

Agenda Item	6.4
Report No	PLS-75-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 December 2023

Report Title: 23/00532/FUL and 23/00533/FUL: Springfield Properties PLC
Land at Drum Farm, South of Fire Station, Drumnadrochit

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Remix house types (21/03612/FUL)

Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: objections from Community Council

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:

- A. GRANT** application 23/00532/FUL; and
- B. GRANT** application 23/00533/FUL, as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 This report relates to 2 applications for planning permission for a change in house types from an earlier grant of planning permission on the site (21/03612/FUL):

- 23/00532/FUL is for a total of 23 residential units for private market housing in Phase 2 (15 x 4 bedroom houses and 8 x 3 bedroom houses).
- 23/00533/FUL is for a total of 24 residential units for private market housing in Phase 3 (9 x 4 bedroom houses, 7 x 3 bedroom houses and 8 x 2 bedroom houses). There has been a change at the east boundary in terms of the insertion of 2 houses at plots 220 and 221 (Cullen House Type) facing the rear elevations of 3 and 5 Enrick Crescent

In addition to the above, as per permission 21/03612/FUL, the application comprises a new access from the A82(T), active travel routes, internal roads and footways. A landscaping scheme including a central landscaped area and open space within the northern area. A Sustainable Drainage System (SuDS) is proposed with a SuDS pond in the western and eastern part of the development.

1.2 These sites form part of a larger development which currently benefits from planning permission for 91 residential units granted by Committee in March 2022 (21/03612/FUL). These proposals together will result in a reduction in the overall number of residential units on the site; down from 91 to 82 units.

1.3 Drawing DR01-PH2-3PP-07 shows the proposed revised Site Phasing Plan intended for development of the site. This would comprise:

- Phase 1 – 23 affordable houses (blue dotted line); 12 private houses; and central landscaped area (covered by permission 21/03612/FUL) and cycle path, boundary wall and heavy standard tree adjacent to A82 (front of commercial area) (covered by permission 19/02762/FUL after appeal)
- Phase 2 – 23 private houses (23/00532/FUL) (orange dotted line)
- Phase 3 - 24 private houses (23/00533/FUL) (green dotted line)
- Sub-Phase 1/2/3 – installation of services, roads and other necessary infrastructure of non-residential element to be delivered in Phase 1

1.4 In terms of the phasing included with application 21/03612/FUL it was intended that the phasing be as follows:

- Phase 1 – affordable housing (23 units) , SUDS, private house sites (12), landscaping around commercial area
- Phase 2 – commercial area and central landscaped area
- Phase 3 – private housing (28 units) (site of application 23/00532/FUL)
- Phase 4 - private housing (28 units) (site of application 23/00533/FUL)

1.5 Condition 1 of permission 21/03612/FUL relates to the phasing and is worded as follows:

“Planning Permission is hereby granted for 91 residential units to be developed in accordance with the Master Plan hereby approved in four sequential phases. No development shall commence until a phasing plan has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the plan shall include the following provisions:

- Delivery of all affordable housing identified within Phase 1 of the development;
- No delivery of development in Phases 3, or 4 until Phases 1 and 2 have been completed; and
- An average completion rate of 15 units per year in Phases 3 and 4.

The development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority. A Sub-Phase means any part of any Phase of Development.

Reason: To ensure that the development proceeds in an appropriate phased manner and to secure delivery of non-housing uses in accordance with Proposal DR5 of the Inner Moray Firth Area Local Development Plan.”

- 1.6 The site will be accessed via a new junction from the A82(T). This is also intended to serve the adjacent nursery, office space and retail development that lies on the adjacent site that was also granted planning permission on appeal. Active travel routes through the development are proposed connecting with the A82(T) near the fire station and with two locations on Kilmore Road. Open space to be provided in a central location within the site, with further open space identified within the northern part of the site. The primary Sustainable Drainage System (SuDS) basin is proposed at the eastern end of the site and this is shown in application 23/00520/FUL. The SuDS basin has been relocated further to the north than shown on permission 21/03612/FUL.
- 1.7 Pre-Application Consultation: No formal pre-application advice has been for this application
- 1.8 The application is supported by:
- Phasing Plan;
 - Drainage Assessment
 - Flood Risk Assessment
 - Landscaping Plan
 - Site Layout Plan - Public Art
 - Waste Management
 - Technical Memo regarding Flood Risk
- 1.9 Variations: None

2. SITE DESCRIPTION

- 2.1 The application site is currently grazing land and is located on the eastern side of the A82(T). To the north is the Fire Station and agricultural fields; to the east are the residential properties on Enrick Crescent; to the south are the residential properties on Old School Court and by residential properties and the Bakery on Kilmore Road. The site is largely open and fairly level, albeit with the site dropping towards its north-eastern extremity towards the river.
- 2.2 There are some mature trees around the south eastern edge of the site, some within and some outwith the site boundary and in the gardens of properties on Enrick Crescent, the Bakery and properties on Old School Court. The site is crossed by intersecting 11 kV overhead electricity lines on timber poles. An existing combined sewer runs roughly west to east, passing through northern parts of the site.
- 2.3 There are no natural, built or cultural heritage designations on the site. Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are located to the north east of the application site. There is hydrological connectivity between the application site and the designated sites. The Loch Ness and Duntelchaig Special Landscape Area (SLA) lies over 900metres east of the application site at the nearest point.
- 2.4 There are sites of archaeological interest recorded in the Highland Historic Environment Record within vicinity of the site. The former Glenurquhart Secondary School and Schoolhouse on Kilmore Road (now in residential use) are Category B listed building and in proximity to the site.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-----------------------------|
| 3.1 | 22.03.2022 | 21/03612/FUL Erection of 91 residential units and associated roads, landscaping and ancillary infrastructure - (Redesign of Planning Permission 19/02761/FUL) | Planning Permission Granted |
| 3.2 | 01.10.2021 | PPA-270-2222 - Erection of 93 (including 24 affordable) homes and associated works | Appeal Allowed |
| 3.3 | 04.12.2019 | 19/02761/FUL - Erection of 93 (including 24 affordable) homes and associated works | Planning Permission Refused |
| 3.4 | 05.12.2018 | 18/02863/FUL - Erection of 94 dwellings and Planning associated infrastructure | Planning Permission Refused |
| 3.5 | 26.03.2018 | 18/00522/PREAPP - The erection of approximately 120 houses and associated infrastructure | Advice Issued |
| 3.6 | 26.10.2017 | 17/05018/PAN - Residential development and | Case Closed |

