

Agenda Item	6.7
Report No	PLS/095/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 4 December 2019

Report Title: 19/01776/MSC: Barratt North Scotland

Land to North of Torbreck, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Matters specified in conditions 2, 4, 7, 9 and 10 of planning permission in principle 19/02780/S42 (17/03541/S42) - Erection of 180 residential dwellings

Ward: 15 – Inverness Ness-side

Development category: Major

Reason referred to Committee: Approval of Matters Specified in Conditions on Major Development and Community Council objection

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 **Approve** matters specified in conditions as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 This submission seeks approval of a number of conditions attached to planning permission in principle 19/02780/S42 which was minded to grant on granted at South Planning Applications Committee on 17 September 2019 and 17/03541/S42 granted on 26 June 2018 in respect of the Ness Castle (west) development. The original permission for development on the site was granted on 08 July 2011 under reference 04/00585/OUTIN.

The application seeks to satisfy conditions to allow a total of 180 residential units and supporting infrastructure to be built. Comprising a mix of:

- 31 No. 2 bedroomed houses
- 65 No. 3 bedroomed houses
- 54 No. 4 bedroomed houses
- 12 No. 1 bedroomed flats
- 18 No. 2 bedroomed flats

1.2 The overall masterplanned development at Ness Castle comprises 804 homes and a new primary school split over 5 sequential residential phases. A decision cannot be issued until the decision notice on minded to grant planning permission 19/02949/S42 has been issued. This is due to the change in phasing in the development. However, the overall number of units on the site will not increase as a result of this application.

1.3 This submission seeks approval of the following conditions:

- 2 (b) – siting, design and appearance of all buildings and other structures
- 2 (c) – details of sustainable design considerations
- 2 (d) – layout of the site in accordance with the principles of Designing Streets
- 2 (e) – road layout
- 2 (f) – car parking
- 2 (g) – cycle parking
- 2 (h) – details of open space
- 2 (i) – hard and soft landscaping
- 2 (k) – surface water drainage
- 2 (l) – details of water and waste water connections
- 2 (m) – waste management
- 2 (n) – details of trees, shrubs and hedgerows to be retained
- 2 (o) – site levels
- 2 (p) finished floor levels)
- 2 (q) – street lighting
- 4 – tree constraints plan
- 7 – flood risk
- 9 – ecological surveys
- 10 – surface water drainage

1.4 No formal pre-application advice has been provided to the applicant.

1.5 Variations: Since validation of the application the design and layout of the site has been modified to address matters around compliance with Designing Streets, servicing of the site, provision of active travel connections, provision of cycle and car parking, appropriate tree protection measures, provision of a more balanced layout, affordable housing mix and to address the provision of surface water drainage.

2. SITE DESCRIPTION

2.1 The site undulates with the levels generally dropping from south to north. The site is bounded by trees to the east and south. The trees on the eastern boundary are subject to a Tree Preservation Order. Phase 2 of the Ness Castle development is located to the north west and Phase 1 of the Ness Castle development is located to the north east and north west of the site. To the north of the site, land is reserved for a new primary school on land which is being gifted to the Council via the legal agreement on the planning permission in principle.

2.2 The Ness Castle development has been under construction since 2015 with phase 1 of the development now complete. Phase 2 is partially constructed. The development, and this application, have been guided by the original masterplan submitted with planning permission 04/00585/OUTIN.

