

Agenda Item	8.7
Report No	PLS-102-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 13 December 2022
Report Title: 22/04281/FUL: Parklands Developments Ltd
Land 50M SW of Unit 4A, Leys Square, Inverness
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 24No. cottage flats for staff accommodation
Ward: 19 – Inverness South

Development category: Local

Reason referred to Committee: Community Council objection and 5 or more objections from members of the public.

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 application seeks detailed planning permission for the development of 24 x 2-bedroom cottage flats to provide staff accommodation for the Care Home adjacent. In addition, the accommodation will be required and offered to the professional staff members managing the 11 'Later Life' homes granted under 20/03308/FUL adjacent to the Care Home and shortly to commence construction.
- 1.2 The proposed development layout incorporates a more 'community orientated' open space. This includes car parking and a central pedestrian focussed area which is accessible to all travelling to and through it. There are good opportunities to provide landscaping along site boundaries and within the communal areas associated with the development. The cottage flats are two storey in height and are indented to be finished with off-white masonry and brick walls with muted coloured panels to add variety and interest. The proposed roof finish is an anthracite grey coloured insulated roof panel.
- 1.3 Pre-Application Consultation: No formal submission. Informal discussion with agent before submission of planning application.
- 1.4 Supporting Information: Supporting Statement, Drainage Impact Assessment, Transport Statement
- 1.5 Variations: Amendment to landscaping link to the nursery

2. SITE DESCRIPTION

- 2.1 The site is located at Milton of Leys, Inverness. It covers approximately 0.5ha and is to the east of the newly constructed Milton of Leys Nursery building. A new Care Home is under construction and located to the north with 11 additional 'Later Life' homes attached. To the east of the site are a number of retail units with a convenience store, a pharmacy and takeaway restaurants. Planning permission has been granted for further retail units within this area.
- 2.2 The site is accessed from the public road that links with Inshes Road and serves the Primary School, Care Home and shops. There are pedestrian crossing points linking the retail unit site with this site.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-----------------------------|
| 3.1 | 21.09.2022 | 22/01445/FUL - Erection of 12No. apartments and 12No. cottage flats for care home staff accommodation | Withdrawn |
| 3.2 | 04.10.2019 | 19/03669/ADV - Installation of signage | Consented |
| 3.3 | 03.10.2019 | 19/03668/FUL - Erection of temporary sales cabin, formation of parking area | Planning Permission Granted |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 07.10.2022

Representation deadline: 21.10.2022

Timeous representations: 3 (from 3 households)

Late representations: 7 (from 7 households)

4.2 Material considerations raised are summarised as follows:

- a) Land is designated commercial use;
- b) Access into site from single access road;
- c) Ground floor flats to the south will lack view and sunlight most of the year;
- d) Children will add pressure to the primary school;
- e) Purpose of flats for staff accommodation is deceiving
- f) Public transport does not really provide easy access to the city centre;
- g) The community urgently needs community amenities.

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 **Inshes and Milton of Leys Community Council** has "concerns about the proposed development. While existing residents of this area are still waiting for proper facilities to benefit the community, these will also be essential for the residents of the care home so they can become integrated as part of the community. The applicants' claim (4.26) that staff accommodation "follows the wider definition of community facilities" is disingenuous and designed to be misleading to the planning authorities. There are only 24 car parking spaces for a potential 48 staff members in a region of the city which still remains heavily car dependent. The parking for the nursery has been included in the visuals in a way that it looks like part of the development, and this also looks designed to mislead the planning committee. A single, non-traffic controlled, entrance would serve eight shops, a school and nursery (now larger than initially envisaged), a care home, a cafe to be open to the public and a sheltered housing development creating clear traffic hazards which the developer has not addressed. A residential development of this size on land that was always zoned for community/amenity use represents overdevelopment. If the council wishes to develop Milton of Leys as a viable community it must commit to creating a genuine community centre and meeting space."

5.2 **Flood Risk Management Team:** "Reviewed the information provided by the Applicant and we withdraw our objection.

- i. We have reviewed the Drainage Impact Assessment (DIA) provided (Care Home Staff Accommodation, Leys Square, DIA Issue 2. HGA Ltd. 02/11/2022) and are content with the proposed drainage arrangements. The DIA confirms that adequate treatment and some attenuation storage will be provided on site prior to discharge into the existing surface water drainage

network. Calculations have been provided to demonstrate that there is capacity in the receiving network for the site runoff.

- ii. The onsite drainage will be owned and maintained by the owners, either directly or through a factoring agreement. The sewers will be put forward for vesting by Scottish Water. Based on the drainage information provided we are content to withdraw our objection.”

5.3 **Transport Planning Team:** “The Transport Statement appears to demonstrate that future residents can access places of work and education by public transport within the Inverness area before 9am and return home after 5pm. Transport Statement does not identify any shortfall in bus service provision or explain how any deficiency will be mitigated against. We note bus journey times of up to 1.5 hours and the need to change buses.

Cycle parking requirements are set Paragraph 6.3.6: Cycle Parking, Figure 6.5: Cycle Rack Stands Typical Dimensions and Spacings and Table 6.9: Cycle Parking Provision of our guidelines. For residential flats 2 spaces per flat should be provided within secure enclosed storage facility. May be reduced to 1 space per flat where communal storage is provided. Plus 1 visitor space per 10 flats sited outside near the main entrance.

The latest Site Plan shows 1 communal visitor cycle facility with provision for 6 cycles, sited in the centre of the development. The cycle rack layout appears to be comparable with Figure 6.5 of our guidelines.

The Council expect cycle storage facilities to be positioned in close proximity to a building, be well distributed through a site and for security reasons are overlooked by dwellings.

The Site Plan shows 2 separate communal residential cycle facilities, 1 to the northeastern boundary of the site and another to the southwestern boundary. The cycle facilities comprise 2 communal shelters with capacity to store 12 cycles, giving an overall cycle storage capacity on site of 24 cycles.

The cycle rack layout appears to be comparable with Figure 6.5 of our guidelines. The southwestern cycle facility fronts onto a footpath and when open the doors extend over the footpath. When the facilities doors are open manoeuvring a cycle in/out is likely to be challenging, due to the reduced footpath width available and the proximity of the disabled parking space.

Transport Planning still consider that the cycle facilities are not well distributed through the site, overlooked by dwellings and not designed in such a way to make utilising the facilities easy for future residents and therefore the cycle facilities are unacceptable. Transport Planning continue to object to the cycle facilities.

Leys Square currently serves a primary school and nursery, care home, residential properties and a retail / commercial development. Leys Square is now a no through road that terminates at its junction with the school and care home entrances.

Care home parking standards are set in Table 6.1 of the Council’s guidelines and the minimum parking standard is 0.3 spaces per bed plus 1 per staff. Based on 72 beds and 20 care staff the level of parking required is 42 spaces minimum. The Applicant has assessed the day nursery parking requirements based on 0.25 spaces per child plus 1 per staff. Based on 20 children and 3 nursery staff the level of parking required is 5 spaces minimum. The total parking provision required to serve the care

home and nursery is 47 spaces minimum. The level of parking provision at the care home is 40 spaces, giving a shortfall of 7 spaces.

