



Appeal: Notice of Intention

Notice of Intention by Alison Kirkwood, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2265
- Site address: Land 80 metres east of Balvonie Cottage, Inshes, Inverness, IV2 5JZ
- Appeal by Springfield Properties PLC against the decision by The Highland Council
- The non-determination (deemed refusal) of application for planning permission in principle 21/04582/PIP dated 27 September 2021
- The development proposed: Residential development with associated infrastructure.
- Application drawings: Location Plan (INV(--)_LP_01 Rev B); Development Framework Plan (INV(--)_DFP_01 Rev B)
- Date of site visit by Reporter: 8 August 2022

Date of notice - 21 October 2022

Notice of Intention

For the reasons given below, I am minded to allow the appeal and grant planning permission in principle subject to the conditions listed, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters listed in paragraph 45.

Preliminary

I consider that the appeal proposal is a schedule 2 development, in terms of the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017 (the EIA regulations). As the planning authority has not issued a screening opinion, I am required by regulation 13(2) of the EIA regulations to consider whether the proposed development would need environmental impact assessment.

In accordance with regulation 8(2) of the EIA regulations, I sought further information from the appellant to help me determine whether environmental impact assessment is required. Following consideration of this information, I issued a screening direction dated 16 August 2022 which states that the proposal is not EIA development.

Whilst the appeal is against the non-determination of planning application 21/04582/PIP, the council's South Planning Applications Committee agreed that it would refuse planning permission, if it were to determine the application. The committee report of 18 August 2022 forms the council's appeal response.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the development plan comprises the Highland-wide Local Development Plan 2012 (HwLDP), the Inner Moray Firth

Local Development Plan 2015 (IMFLDP) and the supplementary guidance associated with these plans. The council has also referred to the second Inner Moray Firth Proposed Local Development Plan (proposed IMFLDP2), published in March 2022, which is not part of the development plan, but may be a material consideration in this appeal.

2. Both the HwLDP and IMFLDP are more than five years old. Paragraph 33 in Scottish Planning Policy 2014 states that where a development plan is more than five years old, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

3. Having regard to the provisions of the development plan, the main issues in this appeal are:

- The principle of residential development;
- Compatibility with the existing pattern of development and landscape character;
- Effect on natural, built and cultural heritage;
- Accessibility by public transport, cycling and walking;
- Impact on infrastructure; and
- Design, layout and noise.

The principle of residential development

4. The appellant is seeking planning permission in principle for residential development with associated infrastructure on a 6.73 hectare site located to the east and north-east of the B9177 road (referred to as Drumossie Braes). The site comprises agricultural land, woodland (which is to be retained) and Easterfield Farmhouse and its associated buildings (which are to be demolished). The appellant has indicated that the site could accommodate up to 130 homes.

5. The IMFLDP identifies the northernmost one hectare of the site as housing allocation IN74 Easterfield Farm. The allocation is for 21 homes and requires road junction improvements. The appellant and the council are in agreement that the principle of housing on this part of the site would accord with IMFLDP policy 2 (Delivering Development). The appellant points out that, since the IMFLDP was written, the junction improvements referred to in the allocation summary have been delivered. The remainder of the site is not allocated for development, but does lie within the Inverness Settlement Development Area as shown in the IMFLDP.

6. The proposed IMFLDP2 also includes a housing allocation on part of the site (allocation reference INE01: Easterfield). This is for 74 homes on a 5.2 hectare site, which covers existing housing allocation IN74, additional land to the south (as far as Balvonie Cottage), and land to the west of the B9177 road that already has planning permission. The council has indicated that it supports housing development on the INE01 part of the appeal site, because it would round off the city edge, subject to appropriate landscaping on the southern boundary.

7. The council wishes to amend the Inverness settlement boundary at this location through the proposed IMFLP2, as shown on settlement map 20 East Inverness. This would exclude the part of the appeal site which lies to the south-east of Balvonie Cottage. The council states that development on this part of the site would have a significantly detrimental impact on the pattern of development in a transitional area at the edge of the city, particularly when viewed from the B9177 road. As such, even though the site lies with the settlement development area in the adopted IMFLDP, it considers that the proposal

would be contrary to HwLDP policies 34 (Settlement Development Areas) and policy 28 (Sustainable Design).