3. PLANNING HISTORY

3.1	08.07.2011	04/00585/OUTIN - Residential development including associated landscaping, access and infrastructure	Permission Granted
3.2	02.11.2011	08/00070/FULIN - Residential development (189 houses) and associated works	Permission Granted
3.3	08.06.2015	15/01144/FUL - Formation of additional section of distributor road	Permission Granted
3.4	23.11.2015	15/03627/ADV - Consent for the proposed erection of signage	Permission Granted
3.5	02.06.2017	17/01189/MSC - Matters specified in conditions 4a, 4b, 4c,4d, 4f, 4i, 5, 7, 9, 13,15 of planning permission in principle 04/00585/OUTIN - Erection of 137 no dwelling houses, Phase 2 at Ness Castle	Approved
3.6	26.06.2018	17/03541/S42 - Section 42 Application for Non-compliance with Condition 1 of Planning Permission in Principle Application Ref No. 04/00585/PIP	Permission Granted
3.7	04.10.2017	17/03721/MSC - Amend Condition 2, MSC Application 17/01189/MSC, Change of house types and layout of plots	Approved

3.8	03.07.2018	18/02069/ADV - Advertisement of the following types : Box Sign, Hoarding, Flag	Permission Granted
3.9	07.05.2019	19/01401/PAN - Development of a three stream primary school with nursery provision (Ness Castle Primary School)	Case Closed
3.10	17.09.2019	19/02780/S42 - Section 42 Application for Non-compliance with Condition 1 of Planning Permission in Principle Application Ref No. 17/03541/S42	Pending Determination
3.11	17.09.2019	19/02485/MSC - Submission of matters specified in condition 2 (17/03541/S42) change of house types and layout of plots including the addition of 4 units	Pending Determination
3.12	17.09.2019	19/03054/MSC – Submission of matters specified in Condition 2 (17/03541/S42) change of house types and layout of plots	Pending Determination
3.13	05.09.2019	19/03649/SCRE - Erection of new three stream primary school with nursery provision	EIA Not Required
3.14		19/04242/FUL - Construction of temporary haul road at Ness Castle Phase 2	Pending Consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 10.05.2019

Representation deadline: 24.05.2019

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Holm Community Council:** object to the application. It requests that the existing walking routes through the site and around the perimeter of the site are preserved. Further it seeks to ensure that connectivity to the South Loch Ness Trail is safeguarded and enhanced. Litter bins are requested for communal spaces. It considers that the streets should be designed in a manner that is more in keeping with the surroundings. A condition is requested to require the establishment of a Community Liaison Group.

5.2 **THC Access Officer:** does not object to the application. He has sought further information on the details of the footpath links within the application.

- 5.3 **THC Flood Risk Management Team:** do not object to the application following the submission of further information related to surface water drainage and flooding. It has advised that they will accept the proposals on the understanding that the surface water drainage solution will be vested by Scottish Water. It has advised that for storms in excess of the 1 in 30 year plus climate change return period there will be flooding from the drainage network but based on the exceedance information provided it is accepted that all storms up to and including the 1 in 200 year plus climate change event would be managed within the site without flooding to property or increasing flood risk elsewhere.
- 5.4 **THC Forestry Officer:** does not object to the application following modifications to the site layout to limit impact on trees bounding the site and provision of an adequate set back from the trees bounding the site to the east and south. A condition is sought to secure appropriate Arboricultural Method Statements for working within the Root Protection Areas of trees to deliver shared surface root and some car parking areas.
- 5.5 **THC Transport Planning:** do not object to the application following modifications to the site layout to secure appropriate arrangements for servicing and a layout that accords with the principles of Designing Streets, provision of further detail on bike and bin storage, details of the shared surface route, and modification to the parking arrangements. A condition is sought to secure details of the gateway features at the entrance to the development.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 1 – Completing the Unconstrained City Expansion Areas
- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 – Physical Constraints
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 55 – Peat and Soils
- 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
- 77 – Public Access
- 78 – Long Distance Routes

6.2 Policy 2 – Delivering Development

Allocation IN35 – Ness Castle (804 Homes)

6.3 **Highland Council Supplementary Planning Policy Guidance**

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

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)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Ness Development Brief (2006)

6.4 **OTHER MATERIAL POLICY CONSIDERATIONS**

Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

National Planning Framework 3 (The Scottish Government, June 2014)

Creating Places (The Scottish Government, June 2013)

Designing Streets (The Scottish Government, 2011)

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 principle of the development has been established through the planning permission in principle. This submission seeks to approve matters specified in conditions of the planning permission in principle. In order to address the determining issues therefore, Committee must consider the extent to which the

proposal continue to comply with development plan policy, the provisions of the conditions attached to the planning permission in principle and take into consideration any other material considerations.

