

Agenda Item	7.11
Report No	PLS-16-23

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 08 February 2023  
**Report Title:** 22/01289/PIP: Sir James Horlick  
Land 80M South of Achnagonalin, Inchmore, Kirkhill  
**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Erection of up to 16No. residential units, drainage, access  
**Ward:** 12 – Aird and Loch Ness  
**Development category:** Local  
**Reason referred to Committee:** 5 or more objections

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

### Recommendation

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

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposal seeks planning permission in principle for the development of a site at Inchmore for housing and associated infrastructure. The application has been accompanied by indicative plans suggesting that the site could accommodate up to 16No. residential units. The proposal identifies a mix of units and tenures and includes a new access road and junction with the A862.
- 1.2 There is a 275kV overhead pylon line running through the southern corner of the site that requires a 60m hold back. There are also mature trees along the upper slopes to the south.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: Drainage Impact Statement, Design and Access Statement, Transport Statement, Flood Risk Assessment.
- 1.5 Variations: Changes to take account of Flood Risk Assessment and an increase from 40m to 60m clearance from the overhead lines.

## **2. SITE DESCRIPTION**

- 2.1 The site is located at Inchmore to the south of the A862. The ground levels rise southwards towards a ridge that defines the change in levels between the flatter, level area adjacent to the road where the houses are proposed and higher ground to the rear of the site.
- 2.2 The site covers approximately 1.9 hectares and is used as agricultural grazing. The site is bounded to the north by the A862 and extends west towards the existing houses and former church, and east towards a cluster of existing houses. Inchmore Hall, which now operates as a commercial premises, is situated to the east boundary of the site.

## **3. PLANNING HISTORY**

- 3.1 There is no planning history on the site.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown neighbour and Schedule 3 development

Date Advertised: 25.03.2022

Representation deadline: 15.04.2022

Timeous representations: 6 (from 6 households)

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- a) Potential overlooking and loss of privacy and amenity
- b) Traffic and noise pollution during construction

- c) Wildlife use this area
- d) Radon gas – contaminated land
- e) Potential flooding
- f) Maintenance of proposed cycle path
- g) Active travel should be supported as outlined in the application.

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Flood Risk Management Team:** Removed original objection subject to Agreements and Conditions being met.

### **Flood Risk**

i). Flood Risk Assessment submitted by Envirocentre dated November 2022. We are satisfied that any overland flow coming from the Allt na Criche will accumulate in low-lying areas of the site. The predicted area and design flood level at 5.19mAOD as mentioned within the report for the 1:200 year+CC flood event. This is shown within the report to pose no risk to the housing plots, which are to be located on higher ground. Therefore, we remove our objection to the proposals on grounds of Fluvial flood risk.

ii). It is recommended within the report a freeboard allowance be added to all plots. We would welcome these recommendations of the Finished Floor levels of the lower lying dwellings be set a minimal 600mm above, however those sighted on higher grounds of 5.79mAOD and above to be 300mm above surrounding ground levels to provide mitigation and resilience.

iii). Note the proposal to develop the original 22 houses has now changed to 16 No. houses on the site plan with associated drainage, with the detention basin now located further to the west of the site, access roads and services in Inchmore.

### **Drainage**

v). Drainage Impact Assessment from HGA Issues No 2. Dated; 5th December 2022. It is noted discussions have taken place with Transport Planning and Area Team that discharge from the site will be to the existing tributary burn of the Allt na Criche beyond the North boundary of the site.

v). The DIA suggest the foul water is to connect to Scottish Water network. This would be acceptable, and we would suggest agreements are put in place with Scottish Water. Our preference is for the drainage designed in accordance with Sewers for Scotland to allow for vesting by Scottish Water. Transport Planning will need to agree and confirm any discharge or roads water under any Section 7 agreement.

vi). Content with the detention basin location further to the west and appears to be outwith the predicted Flood Plain of the Allt na Criche burn should this overtop, as shown on drawing Site Layout No: 4856-01-005 Rev C. However, further design details and levels should be provided and accepted by Transport Planning as it is still in the lower lying area of the site and any land raising and/or bunds around the basin will not be acceptable.

vii). The DIA mentions the “adoptable” housing roads and road drainage proposals will need to be discussed with, and be acceptable to, Transport Planning. Request a suitably worded condition that the final surface water drainage design is submitted for review.

viii). FRM Team are now in a position to remove our objection, subject to the road drainage design being confirmed as suitable for vesting by the THC Transport Planning. We would be happy to be reconsulted on any changes to the drainage design that may occur as a result.

- 5.2 **Forestry Officer:** “Within the site there is a bank of mature mixed broadleaf woodland on the south side. There is also one mature oak in the northeast of the site and some smaller broadleaves on the side of the A862 public road.

The applicant has shown these trees in the most recent Site Layout Rev B, although they have just been drawn indicatively and appear to be shown much smaller than the actual trees. However, it would appear to be possible to develop the site as proposed without adverse impact on trees.

