

Agenda Item	5.9
Report No	PLS/034/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 24 April 2018
Report Title: 12/01832/S42: Robertson Homes Limited
Land at Craig Dunain Hospital, Westercraigs, Inverness
Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Application for non-compliance with Conditions 1, 6 and 14 of planning permission 03/00676/OUTIN for residential development and associated infrastructure based upon submitted Master Plan (as amended) (550 houses).

Ward: 13 - Inverness West

Development category: Major

Reason referred to Committee: Major

All relevant matters have been taken into account when appraising this application. It is considered that the continued failure to register a legal agreement securing developer contributions etc. means the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Refuse** planning permission as set out in section 5 of the report.

1. BACKGROUND

- 1.1 This application, under s42 of the Town and Country Planning (Scotland) Act 1997 (the S42 Application”) was initially reported to the South Planning Applications Committee at its meeting on 01 March 2016. Consideration of the S42 application was deferred for a site visit. The S42 application was subsequently presented to Committee, following a site visit, on 12 April 2016. The Report is contained within Appendix 1.
- 1.2 Committee determined that planning permission should be granted subject to conditions and the prior conclusion of a legal agreement. The minute of the meeting is contained within Appendix 2.
- 1.3 Instructions were given to Legal Services in April 2016 to prepare the draft S75, the signatories being the Council and Robertson Homes Ltd (RHL) with the consent of Scottish Ministers (acting on behalf of the NHS). A final version was produced in May 2017. All parties have now agreed to this.
- 1.4 The issue at present is that the ability of Robertson Homes Ltd to take ownership of sites is bound by what is known as a Development Agreement between themselves and the NHS. A consequence of the S42 application being minded to grant is that the NHS has had an opportunity to review the original agreement. This has resulted in a requirement for the parties to enter into what is known as a Surplus Sales Agreement.
- 1.5 While the terms of the S75 have been agreed, it is understood that RHL is not in a position to have the legal agreement between the parties registered with the Keeper until the Surplus Sales Agreement has been concluded. The Council has been pressuring RHL to complete this process for some months now (since November 2017). A number of deadlines have passed, with the most recent being the end of March 2018.

2. PLANNING APPRAISAL

- 2.1 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

- 2.2 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

- 2.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) any other material considerations.

Development plan/other planning policy

- 2.4 The development plan is clear that the development should proceed in accordance with the original planning permission (03/00676/OUTIN), related permissions, and legal agreement to control the rate of development permitted before completion of the Southern Distributor Road river and canal crossing (now referred to as Inverness West Link), re-development of the listed building and junction improvements amongst other matters.
- 2.5 With the implementation of Phase 1 of the West Link now complete and the required junction improvements in place many of the original requirements of the development have been addressed. However, developer contributions towards the West Link for part of the site remain outstanding. In addition, there is no fixed timescale for completion of the redevelopment of the listed building.
- 2.6 The S42 application provided an opportunity for Robertson Homes Ltd to achieve phased payment of the developer contributions in return for a more controlled phasing of the works to the listed building, which had stalled principally due to extensive fire damage in 2007. The application would also regularise changes made to the phasing of the development that were made as a consequence of this.
- 2.7 Without conclusion of the S75 and therefore the grant of the most recent planning permission, the development would not proceed in accordance with the original permission in respect of the payment of contributions to the West Link or the development phasing; including the timely conversion of the listed building.

Other material considerations

- 2.8 Should the S42 application be refused, the development can still be implemented under the original permission; albeit that the current phasing programme for the development is out of sync with the original masterplan.
- 2.9 The developer contributions that have been agreed towards the West Link under the original agreement would still be payable but as a single one-off payment. Dependent upon the outcome of this report, such demand for payment would be made immediately following this meeting.
- 2.10 If the S42 application is refused, there will still be a need to regulate the phasing of the development. A further application would be required to achieve this. In light of new policy on developer contributions however, it is likely that such an application would only be agreed to in accordance with current policy.

3. CONCLUSION

- 3.1 The S42 application was submitted principally to address the difficulties that the development has encountered from around 2007 as a result of a depressed housing market and a significant fire within the former Craig Dunain hospital. The consequence of this is that development priorities changed.

- 3.2 While the broad principles of the development as originally intended are being implemented, the timing/phasing of some elements are not in step with the original masterplan. Without conclusion of the legal agreement and therefore release of the planning permission the development is not progressing as originally intended and therefore not in accordance with development plan policy. Failure to conclude at this time would likely require any future application to be considered in light of the most recent developer contributions policy and protocols.
- 3.3 It is unfortunate that the legal agreement has not yet been completed, despite many requests for the applicant to conclude matters. Members will be aware that whilst the target is for the legal agreements to be concluded within four months from a minded to grant decision, there are often perfectly understandable delays. However, this matter has now been ongoing for a significant amount of time and there are growing pressures on all types of infrastructure on the west side of the city as well as a changing policy context in respect of developer contributions. The applicant has been aware that the deadline of March 2018 was in place and it is unfortunate that no conclusion has been reached.
- 3.4 All relevant matters have been taken into account when appraising this application. It is considered that the continued failure to register a legal agreement securing developer contributions etc. means the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

4. IMPLICATIONS

- 4.1 Resource: Not applicable
- 4.2 Legal: Not applicable
- 4.3 Community (Equality, Poverty and Rural): Not applicable
- 4.4 Climate Change/Carbon Clever: Not applicable
- 4.5 Risk: Not applicable
- 4.6 Gaelic: Not applicable

5. RECOMMENDATION

Action required before decision issued N

It is recommended that planning permission be **Refused** for the following reasons:

1. Failure to conclude a legal agreement to provide for the necessary development infrastructure contributions and control over the phasing of development, particularly in respect of the timely redevelopment of the former Craig Dunain hospital listed building, fails to comply with the IN20 land allocation identified in the Inner Moray Firth Local Development Plan.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the continued failure to register a legal agreement securing developer contributions etc. means the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: David Mudie
Background Papers: Documents referred to in report.
Relevant Plans:

APPENDIX 1

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
12 April 2016

Agenda Item	
Report No	PLS 016/16

12/01832/S42: Robertson Homes Ltd
Land at Craig Dunain Hospital, Westercraigs, Inverness

Report by Head of Planning and Building Standards

SUMMARY

Description: Application for non-compliance with Conditions 1, 6 and 14 of planning permission 03/00676/OUTIN for residential development and associated infrastructure based upon submitted Master Plan (as amended) (550 houses).

Recommendation: **GRANT** planning permission

Ward: 14 – Inverness West

Development category: Major Application

Pre-determination hearing: None

Reason referred to Committee: Major Application

1.0 PROPOSED DEVELOPMENT

1.1 This application relates to the applicant's desire to amend the terms of Conditions 1, 6 and 14 of planning permission 03/00676/OUTIN granted on 13 May 2005.

1.2 Condition 1 of the planning permission states:

The amended Master Plan is hereby approved in the context of outline permission 03/00676/OUTIN. For the avoidance of doubt, outline permission is hereby granted for a maximum number of 550 residential units of which only 420 can be constructed and occupied prior to construction of Phase 5 of the Inverness Southern Distributor Road to provide a further road crossing of the Caledonian Canal and the River Ness.

No development shall commence on site until a further application, or applications, is made to the Planning Authority for the approval of reserved matters and other details, before 13 May 2012. Reserved matters and other details referred to shall consist of the siting, design and external appearance of all buildings, the means of access thereto and proposals for landscaping including the design and

appearance of boundary enclosure, car parking, all surface water infrastructure (SUDS), water supply and any required augmentation, foul drainage, open space amenity and recreation areas, footpaths, cycle ways, signalised crossings, bus routes, and street lighting provision.

