

Agenda Item	7.8
Report No	PLS-050-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 15 June 2021
Report Title: 20/00055/PIP: Mr Brian Smith
Land NW of 11 - 12 Mansefield Park, Kirkhill
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Formation of 4 housing plots

Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: Objections from more than 5 households

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

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the formation of 4 house plots, 3 of these to the west of the proposed internal access road and turning area, and one plot to the east. The plots are placed on an east-west axis. Trees are located along the southwest and southeast boundaries.
- 1.2 On the north boundary of the site there is an existing vehicular access track serving 3 existing houses, Lantern Cottage, Kirkland Lodge and Hill House. The proposed vehicular access for the house plots is from the south through a reserved access point at Mansfield Park.
- 1.3 It is proposed to dispose of surface water drainage by means of a SUDS basin to be located on the northeast boundary adjacent to the property, Lantern Cottage (formerly known as Heatherlie).
- 1.4 Pre-Application Consultation: No formal preapplication response but informal email correspondence and site visit with the applicant.
- 1.5 Supporting Information: Private Access Checklist; Arboricultural Impact Assessment and Method Statement (08.01.20); Arboricultural Impact Assessment and Method Statement Rev A (28.10.20); Drainage Impact Assessment (8.01.20,16.07.20, 28.10.20); and Flood Risk Assessment (8.01.20, 16.07.20, 28.10.20)
- 1.6 Variations: Revised site layout plans (28.10.20, 01.04.2021 Drawing 01 REV L) and Tree Planting Plan and Tree Protection Plan (28.10.20)

2. SITE DESCRIPTION

- 2.1 The site is located to the western side of Kiltality and comprises a level area of ground interspersed with a line of mature broadleaves along the south-east boundary and has a mixture of rough grassland and early mature mixed broadleaf and conifer woodland. The closest properties are Dunmore to the northwest, Lantern Cottage (Heatherlie) to the northeast, and 11,12 and 20 Mansfield Park to the southeast boundary. To the west there is open agricultural land.

3. PLANNING HISTORY

- | | | | |
|-----|--|-------------------------------------|-----------------------------------|
| 3.1 | 20 Feb 2014 | 14/00202/PIP – erection of 7 houses | Planning
Permission
Refused |
| 3.2 | 16 July 2014 | 14/02109/PIP – erection of 7 houses | Planning
Permission
Refused |
| 3.3 | Both applications were refused on the following technical grounds: | | |

The information required to assess and determine the application, particularly in relation to the disposal of foul water and surface water drainage, has not been submitted in accordance with the request under Regulation 24 of the Town and

Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 24.01.2020

Representation deadline: 07.02.2020

Due to the submission of a revised site layout drawing further neighbour notification was carried out and this expired on 14.08.2020

Timeous representations: 14

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Not allocated in Development Plan for housing
- b) Impact on residential amenity and privacy from noise and disturbance. Out of scale with the existing houses at Mansefield Park
- c) Loss of trees – proposed to remove up to 90 trees and up to 50% of all trees on site
- d) Road safety - Mansefield Park not suitable for increase in traffic from new houses. No footpath except for first 50m. Construction traffic and noise unacceptable and damage to Mansefield Park Road
- e) Turning area within site does not meet Council Standards
- f) Foul water drainage - Existing foul water drain unsuitable for new houses in terms of location and capacity
- g) Flooding - Site part of an area prone to flooding. Likelihood of surface water on Wardlaw Road and Mansefield Park from excessive rain and poor maintenance of soakaways and SuDS basin for houses. Site bounded by a field drain on the west boundary and Kirkhill Burn to the southeast and flooding occurred at the culvert on Wardlaw Road. Surface water drains for Mansefield Park not working properly.
- h) Water pressure – new houses will exacerbate problem
- i) Access between 11 & 12 Mansefield Park communally owned by the Mansefield Community – no legal rights to use this area
- j) Loss of habitat for wildlife such as red squirrels and bats
- k) Design - concern if houses were to be 2 storey

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 **Transport Planning Team:** "The access to this site is from Mansefield Road which is currently unadopted. Community Services have carried out works on the road to bring it to an adoptable standard after the original developer abandoned the site. The Council will require confirmation from Scottish Water that they will vest the existing

SuDS pond for Mansefield Park before they will adopt the road. The Council will not adopt any part of this development until Mansefield Road is formally adopted.