Parking standards for residential developments are set out in Table 6.1 of the Council's guidelines. For flats with communal parking the required parking provision to meet our minimum standards is 1.2 residential spaces per flat and for their visitors it is 0.3 spaces per flat minimum. For 24 flats with communal parking the level of parking provision is 29 residential spaces and 7 visitor spaces, giving a total of 36 parking spaces required to meet our minimum standards. The latest Site Plan appears to show 24 communal parking spaces, of which 2 are disabled spaces. Based on our minimum requirement for 36 parking spaces and a provision of 24 spaces there is shortfall of 12 spaces. Our findings indicate that the combined care home and flatted development parking space shortfall is 19 spaces, (care home 7 and flats 12). Assuming 10 staff resided in the flats and walk to work, the combined care home and flatted development shortfall in parking would be reduced from 19 spaces to 10.

Transport Planning consider the under provision of parking spaces is likely to create a situation where future residents and their visitors will park their cars and or works vehicles on Leys Square, which will adversely impact children walking and cycling to school (Safer Routes to School), other pedestrians, cyclists and the free flow of traffic on the local road network. Plus, delivery drivers may find it more convenient to park on Leys Square rather than enter the flatted development.

We object to the under provision of vehicle parking provision, for the reasons given. We welcome the provision of 2 electric vehicle charging points. Please note we do not consider charging points to be parking spaces."

- 5.4 **Contaminated Land Team:** "Our records indicate that the site has been subject to previous contamination investigation due to the historical importation of made ground leading to significantly elevated gas monitoring results (2010) recorded by ERS and further soil assessment in (2017/18) by Envirocentre. Within the more recent reports (2017/18 Envirocentre) the area of this application was called Area 1. Area 1 was investigated with an approximate investigation density of 20m location spacing and assessed to a residential without home grown produce standard. This concluded that there was no risk from soils and that the gas assessment methodology from 2010 was reliable and the site required characteristic situation 3 CS3, gas protection measures incorporated into the development design.

It is not clear from the application drawing whether the conceptualisation from 2017 is the most suitable for this development proposal, in terms of private garden or growing potential. Typically for residential developments with private gardens, due to the more sensitive land use an investigation density of 10m would be required and the more stringent residential with plant uptake assessment criteria used. In the absence of further clarification on the landscaping; to ensure the site will be demonstrated suitable for the proposed use we recommend an appropriate condition be attached to any permission granted."

- 5.5 **Scottish Water** has no objection to the application. It indicates that there is currently sufficient capacity at Inverness Water Treatment Works and at Allanfean PFI Waste Water Treatment Works.

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 and Place-making
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
56 - Travel
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

IN59 - East of Milton of Leys Primary School Area (4.4ha): Uses: Retail, commercial, community, care home, recreational space, 16 homes.

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Proposed Inner Moray Firth Local Development Plan 2

INS20 - East of Milton of Leys Primary School 0.5ha Uses: Housing, retail, business. Indicative housing capacity: 15. Drainage Impact Assessment. Contaminated Land Survey, ground survey to consider need for gas membranes to dwelling foundations in consultation with Council Contaminated Land Unit. Site masterplan to demonstrate provision of greenspace accessible to residents and the public, with active frontages of buildings overlooking it. Car parking must be kept to minimum required and should not be located in visually prominent locations. Any connections to Milton of Leys Distributor Road must demonstrate what direct, pedestrian and segregated cycle infrastructure will be delivered to support sustainable travel. Housing to be delivered in parallel to Retail and Business uses, with residential above commercial uses.

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)
National Planning Framework 3
Designing Streets
Creating Places
Revised Draft National Planning Framework 4 (2022)

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) siting and design
 - c) access and parking
 - d) drainage
 - e) impact on infrastructure, waste management and services and proposed mitigation (developer contributions)
 - f) any other material considerations

Development Plan/other planning policy

- 8.4 The site lies within the Settlement Development Area of the City of Inverness where Policy 34 of the Highland wide Local Development Plan applies. This supports proposals if they meet the requirements of Policy 28 and all other relevant policies of the plan. Proposals are judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any natural, built and cultural heritage features. Developments which are judged to be significantly detrimental in terms of the above criteria will not be supported unless there are clear material considerations which would justify permission being granted.
- 8.5 Policy 28 requires proposals to demonstrate sensitive siting and high-quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials. Policy 29 requires any application to make a positive, net contribution to the architectural and visual quality of the place within which it is proposed.
- 8.6 The Highland wide Local Development Plan also expects all development proposals to safeguard individual and community residential amenity and to be appropriately accessed and serviced without significant impact on existing infrastructure.
- 8.7 With regard to the Inner Moray Firth Local Development Plan, the proposed residential staff accommodation is to be located on part of an area identified for a mix of facilities with housing, business and retail. The accommodation will form part

of the Care Home complex made up of the Care Home itself, the 'Later Life' homes and the proposed on-site staff accommodation. Given the fact that the accommodation will remain in the ownership of the Care Home developer, and leased only to care home staff, which will be secured by condition so that the accommodation is not sold separately onto the open housing market, it is considered that the housing proposed does form part of the commercial development rather than a residential development in its own right.

- 8.8 The applicant has indicated that a key component of making the Care Home a successful facility for the community it serves is ensuring that they have the professional and qualified staff to run, manage and service it over the coming years. There is an identified need for good quality affordable staff accommodation which will ensure these other commercial/community facilities (Care Home, Later Life housing) in the neighbourhood are sustainable in the short, mid, and longer term.
- 8.9 Representations have highlighted the identification of the site within the development plan for community facilities, as illustrated in the representations, including doctor's surgery, dentist, community centre, sports facility. The applicant has advised that "according to solicitors the site has been on the market since April 2018 with little interest from local community occupiers/developers." Although it identifies the type of uses that may be appropriate for a site, the Planning Authority is not responsible for the delivery of those services. That is a decision taken by others.
- 8.10 The application will bring forward benefit to the community in that it will develop an otherwise underdeveloped piece of land to support an identified need relating to a business that is involved in the provision of care. It will result in the development of the kick pitch and/or provide scope for an alternative community use for that area if so desired. It will allow for enhanced, more attractive, connections through and between the other uses within Leys Square. Taking all of the above into account, it is considered that the proposal, while not providing the type of community facilities the local community would prefer, does comply with the aims and objectives of the allocation. There remains some scope for the development of these facilities within the four units recently granted to the south-east of the square should others wish to provide this at a future date.
- 8.11 Subject to the proposal demonstrating it is of high quality design, without significant detrimental impact on the character of the area or individual and community residential amenity and existing infrastructure the proposals would comply with the Development Plan.

Siting and design

- 8.12 The applicant has worked with officers to provide some community space that links with the school and nursery campus while providing the desired level of staff accommodation. The proposed design concept focuses on a central amenity garden with high quality landscaping and benches. It is overlooked by the staff accommodation which will discourage anti-social behaviour.
- 8.13 The cottage flats themselves are two storey in height with off-white masonry and brick walls with muted coloured panels to add variety and interest. The roof is made up of anthracite insulated roof panels to reflect the community and commercial

facilities nearby. It is considered that the design of the buildings, laid out in the way proposed, will add visual interest.