Reason: *In order to ensure that the overall layout and design is satisfactory for the site.*

1.3 Condition 6 of the planning permission states:

The new estate road shall be upgraded to a 6 metre wide "local distributor" class road. Phase 1 of the new estate road/distributor road shall be completed within six months of the commencement of any development on the site. Prior to the commencement of the construction of Phase 2, a design and construction method statement detailing the works necessary to widen the estate road and to minimise the loss of trees and the degree of excavation into the Torvean SSSI landform shall be submitted to and agreed in writing by the Planning Authority in consultation with SNH. Phase 2 of the estate road/distributor road shall be completed in its entirety no later than the occupancy of 65 houses on any of the proposed housing sites.

Reason: *In order to increase the capacity of the existing road network in the interest of road safety, and in order that the Planning Authority can properly consider the impacts upon the Torvean SSSI landform.*

1.4 Condition 14 of the planning permission states:

Prior to the completion of Sites 1 and 2, a fully detailed application for listed building consent for all alterations to and renovations of the main Craig Dunain listed building that are required for its conversion to residential use shall be submitted for the approval of the Planning Authority. Once approved, a minimum of 32 residential units within the main Craig Dunain listed building shall be completed ready for occupation prior to the occupation of the 100th house on Site 4.

Reason: *To ensure commitment to the refurbishment/re-use of the listed building for residential purposes.*

1.5 In essence the applicant is looking to preserve the current planning permission but extend the time period on which matters specified in conditions require to be submitted (Condition 1), extend the time period for the upgrading of the 'estate road' (Condition 6), and to provide a more realistic timescales for works to the listed building (Condition 14).

2.0 PLANNING HISTORY

2.1 **09.08.2005** - Planning Permission in Principle for residential development and associated infrastructure based upon submitted Master Plan (as amended) (550 houses) granted (03/00676/OUTIN). A copy of this decision is contained within **Appendix 2**.

2.2 **04.05.2006** - Matters Specified in Conditions application for 107 houses (Site 2A and Site 2B) approved (05/00645/REMIN).

- 2.3 **09.06.2006** - Matters Specified in Conditions application for redevelopment of listed building to form 118 flats approved (05/00879/REMIN).
- 2.4 **09.06.2006** - Listed Building Consent for redevelopment of listed building to form 118 flats granted (05/00891/LBCIN).
- 2.5 **06.05.2008** - Planning permission and listed building consent for refurbishment of former hospital to form 32 apartments (Phase 1) granted (07/01169/FULIN & 07/01172/LBCIN).
- 2.6 **05.08.2008** – Planning permission for 181 houses (Site 4) granted (07/01060/FULIN).
- 2.7 **22.07.2009** - Application for non-compliance with Condition 14 of 03/00676/OUTIN granted (08/00657/FULIN).
- 2.8 **22.01.2009** - Planning permission and listed building consent for refurbishment of former hospital to form 54 apartments (Phase 2) granted (08/00670/FULIN & 08/00671/LBCIN).
- 2.9 **28.06.2013** - Planning permission for 94 semi-detached, terraced & flatted dwellings (Site 2B) granted (13/01297/FUL).

3.0 PUBLIC PARTICIPATION

3.1 Advertised: 25 May 2012

Representation deadline: 08 June 2012

Timeous representations: 10

Late representations: 0

3.2 Material issues raised can be summarised as:

- The development is having adverse impact on existing road infrastructure - particularly along Leachkin Road and at Millerton Junction
- West drive (estate road) is in poor state and needs urgent upgrading
- Need to be held to original commitments regarding the listed building
- Site in poor condition and having adverse effect on amenity
- Ongoing issues with drainage
- Economic downturn not sufficient justification to delay improvements

3.3 Non-material issues raised can be summarised as:

- Matters arising in respect of the conduct of the applicant

3.4 A list of those making representation is contained within **Appendix 1**. Responses in full can be found on the Council's planning portal at www.highland.gov.uk/wam.

4.0 CONSULTATIONS

- 4.1 Transport Planning Team has identified that there is no information on which to judge the likely impact on the local roads network as a result of the re-routing of construction traffic via Leachkin Road while the estate road is being upgraded.

5.0 DEVELOPMENT PLAN POLICY

- 5.1 The development plan comprises of the Highland Wide Local Development Plan (2012), the Inner Moray Firth Local Plan (2015) and Statutory Supplementary Guidance.

- 5.2 The following policies are relevant to the assessment of the application:

Highland Wide Local Development Plan 2012

- 5.3 Policy 28 Sustainable Design
Policy 29 Design Quality and Place Making
Policy 56 Travel
Policy 57 Natural, Built and Cultural Heritage

Inner Moray Firth Local Development Plan 2015

- 5.4 The site is identified for development in accordance planning permission 03/00676/OUTIN, related permissions, and legal agreement to control the rate of development permitted before completion of the Southern Distributor Road river and canal crossing (now referred to as Inverness West Link), re-development of the listed building and junction improvements amongst other matters.

Statutory Supplementary Guidance

- 5.5 Flood Risk and Drainage Impact Assessment
Open Space
Highland Historic Environment Strategy

6.0 OTHER MATERIAL POLICY CONSIDERATIONS

Scottish Government Planning Policy and Guidance

- 6.1 Scottish Planning Policy (2014) requires planning authorities to support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. Amongst other things it requires authorities, when making policies and decisions, to take into account net economic benefit, make efficient use of land, buildings and infrastructure and support housing delivery while protecting, enhancing and promoting access to cultural heritage, including the historic environment, and natural heritage.

7.0 PLANNING APPRAISAL

7.1 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. The Development Plan in this case comprises the Highland wide Local Development Plan (approved April 2012).

Determining Issues

7.2 The determining issues are:

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

Planning Considerations

7.3 The principle of the development has been established. This application principally seeks to amend the timing of certain aspects of the development. In order to address the determining issues therefore, Committee must consider the extent to which the proposed amendments would enable the development to continue to comply with development plan policy having taken into consideration any other material considerations.

7.4 It is worth highlighting that an application submitted under S42 of the Planning Act provides a planning authority with an opportunity, in considering the application, to amend any, or all, of the conditions on a planning permission that it considers necessary to regulate the development proposed.

Development Plan

7.5 The principle of the development is now clearly established and should not be open to re-examination. While Development Plan Policy has changed since the time of the Committee's decision to grant planning permission back in 2003, the permission issued in 2005 has continued to be considered as committed development and included in successive development plans.

7.6 To comply with the Development Plan the development must continue to secure the re-development of the listed building, provide the required infrastructure and junction improvements originally envisaged at the same time as ensuring that the rate of development is controlled to keep pace with the completion of the Inverness West Link river and canal crossing.

7.7 These matters can best be assessed by taking closer consideration of each condition in turn.

Condition 1

7.8 In the submission, as originally proposed, the applicant had requested that the timescale for approval of reserved matters - now known as matters specified in

conditions - should be increased to 13 May 2019. A subsequent request was made to amend this to 13 May 2022.

- 7.9 The timescale referred to in the second part of this condition is no longer necessary since development has commenced. The timing of future matters specified in conditions applications can be controlled through a Direction attached to any grant of permission to which this application relates. This is current practice. However, the first part of the condition is still necessary to regulate the timing of the development with progress on the construction of the West Link. In addition, the requirement to submit details for each site is also required. It is considered necessary to split this condition in two, with one condition to regulate an appropriate build out that is in step with progress on West Link and the other to control the detail required to be submitted within future matters specified in condition applications.
- 7.10 With regard to the build out rates, the current prediction, based on a revised programme for housing delivery on the site, is that the applicant could reach completion of 425 units by the end of 2018. Stage 1 of West Link is anticipated to be in operation by the end of 2017. The timescale for completion of the crossing over the canal (Stage 2) however is less certain. Current assumptions are that completion would be sometime in 2020, although this is subject to further decisions on funding and also dependent upon the relocation of the Torvean Golf Course.
- 7.11 The revised Transportation Statement submitted in support of the application reconfirms the applicant's position that the development at Westercraigs is not dependent upon the completion of the West Link. Improvements required to the junctions to mitigate the impact of the development have been completed and are working effectively. However, it was always anticipated that the phasing of the development would be linked to completion of the route, in recognition that it would be of considerable benefit to the development overall. This is recognised within the Transport Statement. In the circumstances, it seems reasonable to continue to stipulate a threshold of units that can be completed until completion of the West Link, or at least Stage 1. It is suggested that this be set at 425 units for the reasons set out below.