Development plan/other planning policy

- 8.4 Development Plan policy has changed since the time of determination of the original planning permission in principle application. The Highland Structure Plan (2001) is no longer in force and the Inverness Local Plan (2006) in relation to this site and the policy provisions have been superseded by the contents of the Highland-wide Local Development Plan (2012). The Inner Moray Firth Local Development Plan (2015) has also been adopted.
- 8.5 However, Development Plan policy has not changed since the determination of the application for non-compliance with conditions (ref: 19/0780/S42). Therefore subject to detail set out later in this report the submission for the approval of matters specified in conditions accords with the provisions of the Development Plan.
- 8.6 The remainder of this report will consider the submissions made in relation to the relevant conditions attached to the planning permission in principle and assess its compatibility with the Development Plan.

Design and Layout (Condition 2)

- 8.7 The originally submitted scheme provided a positive frontage onto the future school site but was not considered to provide an appropriate street layout which would accord with Designing Streets nor would it have safeguarded or protected the trees on the boundaries of the site. Further the layout as submitted, did not provide adequate servicing of the development; allow for safe movement of pedestrians within the site; nor did it provide recreational access to the land beyond the site.
- 8.8 Though a series of consultations with the relevant consultees, including Transport Planning and Forestry a revised site layout was negotiated. In order to address the concerns related the internal site layout the applicant followed advice from Transport Planning, Forestry Officer and case officer and provided a 20m set back from the trees for all houses. This provided a smaller but more regularly shaped development site. This allowed the reconfiguration of the internal site layout to address concerns around compliance with Designing Streets, pedestrian safety within the site, and provision of accesses to the future phases of development in appropriate locations to avoid impact on the tree resource. In doing so the location, orientation and mix of residential units has been adjusted to suit.
- 8.9 The houses proposed, in terms of their elevational treatment, are in keeping with the other houses which have been developed by the applicant on the wider site. The scheme comprises of two storey houses, finished in white dry dash render, Fyfestone and leading edge riven finished concrete roof tiles. The roof styles are a combination of hipped and gabled. A number of new house types are proposed to ensure that the properties address more than one street where they are located on prominent corners within the development. These are welcomed and enhance the legibility and quality of place within the development.

- 8.10 Following the amendments secured by officers, the site layout follows the principles of the masterplan for Ness Castle for this phase. It utilises a series of connected streets based around a clear street hierarchy with frontages of properties facing onto all streets and landscaped areas. Importantly a clear and defined boundary in the form of a shared use path is provided adjacent to the proposed Ness Castle Primary School.
- 8.11 At the entrance to the site from the distributor road which serves the school site and Phase 1 of the development, a gateway is provided in the form of flatted blocks. Additional road based gateways are sought by Transport Planning. Due to the approach of defining streets through the positioning of buildings and the clear street hierarchy, it is considered that the principles of Designing Streets are being met.
- 8.12 Therefore, the defining matters in relation to layout and design were points of detail. In particular, the relationship between the buildings and the streets and the design of the individual houses and blocks of flats. The layout has been amended through negotiation with the applicant to improve the relationship between the buildings and the street and to facilitate the servicing of the site.
- 8.13 The application details the proposed boundary treatments within the development. A combination of timber fencing, and rendered walls. There are no high fences facing the primary streets within the development. Walls are used on primary streets and in locations which are prominent within the street scene to add quality. The types and locations of the boundary treatments are acceptable.
- 8.14 The general layout of the development is one which takes advantage of the site's location, natural features and orientation. This combined with designing in active travel connections has sufficiently demonstrated that sustainable design has been taken into consideration. The applicant has also submitted a sustainability checklist, however this is primarily focussed on compliance with building standards and use of micro-renewables. However, it also provides details of the provision of electric vehicle charging points.