The applicant will need to have a tree survey carried out to BS 5837:2012 and use this to inform the layout of the site. No objection to the application subject to conditions.”

- 5.3 **Development Plans Team:** “The application proposal, subject to submission of suitable servicing arrangements and other mitigation is likely to be in overall conformity with the approved development plan.

The proposal complies with parts of the approved development plan. The site is allocated for mixed use development including a 16 residential unit component. Some developer requirements attached to the allocation are not complied with but there are good, stated reasons for non-compliance.”

- 5.4 **Transport Planning Team:** The Transport Planning Team has no objection to the principle of housing on this site and a new access from the A862, subject to conditions.

- 5.5 **Environmental Health - Contaminated Land Unit:** “Having checked our database, historical Ordnance Survey maps and aerial photos, there does not appear to be a potential anthropogenic source of contamination onsite. Therefore, further information is not required to support the application.

However, the site is within an area which has been categorised as having 5%-10% Radon Potential, which means a proportion of homes may exceed the Radon Action Level of 200bq/m<sup>3</sup>. This is considered to be an intermediate risk requiring basic radon protection measures incorporated into the design of all buildings.”

- 5.6 **Historic Environment Team - Archaeology:** The application area is considered to have archaeological potential and an archaeological condition in relation to this is advised.

- 5.7 **Access Officer:** “Contrary to the statement in the application form there is a proposal to alter a Core Path (IN21.02). A minor diversion and what appears to be an improvement to its width and function should be considered in more detail along with the path's specifications and how public access will be accommodated during any

development. This should be approved as part of a matters specified in conditions application.”

- 5.8 **SSEN Transmission** “require that adequate Overhead Line (OHL) clearances are provided for their existing assets within the site in order to operate the line safely and efficiently. We note the site plan indicates a 40m ‘no build zone’ from the OHL, however given the OHL within the site is 275kV we would generally require a larger clearance corridor of minimum 60m.

Request the opportunity to engage with the developer on the proposed site layout and any future iterations, to ensure it aligns with our existing infrastructure and does not present any conflicts. It is recommended that the applicant refers to the relevant guidance and requirements put in place by the Health and Safety Executive in relation to clearance requirements for works adjacent to overhead electricity line. We refer the applicant to the HSE guidance note: GS6 (4th Edition) ‘Avoiding danger from overhead powerlines.’

Moreover, for safety purposes, we recommend that the applicant consults with their own electrical contractor, project manager and/or other relevant qualified personnel when considering delivery, construction, and operation risks. The applicant is responsible for their own Health and Safety requirements.

We welcome engagement with the developer on the progression of the proposals in the context of the existing transmission infrastructure on the site. Moreover, we would request that we are updated on the progress of the proposals and provided the opportunity to formally consult throughout the planning process including any applications for Approval of Matters Specified in Conditions.”

- 5.9 **Scottish Water:** No objection. There is currently sufficient capacity for a foul only connection in the Kirkhill Waste Water Treatment works to service the development. The proposed development will be fed from Glenconvinth 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
- 51 - Trees and Development
- 56 - Travel
- 58 - Protected Species
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

### 6.2 Inner Moray Firth Local Development Plan 2015 (IMFLDP)

IC2: East of Inchmore Gallery

6.3 **Inner Moray Firth Proposed Local Development Plan (2022)**

Policy 11: Growing Settlements

6.4 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (as amended December 2020)

Revised Draft National Planning Framework 4 (NPF4)

Policy 30 – Quality Homes

Designing Streets

Creating Places

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) affordable homes
- d) flooding
- e) access and infrastructure
- f) any other material considerations

**Development plan/other planning policy**

8.4 The Inner Moray Firth Local Development Plan allocates the application site (IC2 - East of Inchmore Gallery) for mixed use development with 16 homes, retail, and

business. The list of developer requirements includes a masterplan, housing only on lower part of site; higher parts for open space; retention of mature trees; set back from high voltage power lines and pylons; footway on south side of A862; small scale retail and/or business use on frontage of A862.