Site Access - Turning head on the site layout drawing 01 REV H has no dimensions and therefore cannot provide any comment as to whether the proposed turning head is acceptable. Access track within the site will not provide any connection to the existing to Wardlaw Road which is acceptable.

Site layout of the house plots is regarded as indicative. Parking provision in line with Council Standards will be required.

Surface Water Drainage - A SuDS basin is shown to the rear of Plot 4 with access from Wardlaw Road. A conceptual layout is shown within the Drainage Impact Assessment that shows surface water from house plots piped to the SuDS basin with an outfall into Kirkhill Burn. No details of the proposed surface water system for the proposed section of adopted road has been shown. The principle of a shared system is acceptable and will need to be put forward for adoption by Scottish Water and the Council via a Section 7 agreement. Until such time the SuDS system is adopted, it will remain the responsibility of the developer. Access to the SuDS basin is via the private lane from Wardlaw Road. Recommend reference to Sewers for Scotland 4 to determine if the access meets their adoption standards.

Surface water conceptual layout shows the piped network running through Plot 4. It is likely that Scottish Water will require a wayleave over this section of land to maintain access for future maintenance. Recommend that the calculations for pre and post development run-off, basin capacity and outfall are reviewed and agreed by the Flood Risk Management Team.”

- 5.2 **Flood Risk Management Team:** No objections, subject to conditions relating to finished floor levels, watercourse crossing, and final drainage design.
- 5.3 **Forestry Team:** No objections. A site visit was carried out with the agent and it was agreed that the indicative house position for Plot 1 and 2 could be relocated further south as there are 5 larch trees that can be felled within the tree belt on the southeast boundary. This reduces the safeguarding distance to allow the houses to move further south and maintain the tree belt on the boundary with Hill House.
- 5.4 **Development Plans:** No objections. This site has a long history. The previous allocation in the Inverness Local Plan was removed from the IMFLDP over doubts about whether the road access through Mansefield Park could be achieved in ownership/control terms and the loss of woodland. The land is still within the Settlement Development Area identified in the IMFLDP but does not benefit from a specific development allocation. However, the site is not safeguarded from development either so each case to be assessed on its individual merits (again mainly about road access and tree impact).

Developer Contributions - The Developer Contributions Supplementary Guidance (DCSG) requires at least 25% of all homes on the site must be affordable in this case it would be 1 unit.

Education - A two classroom extension to Kirkhill Primary School is required, the rates are £2,041/house. For secondary school provision contributions will be

required towards secondary education at the major extension 1 new school rate of £3,482/house.

Community Facilities - Developments of 4 or more houses are required to contribute towards the enhancement or creation of new community facilities where a deficiency has been identified. As identified in the Inner Moray Firth LDP Action Programme, all housing developments within Charleston Academy catchment are required to contribute towards the Charleston Community Campus which includes the enhancement of community facilities over and above standard community facilities associated with new schools (as per Sport Scotland guidelines). The community facilities rate set within the DCSG is £1 ,019 per home.

5.5 **Housing Development** identify that one plot should be provided for affordable housing or a commuted sum payment would be required.

5.6 **Scottish Water:** No objections

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
- 52 - Principle of Development in Woodland
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 64 - Flood Risk
- 66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

The site lies within the Kirkhill Settlement Development Area boundary but without specific development allocation or safeguarding notation. This "grey land" can be considered for potential infill development under HwLDP Policy 34. This policy applies a positive presumption for infill development subject to proposal and site-specifics including compatibility with existing and surrounding uses.

6.3 Highland Council Supplementary Planning Policy Guidance

- Developer Contributions (March 2013)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

The amount of woodland loss that would be necessary to develop the site would be greater than 0.1 ha so the Scottish Government's Control of Woodland Removal policy will apply.

Section 218 of Scottish Planning Policy (June 2014) states that 'The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits.

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) design and layout
- c) amenity and privacy
- d) trees
- e) wildlife
- f) traffic and pedestrian safety
- g) drainage
- h) affordable housing
- i) any other material considerations.