- 8.14 The cottage flats overlook a courtyard with grasscrete parking spaces to give a more green feel to the area and a designed landscaped area through the site that links into the footpath of the nursery and the school campus. The landscaping provides an attractive approach to the school for parents and young people approaching the school from the east.
- 8.15 One objection referred to the lack of sunlight into the ground floor flats to the south of the development, which has a bank to the rear. The applicant has advised that the flats are located a reasonable distance from the 25° slope with all living rooms and main bedrooms facing the garden courtyard to the front. It is not considered that there is undue impact on the residential amenity of these proposed properties.

Access and Parking

- 8.16 Access into the site is from the main access that leads to the Primary School and Nursery, the Care Home (under construction) and the existing shops. The proposed flats are provided for Care Home staff accommodation only and the applicant has indicated a willingness to enter into a legal agreement preventing the housing being sold as open-market housing; however, this can also be controlled by condition. The Care Home is located within 100 metres of the housing development and therefore well within walking distance. With shifts and proximity to work, it is unlikely that there will be a “rush hour” period every day when cars will be coming and going from this site. It is not therefore considered that there will be a significant increase in traffic movements at certain times of day, particularly coinciding with the school drop off and pick up times, as a result of this development.
- 8.17 Parking provision at the Care Home (20/01512/FUL) was granted on the basis of 40 spaces. This was made up of 1 space per 3 residents (59 residents / 3) equating to 20 spaces, with a further 20 spaces allocated for staff car parking. This was a change to the earlier scheme under planning application 19/01463/FUL, which Transport Planning refer to (based on 72 residents and a day care nursery). The later planning permission removed the day nursery and reduced the number of residents to 59.
- 8.18 The current layout for the housing indicates 22 car parking spaces plus 2 accessible spaces and 2 electric vehicle charging points. Transport Planning has indicated that the spaces for charging points do not count towards the total provision, so this would give the total number of staff parking between the houses and the Care Home as 42 spaces overall. According to Roads and Transport Guidelines, the minimum parking standard is 1.5 spaces per unit which in this case is 36 spaces. It is accepted that Transport Planning normally require car parking to be at the premises but given that the people living in these flats will be Care Home staff, having additional car parking at their place of work which will be within a short walk of their homes is considered acceptable. Therefore, the total offering of 42 spaces for staff car parking is considered appropriate.
- 8.19 Transport Planning is satisfied with the cycle accommodation provision within the site but has objected to the location of it. It is considered that this can be resolved through condition prior to commencement of development.

- 8.20 The site will ensure that all vehicle movements requiring access will be undertaken using the existing public road network already established. In addition, there is public transport and access to wider pedestrian/cycle and green networks giving residents several sustainable and active travel options.

Drainage

- 8.21 The Flood Team reviewed this application and initially objected to the proposal on the basis of lack of drainage information. However, the applicant subsequently submitted a Drainage Impact Assessment to support their application and following its review by the Flood Team, its objection has been withdrawn.

Impact on infrastructure, waste management and services

- 8.22 The Parkland's Care Home and proposed housing development will have the same private bin collection arrangements, with the bin lorry turning within the care home parking loop allowing the collection of waste from both developments. The bin collection location is beside an existing layby on the northern edge of the site that will allow the refuse vehicle to pull in, off the public road, on collection day before continuing along the road and turning into the Care Home. There will be no need for additional manoeuvres on the public road. The applicant has also indicated that the timing of collections can be planned to avoid the start and end of the school day. The final details for waste management can be controlled by condition and agreed with Transport Planning prior to commencement of development.
- 8.23 In relation to public transport, there is a bus stop immediately adjacent to the site and the applicant is proposing a pedestrian link from the site to the bus stop. There are a large number of houses built and/or under construction at Milton of Leys and it is recognised that the level of bus transport provision will reflect the wider use in the area. With the bus stop in close proximity, there are buses that service the site at a level that meets the demand of the area.

Other material considerations

- 8.24 A concern has been raised in relation to the number of children that may live in these flats and add to the pressure on the existing education provision. These flats are two-bedroom properties with limited opportunity for many children to be accommodated. The site is allocated in the development plan for some residential development, and it is considered that this relatively modest development will not have a significant impact on education provision in the area.
- 8.25 The issue of the attractiveness of the accommodation to staff was raised in representations. In response, the applicant has advised that "Due to the work required for caring for elderly residents, most care homes will offer staff accommodation. Living within care home proximity is essential and beneficial for staff." The applicant in this case is the Care Home who have considered the requirements of their staff and have proceeded to make this application on the basis of need.
- 8.26 It is noted that the kick pitch site to the northwest of this site is within the ownership of the Care Home and, when completed, will provide a much-needed facility for the

wider community. Given this proposal is looking to fulfil wider community facilities, it would be appropriate to include a condition requiring the completion of this facility.

- 8.27 As this is a site that will be restricted by condition to Care Home staff only and not available on the open market, it is considered that a further contribution to affordable housing is not required.

Non-material considerations

- 8.28 The issue of views from the proposed properties are not a material planning consideration.

Matters to be secured by Legal Agreement

- 8.29 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

- a) Contributions to the delivery of enhanced Primary Education capacity within the City of Inverness, in the first instance a one classroom extension to Milton of Leys Primary School (£1,682.21 per flat);
- b) Contributions to the delivery of enhanced Secondary Education capacity within the City of Inverness Catchment Area, in the first instance the delivery of a new school and/or major school extension at Millburn Academy to mitigate the impacts of the development (£2,164.83 per flat) plus new school land acquisition costs (£18 per flat); and
- c) Contributions towards Community Facilities in South Inverness, in the first instance Inshes District Park and Hilton Community Centre (£1,176.51 per flat)

- 8.30 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 It is fully appreciated that the local community at Milton of Leys would like to see this land given over to a doctor's surgery, restaurant, pub or some other similar facility. However, it is not within the Council's control to provide such facilities. Market forces and economies of scale would have to make this area attractive to a commercial developer and the site has been marketed for some time as such with minimal interest. It appears the nearby Co-op convenience store as well as a pharmacy and hot food takeaways satisfies current demand for retail / commercial operators in the area and may be the reason for there having been little to no interest from commercial developers / occupiers for the site.

- 9.2 The proposed development of 24 cottage flats around a central garden courtyard that opens out and provides links to the nursery and primary school is a development

that supports the existing and 'under construction' community facilities at Milton of Leys. The proposal is to provide affordable rented accommodation for staff at the Care Home and Later Life homes which will in turn also support the retail facilities on the neighbouring site.

- 9.3 The Development Plan allocates the site for a mix of uses and does allow for some private housing - around 15 homes in the new Development Plan. This proposal provides very modest two-bedroom cottage flats at a slightly higher density than the Development Plan allows but restricted to staff accommodation only. The site essentially forms part of the Care Home complex but is open to the local community as a high-quality garden environment. As such, it is considered that this proposal meets the requirements of the Development Plan allocation and completes a site that has long been vacant and should therefore be supported.
- 9.4 The proposed layout and design will create an attractive living environment for residents and improve the general amenity of the area with the redevelopment of the site and opportunities for linkage to the surrounding uses.
- 9.5 The site is well served in terms of public transport and access to wider pedestrian and cycle green networks. The new accommodation will also have access to electric vehicle charging and PV panels to improve energy efficiency.
- 9.6 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	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	Y
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:
 - a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;
 - b) 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;
 - c) measures to deal with contamination during construction works;
 - d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
 - e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of 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.