Access, Parking and Servicing (Condition 2)

- 8.15 The site will be accessed from the consented and built Ness Castle distributor road which will be continued through the proposed development. The principle of this access solution has been accepted through the Masterplan. The overall traffic impact of the Ness Castle development was assessed via the planning permission in principle where the traffic impacts were found to be acceptable subject to mitigation. This application does not increase the level of development beyond that assessed through the planning permission in principle.
- 8.16 This is the third phase of development to be brought forward as part of the masterplan. The masterplan aspires to deliver enhanced active travel connections in the area. However, when the application was submitted it was considered that appropriate connections for non-motorised users had not been made. Therefore, through negotiation with the applicant, connections have now been secured to future phases of development and to the woodland around the site. The linkages to

the future phases of development will also provide the opportunities for continued access to the South Loch Ness Trail. The paths will be provided to adoptable standards.

- 8.19 During construction the informal paths through the application site will not be accessible. We will continue dialogue with the applicant to find appropriate alternative routes during construction. Further the permission in principle requires the delivery of a remote footpath to connect the main site entrance on Dores Road. This was subject to discussion at South Planning Applications Committee in September 2019 where it was determined that earlier provision of that path should be secured. This has been subject to negotiation with the landowner and applicant and a Section 42 application has been submitted to formalise the change in delivery timescale for the remote footpath.
- 8.20 Following a number of changes related to technical requirements including car parking arrangements, junction radii and clarification on visibility Transport Planning is content with the road layout within the development. A condition is sought to secure details of the gateway features on the road network to create a visual change at the point where the function of the road changes.
- 8.22 Car parking is in accordance with THC Standards. There are no large car parking areas on the primary street through the development and car parking courts have been broken up by the use of landscaping and for the most part are screen from view. The aforementioned mitigation is considered to reduce the dominance of cars within the development.
- 8.23 The strategy for waste management is acceptable and it has been demonstrated that a standard Council waste collection vehicle can manoeuvre through the site to all bin collection points. This has required modification to road layout as well as the location of bin collection points and bin stores within the development. The proposed locations balance operational need with delivery of a sense of place to ensure that bin stores and collection points are not dominant features within the street.
- 8.24 Cycle storage will be via communal cycle stores, in the form of stand alone buildings. The overall cycle provision is in accordance with THC Standards given the provision is communal and it has now been demonstrated that the cycle stores for the flatted blocks are now in accordance with Cycling by Design. The location of the

Landscaping and Impact on Trees (Conditions 2 and 4)

- 8.25 There is a strong green framework through the masterplan site as a whole and connectivity to the areas for recreation which will be opened up via the wider masterplan.

- 8.26 While there are limited trees within the site itself there are significant trees to the eastern and southern boundaries of the site. Protection of the trees through the layout of the development has driven the site layout changes. While this has reduced the developable area of the site, it has meant that the development will retain a wooded setting, which is an attractive feature and a key element of the masterplan at Ness Castle.
- 8.27 There are some limited incursions into root protection areas of trees within the site. However the Forestry Officer has accepted these on the basis of the construction method mitigation being part of the approved Arboricultural Implications Assessment.
- 8.28 Overall the landscaping within the site is of an acceptable level suitable to the setting and location of the development.
- 8.29 Details have been provided setting out that the landscaping and open spaces will be maintained by a factor. This is inline with the Council's preferred approach as set out in the Open Space in New Residential Developments Supplementary Guidance. It will be incumbent on the applicant to ensure that they comply with the requirements of the Property Factors (Scotland) Act 2011.