8. The appellant considers that housing development on the unallocated part of the appeal site would not be significantly detrimental, in terms of the criteria set out in HwLDP policy 34. Its appeal statement also sets out how the proposal would accord with other relevant policies in the HwLDP.

9. The appellant draws my attention to paragraphs 19.5.1 and 19.5.2 of the HwLDP which state that the land contained within the settlement development areas represents “the preferred areas for most types of development, including housing”. Also, that in drawing the boundaries of the strategic development areas, the council would have considered matters relating to landscape capacity, the pattern of existing settlements, and the availability of infrastructure.

10. I agree with the appellant and the council that the principle of housing development on the part of the site covered by allocation IN74 in the IMFLDP would be in accordance with the development plan.

11. Whilst allocation INE01 in the proposed IMFLDP2 covers a larger part of the site than allocation IN74, this proposed allocation does not have development plan status. In terms of the development plan, all of the site beyond IMFLDP allocation IN74 is unallocated land within the settlement development area. Paragraphs 19.5.1 and 19.5.2 in the HwLDP are useful in explaining the purpose of the settlement development areas and the factors which influenced their boundaries. However, proposals would still require to be considered in terms of the criteria in HwLDP policy 34 (Settlement Development Areas).

12. I consider that the overall proposal would accord with HwLDP policy 34, subject to consideration of its impact on the existing pattern of development, landscape character, adjacent land uses, and natural, built and cultural heritage features. The proposal would also be required to meet the provisions of HwLDP policy 28 (Sustainable Design) and other relevant policies. In this regard, I find the following HwLDP policies to be of particular relevance, policy 29 (Design Quality and Placemaking), policy 31 (Developer Contributions) and policy 56 (Travel). I consider these matters in the sections below.

13. In the proposed IMFLDP2, the south eastern part of the site lies outwith the settlement boundary. As a result, the proposal would require to be assessed in relation to HwLDP policy 35 (Housing in the Countryside – Hinterland Areas). This policy would not support housing development of the type and scale proposed. Whilst I acknowledge that the council is seeking to change the settlement boundary in this part of Inverness, the proposed plan is not yet adopted, and may be subject to change following its examination. I consider that the policies in the adopted local development plans provide the relevant criteria against which to assess the appeal proposal.

Compatibility with existing pattern of development and landscape character

14. The proposal would involve development on agricultural land to the south of Culloden Road, and to the east of the Drumossie Braes. As there is existing housing located to the north, west and east of the site, I do not consider that residential development in this location would raise issues in terms of conformity with adjacent land uses.

15. The appellant considers that the site reads as a logical extension of the built up area. Its development framework plan incorporates a landscape strategy which would protect the

adjacent woodland and deliver planting throughout the site, including along the southern boundary. The appellant points out that the site is part of a transitional landscape on the edge of Inverness, in which new development continues to come forward within a wooded landscape setting.

16. The site is not located within a National Scenic Area or Special Landscape Area, and views between the site and the A9 are limited. The site can be seen in distant views from the north. However, these views are considered to be in the context of an evolving rural urban interface that includes built form, fields and structural landscape components. Local views would be limited to those in close proximity of the site.

17. The council is concerned that development on the part of the site to the southeast of Balvonie Cottage would alter the character of open land, which marks a transition from the urban edge to the hinterland, when travelling south along Drumossie Braes. Similarly, when travelling northbound on Drumossie Braes, Balvonie Cottage marks a transition point from rural to urban character.

18. The council accepts the overall findings of the appellant's landscape appraisal in relation to longer distance views. However, it is concerned about the effect on the transitional landscape and considers that the appellant underplays the effect of development on local views. The council points out that existing housing to the east lies within a wooded setting, and, when viewed on the ground, would not have a perceptible relationship with the application site. As a result, the council considers that the proposal would not be compatible with the pattern of development in this part of the city, or the landscape character of the transition from the urban edge to the rural hinterland.

19. During my site inspection, I drove along Drumossie Braes in both directions and also visited the housing area at Birchwood Road, to the east of the site. I find that development on the northern part of the site would form a logical extension of the built up area. In physical and visual terms, housing in this location would relate to existing development to the north, west and east.

