

Agenda Item	6.2
Report No	PLS 067/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 December 2017

Report Title: 17/02007/FUL, 17/02008/FUL and 17/02009/FUL - Tulloch Homes Ltd and Tulloch Homes / Burt Boulton Holdings Ltd

Land between Dores Road and River Ness to South of Holm Mill

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description:

17/02007/FUL - Residential Development of 446 new houses and flats, including associated infrastructure and landscaping works

17/02008/FUL - Residential Development of 216 new houses and flats, including associated infrastructure and landscaping works

17/02009/FUL - Residential Development of 105 new houses and flats, including associated infrastructure and landscaping works

Ward: 15 - Inverness Ness-side

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 applications are for planning permission for a total of 767 residential units, allotments, playing fields, parkland, open space, supporting road and drainage infrastructure. The residential units comprise:

- 20 x 1 Bedroom Flats
- 198 x 2 Bedroom Flats
- 192 x 2 Bedroom Houses
- 180 x 3 Bedroom Houses
- 157 x 4 Bedroom Houses
- 20 x 5 Bedroom Houses

1.2 The development has been split across three planning applications. The split is based on land ownership. Throughout the supporting documentation, the applicant refers to the areas covered by the applications as follows:

- Planning Application 17/02007/FUL - "Area A"
- Planning Application 17/02008/FUL - "Area B"
- Planning Application 17/02009/FUL - "Area C"

1.3 The applicant has undertaken public consultation which included an exhibition at Culduthel Christian Centre between 08 - 12 February 2016. In addition the applicant has been through the Council's Pre-Application Advice Service for Major Development and undertook a gateway check of the application in advance of the submission to the Planning Authority.

1.4 The applicant presented its proposal to the Inverness Design Review Panel. The Panels' Executive Summary is referred to below and the main report is included as Appendix 2.

The Panel welcomes the opportunity to provide early comments on this major development, whose size and location is of strategic importance to the city. It notes, however, that the proposal has come forward for review at a very early stage in the design process and, as a result, information provided goes little beyond reiterating high-level aspirations expressed the brief. The Panel therefore encourages the development team to submit a more detailed scheme for design review at an appropriate stage between now and the application for planning permission. This report highlights important aspects of analysis and design that should be prioritised in developing the masterplan. These focus on achieving a sensitive response to the indicative masterplan, how development engages with the wider context, and measures to ensure design quality. The Panel welcomes the developer's commitment to greenspace and open space provision and identifies relevant design priorities, including early, effective integration of public art.

1.5 There are 4 accesses to the site for motorised access:

- Dores Road via an upgrade to the existing access to Inverness Pre-cast;
- Dores Road Roundabout via an upgrade to the existing access next to the Tesco Petrol Filling station
- Ness-side Roundabout on the Inverness West Link; and

- Mill Lade Roundabout on the Inverness West Link.

There will be no through access (except for buses and service vehicles) between the access to the site from Dores Road at Inverness Pre-Cast and the access at Mill Lade Roundabout.

1.6 The applications were supported by the following information:

- Design and Access Statement;
- Masterplan
- Pre-Application Consultation Report;
- Arboricultural Method Statement
- Arboricultural Assessment
- Archaeological Investigation
- Bat Survey
- Ecology Report
- Great Crested Newt Survey
- Landscape Survey
- Topographic Survey
- Flood Risk Assessment
- Drainage Impact Assessment
- Outline Landscape Specification
- Transport Statement.

1.7 Variations: A number of changes have been made to the application to address comments by the case officer and consultee comments. These include: changes to road alignment and design; modifications to house and flat designs; change to drainage arrangements; and changes to landscaping proposals.

2. SITE DESCRIPTION

2.1 The site comprises an area of a mix of agricultural ground and previously used land (former Timber Mill / Inverness Pre-Cast Yard) between Dores Road and the River Ness. The Inverness West Link (IWL) and associated landscaping runs through the south and west of the site. Some limited development sits between the IWL and the River Ness and the IWL and the tree belt to the south. The site is predominantly level and the IWL gently rises through the site from Dores Road Roundabout to Mill Lade Roundabout.

2.2 The eastern boundary of the site abuts Tesco Ness-side, an electricity substation and a single house. To the north lies a single residential property and associated croft with Holm Mill Shopping Centre beyond. The southern boundary comprises a tree belt with limited houses beyond. Between the IWL and the River Ness, there are a number of properties that have a new access via the Ness-side Roundabout and an area of agricultural land. A building which formed part of the former Timber Mill / Inverness Pre-Cast Yard is located in the north east of the site and is to be removed to facilitate the development of the site.

2.3 There are no natural or cultural heritage designations covering the site. However, the site is adjacent to the River Ness. The River Ness has connectivity with the

River Moriston Special Area of Conservation. As this is the case a Habitat Regulations Appraisal needs to be undertaken.

- 2.4 There are limited trees within the site itself. There are trees bounding the site to the south. The trees along the eastern boundary of the site with Dores Road are covered by the Godsmen Brae Tree Preservation Order.
- 2.5 There are no historic or cultural heritage designations within the site. During the works for the IWL, archaeological remains were found.
- 2.6 The development site is not covered by any international, national, regional or local landscape designations. The site lies within the Urban Landscape Character Type (LCT) and the River and Canal Landscape Character Sub-Type, as identified in the Inverness District Landscape Character Assessment (LCA) (SNH, 1999).

3. PLANNING HISTORY

3.1	10.10.2017	17/03603/FUL - Construct Access Road	Permission Granted
3.2	23.05.2017	17/02383/PIP - Erection of new Church building	Pending Consideration
3.3	26.08.2016	16/02912/CAD - Application to establish the land use basis in connection with the assessment of the financial compensation associated with the compulsory purchase of the relevant land	Certificate of Alternative Development Not Granted
3.4	26.08.2016	16/02918/CAD - Application to establish the land use basis in connection with the assessment of the financial compensation associated with the compulsory purchase of the relevant land	Certificate of Alternative Development Not Granted
3.5	26.09.2016	16/02920/CAD - Application to establish the land use basis in connection with the assessment of the financial compensation associated with the compulsory purchase of the relevant land	Certificate of Alternative Development Not Granted
3.6	18.03.2016	16/01148/SCRE - Proposed development of circa 750 houses on site IN24 as identified with the IMFLDP. The proposals include associated roads, utilities, amenity space and suds basins	EIA Not Required
3.7	21.12.2015	15/04748/PAN - Proposal of Application Notice for Housing, affordable housing, mixed commercial use, public open space & associated infrastructure	

3.8	22.12.2015	15/04104/PREAPP - Pre-Application Advice Request for Development of Housing with associated infrastructure	
3.9	15.12.2017	15/03915/S42 - Application under Section 42 to develop land without compliance with conditions 2, 3 and 4 of 15/01809/S42 - Inverness West Link	Approved
3.10	30.06.2017	15/01809/S42 - Application under Section 42 to develop land without compliance with conditions 15, 16, 17, 18 & 31 of 13/03825/FUL - Inverness West Link	Approved
3.11	26.09.2014	14/02840/FUL - Proposed Access Road to Service Housing Development	Permission Granted
3.12	14.04.2014	13/03825/FUL - Construction of 3.2km new single carriageway road, 5 No. roundabouts, a new swing bridge over the Caledonian Canal & a new bridge over the River Ness, with associated drainage, earthworks, fencing, landscaping, new access tracks/paths, street lighting etc	Permission Granted
3.13	22.08.2009	09/01365/PAN - Proposal of Application Notice for Residential Development	
3.14	03.07.2007	04/00856/OUTIN - Residential development	Permission Granted.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 26.05.2017 and 15.09.2017

Representation deadline: 29.09.2017

Timeous representations: 6 (combined number across all three applications)

Late representations: 1 (combined number across all three applications)

4.2 Material considerations raised are summarised as follows:

- Need for improvement to safer routes to school (with consultation on the scheme with Community Council);
- Need for active travel connectivity;
- Need for traffic calming on Dores Road (with consultation on the scheme with Community Council);
- Support for the proposed bus Link;
- Protection of the green corridor along the River Ness;

- Impact on access to SEPA monitoring station;
- Impact on community infrastructure;
- Impact on Dores Road;
- Impact on access to greenspace;
- Impact on privacy;
- Accesses not provided to adjacent landholdings in accordance with the Torvean and Ness-side Development Brief;
- Scale of proposed flattened development;
- Impact on wildlife.

