational open space granted planning permission subject to Section 75 Agreement 17/00378/PIP. This relates to a neighbouring site to which this proposal is linked.

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour: 02.09.2016

Representation deadline: 16.09.2016

Timeous representations: 6 representations from 5 households

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Policy – Contrary to allocation in the Inner Moray Firth Local Development Plan. Residential use out of character with allocation for business use in the Plan. Housing supply is adequate.
- Open Areas/Green Space – Loss of green wedge which acts as a visual and physical buffer between existing residential development, distributor road and the allocated land in the Inner Moray Firth Local Development Plan (IN59 and IN69).

- Community facilities inadequate. Kick pitch and community hall should be located to the north of the distributor road at Leys Square.
- Traffic – increase as a result of this development. Impact on residents' safety as distributor road gets busier with new east/west link road
- Capacity of primary school at Milton of Leys and Inshes capped and capacity needs to be increased and delay development until such time as it is increased
- Land use – adequate housing supply and lack of commercial development within neighbourhood centre in Leys Square. Lack of employment opportunities and delay development until developer delivers more commercial opportunities.
- Amenity – block view for Castleton Village residents
- Overhead line – site is located on the north edge of the site

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

## 5. CONSULTATIONS

5.1 **Inverness South Community Council:** The community hall and kick pitch are on the opposite side of a busy link/distributor road from most of the homes and is on the periphery of the estate. The road will only get busier in the future with the opening of the West Link and possibly the East Link. Large delivery lorries use this at present and wonder if a crossing is being considered. Community facilities should be placed near the district centre where land is designated for community use on both development plans and previous developer master plans.

5.2 **Development Plan Team:** The Inner Moray Firth Local Development Plan allocates around a quarter of the site for business use (IN69). The remainder is "grey" land, with no specific allocation or notation. As it lies within the Inverness City boundary Highland wide Local Development Plan Policy 34 - Settlement Development Areas applies.

The "grey" land is not viewed as greenspace as it has little public amenity value as it lies close to a distributor road and overhead power lines. Trees cover part of the site but offer little amenity or nature conservation value.

The Council's Developer Contributions Supplementary Guidance applies. Contributions in respect of affordable housing, education, servicing infrastructure, green infrastructure, community infrastructure and public art. The Inshes and Milton of Leys Development Brief also applies. It sets the broad quantum of expected developer contributions.

While unlikely to be in overall conformity, the uses and boundary are a departure from the site-specific provision of the development plan but with proper mitigation there will be few adverse impacts. Accordingly the application should turn upon whether adequate mitigation can be secured. In particular, whether the following can be secured: the proposed community uses as complementary to the nearby

neighbourhood centre; new/improved active travel connectivity to the site and to the wider neighbourhood, and compensatory woodland/greenspace provision.

Any permission should ensure that the beneficial elements are completed before or in parallel of the first housing phase. It would be reasonable to delay the employment land until it can be developed in conjunction with adjoining land within the IN69 allocation.

**5.3 Transport Planning Team:** No objection subject to conditions relating to:

Road Layout - A sufficiently detailed and dimensioned road layout plan has not been submitted for their consideration so unable to comment on the proposed junction spacing etc.

Limit of Adoption - Proposals have not been submitted for consideration.

Parking provision - The level of parking provision within each element of this development has not been submitted.

Footway on both sides of the link road.

Cycle provision and facilities - The proposed cycle provision and facilities within each element of this development have not been submitted.

Pedestrian Connectivity - The proposed footway provision on the new link road is on the south side of the road. The likely pedestrian desire line is on the north side of the road where most of the existing and new developments are, therefore a footway should be provided on the north side. The link road is a main residential street, and a 2 metre wide footway is required on both sides of this type of road.

Safer Routes to School – No assessment of the safest routes which future residents could adopt to access Milton of Leys Primary School has been undertaken. The only assessment is that of the existing parent pickup / drop off congestion issues that occurs at school opening and closing times.

Footpath / cycle route extension - Footpath / cycle route is proposed on the south edge of the site and this route links a core path that bounds the southwest boundary of the site to the U5043. This is an ideal route to promote as a safe route for children to walk to / from Milton of Leys Primary School. It should be 2 metres wide and finished in a hard surface. The proposed footpath / cycle should extend to the proposed U5043 toucan crossing point, offering a more direct and safer route to the school.

Provision of toucan crossing - The Milton of Leys Primary School is on north side of the U5043 and this application and application 16/03620/FUL will result in 136 new residential units on the south side of the road. To enhance and promote walking to school a toucan crossing should be installed on the U5043. A new crossing will enhance the walking experience for local residents walking to / from the Milton of Leys neighbourhood centre. A crossing will also benefit cyclists.

Travel Plan – Recommend this to ensure active travel is promoted for the site.

Bus services - This development and application 16/03620/FUL for 100 residential units to the south are remote from the existing bus services. Recommend the provision and installation of 2 new bus stops and shelters on the U5043 to enhance bus provision to this development and should be sought from developer at their cost.

Traffic Impact Assessment - They note the findings that the local road network is not subject to any congestion during peak hours of 08:00 – 0900 and 17:00- 18:00. The impact from the development on the local road network is negligible.

Construction Traffic Management Plan - Prior to the start of any works and future phases, a Construction Traffic Management Plan (CTMP) shall be submitted by the applicant.

Waste Management Plan - No details of the waste collection proposals for any of the sites, i.e. provision location, size and type. In order to consider the appropriateness of the proposed roads infrastructure need this information, refer to Council's 'Managing Waste in New Developments' guidelines.

