

Agenda Item	6.9
Report No	PLS/097/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 04 December 2019
Report Title: 19/00982/FUL: Mr R Matheson
Land 35M East Of 38 Old Perth Road Inverness
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Formation of access road to serve residential development comprising 24 dwellings
Ward: 16 – Inverness Millburn
Development category: Local
Reason referred to Committee: Objection from Community Council and 5 or more timeous objections from separate addresses

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks planning permission for an access road to residential development. The applicant has sought planning permission in principal for a total of 24 residential units under a separate application (19/00982/FUL).
- 1.2 Access to the site is proposed from Old Perth Road with a new junction formed by realigning and relocating an existing access.
- 1.3 The Service is not aware of the applicant having undertaken any public consultation. The applicant has not approached the Service for pre-application advice via the pre-application advice service. A party understood to be acting on behalf of the applicant approached the Service for clarification following the withdrawal of the previous application (18/02818/FUL) for the same proposal. In response officers provided advice on the potential access to the site, which noted:
- *Anticipated Access - The optimum access is through the Raigmore Motel site but would likely require its demolition (and partial redevelopment) and is in a separate ownership, hence the mixed use allocation. The 24 houses could be accessed off Thistle Road, Drakies. This is dependent on a number of factors related to site constraints.*
 - *“No intensification of access from Old Perth Road” – this reference in the Local Development Plan refers to use of the Drakies House driveway through the gated entrance on Old Perth Road.*

The Transport Planning Team provided informal advice to the developer. Its advice, in the form of a meeting note by the applicants' agent is contained in the Appendix to the Transport Statement.

- 1.4 The application is supported by the following information:
- Planning Statement
 - Drainage Impact Assessment;
 - Transport Statement;
 - Protected Mammal Survey Report;
 - Tree Constraints Plan.
- 1.5 Since validation the geometry of the access, design of the road, and design of pedestrian crossing has been modified to address matters raised by consultees.

2. SITE DESCRIPTION

- 2.1 The site access comprises partially an area of amenity space and trees between the B9006 (Old Perth Road) and Old Perth Road, and the remainder is the original driveway to Drakies House. The proposal will require alteration to the gate pillars to the driveway. Once beyond the original driveway, the site comprises an area of ground between Drakies House and the Raigmore Motel. It is bounded to the west by houses accessed via Culcabock Avenue and a number of mature trees. To the east it is bounded by mature woodland with the Drakies development beyond.

2.2 There are no natural cultural heritage designations covering the site. There are sites of archaeological interest recorded in the Highland Historic Environment Record within the vicinity of the site. The site is within the grounds of Drakies House which is a Category B listed building. As referenced above, the pillars of the original driveway to Drakies House may be affected by the development.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-----------------------|
| 3.1 | 03.09.2018 | 18/02818/FUL - Formation of access road to serve proposed residential development | Application Withdrawn |
| 3.2 | 05.09.2018 | 18/02817/PIP - Development of 24 residential units comprising six detached villas, four town houses, six semi-detached houses and eight flats | Application Withdrawn |
| 3.3 | | 19/00990/PIP - Development of 24 residential units comprising six detached villas, four town houses, six semi-detached houses and eight flats | Pending Consideration |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour, and Development Affecting the Setting of a Listed Building

Date Advertised: 22 March 2019

Representation deadline: 12 April 2019

Timeous representations: 22

Late representations: 4

4.2 Material considerations raised are summarised as follows:

- a) Traffic Impacts on B9006 (Old Perth Road) (traffic congestion, intensification of access, road safety, impact on ambulance access / egress at Raigmore Hospital);
- b) Impact on road safety on B9006 (Old Perth Road) and on Old Perth Road;
- c) Impacts on pedestrian safety on B9006 (Old Perth Road) and Old Perth Road;
- d) Premature to upgrades to the B9006 (Old Perth Road);
- e) Impact on amenity (air and noise pollution)
- f) Impact on setting of development through loss of open space and trees;
- g) Impact on wildlife.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Culcabock and Drakies Community Council:** Object to the application:

- proposal creating a dangerous junction causing conflicting traffic flows;
- concerns regarding the manoeuvres of large vehicles through the new access onto Old Perth Road to access the development;
- creation of further traffic congestion on B9006 (Old Perth Road) due to the increased length of right turn lane;
- impact on the amenity and character of the area through removal of trees, open space;
- increase in traffic flows and congestion in front of properties 50-62 Old Perth Road;
- proposal would prejudice the scope of the improvements measures proposed at Inshes junction.