20. I agree with the council that there is a change in the landscape to the south of Balvonie Cottage. From the southern edge of the cottage's garden, the site slopes gently upwards in a southerly direction and is more open in character. Development on this part of the site would undoubtedly alter localised views for those travelling along Drumossie Braes. However, as this is a B class road, the number of people likely to be affected would be relatively low compared to those using the A9(T) road. As the A9 is within a cutting at this location and the site is screened by existing vegetation, I consider it unlikely that the proposal would affect views from the trunk road.

21. Whilst the existing housing at Birchwood Road is not visible from Drumossie Braes, the proposal would align generally with the southern edge of development to the east of the site. The map of South Inverness on page 33 of the IMFLDP shows that, existing and proposed development to the west of the A9, extends further south than the appeal site. I conclude that the proposal would be consistent with the existing pattern of development in this part of the city.

22. HwLDP policy 61 (Landscape) states that new developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. In this case, the site lies within landscape character type 228 "rolling farmland and woodland". Given the location and nature of the site and the scale of development, I do not consider that the proposal

would detract from the wider area of rolling farmland and woodland which forms the rural backdrop to the west, south and east of Inverness. Any adverse effects on landscape quality and sense of place, due to the loss of the existing open character of the site, would be localised in nature. Furthermore, there would be the potential to incorporate a design and mitigation strategy, such as that set out in figure 3 of the landscape appraisal, into detailed proposals. I note that landscaping provision is included in the council's list of suggested conditions.

23. I conclude overall that the proposal would be compatible with adjacent land uses, the existing pattern of development and landscape character, and would therefore accord with HwLDP policy 34 in this regard.

Effect on natural, built and cultural heritage

24. HwLDP policy 57 sets out criteria for assessing the impact of development on natural, built and cultural heritage features. It identifies three categories based on the type and importance of the heritage features. The appellant and the council are in agreement that the proposal would not have any impact on nationally or internationally important heritage features.

25. I note that the appellant has provided supporting information in relation to archaeology, trees and protected species. The council is satisfied that these matters can be addressed through conditions and I have no reason to disagree. Subject to appropriate conditions on these matters, I conclude that the proposal would have no adverse effect on natural, built and cultural heritage.

Accessibility by public transport, cycling and walking

26. HwLDP policy 28 (Sustainable Design) requires proposals to be accessible by public transport, cycling and walking and policy 29 (Design and Place-making) requires the design and layout of proposals to focus on pedestrians rather than vehicles. Policy 56 (Travel) states that development should be well served by the most sustainable modes of travel available in the locality from the outset and should incorporate appropriate mitigation, provided through developer contributions where necessary.

27. The appellant indicates that its proposal would promote safe vehicular access and egress, and an internal network of streets and paths which prioritises pedestrian movements and maximises connectivity into the surrounding network. Active travel routes would be provided as part of a green network along the western edge of the site and by a segregated link to the bus stop on Culloden Road. From the site centre point, typical one way walking distances would be 15 minutes to the supermarket, 20 minutes to the primary school, 17 minutes to the nursery and nine minutes to the garden centre.

28. The council considers that the proposal is contrary to HwLDP policies 28 (Sustainable Design) and 56 (Travel), as it is not clear whether the required mitigation in the form of appropriately designed active travel routes between the site and local facilities can be delivered.

29. I note the potential to incorporate active travel routes through the site and consider that the provision of these can be addressed through conditions and the submission of detailed proposals.

30. The closest bus stops are located on Culloden Road and the majority of local facilities and services lie to the north and east of the site. The development framework plan shows a potential pedestrian / cycle access point onto Culloden Road at the northern end of the site, which would provide a direct link to the closest bus stop and allow access to local facilities and services. The location plan submitted with the application includes this link within the red line boundary of the site, and the appellant has confirmed that this can be delivered.

31. There does not appear to be any opportunity to provide direct pedestrian and cycle connections along the eastern boundary of the site to Birchwood Road, which could provide a shorter / alternative route to some local facilities. As a result, residents living in the part of the site located to the south of Balvonie Cottage would have to travel up to 250 metres further, than the distances quoted by the appellant. This would equate to more than a 20 minute walk for some residents.