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.

5. CONSULTATIONS

5.1 **Holm Community Council** is currently in abeyance and has not responded to the consultation. Comments have been provided by Lochardil and Drummond Community Council and are included in the summary of representations.

5.2 **Transport Planning Team** does not object to the application. Conditions are sought to secure: emergency accesses; maintenance of allocated in curtilage and communal parking; pedestrian visibility; cycle parking in flattened blocks; travel plans; waste management; completion of the spine road; promotion of a traffic regulation order for the proposed bus link; provision of bus stops; provision of a footway along Dores Road; traffic calming on Dores Road, including an uncontrolled crossing; additional controlled crossings on Holm Roundabout; access to Dores Road with repositioned bus stops and shelters; provision of 2 controlled crossings on the Inverness West Link; provision of footpath between the Holm Roundabout and the Tesco mini-roundabout; provision of a segregated section of National Cycle Network Route 78. Informatives are also requested in relation to changes to the scheme through the Road Construction Consent process; maintenance of the SuDS; accessibility audits; and trees and landscaping within the adopted road boundary. Developer contribution is sought for a subsidised bus route.

5.3 **Flood Risk Management Team** does not object to the application. Conditions are sought to secure: no ground raising within the functional flood plain; finished floor levels of 11.95m above ordnance datum in the area west of the Inverness West Link; details of the drainage network demonstrating that discharge will be limited to pre-development rates for a range of return periods for storms; and contact details for the party responsible for drainage infrastructure.

5.4 **Forestry Officer** does not object to the application. Conditions are sought to secure: Arboricultural method statements; tree protection measures; and landscaping plans inclusive of compensatory planting.

5.5 **Access Officer** does not object to the application. Conditions are sought to secure: access management plans; and promotion of orders for diversion of core paths (if required).

5.6 **Historic Environment Team** does not object to the application. A condition is sought to secure an archaeological watching brief including a controlled topsoil

strip.

- 5.7 **Contaminated Land Unit** does not object to the application. A condition is sought to secure an appropriate scheme for dealing with the contamination on site 17/02008/FUL only).
- 5.8 **Environmental Health** do not object to the application. Conditions are sought to secure: mitigation during the construction period; and to mitigate noise arising from the petrol filling station.
- 5.9 **Development Plans Team** do not object to the application. They advise that there are a number of departures from the Torvean and Ness-side Development Plan and that contributions should be sought in line with the protocol set out in the Torvean and Ness-side Development Brief. Since the original submission by the Development Plans Team the approach to contributions toward education provision, where a new school is required has been clarified. This is now set out in the draft Developer Contributions Supplementary Guidance. This has been discussed with them and it has been determined that the new school rates toward primary school provision should apply to this application.
- 5.10 **Scottish Natural Heritage** has no objection to the application. They comment on and agree with the conclusions reached by the applicant in relation to protected species and associated mitigation plans. They also advise that the site is hydrologically linked to the River Moriston Special Area for Conservation. However note that the development is unlikely to significantly impact the SAC.
- 5.11 **Scottish Environment Protection Agency** do not object to the application. Conditions are sought to secure: finished floor levels of 11.95m above ordnance datum; and that the development is connected to the public waste water network.
- 5.12 **Transport Scotland** does not object to the development.
- 5.13 **Scottish Water** has no objection to the application. It advises that there is sufficient capacity in the water and waste water network to serve the proposed development.
- 5.14 **Scotia Gas Networks** do not object to the application.
- 5.15 **National Grid** did not respond to the consultation.
- 5.16 **Historic Environment Scotland:** No objection to the application. It advises that the application does not adversely affect any historic or cultural features in their remit.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

01 - Completing the Unconstrained City Expansion Areas

08 - Ness-side and Charleston

28 - Sustainable Design

29 - Design Quality & Place-making
30 - Physical Constraints
31 - Developer Contributions
32 - Affordable Housing
33 - Houses in Multiple Occupation
34 - Settlement Development Areas
37 - Accommodation for an Ageing Population
42 - Previously Used Land
51 - Trees and Development
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
63 - Water Environment
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
74 - Green Networks
75 - Open Space
76 - Playing Fields and Sports Pitches
77 - Public Access
78 - Long Distance Routes

6.2 Inverness Local Plan 2006 (as continued in force 2012)

No specific policies apply.

6.3 Inner Moray Firth Local Development Plan 2015

Policy 2 - Delivering Development

Allocation IN24 - Torvean and Ness-side (Housing, Business, Community, Retail)

6.4 Highland Council Supplementary 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)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Public Art Strategy (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

Torvean and Ness-side Development Brief (Nov 2013) - Available to view at www.highland.gov.uk/tndb.

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (2014)

National Planning Framework 3 (2014)

Designing Streets (2011)

Highland Council Draft Developer Contributions: Supplementary Guidance (November 2017)

Construction Environmental Management Process for Large Scale Projects (August 2010)

Standards for Archaeological Work (March 2012)

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) compliance with the Torvean and Ness-side Development Brief (including design and layout of the development)
- c) Roads and transportation impacts
- d) Education provision
- e) Impact on wider access
- f) Impact on water environment, flooding and drainage
- g) Impact on natural environment
- h) Impact on historic environment
- i) Construction impacts
- j) Phasing

k) any other material considerations.

Development plan/other planning policy

- 8.4 Development plan policy is set out in the Highland-wide Local Development Plan, the Inner Moray Firth Local Development Plan and statutorily adopted supplementary guidance. The site of the applications is part of a wider allocation for a mix of uses in the Inner Moray Firth Local Development Plan. The allocation sets out that development should be in accordance with the Torvean and Ness-side Development Brief (TNDB). Accordance with the TNDB is discussed in sections 8.8-8.23 of this report.
- 8.5 The area has been allocated in the development plan since the late 1980's. Development of the site had been constrained until delivery of the river and canal crossing had been progressed. The site was identified as a future expansion area in the City of Inverness Spatial Strategy contained within the Highland-wide Local Development Plan. The first phase of this, Inverness West Link Stage 1, will open in December 2017 and provide two of the accesses to the site, thus removing the constraint to development of this site.
- 8.6 The Development Plans Team response to the application sets out that there is a large degree of conformity with the TNDB but notes some deviations. These are discussed in further detail in sections 8.8-8.23 of this report. The response acknowledged that the housing numbers are higher than anticipated by the TNDB.
- 8.7 The concept of Sustainable Design (Policy 28) seeks to achieve the right development in the right place; it is not to allow development at any cost. If the Council is satisfied that the departures from the development brief are justified and, where required, any adverse impacts of the development are mitigated, then the applications will accord with the Development Plan.