The Community Council has appended a copy of its representation to Planning Application 08/00255/FULIN and a copy of the committee report for Planning Application 99/00694/FULIN.

5.2 **Development Plan Team** highlight that the access is not in accordance with the Development Plan. It sets out that while the LDP is not explicit in its requirement for access to the site via the Raigmore Motel site, the proposed access causes a conflict with existing traffic movements in an already congested location on the road network. It further identifies that the Inshes and Raigmore Development Brief requires that the land for the re-design of the Inshes corridor must be safeguarded. It sets out that the proposed access could inhibit the delivery of the re-designed Inshes corridor scheme.

5.3 **Transport Planning Team** does not object to the application following submission of further information and modifications to the junction layout and internal road layout to accommodate forward visibility. It is content that the indicative road layout and visibility splays meet the minimum requirements. It welcomes the active travel connection to Culcabock Avenue. Conditions are requested to secure the active travel connection from Thistle Road to Old Perth Road (B9006) through the site; and the provision of a construction traffic management plan.

5.4 **THC Forestry Officer** objects to the application. The officer is not supportive of the removal of the prominent trees within the historic treed avenue nor those adjacent to Old Perth Road. The setback from trees is considered acceptable, and following modifications, the indicative layout largely avoids impacts on root protection areas. The officer highlights that a more proportionate compensatory planting plan is required although acknowledges the applicant's efforts to reduce impacts through modifications to the indicative layout. Considers that the application is contrary to Policy 51 of the Highland-wide Local Development Plan.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 73 - Air Quality
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access

6.2 **Inner Moray Firth Local Development Plan 2015**

Policy 2 – Delivery of Development

Allocation IN55 – East of Culcabock Avenue – Mixed Use: 24 Homes, retail, business.

6.5 **Highland Council Supplementary Planning Policy Guidance**

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2013)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Open Space in New Residential Developments (Jan 2013)
- Physical Constraints (March 2013)
- Public Art Strategy (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)
- Inshes and Raigmore Development Brief (January 2015)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy (The Scottish Government, 2014)
- National Planning Framework 3 (The Scottish Government, 2014)
- Designing Streets (The Scottish Government, 2011)
- Creating Places (The Scottish Government, 2013)
- PAN 61 - Sustainable Drainage Systems
- PAN 68 - Design Statements
- PAN 75 - Planning for Transport
- PAN 77 - Designing for Safer Places
- PAN 1/2011 Planning and Noise

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) roads, access and parking;
- c) impact on the water environment (including flood risk and drainage);
- d) Impact on the Historic Environment;
- e) any other material considerations.

Development plan/other planning policy

8.4 In considering this application, it is necessary to understand the context of the application and its allocation. This site is allocated for a mix of housing, retail and business uses. The technical issues in relation to access to the proposal are considered elsewhere in this report but the principle of the access is fundamental to the masterplanning of the site.

8.5 The applicant has set out that in retaining the Raigmore Motel on the frontage to the site, the proposal accords with the delivery of a mix of uses on the allocated site. However, the retention of the existing use on the site is not envisaged by the IMFLDP, which considered that the Raigmore Motel would be redeveloped as part of a single cohesive redevelopment of the whole allocated site.