Condition 6

- 7.12 Phase 1 of the 'estate road' is complete. The focus of the request is with regard to Phase 2, the upgrading of which should have taken place prior to the occupation of the 65th house. Excluding the housing on Site 4, to the rear of New Craigs hospital, development on the main part of the site had not significantly exceeded this until completion of Site 2B (13/01297/FUL) just in the last year. The reason why compliance has not been enforced is a result of three important factors. Firstly, this route is the designated construction route; secondly, that the applicant had undertaken to maintain the road in reasonable condition until required to upgrade it in it's entirety; and, thirdly, that, while well used, the route does not experience the levels of traffic initially envisaged.
- 7.13 The Transportation Statement submitted in support of this application identifies that until the completion of the West Link, there would be no significant attraction to

utilise the estate road. It concludes therefore that any upgrade to this road would not be required until completion of Stage 1 and Stage 2 of the West Link. However, the applicant has indicated that it would intend to complete Phase 2 by occupation of the last house on Site 5, which would come at some point before the completion of 425 units as a whole and before completion of Stage 2 of the West Link.

- 7.14 With regard to the standard of road, this has been much debated. The existing estate road has a rural character and also falls within the Torvean Landforms Site of Special Scientific Interest (SSSI), a qualifying feature of which is its esker ridge, which the route traverses throughout its entire length. A 6m wide carriageway with full engineered pavements and drainage such as that achieved with Phase 1 is not considered either achievable or desirable for Phase 2. A 5.5m carriageway, with localised narrowing, can however be achieved without significant impact on the SSSI. Utilising an off-line footpath link and natural drainage where possible, a significantly improved road that respects the character of the area and the qualities of the SSSI can be achieved. Accordingly, along with an amendment to the timing for completion of the route, the standard of road to be provided within Condition 6 should be amended. The Council's Transport Planning Team has agreed the general approach to this upgrade. It will however require Road Construction Consent at the appropriate time.
- 7.15 To ensure that the road is improved at the earliest opportunity, it is suggested that, in addition to the trigger threshold, a date also be specified. The Council's Transport Planning Team identifies uncertainty over the impact of construction traffic on the local road network during the upgrading of this route, something which is also acknowledged within the Transportation Statement. Condition 8 of the existing planning permission requires all Westercraigs construction traffic to use this route rather than Leachkin Road. A rewording of this condition to reflect the need for a traffic management plan to cover the period of upgrading of the estate road is however considered the best way in which to address this issue.

Condition 14

- 7.16 This condition seeks to secure a commitment to the re-development of the listed building and mirrors the requirement set out within the legal agreement that accompanies the original grant of planning permission. Reserved matters and listed building consent applications were applied for and approved/granted to enable the first part of the condition to be discharged. The second part, the part relating to the number of units within the listed building that required to be occupied before completion of 100 houses on Site 4, has not been achieved. This is principally as a result of the fire damage sustained to the building and the slowdown in the housing market. Of the 32 units supposed to have been occupied, only 12 have been so far.
- 7.17 In response to a more buoyant housing market, the applicant has taken the opportunity to consider the future of the listed building in the context of its plans overall for the Westercraigs site. It considers that the re-development of the listed building requires to be done in tandem with the development on other sites. This is for two reasons. Firstly, this approach enables the exceptional costs associated

with the re-development of the listed building to be offset by profits generated from the new build properties. Secondly, it ensures that the improvement of the current condition of the listed building is visible to prospective purchasers as development on the site as a whole progress.

- 7.18 The applicant proposes to phase the re-development of the listed building. The first phase of 12 units has already been completed. The second phase (25 units) is to be finished on the completion of the 51 units proposed within Sites 5 and 11. The final phase (31 units) is proposed to be complete by the time that the 90 units proposed within Sites 6, 7 and 8, the remainder of the development potential on the site, is built out. This is considered a reasonable approach.

Other material considerations

- 7.19 It is recognised that things have moved on quite considerably from 2005 when the permission was originally granted. Many of the matters within the permission have been discharged and are no longer applicable. However, other issues, not assessed originally, have come to the fore. In addition, the way in which permissions relating to long-term phased developments are now conditioned has changed and this application provides an opportunity to improve the wording of conditions as well as ensure that all the appropriate matters are covered.
- 7.20 A significant feature of the permission was the need to put in place appropriate road infrastructure as mitigation. This infrastructure is now complete. Conditions 4, 7, 9 are no longer necessary. In addition, Condition 11 is not necessary, as it was agreed at the time of receiving the road construction consent that indented bus lay-bys were not required. The site is well served by public transport and therefore a green travel plan, required by Condition 29, is no longer appropriate. Condition 5, regarding traffic light controls on the A82/General Booth Road junction, will be superseded by Stage 2 of the West Link. These conditions should be removed.
- 7.21 The affordable housing allocation agreed has been met, largely within Site 4. Accordingly, Condition 3 is no longer necessary.
- 7.22 Two matters that were not adequately addressed within the planning permission in principle are the issues of flood risk and communal open/recreation space.
- 7.23 Taking the latter, other than re-provision of the rugby pitch and changing rooms, it was never envisaged that there would be a need for formal open space as part of the development since the site is surrounded by informal recreation opportunities. There is little opportunity for a formal pitch to be provided within the site. In lieu of this, a contribution towards the Council's proposed Sports Hub is to be made. However, there are pockets of open space within the development and the 'green wedge' that sits below the SNH HQ building in particular provides an opportunity for more formal recreation facilities to sit alongside the MUGA pitch that is to be built on completion of Site 4. This could take the form of an informal grass pitch with links to the golf course and the wider development. The application provides an opportunity to firm up on commitments to open space provision within the wider site.

- 7.24 Representations have highlighted issues with ground water both within the site and running off the site. This has been addressed more recently by the developer and the Council on individual sites but is not reflected within the current planning permission. This application provides an opportunity to require submission of a flood risk assessment for each site as the detailed proposals come forward.
- 7.25 It is no longer considered acceptable for decision notices to contain conditions that deal with matters more appropriately covered by other legislation. Condition 10 relates to the need for Road Construction Consent. However, should the applicant require roads and footpaths to be adopted by the Council it would have to apply for such consent under Roads (Scotland) Act. It is not considered necessary to include it within the permission and therefore Condition 10 should be removed.
- 7.26 In a similar vein, it is no longer considered suitable to control construction hours through planning conditions since bespoke powers for regulating construction noise exist within the Control of Pollution Act 1974; powers which enable Environmental Health to specify working hours where problems exist. Condition 31 should be removed along with Condition 33 which is controlled through other legislation.
- 7.27 The water/waste water infrastructure for the development is in place. A condition requiring connection to this is considered sufficient to continue to ensure appropriate regulation.
- 7.28 Condition 23 required a Badger Protection Plan. However, the only evidence of badger lies out with the development site. It is not considered necessary to retain this condition.
- 7.29 Other than the opportunity that this application provides to amend the wording of any remaining conditions there are no other material planning considerations.

