

Agenda Item	6.8
Report No	PLS/096/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 04 December 2019

Report Title: 19/00990/PIP: Mr R Matheson
Drakies House, Culcabock Avenue, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Development of 24 residential units comprising six detached villas, four town houses, six semi-detached houses and eight flats

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 in principle as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The application is for planning permission in principle for a total of 24 residential units. Based on the indicative site layout and description of development, the residential units comprise:

- 6 detached villas;
- 4 town houses;
- 6 semi detached houses; and
- 8 flats.

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 at the time to be acting on behalf of the applicant approached the Planning Authority 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. Their 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 the validation of the application the applicant has submitted a revised site layout to address concerns about connectivity of the site, modified the indicative site layout to avoid impact on trees and shown an indicative location for the relocation of the driveway pillars for the original Drakies House access.

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 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 | | 19/00982/FUL - Formation of access road to serve residential development comprising 24 dwellings | Pending Consideration |

4. PUBLIC PARTICIPATION

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

Date Advertised: 22 March 2019 and

Representation deadline: 16 October 2019

Timeous representations: 33

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- a) Concern over indicative layout and scale of proposed houses;
- b) Impact on amenity (noise, day light, privacy);
- c) Impact on pedestrian safety (Old Perth Road and Culcabock Avenue);
- d) Impact on road safety;
- e) Traffic impacts;
- f) Flood risk;
- g) Impact on infrastructure (schools, drainage);
- h) Impact on built heritage (loss of Drakies House driveway pillars);
- i) Loss of greenfield site;
- j) Prematurity to upgrade of B9006 (Old Perth Road);
- k) Concern over the density of development.

- 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 – level of need for residential development and the potential for alternative forms of development on the site; traffic impacts; prejudice the aim of achieving environmental upgrade and traffic enhancement on B9006 (Old Perth Road); impact on character of the area through tree removals; impact on character, amenity and privacy of existing properties due to the difference between levels within the site and adjacent properties; concern over the scale of properties with particular concern related to the scale of the proposed townhouses; and flood risk.

The Community Council has suggested that any future development of the site should be single storey and generate low levels of traffic. It proposes that the site could be utilised for a care home, sheltered housing, special needs housing or a community medical centre.

The Community Council has appended a copy of their 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** highlights 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 officer considers that the setback from trees is however acceptable, and following modifications, the indicative layout largely avoids impacts on root protection areas. It is set out that a more proportionate compensatory planting plan is required although acknowledging 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.
- 5.5 **Scottish Water:** No objection. Identifies that there is sufficient capacity in the

public water and waste water networks to serve the development.

- 5.6 **Scottish Natural Heritage:** No objection. Note that the survey undertaken recommends a further survey of trees identified as having Potential Bat Roost Features.

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.

6.3 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 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) masterplanning, design and layout;
- c) roads, access and parking;
- d) impact on the water environment (including flood risk and drainage);
- e) impacts on residential amenity;
- f) trees, landscaping and open space;
- g) Impact on Historic Environment;
- h) any other material considerations.

Development plan/other planning policy

- 8.4 Development plan policy is set out in the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan (IMFLDP) and statutorily adopted supplementary guidance. The proposed development is on land allocated for a mix of uses.
- 8.5 The application covers part of an allocation for mixed use development in the IMFLDP. The allocation of a site for a mix of uses is predicated on that mix of uses being brought forward unless material considerations suggest otherwise or the element of the site being brought forward in a single use would not prejudice the delivery of a mix of uses across the site.
- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.

8.11 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.

8.12 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.

8.13 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.

8.14 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 officers 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.

8.15 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.

- 8.16 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.