- 8.6 The applicant has set out in their supporting statement that the Raigmore Motel is an established use, in third party ownership and has a self-contained access. It indicates that there is no proposal for redevelopment of the motel. The masterplan objective in the applicant's "strategic masterplan" is to ensure that the commercial frontage along the B9006 (Old Perth Road) is retained with an option for future access to the remainder of the allocated site.
- 8.7 The Supporting Statement accompanying the application is unclear on whether the strategic masterplan objective relates to the retention of the Raigmore Motel. However, having considered this matter, it is not possible that the existing commercial development could be kept intact, while delivering an access through to the proposed residential development. This is due to a lack of space to deliver a road to the appropriate width to meet technical standards to serve a housing development. If however, as the Supporting Statement infers, this is the long term objective for this part of the allocated site, then it is in accordance with the Development Plan i.e. the access to the IN55 allocation should be delivered through this site. The objective as set out in the Supporting Statement also sets out that this part of the site should open up residential development to the rear and wider pedestrian / cyclist connectivity improvements.
- 8.8 The developer requirement of site IN55 notes "no intensification of use of the access from Old Perth Road". The Development Plans Team have clarified that this relates to the creation of a new access from the B9006 (Old Perth Road) through the re-use of the former Drakies House driveway. This application proposes to re-locate and re-align the existing access to accommodate the development, and therefore there will be no new junction as such. However, taking access from Old Perth Road itself will lead to an intensification of use of that junction. The applicant considers the increase in traffic to be "insignificant", and Transport Planning has not raised an objection in this regard.
- 8.9 The Inshes and Raigmore Development Brief (IRDB) is a statutory part of the Development Plan. Whilst mainly addressing the land options closer to Inshes Retail and Business park it also covers the delivery of the Inshes junction improvements. In doing so it contains the Council's options for the junction improvements. This includes the area where the access will be taken for the proposed development and shows the junction stopped up in both of the options.
- 8.10 Para 2.7 of the IRDB states:

"Land identified in the outline proposals drawings, including that for the flood attenuation scheme, and any subsequent iterations, must be safeguarded from development and / or provided as part of any development proposals."

The Inshes junction improvements are funded elements of the Council's capital programme. Whilst the designs remain at an outline stage there is a drawing of the initial scheme. The IRDB enshrined the safeguarding of land for the Inshes Junction Improvements into policy and this applies to subsequent iterations of the designs as well. The applicant has however committed to facilitating the delivery of the Inshes junction improvements as they relate to the closure of this junction in due course and they accept that the works they undertake to create the new access may be abortive. In doing so they have submitted layouts for the provision

of the access into the site for both the realigned junction and closure of the junction. Transport Planning have not objected to the proposals.

- 8.11 The reason for the choice of the access proposed through this application instead of the preferred access, via the Raigmore Motel site, has on balance been justified. If, as set out in the Supporting Statement, the intention through the “strategic masterplan” is to retain a future access option through the frontage of the site, it could be considered that the application is premature to the masterplan objective set out in the Supporting Statement. However, this is an application for permission in principle and the internal layout as presented is indicative only.
- 8.12 As set out in paragraph 1.3 of this report, an alternative access via Thistle Road was suggested to parties understood to be acting on behalf of the applicant by the Service, following withdrawal of the previous application. This has not been considered in the Supporting Statement, however was suggested to the applicant through the processing of the current application. This would involve access through the land identified as Parcel 4 (Drakies South) in the applicant’s Strategic Masterplan Framework. If this option were to be explored further the constraints relating to: the listed building; road network changes, which would need to ensure that there was no through route to the B9006 (Old Perth Road) for vehicles; and impacts on trees, would need to be considered further. While it would need the applicant to deliver a detailed scheme for consideration of the Planning Authority, the applicant’s initial consideration of this alternative is that it would not be feasible and would lead to issues with delivery of a viable development.
- 8.13 The applicant has however agreed to provide an active travel route between Thistle Road and Old Perth Road (B9006) to facilitate better active travel connections between the wider Drakies area and Raigmore areas. This has benefit to a range of users and will provide an additional safe route to school to Millburn Academy from the Drakies area. It is however noted that the Community Council do not support this link due to concerns around safety, amenity impacts and anti-social behaviour.
- 8.14 The access arrangements are technically acceptable and there is a lack of opportunity to deliver an access through the Raigmore Motel site. Subject to considerations of detailed matters including but not limited to design, layout and impact amenity impact being acceptable, the application could be considered to accord with the Development Plan.

Roads, Access and Parking

- 8.15 Transport Planning has not raised an objection to the application on technical grounds and following the submission of further information is satisfied that the access proposed accords with the relevant Council standards.
- 8.16 Transport Planning initially highlight that the required visibility splays to the west would not be achievable, due to the boundary treatments at the Raigmore Motel and the original driveway entrance to Drakies House. The applicant has confirmed that it has control of elements of the visibility splays in relation to the boundary of the Raigmore Hotel as well as the pillars at the entrance to the original driveway for Drakies House. The applicant’s agent has set out that they do not consider the visibility splays will affect the pillars at the original entrance to Drakies House in

correspondence received during the processing of the application. However, Transport Planning considered this further and confirmed that visibility would be impinged by the current location of the gateposts. Following clarifications and submission of further information, it has been agreed that the required visibility splays at the junction can be met subject to the relocation of the gateposts at the end of the original Drakies House driveway.

