

Planning and Environmental Appeals Division

Appeal Decision Notice

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Decision by Allison Coard a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2227
- Site address: Land 35 Metres East Of 38 Old Perth Road, Inverness IV2 3RQ
- Appeal by Mr Mathieson against the decision by Highland Council
- Application for planning permission 19/00982/FUL dated 5 March 2019 refused by notice dated 11 February 2020
- The development proposed: Formation of access road to serve residential development comprising 24 dwellings
- Application drawings: as listed in the schedule at the end of this notice
- Date of site visit by Reporter: 11 June 2020

Date of appeal decision: 05 November 2020

Decision

I allow the appeal and grant planning permission subject to the conditions listed at the end of this notice. Attention is drawn to the 3 advisory notes at the end of the notice. A claim for expenses has been made and I have addressed that under separate cover.

Preliminary

An appeal against the associated refusal of planning permission in principle for the proposed housing development is addressed in a separate decision notice (PPA-270-2226). Whilst that application is for a planning permission in principle this appeal is concerned with detailed planning permission for the proposed access.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Highland Wide Local Development Plan 2012, the Inner Moray Firth Local Development Plan 2015 and the Inshes and Raigmore Development Brief which was adopted as statutory supplementary guidance in February 2015. In addition, given the proposal requires relocation of one of the listed gate piers at Drakies House, I must have special regard to the desirability of preserving the listed building or its setting and any special features of historic or architectural interest which it possesses.

2. Having regard to the provisions of the development plan the main issue in this appeal is whether the proposal is an intensification of access onto Old Perth Road, road safety, implications for the road network, alternative access options and the impact on the



listed building and on trees. Given the nature of the application, the details provided and the suggested conditions another issue arises as to the timing of the application and its relationship to the associated appeal reference PPA-270-2226. In my intended decision on that appeal I have accepted the principle of development on the site and that access be taken from Old Perth Road subject to a number of reserved matters. That appeal addresses issues such as the approach to access, landscaping, layout and design and sets out conditions applicable to the scheme as a whole.

Clarification of the proposal and the submitted plans.

3. Proposal IN55 of the Inner Moray Firth Local Development Plan supports development of the site including for 24 houses. The allocated site includes the Raigmore Motel and its grounds and the parcel of land between the Hotel and Drakies House. The motel continues to operate and has its own access. Immediately east of this there is an established and gated access to Drakies House which would be closed off. This appeal relates to the access as proposed to serve development of part of the IN55 site for 24 houses. Modification of the access that currently serves the residential area to the east is proposed.
4. Some difficulty has arisen in the course of this appeal given the proposals for the larger housing site were considered by the council at the same time. There was some consequent overlap and difficulty in discerning the plans and information relevant to each appeal. I have sought further clarification as to the details relevant to this appeal. From the numerous plans on the appeal file the appellant and the council confirmed the relevant plans based on those listed in the council's decision notice 19/00982/FUL dated 11 February 2020.
5. From these exchanges I am satisfied that Plan PL100B: Location Plan clarifies the application site and the remainder of the housing site as identified in blue. The site included in the red line defines the limits of this application albeit some of the other referenced plans show layouts and landscaping details beyond this. In addition the limits of the red line application site extend beyond the immediate confines of the access onto Old Perth Road to include part of the drive to Drakies House as well as an area of compensatory tree planting. This is further detailed in PL300A which is a landscaping plan. This shows the existing trees, those to be felled and the location of trees to be provided for compensatory planting. I return to the matter of trees and landscaping below.
6. The Appellant had earlier suggested (in response to Procedure Notice 1) that the drawing 123042-SK-1008 Footway Proposals be included in any approval. The labelling of that plan on the appeal file does not correspond however the Masterplan at page 18 clarifies the potential to link Old Perth Road, Culcabock Avenue and Drakies Avenue/Thistle Road by a structural active travel route through the site. In response to my query on this matter the appellant's letter of 17 August 2020 indicated these details should not be included. The council has subsequently accepted this is a matter that would be addressed through PPA-270-2226 (19/00990/PIP) as the works would fall outwith the confines of this application site. I agree with that conclusion.
7. Reference to the list of plans confirms that 123042-1001 H General Arrangement is the relevant access layout plan to this application. The referenced plan 123042-2001 E

Internal Access Road shows additional details of the internal layout of the site but these would clearly fall outwith the red line boundary of this application site.