associated infrastructure

3.7 29.04.2013 13/01612/PAN - The erection of 55 houses, 3 retail units and a commercial use site Case Closed

Adjacent Site

3.8 01.10.2021 PPA-270-2223 - Formation of mixed-use village core of nursery, office space and retail (food and non-food) Appeal Allowed

3.9 16.12.2019 19/02762/FUL - Formation of mixed-use village core of nursery, office space and retail (food and non-food) Planning Permission Refused

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 34 and Unknown Neighbour

Date Advertised: 24.03.2023

Representation deadline: 07.04.2023

Timeous representations:

23/00532/FUL 1

23/00533/FUL 5

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Glenurquhart Rural Community Association supports the objection made by the Community Council.
- Impact upon privacy and amenity to 3 and 5 Enrick Crescent from 2 new houses at Plots 220 & 221. Seek fence to be erected between the existing houses and new houses.
- 23/00533/FUL – increase in number of units compared to 21/03612/FUL
- 23/00533/FUL – Plots 224-230 Moray & Dunbar style apartments not well orientated
- Density increase due to larger houses.

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 Glenurquhart Community Council: Objects

Proposed phasing and delivery of commercial units

“This does not align with the initial conditions noted by Scottish Reporter for delivery of non-residential prior to final housing phases (3 and 4) or the requirements of the IMFLDP for delivery of non-housing development in initial phase of any development.”

“Community would seek clarification of a phased build rate per year (no more than 15) and retain requirement for completion of non-housing element of development PIOR to completion of final Housing phases”

Amended housing mix

“New proposed development significantly amends the mix of housing types... reducing the number of 2-bedroom cottage flats.”

“The recent Glen Urquhart Community Action Plan identified the need for affordable housing provision for young people, key workers and employees. Respondents indicated a demand for smaller, affordable homes.”

“GUCC are currently in the early stages of developing a Place Plan for Glen Urquhart, and are going to partner with Communities Housing Trust to complete a Housing Needs Survey. Completion of the survey is planned for Q3 2023.

”Community request that decision on phases held until confirmation of actual housing need in area is confirmed by Housing Needs Survey.“

“Amendment to the housing mix, also includes addition of two and half storey cottage flats (Moray and Dunbar style) in south east corner of development. These amended designs are larger than initial approved design and include balconies which overlook existing neighbouring bungalows. Whilst the community are aligned with the requirement for two bedroomed flats, the proposed enlarged two and a half storey flats are inconsistent with properties in the area, and will have adverse impact on neighbours. Community would propose that these units would be better located elsewhere within the development.”

Reduction in Usable Greenspace

In terms of 23/00533/FUL houses are proposed on the site of the original SUDS pond and SUDS pond now further north. Second SUDS pond to the west close to A82. Reduces the opportunities for greenspace.

Adverse impact on biodiversity

“The application does not seek to address these issues, and community is concerned that amended drainage strategy will have an adverse impact on adjacent SAC and SSSI.”

Potential incomplete drainage assessment

The Community Council highlights the issues of flooding around the Enrick downstream of the flood scheme highlighting that water is draining from the site onto agricultural land to the north.

“Concerns remain that flood and flow assessments are incomplete, and do not fully address impacts of sizeable development on neighbouring properties – including neighbouring SSSI and SAC sites.”

Comments on Conditions

4. Construction Environmental Management Document (CEMD) - concerns over dust management, noise, and vibration from the site

13. Public Art scheme – disagree that park benches represent public art

14. Parking facilities - Parking Provision Drawing does not clearly outline parking provision including cycle parking and disabled parking.

16. Electric Car charging points - locations, size and details of points provided be specifically confirmed (and not noted as ‘potential’).

18. Community Liaison Group - disappointed with level of engagement by developer

20. Specific Mitigation Plans requiring GUCC comment

“Community and Community Council are concerned that less than two years after application was granted under appeal by Scottish Reporter, the applicant is seeking to make significant amendments to design and disregard Planning Conditions attached to approved application.

This is essentially a new major development and should be subject to standard rules required for major developments including full public consultation.”

5.2 **Transport Planning Team:** No objections. “From a parking perspective, the information submitted suggests that there should be sufficient space within most reconfigured plots to accommodate at least 2No. cars, which would meet the minimum standards from our published Guidelines. Units 234 & 235 appear to be slightly below the minimum space sought for 2No. in-curtilage parking spaces. They should be 5.5m wide, when the submission suggests they will only be 5.0m. We recommend this detail is changed to reflect minimum required standards.