3. For the avoidance of doubt, the cycle storage facilities indicated on Site Plan 10132-PL02 REV B are not hereby approved. No development shall commence until a plan detailing cycle storage facilities has been submitted to, and received the approval in writing of, the Planning Authority in consultation with the Roads Authority. The agreed cycle storage facilities shall be implemented in accordance with the approved plan prior to the first use of the development.

Reason: In order to facilitate the use of a variety of modes of transport.

4. No development shall commence until a scheme for the storage of refuse and recycling within the application site, including the timing of any uplift, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

5. No development shall commence on site until a construction phase Traffic Management Plan has been submitted to, and received the approval in writing of the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt this shall include:

- Proposed measures to mitigate the impact of general construction traffic on the local road network following detailed assessment of relevant roads.
- A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties.
- A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and, as required, community representatives.
- Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.

There shall be no deliveries, or movement of construction related traffic to or from the site during the following times on any school day:

- 08:30-09:15
- 14:15-15:30

The development shall thereafter be undertaken in accordance with the agreed Construction Traffic Management Plan. For the avoidance of doubt, the access gates to the Construction Site shall be closed to vehicles during school opening and closing times.

Reason: In the interest of road safety to ensure that the local road network is not significantly impacted during the construction/delivery period and in order to ensure pedestrian safety given the proximity to the school.

6. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or reenacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) have been submitted to, and received the approval in writing of, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion, and

shall be removed from the application site within one month of the development being completed.

Reason: To ensure that the site compounds are sensitively located and are adequately secured to prevent unauthorised entry.

7. The kick pitch, located to the northwest and indicated on drawing 10132/PL06, shall be completed within one year of the date of this permission.

Reason: In order to ensure this community facility is provide in a timely manner.

8. The 24No. cottage flats hereby approved shall be used as accommodation for care home staff only.

Reason: To ensure that the development is retained as accommodation for care home staff only, and in accordance with the use applied for.

9. Prior to the commencement of development, full written and plan details of the proposed hard and soft landscaping features, roads and pavements, including trade names and relevant RAL/BS codes as appropriate, shall be submitted to and receive the approval in writing of the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to clarify the terms of the permission and as no details have been provided.

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.

INFORMATIVES

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.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

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

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and 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/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 10132-PL01 Location Plan
Plan 2 - 10132-PL02 REV B Site Layout Plan
Plan 3 - 10132-PL04 Elevations
Plan 4 - 10132-PL04 Visuals 1
Plan 5 - 10132-PL05 Visuals 2
Plan 6 - 10132-PL06
Plan 7 - 10132-PL07 Block Elevations

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	Milton of Leys Primary	£	£1682.21	£40373.04	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Primary – Land Costs	N/A	£	£	£	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Secondary – Build Costs	Millburn Academy	£	£2164.83	£51955.92	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Land Costs	Millburn Academy	£	£18	£432	No		TOC/CC	Apr/Oct	20
Community Facilities	Inverness South	£	£1176.51	£28236.24	BCIS	Q2 2018	TOC/CC	Apr/Oct	20

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

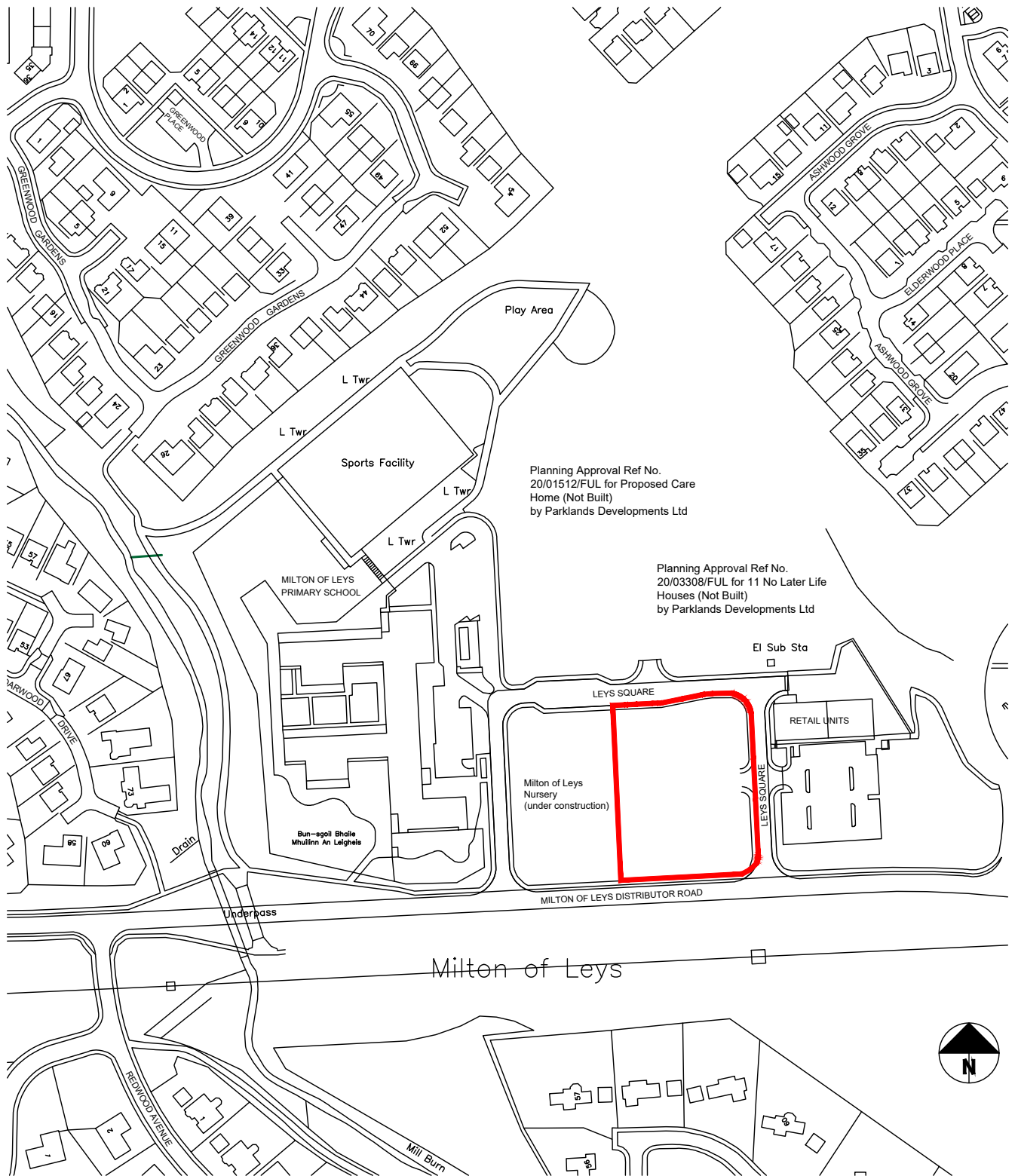
*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development

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



Planning Approval Ref No.
 20/01512/FUL for Proposed Care
 Home (Not Built)
 by Parklands Developments Ltd