Development plan/other planning policy

8.4 The site lies within the Kirkhill Settlement Development Area as set out by the Inner Moray Firth Local Development Plan but without specific development allocation or safeguarding notation. This "grey land" can be considered for potential infill development under the Highland wide Local Development Plan Policy 34. This policy applies a positive presumption for infill development subject to proposal and site-specifics including compatibility with existing and surrounding uses.

- 8.5 The site was part of a larger area allocated for housing expansion within the Settlement Development Area of Kirkhill within the previously adopted Inverness Local Plan. This allocation, which included a larger area of housing expansion to the northwest of Mansefield Park stretching as far as Hill House and Wardlaw Church, was omitted from IMFLDP as a result of doubts at that stage as to whether the road access through Mansefield Park could be achieved in ownership/control terms, and due to the potential loss of woodland. The site is not safeguarded from development, so each case has to be assessed on its individual merits, mainly in relation to road access and tree impact.
- 8.6 The principle of residential development has been indicated through the inclusion of the site within the Settlement Development Area of Kirkhill in the IMFLDP.
- 8.7 In addition, the proposal has to be assessed against the more general policies in the HWLDP:
- Policy 28 (Sustainable Design) assesses development against a number of criteria including impact on cultural heritage, sensitive siting, and high-quality design.
 - Policy 29 (Design Quality and Place Making) seeks the design of new development to make a positive contribution to the architectural and visual quality of the place.
 - Policy 57 (Natural, Built & Cultural Heritage) in respect of the form and scale of development and the impact on its setting. Provided the proposed development will not have an unacceptable impact on the amenity and heritage resource, it will be supported.
- 8.8 The general policies of the Highland-wide Local Development Plan support development that is accessible by public transport, cycling and walking, and can demonstrate sensitive siting and high-quality design that is compatible with surrounding land uses.
- 8.9 Subject to the proposal having no significant detrimental impact on townscape, cultural heritage assets, existing infrastructure, trees, species, and individual and community residential amenity the proposal would comply with the Development Plan.

Design and layout

- 8.10 The submitted plans show indicative building positions and the routing of a vehicular access. However, it should be noted that as the application is in principle there are no details of the house types/elevations/positions/landscaping/access. The applicant has indicated their intention to sell the sites for self-build, and their inability to attract a Housing Association to develop the whole site for affordable housing.
- 8.11 While the principle of development of the area for housing is considered to be acceptable, the issue arises as to whether the density is appropriate. In that respect cognisance has to be taken of the site's location within the settlement of Kirkhill and comparison with housing erected at Mansefield Park. The indicative density is viewed as comparable and acceptable with Mansefield Park, although representations suggest the density as excessive compared to that development.

Furthermore, representations refer to housing of 2 storeys; this can be addressed by condition in terms of restriction to a height comparable to the existing houses at Mansefield Park, which are all single storey.

Amenity and privacy

- 8.12 In terms of the impact on the existing houses in Mansefield Park there are 3 houses which share a mutual boundary, No. 11,12 and 20. An indicative layout has been submitted for 4 houses with plots 1-3 being having a tree belt on their southern boundaries which would give a degree of separation and screening from No. 11 and 12 Mansefield Park. No 20 Mansefield Park is positioned southeast of the proposed SuDS Basin. The indicative layout suggests that housing could be placed on the plots in such a manner so as to provide appropriate degrees of separation from existing housing at Mansefield Park without detriment to their amenity, particularly given the existing trees separating the existing houses from the proposed plots. The proposed plot sizes are similar to those of the existing housing at Mansefield Park. Accordingly, it is considered that the proposed sites can be accommodated without detriment to privacy, or individual, neighbouring, or wider community residential amenity.

Trees

- 8.13 Following initial comments from the Forestry Officer a site meeting took place between the Forestry Officer, the Planning Case Officer and the agent, which resulted in the revised Site Layout Drawing of 01 REV L. The Forestry Officer recommended that the revised layout allow for the house at Plots 1, 2 and 3 be moved further south to allow for a greater separation distance away from the trees on the north edge.