Drainage (Conditions 2, 7 and 10)

- 8.30 The Council's Flood Team reviewed the drainage strategy and capacity of the proposed infrastructure. The applicant has demonstrated that they have a right to provide the filter trench on an adjacent site to ensure that two levels of treatment for the surface water can be provided. The applicant has demonstrated to the satisfaction of the Flood Team that there is sufficient capacity in the proposed drainage solution to accommodate the proposed development subject to the proposals being vested by Scottish Water.
- 8.31 The proposed development will connect to the public water and waste water network.

Other material considerations

- 8.32 The applicant has submitted their pre-commencement surveys for otters, red squirrel, and badgers. These show that the application will not adversely affect these species subject to the mitigation proposed in the surveys. The surveys will become approved documents and the mitigation contained therein will require to be implemented.
- 8.33 Holm Community Council has requested a community liaison group be established. A condition for the establishment of this was attached to the most recent Planning Permission in Principle for the site taking into consideration the comments the Community Council made on this application. It is therefore not necessary to repeat the condition on any approval for this application.
- 8.34 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 8.35 Any permission granted will continue to trigger the payment of developer contributions to offset the impact of the development. These developer contributions will be secured through a modified legal agreement to tie the provisions of the permission to the existing legal agreement. This requires a separate process which will be followed by the applicant further to the determination of this application. The modified legal agreement will continue to include:
- a) Delivery of affordable housing (minimum 25% across the development as a whole);
 - b) Contributions to secondary education provision;
 - c) Provision of a 4ha site for a service site for a primary school and associated playing fields for the provision of the new Ness Castle Primary School; and
 - d) Contributions toward strategic road infrastructure (Inverness West Link).
- 8.36 Further to the above provisions remaining in the legal agreement for phases 2-5, the original legal agreement was negotiated to secure a serviced site for a new primary school and associated playing fields at nil cost to the Council. This site has now been transferred into Council ownership due to the provisions of the original agreement being renegotiated to allow early release of the site to facilitate the delivery of the school. The delivery of this serviced site has partially off-set the cost of development of the school therefore no developer contributions toward primary education were sought from the later phases of the development as part of the original or modified legal agreement. Phase 1 of the development however made contributions to the delivery of extensions to Holm Primary School totalling £250,922.27. Development in the catchment school of the new Ness Castle Primary School, in particular at the development at Ness-side will make a contribution of approximately £4.5 million. This is set against the anticipated total developer contribution of £2.26 million which was included in the capital programme for delivery of the new school.
- 8.37 In addition, as a result of the original legal agreement, the development has also:
- made a contribution of £95,000 toward the provision of a bus service which connects Ness Castle, Holm and Ness-side to the City Centre;
 - made a contribution of £509,501, in partnership with the neighbouring applicant for 180 units at Ness Castle, towards the delivery of a widened Dores Road, formation of a footpath / cycleway and widening of the Holm Bridge, delivery of safer route to school improvements on Torbreck Road;
 - delivered of a toucan crossing on Sir Walter Scott Drive.
- 8.38 The applicant will be required to continue to deliver contributions in line with the registered legal agreement.

9. CONCLUSION

- 9.1 The development has been subject to a significant level of negotiation between the Planning Authority and the applicant to ensure that development on the site is brought forward in a manner which respects the setting of the development, does

not lead to a significantly adverse impact on trees and provides a layout in accordance with the principles of Designing Streets. Following submission of the application the applicant was receptive to the proposed modifications put forward by the Planning Authority to address on site constraints. As a result the proposal will deliver a high quality development, in accordance with the principles of the Ness Castle Masterplan.

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

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Modification to Section 75 Y
Obligation to be attached to the Section
42 application

Subject to the above, it is recommended that matters specified in conditions 2, 4, 7, 9 and 10 be **Approved as it relates to Phase 3** subject to the following condition to provide clarification:

1. No development shall commence until a scheme for the provision of gateway features on the primary road network has been submitted to, and agreed in writing by, the Planning Authority. Thereafter the gateway features shall be implemented prior to the first occupation of any residential unit within the development.