Compliance with the Torvean and Ness-side Development Brief (including layout and design)

- 8.8 The Torvean and Ness-side Development Brief (TNDB) was adopted in 2013 following public consultation. This consultation identified a vision for the area and, following analysis of the area, identified a Development Framework to deliver the vision. This comprised a number of developer requirements, an indicative master plan, delivery mechanisms for infrastructure and phasing. The TNDB is available to view at www.highland.gov.uk/tndb and the masterplan for the Ness-side Area is enclosed as Appendix 2.
- 8.9 The development brief identified the area of the applications as containing a mix of residential development, open ground storage and open space. For the most part that mix of uses has been achieved with the exception of open ground storage. This was identified to the rear of the sub-station on Dores Road. The applicant considered that the potential conflict between the overhead lines and the use of machinery in this location means that the proposed use would not be appropriate. Allotments have been proposed as an alternative use. The location of allotments in this location is generally acceptable and is welcomed due to the current demand for allotments in Inverness. The detailed layout of the allotments can be secured by

condition and will be required to accord with the standards set out in the Council's Open Space in New Residential Development Supplementary Guidance.

- 8.10 The overall housing numbers on the site total 767. The TNDB identified an indicative range for the number of units on the site ranging from lower density (576) to higher density (683). The total number of units represents a 12.3% increase in housing numbers across the site. The use of an innovative, Designing Streets style layout, and the use of higher density housing types at focal points within the development appear to have led to this increase. As a whole, the use of greenspace, landscaping, road features and the creation of a relationship between the buildings and the streets will not lead to the development appearing as overcrowded.
- 8.11 The indicative masterplan for Ness-side envisaged the creation of three green corridors and the delivery of a playing field. The purpose of this open space was to provide formal and informal open space for residents of the new development and also the existing residents of the area. The three green corridors were envisaged as being alongside Dores Road; through the centre of the development running north to south; and alongside the River Ness.
- 8.12 The green corridor alongside Dores Road has been delivered with a set back of development and retention of trees in the area of the site where the application sites meet the road. This will be enhanced with further landscaping. The remainder of this green corridor is outwith the control of the applicant but can, and should, be delivered by other developments as they come forward.
- 8.13 The green corridor through the centre of the site has been well designed. There are some issues around the removal of trees. However, the loss of these trees will be compensated. This open space will also contain elements of the surface water drainage infrastructure on the site with swales and rain gardens being provided. The space will be designed for play and there will be a number of play installations included in the space. It is proposed that this is delivered by the developer to a specification to be agreed with the Council. This can be secured by condition.
- 8.14 The green corridor adjacent to the River Ness is to be an informal area with opportunities for walking and cycling down by the River. This space has been created by the location of the Inverness West Link. The proposed design is for a riverside park and the design is acceptable subject to detail design and specification being brought forward. This can be secured by condition. Based on the indicative layout provided in the TNDB, the proposed development encroaches into this area. A total of 4 houses are included in the area identified for the Riverside Park. It is not considered that this incursion has a fundamental impact on the use of the area as a riverside park and development is set back from the River providing opportunities to access the river right along the river bank.
- 8.15 There is also an area of open space which runs from east to west behind the electricity substation. This includes drainage infrastructure, informal open space and playing fields. The indicative masterplan in the TNDB required the delivery of one playing field to be located to the north east of the powerlines. The development brief located the playing field away from the powerlines, the purpose of this was to avoid conflict between the powerlines and play below. The applicant has provided

more than sufficient land for a playing field, however this is below the powerlines. It can be argued that the powerlines are of a sufficient height to avoid conflict. There are a number of examples of such an arrangement around Scotland where playing fields below powerlines are successful. In this instance, further to the guidance published by the National Grid, it is considered acceptable. However, this would be subject to details of the layout of the playing fields and a scheme for signage.

- 8.16 The TNDB identified areas within the Ness-side area where there should be high density development, medium density development and low density development. This related to the position within the development and the relationship with the road layout. At key points, the aspiration was to have signature buildings and associated with that was the idea that at key points in the development and along key routes, height would be introduced to create focal points and a sense of enclosure, with frontages to the main roads through the development. The applicant has followed this approach with the use of flats and town houses alongside the Inverness West Link and increased the height. In the remainder of the development the houses are predominantly 2 storeys.
- 8.17 The applicant has responded positively to comments on the design of the houses. This includes the introduction of new house types and styles, unique to this site. This includes the provision of 3 storey town houses. The use of terraced blocks is welcomed and the design of these is considered to be appropriate to the site. The design of the detached and semi-detached houses are fairly standard, however a number of modifications have been sought by the case officer in relation to materials and agreed by the applicant to ensure that the house designs respond to the layout on the site. This has brought the design to a point where the houses are considered to respond to the characteristics of the site. It is acknowledged that some of the house type designs are not innovative.
- 8.18 The flatted blocks, being at prominent locations within the development, have been subject to a number of detailed discussions with the developer. The proposals as submitted were considered to be of a design which was dated, overly bulky and not aesthetically pleasing. In addition the designs did not offer an opportunity to create an identity for the new development and future new community. The designs have been significantly modified based on suggestions from the case officer. The designs are now considered to be more innovative, taking cues from traditional architecture, of appropriate proportions and help to create sense of place and identity. This also includes the use of projected window surrounds, recessed sections creating outdoor rooms, reduction in visibility of services and the streamlining of balcony features. The location and design of the flats and houses are not considered to have an adverse impact on the amenity of any existing residential property due to the distances between the properties. Overall the design of the buildings is considered acceptable.
- 8.19 The roads layout of the development is largely in accordance with the indicative masterplan as identified in the masterplan contained with the TNDB. The layout is overall considered to accord with the principles of Designing Streets. The location of the houses creates a good relationship with the street in terms of proportion of the street width, when compared with the height and location of the buildings. A key requirement of the TNDB was to ensure that there are active frontages to the Inverness West Link, the applicant has responded positively to this requirement

throughout the scheme. On submission there were three main departures from the indicative layout in the brief: access to adjacent land holdings; access to land adjacent to the River Ness; and provision of link road across the open space behind the electricity substation.

- 8.20 The submission as originally submitted did not provide access to neighbouring land holdings to the north east and south west. This was identified at an early stage and the layout has been revisited to provide three accesses along the north eastern boundary and a link through to the land to the south west. This then ensures that these lands can be accessed if it comes forward for development. The delivery of the road up to the boundaries of the site will be secured by condition and will include pre-occupation restrictions.
- 8.21 The access to the land adjacent to the River Ness is proposed to be via a road which runs parallel to the Inverness West Link. This does not provide access to the adjoining landholding which is identified for development. It is understood that the applicant has attempted to engage with the neighbouring land owner to secure an access route through their land to be in accordance with the road layout and masterplanning principles contained within the TNDB. Unfortunately this has not been possible. To avoid a ransom issue over the access through the site, the applicant has proposed the alternative access. This is a clear departure from the TNDB and is disappointing. With that said there is no certainty as to the timescales of development of the adjoining land at this time. Based on the phasing plan submitted by the applicant, this area of land is not likely to be developed until 2024. In order to continue to promote a masterplanned approach to the wider allocation, the development of this land should be restricted until there is certainty over the development of the adjoining land and an agreement is in place to ensure there is ransom free access for all parties using the newly secured access closer to the River Ness. This can be secured by condition and is not considered to have an adverse impact on the delivery of the development as a whole or the site layout proposed in this area.
- 8.22 The purpose of the road link across the open space to the rear of the substation was to provide a primary route from the Holm Mill Roundabout through to the residential development to the east of the substation. This would have provided a second access to the development to the east of the substation, the open ground storage area and the mixed use area to the south west and rear of the substation. The applicant has not provided this link but due to the lack of housing in the area to the rear of the substation, as envisaged by the TNDB, this is acceptable. Provision is still made for an access through to the mixed use site to the south west of the substation. An access is provided to the allotments which are provided as an alternative to the open ground storage area. Overall, the lack of this link is not considered to undermine the delivery of the masterplan as there is a sufficient access opportunity to the housing at the north east of the substation. Pedestrian and cycle links are still being provided in and across this area.
- 8.23 Overall, it is considered that while there have been a number of departures from the TNDB these do not have an impact on the delivery of a master planned approach to the development. To the contrary, the developer has worked with officers to ensure that the master planning principles set out in the TNDB have been achieved. Where the departures are of concern, mitigation can be secured by

condition as set out in the relevant sections above. Subject to matters of detail discussed in the remainder of this report, the development is seen to accord with the principles and indicative master plan set out in the Development Brief.