- 8.5 The indicative layout shows most development up slope, above the level lower ground, and clustered to the west side of the site. The lower lying ground to the east side, adjacent to the road, is assessed as being vulnerable to surface water flooding and therefore not suitable for housing development. Trial pits identify that the soils within this area are blue grey/brown clayey formations which would support this. The effect is to sterilise a significant part of the lower lying ground on the site from development. The proposed development does however avoid impacting the higher parts of the site which form a natural boundary (the existing mature tree belt) and give a sense of enclosure. The foot/cycle way is included albeit it appears to remove part of the school bus drop-off lay-by. A setback from the 275kV high voltage overhead electricity line is indicated. Originally, this indicated a 40m no build zone, but following advice from SSEN, this has been increased to 60m. The absence of other uses is not significant given the small settlement size, the lack of identified need and the likely viability of such uses.
- 8.6 In the Proposed Inner Moray Firth Local Development Plan reclassifies Inchmore as a 'Growing Settlement' (without specific development allocations and a development boundary) rather than its current approved development plan status as a 'Main Settlement'. This moves it a tier lower in the settlement hierarchy with an implied lower level of growth to be directed to it. The reasons for this were the lack of activation of allocated development sites (including the current application site), the lack of local school capacity, surface water and fluvial flooding issues, the reduced overall housing land requirement, and the desire to direct development to the most environmentally sustainable and economically viable locations.
- 8.7 The emerging plan's Placemaking Priorities for Inchmore provide a set of criteria against which to assess the current application. This includes directing further smaller scale development to the land adjacent to the former village hall, away from the sloping land to the south, ensuring that it is compatible in scale with the existing infrastructure and ensuring that the Beauly to Inverness strategic active travel link is safeguarded.
- 8.8 Proposals also need to be considered against the general policies of the Highland wide Local Development Plan, and in particular those relating to design, amenity, environment and infrastructure.
- 8.9 In addition, with its expected adoption on 13 February 2023, National Planning Framework 4 will become part of the statutory Development Plan. As it has been approved by Ministers it carries some weight in decision making. With regard to housing, NPF4 is seeking promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. There is clear support for proposals for new homes on land allocated for housing, but support is also given in certain circumstances where they are not.

- 8.10 Although the Development Plan is in the process of change, at this point in time, the site is located within a defined settlement with a housing allocation. While the proposal does not meet with all the developer requirements for the current allocation some justification for not doing so has been provided. In terms of the emerging policy framework, NPF4 provides support for the development based on that allocation. While the Inner Moray Firth Proposed Plan removes the allocation, it anticipates some housing development within this general location, albeit on the lower lying land.
- 8.11 If, in accepting the arguments on viability of other uses, it can be shown that the proposal can respect the character of the area and the amenity of existing residents without adverse impact on natural heritage or existing infrastructure then the proposal could be seen to comply with the Development Plan.

### **Siting and Design**

- 8.12 The proposed indicative layout shows that the residential units will be located generally to the west of the site, adopting a linear form that respects the character of Inchmore, particularly to the opposite, north side of the village. It is noted that most of the houses to the north of the A862 will overlook the open space at the east end of the site. To the north-eastern part of the site is the surface water detention basin. The houses that are opposite the west end of the site are separated from the housing by amenity space and the A862. Most houses are set back several metres from the A862 within their own plot. At its closest point, two residential properties would be approximately 59m apart. As such it is not considered that there will be a significant impact on amenity and overlooking of any existing residential properties.
- 8.13 The proposal indicatively shows a mix of residential types, and the applicant has indicated that plots 6-13 are proposed for affordable homes. The site layout respects the site constraints. It maintains a 60m exclusion zone acknowledging the existing high voltage line, it avoids the area and extent of blue clay (identified by the site investigation report) and includes a new access road and junction with the A862. The stand of trees located to the south of the site and on the higher ground is avoided and an appropriate hold back distance is maintained between the woodland and development footprint.
- 8.14 As an application in principle only, there are no details of the residential units designs. However, the applicant's aspiration is that they will be designed to reflect existing development in the village, particularly the more recently completed houses to the northeast.

### **Affordable homes**

- 8.15 An established local Housing Association has indicated that there is a recognised demand for affordable homes in the area and is keen to develop at least part of the site for a mix of housing tenures delivered through the usual funding mechanisms. The provision of affordable homes can be secured through legal agreement.

### **Flooding**

- 8.16 The Flood Risk Management Team (FRMT) has reviewed the plans and is satisfied that the Flood Risk Assessment carried out by the applicant addresses matters such



that they can remove their initial objection to the proposal. FRMT is satisfied that any overland flow coming from the Allt na Criche (to the south and northeast) will accumulate in low-lying areas of the site. The predicted area and design flood level at 5.19mAOD as mentioned within the report for the 1:200 year+CC flood event is shown within the report to pose no risk to the housing plots, which are to be located on higher ground. Equally, as the site can accommodate the overland flow coming from the Allt na Criche, there is no change to any risk posed to other properties in the vicinity.

### **Access and Infrastructure**

- 8.17 One of the requirements set out in the IMFLDP is a new access onto the A862. The submission includes this new access and has demonstrated that the required access standards can be achieved.
- 8.18 Although the submission has been accompanied by an indicative layout, the final details of this will have to be submitted as part of the Matters Specified in Conditions application and will have to meet the standards for residential developments. Members will note that the development will also require a separate technical approval with a Road Construction Consent.
- 8.19 The development will connect to the public foul water network. Surface water drainage is to be via a SuDS drainage pond to the north-east of the housing.
- 8.20 In recognition of the aspirations of the Aird Community Trust (ACT) to provide a shared use path through Inchmore, the landowner has indicated a willingness to work with the Trust and enable delivery of the section of path/cycleway that is included within its landownership. The application includes details, designed by HGA to the appropriate standard, of the location and layout of the proposed path. This abuts the north boundary of the site and accords with the Trust's preferred route and option.
- 8.21 In addition to the proposed shared use path, the application identifies areas of open space for community use, with easy access to the existing light controlled pedestrian crossing.

