

Agenda Item	8.6
Report No	PLS 039/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 20 June 2017

Report Title: 16/03620/FUL: Tulloch Homes Ltd
Land 995M SW Of Bogbain Farmhouse, Inshes, Inverness

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Erection of 100 residential units, homeworking units, open space, landscaping, access road and related infrastructure (Phase 10)

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 as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for a residential development of 100 houses on land to the southeast of the existing residential development at Redwood Avenue. Access will be taken from an access road which will lead through a site which is also subject of an application presented to this Committee (16/3609/PIP). The layout includes home working units on a number of the plots. A Masterplan has been submitted.
- 1.2 The proposal is a major category of development and pre- application consultation with the community has been undertaken.
- 1.3 Supporting documents include a Transport Assessment, Aboricultural Implications Assessment, Ecological Survey Report, Masterplan, Flood Risk Assessment, Drainage Impact Assessment
- 1.4 **Variations:** An amended site layout plan has been submitted to address concerns identified during the assessment and to provide a more appropriate site layout. It also involved a change to the main access road to serve the site.

2. SITE DESCRIPTION

- 2.1 The site which extends to some 10 hectares, is of generally flat open area of moorland with an existing lochan located towards the east boundary. Mature trees define the boundary of the site and Bogbain Wood is located to the south of the site. The west boundary is defined by Wades Military Road and is a designated Core Path. The existing houses on Redwood Avenue are located to the north boundary. Vehicular access is available from the existing roundabout on the B9177 Milton of Leys distributor road where a truncated spur has already been formed.

3. PLANNING HISTORY

- 3.1 17.06.2017 – Screening opinion, mixed use development 15/02393/SCRE
- 3.2 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 subject to Section 75 Agreement -17/00378/PIP. This site relates to the development of the existing neighbourhood centre.

There are no previous applications for the development site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour: 02.09.2016 and 17.02.2017

Representation deadline: 16.09.2016 and 03.03.2017

Timeous representations: 19 representations from 17 households

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Policy – Allocates site for 75 houses and business (tourism) and increase to 100 houses does not comply with this allocation. There is adequate housing supply and a lack of commercial development within neighbourhood centre in Leys Square. There is a lack of employment opportunities in the area and this should delay development until developer delivers more commercial opportunities.
- Surface Water Drainage - SUDS Basin too close to houses at Redwood Avenue and is considered to pose a risk. Located within green wedge.
- Flood risk – Concern at loss of natural drainage from development. Problems at Redwood Avenue with flooding before and flood alleviation was necessary. Groundwater dependent land acts as natural drainage system for land and absorbs water and building on land takes this away putting pressure on pond and houses at Redwood Avenue and at lower level and at risk of flooding. Drainage Impact Assessment confirms increase in volume of water run off in area instead of removal.
- Access road on north side of pond and within green wedge and should be on south side. Destroy native woodland and affect pond habitat. Elevated compared with Redwood Avenue and increased light pollution from vehicles – visual barrier proposed take too long to grow.
- Local school – further pressure and no further houses until expansion of school
- Open Areas/Green space – Lack of it for size of community. The site should be protected for recreation.
- Ecological concerns – Environmental impact on Bogbain Woods. Road cuts through native woodland contrary to Council's "Forest & Woodlands Strategy". Will pond's habitat be protected from sustainable drainage? Wildlife survey inconclusive and could be Great Crested Newt, otters, badgers and bat activity.

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

5. CONSULTATIONS

5.1 **Inverness South Community Council:** raise a number of issues related to the density of development and note the increase in density from the development plan allocation of 75 to 100 houses without the relevant infrastructure in place. Access road impinges on the green wedge between the development and the houses at Redwood and should be located on the other side of the pond. No more houses should be built until the infrastructure and facilities are complete. Milton of Leys has a good population and the facilities promised have not materialised.

5.2 **Development Plan Team:** The Inner Moray Firth Local Development Plan identifies the site as IN52 Bogbain (west) and identifies an allocation for the site of 75 houses

together with Business (Tourism). The current proposal is for 100 houses and exceeds the recommended total of 75. A masterplan/development brief is required and due account should be had for the landscape character of the area and ensure a defensible and attractive city edge is provided. In addition, protection should be given to the existing water bodies, the existing core paths and include additional tree planting. Developer Contributions will be sought in terms of affordable housing, education and public art and in accordance with the contribution set out in the adopted Inshes and Milton of Leys Development Brief in which this site is located.