8.0 CONCLUSION

- 8.1 All relevant matters have been taken into account when appraising this application. The representations received indicate concerns with the upgrading of the estate road, the general condition and commitment to the listed building, and concerns over the road infrastructure in the wider area. It is considered that these, in the case of wider roads infrastructure, have already been resolved or, in the case of the other issues, can be adequately addressed by an amendment to the conditions along the lines discussed above.
- 8.2 In tandem with this application has been the reconsideration of the original legal agreement covering the site. The original purpose of this agreement was to provide a framework for securing the refurbishment of the listed building and to collect contributions towards the Inverness West Link Road arising from housing on Site 4. These matters remain relevant but need to be realigned to the current build programme. In addition, this provides an opportunity to agree a commuted sum payable to the Sports Hub, or other such provision, in lieu of provision on site.
- 8.3 Subject to the above, the application to amend the condition of this extant planning permission accords with the development plan and is acceptable in terms of all

other applicable material considerations.

9.0 RECOMMENDATION

It is recommended that the application be **granted** subject to:

- A.** The prior conclusion of legal agreement to cover:
1. Revised timescale for redevelopment of the listed building
 2. Contributions to, and timing of payments for, the West Link
 3. Commuted payment for formal pitch compensation

- B.** The following conditions:

1. The development, which is for a maximum number of 550 residential units, shall be undertaken in accordance with the Master Plan/Phasing Plan hereby approved (DWG No 00001). For the avoidance of doubt a maximum of 425 residential units shall be occupied prior to the completion of the Inverness West Link (Phase 1). Prior to the commencement of work on any Site, an updated Master Plan/Phasing Plan shall be submitted to, and approved in writing by, the Planning Authority.

Reason: In order to clarify the basis of the decision and ensure that the Planning Authority is informed of the expected rate of occupation of the development and how this relates to progress on the West Link.

2. No development shall commence on each Site until a further application, or applications, in respect of the approval of each of the matters outlined below, which shall take full account of 'Designing Places', 'Designing Streets' and 'PAN 67 Housing Quality', has been submitted to, and approved in writing by, the Planning Authority. The matters are:
 - a) the siting, design and external appearance of all buildings and other structures;
 - b) details of sustainable design considerations including use of solar gain design, solar energy use, grey water recycling and rain water harvesting, external lighting to minimise sky glow, and energy conservation generally;
 - c) the means of access to the site;
 - d) the layout of the site, including all roads, footways and parking areas;
 - e) proposals for the provision of equipped play areas;
 - f) details of landscaping including the design and appearance of boundary enclosure;
 - g) details of existing trees, shrubs and hedgerows to be retained; and
 - h) details of existing and proposed site levels;
 - i) all surface water infrastructure (SUDS);
 - j) means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Planning Guidance' including provision of communal composting and recycling facilities;
 - k) details of management and maintenance arrangements for matters

identified in (d), (e), (f), (g) and (i) above;

Reason: In order to enable the planning authority to consider these aspects of the development in detail and ensure that the overall layout and design is satisfactory for the site.

3. No development shall commence within each Site until a Design Statement to explain and illustrate the design principles and design concept of the development and measures proposed to achieve quality design integrating building forms and open spaces within the context of PAN 68” Design Statement “, PAN 67 “Quality Housing” and “A Policy Statement for Scotland - Designing Places” has been submitted to, and approved in writing by, the Planning Authority.

Reason: In order to preserve the essential character of the site.

4. Phase 2 of the estate road/distributor road, leading from the site to the A82, shall be upgraded to a 5.5m carriageway, with localised narrowing, and remote footpath to a standard capable of adoption upon occupation of the last house on Site 5, the completion of the 425th unit or by June 2018, whichever comes first. No work shall commence on the upgrading of the route before the final design and construction method statement for which has been submitted to, and agreed in writing by, the Planning Authority in consultation with SNH. Only the agreed design and method statement shall be implemented.

Reason: In order to ensure that the route is brought to an acceptable standard in the interest of road safety, and in order that the Planning Authority can properly consider the impacts upon the Torvean SSSI landform.

5. All construction traffic shall enter and exit from the A82 via the estate/distributor road. No development shall commence on Site 5 until a traffic management scheme, designed to ensure that this road remains open for use by the public (both vehicular and pedestrian), as well as construction traffic throughout the construction period, shall be submitted to, and agreed in writing by, the Planning Authority. Prior to the commencement of work to upgrade Phase 2 of the estate road, the agreed traffic management scheme shall be reviewed, to ensure that construction traffic can be accommodated throughout this period or, if not, table alternative measures, and submitted to, and agreed in writing by, the Planning Authority. The agreed scheme shall remain in place until Phase 2 of this route is complete.

Reason: In the interest of amenity and road safety.

6. No development shall commence within each Site until a comprehensive Flood Risk Assessment has been undertaken, the details of which shall be submitted to, and agreed in writing by, the Planning Authority. Any measures identified shall thereafter be implemented before occupation of any part of the Site.

Reason: To protect the water environment and reduce flood risk.

7. All site lighting shall be designed to avoid extraneous light pollution or urban “sky glow.”

Reason: In order to ensure proper selection of lighting that reduces ‘sky glow.’

8. On completion of 51 units within Sites 5 and 11, identified on the approved Master Plan/Phasing Plan, a minimum of 25 units shall be completed within the listed building (Site 3b). A total of 56 units shall be completed within Site 3 prior to the completion of 90 units in Sites 6, 7 and 8 identified on the approved Master Plan/Phasing Plan.

Reason: To ensure commitment to the refurbishment/re-use of the listed building for residential purposes.

9. No development shall commence on Site 11 until a plan to promote the development of open space, recreation and the natural heritage of the site has been submitted to, and agreed in writing by, the Planning Authority. In particular, the Plan shall detail measures to establish active recreational areas taking into account the Council’s ‘Open Space’ Supplementary Guidance (Jan 2013). The Plan shall also detail measures to establish and maintain recreational areas, and other associated open spaces and recreational footpaths.

Reason: In order to achieve quality open spaces in compliance with Council Policy.

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

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

11. All buildings within the development shall be connected to the public waste water system and public water supply.

Reason: In the interests of public health, to protect and enhance the natural environment, protect the water environment and prevent pollution.

12. No development shall commence within each Site until an accurate survey plan of the site, at a scale of not less than 1:200, has been submitted to, and agreed in writing by, the Planning Authority. The plan shall indicate:

(i) the position, height, species, condition and branch spread of all existing trees, shrubs and hedges on and immediately adjoining the site;

(ii) a clear indication of trees, hedges and shrubs to be removed;

- (iii) existing ground levels;
- (iv) routes and details of any existing or proposed underground works and overhead lines.

No trees shall be lopped, topped, felled or otherwise damaged on the site without the prior approval in writing of the Planning Authority.

Reason: In order to ensure that accurate records are obtained and that existing trees are adequately protected.

13. All trees and hedges shown for retention shall be protected throughout the course of development in accordance with a detailed scheme of works which shall first be approved in writing by the Planning Authority. The protection measures shall remain in place throughout the course of the development unless otherwise agreed in writing with the Planning Authority. Any trees or hedges removed without the written consent of the Planning Authority, or dying or being severely damaged or up to 12 months after occupation of the last house on each Site shall be replaced with trees or hedging of such size, species and in positions as may be agreed in writing by the Local Planning authority. New planting should comply with BS3936; remedial work should be carried out to BS3998 and BS4428.

Reason: In order to ensure that trees are adequately protected.

14. Prior to the commencement of development on each Site, details of the construction of access roads and excavation for drainage works shall be submitted to, and agreed in writing by, the Planning Authority. This shall include a working method statement which must pay particular regard to the means by which existing mature trees including their root systems, within and adjacent to the development site will be protected from damage during construction. The means of protecting these trees shall remain in place until all works in the construction of the dwellings and associated site works are complete. The development shall not proceed other than in accordance with these approved details.

Reason: In order to ensure that trees are adequately protected.

15. No development shall commence within Site 8 until the Great Glen Way long distance footpath has been realigned, at no cost to the local authority. The route and specification of this realignment shall require the prior written approval of the Planning Authority.

Reason: In order to preserve the route and ensure that it is available for use throughout the construction period.