8. The proposed access would be located at the north-east corner of the IN55 allocation. The proposal also involves widening a short length of the existing private drive to Drakies House and will close the existing gated entrance to that property from the B9006/Old Perth Road. It would involve a 3.7 metre -5.5 metre wide road with a 2 metre footpath on one side and would reconfigure the existing access onto the B9006 Old Perth Road. The layout plan as referenced above includes annotation confirming the visibility that can be achieved.

9. Other plans were submitted for the arrangement for the closing-off of the B9006/Old Perth Road junction as explained in the drawing [GHJ9] (Appendix C)/[GHJD5] (116555/1007B). The drawing [GHJD16] (PL202D) relates to the scheme as whole rather than to the details of this application. PL101C Site Plan: Formation of Access Road as referenced by the appellant does not cross reference with the plans on the appeal file or decision notice. The access layout is detailed in 1001H as referenced above. From the appellant's submissions in response to my procedure notice and the response of the council I have concluded the appeal relates only to those plans where included on the appeal file and on the decision notice. These are as listed in the schedule of plans below.

Intensification of Access onto Old Perth Road

10. The modified access/junction would add extra traffic directly onto the B9006 Old Perth Road. Proposal IN55 of the Inner Moray Firth Local Development Plan states there should be "No intensification of access from Old Perth Road" as a consequence of developing the site. I note the development plan team consultation response states the proposed access is not in accordance with the development plan in this respect. However, I consider there is some ambiguity as to whether this references a presumption against formation of any new access or a presumption against any intensification of use through an established access. If the former then the proposal would avoid the formation of a new access onto Old Perth Road. If the latter then the 24 house development would intensify the use of an established access.

11. In terms of road safety I consider it more likely the avoidance of intensification would apply to the formation of a new access. This would align with subsequent references to a shared access with the Motel site which would also involve increased use of an established access. Given the proposal avoids the formation of a new access I consider that policy compliance could be achieved subject to demonstration that increased use of the access would not have consequent road safety implications.

Road Safety

12. A transport statement has been submitted and I accept that the site is accessible and well served by public transport. I note the anticipated vehicle generation is around 9 and 12 two-way vehicle trips during the weekday AM and PM peak hours respectively. From this my conclusion is that the proposal would result in a minor intensification of the use of an established, albeit reconfigured, access. I recognise that even minor increases in traffic can impact on a congested road network. However in this accessible location I

accept the anticipated vehicle generation would not alone be the cause of any significant or unacceptable traffic congestion. This position is not disputed by the council's transport advisors.

13. With regards to the safety of the proposed access specific concerns were raised in relation to the geometry of the amended access and the consequent restriction in visibility. The council's transport planning section had originally stated that the details of the proposed junction were below standard, although it would deliver some betterment to the existing situation. On my site visit I noted the position of the pillars on the original driveway to Drakies House and the consequent constraints on visibility. Concerns are raised about access for waste management and other larger vehicles and constraints on visibility given the presence of the gate piers and the proposed road widths. Vehicles could encounter each other coming in and out of the site with difficulties in manoeuvring past one another and turning within the site. There would be no change to the provisions for access to the four adjacent properties nos. 44-50 Old Perth Road.