The previous proposals had one of the shared communal parking spaces in front of Units 223-230 designed as an oversized space with suitable hatched buffer areas. This was so that the space could be easily converted to a disabled parking space, should there be demand for such a thing in that area going forward. We recommend that the latest designs retain that feature for the reasons set out above.

The proposed alterations to houses and their driveways will require alterations to the kerbing layouts and footway constructions agreed through Road Construction Consent (RCC) Ref. 22/02198/RCC. We recommend that any permissions issued include a suitably worded Informative setting out that the design details for all required changes to kerbing and footway designs will need to be agreed through a formal Variation to the existing Road Construction Consent (RCC) Ref. 22/02198/RCC.

With regards to refuse storage and collection, it appears that all houses will continue to store their own private refuse bins within their rear gardens, with flatted units retaining communal storage bins. We recommend that further clarification is sought on the intended arrangements for storing refuse bins at

Units 205, 234 & 235, as they do not appear to have access to their rear private gardens other than through the properties. Similar clarification should be sought for any other similar arrangements elsewhere within the proposed layout that we may not have identified.

We don't seek cycle parking for houses that have their own private secure and accessible rear gardens, as this is where residents will be able to develop their own arrangements. Given that Units 205,234 & 235 don't appear to have accessible rear gardens other than through the properties, we recommend that further information is sought on how secure cycle storage arrangements will be dealt with for those properties, or any others with similar arrangements we've not identified."

- 5.3 **Development Plans Team:** No objections and has confirmed that following developer contribution requirements:
- Contributions toward provision of a two-classroom extension for Glenurquhart Primary School to enhance primary school capacity.
 - No contributions are required toward the provision of enhanced capacity at Glenurquhart High School.
- 5.4 **Forestry Team:** No objection. Following information submitted with 21/03612/FUL, the Forestry Officer is content with the scheme, subject to planning conditions controlling the removal of trees within the site, the implementation of root protection barriers, the use of an arboriculturist to supervise the implementation of the Arboricultural Method Statement and the implementation of the landscaping plans.
- 5.5 **Contaminated Land Unit:** No objection. It has confirmed that there are no known potential sources of land contamination at the site, however, consideration should be given to Radon Protection measures within this area of Drumnadrochit. It requests that an informative should be attached to any permission granted.
- 5.6 **Environmental Health:** No objections.
- 5.7 **Flood Risk Management Team:** No objection, with more detailed comment made in respect of application 23/00520/FUL.
- 5.8 **Historic Environment Team – Archaeology** advise that the site work for this area has been completed and a final report is to be submitted on the post-excavation analyses.
- 5.9 **SEPA:** No objection to the applications provided that the following planning condition is attached to the permission, but if not applied, the response should be considered an objection.
- Development takes place in accordance with site layout plans (DRUM-ENG-007 REV R, DRUM-ENG-008 REV Q and DRUM-ENG-009 REV O) with no landraising within the area of flood risk (0.5% annual probability with 37% allowance for climate change flood extent) and finished floor levels as shown. This is to ensure the development remains free from

flood risk and there is no increase in flood risk elsewhere.

- 5.10 **Transport Scotland:** No objection subject to planning conditions to secure the construction of the new ghost island right turn priority junction with the A82(T), the proposed pedestrian accessibility improvements on the eastern side of the A82(T), the proposed Toucan pedestrian crossing and pedestrian refuge crossing on the A82(T) and the proposed bus stops on the A82(T). All the works shall be carried out prior to occupation of any part of the development.
- 5.11 **Scottish Water:** No objection. It confirms that there is currently sufficient capacity for a foul water connection at Drumnadrochit Wastewater Treatment Works. However, it is unable to confirm sufficient capacity at this time for a water connection to Glenconvinth Water Treatment Works. It is understood that the applicants are in discussions with Scottish Water on this matter and that there is capacity for the development. This will be for the developer to secure.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (NPF4) 2023

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places
Policy 6 - Forestry, Woodland and Trees
Policy 12 - Zero Waste
Policy 13 - Sustainable Transport
Policy 14 - Design Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 16 - Quality Homes
Policy 21 - Play, Recreation and Sport
Policy 22 - Flood Risk and Water Management
Policy 26 - Business and Industry

6.2 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality & Place-making
30 - Physical Constraints
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
42 - Previously Used Land
51 - Trees and Development
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape

- 62 - Geodiversity
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 70 - Waste Management Facilities
- 72 - Pollution
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access

6.3 Inner Moray Firth Local Development Plan 2015

Allocation DR5 - Housing , Business, Retail, Community
Drumnadrochit – Settlement Development Area (SDA) settlement

6.4 Inner Moray Firth proposed Local Development Plan March 2023

DR03:Drum Farm Housing, Community, Business, Retail capacity 93 Houses

6.5 Highland Council Supplementary Planning Policy Guidance

Construction Environmental Management Process for Large Scale Projects
(August 2010)

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Public Art Strategy (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Designing Streets

Creating Places

PAN 1/2011 Planning and Noise

PAN 2/2011 Planning and Archaeology

PAN 2/2010 Affordable Housing and Land Audits

PAN 61 Sustainable Urban Drainage Systems (SUDS)

PAN 65 Planning and Open Space

PAN 67 Housing Quality

PAN 68 Design Statements

PAN 77 Designing Safer Places

PAN 79 Water and Drainage

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) design, layout and landscaping
 - c) impacts upon residential amenity
 - d) roads and access
 - e) impacts on the natural environment
 - f) impacts upon historic environment
 - g) flood risk, water supply and drainage
 - h) Developer Contributions
 - i) any other material considerations.