Wildlife

- 8.14 Representations refer to the loss of habitat for wildlife, and that not all wildlife is protected by legislation. However, the trees to be felled within the house plots are not considered to be of sufficient maturity to support squirrels and bats. The mature trees on the southwest and southeast boundaries can serve this purpose and allow passage of squirrels and bats across the site without detriment to these species. An alleged sighting of badgers has been made but there is no evidence of setts within the site probably due in part to the proximity of housing to the southwest and houses on the northwest boundary. No evidence has been submitted to confirm their existence on site other than a third hand account of an unverified sighting.

Traffic and Pedestrian Safety

- 8.15 Transport Planning has advised it has no objections to the proposal. In terms of construction traffic, the use of Mansefield Park Road is considered acceptable as a construction route. Potential noise impacts during the construction phase can be controlled by Environmental Health if necessary. In terms of potential damage to the existing road surface, this can be controlled by condition.
- 8.16 Representations refer to details of the indicative road design. Mansefield Park has a footpath for its first 50m from the junction with the public road and then it becomes

a shared surface to calm traffic. Following Transport Planning's initial assessment, a revised site layout plan has been submitted to address the design issues raised in terms of the adequacy of the hammerhead within the application site. The detailed design would need further assessment by Transport Planning at the time of submission of the first detailed application for one of the house sites. This can be addressed by condition.

- 8.17 Representations suggest that the access between 11 and 12 Mansefield Park into the site is communally owned by the Mansefield Community and there are no legal rights to use this area for vehicular access to the site. The applicant asserts that there is a right of access. Access into the site is a private matter to address between the parties involved.

Drainage

- 8.18 Representations suggest that the existing foul water drain is unsuitable for new houses in terms of location and capacity. No evidence has been presented to substantiate these claims nor evidence of discussions with Scottish Water about these alleged deficiencies. Scottish Water has not raised these issues in their consultation and do not confirm connection to the public water supply and public foulwater drainage until after the granting of detailed planning permission.
- 8.19 Surface water drainage is proposed by a SuDS Basin to be located in the northeast corner of the site adjacent to Lantern Cottage (Heatherlie). The Flood Team have no objections to the proposal, subject to conditions.
- 8.20 Representations suggest that the site forms part of an area prone to flooding. Any issues that exist in the Mansefield Park development have no bearing on this application. The site is bounded by a field drain on the southwest boundary and Kirkhill Burn on the southeast boundary. Flooding has occurred at the culvert on Wardlaw Road and the Flood Team has been actively involved in works to mitigate this. The Flood Team has indicated that the proposed SUDS system is acceptable for the development, subject to conditions.

Affordable Housing

- 8.21 Housing Development has confirmed that an affordable housing contribution is necessary as there are 4 house plots of which 1 needs to be affordable. This can be delivered through the provision of 1 house on site or a commuted sum for provision off site. Housing Development would prefer that 1 house be delivered on site but this is a matter to be resolved with the applicant through either an upfront payment, or entering into a Section 75 Agreement.

Developer Contributions

- 8.22 Policy 31 requires that, where development proposals create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements.

- 8.23 Subject to acceptance by Members, contributions will be required as set out within Appendix 2 – with cash payment only required for a 2-class extension to Kirkhill Primary, a rebuild of Charleston Academy and contribution to Community Facilities at Charleston Academy. It is anticipated that this will be secured through upfront payment.

Other material considerations

- 8.24 There are no other material considerations.

Non-material considerations

- 8.25 None

Matters to be secured by Legal Agreement / Upfront Payment

- 8.26 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers.

9. CONCLUSION

- 9.1 The proposal is for planning permission in principle of four house plots to the north of the existing housing at Mansefield Park. The site is located within the Settlement Development Area of Kirkhill, where there is a general presumption in favour of development.
- 9.2 The indicative layout for four house plots with an access road and SuDS drainage system is considered to be sensitive to the similar existing built form of Mansefield Park, maintaining appropriate separation from this housing, and retaining of much of the existing amenity screen planting along the southern boundary of the site adjacent to Mansefield Park.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	Y
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N
Payment of Developer Contribution	Y

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. single storey in height;
 - iv. landscaping proposals for the site of the proposed development (including boundary treatments);
 - v. details of access and parking arrangements; and
 - vi. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. All access to the site shall be from Mansefield Park only, including during all construction works.

Reason: In the interests of road traffic safety.