Planning Approval Ref No.
 20/03308/FUL for 11 No Later Life
 Houses (Not Built)
 by Parklands Developments Ltd

Application Boundary
 area : 4695 sqm

0 25 50 100 200 250 Scale 1:2500 (metres)

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Willow House, Stoneyfield Business Park
 Inverness, IV2 7PA
 technical@ghjohnston.co.uk
 Tel: 01463 237229
 www.ghjohnston.co.uk

Client
 Parklands Developments Ltd

Project
 Proposed 24no. Flats at
 Leys Square, Milton of Leys

Drawing
 Location Plan

Rev. Description Drawn Date

Status
 PLANNING

Scale 1:2500 Date 28.03.22

Sheet A4 Drawn by

Drawing No:
 10132 / PL01

Rev

Site Finishes

- A** Hard Landscape area
MARSHALLS Drivesett Argent
Light with Argent Graphite strips
- B** Grass Crete - MARSHALLS
Grassguard permeable paving
- C** Shrubs / planting areas

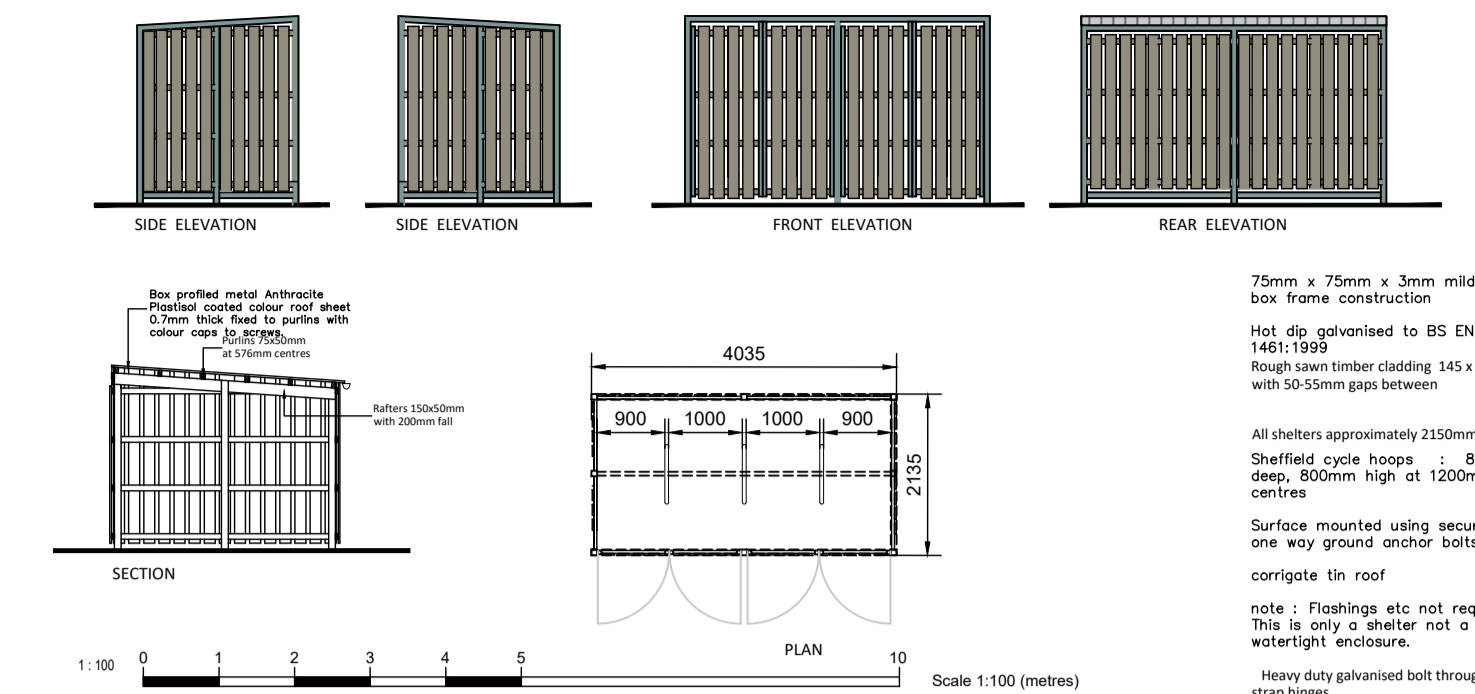
Bin Collection Area - 1.2 m timber fence enclosure



Hard Landscape area
MARSHALLS Drivesett Argent
Light with Argent Graphite strips

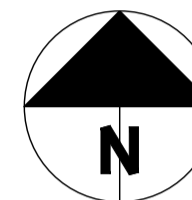


Grass Crete - MARSHALLS
Grassguard permeable paving



Cycle Shelter

75mm x 75mm x 3mm mild steel box frame construction
Hot dip galvanized to BS EN ISO 1461:1993
Rough sawn timber cladding 145 x 22mm with 50-55mm gaps between
All shelters approximately 2150mm high
Sheffield cycle hoops : 1000mm deep, 800mm high at 1200mm centres
Surface mounted using secure one way ground anchor bolts
corrugated tin roof
note : Flashings etc not required.
This is only a shelter not a watertight enclosure.
Heavy duty galvanized bolt through strap hinges : 3no per door leaf.
Heavy Duty galvanized padlock & hasp : 13no keys minimum
Heavy duty dead leaf top & bottom bolts.



Notes:

- Drainage layout shown is indicative only and subject to full detailed design by Engineer.

ACCOMMODATION SCHEDULE	
Type A - Cottage Flat	24
TOTAL:	24
CYCLE PROVISION	
Communal Cycle Store:	E 24
Visitor Cycles	
3no. 'Sheffield' type stand	D 6
TOTAL:	30
WASTE COLLECTION POINT F	
Each property will have a handstanding bin area sufficient to accommodate 2x 240 L bins / property (refuse and recycle)	
Bollards preventing cars to travel through from the nursery car park and vice versa G	

B	Cycle store, bin and car park revised	AF	26.10.12
A	Nursery path revised at boundary parking arrangements revised	AF	26.10.12
Rev.	Description	Drawn	Date

GH Johnston
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Client
Parklands Developments Ltd