### **Other material considerations**

- 8.22 Representations highlight the potential presence of radon gas. The Contaminated Land Team was consulted on this application, and it advised that this is considered to be an intermediate risk, requiring basic radon protection measures incorporated into the design of all buildings. Radon protection measures would be included as part of any Building Warrant submission for any house.
- 8.23 Representations also raise the potential for increased traffic and noise as a result of construction activity. While this is accepted as part of any development, it is temporary in nature. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable by Environmental Health, not Planning.
- 8.24 It is accepted that as a currently undeveloped site, the existing land is inhabited by various wildlife. Members will note that the site is not covered by any natural heritage

designations. Compared to many greenfield sites, the various constraints on this site mean that a relatively small part of the overall site will be developed. As such, it is considered that the potential impact will not be as significant as if the whole site had been proposed for development.

### **Non-material considerations**

- 8.25 There are no issues that are non-material planning considerations.

### **Matters to be secured by Legal Agreement / Upfront Payment**

- 8.26 In order to mitigate the impact of the development on infrastructure and services, developer contributions towards the following elements will be required:
- a) Education (Kirkhill Primary and Charleston Academy)
  - b) Community Facilities (Charleston Community Campus facilities expansion)
  - c) Affordable Housing
  - d) Transport Requirements

## **9. CONCLUSION**

- 9.1 The proposal relates to the development of an allocated site for housing, with an indicative layout showing up to 16No. residential units. While the detailed design is yet to be submitted and tested, the indicative layout demonstrates that this extent of development can be achieved while avoiding the highest ground and existing trees and maintaining adequate separation distances from the overhead high voltage line. The proposal achieves a layout on only part of the overall site, retaining a significant area of open space while accommodating the necessary infrastructure. The requirement to avoid developing at the verges and to provide community facilities is also delivered.
- 9.2 Both the adopted and emerging Development Plan recognise that Inchmore has the capacity to accommodate new residential development. The grant of permission in principle for this development will not undermine the plan making process. The place making principles listed in the emerging plan are each met, while the current allocation of the adopted Plan also supports the development of up to 16 houses.
- 9.3 There are known constraints on the site, but the applicant has demonstrated that these can be addressed. The delivery of a further section of shared path will bring community benefits as well as provision of a significant area of formalised open space.
- 9.4 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: Y
- 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. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:
  - i. The expiration of THREE YEARS from the date on this decision notice;
  - ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
  - iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

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

**Reason:** In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The size, orientation and location of up to 16No. residential units, along with all roads and footpaths, surface and foul water drainage, and landscaping, as shown on the approved plans, is indicative only, and no development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
  - i. a detailed layout of the site of the proposed development including site levels as existing and proposed, and any retaining structures;
  - ii. the design and external appearance of the proposed development;

- iii. landscaping proposals for the site of the proposed development including boundary treatments;
- iv. details of access and parking arrangements; and
- v. details of the proposed water supply
- vi. details of surface and foul water drainage arrangements.

**Reason:** Planning permission is granted in principle only and these specified matters must be approved prior to development commencing in order to accord with the statutory requirements of s59 of the Town and Country Planning (Scotland) Act 1997.

3. The development approved is for up to 16No. residential units only. The approved plans docketed hereto showing roads, footpaths, surface water drainage, foul water drainage, landscaping, and the location, number and position of up to 16No. residential units, are indicative only, and are hereby not approved.

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

4. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall feature the following elements:

- i. walls finished predominantly in a white/off-white wet-dash render or natural stone;
- ii. roofs covering of natural slate or good slate substitute;
- iii. single storey or 1½ storeys in height;
- iv. windows with a strong vertical emphasis;
- v. roofs symmetrically pitched of not less than 40° and not greater than 45°; and,
- vi. predominantly rectangular in shape with traditional gable ends.

**Reason:** In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting.

5. Further to the subsequent satisfactory approval of all details required by Condition 2, the development shall show car parking spaces provided within the curtilage of the residential units and formed in accordance with Council standards prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:

- i. Two spaces per 1 to 3 bedrooms;
- ii. Three spaces per 4 to 5 bedrooms; and,
- iii. Four spaces per 6 or more bedrooms.

**Reason:** In order to ensure that the level of parking is adequate for the scale of the development.

6. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall show full details of the site access with the A862 constructed in accordance with visibility splays of 4.5m x 120m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction. At no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension. For the avoidance of doubt any road signs within the verge of the A862 within the visibility splay shall be relocated out of the visibility splay by the developer. Should the sign be unsuitable for relocation, a new sign shall be provided by the developer.