Compliance with the development plan and other planning policy

- 8.4 The principle of residential development on this site has been established through the planning permission (19/02761/FUL) that was granted on appeal in October 2021. This permission was granted subject to 27 planning conditions and a section 75 legal agreement securing contributions towards Glenurquhart Primary School, delivery of affordable units, the provision of a pedestrian crossing across the A82 (T) in the vicinity of the Health Centre, and to address delivery of the associated village core proposals as Phase 2 in accordance with the single overall phasing plan and masterplan.
- 8.5 A subsequent application 21/03612/FUL was submitted for the erection of 91 residential units and associated roads, landscaping and ancillary infrastructure - (Redesign of Planning Permission 19/02761/FUL). Permission was granted, by the South Planning Applications Committee at its meeting on 10 March 2022, with the decision then issued after conclusion of an amended Section 75 Agreement. Committee is asked to consider the extent to which the new phasing and the amended house types/number of units continues to comply with development plan policy and take into consideration any other material

considerations.

- 8.6 Development Plan policy is set out in National Planning Framework 4, the Highland wide Local Development Plan (HwLDP) 2012, the Inner Moray Firth Local Development Plan (IMFLDP) 2015, the Inner Moray Firth proposed Local Development Plan (IMFLDP) 2023 and statutorily adopted supplementary guidance.
- 8.7 The site is located within the mixed-use land allocation DR5 in the IMFLDP. The principle of residential development on this site is accepted through its position within a site allocated in the IMFLDP and via the extant planning permission 19/02761/FUL. While the DR5 allocation provides an indicative housing capacity of 55 units, the increase in numbers and density was addressed and considered acceptable by the Reporter as part of the appeal process and subsequent approval for 93 houses. The suitability of the site for the revised 91 units was considered with application 21/03612/FUL. The suitability of the site for the revised 82 units now needs to be considered with both these current submissions.
- 8.8 In terms of the IMFpLDP the site is still allocated for mixed-use land allocation DR03 with an indicative capacity of 93 Houses. It seeks development in accordance with permissions 19/02761/FUL and 19/02762/FUL.
- 8.9 As part of the DR5 mixed use land allocation, there is a requirement for a non-housing element to be provided. Permission for the formation of a mixed-use village core of nursery, office space and retail (food and non-food) on land to the west has already been granted (19/02762/FUL). To ensure that the non-housing element on the adjacent site is delivered as part of a more cohesive strategy, the Reporter controlled the phasing to provide assurance that the delivery of the wider mixed used allocation would be phased sequentially. However, in addition a Section 75 legal agreement was also deemed necessary to clarify the overall layout and to achieve a cohesive approach to development of the site overall.
- 8.10 In terms of permission 21/03612/FUL, the Phasing Plan was as to be as follows:
- Phase 1 – affordable housing (23 units), SUDS, private house sites (12), landscaping around commercial area
 - Phase 2 – commercial area and central landscaped area
 - Phase 3 – private housing (28 units) (site of application 23/00532/FUL)
 - Phase 4 – private housing (28 units) (site of application 23/00533/FUL)
- 8.11 The proposed revised Phasing Plan separates the delivery of the overall project into 3 main phases of development, with a non-residential sub-phase to each making sure that the required infrastructure is in place concomitant with the housing. The proposed phases are as follows: -
- Phase 1 – Affordable housing (23), Private housing (12), primary access from the A82, cycle path, boundary wall and heavy standard trees adjacent to A82, servicing and landscaping of the commercial area (delivered under permission 21/03612/FUL);

- Phase 2 – Private Market Housing (23) (proposed under application 23/00532/FUL) and the central landscaped area (including play park); and
- Phase 3 – Private Market Housing (24) (proposed under application 23/00533/FUL).

- 8.12 The reason given by the applicant for need for these applications is as a result of a change in demand for the approved house-types; market conditions; and the adverse impact which the phasing restrictions on permission 21/03612/FUL has had on the project's continuity, deliverability and therefore viability. If these restrictions were to continue to be in place only 23 affordable housing units and 12 private houses (Phase 1) could proceed before the commercial area (Phase 2) would have to be completed before the private housing covered by applications 23/00532/FUL and 23/00533/FUL (Phases 3 and 4) could start. Moreover, there is a restriction on the delivery rate of housing in Phases 3 and 4 to 15 homes per year, which would result in a site completion date sometime in 2035. This presents significant financial viability concerns for the applicant and would also mean that existing residents would be living in, or near, a construction site for more than a decade. The break in housing construction would also mean that the applicant would have to demobilise the site with consequential job losses and impact on the local contractor supply chain.
- 8.13 National Planning Framework 4 Policy 16 provides strong support for the principle of new homes on allocated sites. This does not mean that the terms of the previous permissions and the land allocation within the local plan should be set aside. The policy outcomes are clear that the intent is for the need to deliver high quality, affordable and sustainable homes in the right locations to accommodate future need and demand that is supported by the appropriate infrastructure. The applicant is of the opinion that the viability of development is fundamental to the concept of deliverability and that the restrictive phasing requirements impact significantly on the viability/deliverability of an allocated site and it is therefore, in the applicant's view, considered contrary to NPF4 Policy 16.
- 8.14 Third parties express concern about the proposed change to the phasing of the development, delivery of the commercial units and to the adherence of the phasing plan set down in Condition 1 of 21/03612/FUL. The IMFLDP initially identified a build out rate of 10 housing units per year when it was published in July 2015. While this changed to 15 in later phases with later permissions, we are now several years beyond the grant of planning permission and some eight years on from the development plan allocation. Given this position, the provision of this level of development within a shortened timescale is not considered unreasonable in order to meet outstanding housing shortages in terms of demand for affordable and private market homes. While the Community Council highlights that it is at an early stage in its local place plan and intends to gather evidence on the housing needs and demand, this should not place any further limitation on the development of a site that has a valid planning permission.
- 8.15 With regard to the phasing and controls on the implementation of the commercial phase of development, officers are led to believe that the applicant no longer has direct control of the commercial land and is therefore not in a position to predict