Project
Proposed 24no. Flats at Leys Square, Milton of Leys Inverness

Drawing
Site Plan

Status
PLANNING

Scale 1:250 Date 28/03/22

Sheet A1 Drawn by

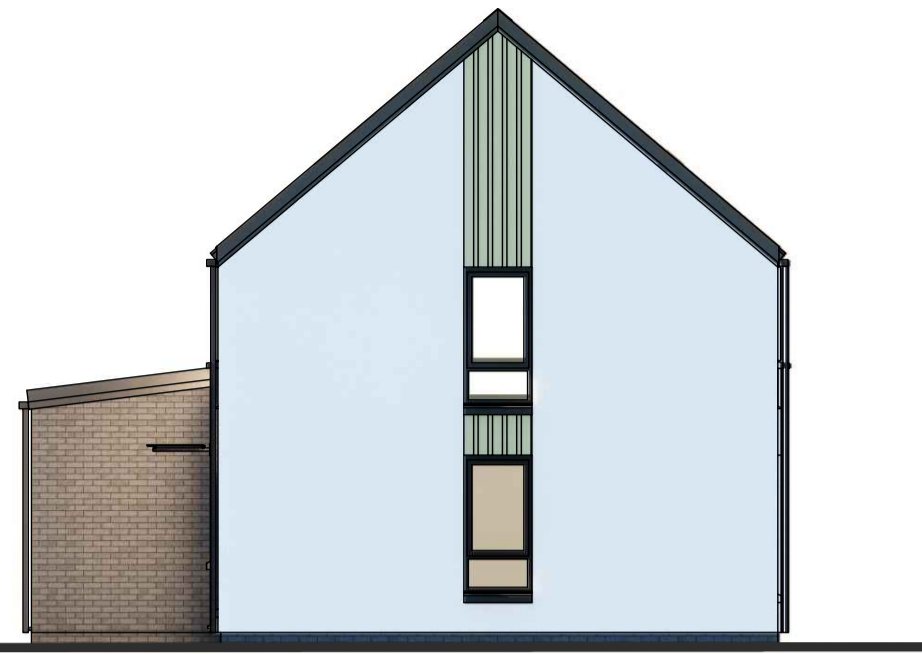
Drawing No: **10132 / PL02** Rev **B**



269556.61
842030.81
162.59
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STN03
Easting : 269694.29
Northing : 842039.19
Level : 167.13





SIDE ELEVATION



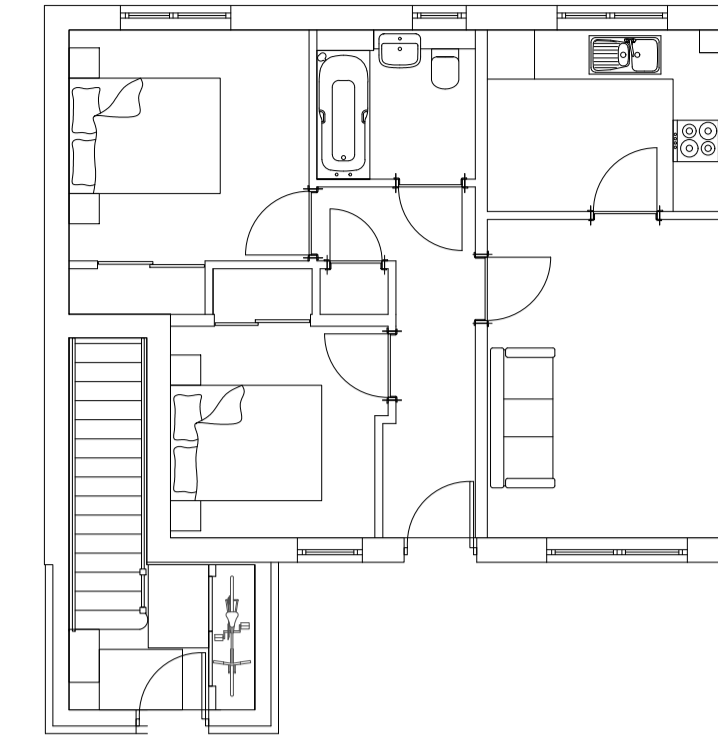
REAR ELEVATION



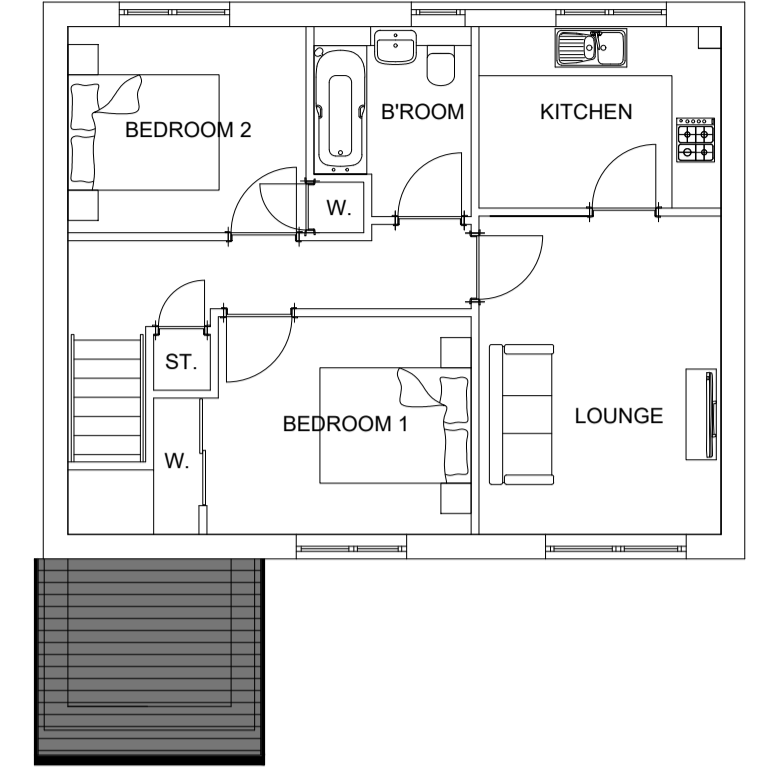
SIDE ELEVATION



FRONT ELEVATION



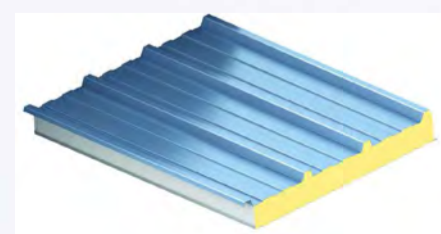
GROUND FLOOR PLAN



FIRST FLOOR PLAN



1:100 0 1 2 3 4 5 10 Scale 1:100 (metres)



Steadmans AS35 Roof Panel - Anthracite or equally approved



masonry - Forticrete fairface Pewter or equally approved

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cedral c61 burnt red

cedral c57 sage

cedral c18 dark grey

cedral c08 sand

Rev. Description Drawn Date



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 Parklands Developments Ltd

Project
 Proposed 24no. Flats at
 Leys Square, Milton of Leys
 Inverness

Drawing
 Elevations

Status
 PLANNING

Scale 1:100 Date 28/03/22

Sheet A1 Drawn by

Drawing No: 10132 / PL04 Rev



Rev.	Description	Drawn	Date
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**Proposed 24no. Flats at
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Inverness**