Roads and transportation impacts

- 8.24 The applications have been supported by a Transport Assessment, which considered the impact of the development on the local road network and the trunk road network. In doing so it has assessed the impact on the flow of traffic on the Inverness West Link, Dores Road/ Island Bank Road and the A82. For motorised vehicular movements this demonstrated that there was sufficient capacity to accommodate the increased traffic movements as a result of this development. It is accepted that both the local and trunk road network have the capacity to accept this level of development, however it is subject to some interventions in relation to crossings, public transport and active travel.
- 8.25 The Transport Assessment also assessed the impact on active travel and suggests that with minor interventions some of the existing issues in relation to active travel along Dores Road can be addressed.
- 8.26 The development is reliant on the completion of Stage 1 of the Inverness West Link. As this is the case, developer contributions are being sought towards the construction costs of the road in line with the figures set out in the Torvean and Ness-side Development Brief. The development brief also requires the delivery of crossings of the Inverness West Link at two fixed points. The ducting has been installed for these as part of the construction of the road and the developer will be required to provide the above ground infrastructure. These crossings will be secured by condition.
- 8.27 Active travel to, through and around the site is required to ensure that there is sufficient permeability for people walking and cycling. The layout of the development is very beneficial in that regard as it provides a number of paths connecting different areas of the development to each other and to points of interest in the area (i.e. the supermarket, green space and towards schools). Some of these routes will be on shared surfaces. On key routes through the development, the specification of paths will be to the Council's adoptable standards with paths that are for recreational use only being to a slightly lower specification. The detailed design and specification of paths can be secured by condition and will require to be in line with the Council's specifications as set out in the Roads and Transportation Guidelines.
- 8.28 The active travel connections outwith the site have been subject to detailed discussion with Transport Planning and have focussed on the need for safe routes to and from the existing school at Holm and the new primary school proposed at Ness Castle. This will require the provision of traffic calming and controlled crossings on Dores Road. There would be a new crossing of Dores Road south of the Dores Roundabout. There would be a further crossing of the Inverness West Link required close to the Dores Roundabout to facilitate the delivery of a safe route to school. Details of the crossings and their delivery can be secured by condition. Any scheme for traffic calming on Dores Road will require to be discussed with the Community Council prior to any scheme being agreed by the

Planning Authority.

- 8.29 There will be a need for a new or extended bus route to serve the new development. A contribution toward this will be secured via a legal agreement. In addition new bus stops will be required within the development, broad locations of these have been agreed and they will be provided by the developer.
- 8.30 It is anticipated that the bus will enter the site via the Inverness West Link at the Ness-side Roundabout and then travel along the internal distributor road and connect back to Dores Road via the access at Inverness Pre-Cast. To stop cars from using the access at Inverness Pre-Cast as a “rat-run”, there will be no access for through traffic. This will be controlled via a bus link; the form of which is yet to be agreed but the principle is accepted. The bus link could be either mechanical barriers or enforcement cameras. There will need to be a road traffic order placed to allow the delivery of this link, this will be promoted at the developers expense prior to any occupation of the development within “Area B”.
- 8.31 While the development has been focussed on the “delivery of place over movement” principle in Designing Streets, car ownership and usage requires to be accommodated. This includes provision of sufficient car parking. There is sufficient provision of parking spaces on the basis that a proportion of the parking within the site is not allocated to a particular property. The layout and location of the parking has been the subject of much discussion but it is felt that the proposed arrangements are now satisfactory in terms of planning although minor adjustments may be required through the Road Construction Consent process.
- 8.32 As this is a development which will be built out over a long period, and to facilitate a move toward a low carbon economy, it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. Further to discussions with officers, the developer has agreed to provide electric car charging points within the development. The details of the design and location of these can be secured by condition. Further, a strategy for energy use and sustainability should be considered by the applicant. This can be secured by condition.
- 8.33 A Travel Plan for the entire development will be required. The purpose of this is to ensure that future residents of the development are aware of the opportunities to utilise public transport and active travel thus reducing dependency on the private car.
- 8.34 There are some matters of detailed road construction and design which are outstanding. These matters are however controlled by the Road Construction Consent process. There are no outstanding matters which will require any significant changes to the layout or design of the development. The approval of the layout included in the planning drawings will not prejudice the determination of the Road Construction Consent.

Impact on natural environment

- 8.35 There are a number of protected species whose habitats and foraging areas are present within the application site. The applicant has provided surveys which demonstrate the impact and high level mitigation of the impacts of the

development. The layout of the development has allowed for the retention of wildlife corridors. Scottish Natural Heritage has not objected to the application and is content with the assessments and has not objected to the application. Prior to commencement of development or works on the site, pre-commencement protected species surveys will be required to be undertaken and any mitigation enclosed within those will require to be implemented. There will also be a need for a specific badger protection plan for the construction period of the development.

- 8.36 There are limited trees within the site but trees of significant importance along the boundary with Dores Road. The design of the development has largely protected the trees and has included appropriate set backs. However, there are still some trees to be removed within the site to facilitate the creation of the open space and also to accommodate the housing layout. None of the trees to be removed are covered by a Tree Preservation Order. Given the scale of the new landscaping proposed, the loss of these trees will be adequately compensated. A detailed scheme of landscaping will be required. A tree protection plan will also be required and can be secured by condition.
- 8.37 The site has potential connectivity to the River Moriston Special Area of Conservation (SAC), via the migratory salmon in the River Ness. To protect water quality in the River Ness and to avoid likely significant effects on the River Moriston SAC there will need to be adequate drainage in place through the construction and occupation of the development. This can be secured by conditions related to construction environmental management and surface water drainage.

Landscaping and Open Space

- 8.38 The development contains a significant level of open space provision. It is to be delivered via a combination of formal play area, informal green spaces, formal green spaces, allotments, playing field and semi-natural green spaces. The level and location of the provision is considered appropriate. The detailed design and specification of the open spaces will require to be secured by condition.
- 8.39 The large green spaces in the development (alongside the River Ness, running through the centre of the development and the playing field area) will be designed and delivered by the developer at their own cost, to a specification to be agreed by the Council. Once completed to the satisfaction of the Council, it has been agreed that the Council will then take ownership of these large green spaces at nil cost to the Council, due to the strategic nature of these spaces. The remainder of the open spaces within the development will be owned by the residents of the development.
- 8.40 Outwith the large open spaces detailed above the open spaces will be subject to a factoring agreement between the residents and a factor. This is inline with the approach set out in the Open Space in New Residential Developments: Supplementary Guidance. This factoring arrangement will also be required to take on any other elements of shared infrastructure including any shared private accesses and trees within the road boundary. The factoring arrangements will require to be in line with the Property Factors (Scotland) Act 2011 and can be secured by condition.