when commercial development could be secured. While officers have been made aware of interest for the site, this does not mean that a deal for the site can be concluded swiftly and even then that the development would proceed within the timescales set out in the extant planning permission. This could further delay the ability to deliver the remainder of the housing with consequential impact on the housing supply. The applicant is willing to show commitment to the development of the commercial land through the provision of services and landscaping of the area and to amend the Section 75 Legal Agreement to confirm this. Until such time as the land is taken up, it would also need to be appropriately maintained. This would at least ensure that the land available for commercial use would be available and more commercially attractive to encourage such use.

- 8.16 In summary, the proposal would result in slightly fewer housing units being delivered but within an accelerated delivery timescale. While the proposal would not require the applicant to physically deliver the remaining commercial element of the development before continuing to develop out the housing, it would ensure that the land available is made ready for any interested party to take occupation when a deal can be secured. Given the current economic climate it would seem reasonable to amend the phasing of the development to allow some flexibility in the timing of the development of the commercial land subject to securing early servicing and maintenance up to the point of sale. The expedited phasing of the housing will ensure that current housing demand can be catered for without a prolonged build out period and consequential impact on the community. In this regard it could be argued to be consistent with National Planning Policy 16.
- 8.17 Subject to ensuring that the proposals are appropriately designed and serviced so as to have no adverse impact on existing services, the built and natural environment and/or individual and community residential amenity the proposals would accord with the Development Plan.

Design, layout and landscaping

- 8.18 The IMFLDP states that a high quality of design is required respecting the prominence of the site in the village and on a main tourist route. It should be set back from the A82 including a stone dyke and retention of public vistas and visual separation between settlements. Landscaping, green corridor connection and active travel linkages are also highlighted. This was addressed with application 21/03612/FUL and the overall layout of the development remains largely the same with the road and active travel routes as before. A block layout structure is maintained to provide frontages to the main circulation routes within the site with emphasis on the frontage onto the main central green, which will form part of the green corridor through the site. The provision of two principal areas of open space is again as per the extant scheme, with the large area within the northern section of the site helping to maintain the visual separation referenced in the DR5 land allocation.
- 8.19 The applicant has requested the following change in house types due to a review of the housing market. The change in house types has resulted in fewer units being progressed on the site, with a reduction in units from 91 to 82. The change to unit types is summarised below:

Unit Type	Extant Scheme	Proposed Scheme	Unit Change
Private Market Housing and Affordable Housing			
1 bed flat	4	4	0
2 bed flat	28	16	-8
2 bed house	15	15	0
3 bed house	20	21	+1
4 bed house	24	26	+2
TOTAL	91	82	-9

- 8.20 The number and mix of affordable homes remain as previously agreed with the delivery partner (Albyn) at 23 and would be delivered in the first phase of the overall development pursuant to planning permission 21/03612/FUL along with 12 market dwellings. This meets Council Policy in terms of the Supplementary Guidance for affordable housing.
- 8.21 Applications 23/00532/FUL and 23/00533/FUL relate solely to the private market housing and there is no requirement to provide affordable housing in these phases. While there is concern about the reduction in the number of 2-bedroom cottage flats from 24 units to 16 units there is no requirement in planning terms to retain a certain number of house type. The applicant is responding to market demand and there is no condition restricting the house types within the development.
- 8.22 Concern has been expressed by a resident in the area about an increase in the number of larger houses and this represents an increase in density. However, it is the number of housing units that matters when it comes to density and the reduction in number of units from 91 units to 82 units is a decrease. There is no detrimental impact on the overall site layout and the change in house types is reasonable in design terms.
- 8.23 Representations raise concern with the reduction in the amount of greenspace to the development. Permission 21/03612/FUL showed 1 SUDS pond to the east of the site. In terms of 23/00533/ FUL, 4 houses have been inserted on the east boundary (Plots 218- 221) on the original site of the SUDS pond. The SUDS pond is now located further north. A second SUDS pond is proposed to the west of the site (southeast of the fire station) and is to be located to the north of plots 26-35 and is intended to deal with surface water from the A82 Trunk Road. Policy 75 requires high quality, accessible open space within developments, with the supplementary guidance seeking 40 sqm per person. The revised layout

provides 36,624 sqm of open space, which equates to 191.6 sqm per person, almost 5 times that required in the supplementary guidance. The level of usable greenspace is therefore viewed as acceptable. There is an opportunity for areas of natural play throughout the site or more formal recreational provision such as a play area and this can be addressed by a condition.

- 8.24 In addition, a representation raised a question as to whether a wooden bench, proposed in the central landscaped area, could be considered as public art. A timber bench could be considered as part of a public art scheme however further discussion is necessary with the applicant to consider this. This can be addressed by condition.