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

7. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall show a detailed scheme that includes:
- a shared use path from the end of the existing shared use path on the B9164 and along the full width of the boundary of the development. The path shall be designed as per guidance in Cycling by Design.
  - improvements to the existing footway on the north side of the A862; and
  - upgrading the existing pedestrian crossing to a Toucan to permit both pedestrians and cyclists to use them.

For the avoidance of doubt, the details shown on drawing No.3813:101/01 Rev B are indicative only and are hereby not approved. The approved details shall be implemented in full prior to first occupation of the first residential unit.

**Reason:** In the interests of pedestrian safety.

8. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall include full details of any proposed changes to Core Path IN21.02. For the avoidance of doubt these details shall include the specification of the changes and how public access will be accommodated during any construction phase.

**Reason:** In order to safeguard public access both during and after the construction phase of the development.

9. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall include details of a new bus shelter to be provided by the developer on the south side of the A862 and a new pole/flag style bus stop on the north side of the A862 for the approval of the Planning Authority in consultation with the Roads Authority. The new bus shelter and bus stop shall be installed in accordance with the approved details prior to occupation of the first residential unit.

**Reason:** In the interests of pedestrian safety and in order to facilitate the use of a variety of modes of transport.

10. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall include the submission of a construction phase Traffic Management Plan, including a routing plan for construction vehicles, and location and size of a construction compound and materials set down area, for the approval of the Planning Authority in consultation with the Roads Authority. The approved 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, and that the works involved comply with applicable standards.

11. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall provide full details of all foul water drainage infrastructure (including percolation test results where required). For the avoidance of doubt, the private foul drainage arrangements shall be via land soakaway unless the percolation test results fail or with the prior written agreement of SEPA. Thereafter, development shall progress in accordance with the approved details and be so maintained to ensure an environmentally acceptable foul drainage solution in perpetuity.

**Reason:** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

12. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall show surface water drainage provision that accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

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

13. The finished floor levels of the lower lying units shall be set a minimum 600mm AOD and those units sited on higher grounds of 5.79mAOD and above shall be 300mm above surrounding ground levels to provide mitigation and resilience, as set out by the Flood Risk Assessment by Envirocentre dated November 2022.

**Reason:** In order to reduce the risk of flooding of properties within the site.

14. Further to the subsequent satisfactory approval of all details required by Condition 2 the developer shall detail the footprint of the houses, garages and driveways, along with any underground services due to be excavated. All trees proposed for retention and removal shall be clearly and accurately marked on the plan.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

15. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall include a Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction).

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

16. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall include a detailed Landscape Plan and Maintenance Programme. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development 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.

17. Further to the subsequent satisfactory approval of all details required by Condition 2 a minimum separation of 20m shall be maintained between existing trees and any future development within the application site. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no extensions or outbuildings which encroach into any such separation area shall be erected within the curtilage of the development without planning permission being granted on application to the Planning Authority.

**Reason:** In order to avoid future conflict due to safety concerns and restricted light or views.

18. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall include a scheme to deliver an appropriate level of public art in accordance with the Development Plan.

**Reason:** In order to ensure compliance with the Development Plan.

19. Further to the subsequent satisfactory approval of all details required by Condition 2 the development shall include a scheme detailing the provision of electric vehicle charging points. The scheme shall include:

- i. 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 unit;
- ii. A timescale for implementation for infrastructure; and
- iii. Outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

Thereafter, the scheme shall be implemented in line with the approved timescales.

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

20. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

**Reason:** In order to protect the archaeological and historic interest of the site.

## **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**

### **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](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

For the avoidance of doubt the road shall be subject to a 20mph zone and the cost of the associated Traffic Regulation Order must be met by the developer.

## **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](mailto: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>

## **Radon Gas**

The site is within an area which has been categorised as having 5%-10% Radon Potential, which means a proportion of homes may exceed the Radon Action Level of 200Bq/m<sup>3</sup>. This is considered to be an intermediate risk requiring basic radon protection measures incorporated into the design of all buildings. Further guidance can be found in the Scottish Government Building Standards technical handbook 2022 domestic section 3.2.

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 - 4856-01-001 – Location Plan  
Plan 2 - 4856-01-005 REV C – Site Layout Plan  
Plan 3 - 3813:101/01 REV B – Road Layout Plan  
Plan 4 - 3813:101/02 REV B – Road Layout Plan

## Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked <sup>1</sup>	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
<b>Schools<sup>2</sup></b>									
Primary – Build Costs	Kirkhill Primary	£2571.00	£1457.00	£41,136.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Build Costs	Charleston Academy	£3482.00	£1875.00	£55,712.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
<b>Community Facilities</b>	Charleston Community Campus facilities expansion	£1019.00	£1019.00	£16,304.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
<b>Affordable Housing</b>									
On-site provision <sup>3</sup>	4 units.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Transport</b>									
School Transport	To be confirmed	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 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