Reason: to ensure that appropriate road based gateways can be considered in details and to provide an enhanced sense of place.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Local Roads Authority Consent

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

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

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

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

Designation: Area Planning Manager – South
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 11026-P(00)002 REV P – Site Layout Plan
Plan 2 - 11026-P(00)003 REV F – Boundary Treatments and Finishes Layout



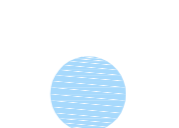

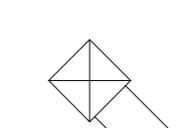



NESS PHASE 3 - ACCOMMODATION SCHEDULE

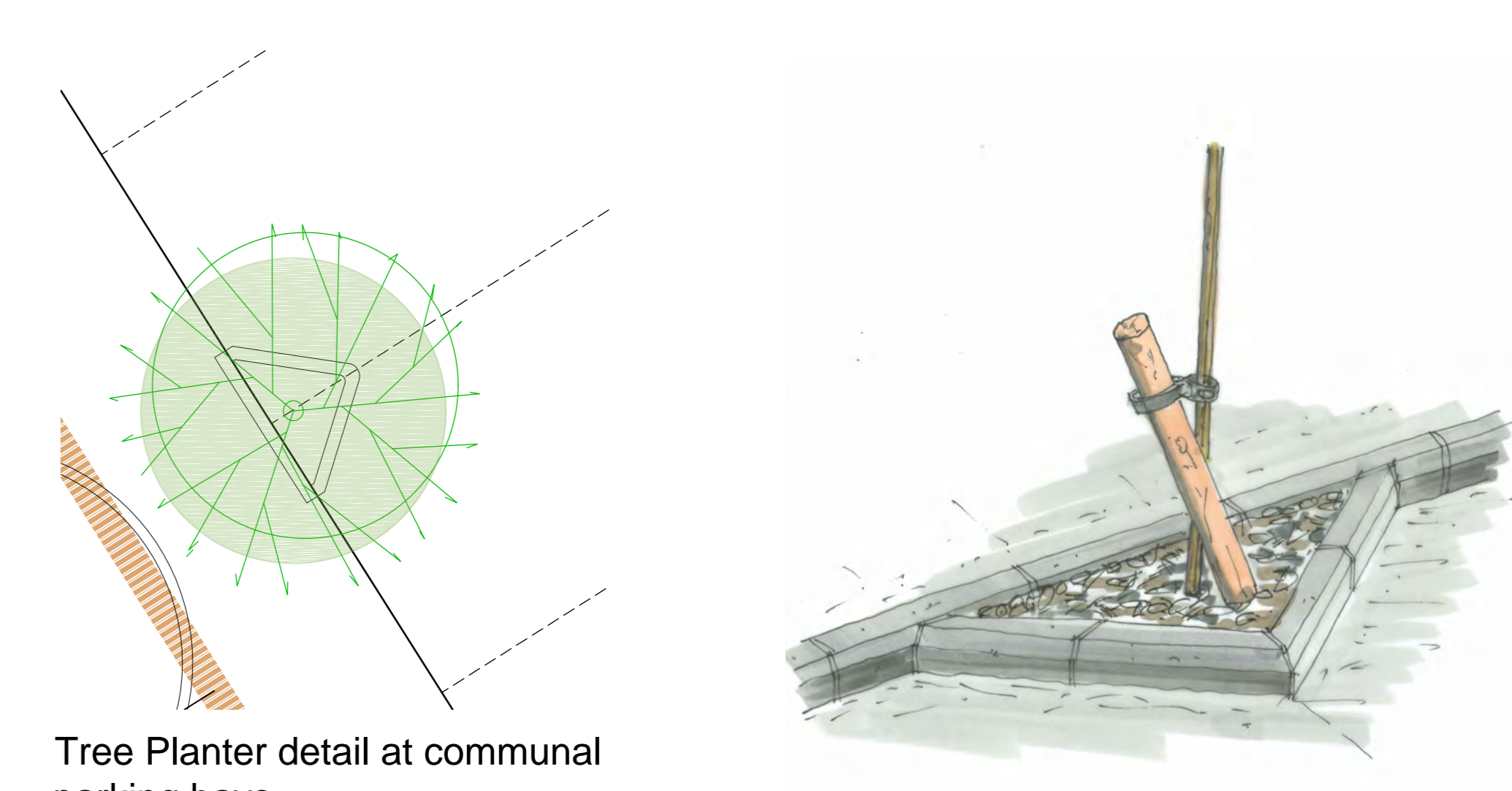
House Name	House Type	Garage/Parking	Number	Bed
Glenair	MT	CPS	4	3
Glenair	ET	CPS	11	3
Coull	MT	CPS	11	3
Coull	ET	CPS	14	3
Coull	SD	CPS	5	3
Traquair	SD	CPS	4	3
Abergeldie	ET	CPS	8	3
Ravensraig	SD	Integral SG	6	3
Craigend	SD	CPS	20	2
Glenbuchat	D	Integral SG	6	4
Rothies	D	Integral SG	0	4
Fenton	D	Integral SG	12	4
Craigstone	D	DSG	6	4
Dunbar	D	Integral SG	13	4
Balmoral	D	DSG	2	4
Cullen	D	Integral SG	5	4
Ballathie	D	Integral SG	8	5
			135	
Affordable				
Tay	Apt	CPS	2	2
Isla	Apt	CPS	2	2
Spey	Apt	CPS	6	2
Irvine	Apt	CPS	4	2
Ury	Apt	CPS	4	2
Clyde	Apt	CPS	4	1
Tweed	Apt	CPS	8	1
Kirknewton 2	ET	CPS	4	2
Kirknewton 2	MT	CPS	3	2
Kirknewton 3	ET	CPS	2	3
Holm GF		CPS	2	2
Holm FF		CPS	2	2
Dores	ET	CPS	2	4
			45	
TOTAL			180	