14. My requests for further information have sought to clarify the council's concerns. In that respect I note the council has not countered the position as explained in the appellant's submissions dated 4 August 2020 at paragraphs 7.4-7.15. In essence I understand that the council's original concerns were based on sight stopping distances for a 20 mile per hour road where a 25 metre forward visibility display would have been required. This is not achieved in this case. To the north the 4.5 metre x 90 metre visibility sightline for the existing junction is impeded by the Drakies House driveway pillar. In terms of forward visibility a 19 metre visibility is referenced as achievable and suitable for vehicles travelling at less than 16 miles per hour. Consequently there would be no need to provide the 25 metre forward visibility initially required by the council.

15. I appreciate that despite the applicable speed limit the geometry of the road may dictate a lower speed. This premise is established in the appellant's revised transport statement of September 2019. On that basis it was assumed that a visibility envelope of 19 metres as shown on the submitted plan would be acceptable. The council's roads officer then accepted that premise as indicated in the submitted communication dated 21 October 2019 "In the revised Transport Statement the applicant estimates that the tight radii combined with a raised table will result in vehicle speeds of no more than 15mph."

16. The applicant has interpolated the sight stopping distance table in Designing Streets based on the achievable 19 metre forward visibility splay to demonstrate that this is adequate for vehicles travelling 16-17mph. The council's roads officer withdrew objection on this basis. The existing gate pillars at the Drakies House access are to be removed and relocated further south on the private access which will take them completely out of the visibility splay. I have referenced Drawing 123042/1001H in Appendix C of the Transport Statement in demonstrating this betterment.

17. The existing junction formed between the B9006 and Old Perth comprises a ghost island arrangement with 3 m wide through lanes and a 2.3 m wide right turn lane. Drawing number 123042/1001H in Appendix C shows that the relocated B9006 / Old Perth Road junction would replicate those lane widths, which would require the southern footway on Old Perth Road to be realigned south slightly on the east side of the proposed new junction. The junction alterations are stated to bring about the following benefits: increased stacking

capacity in the right turn lane from 2 cars to 4 cars, reducing the occurrence of queuing vehicles stacking back into the yellow box marking opposite Raigmore Avenue / Ambulance Station, increased stacking capacity in the right turn lane from 2 cars to 4 cars and reducing the occurrence of queuing vehicles stacking back into the yellow box marking opposite Raigmore Avenue / Ambulance Station. In addition there would be improved visibility to the west for vehicles joining the B9006 from Old Perth Road and increased junction spacing by 12 metres between Old Perth Road and Raigmore Avenue which form a left – right stagger. This is stated to aid road positioning for large vehicles in particular.

18. In relation to the manoeuvring of a waste management vehicle, with reliance on use of the right turn lane only, my further information request confirms the view of the council's transport planning section. It concludes there is scope for this matter to be addressed at the Roads Construction Consent stage. The applicant confirms the junction could safely accommodate the swept path of a waste management vehicle. There is no detailed evidence to dispute this.

19. Bringing together all of the above and taking into account the relatively low traffic generation from the proposed housing and the improvement of an established access I am satisfied that road safety issues would be addressed.

Implications for the road network

20. The Inshes & Raigmore Development Brief (2015) indicates the proposals for the B9006/Old Perth Road referenced at this stage as outline proposals with alternatives. These indicate closing off the B9006/Old Perth Road junction and formation of a turning head. These options would be facilitated by a new signal controlled junction linking the B9006/Old Perth Road with Drumossie Avenue given that junction would become the primary means of access onto the B9006 from the Drakies area. The Development Brief indicates at paragraph 2.7 that "land identified in the outline proposals drawings (Inshes Junction Phase 2) must be safeguarded from development and/or provided as part of any development proposals".

21. I appreciate the Inshes Corridor is busy and congested with many accesses onto it. In this respect I note the conclusions at Appendix B of the Inshes and Raigmore Development Brief and the proposed mitigation. However whilst I note the referenced commitment in the council's capital programme for the period up to 2023 the potential for road closure at Old Perth Road is referenced as an outline proposal as is the signal controlled junction for Northern Road (opposite the appeal site) with priority for ambulance traffic.