16. Prior to the commencement of development on each Site a programme of works for the preservation and recording of archaeological features affected by the development including a timetable for investigation, shall be submitted to, and approved in writing by, the Planning Authority. Development shall not commence until the Planning Authority is satisfied that preservation and/or recording is complete.

Reason: To ensure that appropriate steps are taken to carry out archaeological

recording in advance of the commencement of development.

17. No development shall commence within each development phase until such time as an assessment of the potential for ground contamination of each site is undertaken. Such an assessment shall be carried out by a suitably qualified person, and include, as appropriate:
- i. A desk study consideration of the historical uses of the site, hydro geological and geological characteristics of the area and the likely nature, location and extent of any contamination;
 - ii. A site investigation*, including the taking and analysis of any necessary samples;
 - iii. A site specific assessment of the risks posed to the development arising from the presence and nature of contaminants at the site.
 - iv. A Site Remediation Plan detailing the works to be carried out in order to achieve site conditions suitable for the proposed development, including measures to remove unacceptable levels of risk from identified contamination. This Plan shall detail the validation measures necessary to demonstrate that remedial targets have been successfully achieved.

* the site investigation should be carried out in accordance with BS 10175 and be based on the Conceptual Site Model derived from the desk study.

The assessment shall be submitted to the Planning Authority in the form of a complete authorised Report for consideration and consultation. No works or development other than site investigation shall commence in advance of the written approval of the Remediation Plan.

On completion of the approved Remediation Plan the applicant shall submit a Remediation Completion Certificate demonstrating implementation of this Plan for the written approval of the Planning Authority. Development works should not commence prior to this approval unless written permission is given by the Planning Authority.

Reason: To ensure that the land is remediated before the commencement of any new use, in the interest of public health, environmental protection and the protection of property.

18. The applicant shall undertake all necessary steps to prevent nuisance to neighbouring residents caused by dust arising from the development.

Reason: In the interest of amenity.

19. Prior to the commencement of development on Site 11, details of 4 locations for, facilities for communal recycling, and their design, shall be submitted to, and agreed in writing by, the Planning Authority. The site shall thereafter be retained and developed in accordance with the agreed details.

Reason: To ensure appropriate waste collection facilities are provided in the interest of sustainable development

Designation: Head of Planning and Building Standards

Author: David Mudie (01463) 702255

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

Grid Reference			26	27	60
			84	23	68
Reference No.	03	00676	OUTIN		

APPENDIX 2 - DECISION NOTICE 03/00676/OUTIN

To: **Robertson Residential
Lomond Court
Castle Business Park
Stirling
FK9 4TU**

With reference to your application dated **23 June 2003** for outline planning permission under the above-mentioned Act for the following development, viz: -

Residential development and associated infrastructure, based upon submitted Masterplan (as amended) at Craig Dunain Hospital, Inverness

The Highland Council in exercise of its powers under the above-mentioned Act hereby grant outline planning permission for the said development in accordance with the plan(s) docketted as relative hereto and the particulars given in the application, subject however to the following standard conditions:-

- (1) In terms of Section 59 (2) of the Town and Country Planning (Scotland) Act 1997, this permission is granted subject to the following conditions:-
- (a) that, in the case of any reserved matter, application for approval must be made before:-
 - (i) the expiration of seven years from the date of the grant of this permission; or
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused; or
 - (iii) the expiration of six months from the date on which an appeal against such refusal was dismissed,

whichever is the latest:

Provided that only one such application may be made in the case after the expiration of the seven year period mentioned in sub-paragraph (i) above; and

- (b) that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

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- (i) the expiration of twelve years from the date of the grant of this permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

and also to the following condition(s), viz:-

General

- 1. The amended Master Plan is hereby approved in the context of outline permission 03/00676/OUTIN. For the avoidance of doubt, outline permission is hereby granted for a maximum number of 550 residential units of which only 420 can be constructed and occupied prior to construction of Phase 5 of the Inverness Southern Distributor Road to provide a further road crossing of the Caledonian Canal and the River Ness.

No development shall commence on site until a further application, or applications is made to the Planning Authority for the approval of reserved matters and other details, before 13 May 2012. Reserved matters and other details referred to shall consist of the siting, design and external appearance of all buildings, the means of access thereto and proposals for landscaping including the design and appearance of boundary enclosure, car parking, all surface water infrastructure (SUDS), water supply and any required augmentation, foul drainage, open space amenity and recreation areas, footpaths, cycle ways, signalised crossings, bus routes, and street lighting provision.

Reason: In order to ensure that the overall layout and design is satisfactory for the site.

- 2. Prior to the commencement of development on each Phase, an updated Master Plan shall be submitted and approved in the context of the detailed submissions to reflect intended house numbers, open space and site servicing arrangements.

Reason: In order to ensure that the overall layout and design is satisfactory for the site, as the present application is in outline only.

Affordable Housing

- 3. A minimum of 55 dwellings shall be provided in accordance with the Council’s affordable housing policy. Prior to the commencement of any development on Site 5 (or other sites if affordable housing is dispersed), the details of provision shall be submitted to and agreed in writing by the Planning Authority. The affordable housing shall be provided at Communities Scotland benchmark costs and to Communities Scotland’s standards, either through a design and build contract with a Registered Social Landlord (RSL) or through the sale of land to an RSL at residual land value as agreed by the District Valuer.

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Reason: In order to ensure that these affordable housing units will be disposed of in accordance with the Council’s policy on affordable housing.

Roads Infrastructure

4. Unless otherwise agreed in writing by the Planning Authority, no construction operations shall commence on any housing units until the following road and junction improvements have been completed:

(i) King Brude Road/Clachnaharry Road Junction

The existing junction will be converted to traffic light control using two lane entry on each leg. The system design will include pedestrian crossings, bus priority activation and shall be linked with the canal crossing lights. Access to and from Canal Road shall be included in the junction design agreement.

(ii) King Brude Road /Leachkin Road Junction

All approaches shall be widened to two lanes to provide sufficient stacking space for right turn movement from King Brude Road and smooth unimpeded left turn movements into and out of Leachkin Road via filter lanes with phasing of traffic lights re – programmed to suit. The system shall include pedestrian crossings and bus priority activation.

(iii) Leachkin Road

The section of Leachkin Road extending from the existing New Craigs Hospital entrance junction up to the gates of the former Craig Dunain Hospital shall be widened to 6 metres thereby upgrading it to a “local distributor” class.

Reason: In order to increase capacity of existing junctions in the interest of road safety.

5. Prior to any housing development above the 420 unit threshold set out within Condition 2 above, traffic light controls on all legs of the A82(T)/General Booth Road junction shall be installed. This requirement shall include the adjustment, where necessary, of the Torvean Golf Club car park accesses.

Reason: In order to increase capacity of existing junctions in the interest of road safety.

6. The new estate road shall be upgraded to a 6 metre wide "local distributor" class road. Phase 1 of the new estate road/distributor road shall be completed within six months of the commencement of any development on the site. Prior to the commencement of the construction of Phase 2, a design and construction method statement detailing the works necessary to widen the estate road and to minimise the loss of trees and the degree of excavation into the Torvean SSSI landform shall be submitted to and agreed in writing by the Planning Authority in consultation with SNH. Phase 2 of the estate road/distributor road shall be completed in its entirety no later than the occupancy of 65 houses on any of the proposed housing sites.

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Reason: In order to increase the capacity of the existing road network in the interest of road safety, and in order that the Planning Authority can properly consider the impacts upon the Torvean SSSI landform.

- 7. The existing priority junction on the A82/Kilvean junction shall be restructured to provide a 6 metre wide threshold to connect to the new Estate Road. Priority shall be given to cemetery traffic entering by right turn from the A82 Trunk Road. (Note: this might best be achieved by the introduction of a small roundabout at the Estate Road/Kilvean Road junction with the connecting threshold leg to the A82 not less than 30 metres from the edge of the Trunk Road). These junction improvements shall be in place within 2 months of commencement of work on site.