Impact on residential amenity

- 8.25 Concern has been expressed about a change in house type for 23/00533FUL at plots 224-230 (Moray and Dunbar style) located on the south boundary facing the public road. These are 2 storey cottage flats. The original design granted for these plots with permission 21/03612/FUL was the Auldearn, which is also 2 storey. While the Moray and Dunbar style contain balconies these are incorporated into the south elevation fronting on the public road and therefore in the public domain and will therefore have no adverse effect on neighbours.
- 8.26 1 representation has been expressed concern at the 2 houses proposed on the east boundary (23/00533/FUL Plots 220 & 221) which share a boundary with nos 3 and 5 Enrick Crescent. The proposed Cullen house type is 1 storey so does not give rise to an adverse impact on the privacy and amenity of nos 3 and 5 Enrick Crescent. A condition will be attached to ensure that there is 2 metre fence to screen the rear gardens of plots 220 & 221. Concern has been raised about a higher number of units within the boundary of 23/00533/FUL. The remix is reasonable and does not give rise to issues of privacy and amenity.

Roads and access

- 8.27 As per the extant permission access to the site will be via a single vehicular access point from the A82(T). Transport Scotland do not object to the application, subject to the same planning condition attached to the extant permission, which seeks to secure the construction of the new ghost island right turn priority junction with the A82(T), the proposed pedestrian accessibility improvements on the eastern side of the A82(T), the proposed Toucan pedestrian crossing and pedestrian refuge crossing on the A82(T) and the proposed bus stops on the A82(T). These issues were resolved with application 21/03612/FUL.
- 8.28 Transport Planning do not object to the application and sought clarification of detail on the layout in terms of a few units in relation to parking, cycle provision and refuse storage and collection. Otherwise, it is satisfied with the revised site layout for applications 23/00532/FUL and 23/00533/FUL. Revised drawings have been submitted to address concerns however Transport Planning has not had an opportunity to review them at the time of the preparation of the report.
- 8.29 Concern has been expressed by the Community Council that the Parking

Provision Drawing does not clearly outline parking provision including cycle parking and disabled parking. A revised Drawing has been submitted DR01_PH2/3PP_03 Revision A which shows cycle parking but not disabled provision in the communal areas of parking for the flats. A condition can be attached to address this issue. Cycle provision and disabled parking provision would not be expected for houses. Concern has also been expressed about the Electric Car charging points and this is shown on Drawing DR01-PH2-3PP-11 REV A and is relevant to the block of flats on Plots 220 & 221 (23/00533/FUL).

Impacts on the natural environment

- 8.30 As detailed above there are no natural heritage designations on the site. Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are located to the north east of the application site. There is hydrological connectivity between the application site and the designated sites and the effects of this and the impact on the site integrity are considered further in the associated application for the sustainable urban drainage application.
- 8.31 Concerns have been raised by third parties that the application has not been supported by ecological surveys. An ecological walkover survey was undertaken previously. The Reporter also gave consideration to the potential impact upon bats in relation to a number of mature trees on the southern boundary that contained features suitable for bats including cavities and flaking bark. The Reporter concluded that a further Stage 2 survey would be required before the removal of trees but acknowledged that a number of these trees are diseased and notwithstanding this development will need to be removed for safety reasons. This aspect is controlled by Conditions 6, 7 and 22 of the extant permission and are carried forward to this application.
- 8.32 The Council's Forestry Officer has no objection to the scheme subject to planning conditions controlling the removal of trees within the site, the implementation of root protection barriers, the use of an arboriculturist to supervise the implementation of the Arboricultural Method Statement and the implementation of the landscaping plans.

Impacts upon the historic environment

- 8.33 The former Glenurquhart Secondary School and Schoolhouse on Kilmore Road is a Category B Listed Building. The impact from development on this site is considered to be limited to the location of the Active Travel Link and associated landscaping proposals. The existing mature trees in this vicinity contribute to this setting, but as noted in the Arboricultural Assessment, four of the mature Wych Elms are considered to be dead and should be removed regardless of the development due to a potential safety risk. Two Ash trees are to be retained and the area will be augmented by new trees along the active travel route as denoted on the landscaping scheme. Subject to the retention, of existing trees and the proposed new landscaping, it is considered that as per the extant permission the re-design application would protect the listed building in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- 8.34 There are sites of archaeological interest recorded in the Highland Historic Environment Record within vicinity of the site. The Historic Environment Team requested that an archaeological watching brief be secured by a condition on the extant planning permission. The site work for this area has now been completed and a final report is to be submitted on the post-excavation analysis.

Flood risk, water supply and drainage

- 8.35 This issue of flood risk and drainage is considered in greater detail with application 23/00520/FUL. As with application 21/03612/FUL, the applicant submitted updated flood risk information which includes an assessment of the impact of the 37% climate change uplift. The Council's Flood Risk Management Team is content that the fluvial flood risk to the development is low. All of the proposed plots are located outwith the area identified at being at risk during a 1 in 200 year plus climate change (37%) fluvial flood event. However, FRM recommended that Finished Floor Level (FFL) of the buildings be controlled by a planning condition.
- 8.36 Scottish Water do not object to the application. It confirms that there is currently sufficient capacity for a foul water connection at Drumnadrochit Wastewater Treatment Works. However, it is unable to confirm sufficient capacity at this time for a water connection to Glenconvinth Water Treatment Works. It is understood that the applicants are in discussion with Scottish Water on this matter and that there is capacity for the development. This will be for the developer to secure.