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

Road Layout - A revised Site Plan has been submitted which better reflects the principles of Designing Street and is welcomed. Updated detailed and dimensioned road layout plans, horizontal and vertical alignment drawings have not been submitted to support this revised site plan, therefore unable to comment on the proposed road geometry or the appropriateness of the proposed traffic calming features. Issues such as the lack of clarity relating to the road design and traffic calming features for example may hinder the consenting of any future Road Construction Consent applications.

Limit of Adoption - Footpaths that are remote from the proposed adopted road will not be considered for adoption by the Council.

Parking Provision - Need to demonstrate that the curtilage parking areas are suitably sized.

Footpaths - Footpaths that are located to the rear of parking areas should be 2 metres wide minimum, this is to ensure that overhanging vehicles do not completely obstruct the path.

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 that crosses the 16/03609/PIP site is proposed. This route links a core path that bounds the 100 residential unit site with 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. A remote link from the development to the proposed U5043 toucan crossing point should also be provided to offer a more direct and safer route to the school.

Provision of toucan crossing - The Milton of Leys Primary School is on one side of

the U5043 and 136 new residential units are proposed on the opposite 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 as well.

Travel Plan – To ensure that active travel is promoted for the site, recommend the submission of a Travel Plan.

Bus services – This development and application 16/03609/PIP for grey land to the north 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. The walking distance from the proposed 100 residential units to this new U5043 roundabout bus stop is 850 metres approximately from the furthest property, which is more than double the 400 metres recommended. A bus stop and shelter should be provided at the end of the link road, thus reducing the walking distance to a more acceptable level. The provision and installation the bus stop and shelter should be delivered by the developer.

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 development on the local road network is negligible.

- 5.4 **Flood Risk Management Team:** No objections as the latest Flood Risk Assessment addressed concerns on flooding. 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 northeast 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 objections and requests outdoor access plan.
- 5.6 **Historic Environment Team:** No objections and recommend condition about archaeological interest.
- 5.7 **SNH:** No objections provided the recommendations in the Ecological Survey are followed with regard to pre-construction surveys and standard mitigation to safeguard protected species.
- 5.8 **SEPA:** No objection. It's concerns have been addressed about surface water drainage and flood risk. In terms of a revised line for the access road to the south of the pond this has a direct impact on the lochan and watercourses which feed it so they could not support the alternative line.
- 5.9 **Transport Scotland:** No objection
- 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 51	Trees and Development
Policy 56	Travel
Policy 57	Natural, Built & Cultural Heritage
Policy 58	Protected Species
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

6.2 Inner Moray Firth Local Development Plan 2015

IN52 Bogbain (W) 75 Houses

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)
Flood Risk & Drainage Impact Assessment (Jan 2013)
Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Managing Waste in New Developments (March 2013)
Public Art Strategy (March 2013)
Trees, Woodlands and Development (Jan 2013)
Inshes & Milton of Leys Development Brief (2006)

7.2 Scottish Government Planning Policy and Guidance

SPP
Designing Streets

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 education
 - f) affordable housing
 - g) impact on surface water, drainage and flood risk;
 - h) natural heritage, and
 - i) any other material considerations.

Development plan/other planning policy

- 8.4 The site is allocated in the Inner Moray Firth Local Development Plan for 75 houses, Business and open space. The principle of housing development within this location is therefore established. While the proposed housing exceeds the number by 25 units as set out within paragraph 2.12 of the Inner Moray Firth Local Development Plan, this represents a recommended density and is considered to be indicative housing capacities only. A different capacity than that specified may be acceptable subject to detailed design that demonstrates efficient use of land and a satisfactory site layout. Subject to demonstrating that the density proposed is capable of being accommodated without adverse impact upon important habitats and species, existing infrastructure or community and individual residential amenity and can provide the required level of open space, the proposal would comply with the development plan. The development includes the provision of homeworking units and will secure improvements to connectivity between this and the adjoining site with the Milton of Leys neighbourhood centre and primary school.

Developer contributions will be required as set out in the adopted Inshes and Milton of Leys Development Brief.

Layout and Design

- 8.5 Extensive detailed discussions have taken place to ensure the layout meets the spirit of Designing Streets and the most recent site layout represents a marked improvement on the original submission. No further representations were received as a result of re-notification of the revised layout. The access road has been shortened in length and a roundabout introduced to allow for a bus to turn. The open space to the north of the housing is an integral part of the design with a footpath network for recreational purposes and to allow for pedestrian links from the housing to the distributor road. There is a central green surrounded by affordable housing

and the remainder of the housing in the surrounding area with an internal road layout designed to slow down traffic and allow for a more pedestrian friendly environment. There are areas of open space with footpaths links to allow for pedestrian connections through the site and onto the access road, which will connect onto the distributor road. The houses are orientated so as to integrate into the surrounding open space and planting is to take place around the edges of the development and within the street layout to enhance the setting and create a distinctive character. The increase in numbers has resulted in an acceptable layout. The layout is consistent with the settlement form, the landscape setting and the functioning of an expansion area.