Masterplanning, Design and Layout:

- 8.17 Whilst noting this application is for planning permission in principle, an indicative layout has been submitted by the applicant to demonstrate how 24 houses could be accommodated within the site. This is supported by a Strategic Masterplan for this site and the adjacent land, the majority of which (with exception of the Raigmore Motel), is under the control of the applicant.
- 8.18 There was a concern when the application was submitted that it did not provide connectivity and an integration of uses. The masterplan identifies 4 parcels of land for development, with only one of these forming part of this application. The remaining parcels of land are now connected via an active travel link but remain unconnected developments. With that said, this is an application for planning permission in principle and the indicative layout could be changed, while still accommodating 24 residential units to facilitate the delivery of a more integrated development overall.
- 8.19 The indicative layout shows much of the housing along the western boundary of the site as two storey, and in relatively close proximity of the neighbouring properties on Culcabock Avenue. Whilst it is beyond the distance that would typically be expected to have a significant impact on the privacy of neighbouring or nearby properties when viewed on a plan, the topography of the land may mean that there is an impact on amenity. The density of buildings across the site is considered to be generally low in comparison to most recent new build housing developments in the City. However, the density of the development may appear more dense due to the lower density development which characterises the rest of Culcabock. This appears to have been done to address the constraints around the trees on the eastern boundary.
- 8.20 Representations have raised concerns regarding the use of flats and townhouses on the site. Appropriately sited, these types of residential units provide choice to the market. Houses around the site are generally one or two storey in height. There are no three storey developments directly adjacent to the site. The indicative location of the townhouses within the scheme is set away from the existing properties in Culcabock Avenue but is more associated with the development in Drakies. It is considered that within the site three storey townhouses could be acceptable, subject to detailed siting and design. The delivery of flatted development within the application site is considered to be acceptable subject to appropriate siting and design.

- 8.21 The indicative layout of the development promotes a pedestrian access onto Culcabock Avenue; in terms of active travel this is welcomed. However, there are road safety concerns with regard to coming out onto Culcabock Avenue which is a road with no pavements at the same side as the development. These however could be designed in with the matter secured by condition.
- 8.22 Overall, it is considered that there are matters of detail that would require further consideration through matters specified in condition application. However, the connectivity and integration between the proposed development and the adjacent parcels of land in the strategic masterplan has, on balance been appropriately addressed.

Roads, Access and Parking

- 8.23 Transport Planning has not raised an objection to the adequacy or otherwise of the layout based upon Council standards. Further details will be required as part of any matters specified in conditions submission should planning permission be granted. Conditions would be attached to any planning permission in principle to address the: detail of the road access; provision of service strips; requirement for a 20mph zone; details of parking provision for cars and bicycles; details of surface water drainage provision; improvement to bus stop provision; and investigation of, and improvement to, active travel linkages to education, medical and retail facilities.
- 8.24 Representations raise concerns including: width of the access road, pedestrian access, conflict with the ambulance junction, and increase in traffic. Through this application and the detailed application for the access road, Transport Planning has accepted the Transport Statement which has been carried out. In the response to the conflicts and increase in traffic on Old Perth Road, Transport Planning has set out that the proposed junction is below standards, albeit it does deliver some betterment to the existing situation. Transport Planning has highlighted that visibility splays at the redesigned junction would not be achievable, the forward visibility along the access into the site are not achievable without impact on the pillars of the original driveway to Drakies House nor would the waste management vehicle be able to make all required manoeuvres.

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

- 8.25 The applicant has submitted a Drainage Impact Assessment to deal with the 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.
- 8.26 The principle of the drainage system can be accepted but the details of the system require to be secured by conditions.
- 8.27 In terms of water and waste water provision, Scottish Water has identified that at the present time there is sufficient capacity in the network to serve the development.