Developer Contributions

- 8.37 Policy 31 Developer Contributions sets out that developer contributions may be sought when a development would result in a deficiency in public services. Contributions can be sought to address such deficiencies, for example towards increased education capacity, transportation and infrastructure. The Development Plans Team have provided advice on the latest requirements for developer contributions as these are based on the latest forecast modelling for matters such as the school roll.
- 8.38 With permission 21/03612/FUL a legal agreement was secured and included:
- 25% affordable housing;
 - Contribution toward the enhancement of primary school capacity at Glenurquhart Primary School (£7,359 per house or £4,171 per flat. No contributions to education were required from 1 bedroom flats); and
 - Contribution toward the provision of a pedestrian crossing of the A82 to facilitate access from the site to the health centre and pharmacy (£515 per dwelling).
- 8.39 The Developer Contributions Supplementary Guidance includes a mechanism for reviewing the developer contributions for a scheme if a new proposal is brought forward. The above requirements will not change in terms of the legal agreement. If planning permission is granted for these applications the legal agreement will require modification to reflect the change in phasing of the overall

development and the servicing of the commercial land.

Other material considerations

- 8.40 As with many sites in Highland, the application site has potential for below ground radon. The Contaminated Land Team recommend an informative is attached to any planning permissions which may be granted setting out that radon barriers may be required. Concern has been expressed about dust management, noise, and vibration from the site as well as consultation with the community in terms of mitigation plans and these can be addressed by condition.
- 8.41 With regard to Community Benefit, the applicant has advised that it has supported various causes in the village such as sponsoring the Highland Games, the High School Football Team, several Primary School projects, Drumnadrochit in Bloom and Glenurquhart Men's Shed. This is all in addition to resolving a historic flooding issue in the centre of the village through the submission of another planning application to amend the site's drainage strategy and arranging a future community event to discuss the Archaeological Evaluation of the site, which uncovered extensive important finds.

Matters to be secured by Section 75 Agreement

- 8.42 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) Amended phasing
 - b) No development take place with applications 23/00532/FUL and 23/00533/FUL until the services have been installed within the Commercial Land and arrangements are in place for ongoing maintenance.

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

9. CONCLUSION

- 9.1 The proposed modification to the unit types and plot layouts within the scheme are acceptable and does not bring this part of the scheme into conflict with the principles that have previously been agreed or the constraint on the site.
- 9.2 The proposed change to the phasing of the development in relation to the commercial land is viewed as reasonable in terms of the viability of the development and the need to meet housing demand. The proposed servicing and landscaping of the commercial land is viewed as a commitment to develop this land and a condition and a change to the Section 75 Agreement is a means

of achieving this.

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

10. IMPLICATIONS

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

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 Y
Obligation

Revocation of previous N
permission

Subject to the above actions, it is recommended to:

- A. GRANT** application 23/00532/FUL 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. Planning Permission is hereby granted for 23 residential units to be developed in accordance with the Master Plan hereby approved in three sequential phases. No development shall commence until a phasing plan has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the plan shall include the following provisions:

- Delivery of all affordable housing identified within Phase 1 of the development;
- No delivery of development in Phases 2, or 3 until Phase 1 and the servicing and landscaping of the commercial land have been completed; and

The development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority. A Sub-Phase means any part of any Phase of Development.

Reason: To ensure that the development proceeds in an appropriate phased manner and to secure delivery of non-housing uses in accordance with Proposal DR5 of the Inner Moray Firth Area Local Development Plan

3. The approved Access Management Plan (Rev B, November 2021), and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: To safeguard and maximise the opportunities for continued public access in and around the development site in accordance with Policy 77 of the Highland Wide Local Development Plan.

4. 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.

5. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority. The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:
 - i. A Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);

- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Pre-commencement habitat and species surveys;
 - b. Habitat and Species Protection;
 - c. Pollution Prevention and Control (inclusive of waterbodies);
 - d. Dust Management;
 - e. Construction Noise Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;
 - f. Construction Vibration Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;
 - g. Site Waste Management;
 - h. Surface and Ground Water Management:
 - Drainage and sediment management measures from all construction areas;
 - Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
 - i. Public Water Supply Protection Measures;
 - j. Emergency Response Plans; and
 - k. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for any other specific issue identified within the Schedule of Mitigation and/or conditions attached to this permission;
- v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and

- vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment.

6. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority. The CTMP, which shall be implemented as approved during all period of construction, must include:
 - i. provision for all construction access being taken via the proposed site access as shown on the approved site layout;
 - ii. a description of all measures to be implemented by the developer, in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
 - iii. the identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and where appropriate Transport Scotland, including;
 - an initial route assessment report for construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
 - iv. a procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction periods;
 - v. a detailed protocol for the delivery of loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of larger load movements in the local media. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events;

- vi. details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- vii. wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
- viii. appropriate reinstatement works shall be carried out, as identified by Highland Council, at the end of the construction of the development.
- ix. measures to ensure that construction traffic adheres to agreed routes.