3. Prior to the completion of the first house hereby approved, the site access between Nos 11 and 12 Mansefield Park from the end of the existing tarred road at Mansefield Park and the turning head within the site, as shown on Drawing 01 Rev J, shall be surfaced in bituminous macadam or a similar hard, cohesive material, details of which shall first be submitted to, and approved in writing by, the Planning Authority. Only the approved details shall be employed and thereafter the access shall be maintained to the agreed standard unless/until it is adopted for maintenance under the Roads (Scotland) Act 1984 (as amended).

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

4. No development shall commence on any individual house until written and plan details of a vehicle turning area within the application site, formed in accordance with The Highland Council's Road Guidelines for New Developments, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the turning area shall be provided in accordance with these approved details, prior to the completion of the first house, and thereafter maintained as a turning area in perpetuity.

Reason: In order to ensure the safety and free flow of traffic on the public road.

5. Prior to the completion of the first house hereby approved, any damage to the surface of the access road through Mansefield Park as a result of the construction phase shall be repaired to the satisfaction of the Roads Authority.

Reason: To ensure any damage to the road surface is repaired as a result of the construction works.

6. Prior to the occupation of each house hereby approved, 2 car parking spaces shall be provided within each house plot. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate.

7. The Finished Floor Level (FFL) of the houses and any ancillary buildings shall be a minimum of 600mm above the predicted 1 in 200 year plus climate change level in the Kirkhill Burn. The FFL shall also be a minimum of 250mm above surrounding ground level and ground profiling shall be used to ensure that any overland flow is directed around the buildings.

The watercourse crossing shall be designed to convey a 1 in 200 year plus climate change flow with appropriate freeboard. Blockage scenarios shall be considered to ensure that this does not result in flooding to any house or ancillary buildings.

In accordance with The Highland Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment a 6m buffer measured from the top of the bank of the watercourse shall be kept free from any development.

Reason: In order to ensure that the site is designed to address flood risk.

8. No works shall commence until full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority in consultation with the Flood Risk Management Team. For the avoidance of doubt, the details shall:

- include confirmation that Scottish Water are prepared to enter into a Section 7 agreement to adopt the surface water network.
- demonstrate that discharge to the watercourse will be limited to the 2 year greenfield runoff rate. For the avoidance of doubt, percolation testing will be required to support the use of any proposed soakaways.

Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first completion of the first house.

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

9. No works shall commence until full details of the culvert as part of the final drainage design of the road and the site as whole have been submitted to, and approved in writing by, the Planning Authority in consultation with the Flood Risk Management Team. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first completion of the first house.

Reason: To ensure that all water crossings are free from flood risk and do not exacerbate flood risk elsewhere.

10. No works, site excavation or groundwork shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

Reason: In order to secure the long-term management of the trees and/or woodland.

11. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

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

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 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.

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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 01 Location Plan
Plan 2 - 01 REV L Site Layout Plan
Plan 3 - Tree Protection Plan

Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools²									
Primary – Build Costs	Kirkhill	£3482	£0.00	£13928	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Primary – Land Costs		£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Charleston Academy	£2041	£0.00	£8164	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Land Costs		£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	Charleston Academy	£1019	£0.00	£4076	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Affordable Housing									
On-site provision ³	1 unit. Unit size and timetable for delivery to be agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴	None	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵	£0.00 per affordable unit not delivered on/off site.	N/A	N/A	£0.00	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	Y. the date/timescale for delivery is to be submitted for approval	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A

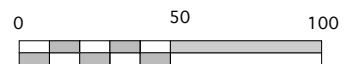
¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)