32. The council proposes a condition requiring a scheme for the delivery of bus enhancements, inclusive of any supporting infrastructure. Whilst not specified in the wording of the proposed condition, the council has indicated that it is seeking delivery of bus routes into and out of the site. This would facilitate use of sustainable modes of transport, and to reduce the reliance on the private car. The council's committee report also indicates that the site layout may need to allow access for school transport serving Culloden Academy.

33. I find that the need for bus routes to be provided through the site has not been justified. Given the location of existing bus stops on Culloden Road, which provide regular services along a primary transport corridor, I do not consider bus provision through the site would be necessary. No evidence has been provided to demonstrate that bus operators would be willing to divert services into the site. I note that the closest bus stops are already equipped with shelters and stop-specific timetable information, and it has not been suggested that any improvements to these are needed.

34. I consider that, subject to a site layout which focusses on the needs of pedestrians and cyclists, and includes a direct link to Culloden Road, the proposal would encourage residents to travel by means other than the private car. Furthermore, the council proposes a condition which would require the provision of a detailed residential travel pack. Whilst the southern part of the site would be located further from bus stops and some local facilities than the distances specified in Planning Advice Note 75 (Planning for Transport), I consider the proposal to be acceptable overall in terms of accessibility.

35. The council has identified the need for shared pedestrian and cycle facilities to be delivered along Drumossie Braes between the northern most site access and the junction with Culloden Road. The council's proposed condition 21 states that this should be in the form of a three metre wide segregated path. The appellant has indicated that there is no reference in the council's guidance to the need for a three metre wide link and that this was not a requirement of the recent planning permission for residential development located to the west of the site.

36. The appellant has confirmed that the footway on the east side of Drumossie Brae would be extended to provide pedestrian access from Culloden Road to the site entrance. Consistent with the residential development currently under construction to the west of the appeal site, cyclists would be expected to use the carriageway to access the site from Drumossie Braes. The use of the carriageway for cyclists is considered to be safe and

appropriate on account of the 30 miles per hour speed limit being moved further south as part of the proposed development.

37. I acknowledge that the creation of a segregated cycle link along Drumossie Braes from the northernmost site access to the junction with Culloden Road would be consistent with HwLDP policy 56. However, as indicated above, the appellant has agreed to provide a segregated pedestrian / cycle link from the site onto Culloden Road in the vicinity of the bus stop. Given the proximity of this link to the Drumossie Braes / Culloden Road junction, I do not consider an additional segregated link to be necessary to make the proposed development acceptable.

38. The council has proposed a condition which would require a scheme for the design and implementation of safe routes to Cradlehall Primary School and Culloden Academy from the application site. Although not specifically mentioned in the proposed condition, the council has indicated that the route to the primary school would involve the widening of the existing footpath along Caulfield Road from its junction with Culloden Road. It states that the existing footpath along Caulfield Road is too narrow to allow children to walk and cycle safely.

39. The appellant has indicated that the section of Caulfield Road between the primary school and Culloden Road is approximately 900 metres, which would represent a significant infrastructural improvement. The site is only estimated to generate up to five bicycle trips an hour, with experience suggesting that the majority of these are not associated with school trips. The footways on Caulfield Road are very lightly used by pedestrians given there is no direct frontage access, and these could be safely used by children wishing to access the school by bicycle.

40. I asked the council to provide a justification for the above suggested condition. In response, it has referred me to HwLDP policy 56 and the National Transport Strategy. However, no information has been provided to demonstrate that the widening of approximately 900 metres of existing footpath would be necessary to make the proposed development acceptable, or that such a requirement would fairly and reasonably relate in scale and kind to the proposed development.

41. I find it likely that Caulfield Road is already used by pupils walking and cycling between Cradlehall Primary School and existing housing in the vicinity of the appeal site. Furthermore, the transport assessment states that a safe route to the primary school was also required in conjunction with the planning permission for residential development on the west side of Drumossie Braes. The council has not explained why further works are now considered essential along what is in effect the same route to the primary school.