22. These proposals form part of the Inshes Junctions Improvements Project which is a commitment within the Council's current Capital Programme 2018/19 to 2022/23. Given the location of the proposal relative to these strategic proposals a financial contribution in line with the scale of the proposal and its impacts on the road network is sought. This matter is addressed through the terms of appeal reference PPA-270-2226 which is concerned with the larger housing development rather than confined to the details of the access.

23. I understand that if the Old Perth Road were to be stopped up in the future the traffic generated by the development would exit onto the B9006 via a new junction between the B9006 / Drumossie Avenue along with the rest of the traffic from the Drakies area. The council's proposed condition (condition 10) indicates that this option could be addressed as part of this current application in the event that planning permission was granted. In turn the appellant raises concern about the competency of such a condition and its compliance with the terms of Circular 14/1998. It suggests that if such a condition were considered necessary then it should reference the relevant plan.

24. The design implications for stopping-up the junction, should this be part of the Inshes Corridor Improvements in the future, are demonstrated on drawing 116555/1007B [GHJ9] indicating a turning head being formed in its place. The submissions go onto confirm there are no engineering issues that would preclude stopping up. The council's report of handling indicates its transport and planning officers were satisfied that the proposal demonstrated that the site can be delivered with or without the implementation of the Inshes Corridor scheme.

25. However the details of an alternative future option whilst informative would differ from the details of the application as rehearsed above. I agree with the appellant's reasoning that such a condition would not be appropriate given that I must determine whether the details of the proposed access are acceptable. In addition I consider such a condition would lack precision and is not demonstrated to be necessary. Consequently, I consider that such a condition would not be in accordance with the terms of Circular 4/1998 on planning conditions.

26. The council subsequently suggested a reduction in the time limit that would normally apply were detailed planning permission to be granted. However in that context I note the response of the appellant and agree that if the current details are considered acceptable approval should not be constrained on the basis of a future proposal around which there is some remaining uncertainty regarding the timescales and the options to be implemented.

27. From the council's report of handling there was an indication that the two appeals could be tied through a section 75 agreement. A response from the council has subsequently clarified that this would not be required. I appreciate that the timing of this decision means it is issued in advance of confirmation of the intention to grant planning permission for the wider site including the conditions that would apply or confirmation that the necessary developer contributions have been secured. However neither party has indicated this would be inappropriate and commencement of the housing development, which this access is intended to serve, cannot commence in the absence of that approval.

28. Taking all of that into account I find nothing to indicate the proposals would compromise or prejudice the outline proposals as set out in the Inshes & Raigmore Development Brief. The land required for delivery would not be impacted and the information provided indicates that the proposal could be accommodated whether the junction as proposed to be reconfigured remains open in future or is closed-off.

29. I realise, as do the appellants, that the proposed access may have a relatively short lifespan and involve abortive works. I appreciate the concern of the council and others that works in advance of the proposed strategic improvements would increase the overall level

of disruption for road users and local residents. However I am not persuaded that it would be reasonable to delay delivery of this site, as allocated in the local development plan, until such times as the proposed improvements are confirmed and implemented. The details indicate that granting this appeal would not prejudice such future works and I find no clear reason to withhold planning permission in principle on this basis alone. A financial contribution, to the strategic road improvements, is in any event sought through the terms of the associated appeal for the wider site. Whilst the council references proposals under the Covid-19 associated "Spaces for People" funding there is a lack of explanation as to why that would impact on the proposals being progressed through this appeal.

Alternative Access Options

30. The council has placed weight on the provision of alternative more suitable access options. However the weight such alternative options can carry is in my opinion influenced not only by the acceptability or otherwise of the proposed access but also by the evidence provided to demonstrate the acceptability of any alternative. It follows that there should be evidence that any alternative is feasible and would address road safety and other impacts. I appreciate there may be other alternative and possibly preferable means of access.