8.17 In relation to other technical matters on road design:

- Refuse Vehicle Manoeuvres – the initial submission showed that the refuse vehicle would overrun into the right turn lane on the proposed access and the driver would be required to wait until the lane was empty before attempting the required manoeuvres at the access to the site. This was not considered satisfactory for a safe egress from a junction to be dependent on the driver of a vehicle. Therefore revisions to the access road were requested to address this matter and the applicant has subsequently made the required changes. A refuse vehicle can now manoeuvre along the proposed access route in a safe manner;
- Forward Visibility - Transport Planning had raised concerns in relation to forward visibility on the access into the site. The forward visibility into is 19m where Designing Streets is clear that forward visibility should be based on the sight stopping distance which, for a 20mph speed limit, is 22 metres increasing to 25 metres when adjusted for bonnet length. Following modifications to the road, the forward visibility along the route is now considered to meet the standards.

8.18 A new active travel connection is proposed by the associated Planning Application for residential development (19/00990/PIP) and this is supported by Transport Planning. The application as originally submitted severed an active travel link out of the Drakies development onto Old Perth Road without similar provision being re-provided. A revised layout has now been provided which includes an appropriately sited, albeit uncontrolled, pedestrian crossing facility. The detailed design of this will be considered through the Road Construction Consent process.

8.19 Transport Planning has advised that the revised junction accommodates a right turn lane for vehicles turning into Old Perth Road with an increase in capacity to 4 cars from the existing 3 cars. In addition, it will increase the width of the right hand turn lane. Junction markings will be required. The junction spacing between the existing junctions to Old Perth Road and the ambulance station will be increased to 45m and the radii of the junction will meet with Council guidelines.

Impact on the water environment (including flood risk and drainage)

8.20 The applicant has submitted a Drainage Impact Assessment that considers matters of surface water and pluvial flooding. This finds that the ground conditions are appropriate for an infiltration SuDS system. Furthermore a flood route plan has been submitted showing the direction of surface water flows into the proposed infiltration basin.

- 8.21 Full details of the system could be secured by conditions but the acceptability, in principle, of the proposed solution has not been determined at this point.

Impact on the Historic Environment

- 8.22 The impact on historic environment has been raised as a concern. Drakies House is Category B Listed. The land around the House is important to its setting, however, this application is remote from the House itself with a now limited relationship between the House and the land due to landscaping features. The access gates onto B9006 (Old Perth Road) form part of the listing and would likely require to be moved or altered to accommodate the required visibility splays as identified by Transport Planning. The impact of the proposed development, and particularly the proposed upgrading works to the access, including works to the Category B Listed structure (the gate piers of Drakies House), would, subject to appropriate siting and conditions on the removal and reinstatement, be acceptable.
- 8.23 There is the potential for archaeological features to be present within the site. An archaeological watching brief can be secured by condition.

Other material considerations

- 8.24 With regard to impact on protected species and other wildlife on the site, the applicant has produced a protected mammal survey report which has identified a number of potential bat roost features, but no other protected mammals. A series of mitigation is identified to protect bats and general mitigation is promoted by the survey to ensure protected mammals are not harmed. Any permission that was to be granted should include conditions related to the need for pre-commencement protected species survey for bats given the trees which may need to be felled to be undertaken.
- 8.25 The site has a significant number of trees on its boundaries and they help to characterise the site. The applicant will likely require to remove a number of trees to accommodate the access road. The applicant considers that the impact of these tree removals will be limited in comparison with the wider benefit of the application. The removal of the trees at the amenity space between Old Perth Road and the B9006 (Old Perth Road) is not supported by the Council's Forestry Officer. The management and maintenance of the retained trees would require to be addressed. This could be achieved via a woodland management plan. Further compensatory planting would be required.
- 8.26 Representations have also raised concerns in relation to the loss of amenity space, trees, and increased noise and air pollution. The trees present between the B9006 (Old Perth Road) and Old Perth Road may help to mitigate the impacts of the road traffic in this area. Replacement tree planting in the amenity area adjacent to the B9006 (Old Perth Road) could be provided. However, it is not considered that the impact on the setting of the existing properties can be mitigated.
- 8.27 It is understood that the entirety of the land required to take forward the development is not in control of the applicant. One of the landowners for this area has indicated that they will not allow their land to be developed. This questions whether the access proposed is deliverable as it is outwith the control of the

applicant.