42. I do not consider that the requirement to widen the footpath along the length of Caulfield Road, from its junction with Culloden Road to the primary school, would accord with the policy tests in Planning Circular 3/2012 (planning obligations and good neighbour agreements). Whilst a proportionate contribution towards the widening of the footpath may be justified, the council has not provided any evidence to indicate that such a project is to be progressed. In these circumstances, it would not be appropriate to seek financial contributions from the appellant.

43. I conclude overall that, subject to appropriate conditions, the proposal would accord with HwLDP policies 28 (Sustainable Design), 29 (Design and Place-making) and 56 (Travel) in terms of accessibility by public transport, cycling and walking. As outlined

above, some of the mitigation measures identified by the council are not considered to be necessary or proportionate to the proposed development.

Impact on infrastructure

44. HwLDP policy 31 (Developer Contributions) states that developer contributions will be required for proposals which create a need for new or improved public services, facilities or infrastructure.

45. In addition to the mitigation measures which are to be addressed through conditions, paragraph 8.42 of the committee report sets out the matters which the council requires to be secured through a legal agreement. These are:

- a) contributions to the delivery of enhanced primary education capacity;
- b) contributions to the delivery of enhanced secondary education capacity;
- c) contributions to the delivery of strategic sports facilities in the east of Inverness
- d) contributions to the delivery of Ashton District Park in the east of Inverness;
- e) contributions towards Inshes Corridor Road Improvement Scheme and Inverness East Link;
- f) contributions towards monitoring usage of the at grade A9 crossing; and
- g) a minimum of 25% affordable housing.

46. I note that information on the justification for the identified contributions is provided in the consultation response from the council's development plans team, and that the appellant does not object to these. I find the matters on which developer contributions are sought to be consistent with the council's supplementary guidance, and I consider that the principle of these requirements is in accordance with HwLDP policy 31. It would be for the appellant and council to work out the details of the required contributions and the terms of any legal agreement or other appropriate mechanism to secure these, should I be minded to grant planning permission in principle.

Design, Layout and Noise

47. Whilst this is an application for planning permission in principle, the appellant is seeking approval of the development framework plan, submitted as part of the application (Drawing INV(--))DFP_0 Rev B, September 2021). Supporting information is provided in the design and access statement.

48. HwLDP policy 29 (Design quality and Place-making) states that the design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles and should incorporate all of the six qualities of successful places.

49. The council's assessment of the indicative site layout contained in the development framework plan is set out in the committee report and is generally favourable. Subject to further refinements in relation to active travel and the positioning of open space, it considers that the indicative site layout includes a number of design and place-making qualities.

50. I agree that the appellant has demonstrated that the proposal has the potential to meet the requirements of HwLDP policy 29. The council has suggested a condition which would require the site to be developed in accordance with the indicative development framework plan. I have considered the indicative site layout and supporting information provided in the design and access statement, and have no reason to disagree with the intention of this condition.

51. The appellant has undertaken a noise impact assessment based on the site layout shown in the development framework plan. It indicates that mitigation would be required to address noise impact from the adjacent A9(T) road. This could be addressed through the site layout, and measures to reduce internal and external noise levels, where required. The council has proposed three conditions in relation to noise impact. However, the appellant has indicated that these do not reflect the outcome of its noise report, or the consultation response from the council's environmental health team.

52. The consultation response recommends a condition which would require the appellant to submit a further noise impact assessment once the site layout is finalised. This would be required to demonstrate compliance with identified noise standards, through mitigation such as ventilation systems and garden fencing, where required. The council's proposed conditions 29 and 30 require the implementation of specific forms of mitigation which have not yet been shown to be necessary, and would pre-empt the outcome of a further noise impact assessment. I agree with the appellant that the prescriptive requirements of proposed conditions 29 and 30 are not justified at this stage.

53. The council's proposed condition 28 relates to the monitoring of traffic noise. As the required mitigation measures for the development have yet to be agreed, I do not consider it necessary or appropriate to monitor any changes in noise impacts compared to those identified in the 2021 noise report. Any changes in noise levels from the A9(T) road and the effects of these can be taken into account in an updated noise impact assessment. I agree with the appellant that noise impact can be addressed through a condition based on the wording suggested by the council's environmental health team.