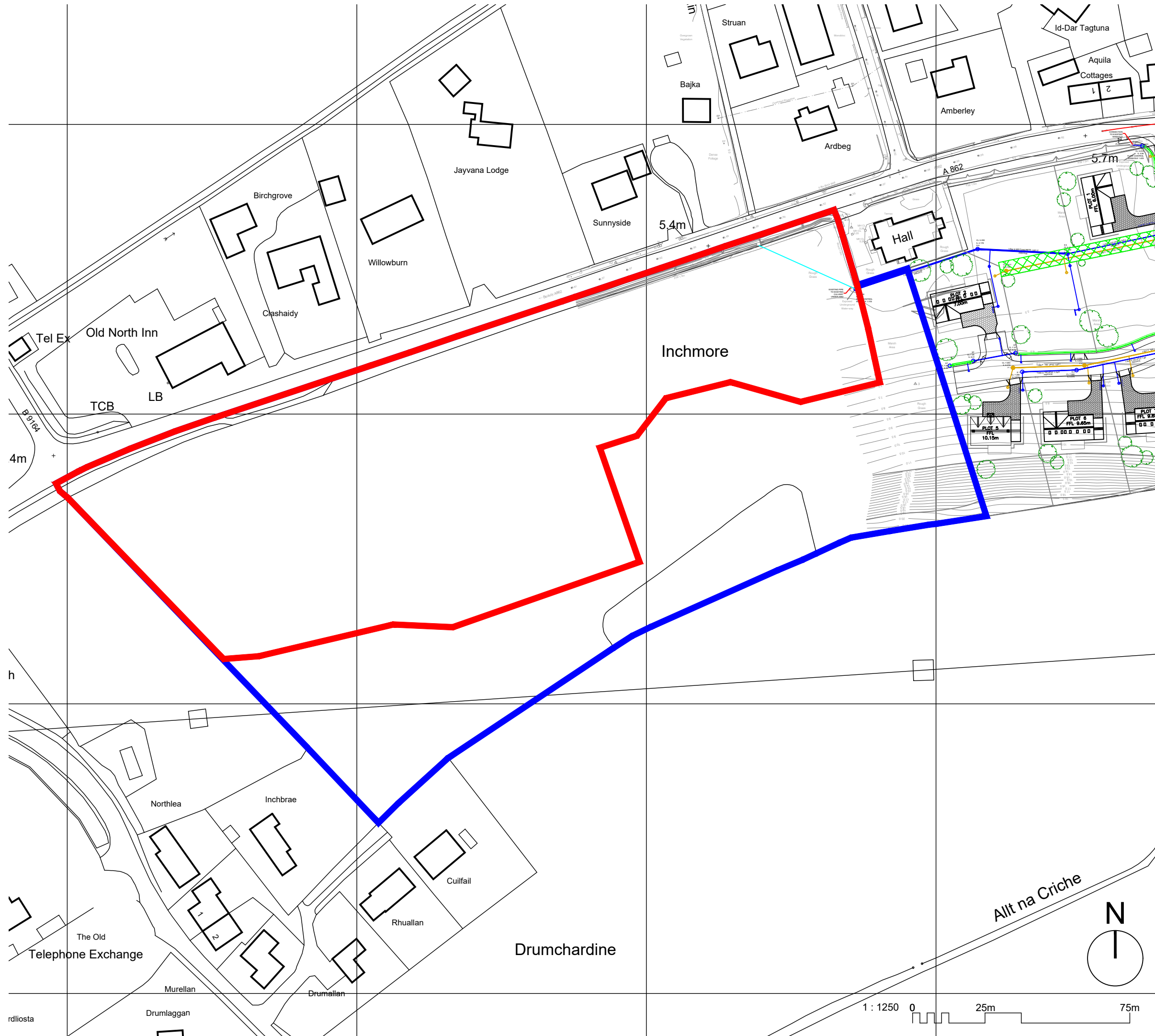
\*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

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

<sup>1</sup> 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

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

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



**Note to Designers and Contractors**

Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol ▲.

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them where possible.

Measures to minimise residual hazards will be reviewed on a regular basis.

REV	DATE	DESCRIPTION	DRN

**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

LAND AT  
 A862, INCHMORE  
 SIR JAMES HORLICK

LOCATION PLAN

STATUS: **PLANNING**

SCALE: 1 : 1250 DRAWN: GB  
 PAPER SIZE: A3 DATE: Mar 2022

DWG No. **4856-01-001** REV. -

**Note to Designers and Contractors**

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It is anticipated that other designers and contractors will cooperate to identify any potential construction hazards and to eliminate them where possible.

Measures to minimise residual hazards will be reviewed on a regular basis.