- 5.4 **Flood Risk Management Team:** No objections as the latest Flood Risk Assessment addressed their concerns on mitigation. Parts of the site are within the functional flood plain and the flood route plan will allow flows that originate from the Burn on the southwest boundary of the site to pass through the site to mimic the existing situation. They request conditions to address this issue as well as drainage through a Drainage Impact Assessment.
- 5.5 **Access Officer:** No objection subject to the need for an outdoor access plan.
- 5.6 **Historic Environment Team:** No objection subject to a condition requiring the safeguarding of the archaeological interest.
- 5.7 **Contaminated Land Unit:** No objection but advise that part of the site has an historic use as a gravel pit/quarry which may have been infilled so recommend the standard contaminated land condition.
- 5.8 **SEPA:** No objection subject to conditions to require all surface water from the site to be treated via SuDS and confirmation that the proposals will meet with the requirements of CIRIA C753 via submission of a Drainage Impact Assessment.
- 5.9 **Transport Scotland:** No objections subject to a condition to restrict the size of the development to under 36 houses, 300 sq metres GFA of a Vet's Practice and 300 sq metres GFA of a GP Practice.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

## 6.1 Highland Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality & Place-making
Policy 31	Developer Contributions
Policy 32	Affordable Housing
Policy 34	Settlement Development Areas
Policy 40	Retail Development
Policy 51	Trees and Development
Policy 56	Travel
Policy 57	Natural, Built & Cultural Heritage
Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage
Policy 74	Green Networks
Policy 75	Open Space

## 6.2 Inner Moray Firth Local Development Plan

IN 69 Business

## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)  
Open Space in New Residential Developments (Jan 2013)  
Green Networks (Jan 2013)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Trees, Woodland & Development (Jan 2013)  
Managing Waste in New Developments (March 2013)  
Guidance on Highland Statutorily Protected Species (Jan 2013)  
Inshes and Milton of Leys Development Brief (Jan 2004)

### 7.2 Scottish Government Planning Policy and Guidance

Not applicable

## 8. PLANNING APPRAISAL

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

### Determining Issues

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

## Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
  - b) layout and design;
  - c) open space/green networks;
  - d) impact on traffic and activity;
  - e) impact on surface water, drainage and flood risk; and
  - f) any other material considerations.

## Development plan/other planning policy

- 8.4 Policy IN69 of The Inner Moray Local Development Plan allocates part of the site on the southeast boundary for business use. The allocation is made subject to developer requirements including the need for masterplanning of the wider site; water environment, transport and heritage assessment, and woodland and access safeguards.
- 8.5 The remainder of the site is not specifically allocated for development and requires to be assessed in terms of development within the boundary of a Settlement Development Area where Policy 34 of the Highland-wide Local Development Plan (HwLDP) applies. This lends support to proposals provided they are compatible with the criteria of Policy 28. In this instance the relevant issues would be impact on individual and community residential amenity and impact on habitats and landscape. Policy 34 also views proposals in terms of their compatibility with the existing pattern of development and landscape character, conformity with existing and approved land uses, and the effect on any natural heritage feature. It will be essential that future proposals meet the terms of the requirements and these will be addressed with the submission of the applications for matters specified in conditions.
- 8.6 The site is currently open land not used for any particular purpose. It would seem reasonable to develop part of it for residential use, given that housing exists on the southwest boundary, without impacting adversely on current levels of amenity. The proposal also includes community and recreational use on the west boundary. This will maintain an element of amenity land, albeit land which is more useable. The proposal will also open up land allocated for business use which is intended to promote neighbourhood-based employment. The juxtaposition of business/community services with residential and open space uses is entirely appropriate and will extend the potential for neighbourhood-based employment.
- 8.7 While the “grey land” part of the site is not specifically allocated for these uses, it is considered that the proposal would balance the potential for residential, community facilities, open space and (allocated) business uses within this part of Milton of Leys. The proposal will also assist in providing much needed community facilities and further develop footpath linkages between Inshes Park/District Centre to the allocated land to the north. It is considered that the development of these should be brought forward early within the development.

### Layout and Design

- 8.8 As the application is for planning permission in principle, no detailed layout for the buildings or their design has been provided. However, the indicative layout shows the centre of the site would be given over to housing while the western half of the site would be used for recreational purposes in the form of a kick pitch, play area and unspecified community use.
- 8.9 The proposed development areas will be surrounded by landscaping and open space, which will help mitigate visual impact. The houses at Castleton Village are closest to the site but are located at a sufficient distance from the areas of development and orientated so as not to be adversely affected; landscaping and planting will play a role in helping to reduce the impact. The indicative layout establishes a building line for development that will safeguard the outlook from existing properties at Castleton. The final details of the layout and design however will need to be considered further in subsequent applications for matters specified in conditions.

### Open Space/Green Networks

- 8.10 The proposed uses will help to provide facilities which the community has been anticipating, including a community building, play area, footpaths and kick-pitch facilities. In terms of landscape and maintenance this will be administered by Tulloch Homes through a factoring agreement. A footpath/cycle route is proposed through the site that is designed to connect through to the neighbourhood centre to the north, which will, in turn, connect into Inshes Park and recreation facilities on the north side of the distributor road. This will help to provide connectivity to and between community facilities for residents. The footpath will provide a link to the development site for 100 houses on the south boundary (16/03620/FUL), which connects to informal routes extending into the adjoining recreational forest. The existing tree margin, which marks the east edge of the development at Castleton Village, is retained; and steps will be taken to ensure those trees are unaffected by the installation of a footpath.
- 8.11 Neighbours view the site as an important green wedge which acts as a visual and physical buffer between existing residential development, distributor road and the allocated land in the Inner Moray Firth Local Development Plan (IN59 and IN69). However, the site is not used for any purpose and the introduction of a recreational aspect would maintain the open nature of the land. With the introduction of planting and landscaping around the residential element this would help to integrate it into the landscape. The kick pitch and community hall would enhance recreational facilities within this area. There is no capacity within the Neighbourhood Centre to the north of the distributor road and this would seem to be the most appropriate location with an opportunity to link the proposed footpath into the network to the north.