31. However these are not the subject of this appeal and I have no detail as to the feasibility or impact of the suggested alternatives. It is relevant to note that such alternatives have only been introduced at this late stage in the planning process. I understand the Transport Statement and its scoping were agreed with the Council (Transport Planning) prior to the planning applications being lodged. I agree with the appellant that neither option (Thistle Road or Culcabock Avenue) would prevent traffic generated by the proposal from discharging onto the B9006/Old Perth Road albeit it would do so through a network of residential streets and would likely raise its own capacity and safety issues. That option may also raise community concerns. Similar issues would apply in relation to Thistle Road given these options may raise issues relating to the listed building, road and pedestrian safety, road network changes and impacts on trees.

32. My conclusions above address the concerns of local residents in so far as they relate to the details of this appeal. Wider matters relating to the housing proposal and the impacts on adjacent property and streets are addressed in the associated appeal. I appreciate concerns about potential disruption through ongoing road works and the view this should be avoided by the co-ordination of any required access works. Whilst that may still prove possible I do not consider this would provide sufficient reason to dismiss this appeal and delay the potential delivery of a site allocated in the local development plan.

Conclusion on roads and access issues.

33. Drawing all of this together I find the proposals would not be incompatible with public service provision in particular the road network. I consider that consistency with Policy 28 of the Highland Wide Local Development Plan is demonstrated.

Impact on Trees

34. Policy 51 Trees and Development of the Highland Wide Local Development Plan states the council will support development which promotes significant protection to existing

hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. In addition the site specific text (IN55) of the Moray Firth Local Development Plan refers to retention of trees in the south-western and eastern parts of the site and appropriate development set-backs. The submissions state the formation of the vehicular access may require the removal of 5 trees (17-20 and 1247). The widening of the access road into the new development is indicated to require the removal of 6 trees one of which is a Category A lime tree (1243).

35. I have considered the issues of loss of trees carefully not only in light of the stated development plan policy but also given the general duty placed on planning authorities under Section 159 of the Town and Country Planning (Scotland) Act 1997. This requires that in granting planning permission for any development adequate provision is made by the imposition of conditions for the preservation or planting of trees. In addition, I am conscious of the contribution of trees to the amenity and biodiversity of the area.

36. In my conclusions on the associated appeal for the housing site I reference the importance of an integrated landscaping scheme to secure the approach to existing and new proposed planting and its future management. The removal of the concerns raised by the council's forestry officer appear to rest on leaving this as a matter to be addressed by condition. I am content that such matters could be reserved as part of a planning permission in principle.

37. I note the plans submitted as part of this detailed planning application include details of the compensatory planting. This shows the trees to be removed along with the established tree canopy and the replacement trees. However I would be concerned to approve these limited details in isolation without addressing the details of management, protection and the nature and sufficiency of the compensatory planting. This ties in with my conclusions on PPA-270-2226 where the planning permission in principle is intended to be subject to a condition to secure an integrated approach to the management, protection and compensatory provision for tree planting for the wider site.

38. Given the impact on trees is focussed on the proposed access and as the tree lined approach to Drakies House contributes to the character and amenity of the site I consider that it would not be appropriate to approve the details included in PL300A in isolation. The submitted plan provides some surety that any more significant loss of trees can be avoided and that there is scope for mitigation. However I consider there would still be a requirement for a condition to prevent development of the access works commencing until the further details I reference above are approved by the council. I consider this is a matter that can be addressed by condition with some minor amendment to the wording provided by the council to clarify that this detail remains to be fully addressed and is not secured through the submitted plan PL300A. Subject to such a condition I consider that compliance with Policy 51 can be secured.