REV	DATE	DESCRIPTION	DRN
C	05.12.22	UPDATED SUDS BASIN TO ADDRESS REQUIREMENTS OF FRA	AM
B	28.04.22	NO BUILD ZONE FOR PYLONS EXTENDED IN ACCORDANCE WITH SSEN COMMENTS. DETAILS FOR CYCLE TRACK UPDATED.	AM
A	23.03.22	DRAINAGE INFO UPDATED.	AM

**Bracewell Stirling CONSULTING**

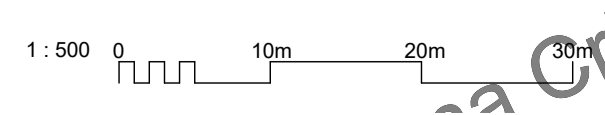
38 WALKER TERRACE, TILlicULTRY, FK13 6EF 01259 750001  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCKSIDE STREET, OBAN, PA34 4HP 01631 359054

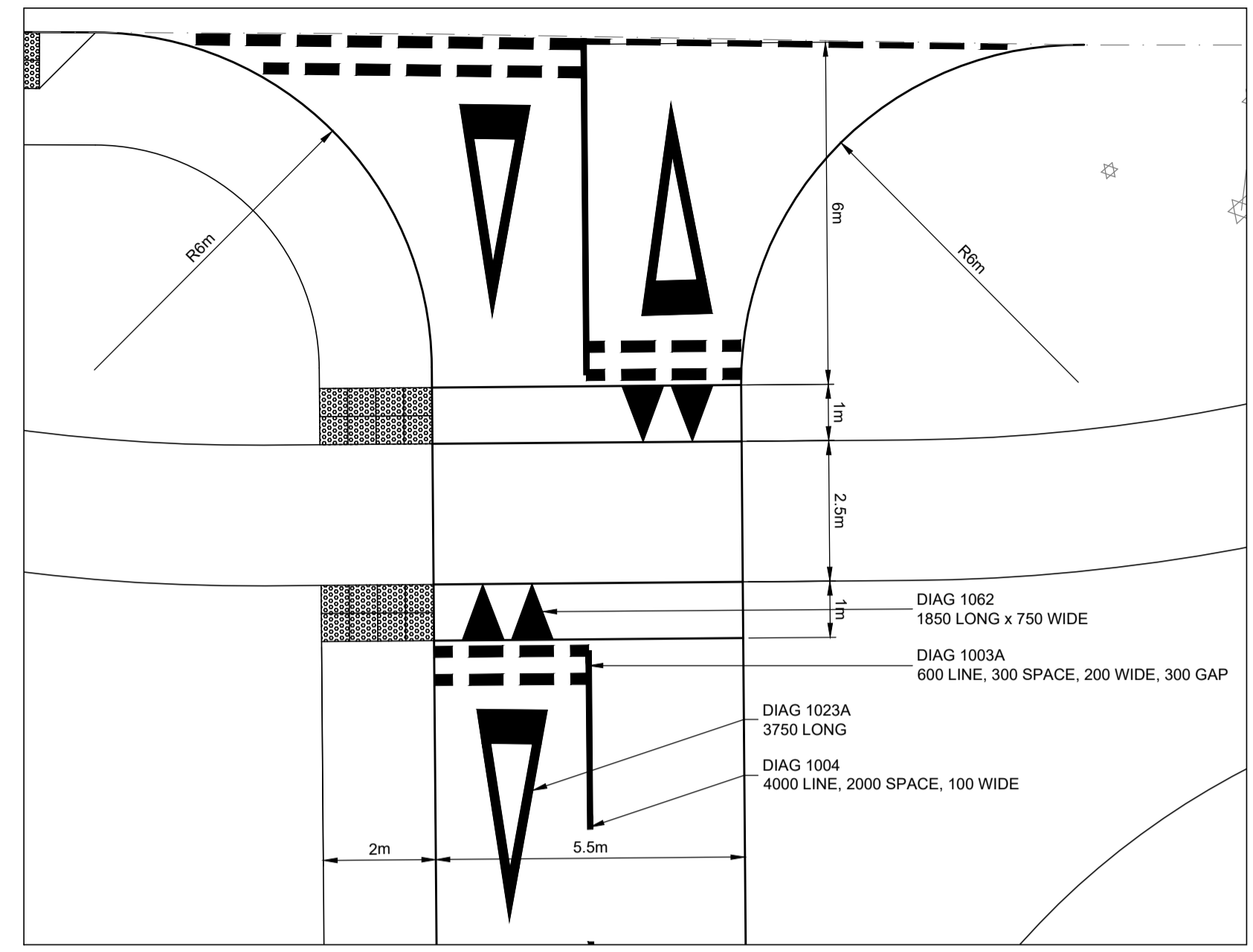
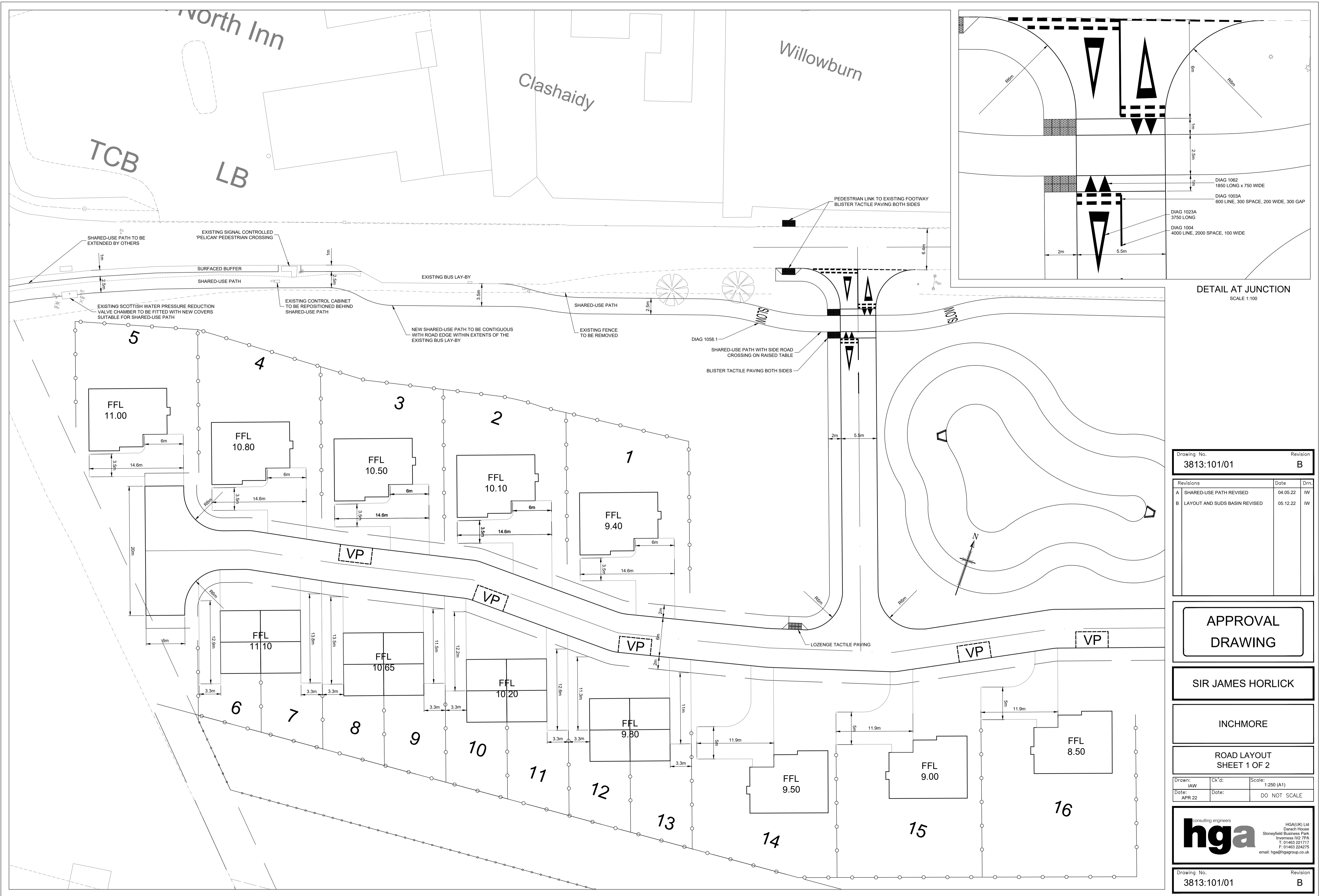
LAND AT  
 A862, INCHMORE  
 SIR JAMES HORLICK