Developer Contributions

- 8.28 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. Given the application is for an access only no developer contributions are required. However to tie together the permissions for the access and planning permission in principle (19/00990/PIP), this application will be subject to the same legal agreement.

9. CONCLUSION

- 9.1 The proposed development is for 24 affordable homes on a site which is allocated for a mix of uses in the Inner Moray Firth Local Development Plan. The plan allocation seeks a masterplan which considers the whole site and no intensification of access onto Old Perth Road. A masterplan has been submitted and due to the negotiated mitigation through the provision of an active travel link, can be considered to provide some betterment and connectivity between both the proposed and existing uses. Further the increase in length of the right hand turn lane from space for stacking of 3 cars to 4 is considered betterment.
- 9.2 The need for delivery of the Inshes Corridor improvements is one recognised in the Council's Capital Programme and in the Inshes and Raigmore Development Brief. Representations have considered that this developments' access arrangement would prejudice an element of the scheme and as such is premature to the final decision on the proposals and their delivery. However, the applicant has demonstrated to the satisfaction of Transport Planning that the access can be delivered with or without the implementation of the Inshes Corridor scheme. Further the applicant has accepted that the works proposed may be abortive.
- 9.3 The key principle of the planning system, as set out in Scottish Planning Policy, is to achieve the right development in the right place, supported by the right level of infrastructure. It is not to allow development at any cost. The Development Plan supports the principle of development on the site which is subject to the associated planning permission in principle. Subject to detailed consideration of matters related to siting, layout and design of the development within the site, the application can be considered to, on balance, accord with the provisions of the Development Plan.
- 9.4 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 Section 75 Obligation Y

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the prior conclusion of a bi-lateral legal agreement under S75 of the Town and Country Planning (Scotland) Act 1997 (As Amended) to which the Council is a party and the following conditions and reasons:

1. No development shall commence until pre-commencement surveys to locate the presence or absence of protected species have been undertaken and copies submitted to both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason: To protect and enhance nature conservation from construction activities.

2. No development shall commence until full details of surface water drainage provision within the development (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Forth Edition, or any superseding guidance prevailing at the time). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

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

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

3. No development shall commence until an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure) shall be submitted for the written approval of the planning authority. The plan shall show:-

- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons

- of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all abilities users etc and how these will integrate with existing or proposed networks;
 - d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
 - e) Links to the Highland Council's core paths and green frameworks.

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

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

4. No development shall commence until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:
- a). A Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
 - b). Processes to control / action changes from the agreed Schedule of Mitigation
 - c). The following specific Construction and Environmental Management Plans (CEMP):
 - (i) Habitat and Species Protection Plan
 - (ii) Pollution prevention plan
 - (iii) Dust management plan
 - (iv) Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise
 - (v) Site waste management plan
 - (vi) Measures to protect private water supplies; including an emergency response plan.
 - d). Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
 - e). Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
 - f). Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs. The development shall proceed in accordance with the approved Construction Environmental Management Document.

Reason: To protect the environment and amenity from the construction and operation of the development.

5. No development shall commence until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

6. Before the development coming into use, a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that communal infrastructure on the site are maintained in accordance with the Council's standards.

7. No development shall commence until a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This will include a timetable for investigation, all in accordance with the attached specification which shall require to be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

Reason: To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

8. No development shall commence until the following documents have been submitted to and approved in writing by the Planning Authority:
 - a. Arboricultural Assessment;
 - b. Tree Constraint and Protection Plan
 - c. Arboricultural Method Statement;
 - d. Tree and Woodland Management Plan for existing woodlands Such details should be in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time).

Thereafter, development shall progress in line with the approved details unless

otherwise agreed in writing by the Planning Authority.