### Impact on traffic and activity

- 8.12 The access road from the roundabout is identified in the Development Plan to serve the land allocated for business use and the land allocated for residential



development on the south boundary that is considered separately under application 16/03620/FUL. The Transport Assessment has shown that there will be a negligible increase in traffic. It is hoped that the proposed footpath network through the open space may reduce short journeys by car.

- 8.13 The details of car parking requirements and layouts will be considered as part of any further application for development within each phase.
- 8.14 The Transport Assessment presents a cumulative assessment of the potential impact of the development proposals and concludes there are no constraints on development of this site in terms of traffic generation. Policy 56 Travel has been met in that a Transport Assessment has been submitted and Transport Scotland is satisfied provided there is a limit placed on the number of residential units and the floor space of the commercial development as described in the Assessment.

#### Impact on surface water, drainage and flood risk

- 8.15 The Council Flood Team was consulted and while it had initial concerns, the applicant was able to resolve these through further study and information. The proposal should not pose any flood risk. SEPA was concerned about the impact on groundwater dependent terrestrial ecosystems but the layout was amended to protect this area.
- 8.16 On site discharge of surface water is possible and will be the subject of further information to comply with the principles of SUDS. This can be controlled by condition.

#### Other material considerations

- 8.17 In terms of the representations they raise the issue of the capacity of Milton of Leys and Inshes Primary School. The fact that the school role is capped is not a sufficient planning reason to delay this development. This will be addressed in part by current plans to provide dedicated nursery accommodation adjacent to the school at the Milton of Leys Neighbourhood Centre. In addition, education contributions in line with the Developer Contributions Supplementary Guidance will be sought..

#### Non-material considerations

- 8.18 The issue of the location of the overhead line is not a material planning consideration. The applicant has confirmed there will be no development below 132kv overhead line and the safeguarding buffer applies to the housing and is exceeded in this case.

#### Matters to be secured by Section 75 Agreement

- 8.19 Developer Contributions will be sought as per the Supplementary Guidance in relation to the following matters:
- Education – in terms of the Milton of Leys Primary School and Secondary

- School
- Affordable housing
- Public art

The Section 75 will include reference to the phasing of the development and the provision of community facilities. The applicant will have four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months the application will be refused under delegated powers.

## **9. CONCLUSION**

- 9.1 The land to the southeast of the proposed access road is allocated for business use in the Development Plan. The land to the west is not allocated but is viewed as an acceptable form of infill development within the boundary of Inverness which allows for residential development without significant adverse effect on the houses at Castleton Village. The introduction of a recreational use will make a more positive use of the land while enhancing community facilities for the area as a whole and enable appropriate connections to be made between the proposed housing to the south (16/03620/FUL) and the neighbourhood centre/school and beyond. In view of this, it is recommended that the development of the sites for residential, business and community/recreational facilities be granted planning permission in principle, with specific requirement for the community/recreational facilities to be provided in advance of the other aspects of the development.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10. IMPLICATIONS**

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## **11. RECOMMENDATION**

<b>Action required before decision issued</b>	<b>Y</b>
Notification to Scottish Ministers	N

Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	Y
Revocation of previous permission	N

**Subject to the above**, it is recommended that planning permission be **GRANTED** subject to the following conditions and reasons:

1. Planning permission is hereby granted on the basis the development shall not exceed 36 residential units, 300m<sup>2</sup> GFA of Vet's Practice and 300m<sup>2</sup> GFA of GP Practice.

**Reason:** To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

2. 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 community facilities shall be formed in the Phase 1.

**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.

3. 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.

4. No development shall commence within each Phase until an application, or applications, as they relate to or are relied upon by that Phase has been submitted to and approved by the Planning Authority in respect of the following matters:

- 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 all buildings and other structures;
- iii. details of management and maintenance arrangements of the areas identified in (iii) above;
- iv. details of access for all modes of transport, walking and cycling;
- v. the provision of car parking including in-curtilage parking, communal parking areas, parking courts and on-street parking;
- vi. details of all street lighting and lighting of car parking areas ensuring that safety and security matters are addressed and so designed to minimise light spill;
- vii. details of and timing for provision of covered cycle parking;
- viii. details of the water and waste water connections;
- ix. details of the provision of surface water drainage systems (including temporary measures during the construction) across each Phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
- x. details of existing and proposed site levels with fall arrows;
- xi. details of finished floor levels; and
- xii. means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Planning Guidance' including provision of communal and recycling facilities;

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

5. No development shall commence until submission of full details of an updated Flood Risk Assessment has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. This shall address the issues raised in the memo of 5th April 2017 from Flood Risk Management Team and in the letter of 29 March 2017 from SEPA :

- Details of the flood routing through the site to demonstrate that all drainage across the site is captured in the new drainage channel, that there is no increase in the rate of flow or change in the timing of the flood hydrograph peak to the receiving unnamed watercourse in the north and there is no increase in flood risk to the site or elsewhere from overland flows;
- A maintenance schedule for the flood routing channel
- Details of the interaction between the flood storage area and the flood routing channel
- Details of the proposed new access road culvert demonstrating that it is designed to convey the 1 in 200 year plus climate change flow plus an appropriate level of freeboard;

- Details of the proposed drainage channel and culvert under the access road demonstrating that it is designed to convey the 1 in 200 year plus climate change flow plus an appropriate level of freeboard
- Details of the proposed watercourse crossings made by the link road demonstrating that they are designed to convey the 1 in 200 year plus climate change flow plus an appropriate level of freeboard

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

6. No development shall commence until submission of 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. This shall address the issues raised in the memo of 5th April 2017 from Flood Risk Management Team. 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.