Education provision

- 8.41 The development is located within the Holm Primary School Catchment Area and the Inverness Royal Academy Catchment Area. Table A below sets out the likely pupil generation from the proposed development

<i>Table A - Pupils Generated by the Development</i>				
	Pupil Product Ratio	Number of Units	Number of Exempt units (1 bedroom flats)	Total Pupils Generated
Primary (Flats)	0.17	218	20	33.7
Primary (Houses)	0.30	549	0	164.7
Secondary (Flats)	0.07	218	20	13.9
Secondary (Houses)	0.13	549	0	71.4

- 8.42 It is anticipated that the development will generate 198.4 primary school pupils and 85.3 secondary school pupils based on the pupil product ratios set out in the draft Developer Contributions Supplementary Guidance.
- 8.43 Table B below sets out the current capacity of the school estate which will serve the proposed development:

<i>Table B - Current School Capacities</i>					
	Capacity	Current Roll (% of capacity)	Academic Year when school surpasses 100% Capacity (without any further intervention)	Academic year when school roll peaks (without any further intervention)	Number of pupils over capacity at school roll peak (without any further intervention)
Holm Primary School	310	281 (90.6%)	2019/2020	2032/2033 (End of Forecasted)	362

				Period)	
Inverness Royal Academy	1474	1044 (70.8%	2025/2026	2032/2033 (End of Forecasted Period)	233

- 8.44 It has been identified that the school roll at Holm Primary School will continue to be over capacity without any further intervention. On this basis contributions will be sought to facilitate the delivery of a new primary school.
- 8.45 A paper was presented to People Committee on 19 October 2017 setting out the proposed approach to primary education infrastructure to serve this development and the ongoing development at Ness Castle. This will involve the delivery of a new school on a serviced site, secured at nil cost through the Planning Permission at Ness Castle. Subject to statutory consultations and consents the new school is indicatively programmed for opening in August 2020. This new school would provide sufficient capacity for the proposed development and other new development in the area. Consultations are ongoing as to the catchment area for the new school. The results of the consultation will be reported back to People Committee in due course. In the interim Care and Learning has stated that additional temporary class rooms will be provided at Holm to meet the needs of the additional pupils arising out of this development and that at Ness Castle.
- 8.46 Inverness Royal Academy is forecast to be at capacity from 2024 onwards. As this is the case an extension to Inverness Royal Academy will be required to accommodate the later phases of this development. Developer contributions will be sought to deliver enhanced capacity at Inverness Royal Academy to address this.

Wider Access

- 8.47 The site contains a number of core paths, some of which have been stopped up or diverted as part of the process for delivering the Inverness West Link. Additional paths are proposed linking through the development to and from existing paths. The development will require diversion of some core paths, however alternative routes have been provided. Some of the existing core paths will also be improved and be delivered by the developer to an adoptable standard.
- 8.48 The applicant has not submitted a formal Access Management Plan but has submitted details of the proposed path network through their Design and Access Statement. This shows that while the development is removing access rights from a large area due to the development of houses, there is an improvement to the access opportunities through the area by formalising paths in and around the site. The Access Officer has requested that an Access Management Plan is submitted prior to determination. It is considered that for purposes of determination of the planning application, the submitted information is sufficient. Never the less, an Access Management Plan will be required prior to commencement of any development on site. This will cover both the construction and operational phases and require the submission of a scheme for signage for the path network.

- 8.49 There may be a need for formal orders to be promoted by the Council to divert the core paths across the site. To allow for this it is proposed that a suspensive condition is attached to any permission which may be granted. This would allow for a discussion to be held between the relevant parties as to which of the new routes through the site would be promoted as the formal alternative to the core path both temporary and permanent.

Impact on water environment, flooding and drainage

- 8.50 The site sits adjacent to the River Ness. Worst case scenario events have been modelled for 1 in 30 year flood events and 1 in 200 year flood events, both of these scenarios have added in a risk factor for climate change. The modelling shows that the development will be outwith flood risk areas. The Flood Risk Assessment has recommended a minimum floor level above ordnance datum in the area between the Inverness West Link and the River Ness. Subject to conditions securing the finished floor levels the Council's Flood Team are content with the Flood Risk Assessment.
- 8.52 The application was also supported by a drainage impact assessment. This set out the drainage strategy for the site and provided a solution to surface water management. The original proposal was to utilise bio-retention basins, however due to a number of issues including maintenance and capacity of the system, this scheme could not be supported by the Council. The alternative approach has been to utilise swales, detention basins and filter trenches to manage the surface water. The system is supported by consultees and subject to detailed designs being submitted and agreed, the drainage solution is considered to be appropriate. These matters can be secured by condition with some elements also being considered via the Road Construction Consent Process.

Impact on historic environment

- 8.53 The site is not within any sites designated for historic or cultural significance. Historic Environment Scotland has commented on the application and does not consider it has any impact on Scheduled Monuments or any other national designation.
- 8.54 The site is known to contain archaeological features following the site investigations for the Inverness West Link. The Historic Environment Team has recommended that an archaeological watching brief is undertaken. The specification for this will be provided to the applicant and the brief can be secured by condition.

Construction and Infrastructure

- 8.55 Given the scale of the project and the environmental sensitivities around the site, a Construction Environmental Management Document approach will be required. This is in part to ensure that potential sources of pollution (including fuel spills and surface water run-off) on site can be effectively managed throughout construction, this will also deal with matters such as construction noise, dust and protected species. The CEMD needs to be secured by planning condition. This will ensure the agreement of construction methodologies with statutory agencies following

appointment of the contractors for the site and prior to the start of development or works. Further a construction traffic management plan will be required.

- 8.56 The northern end of the site contains a former use as a timber mill. This had led to a level of contamination. The initial investigations into this matter have been undertaken to a point where the Council's Contaminated Land Team are content with the scheme to deal with the contamination on site and this can be dealt with by condition.
- 8.57 As part of the former use of the site, there remains a derelict building in a poor state of repair. In the interests of visual amenity, it is desirable that this building is demolished in a responsible manner as soon as practicably possible. While not development, a condition requiring its demolition will be placed on any permission granted. This will require demolition of the building within 6 months of the grant of planning permission. For the avoidance of doubt the demolition of the building would not constitute a meaningful start to the development.

Phasing

- 8.58 On a development of this scale it is important that the Planning Authority retain effective control over the phasing of development. For this site, it is considered that this is best achieved via a combination of conditions and phasing plans. The delivery of onsite infrastructure is critical to delivery, particular the internal distributor road (to facilitate movement and provision of public transport) and green space.
- 8.59 There are three elements where the phasing requires to be controlled by condition:
- Construction Phasing;
 - Timeous delivery of green spaces; and
 - Timeous delivery of road infrastructure.
- 8.60 These can all be secured by condition and will limit the occupation of phases or sub-phases of the development until the infrastructure is provided to the satisfaction of the Planning Authority.

Other material considerations

- 8.61 Scottish Environmental Protection Agency's operations team had raised objection due to the impact on the access to their monitoring station. Having considered this and reviewed it on site, it is considered that while there may be a level of disruption during the construction period, overall there will be an improvement to the access to the monitoring station. A condition can be attached to any consent which may be granted to ensure the access is maintained during the construction.
- 8.62 Following a request by Environmental Health, the applicant has undertaken a noise assessment for the flatted block to the rear of the petrol filling station. This demonstrated that there may be an impact but mitigation could be put in place. Environmental Health felt that further detail was needed on the mitigation proposed. As this is the case, a condition is proposed to secure a scheme of noise mitigation for the flats to the rear of the petrol filling station.