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

9. Prior to the commencement of development a scheme of compensatory planting of trees and woodland within the vicinity of Drakies House area (the "Planting Scheme") shall be submitted to and approved in writing by the Planning Authority. The Planting Scheme shall include:

- i. the location of any and all area(s) to be planted;
- ii. details of the species, planting density for any and all areas of planting and size of trees to be planted;
- iii. details of ground preparation, drainage and fencing;
- iv. proposals for the maintenance, for a minimum period of 5 years, and establishment of the Planting Scheme, including the frequency of checks, suitable triggers for any necessary replacement planting (including timing of the aforementioned planting).

The approved Planting Scheme shall be implemented in full within 12 months of the commencement of development or 31 May 2021, whichever is earliest.

Reason: To ensure that the loss of trees on the site as a result of the development is adequately compensated in line with Policy 51 of the Highland-wide Local Development Plan

10. The vehicular access road will be required to be:

- i. provided via a reconfigured junction onto Old Perth Road (B9006) in advance of the delivery of the Inshes Corridor Scheme if this permission is implemented in no later than the 12 months in advance of the date of the publication of any draft compulsory purchase orders or planning permission being granted for the Inshes Corridor Scheme;

OR

- ii. provided via a reconfigured access in line with the arrangements approved and implemented by the Council following implementation of the Inshes Corridor scheme.

Reason: In the interests of safety and free flow of the local road network and to ensure an access is delivered which accords with the Inshes Corridor Scheme as set out in the Inshes and Raigmore Development Brief.

11. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

- ii. A plan showing existing landscaping features and vegetation to be retained;
- v. A scheme for the layout, design and construction of all hard landscaped spaces shown on the approved site layout, including the details of all street furniture (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of street furniture at 1:20 scale.
- vi. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- vii. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme and be implemented prior to the development first coming into use.

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

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

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

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

Signature:

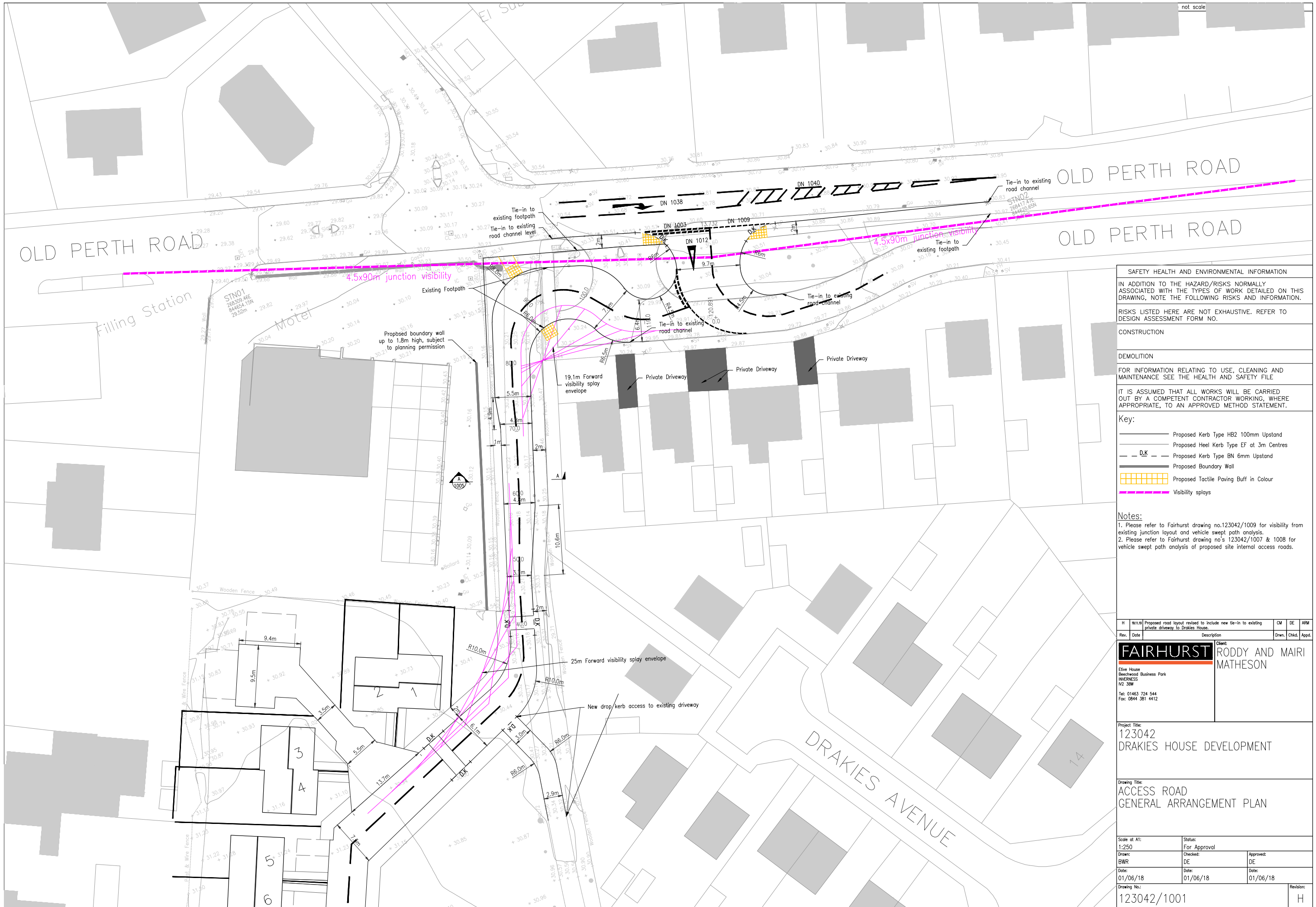
Designation: Area Planning Manager – South