54. I conclude that there would be no grounds for refusing planning permission in principle in relation to design, layout or noise matters.

Overall conclusions in relation to the development plan

55. I conclude overall that the proposal would accord with the development plan. In addition to those specifically mentioned above, I have considered other relevant development plan policies but there are none which would justify the refusal of planning permission in principle.

Other material considerations

56. Both the HwLDP and the IMFLDP are more than five years old. Paragraph 33 in Scottish Planning Policy 2014 states that where a development plan is more than five years old, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

57. Based on the information before me, I have assessed the proposal in relation to the guiding principles set out in paragraph 29 of Scottish Planning Policy. I consider that the proposal would bring benefits in terms of, implementing an existing housing allocation in the IMFLDP, providing employment opportunities, and supporting the delivery of infrastructure, including contributions towards transport improvements, and sport and recreational facilities. The proposal would not have an adverse impact on natural or cultural heritage or affect the amenity of existing development. In this regard, I note that there are no objections to the proposal from the community council or individuals. I consider the indicative site layout to be acceptable and matters relating to sustainable design of

buildings can be addressed through detailed proposals. I am also satisfied that the development would be accessible by walking, cycling and public transport.

58. I conclude overall that the proposal would result in development that contributes to sustainable development, and as such would be supported by paragraph 28 in Scottish Planning Policy, which aims to achieve the right development in the right place.

Planning Conditions

59. I have included a list of proposed conditions in the schedule below, to be applied if planning permission is granted. The proposed conditions largely reflect those suggested by the council, but I have also had regard to the appellant's comments on these.

60. The main changes to the council's suggested conditions are summarised as follows:

- A new condition 1 to reflect the provisions of section 59 of the Town and Country Planning (Scotland) Act 1997 in relation to the duration of planning permission in principle, which came into force on 1 October 2022.
- An additional clause in condition 2 (council's condition 1), to provide an element of flexibility, should the detailed proposals require to deviate from the approved development framework plan.
- The deletion of the requirement to prepare a development brief for the site in condition 3 (council's condition 2), as this would not be necessary, if the development framework plan is approved.
- The deletion of the reference to Barn Church Road in condition 3 (council's condition 2) as this requirement would not apply to the appeal proposal.
- The deletion of "the provision of a three metre wide segregated path from the site entrance to the junction of Drumossie Braes / Culloden Road and" from condition 22 (council's condition 21) to reflect my conclusions in relation to this proposed segregated link.
- The deletion of subsections d) and e) from the council's condition 21 (condition 22 below) to reflect my conclusions on the widening of the footpath along Caulfield Road and the need for bus routes through the site.
- Replacing the council's proposed conditions 28 – 30 on noise with condition 29 below, which is based on the wording recommended by the council's environmental health team.
- Various minor edits and corrections.

Conclusions

61. I conclude, that subject to appropriate conditions and a planning obligation, the proposed development would accord overall with the relevant provisions of the development plan, and there are no material considerations which would justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

62. As I have concluded that a planning obligation would be required to cover the matters listed in paragraph 45, I will defer determination of this appeal for a period of up to 12 weeks. This is to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 12 week period, a copy of the relevant obligation with evidence of

registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

Alison Kirkwood

Reporter

Conditions

1. The development to which this permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this permission.

Reason: Section 59 of the Town and Country Planning (Scotland) Act 1997 requires a condition to be attached to planning permission in principle limiting its duration. Five years is the default period set by law and there is no material reason indicating that a different period should be set.

2. Planning Permission in Principle is hereby granted for a residential development upon 6.73 hectares. The site is to be developed in accordance with the Development Framework Plan (INV(--)_DFP_01 Rev B, September 2021) hereby approved for up to 130 residential units, unless otherwise agreed in writing with the Planning Authority.

No development shall commence on each phase or sub phase until a phasing plan setting out the proposed number of units within each phase or sub-phase has been submitted to and approved in writing by the Planning Authority.

Thereafter the development shall be undertaken in accordance with the agreed phasing plan or in sub-phases as may be approved in writing by the Planning Authority.