Open Space/Green Networks

- 8.6 The proposed area of open space will not only provide an attractive setting for the proposed development but will also enhance existing amenities for the wider area and benefit residents of Milton of Leys. A footpath network will be created within the open space to link into the existing core path network. No formal play areas will be formed but an opportunity for informal play has been introduced through creative play elements at node points along the path network. In addition, the revised layout incorporates an additional section of footpath to the north east of the lochan and seating area on the south side of the lochan. There is a recreational forest adjoining Bogbain West and an established network of core routes linking through to Milton of Leys. The identification of a green buffer does not prevent an access route through such land. The access road will be aligned within the 70m-80m wide landscaped corridor, and will be set well back from the properties on Redwood Avenue to the north by some 50m-60m. Significantly, the length of the proposed access road has been reduced in terms of the original submission and as a result minimises land take and unnecessary encroachment of the open space and buffer areas.

Impact on Traffic and Activity

- 8.7 The line of the access road leading to the site to the north of the existing lochan has been the subject of discussion to establish if an alternative route could be provided. Due to the presence of the lochan, SEPA has indicated that they would object on the grounds of the impact on the lochan and watercourses if the route were to be altered. The applicant has endeavoured to keep the road line as far away as reasonably practical in engineering terms from the properties to the north but does not own land to the east of the lochan to allow access from that direction. The Traffic Impact Assessment has revealed that the impact from development on the local road network is negligible. The applicant accepts that a traffic crossing will be required at the distributor road to connect to the school and the neighbourhood centre. The access road allows for a turning area for a bus should a service be provided. Pedestrian links through the site allow for connection into the footpath network surrounding the site as well as a connection to Redwood Avenue.

Impact on Education

- 8.8 It is noted that the capacity of the primary school will be increased with the provision of the day nursery accommodation provided for at the neighbourhood centre and recently granted permission in principle. The extra pupils generated by this proposal would be accommodated within the increased primary school capacity available up

to 2021/22. It would also be unreasonable to refuse this application on the basis of the present capacity of the primary school. A developer contribution will also be sought for education to address any capacity issue at the primary and secondary schools.

Affordable Housing

- 8.9 There is a requirement for 25% of the units to be provided as affordable housing. These are located towards the centre of the site and located around a central open space with a variety of house styles with its own loop road to afford some screening and privacy for the properties.

Impact on Surface Water, Drainage and Flood Risk

- 8.10 The Flood Risk Assessment was updated as a result of discussions with the Council's Flood Team and SEPA. The Flood Team are satisfied the SUDS Basin is located outwith the functional floodplain and can be sized to accommodate the expected volume of runoff. The Flood Team are satisfied the proposed development does not increase flood risk downstream from the burns running through the site. Only in the case of Burn 3 do they request the finish floor levels of the houses. SEPA are also satisfied provided conditions are applied which clarify details of the flood risk management proposals.

Natural Heritage

- 8.11 The Ecology Report does not identify any significant wildlife impacts from the road line but recommends retention of the lochan system. The woodland identified within the Arboricultural Assessment is protected wherever feasible; and opportunities exist within the green wedge to meet any compensatory planting requirements. The survey records badger activity and recommends the lochan and its environs are retained. The revisions to the layout take these factors (and the location of existing public access routes) into account. SNH is satisfied with the Ecological Survey.

Other material considerations

- 8.12 Proximity to Facilities – At their meeting on the 11 April 2017 the Planning Committee granted permission for development at the neighbourhood centre to the north of the distributor road for sites which would include uses such as commercial/retail and community (children's day nursery). The applicant anticipates the commercial floor-space could accommodate (a) day-to-day retail/services i.e. butcher, baker, hairdresser (b) professional/office i.e. architect, financial, design;(c) a surgery doctor, dentist and (d) a suitable community use including a youth café or similar.

In addition, the application (16/03609/PIP) to the north of the site on the grey land would open up a further 0.5ha of business development land suitable for facilities additional to those that could be accommodated within the neighbourhood centre as well as land for community uses and recreational open space. All these facilities would be within 0.5km of this application site at Bogbain West. It would be unreasonable to refuse this application on the basis of the absence of these facilities at present and it is anticipated delivery of these commercial uses will be of a similar

timescale to the proposed housing. Home-working units are proposed on plots to the west of the site, which include bespoke accommodation and service arrangements for that purpose.