7. Development shall not commence on each Phase 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.

8. 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.

9. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the

Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

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

10. No development shall commence on each Phase 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 for each Phase shall be implemented in full and in accordance with the timescales contained therein before the commencement of development of the next Phase.

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

11. No development shall commence on each Phase until a scheme for the maintenance, in perpetuity, of all on-site green spaces and/or woodland and/or sports facilities and/or play areas and/or other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

**Reason:** To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

12. 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.

13. No development shall commence on the first Phase until:

a) a detailed specification for the provision of a footpath network linking the site with the Neighbourhood Centre, all in general alignment with proposals illustrated within drawing PL007, has been submitted to, and agreed in writing by, the Planning Authority. This shall link into the proposed Toucan Crossing.

b) thereafter the footpath network shall be constructed and completed inline with the approved details to the satisfaction of the Planning Authority prior to first occupation of the development.

c) detailed arrangements for the future maintenance of the footpath network agreed under this condition has been submitted to, and approved in writing by, the Planning Authority and thereafter implemented in accordance with the Phasing Plan..

**Reason:** In the interests of providing and maintaining a green travel network and in order to comply with policy.

14. No development shall commence until a Travel Plan, which sets out proposals for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. The Travel Plan shall include:

i. Measures for extending and/or increasing the frequency of the existing local bus services(s) and associated financial contributions;

ii. Details for the management, monitoring, review and reporting of these measures; and

iii. Details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of first occupation of any part of the development.

**Reason:** In order to reduce dependency on the private car and to encourage greater use of public transport.

15. No development shall commence on any Phase until details have been submitted to, and approved in writing by, the Planning Authority for the access road and this shall include a 2 metre wide footpath/cycle route finished in a hard surface on both sides of the access road and this shall link into the proposed Toucan Crossing.

**Reason :** In the interests of pedestrian safety.

16. No development shall commence until details have been submitted to, and approved in writing by, the Planning Authority for the installation of 2 bus stops and shelters on the U5043 and shall be provided prior to the provision of the recreational facilities in Phase 1.

**Reason :** In the interests of public safety.

17. No development shall commence until details have been submitted to, and approved in writing by, the Planning Authority for the provision of a “toucan” pedestrian crossing on the U5043 and shall be provided prior to the provision of the recreational facilities in Phase 1.

**Reason :** In the interests of public safety.

18. 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.

19. 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.

20. No development shall commence on each Phase until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction; and



vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

21. No development shall commence on site until a Construction 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, and that the works involved comply with applicable standards.

22. 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 :** To ensure suitable and timely provision of all-abilities access.

23. 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.

24. No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment in line with Planning Advice Note 33 and the BS10175:2001, or any superseding guidance prevailing at the time of the assessment), the scope and method of which shall be submitted to and approved in writing by with the Planning Authority;

ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;

iii. measures to deal with contamination during construction works;

iv. a means of monitoring any decontamination measures; and

v. a means of verifying the completion of any decontamination measures that may arise.

Thereafter, no development shall commence until written confirmation that the scheme has been implemented, completed and, if required, monitoring measurements are in place, has been issued by the Planning Authority.

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

## **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.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon

completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

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

### **Local Roads Authority Consent**

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

Failure to comply with access, parking and drainage infrastructure requirements

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

Further information on the Council's roads standards can be found at:

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

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

Please note that it 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.

### **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](mailto:env.health@highland.gov.uk) for more information.

### **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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Signature: Nicola Drummond

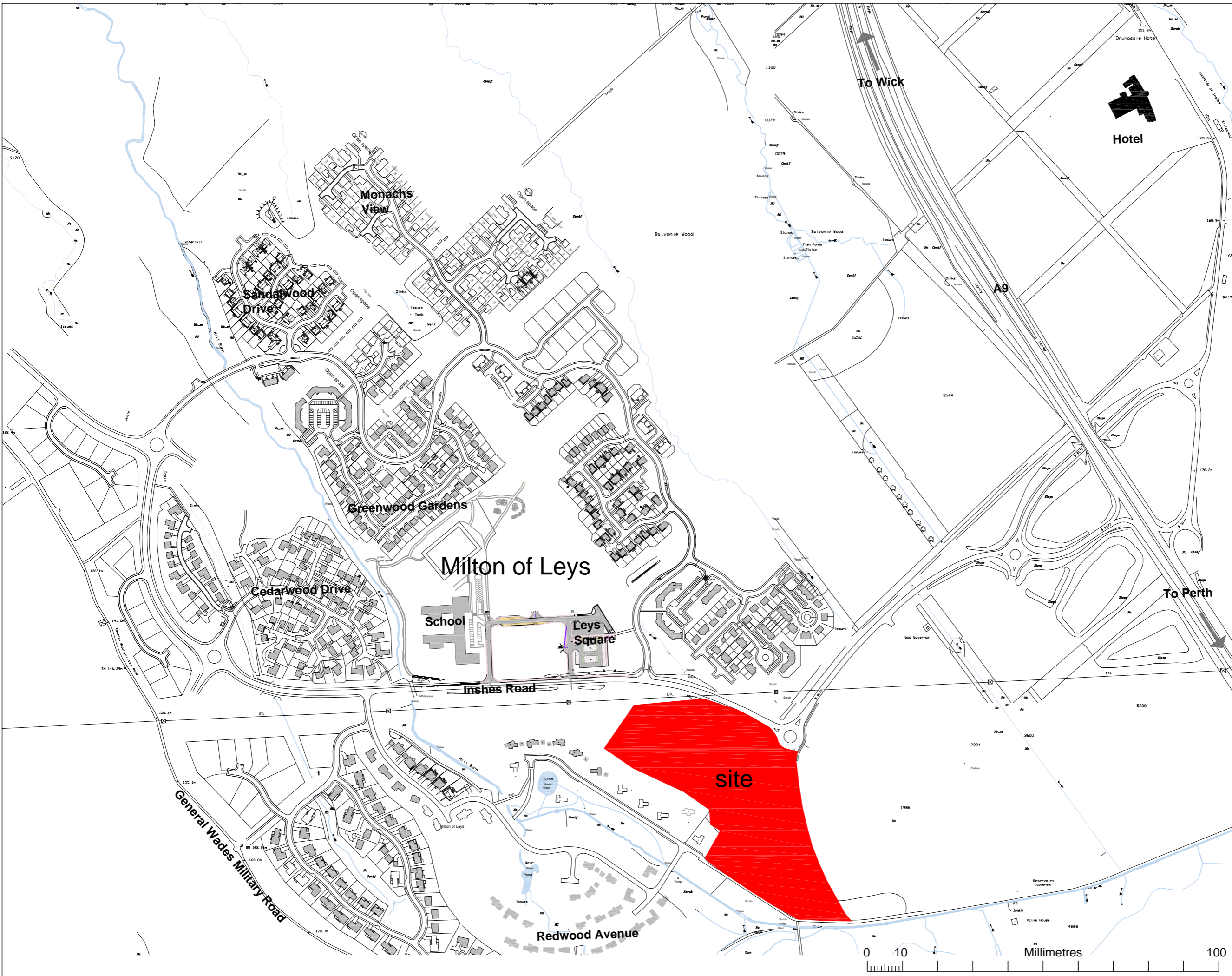
Designation: Area Planning Manager – South/Major Developments