Impacts on residential amenity

- 8.28 The concerns raised in representations are numerous. Most focus on the change in character of the area and the amenity impacts in relation to noise, dust, pollution and impact on daylight. The impact on privacy is considered in paragraph 8.19. Taking these matters in turn:
- Character: it is considered that this proposed development is more suburban in design than the closer knit layouts of the original Culcabock village. The more modern development in the Drakies area is different again. The proposed development would introduce an element of change and take up an area of green space which currently characterises this area. Appropriate building densities, siting and design could mitigate the impact.
 - Noise, dust and pollution: are matters that will predominantly be short term and during the construction period. A limited number of representations raised concerns in relation to these matters, in particular air pollution, as lasting for the lifetime of the development due to the increase in traffic. It is not considered that this development would lead to a significant change in the current situation.
 - Daylight: is a matter which can only be considered in detail when a final layout and design is presented for the site and the proposed properties. It is however recognised that there may be some impacts on the existing properties given the orientation and topography of the site, and the proposed layout. This matter could be addressed by condition.
- 8.29 Generally, construction impacts can be controlled via a Construction Environmental Management Plan approach. This could be secured by condition.

Trees, landscaping and open space

- 8.30 The site has a significant number of trees on its boundaries and these 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. Following modifications to the layout, there will now be limited impact on the historic treed avenue. This could be further limited depending on the routing of the footpath link within the proposed development. The impact on 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.

Impact on Historic Environment

- 8.31 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.

- 8.32 The application seeks to establish the principle of a housing within the curtilage of a Category B Listed Building. Accordingly, the full details of the layout, size, position, design, siting, use of materials on the proposed buildings has not been finalised by the developer and presented to the Planning Authority for consideration, and therefore the full impact of the proposal on the Listed Building and its setting cannot be fully assessed. The proposal therefore has not, and cannot at this time, demonstrate that it accords with the Highland Wide Local Development Plan policy 57 (Natural, Built and Cultural Heritage) with regard to impact on the building heritage resource; policy 28 (Sustainable Design) with regard to its detrimental impact on the cultural heritage of a Category B Listed Building and its curtilage; and policy 29 (Design Quality) with regard to it having demonstrated that it makes a positive contribution to the architectural quality of Drakies House. However, this can be addressed through a future matters specified in conditions applications at the area in which the development is proposed does not have a direct link to the setting of Drakies House which is focussed on the space to the front and rear of the property.
- 8.33 There is the potential for archaeological features to be present within the site. An archaeological watching brief can be secured by condition.

Impact on Infrastructure

- 8.34 The development is located within Drakies Primary School and Millburn Academy Catchment Areas.
- 8.35 Based on the recently published School Roll Forecasts (SRFs) for 2018/19, Drakies Primary has a capacity of 284 pupils and current roll of 224 pupils with the school, operating at 79% capacity. Having re-run the SRF to include the proposed development, the school roll is predicted to peak at 91% of capacity in 2031/32. The school's roll is not predicted to be over 90% capacity for longer than 5 years during the forecasting period. Therefore a developer contribution to enhance primary education capacity is not required.
- 8.36 Based on the recently published 2018/19 SRFs, Milburn Academy has a capacity of 1195 pupils and a current roll of 1127 pupils, operating at 94% capacity. Having re-run the SRF to include the proposed development, the school roll is predicted to remain above 90% capacity for the entire forecasting period. This number of pupils over capacity is predicted to be more than 50 for more than 5 years. As this is the case a developer contribution at major extension rates / new school rates will apply for each house or flat. Land will be required to deliver the extension / new school will also apply.
- 8.37 The Inner Moray Firth Local Development Plan Delivery Programme identifies that all development within the City of Inverness area should make contributions towards enhancement of strategic sports facilities in the East of the City.

8.38 The Inner Moray Firth Local Development Plan Delivery Programme identifies that all developments in this part of Inverness are required to contribute toward delivery of strategic transport improvements. This includes the East Link and Inshes Corridor.

Other material considerations

8.39 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.

8.40 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 out with the control of the applicant.

8.41 Alternative residential type uses have been suggested by the Community Council. This application has to be treated on its merits. If an alternative use were to be presented the Planning Authority would assess its compatibility with the Development Plan.

8.42 To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition. Further a strategy for energy use and sustainability should be considered by the applicant and also secured by condition.

Developer Contributions

8.43 Policy 31 (Developer Contributions) requires all developments to make fair and reasonable contributions towards improved public services as required. The following is what would be required in the event that planning permission were to be granted.