Reason: In order to increase capacity of existing junctions in the interest of road safety.

- 8. All construction traffic shall enter and exit from the A82 using the Estate Road. Prior to the commencement of work on site, a detailed traffic management scheme designed to ensure that this road remains open for use by the public (both vehicular and pedestrian), as well as construction traffic throughout the construction period, shall be submitted to and approved in writing by the Planning Authority. The agreed traffic management scheme shall remain in place until Phase 2 of the new Estate Road/Distributor Road is complete.

Reason: In the interest of amenity and road safety.

- 9. Prior to the commencement of works on site, the developer shall, at no cost to the Council, link the traffic light controls on the Millerton Canal Bridge to the “SCOOT” traffic management system operated by The Highland Council.

Reason: In the interest of amenity and road safety.

- 10. All roads, including footpaths, cycle ways and car parking shall require road construction consent before works commence and all such works shall require to conform to the requirements of the Council’s Road Construction Design Manual. The developer shall be responsible for the erection or modification of any roads signage as specified by the Roads Authorities, required as a result of roads infrastructure modification.

Reason: In order to conform to the requirements of the Council’s Road Construction Design Manual.

- 11. Along distributor roads, indented bus lay-bys and shelters shall be provided by the developer at locations to be agreed by The Highland Council.

Reason: In the interest of road safety and in order to encourage greater use of public transport.

- 12. Prior to the commencement of road construction, all proposed street lighting design shall be submitted to and approved in writing by the Planning Authority. All site lighting shall be designed to avoid extraneous light pollution or urban “sky glow.”

Reason: In order to ensure proper selection of lighting that reduces ‘sky glow.’

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Head of Planning and Building Standards

Design Statement

- 13. No development shall commence on site until a Design Statement to explain and illustrate the design principles and design concept of the development and measures proposed to achieve quality design integrating building forms and open spaces within the context of PAN 68” Design Statement “, PAN 67 “Quality Housing” and “A Policy Statement for Scotland - Designing Places” has been submitted to and approved in writing by the Planning Authority.

Reason: In order to preserve the essential character of the site.

Listed Building Works and Demolitions

- 14. Prior to the completion of Sites 1 and 2, a fully detailed application for listed building consent for all alterations to and renovations of the main Craig Dunain listed building that are required for its conversion to residential use shall be submitted to the Planning Authority. Once approved, a minimum of 40 residential units within the main Craig Dunain listed building shall be completed ready for occupation prior to the commencement of any development on Site 5.

Reason: To ensure commitment to the refurbishment/re-use of the listed building for residential purposes.

Recreation, Landscape and Natural Heritage Plan

- 15. Prior to the commencement of development on site, or as may otherwise be agreed, a plan that includes a tree survey to characterise, safeguard, and where relevant by the terms of this permission promote the development of open space, recreation and the natural heritage of the site shall be submitted to and approved in writing by the Planning Authority. The Plan shall detail measures to establish new playing field and active recreational areas and shall take account of the Council’s “Guidelines for the provision of open space and play areas within the residential developments in Inverness area” as attached herewith. The Plan shall also detail measures to establish and maintain recreational community woodland, and other associated open spaces and recreational footpaths.

Reason: In order to achieve quality open spaces in compliance with Council Guidelines.

- 16. No houses shall be occupied until a scheme for the maintenance in perpetuity of all open space, community woodland or associated areas, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water has been submitted to and approved in writing by the Planning Authority. The agreed scheme, which will accord with the Council’s “Guidelines for the provision of open space and play areas within the residential developments in Inverness area” as attached herewith, shall be implemented.

Reason: In order to achieve quality open spaces in compliance with Council Guidelines.

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Sustainable Urban Drainage Systems [SUDS]

- 17. All surface water and flood prevention infrastructure shall be designed in accordance with the SUDS “CIRIA” design manual. The overall scheme details shall be submitted for prior approval before any development commences and shall show each main phase of SUDS infrastructure. Subsequently each submission of details of housing and other related development shall specify full details of the SUDS scheme to be implemented as part of that particular development phase. All water retention or detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose to the satisfaction of the Planning Authority before any houses in the relevant development phases are occupied.

Reason: In order to ensure effective surface water drainage in the interest of sustainability.

Water and Sewerage Infrastructure

- 18. Prior to the commencement of development on site, or as may otherwise be agreed, the detailed arrangements for water and sewerage infrastructure, and its implementation programme to serve the site shall be submitted for the prior approval of the Planning Authority in consultation with Scottish Water. No houses shall be occupied until off-site sewer connections and potable water storage infrastructure as required has been completed to the satisfaction of the Planning Authority or as otherwise agreed in consultation with Scottish Water.

Reason: In order to ensure effective control over water and sewerage infrastructure in the interest of sustainability.

Landscaping

- 19. No development shall take place on any housing site until an accurate survey plan of the site, at a scale of not less than 1:200, has been submitted to and approved by the Planning Authority. The plan shall indicate:
 - (i) the position, height, species, condition and branch spread of all existing trees, shrubs and hedges on and immediately adjoining the site;
 - (ii) a clear indication of trees, hedges and shrubs to be removed;
 - (iii) existing ground levels;
 - (iv) routes and details of any existing or proposed underground works and overhead lines.

No trees shall be lopped, topped, felled or otherwise damaged on the site without the prior approval in writing of the Planning Authority.

Reason: In order to ensure that accurate records are obtained and that existing trees are adequately protected.

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20. All trees and hedges shown for retention shall be protected throughout the course of development in accordance with a detailed scheme of works which shall first be approved in writing by the Planning Authority. The protection measures shall remain in place throughout the course of the development unless otherwise agreed in writing with the Planning Authority. Any trees or hedges removed without the written consent of the Planning Authority, or dying or being severely damaged or up to 12 months after occupation of the last house on a development phase shall be replaced with trees or hedging of such size, species and in positions as may be agreed in writing by the Local Planning authority. New planting should comply with BS3936; remedial work should be carried out to BS3998 and BS4428.

Reason: In order to ensure that trees are adequately protected.

21. Prior to the commencement of each phase of the development, details of the construction of access roads and excavation for drainage works shall be submitted to and approved in writing by the Planning Authority. This shall include a working method statement which must pay particular regard to the means by which existing mature trees including their root systems, within and adjacent to the development site will be protected from damage during construction. The means of protecting these trees shall remain in place until all works in the construction of the dwellings and associated site works are complete. The development shall not proceed other than in accordance with these approved details.

Reason: In order to ensure that trees are adequately protected.

22. Each development phase and reserved matters submission shall require a fully detailed landscape scheme. No operations or works shall take place on a development phase until detailed plans and a written schedule of new tree, shrub and ground cover planting proposals with details of ground preparation, species, size, density and disposition of planting and areas of grass seed or turf have been submitted to and approved in writing by the Planning Authority. Native species should dominate planting regimes. All planting, seeding and turf laying in the approved landscaping scheme shall be completed prior to the occupation of the last dwelling on a development phase or such period as agreed in writing by the Planning Authority. New planting and landscaping operations should comply with the requirements of BS 3936 and BS 4428. Thereafter areas of amenity space shall be permanently retained and any trees or other planting which die within a period of 5 years from the completion of development, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with plants of a similar size and species to those originally required to be planted.

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

Badgers

23. Prior to the commencement of development on the site, the badger interest shall be protected in accordance with a scheme for monitoring and mitigation to be submitted to and approved in writing by the Planning Authority. The scheme is to include the implementation of badger passes and associated fencing where identified. During construction operations appropriate measures shall be adopted to avoid disturbance to known areas of badger interest.

Reason: To safeguard Badger interest.

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Great Glen Way

- 24. No development shall commence within Site 8 until the Great Glen Way long distance footpath has been realigned, at no cost to the local authority. The route and specification of this realignment shall require the prior written approval of the Planning Authority.