A sub-phase means any part of any phase of development which is the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

3. No development shall commence within each phase, or sub-phase, until an application, or applications, as they relate to or are relied upon by that phase or sub-phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-

- a. the siting, design and external appearance of all buildings and other structures which shall be no more than two storeys in height;
- b. details of sustainable design considerations inclusive of energy strategy;
- c. the means of access to the site for all modes of transport;
- 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 with projected traffic figures supported by traffic modelling;
- iv. junction and forward visibility requirements;
- v. junction spacing both within the development and on the spine road;
- vi. vehicle tracking at junctions and standard radii;
- vii. details of any bus routes and bus stops inclusive of bus tracking;
- viii. details of provision for cyclists and pedestrians with junctions and crossing designed to facilitate active travel;
- ix. provision for disabled users following consultation with the Inverness Access Panel;
- x. details of safer routes to school;
- xi. details of the location and type of service strips within the intended adoptable road boundary;

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 secure, 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 Highland Council's Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);

i. details of public art provision in accordance with The Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);

j. the details of, and timetable for, the hard and soft landscaping of the site;

k. details of management and maintenance arrangements of the areas identified in (g), (h), (i) and (j) above;

l. details of all boundary treatments within the development;

m. the provision for service vehicles following occupation of the development;

n. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;

o. details of the water and wastewater connections, with connection to the public water and wastewater networks;

p. means of dealing with domestic waste in accordance with The Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including any details of

the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);

- q. details of existing trees, shrubs and hedgerows to be retained;
- r. details of existing and proposed site levels with fall arrows;
- s. details of finished floor levels;
- t. details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase or sub-phase.

4. Any details pursuant to condition 3 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 for each phase or sub-phase of the development. 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. Details shall include but not be limited to;
 - i. Pedestrian and cyclist access to any and all core paths;
 - ii. Construction details of all paths, inclusive of material finishes and drainage details;
 - iii. Details of all active travel connections to and from the site as shown on the indicative development framework to be delivered no later than occupation of the first unit within the development;
- 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.

5. No development shall commence on each phase or sub-phase, until a scheme to deal with potential contamination within the phase is submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:

i) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment is to be agreed in advance with the planning authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;

ii) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;

iii) measures to deal with contamination during construction works;

iv) in the event that remedial action is required, a validation report that validates and verifies the completion of the approved decontamination measures;

v) in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

6. No development shall commence within each phase, or sub-phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:

a) An updated Schedule of Mitigation 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:

(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.

7. 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 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.

8. Any details pursuant to condition 3 above shall include full details of surface water drainage provision within the relevant phase or sub-phase and how that relates to the surface water drainage approach for the site as a whole (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 Fourth Edition, (or any superseding guidance prevailing at the time). For the avoidance of doubt, the scheme shall not include any connections to the trunk road drainage system. The scheme 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.

9. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt, any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

10. 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.

11. Any details pursuant to condition 3 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operation 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.

12. All roads intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

Reason: To ensure that future roads and routes can be provided without impediment.

13. No development shall commence in each phase or sub-phase 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. This shall ensure no Heavy Goods Vehicle traffic movements or deliveries to the site during school pick up or drop off times for Cradlehall Primary School and Culloden Academy. It shall also include details of wheel washing facilities and provision for all deliveries to the site being sheeted. 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.

14. Any details pursuant to condition 3 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.

15. Any details pursuant to condition 3 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.

16. Any details pursuant to condition 3 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.

17. Before the first occupation of each phase, or sub-phase, 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 of sub-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.

18. Any details pursuant to condition 3 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.

19. Any details pursuant to condition 3 above shall be informed by:

- a. A 20 metres setback from all existing trees at the boundary of the site;
- b. Arboricultural Assessment;
- c. Tree Constraints and Protection Plan
- d. Arboricultural Method Statement;
- e. 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.

20. Any details pursuant to condition 3 for each phase or sub-phase shall include details of a scheme of hard and soft landscaping works related to that phase or sub-phase. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, within each open space including 1:20 scale plans showing the detail of the feature;
- iv. The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
- v. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities, with no fruit bearing trees; and

vi. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of that phase of development to which the scheme relates.

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

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

21. Any details pursuant to condition 3 shall include a six metre buffer from the top of the bank of any watercourse where no development can take place.