- 8.44
- a) Contributions to the delivery of enhanced secondary education capacity in the City of Inverness and associated land costs (£85,413 total) based on Q1 2019;
 - b) Contributions to the provision of strategic sports facilities in the City of Inverness (£3,900 total) based on Q1 2019;
 - c) Contribution to the delivery of strategic road improvements including East Link and Inshes Corridor (£65,014 total); and
 - d) Minimum of 25% affordable housing to be delivered on-site at a scheme to be agreed prior to commencement of development.

8.45 If planning permission were to be granted the developer has four months from the date of determination of the application to enter a legal agreement to secure the contributions set out in paragraph 8.44. Should a legal agreement not be completed and registered, the application shall be refused under delegated powers.

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.

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 site can be delivered with or without the implementation of the Inshes Corridor scheme. Further the applicant 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. 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 does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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 an application, or applications, has been submitted to and approved by the Planning Authority in respect of the following matters taking full account of Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-
 - a. the siting, design, external appearance and finishes of all buildings and other structures;
 - b. details of sustainable design considerations;
 - c. the means of access to the site including connections to for vehicles to Old Perth Road (B9006) and connections for non-motorised users to Thistle Road and Old Perth Road (B9006);
 - d. the layout of the site, in accordance with Designing streets principles;
 - e. road layout including:
 - i. the road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. junction layouts and design;
 - iv. junction visibility requirements;
 - v. forward visibility requirements;
 - vi. vehicle tracking at junctions and standard radii;
 - vii. details of provision for cyclists and pedestrians including the timescale for delivery of the active travel connection between Thistle Road and the Old Perth Road (B9006);
 - viii. details of safer routes to school for Milburn Academy and Drakies Primary;
 - ix. details of the location and type of service strips within the intended adoptable road boundary;
 - x. a safeguarded route to provide a future vehicular connection into the site via the Raigmore Motel site.
 - f. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;
 - g. the provision of covered cycle parking including resident cycle parking in houses and communal covered cycle parking at flats and

- external covered visitor cycle parking at flats;
- h. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- i. the details of, and timetable for, the hard and soft landscaping of the site;
- j. details of management and maintenance arrangements of the areas identified in (h) and (i) above;
- k. details of all boundary treatments within the development;
- l. details of the provision of surface water drainage systems, including access for maintenance, and management and maintenance arrangements of said infrastructure;
- m. details of the water and waste water connections, with connection to the public water and waste water networks;
- n. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' (or any superseding guidance prevailing at the time of submission);
- o. details of existing trees, shrubs and hedgerows to be retained;
- p. details of existing and proposed site levels with fall arrows;
- q. details of finished floor levels;
- r. details of all street lighting and lighting of car parking areas ensuring that safety and security matters are addressed;

Reason: To enable the planning authority and relevant consultees to consider these aspects of the development in detail.

2. 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.

- 3. No development shall commence within each Phase or sub-Phase 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.

- 4. Any details pursuant to Condition 2 above shall be informed by and include 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.

- 5. Any details pursuant to Condition 2 above shall be informed by and include 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.

- 6. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 20 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.

Reason: In the interests of amenity.

- 7. Any details pursuant to condition 2 above shall be informed by and include a Waste Management Strategy for the development. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

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

- 8. 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.

- 9. Any details pursuant to condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being

maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking

10. Any details pursuant to condition 2 above shall show secure, covered cycle parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: to ensure that the proposed cycle parking is safe and secure for use by the public.

11. Any details pursuant to condition 2 above shall include details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

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

12. Before the first occupation of the development, a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase, 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.

13. Any details pursuant to condition 2 above shall include and be informed by 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.

14. Any details pursuant to Condition 2 above shall be informed by:
 - 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.

15. All planting comprised in the approved scheme of landscaping for each phase or sub-phase shall be undertaken in the first planting season following occupation of the first building for that Phase. Any plants which, within a period of five years from the occupation of the first building on that Phase, die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately landscaped.