Reason: In order to preserve the route and ensure that it is available for use throughout the construction period.

Archaeology

- 25. Prior to the commencement of each phase of the development a programme of works for the preservation and recording of archaeological features affected by the development including a timetable for investigation, shall be submitted to and require the written approval of the Planning Authority. Development in any single phase shall not commence until the Planning Authority is satisfied that preservation and/or recording is complete.

Reason: To ensure that appropriate steps are taken to carry out archaeological recording in advance of the commencement of development.

Community Facilities

- 26. Prior to the commencement of development on Sites 1 or 2 (whichever comes first) the applicant shall submit proposals, for the prior approval of the Planning Authority, for the provision of a playing field and pavilion to serve as a relocated rugby pitch and, the renovation of the existing Chapel building to a standard acceptable for general community use. Proposals shall include matters of detailed design and timescales for provision.

Reason: In order to offset the loss of existing facilities and ensure commitment to provide facilities as set out within the application.

Contaminated Land

- 27. No development shall commence within each development phase until such time as an assessment of the potential for ground contamination of each site is undertaken. Such an assessment shall be carried out by a suitably qualified person, and include, as appropriate:
 - i. A desk study consideration of the historical uses of the site, hydro geological and geological characteristics of the area and the likely nature, location and extent of any contamination;
 - ii. A site investigation*, including the taking and analysis of any necessary samples;
 - iii. A site specific assessment of the risks posed to the development arising from the presence and nature of contaminants at the site.

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- iv. A Site Remediation Plan detailing the works to be carried out in order to achieve site conditions suitable for the proposed development, including measures to remove unacceptable levels of risk from identified contamination. This Plan shall detail the validation measures necessary to demonstrate that remedial targets have been successfully achieved.

* the site investigation should be carried out in accordance with BS 10175 and be based on the Conceptual Site Model derived from the desk study.

The assessment shall be submitted to the Planning Authority in the form of a complete authorised Report for consideration and consultation. No works or development other than site investigation shall commence in advance of the written approval of the Remediation Plan.

On completion of the approved Remediation Plan the applicant shall submit a Remediation Completion Certificate demonstrating implementation of this Plan for the written approval of the Planning Authority. Development works should not commence prior to this approval unless written permission is given by the Planning Authority.

Reason : To ensure that the land is remediated before the commencement of any new use, in the interest of public health, environmental protection and the protection of property.

Sustainable Development

- 28. For each development phase, a statement will be submitted for the approval of the Planning Authority describing the steps to be taken a) to minimise the use of raw materials, b) to reduce waste materials and to re-use or re-cycle materials where appropriate on site. Design and layout is expected to demonstrate a minimal approach to earth moulding, excavation, re-contouring and general disturbance to the land.

Reason: To ensure compliance with the Council’s policies on sustainable development.

- 29. No work shall commence on the development site until the applicant has submitted a green transport plan which must be agreed in writing with the Local Planning Authority. The plan should demonstrate the sustainability of the development by providing facilities which reduce the need for people to travel by private car and encourage the use of public transport and other non-car modes of transport.

Reason: To ensure compliance with the Council’s policies on sustainable development.

Provision of Recycling Facilities

- 30. Prior to the commencement of development on site, details of 4 locations for facilities for communal recycling shall be submitted to the Local Planning Authority and thereafter undertaken and retained in accordance with the approved scheme.

Reason: To ensure compliance with the Council’s policies on sustainable development.

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Avoidance of Nuisance

31. The normal working hours within the site shall be Monday to Friday 0700 hours to 2000 hours and Saturdays between 0800 hours and 1300 hours, with no working being carried out on Sundays or public holidays except for safety reasons.

Reason: In order to protect the amenity of neighbouring occupiers.

32. The developer shall undertake all necessary steps to prevent nuisance to neighbouring residents caused by dust arising from operations approved by this permission.

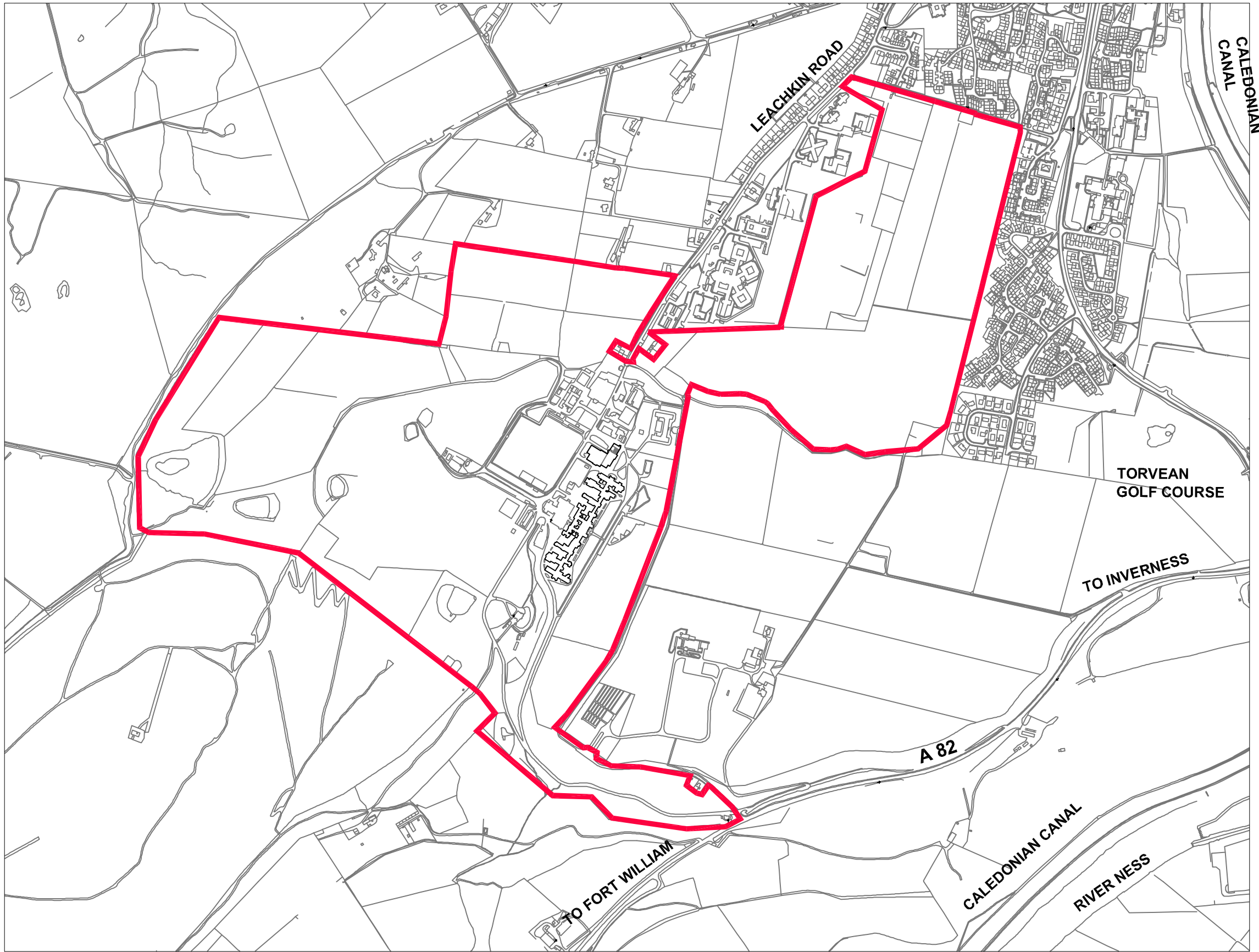
Reason: In order to protect the amenity of neighbouring occupiers.

33. There shall be no burning or disposal of controlled waste on site unless a waste management licence is in force or a suitable exemption has been registered under the Waste Management Licensing Regulations 1994.

Reason: In the interest of amenity and protection of the environment.