External Finishes		
Material	Frames - 01	Frames - 02
	STONE BASECOURSE	STONE BASECOURSE + STONE FINISHES
Render	Esso white Chip on snowcrete render	Esso white Chip on snowcrete render
Roof tiles	Russell "Morey" interlocking roof slate, colour Slate to be laid half broken bond.	Russell "Morey" interlocking roof slate, colour Slate to be laid half broken bond.
Stone	Fyestone, Elite Tumbled Cotterstone Grey (CS1)	Fyestone, Elite Tumbled Cotterstone Grey (CS1)
Window sills	Fyestone, Cotterstone Grey	Fyestone, Cotterstone Grey
Windows	White uPVC	White uPVC
Soffits	White uPVC	White uPVC
RW goods	Black uPVC	Black uPVC
Front door	Black uPVC	Black uPVC
Back door	Black uPVC	Black uPVC
Garage door	Black uPVC	Black uPVC

MATERIAL FINISHES

- 1 Bitumen Road surface
- 2 Tarmac Pavement
- 3  Private Driveways Tarmac min 6.0 x 6.0 m
- 4  Communal Parking Bays - Hatch denotes communal parking bays
- 5  Communal Parking Bays - Hatch denotes which plots will utilise communal parking
- 6  Proposed Tree Planting/ Landscaping Please refer to landscape architect's drawings for more detailed information.
- 7  1200 x 1200 entrance platt with 900 path in concrete slabs
- 8  Boundary Type 1 - 1.8m High walling roughcast with base course in Fyestone Cotterstone Grey with pitched copes
- 9  Boundary Type 2 - 1.8m high timber fence
- 10  Boundary Type 3 - 900mm hedging



MATERIALS AND BOUNDARY PLAN

1:500