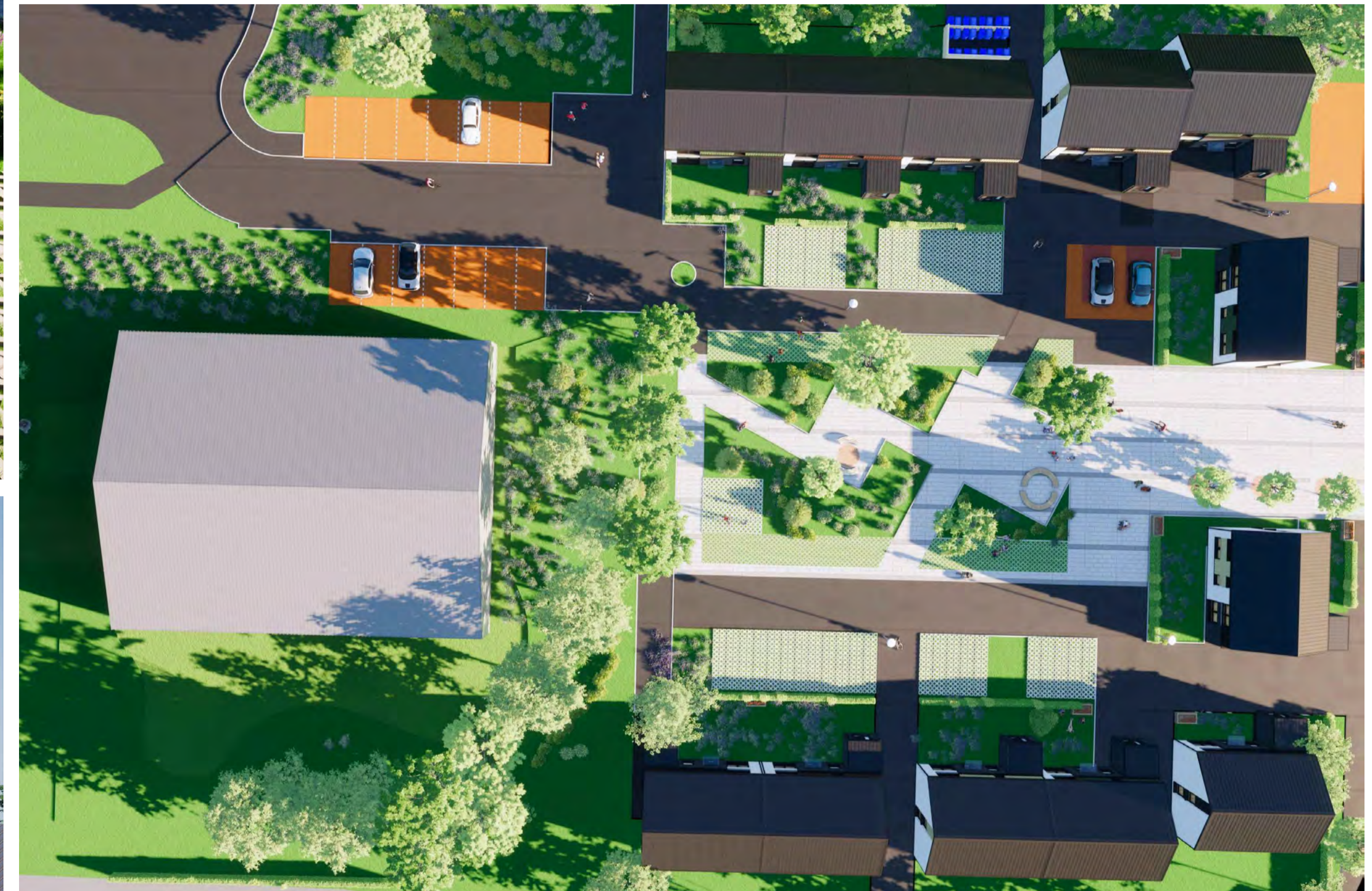
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3D Visuals 1

Status
PLANNING

Scale NTS Date 28/03/22

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Drawing No: 10132 / PL04 Rev



Rev.	Description	Drawn	Date
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Client
Parklands Developments Ltd

Project
**Proposed 24no. Flats at
 Leys Square, Milton of Leys
 Inverness**

Drawing
3d Visuals 2

Status
PLANNING

Scale NTS Date 28/03/22

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Drawing No: **10132 / PL05** Rev



- 1 22/04281/FUL
Proposed 24No.
cottage flats for staff
accommodation
- 2 21/01350/FUL
Nursery and
associated parking
and play areas
- 3 21/05038/FUL
4No. Class 1 retail
units
- 4 21/05038/FUL
Erection of 4No.
Class 1 retail units
- 5 20/03308/FUL
11 "Later Life"
houses
- 6 20/01512/FUL
Care home

Rev. Description Drawn Date



Willow House, Stoneyfield Business Park
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Client
Parklands Developments Ltd

Project
Proposed 24no. Flats at
Leys Square, Milton of Leys
Inverness

Drawing
Context Plan

Status
PLANNING

Scale 1:1000 Date 28/03/22

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Drawing No: 10132 / PL06 Rev