Dated thisThirteenth.....day of.....May.....2005

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Head of Planning and Building Standards



Robertson Homes Limited
 10 Perimeter Road, Pinhelto, Elgin N30 6AE
 Tel: 01343 550000 Fax: 01343 550100
 Email: info@robertson.co.uk
 www.robertsonhomes.co.uk

Project
WESTERCRAIGS DEVELOPMENT
LEACHKIN ROAD
INVERNESS

Drawing
LOCATION PLAN

Scale Drawn By Checked

NOT TO SCALE

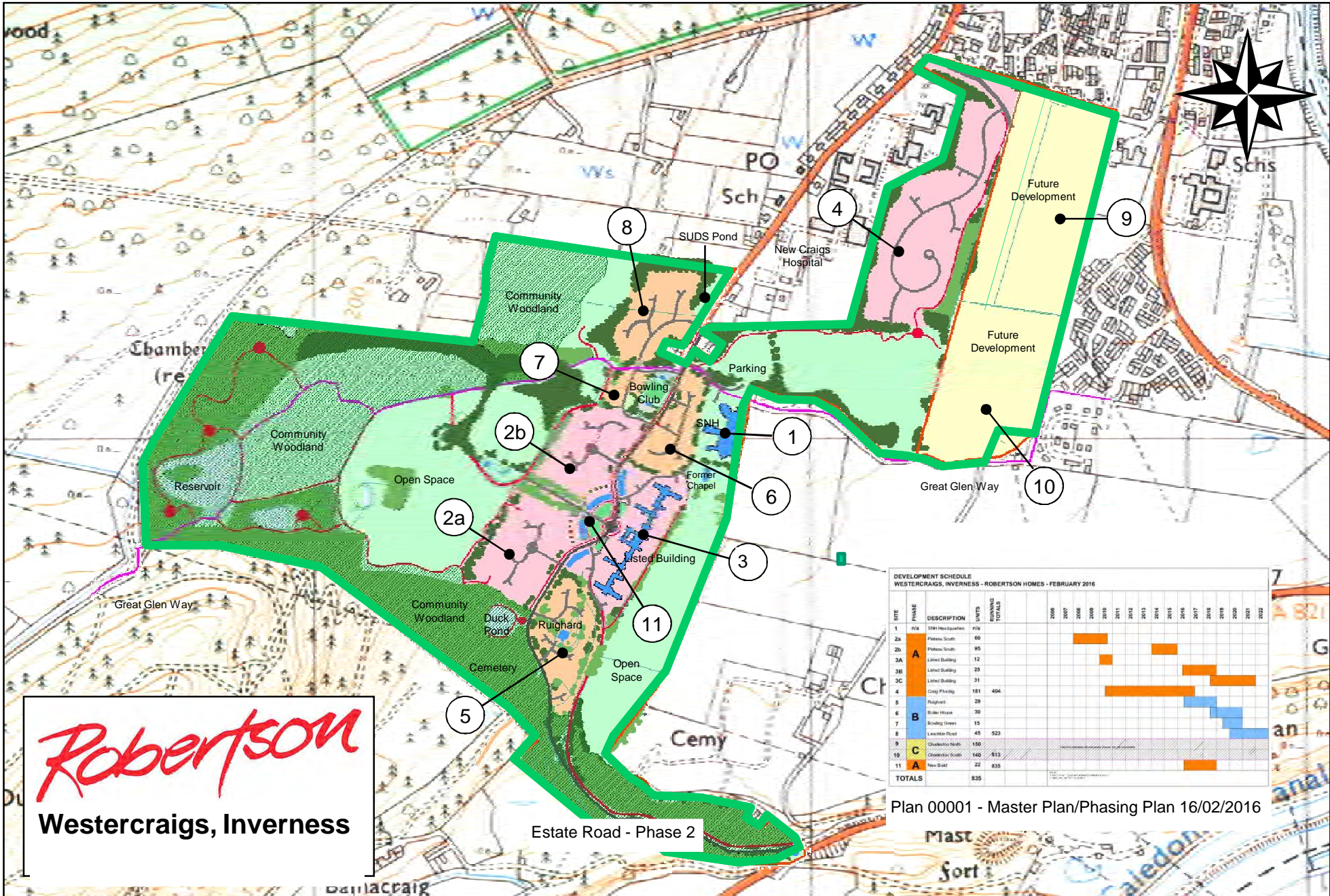
Date Drawing No

MAY 2012

WC_S4_02

Issue	Date	Detail

AMENDMENTS



Plan 00001 - Master Plan/Phasing Plan 16/02/2016

APPENDIX 2 – EXTRACT OF MINUTE FROM SPAC 12 APRIL 2016

5.2

Applicant: Robertson Homes Ltd (12/01832/S42) (PLS/016/16)

Location: Land at Craig Dunain Hospital, Westercraigs, Inverness (Ward 14)

Nature of Development: Application for non-compliance with Conditions 1, 6 and 14 of planning permission 03/00676/OUTIN for residential development and associated infrastructure based upon submitted Master Plan (as amended) (550 houses).

Recommendation: Grant

There had been re-circulated Report No PLS/016/16 by the Head of Planning and Building Standards recommending the grant of the application subject to the conditions detailed therein.

A site visit had taken place on 11 April 2016, attended by Mr R Balfour, Mr A Baxter, Mrs M Davidson, Mr A Duffy, Mr J Ford, Mr J Gray, Mr M Green, Mr D Kerr, Mr R Laird, Mr T MacLennan, Mr T Prag and Mrs J Slater. Only those members who had attended the site visit and were present at the meeting took part in the determination of the application.

Mr D Mudie presented the report and recommendation, during which he advised that should Stage 2 of the West Link not progress there would still be a requirement for traffic lights at King Brude Road on the A82, therefore the inclusion of condition 5 of planning permission 03/00676/OUTIN within the conditions was recommended.

In response to questions, it was confirmed that:-

- There had been no resolution to discussion several years previously on proposals for the relocation of Craig Dunain Rugby Club pitch and therefore further discussion with the Rugby Club and the developer was required to secure either an agreement by condition or a financial contribution.

- The Master Plan provided a broad framework of the expected numbers of units and timescale for development within each phase and also ensured that the developer did not encroach into areas of open space and community woodland.
- A revision of proposed condition 5 to include a requirement for ongoing/regular maintenance of the estate/distributor road could be included within the recommendation.
- There was currently ongoing discussion regarding flood risk in the wider area and, as the land owner, the applicant had a responsibility to ensure that people were protected.
- The applicant was content to continue making a contribution towards the southern distributor road by way of a legal agreement even though the connection to the West Link might not be completed until a later stage.
- The estimated completion date for Phase 2 of the West Link was 2021.
- There was potential for further development of play facilities within larger areas of flat space.
- It was intended that linkages to the estate road would be provided for recreational users as the development progressed.
During discussion, the following comments were made:-
- Concern was expressed regarding the lack of communication from the applicant with the local community and a request was made for the establishment of a community liaison group for the duration of development of the entire site covered by the masterplan.

The Committee then agreed to **GRANT** planning permission to develop land without complying with conditions 1, 6 and 14 of outline planning permission 03/00676/OUTIN subject to the prior conclusion of a legal agreement to secure the matters referred to at paragraph 9.0 A. of the report, taking into consideration the need for further discussion on the location/use of the replacement rugby pitch with the Dunain Community Rugby Club, and subject to the conditions recommended in the report, and subject also to:-

- Including condition 5 of planning permission 03/00676/OUTIN within the conditions
- revision of proposed condition 5 to include a requirement for ongoing/regular maintenance of the estate/distributor road and the following additional condition:

- requiring the developer to establish a community liaison group, to remain operational for the duration of development of the entire site covered by the masterplan, to ensure dialogue between the developer and the community on construction activities,

and subject also to such further amendments to the conditions as considered necessary as a consequence of the discussion on replacement sports/community facilities