- 8.63 Waste management is something that requires to be considered in the layout of a development from the outset. Due to the type of layout, the majority of the site can be accessed via a series of loops. There are some areas where there will require to be manoeuvring of the vehicle using the forward and reverse gears. Information has been demonstrated that this is feasible. An overall waste management strategy for the site will nevertheless be required.
- 8.64 To ensure there is access during emergencies to the whole development, details of the proposed emergency access arrangements require to be submitted. The location of these has been agreed in principle by officers.
- 8.65 There are no other material planning considerations.

Non-material considerations

- 8.66 None.

Matters to be secured by Legal Agreement

- 8.67 The development is within an area covered by the Torvean and Ness-side Development Brief. This set out the likely requirements for developer contributions arising from development on this site and the methodology for securing such contributions. This has been the basis of the negotiation on Developer Contributions with the applicants. With that said, given the need to deliver Ness Castle Primary School, contributions have been negotiated to the new school build rates as contained within the draft Developer Contributions Supplementary Guidance. The following matters will be secured via a legal agreement:
- Contributions toward provision of the Inverness West Link;
 - Contributions toward the enhancement of primary education provision (Ness Castle Primary School);
 - Contributions toward the enhancement of secondary education provision (Inverness Royal Academy);
 - Contributions toward subsidised public transport;
 - Contribution toward the enhancement of sporting provision in the area;
 - Delivery on site of affordable housing. 25% of total number of units to THC Standards inclusive of a delivery phasing plan and mix to be agreed with the Council.
 - Land transfer at nil cost of the completed strategic open spaces within the site.
- 8.68 The developer will be required, via planning conditions, to deliver direct provision of:
- A playing field;
 - Delivery of strategic open spaces within the site;
 - Path network;
 - 4 Controlled crossings of the public road network;
 - 8 Bus stops; and
 - Public art.

- 8.69 Where the developer is being required to provide infrastructure that was to be a shared cost across the entire development site, their overall contribution has been reduced proportionately on the basis that the monies will be secured via the other developments likely to come forward in the area. This ensures that all development in the area make contributions on an equitable basis.
- 8.70 The applicant has agreed to make contributions to some of the items set out above as upfront payments. This is of benefit to the Council as it ensures that a proportion of the finances are available at the outset to facilitate the delivery of infrastructure such as the new primary school at Ness Castle. The overall package of developer contributions has a value of over £7.3 million. This excludes the value of any land to be transferred to the Council at nil cost. In addition, any upfront payments will be deducted from the overall total requirement payable on completion of units on the basis of the agreed and approved developer contribution protocol.
- 8.71 The applicant has 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 shall be refused under delegated powers.

9. CONCLUSION

- 9.1 These applications bring forward development on a site first allocated for housing in the late 1980's. The applicant has taken an approach which has brought together three separate landholdings in a masterplanned way. While disappointing that not all landowners have been involved in this exercise, through discussion and negotiation with the applicant for these applications Officers have ensured that there will not be an adverse impact on the delivery of the remainder of the site within the Torvean and Ness-side Development Brief. The site will facilitate the delivery of affordable housing to a mix of types and tenures to meet current housing needs and demands.
- 9.2 The layout and design of the development is considered, for the most part, to accord with good practice and reflects the principles contained within the Torvean and Ness-side Development Brief and Designing Streets. Subject to matters of detail being addressed via planning conditions, following the improvements secured by Officers, the development layout, design and density is considered appropriate.
- 9.3 The capacity of the infrastructure in the surrounding area has been a key consideration in the determination of the application. The allocation had previously not been brought forward due to the capacity of the local road network. The opening of Stage 1 of the Inverness West Link removes a significant constraint to the development of this part of the city. The matters related to education capacity are being managed by the Council in relation to the provision of a new school at Ness Castle. This development will make a contribution to the cost of delivery of that facility. All other infrastructure capacity matters have been addressed by condition or legal agreement.

- 9.4 By taking a masterplanned approach to the development, both by the Council and by the applicants, all three applications have been brought forward in a manner which will facilitate a consistent approach to delivery. However, they are three separate planning permissions each requiring conclusion of separate legal agreements. It is intended that the issue of three decisions will be dependent on each of the legal agreements being signed and registered thereby ensuring that the permissions are only issued at the same time and so avoid any potential piecemeal development of the site. It may however be that one of the application sites is brought forward for delivery before the others. Through the application of conditions, continued monitoring, and a consistent approach being taken by officers this will maintain and facilitate consistency in delivery.
- 9.5 A single suite of conditions has been brought forward in the interests of consistency. Minor modifications will be required to some conditions to ensure it reflects and relates to each application. For example only Area B (17/02008/FUL) will have the condition related to the demolition of the former pre-cast building attached to it. There will be three separate legal agreements. Officers have negotiated the legal agreements on the basis of the requirements being consistent across all applications.
- 9.6 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

- 11.1 Conclusion of Legal Agreement Y
- 11.2 **Subject to the above**, and conclusion of legal agreements in line with the matters set out in paragraphs 8.67-8.71, it is recommended that planning permission be **Granted** for Applications 17/02007/FUL, 17/02008/FUL and 17/02009/FUL, subject to the following conditions and reasons.

For the avoidance of doubt a single set of conditions is set out below, some of these will not be applicable to every application covered by this report. Delegated

Authority is sought to finalise the below set of conditions as they relate to each individual application.

Phasing

1. The planning permission is for a total of 446/216/105 residential units and associated infrastructure.

No development or works shall commence on any phase or sub-phase until a Phasing Plan has been submitted to and agreed in writing by the Planning Authority. This shall detail each phase of the development, and any sub-phase and shall show the plot numbers and detail the mix and type of houses in line with the approved site layouts.

Thereafter, the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority.

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

2. No house or flat other than those delivered by registered social landlord within Phases A3, A4, B2 (west of the distributor road), B3 (west of the distributor road), C2 or C3 shall be occupied until the distributor road between Ness-side Roundabout and Mill Lade Roundabout has been completed to the satisfaction of the Planning Authority and the road is open to traffic.

Reason: To ensure that the necessary elements of road infrastructure to support the development are provided at the appropriate stage.

3. No development shall commence until a phasing plan for the delivery of green infrastructure on the site has been submitted and approved by the Planning Authority. This plan shall show:

- Completion of the “Riverside Park” to the satisfaction of the Planning Authority before the occupation of any house in Phase A5;
- Completion of the “Central Green Space” to the satisfaction of the Planning Authority before the occupation of any of the following units:
 - Phase A1 - Plots 101-104; 110; 117-121; 124-127; 146-149
 - Phase A6 - Plots 638-643.
- Completion of the playing field area to the satisfaction of the planning Authority before occupation of any of the following units:
 - Phase B4 - Plots 338-339; 401-402; 407-415; 422-445.

Reason: To ensure that the necessary elements of strategic open space provision to serve the development and the wider area are provided at the appropriate stage.

4. Unless otherwise agreed in writing by the Planning Authority, no development shall commence on phase A5 until a scheme for access via the land to the south has been submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented and the access as shown on the approved plans shall not be constructed.

Reason: to ensure the proper masterplanning of the site can continue and to accord with the provisions of the Torvean and Ness-side Development Brief..

Design and materials

5. No development shall commence on any phase or sub phase until the materials to be used in external finishes (including but not limited to finishes of walls, roofs, rainwater goods, windows and doors) of any and all built structures (inclusive of houses, flats, cycle stores and bin stores), have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the phase or sub-phase is consistent with the overall masterplan for the site.