Author: Simon Hindson

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

Relevant Plans: Plan 1 - Location Plan

Plan 2 - Site Access – General Arrangement



SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARD/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING RISKS AND INFORMATION.

RISKS LISTED HERE ARE NOT EXHAUSTIVE. REFER TO DESIGN ASSESSMENT FORM NO.

CONSTRUCTION

DEMOLITION

FOR INFORMATION RELATING TO USE, CLEANING AND MAINTENANCE SEE THE HEALTH AND SAFETY FILE

IT IS ASSUMED THAT ALL WORKS WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING, WHERE APPROPRIATE, TO AN APPROVED METHOD STATEMENT.

- Key:**
- Proposed Kerb Type HB2 100mm Upstand
 - Proposed Heel Kerb Type EF at 3m Centres
 - - - D.K. - - - Proposed Kerb Type BN 6mm Upstand
 - Proposed Boundary Wall
 - Proposed Tactile Paving Buff in Colour
 - Visibility splays

- Notes:**
- Please refer to Fairhurst drawing no.123042/1009 for visibility from existing junction layout and vehicle swept path analysis.
 - Please refer to Fairhurst drawing no's 123042/1007 & 1008 for vehicle swept path analysis of proposed site internal access roads.

Rev.	Date	Description	Drwn.	Chkd.	Appr.
H	18/11/18	Proposed road layout revised to include new tie-in to existing private driveway to Drakies House.	CM	DE	ARM

FAIRHURST Client: **RODDY AND MAIRI MATHESON**

Elvie House
Beechwood Business Park
INVERNESS
IV2 3SW
Tel: 01463 724 544
Fax: 0844 361 4412

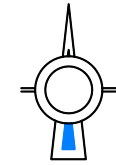
Project Title:
**123042
DRAKIES HOUSE DEVELOPMENT**

Drawing Title:
**ACCESS ROAD
GENERAL ARRANGEMENT PLAN**

Scale at A1:	Status:
1:250	For Approval
Drawn: BWR	Checked: DE
Date: 01/06/18	Approved: DE
	Date: 01/06/18
	Date: 01/06/18

Drawing No.: **123042/1001** Revision: **H**

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



PLANNING APPLICATION

REVISIONS

rev.	description	date
A	road junction adjustments	02.19
B	pavement adjustments	09.19
C	Road & Trees amended	11.19

Client
R Matheson

Project
**Housing Development at
 Drakies House,
 Inverness**

Drawing
**Formation of Access Road : Site
 Plan**

Scale 1:500@A2	Date 05.2018	Drawn by CA
Project no 2377	Dwg no PL101	Rev C

G.H. JOHNSTON 
BUILDING CONSULTANTS LTD
 WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk
 TEL (01463) 237229
 FAX (01463) 243258

BOUNDARY

- site boundary
area : 2165 sqm
- land ownership
- visibility splay
4.5 x 90m (east & west)

SERVICES

- road / shared surface
- pavement
- 1.8m high boundary wall

TREES

- root protection area
- existing tree canopy
- tree removal
- 20m setback