Author: Keith Gibson 255182

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

Relevant Plans: PL010 REV A Location Plan  
PL001 REV A Location Plan  
PL004C-1 Site Layout Plan  
PL003 REV A Indicative Layout Plan  
PL002 Site Layout Plan  
PL007 Access Layout Plan

All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



Planning  
Submission

REVISIONS		
rev.	description	date
A	Alteration to base map	08.1

Client  
**Tulloch Homes Ltd**

Project  
**Bogbain West (land adjacent to Distributor Road Roundabout)  
Milton of Leys, Inverness**

Drawing  
**Location Plan**

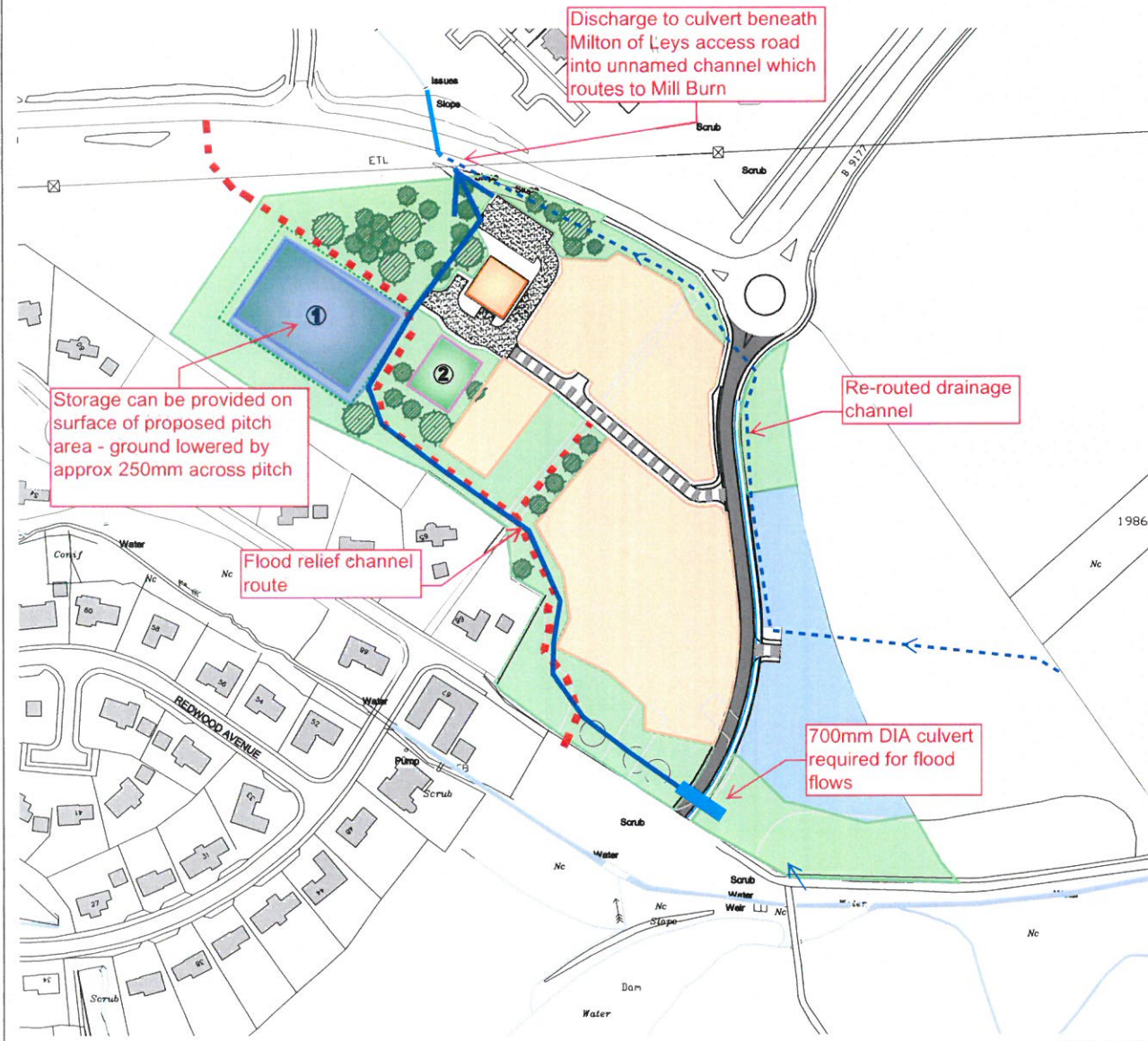
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Project no <b>2372</b>	Dwg no <b>PL010</b>	Rev <b>A</b>