16. Any details pursuant to condition 2 shall show the main vehicular access to the site being either:
 - i. provided via a reconfigured junction onto Old Perth Road (B9006) in advance of the delivery of 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.

17. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the

development has been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained

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

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

19. Any detail pursuant to condition 2 shall include a scheme for the removal and relocation of the Drakies House driveway gateposts to a suitable location within the development. The scheme shall include a detailed method statement for the hand removal, marking of each stone, and methodology for reconstructing the gateposts

Reason: In the interests of protecting built and cultural heritage.

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 PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle 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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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: David Mudie
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 - Indicative Site Layout

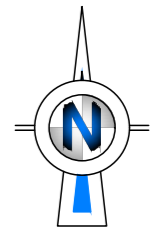
Appendix – Details for Section 75 Agreement

Developer Contributions

Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount	Index Linked	Base Date	Payment Trigger	Accounting Dates	Clawback Period
Schools									
Secondary – Build Costs	Toward the provision of enhanced Secondary Education provision in the City of Inverness Associated Schools Group, in the first instance toward a major school extension at Millburn Academy	£3449	£1875	n/a	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Land Costs	Toward the cost of land to deliver enhanced Secondary Education provision in the City of Inverness Associated Schools Group, in the first instance toward a major school extension at Millburn Academy	£91	£52	n/a	BCIS	Q3 2018	TOC/CC	Apr/Oct	20
Community Facilities	Strategic Sports Facilities for the City of Inverness	£164	£164	£3936	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Affordable Housing									
On-site provision	6 units				No			Apr/Oct	
Off-site provision	0				No				
Commuted Sum	£30,000 per affordable unit not delivered on/off site.			u/k	No			Apr/Oct	5 Years
Agreement for Delivery Needed	Y – scheme to be submitted and approved prior to commencement of development								
Transport									
Strategic Transport Contribution	Strategic Transport Provision, in the first instance East Link and Inshes Corridor	£2734	£2734	£65,616	BCIS	Q2 2018	TOC/CC	Apr/Oct	20



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



- site boundary
area : 16947 sqm
- land ownership

PLANNING APPLICATION

REVISIONS		
rev.	description	date
A	boundary adjustment	02.19
B	boundary adjustment	08.19

Client
R Matheson

Project
Housing Development at Drakies House, Inverness

Drawing
Location Plan

Scale 1:1250@a2	Date 05.18	Drawn by CA
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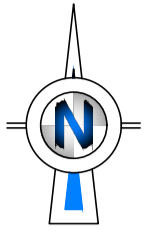
Project no 2377	Dwg no PL200	Rev B
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G.H.JOHNSTON

BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK TEL (01463) 237229
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk





PLANNING APPLICATION

REVISIONS		
rev.	description	date
A	Key adjustments	08.18
B	road junction adjustments	02.19
C	3m wide path added and adjustment to entrance pavement	09.19
D	Road & trees amended	11.19

Client
R Matheson

Project
Housing Development at Drakies House, Inverness

Drawing
Site Plan : Indicative Layout

Scale 1:500@A1	Date 05.2018	Drawn by CA
Project no 2377	Dwg no PL202	Rev D

G.H.JOHNSTON
 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
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TEL (01463) 237229
 FAX (01463) 243258

LEGEND

HOUSE TYPES

- 6 No 2 bed semi detached villa
- 6 No 4 bed detached villa
- 4 No 4 bed town houses
- 8 No 2 Bed flats
- Total 24 No units

SERVICES

- road / shared surface
- road private
- car parking
- public path
- pedestrian / crossing point
- private path
- plot boundary
- refuse storage (4no. bins)
- refuse collection point
- SUD's basin
- cycle parking (12 no. stances)
- wall

GREENSPACE

- public / communal
- private garden
- service strip / soft verge

TREES

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

BOUNDARY

- site boundary area : 16342 sqm
- land ownership
- visibility splay