Matters to be secured by Section 75 Agreement

8.13 Developer Contributions will be sought in terms of the Inshes & Milton of Leys Development Brief and as per the Supplementary Guidance in relation to and including the following matters:

- Education – in terms of the Milton of Leys Primary School and Secondary School
- Affordable housing
- Public art

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 site is allocated for residential development and open space. Although the proposal exceeds the stated capacity in the Inner Moray Firth Local Development Plan by 25 units it is considered that this represents a suggested density. Given the extent of the site at 10 hectares, the layout proposed identifies that the additional 25 units can be accommodated without prejudice to the key policy objectives of securing an appropriate residential development and associated landscaping and infrastructure. The applicant has also demonstrated satisfactorily that the increase can be contained within the area allocated without detriment to the amenity of existing residents on Redwood Avenue. The areas of open space between these houses and the housing development has been retained and will be strengthened through appropriate landscaping while the access road has been shortened to skirt around the lochan. The revised layout marks an improvement on the original submission and the views of third parties have been addressed in this regard. The open space will allow for connections to pedestrian links on the boundaries of the site and create an area for informal recreation.

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

Action required before decision issued Y

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement Y

Revocation of previous permission N

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

1. 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.

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.

2. 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.

3. 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 adjacent application site (16/03609/PIP) to include details of the new access road culvert demonstrating that it will be designed to convey the 1 in 200 year plus climate change flow plus an appropriate allowance for freeboard;
- Details of the proposed drainage culvert demonstrating that it will be designed to convey the 1 in 200 year plus climate change flow plus an appropriate allowance for freeboard
- Details of the proposed access road in terms of additional culverts/spans demonstrating that flood storage and conveyance will be maintained ;
- Details to demonstrate that the predicted floodplain from the Mill Pond spillway is preserved both in terms of conveyance and storage capacity
- The finished floor levels of the properties adjacent to Burn 3 to include 600mm 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.

4. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

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

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

6. 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.

7. No development shall commence until details of a scheme of hard and soft landscaping works for each phase 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.

8. No development shall commence until a scheme for the layout, design and construction of green spaces, play areas and outdoor sports and recreation facilities (including specifications, protection measures, boundary treatments and timescales for implementation) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein. For the avoidance of doubt this shall be completed prior to occupation of the 50th house.

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

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

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

10. 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.

11. No development shall commence on any Phase until:

a) a detailed specification for the provision of a footpath network linking General wade's Military Road Core Path (IN19.39) with Castelton to Daviot Wood Core Path (IN19.40) and the housing development in between, all in general alignment with proposals illustrated within drawing PL007, has been submitted to, and agreed in writing by, the Planning Authority.

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 50th house.

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 perpetuity.

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

12. No development shall commence on each phase unless details of the remote and peripheral footpaths, including provision for Safer Routes to School (in accordance with the Scottish Government Guidance) have been submitted to and agreed in writing to the satisfaction of the Planning Authority (including a timescale for provision) and thereafter completed in their entirety unless otherwise approved in writing by the Planning Authority prior to occupation of the first house in that phase.

Reason: In the interests of pedestrian safety.

13. 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.

14. 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 propose Toucan Crossing. The footpath/cycle route shall be completed prior to occupation of the first house.

Reason : In the interests of pedestrian safety.

15. 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. The timing for such provision shall be approved in writing by the Planning Authority and shall be no later than prior to occupation of the first house.

Reason : In the interests of public safety.

16. 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 occupation of 1st house in this development, whichever is the soonest.

Reason : In the interests of public safety.

17. 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.

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

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

19. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction; and
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

20. 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.

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

enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);

iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

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

Reason: In order to ensure that access to the core path network is not obstructed as a result of this development.

22. 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.

23. No development shall commence until a pre-commencement survey for the species referred to in the Ecological 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 be agreed in writing with the Planning Authority 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.

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

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 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

Core Paths

All core path works required as a result of development should form part of any Road Construction Consent application.

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: Location Plan PL001 REV A 3817-01-001 REV A
Site Layout Plan 3817-02-003 REV E
Access Plan 3817-02-004 (2) REV C
Neighbourhood Routes PL007
2 bed 4 person affordable 3817-03-300
Lochy House Type 3817-3DB117(15-1)-90 REV A
Rannoch House Type 3817-4DV156(15-1)-90 REV A
Visualisations 3817