6. No development shall commence on any phase or sub phase until the exact siting and design of all cycles stores and bin stores (as required by the waste strategy under condition 22) have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the phase or sub-phase is consistent with the overall masterplan for the site.

7. No development shall commence on any phase or sub phase until the material finish of all roads within the development have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the site is maintained in the interests of place making.

8. No development shall commence on any phase or sub phase until the exact siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) has been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the phase or sub-phase is consistent with the overall masterplan for the site.

9. No development shall commence on any phase or sub phase until a scheme detailing the boundary treatments of each residential dwelling in so far as it relates to that phase or sub phase has been submitted to and approved in writing by the Authority. Thereafter the approved scheme shall be implemented prior to the occupation of each residential dwelling to which the scheme related. For the avoidance of doubt, no close board timber fences above the height of 1.2m shall be erected on a boundary which faces a street, road or open space.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the phase or sub-phase is consistent with the overall masterplan for the site and the wider area in the interests of place making.

Roads and Access

10. No development shall commence until a scheme showing the location and design of the emergency accesses to serve the development with a timescale for their implementation. Thereafter the approved scheme shall be implemented and maintained for this use for the lifetime of the development.

Reason: To ensure that appropriate access for emergency vehicles is provided.

11. No development shall commence on any phase or sub phase until a plan showing visibility at all junctions within the development and forward visibility within the development has been submitted to and approved in writing by the Planning Authority. Thereafter the visibility splays on the approved drawings shall be maintained free of obstruction.

Reason: In the interests of road safety for motorised and non-motorised users.

12. No development on the following plots may be occupied until any and all roads which provide access to the neighbouring landownership adjacent to that phase has been delivered up to the landownership boundary

- Phase B1 - Plots 101-105; 132-143
- Phase A5 - Plots 501-504

These accesses shall be delivered up to the landownership boundary and be provided ransom free.

Reason: In the interests of provision of infrastructure which promotes the proper planning of the area and in line with the Torvean and Ness-side Development Brief.

13. No development shall commence on any phase or sub phase until the details of cycle parking provision and storage have been provided in line with the standards set out in The Highland Council's Roads and Transportation Guidelines. Thereafter the approved details shall be

implemented.

Reason: To ensure an appropriate level of cycle parking is provided within the development.

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

Thereafter, no development shall be occupied in each phase or sub-phase of the development until a detailed Travel Plan, based on the principles of the outline Travel Plan, have been submitted and agreed in writing by the Planning Authority. The detailed Travel Plan shall include:

- a) Measures for extending and/or increasing the active travel opportunities in the area;
- b) Details for the management, monitoring, review and reporting of these measures;
- c) Details of Residential Travel Packs to be distributed to each residential property upon occupation, thereafter revised and distributed to each residential property every 12 months from the date of commencement of particular phase or sub-phase; and
- d) A system of management, monitoring, review, and reporting.

The Travel Plan shall be implemented as approved from the commencement of development to the date of completion of the development.

Reason: To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

15. No development shall commence until a scheme for the delivery of the following mitigation, in line with timescales for delivery set out in this condition, and detailed design of the mitigation has been submitted to and approved in writing by the Planning Authority: 1

- a) a scheme for the location, design and installation of the provision of eight bus stops to the specifications and standards set out by The Highland Council. Thereafter, the scheme shall be implemented before occupation of any units in Phase A3, A4, C3, B2 and B3;
- b) a scheme for the location, design and installation of the provision of:
 - i. a controlled crossing of the Inverness West Link between the Holm Roundabout and Ness-side Roundabout;
 - ii. a controlled crossing of the Inverness West Link between the Ness-side Roundabout and Mill Lade Roundabout;
 - iii. a controlled crossing of the Inverness West Link adjacent to the Holm Roundabout;
 - iv. a controlled crossing of Dores Road south of the Holm Roundabout.

The scheme shall be to the specifications and standards set out by The Highland Council and be implemented prior to the occupation of

- any residential dwelling within the development;
- c) A scheme of traffic calming on Dores Road between the access to the development and the access to the electricity substation. Prior to the submission of the proposed scheme Holm Community Council and Lochardil and Drummond Community Council shall have a minimum of 14 days to provide comment on the proposed scheme. The developer will be required to submit a report outlining any comments received by the Community Councils and how they have been taken into consideration in the formulation of the submitted scheme. Thereafter, the approved scheme shall be implemented prior to the occupation of any residential dwelling within Phase B1;
- d) a scheme for the design and implementation of safe routes to school, including statutory 20mph zones within residential areas, to Holm Primary School, the proposed Ness Castle Primary School and the Inverness Royal Academy. The agreed scheme shall be implemented in line with the timescales set out in the approved scheme;
- e) a scheme for the provision of the bus link, inclusive of any enforcement mechanism and promotion of relevant orders. The promotion of orders shall be undertaken prior to any development within Phase B1. The approved scheme shall be implemented prior to occupation of any residential dwelling in Phase B2;
- f) a scheme for the provision of a footpath to a specification agreed with the Roads Authority between the pedestrian site access to the site access on Dores Road and the bus stop on Dores Road. The agreed scheme shall be implemented prior to the occupation of any residential dwelling in Phase B1.
- g) A scheme for the provision of an extended footpath within the public road boundary to a specification agreed with the Roads Authority between the Holm Roundabout and the Petrol Filling Station. The agreed scheme shall be implemented prior to occupation of any residential development in Phase A1.

Reason: To ensure that the consequences for the local road network from traffic resulting from the proposed development are addressed at the relevant time.

16. No development shall commence on site until a Construction Traffic Management Framework (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Construction 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, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

17. No part of the development shall be occupied until Traffic Regulation Order(s), limiting the speed of traffic on all roads, with the exception of the internal distributor road, to no more than 20mph, have been submitted to

and approved in writing by the Roads Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall be at the expense of the developer.

Reason: In the interests of safety of all road users in the residential development.

18. No development shall commence until an access management plan (including details and of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority. This shall include specification of paths in line with The Highland Council's Roads and Transportation Guidelines. The plan shall show:-

- i. All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- iii. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks;
- iv. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- v. Links to the Highland Council's core paths.

The Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

If any Order(s) is required to divert core paths, the provision of any alternative routes and provision shall require the formal agreement of the Planning Authority. For the avoidance of doubt any Order(s) and any required signage shall be at the expense of the developer.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

19. No development shall commence until a route for the provision of an off-road alignment of National Cycle Network route 78 has been provided through the site in accordance with the alignment set out in the Torvean and Ness-side Development Brief. This shall link with future phases of development and all other adjoining sites and shall be taken to the edge of the application site with no impediments.

Reason: To ensure that the off road alignment of NCN 78 can be secured and the route can be provided without impediment.

20. No development shall commence on any phase or sub phase until a scheme has been submitted detailing the provision of electric car charging points within the development serving the associated phase or sub-phase. This shall include the location and design of each charging point and a timescale for implementation. The approved scheme shall be implemented in line with the approved timescales.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

Servicing

21. No development shall commence until an Energy Strategy has been submitted demonstrating how the development will utilise sustainable technologies.

Reason: To facilitate the move toward reduced energy consumption and use of sustainable energy sources, in line with the Sustainable Design Guidance: Supplementary Guidance.