**G.H.JOHNSTON**   
**BUILDING CONSULTANTS LTD**  
 WILLOW HOUSE  
 STONEYFIELD BUSINESS PARK  
 INVERNESS IV2 7PA  
 Email: [technical@ghjohnston.co.uk](mailto:technical@ghjohnston.co.uk) TEL (01463) 237225  
 FAX (01463) 243251





**SITE PLAN 4: INDICATIVE LAYOUT**



Discharge to culvert beneath Milton of Leys access road into unnamed channel which routes to Mill Burn

Storage can be provided on surface of proposed pitch area - ground lowered by approx 250mm across pitch

Flood relief channel route

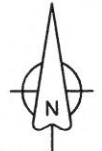
Re-routed drainage channel

700mm DIA culvert required for flood flows

**Legend: Sites for**

	business / commercial
	residential
	community use
	recreation areas; 1 - kick pitch 2 - play area
	access road
	parking
	footpath / cycle route
	landscaping / open space
	tree planting

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



**PLANNING SUBMISSION**



**REVISIONS**

rev.	description	date
A	Commercial area increased	10.08.16
B	Community use added	13.12.16
C	Open space adjusted for cold/neutral flush	06.04.17

Client  
**Tulloch Homes Ltd**

Project  
**Land at Bogbain West; Land Adjac. to Distributor Road Roundabout Milton of Leys, Inverness**

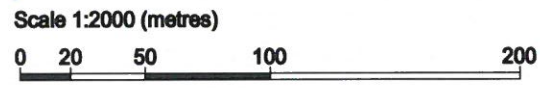
Drawing  
**Site Plan 4**

Scale <b>1:2000@A3</b>	Date <b>Aug 2016</b>	Drawn by <b>DC</b>
Project no <b>2372</b>	Dwg no <b>PL 004</b>	Rev <b>C (1)</b>

**G.H.JOHNSTON**  
BUILDING CONSULTANTS LTD

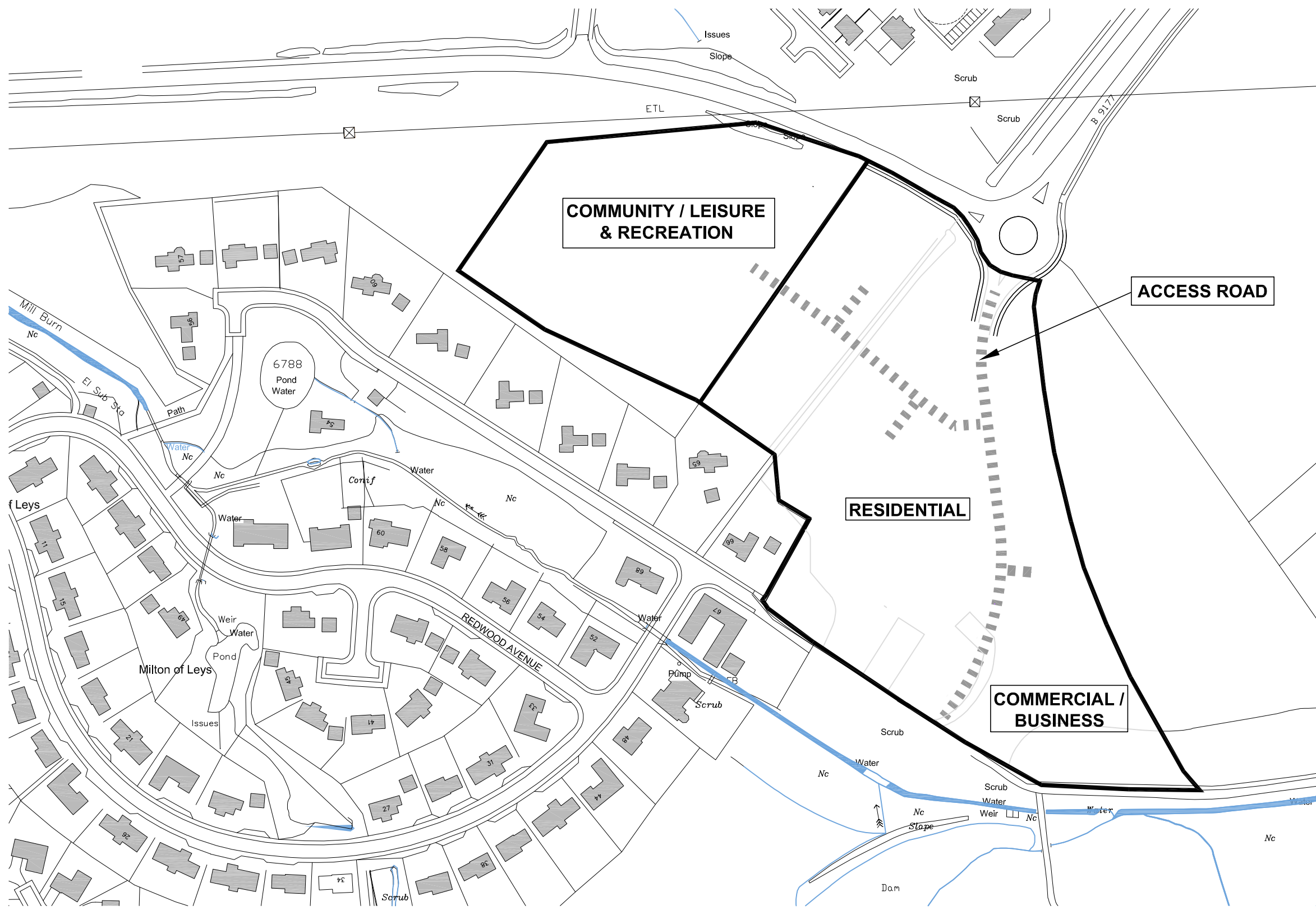
WILLOW HOUSE  
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TEL (01463) 237229  
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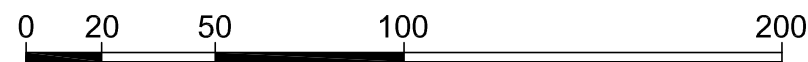