SITE LAYOUT

STATUS: **PLANNING**

SCALE: 1:500 DRAWN: GB  
 PAPER SIZE: A1 DATE: Dec 2022  
 DWG No. 4856-01-005 REV. C





Drawing No. <b>3813:101/01</b>		Revision <b>B</b>	
Revisions	Date	Drm.	
A SHARED-USE PATH REVISED	04.05.22	IW	
B LAYOUT AND SUDS BASIN REVISED	05.12.22	IW	

**APPROVAL  
DRAWING**

**SIR JAMES HORLICK**

**INCHMORE**

**ROAD LAYOUT  
SHEET 1 OF 2**

Drawn: IAW	Ck'd: Date:	Scale: 1:250 (A1)
Date: APR 22	Date:	DO NOT SCALE

consulting engineers  
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Drawing No. <b>3813:101/01</b>		Revision <b>B</b>	
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Drawn No.	Revision	
3813:101/02	B	
Revisions	Date	Drn.
A SHARED-USE PATH REVISED	04.05.22	IW
B LAYOUT AND SUDS BASIN REVISED	05.12.22	IW

**APPROVAL  
DRAWING**

SIR JAMES HORLICK

INCHMORE

ROAD LAYOUT  
SHEET 2 OF 2

Drawn:	Ck'd:	Scale:
IAW		1:500 (A1)
Date:	Date:	DO NOT SCALE
APR 22		

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Drawn No.	Revision	
3813:101/02	B	