Project: Kirk Hill Mansefield park

Drawing Title: location plan

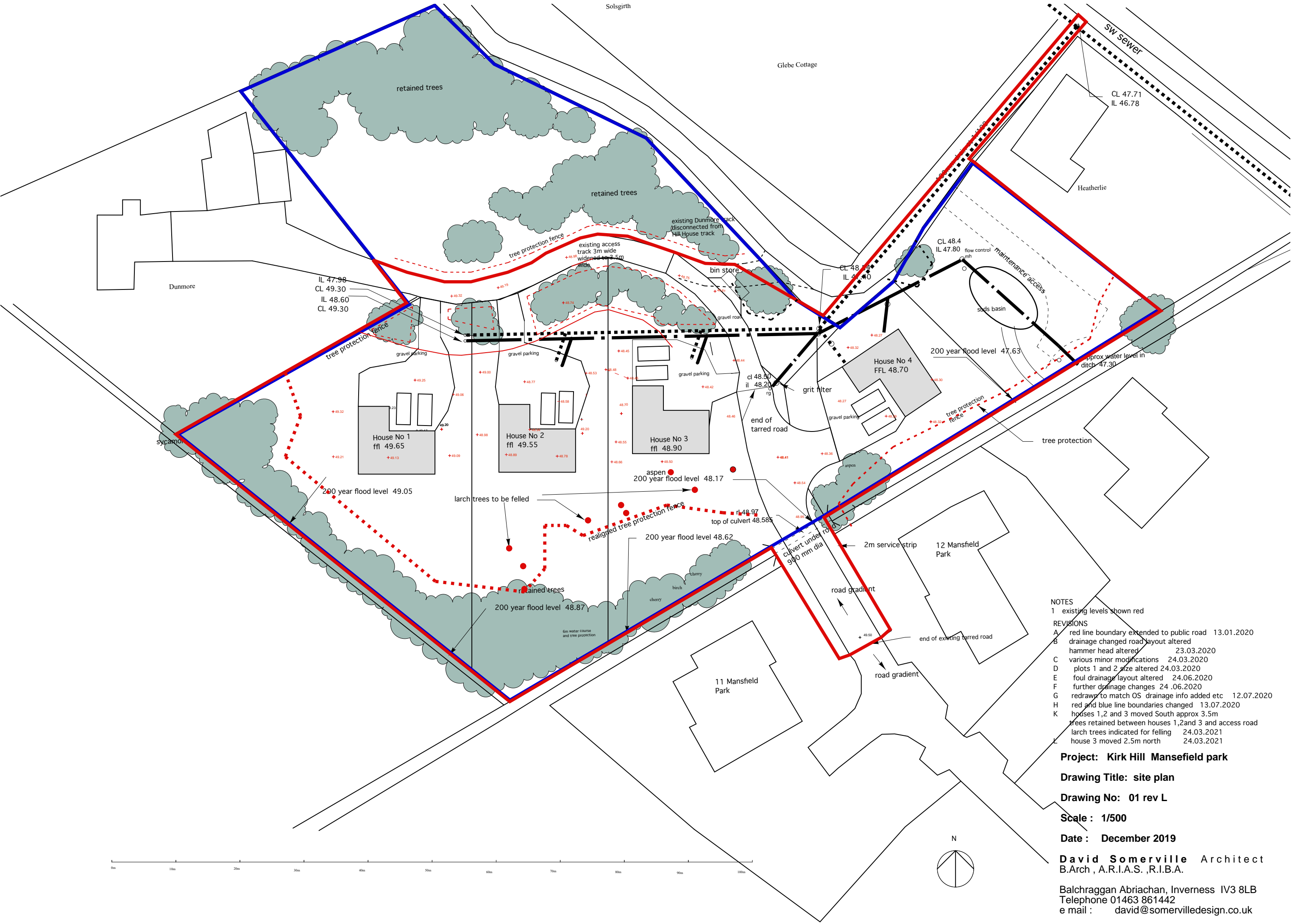
Drawing No: 01

Scale : 1/500

Date : December 2019

David Somerville Architect
B.Arch , A.R.I.A.S. , R.I.B.A.