Reason: To ensure access to the watercourses can be maintained for maintenance and in the interest of avoiding impact on the watercourse which has the potential to increase risk of flooding.

22. Any details pursuant to condition 3 shall include:

a) a scheme for the location, design and installation of the two accesses to the site from Drumossie Braes. Thereafter, the scheme shall be implemented prior to any other development commencing on site;

b) a scheme for the location, design and installation of the paths to accommodate active travel toward local facilities. This shall include a three metre wide shared use path between the site and the signalised crossing at the Caulfield Road / Culloden Road junction. Thereafter, the scheme shall be implemented prior to any other development commencing on site;

c) a scheme for the location, design and installation of mitigation to reduce the speed limit on Drumossie Braes from an area in the vicinity of the southern access to the site and Culloden Road. Thereafter, the scheme shall be implemented no later than the occupation of the first residential unit within the development;

d) a scheme to prevent access to the trunk road network for non-motorised users from the development site. The agreed scheme shall be implemented prior to completion of any residential unit within the development;

e) a scheme for the location, design and installation of all external lighting within the development to avoid dazzle and distraction for users of the local and trunk road network. Thereafter, the scheme shall be implemented prior to any other development commencing on site.

Reason: To ensure that infrastructure is designed appropriately and meets the needs of non-motorised and motorised users.

23. No phase or sub-phase shall be occupied until a detailed Residential Travel Pack for the relevant phase or sub-phase, which sets out options for residents for reducing

dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority.

The Residential Travel Pack shall be provided to each property within the relevant phase or sub-phase on first occupation of each property.

Reason: To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

24. Any details pursuant to condition 3 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:

- i. identification of locations for communal electric vehicle charging points serving properties without curtilage parking in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
- ii. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
- iii. a timescale for implementation for infrastructure within each phase or sub phase; and
- iv. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

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

25. No development shall commence until a scheme for the maintenance, in perpetuity, of all trees and/or woodland identified for retention and management on the land within the applicant's control but outwith the application site has been submitted to, and approved in writing by, the Planning Authority. The woodland management plan shall be reviewed every five years and shall use best endeavours in managing the woodland with areas of woodland outwith the control of the applicant.

Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that retained trees and woodland are properly managed and maintained.

26. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

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

27. Any details pursuant to condition 3 shall include a scheme for the inclusion of public art within the development. The scheme shall include:

- i. Detailed design of public art provision including but not limited to provision of interpretation panels related to the history of the area;
- ii. locations of any and all public art provision;
- iii. the management and maintenance of any and all public art provision; and
- iv. a timetable for implementation.

Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained in perpetuity.

Reason: To ensure the delivery of a development with a unique identity which facilitates the creation of place

28. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils, unless otherwise agreed in writing by the Planning Authority. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing and type of development within future development phases. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is occupied.

Reason: To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures throughout the construction period.

29. No development shall commence on each phase or sub-phase until an updated noise impact assessment based on the finalised site layout for that phase has been submitted to, and approved in writing by, the Planning Authority. The assessment shall provide a noise mitigation scheme, including a clear specification for proposed ventilation systems for properties where noise levels require windows to be kept closed in order to meet required standards, and any proposals for garden fencing at locations throughout the development, where noise attenuation is required.

The assessment shall demonstrate compliance with the following standards: -

Daytime External: 50-55dB LAeq

Daytime Internal: 35dB LAeq

Night time Internal: 30dB LAeq

Night time Internal: 45dB LMax

Reason: In the interests of residential amenity.

30. For the avoidance of doubt, no advertisements within the site shall be positioned where they would be visible from the trunk road network.

Reason: in the interests of safety and free flow of the trunk road network.

31. No development shall commence until a Biodiversity Net Gain Plan (BNGP) is submitted to, and approved in writing by, the Planning Authority. The BNGP must include: the commitment to deliver a scheme for biodiversity net gain to ensure the development results in at least 10% biodiversity net gain above baseline conditions, including: the details of the scheme including any project(s) to be taken forward; timing of delivery; and ongoing management and maintenance arrangements. The approved BNGP shall be implemented in full and in accordance with the approved timing, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the development delivers biodiversity net gain.