Side Elevation



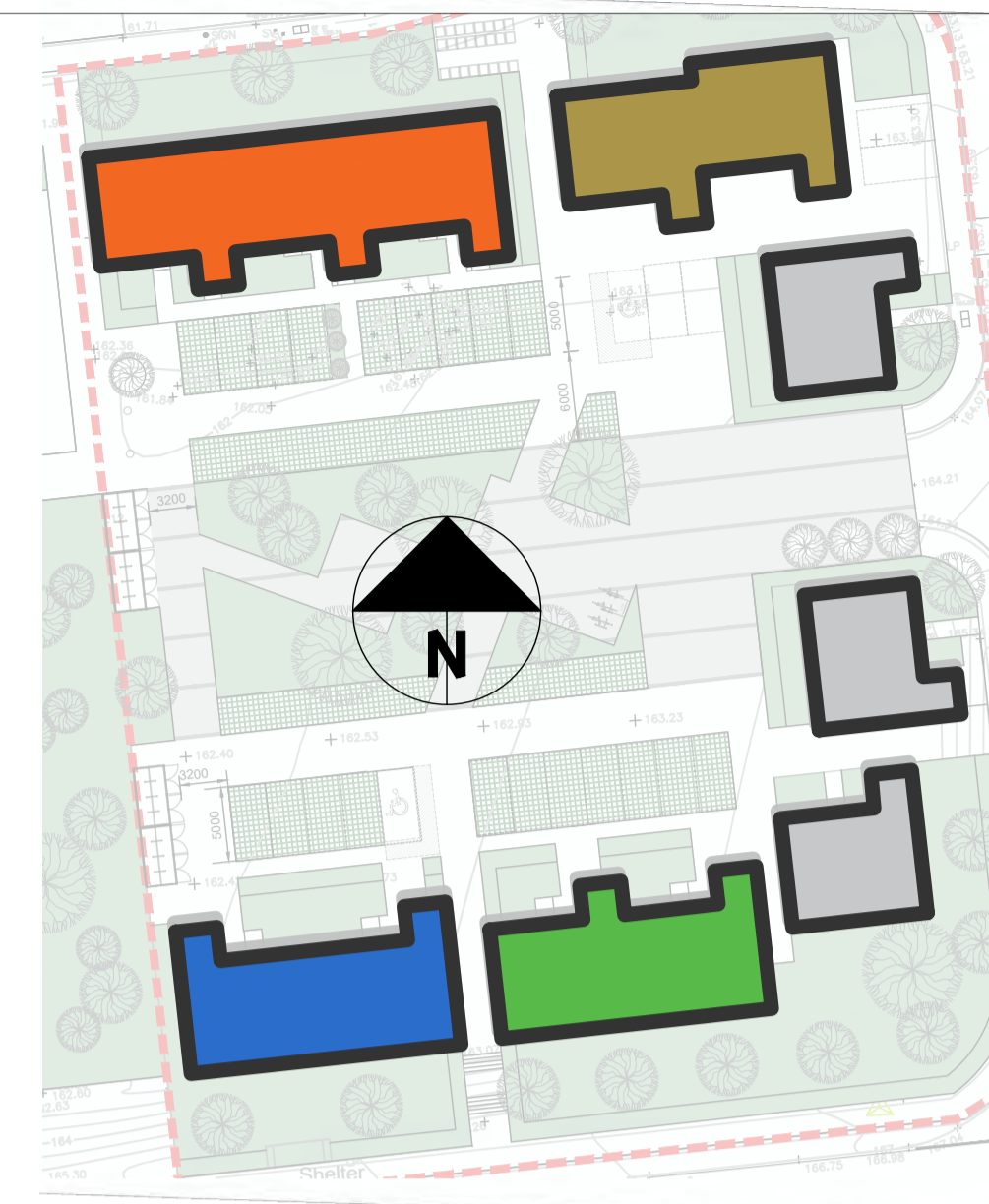
Main Elevation



Side Elevation



Rear Elevation



BLOCK 1



Side Elevation



Rear Elevation



Side Elevation



Main Elevation

BLOCK 2



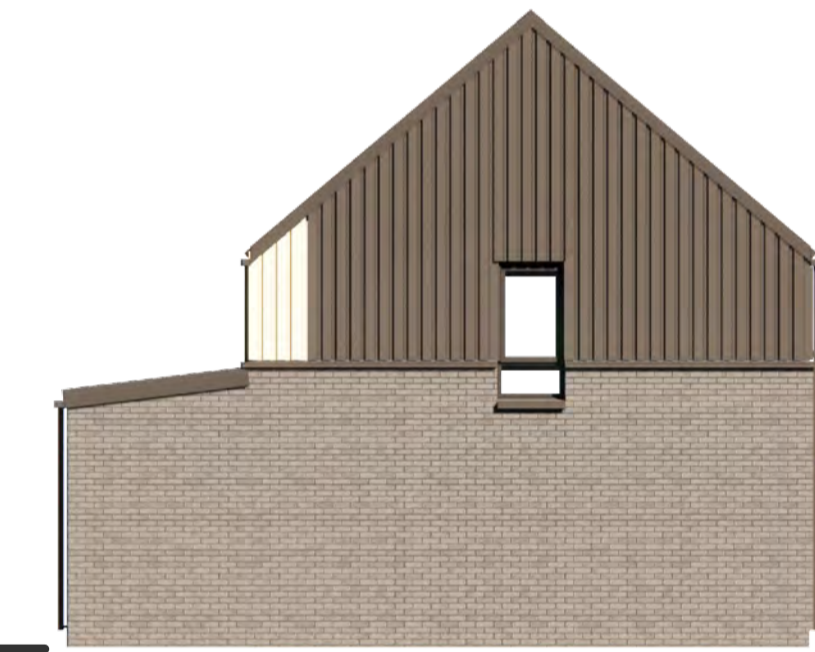
Rear Elevation



Side Elevation



Main Elevation



Side Elevation

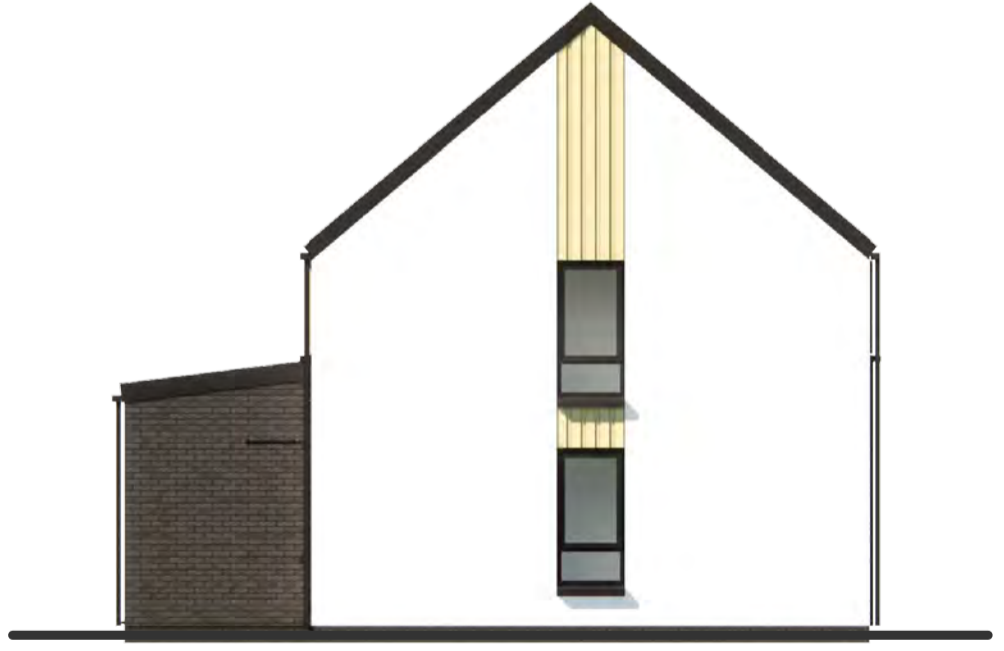
BLOCK 3



Side Elevation



Main Elevation

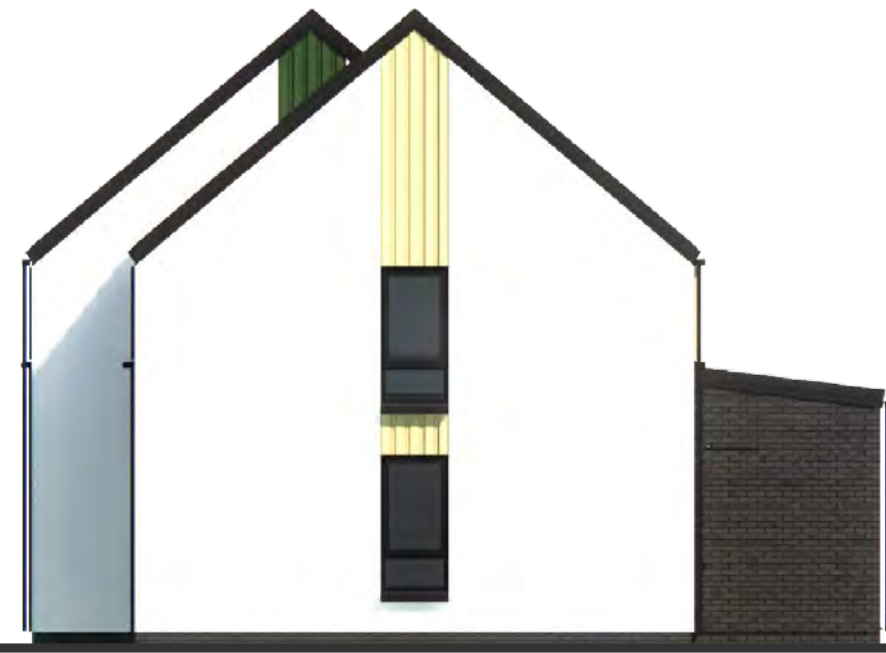


Side Elevation



Rear Elevation

BLOCK 4



Side Elevation



Main Elevation



Side Elevation



Rear Elevation

BLOCK 5