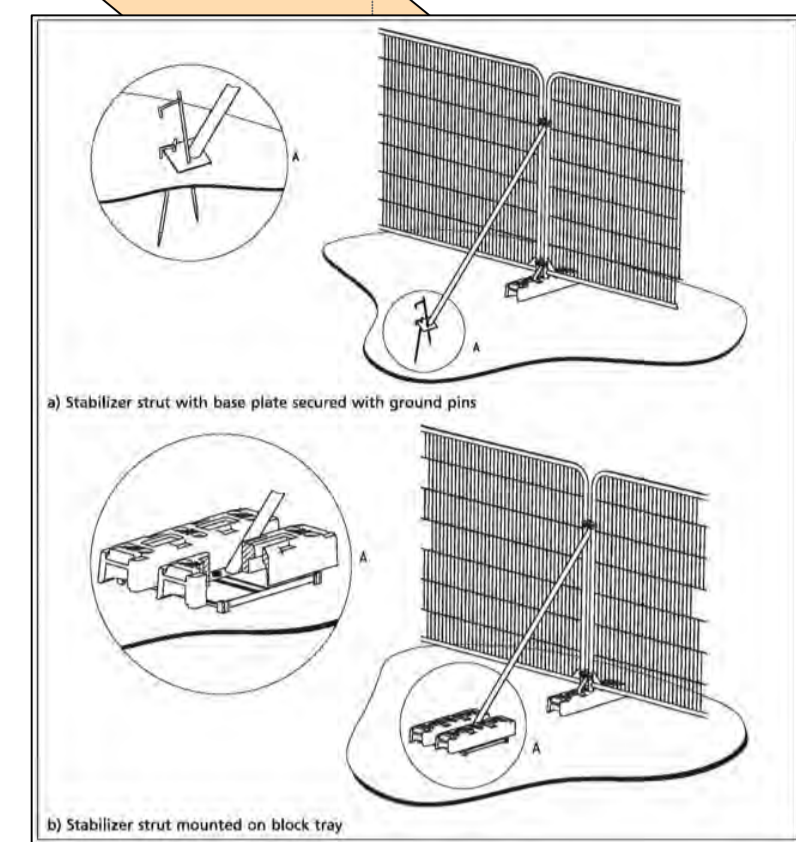
Balchraggan Abriachan, Inverness IV3 8LB
Telephone 01463 861442
e mail : david@somervilledesign.co.uk



- NOTES
 1 existing levels shown red
- REVISIONS
 A red line boundary extended to public road 13.01.2020
 B drainage changed road layout altered hammer head altered 23.03.2020
 C various minor modifications 24.03.2020
 D plots 1 and 2 size altered 24.03.2020
 E foul drainage layout altered 24.06.2020
 F further drainage changes 24.06.2020
 G redrawn to match OS drainage info added etc 12.07.2020
 H red and blue line boundaries changed 13.07.2020
 K houses 1,2 and 3 moved South approx 3.5m trees retained between houses 1,2 and 3 and access road larch trees indicated for felling 24.03.2021
 L house 3 moved 2.5m north 24.03.2021

Project: Kirk Hill Mansefield park
Drawing Title: site plan
Drawing No: 01 rev L
Scale: 1/500
Date: December 2019
David Somerville Architect
 B.Arch, A.R.I.A.S., R.I.B.A.
 Balchraggan Abriachan, Inverness IV3 8LB
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 e mail: david@somervilledesign.co.uk

TREE PROTECTION PLAN. Rev A



General Notes

KEY

Tree Reference, Common Name and Root Protection Area radius
Stem
Tree Canopy
Root Protection Area (RPA)

Colours are in accordance with BS5837:2012 quality grading:

Red: Unsuitable for retention
Grey: Low quality
Blue: Moderate quality
Green: High quality

Root Protection Area (RPA): The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