**SITE PLAN 3: INDICATIVE LAND USES**



Scale 1:2000 (metres)



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**PLANNING SUBMISSION**



**REVISIONS**

rev.	description	date
A	Minor adjustments	10.08.16

Client  
Tulloch Homes Ltd

Project  
Land at Bogbain West; Land Adjac. to Distributor Road Roundabout Milton of Leys, Inverness

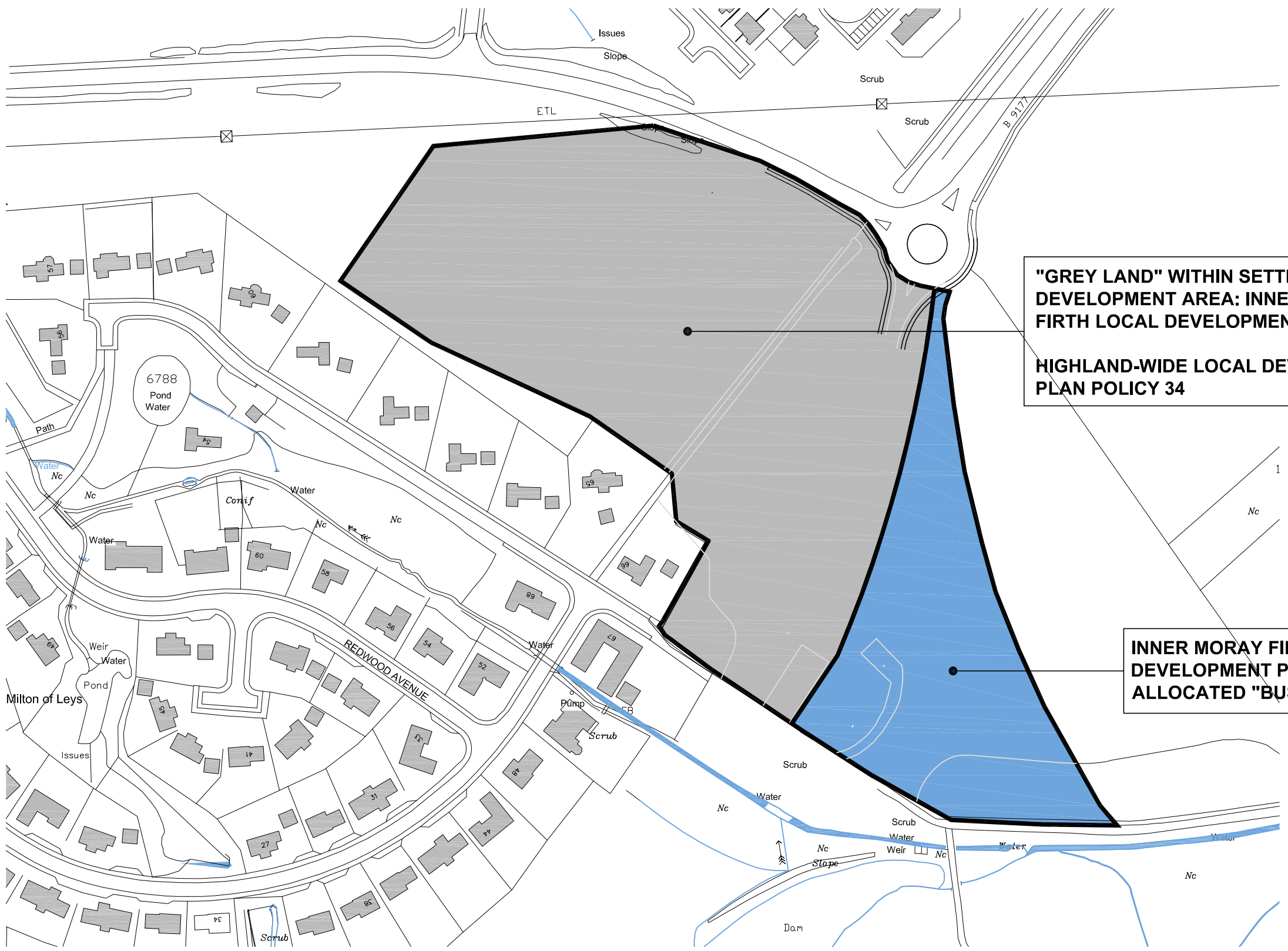
Drawing  
Site Plan 3

Scale 1:2000@A3 Date Aug 2016 Drawn by DC

Project no 2372 Dwg no PL 003 Rev A

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**SITE PLAN 2: LOCAL DEVELOPMENT PLAN PROVISIONS**

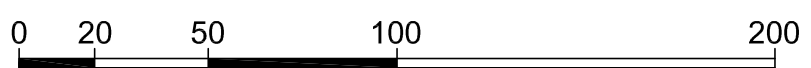


**"GREY LAND" WITHIN SETTLEMENT DEVELOPMENT AREA: INNER MORAY FIRTH LOCAL DEVELOPMENT PLAN**

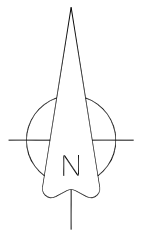
**HIGHLAND-WIDE LOCAL DEVELOPMENT PLAN POLICY 34**

**INNER MORAY FIRTH LOCAL DEVELOPMENT PLAN: ALLOCATED "BUSINESS"**

Scale 1:2000 (metres)