22. No development shall commence until a Waste Management Strategy has been submitted to and approved in writing by the Planning Authority. This shall detail an approach to sustainable waste management in the operation of all aspects of development; identify bin collection points and bin stores; identify routes for waste collection vehicles and any required infrastructure in each phase or sub-phase. Thereafter the strategy shall be implemented in line with the timescales contained therein.

Reason: In the interests of amenity, to manage waste and prevent pollution.

23. For the avoidance of doubt all residential dwellings shall be connected to the public water and waste water network.

Reason: In order to ensure that water and sewerage infrastructure is delivered in line with the provisions of the Highland-wide Local Development Plan.

24. Before the first occupation of each Phase, or sub-Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, landscaping within the adopted carriageway, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase or sub-Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development' and the provisions of the Property Factors (Scotland) Act 2011, shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are maintained in accordance with the Council's standards.

Construction

25. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority. The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:
- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
 - ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
 - iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Pre-commencement habitat and species surveys;
 - b. Habitat and Species Protection;
 - c. Pollution Prevention and Control;
 - d. Dust Management;
 - e. Construction Noise Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;
 - f. Construction Vibration Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;
 - g. Site Waste Management;
 - h. Surface and Ground Water Management;
 - i. Drainage and sediment management measures from all construction areas; and
 - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.

- i. Public Water Supply Protection Measures;
 - j. Emergency Response Plans; and
 - k. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for:
- a. Any other specific issue identified within the Schedule of Mitigation and/or conditions attached to this permission;
- v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment and to protect the qualifying interests of the River Moriston Special Area of Conservation.

26. Within 1 month of the issue of this planning permission a scheme shall be submitted detailing the timescale for the demolition and clearance of the former Pre-Cast Yard, including any and all buildings. The timescale set out within the scheme shall not exceed 6 months from the date of issue of this planning permission. For the avoidance of doubt any works undertaken under the approved scheme would not be considered a meaningful start to the development.

Reason: In the interests of visual amenity.

27. At all times during construction the access to the SEPA Monitoring Station on the River Ness shall remain free from obstruction.

Reason : in the interests of amenity and ensuring protection of the water environment.

Landscaping, Trees and Open Space

28. No development or works shall commence until details of a scheme of hard and soft landscaping works, inclusive of the riverside park, central open space, allotments and playing fields, has 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 proposed walls, fences, gates, seating and other landscaping features, within each open space including 1:20 scale plans showing the detail of the feature;
 - iv. The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
 - v. The detailed layout of the proposed allotments in full accordance with the standards set out in the Open Space in New Residential Developments: Supplementary Guidance or any other guidance prevailing at the time;
 - vi. The location and layout of the playing field(s), in full accordance with recognised good practice. This detail shall include drainage arrangements and grass types used in plan and written form.
 - vii. 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
 - viii. 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 and in accordance with the green infrastructure phasing plan approved under condition 3 of this permission.

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

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

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

- i. Ensuring that the Landscape Plan approved under condition 28 of this permission is implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

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

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

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

31. No development, site excavation or groundwork shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

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

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

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

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

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

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

- i. Ensuring that the Approved Arboricultural Method Statement and Approved Tree Protection Plans (950 NS TPP 01) are implemented to the agreed standard. Stages requiring supervision are to be implemented as per the Approved AMS for the written agreement of the planning authority
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

Reason: To ensure the protection of retained trees and delivery of appropriate tree planting and management throughout the construction

period.

Protected Species and Natural Heritage

35. No development or works shall commence until a Badger Protection Plan has been produced in line with Scottish Natural Heritage guidance and submitted for the written approval of the planning authority. Thereafter the approved details, including any identified mitigation, shall be implemented.

Reason: To protect the natural heritage of the area.

36. No development shall commence until a pre-commencement protected survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an area of 100m in all directions from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To protect the natural heritage of the area.

Built Heritage

37. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

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

Contamination

38. No development or works shall commence on any part of Area B 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), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
- 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. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
- v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is 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.

Water Environment, Flood Risk and Drainage

39. No development shall commence until full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (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) has been submitted to and approved in writing by the Planning Authority. This shall include full modelling of the drainage networks and demonstrate that discharge will be limited to pre-development rates for a range of return period storms.

Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the final occupation of the relevant phase or sub-phase.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment, avoid adverse impacts on the River Moriston Special Area of Conservation and prevent pollution.

40. The finished floor level of all residential units within Phase A5 shall be at a minimum of 11.95m above ordnance datum with a minimum free board of 600mm.

Reason: In the interests of minimising flood risk

41. There shall be no land raising within the area identified as the functional floodplain (1 in 200 year plus climate change) as defined in the Flood Risk Assessment which was submitted in support of the application.

Reason: To ensure that there is no loss of capacity of the functional floodplain.

42. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved under Condition 39 above.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

Noise

43. No development shall commence on Phase A1 or A6 until a scheme for minimising noise disturbance arising from the adjacent Petrol Filling Station has been submitted to and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented prior to occupation of any residential dwelling within the above phases.

Reason: To ensure that noise arising from the adjacent uses does not have an adverse impact on the future residents of the development.

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.

IMPORTANT INFORMATIVES

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.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Local Roads Authority Consent

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

The granting of planning permission does not prejudice the consideration of

detailed matters subject to Road Construction Consent.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

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

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Major Development Site Notice

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

Protected Species - Halting of Work

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

Protected Species - Contractors' Guidance

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

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.

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886608.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Factoring of the Development

Shared elements of the development are to be factored. The applicant is advised that it is their responsibility to ensure compliance with the provisions of the Property Factors (Scotland) Act 2011.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be

posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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

Signature: Nicola Drummond

Designation: Area Planning Manager – South/Major Developments

Author: Simon Hindson

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

Relevant Plans: Plan 1 - Overall Master Plan

Plan 2 - Landscape Masterplan

Plan 3 - Site Layout Area A

Plan 4 - Site Layout Area B

Plan 5 - Site Layout Area C

Further relevant plans including all building elevations are available to view on the case file.

Appendix – Letters of Representation

17/02007/FUL

Name	Address	Date Received	For/Against/Neutral
Mrs Katherine Mackenzie-Geegan	2 Drumblair Crescent, Inverness, IV2 4RG,	09/06/17	Against
SEPA (Operations Team)	Graesser House, Fodderty Way, Dingwall Business Park, Dingwall, IV15 9XB,	05/06/17	Against
Lindsey Wyness,	9 Drumfield Road, Inverness, IV2 4XH, ,	12/06/17	Against
Lochardil & Drummond Community Council Per: Dr Maria De La Torre,	Boyndie, Dores Road, Inverness	23/10/17	Neutral

17/02008/FUL

Name	Address	Date Received	For/Against/Neutral
I and G MacDonald	I & G MacDonald, 8 Holm Mills Road, Inverness, IV2 4RA, ,	07/06/17	Against
Lindsey Wyness,	9 Drumfield Road, Inverness, IV2 4XH, ,	12/06/17	Against
Murdo & Shina Grant	Beananach, Dores Road, Inverness, IV2 4XE,	02/06/17	Neutral
Lochardil & Drummond Community Council Per: Dr Maria De La Torre,	Boyndie, Dores Road, Inverness	23/10/17	Neutral

17/02009/FUL

Name	Address	Date Received	For/Against/Neutral
Lindsey Wyness,	9 Drumfield Road, Inverness, IV2 4XH, ,	12/06/17	Against
Lochardil & Drummond Community Council Per: Dr Maria De La Torre,	Boyndie, Dores Road, Inverness	23/10/17	Neutral

Appendix 2 - Extract from the Torvean and Ness-side Development Brief

The TNDB is available to view in full online at www.highland.gov.uk/tndb