TREE TO BE REMOVED

Ref. T001 Silver Birch 2.7m

--- Tree Protection Fencing
--- Site Boundary

Tree survey performed by Callum McCutcheon BSc (Hons) M Arbor.A on 10.12.2019



Rev A	Layout updated	26.10.20
No.	Revision/Issue	Date

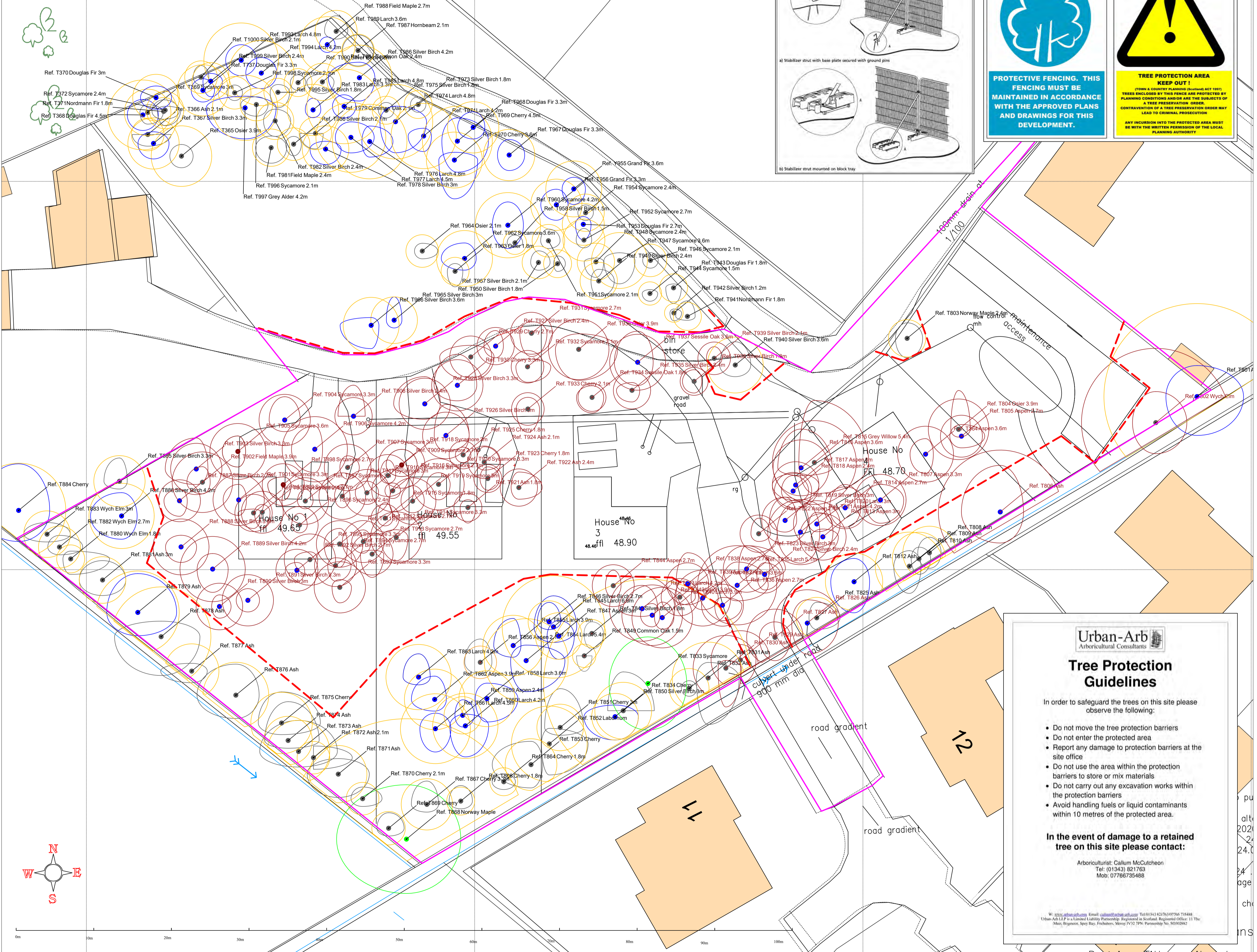
Firm Name and Address

Urban-Arb LLP
Dolphin Cottage
11 The Muir
Bogmoor
Spey By
Fochabers
Moray IV32 7PN
www.urban-arb.com

Project Name and Address

Land off Mansfield Park
Kirkhill

Project	TREE PROTECTION PLAN	Sheet	
Date	26.10.2020		1 of 1
Scale	1:250@A1		



Urban-Arb Arbicultural Consultants

Tree Protection Guidelines

In order to safeguard the trees on this site please observe the following:

- Do not move the tree protection barriers
- Do not enter the protected area
- Report any damage to protection barriers at the site office
- Do not use the area within the protection barriers to store or mix materials
- Do not carry out any excavation works within the protection barriers
- Avoid handling fuels or liquid contaminants within 10 metres of the protected area.

In the event of damage to a retained tree on this site please contact:

Arboriculturist: Callum McCutcheon
Tel: (01543) 821753
Mob: 07786735488

W: www.urban-arb.com Email: callum@urban-arb.com Tel: 01543 821753 07786 73488
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