Impact on Listed Building

39. Drakies House dates from approximately 1820 and is a Category B Listed Building. The building is stone built, partially harled with slate roof and outbuildings, and 2-2½

storeys in height. The architecture is characterised by wide bays, a central doric portico, rear wing with bow to the north (side) elevation and venetian window to the front. Policy 57 of the Highland Wide Local Development Plan reflects the legislative provision for the protection of listed buildings.

40. As explained above accommodation of the necessary access may require relocation of the gate pillars from their existing position at the entrance to the Drakies House drive from Old Perth Road, some 150 metres further south along the private drive. I recognise the listed status of the gate pillars and their role in defining the entry point to Drakies House. However I agree with the council's officer view that should re-location prove necessary the special interest of these pillars could be preserved.

41. This would involve them being taken down by hand and carefully repositioned on the drive so maintaining their relationship with the tree lined avenue and the entrance to the grounds of Drakies House. The submissions indicate the potential repositioning of the gate pillars and provision for dismantling and storage of the pillars. In relation to this appeal I find the details of this could be appropriately secured by condition and the protection of the listed building addressed accordingly. Whilst the council had not originally required this condition in relation to this appeal this was subsequently confirmed as an omission.

42. I note the area is considered to have archaeological potential but I consider this matter can be addressed by an appropriately worded condition to secure prior evaluation and recording in accordance with Policy 57 of the Highland Wide Local Development Plan.

Natural Heritage

43. Policy 58 of the Highland Wide Local Development Plan and the associated Supplementary Guidance March 2013 are concerned with Protected Species. A survey report for protected mammals has been produced, which indicated trees identified as having Potential Bat Roost Features. No signs of any other protected mammal species were identified. Given the consultation responses indicated a potential lack of survey work to address the issue of bats I sought further information on this matter with reference to paragraph 214 of Scottish Planning Policy and the terms of the local development plan. Scottish Planning Policy states that where there is evidence of protected species steps should be taken to establish their presence and that such matters must be considered prior to the determination of the application.

44. From the further submissions, including the stage 1 survey details, I am satisfied that whilst there is recognised potential for bat roosting no record of bats was identified. The study concluded that further survey work was not necessary. On that basis I am content that the condition as proposed by the council with regard to further pre commencement checks would be sufficient in this case and consistent with the terms of Scottish Planning Policy and local development plan Policy 58.

Conclusions

45. Drawing together all of the above I have accepted the principle of access from Old Perth Road in my intended decision on PPA-270-2226. Subject to the conditions referenced below I am satisfied that the access details proposed are also in accordance

with the relevant provisions of the development plan and that there are no material consideration which support a different conclusion.

Allison Coard

Reporter

Schedule of Plans

PL100B Location Plan
123042-1001 H General Arrangement
123042-1004 D Access Road Drainage
123042-1007 F Vehicle Tracking Ent
123042-1008 F Vehicle Tracking Ex
123042-2001 E Internal Access Road
123042-2002 F Drainage Layout
123042-PC-2004 D Flood Route
123042-SK-1011 E Access Swept Paths
PL300A Landscaping: Land for Compensatory Tree Planting
PL103B Formation of Access Road: Boundary Detail

Conditions

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. Notwithstanding the detail of the PL330A landscaping plan no development shall commence until the following details 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
- e. A comprehensive scheme of landscaping including retained trees, compensatory tree planting and all new planting and boundary treatments to include the detail of:
 - 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. suitable triggers for any necessary replacement planting (including timing of the aforementioned planting).

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).

All planting comprised in the approved scheme of landscaping shall be completed in the first planting season following commencement of the development.

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.

Thereafter, development shall progress in line with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure to ensure compliance with local development plan Policy 51 (trees and woodland), to secure sufficient compensatory tree planting is provided where trees are to be lost and to ensure that the development is adequately landscaped in the interests of amenity.

9. Prior to the commencement of development a scheme shall be submitted for the prior written approval of the planning authority 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. Thereafter the gate-posts shall be re-located in accordance with the approved scheme and method statement.

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

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).