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All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



**PLANNING SUBMISSION**



REVISIONS

rev.	description	date

Client  
**Tulloch Homes Ltd**

Project  
Land at Bogbain West; Land Adjac. to Distributor Road Roundabout Milton of Leys, Inverness

Drawing  
**Site Plan 2**

Scale 1:2000@A3	Date Aug 2016	Drawn by DC
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Project no 2372	Dwg no PL 002	Rev
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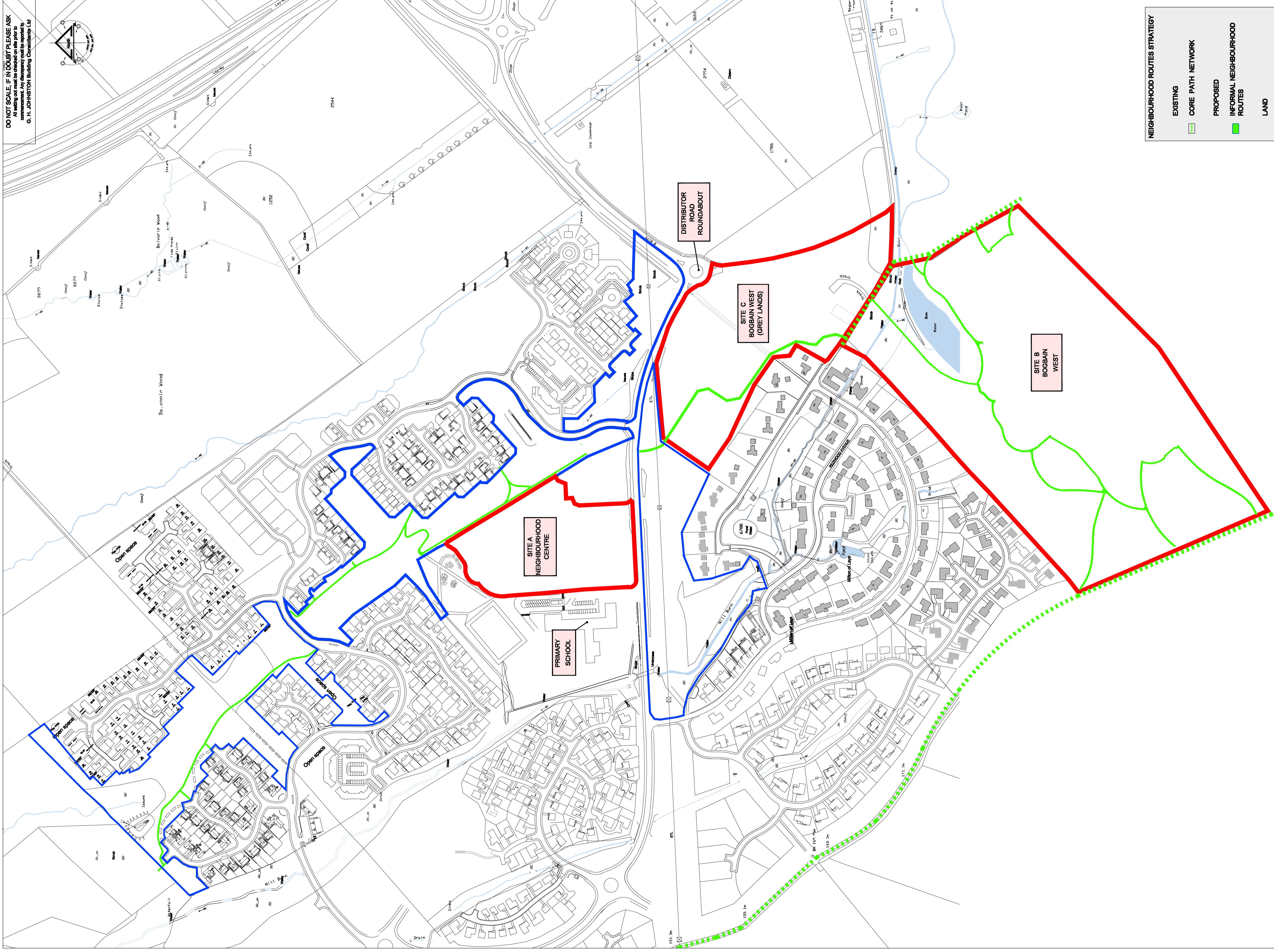
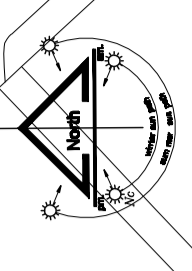
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 commencement. Any discrepancy must be reported to  
 G. H. JOHNSTON Building Consultants Ltd



**NEIGHBOURHOOD ROUTES STRATEGY**

EXISTING	—
CORE PATH NETWORK	—
PROPOSED INFORMAL NEIGHBOURHOOD ROUTES	—
LAND	—
WITHIN APPLICATION SITES	—
OUTWITH APPLICATION SITES	—
OWNED BY TULLOCH HOMES	—

REVISIONS	rev.	description	date

Client	Tulloch Homes Ltd
Project	Neighbourhood Centre Milton of Leys Inverness
Drawing	Neighbourhood Routes

Scale	1:2500@a1	Date	01.17	Drawn by	CA
Project no	2189	Dwg no	PL007	Rev	-



**PLANNING  
SUBMISSION**

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