Thereafter the approved Construction Traffic Management Plan shall be implemented in full, unless otherwise approved in writing by the Planning Authority

Reason: To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

- 7. Notwithstanding the details submitted no development shall commence or tree felling be undertaken until the following details of hard and soft landscaping have been submitted to, and approved in writing by, the Planning Authority:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan confirming any trees to be felled subject to compliance with condition 22 on protected species along with the existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed boundary treatments inclusive of walls, fences and gates;
 - iv. A scheme for the layout, design and construction of all green spaces shown on the approved site layout, including the provision of natural and equipped play opportunities and recreation facilities (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of equipment or furniture at 1:20 scale.
 - v. A scheme for the layout, design and construction of all hard landscaped spaces shown on the approved site layout, including the details of all street furniture (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of street furniture at 1:20 scale.
 - vi. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual

tree and/or shrub and planting densities; and

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

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

All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

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 and to secure the protection of natural heritage in accordance with condition 24.

8. No development shall commence until the submission of a landscaping plan has been submitted to, and approved in writing by, the Planning Authority and this shall be carried out after the completion of the affordable housing in Phase 1.

Reason: In the interests of visual amenity.

9. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement demonstrating compliance with conditions 6 and 22 and including a programme of supervision, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction), has been submitted to and subsequently approved in writing by the planning authority. Thereafter the approved details shall be implemented.

Reason: To ensure the protection of retained trees during construction and thereafter and to protect the natural heritage of the area in accordance with Condition 23.

10. None of the houses or flats shall be occupied until a scheme for the maintenance, in perpetuity, of all on-site green spaces and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

11. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority.

For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the Landscaping Plans to be approved under Conditions 6 and 7 are implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the Commencement of development, Site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

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

12. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland 4, or any superseding guidance prevailing at the time and include details of the surface water drainage for the site) have been submitted to, and approved in writing by, the Planning Authority. The submission shall be supported by a revised Drainage Impact Assessment and Flood Risk Assessment (inclusive of any revised modelling) to ensure the final design does not have an adverse impact on the established principles of flood risk and drainage established through this application. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

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 development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the

avoidance of doubt any part of the surface water drainage system not vested by Scottish Water shall remain the responsibility of the developer and maintained in line with the scheme to be approved under Condition 10 above.

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

14. No development or work shall commence until a detailed specification for all proposed road and path materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to ensure that important elements of the proposed character and identity of the site are delivered.

15. No development shall commence on site until a scheme for the inclusion of public art within the development, including types and locations of artworks and the management and maintenance thereof, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented prior to occupation of the development and maintained in perpetuity.

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

16. Prior to the first occupation of each house or flat within the development car parking spaces (inclusive of disabled parking spaces) and cycle parking spaces (inclusive of communal cycle parking facilities as appropriate) shall be provided in line with the standards contained within The Highland Council's Road and Transportation Guidelines. Thereafter, all car parking and cycle parking spaces shall be maintained for this use in perpetuity

Reason: To ensure that appropriate levels of car and cycle parking are available for each plot.

17. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development has been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained.

18. No development shall commence on any phase or sub phase until a

scheme has been submitted detailing the provision of electric car charging points within the development serving the associated phase or sub-phase. This shall include the location and design of each charging point and a timescale for implementation. The approved 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.

19. No development shall commence until a Waste Management Strategy has been submitted to and approved in writing by the Planning Authority. This shall detail an approach to sustainable waste management in the operation of all aspects of development; identify bin collection points and bin stores (and include design of the bin stores as appropriate at 1:20 scale plans); identify routes for waste collection vehicles and any required infrastructure in each phase or sub-phase. Thereafter the strategy shall be implemented in line with the timescales contained therein.

Reason: In the interests of amenity, to manage waste and prevent pollution.

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

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

21. No development shall commence on each phase or sub phase until the materials to be used in external finishes (including but not limited to finishes of walls, roofs, rainwater goods, windows and doors) of any and all built structures (inclusive of houses, flats, cycle stores and bin stores), have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the development.

22. No development shall commence until a scheme for the delivery of the following mitigation, in line with timescales for delivery set out in this condition, and detailed design of the mitigation has been submitted to and approved in writing by the Planning Authority:

- a) a scheme for the location, design and installation of a gateway feature on the main spine road between the residential and commercial areas to the specifications and standards set out by The Highland Council. Thereafter, the scheme shall be implemented before occupation of any units within the development;
- b) A scheme for the provision of a footway connecting from the internal footpath network in the development to the existing footpaths to the north and south of the site adjacent to the A82 (T). Thereafter, the approved scheme shall be implemented prior to the occupation of any residential unit within the development;
- c) A scheme for the design and implementation of safe routes to school, to Glenurquhart Primary School within the site connecting to existing safe routes to school outwith the site. This shall include provision of a pedestrian crossing of A82 (T). The agreed scheme shall be implemented prior to occupation of any residential unit within the development.
- d) A scheme for the provision of bus stops, inclusive of new bus shelters. The agreed scheme shall be implemented prior to occupation of any residential unit within the development.
- e) A scheme for the delivery of a footpath to the front of units 17-21 within the development. Thereafter the scheme shall be implemented prior to occupation of these units.

Prior to the submission of any of the proposed schemes set out in points a-d Glenurquhart Community Council shall have a minimum of 14 days to provide comment on the proposed schemes. The developer will be required to submit a report outlining any comments received by the Community Council and how they have been taken into consideration in the formulation of the submitted schemes.

Reason: To ensure that the consequences for the local road network and pedestrian safety as a result of traffic from the proposed development are addressed.

- 23. No residential dwelling shall be occupied until Traffic Regulation Order(s), limiting the speed of traffic on all roads, within the development, to no more than 20mph, have been submitted to and approved in writing by the Roads Authority, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall delivered by the developer.

Reason: In the interests of safety of all road users in the residential development.

- 24. No development shall commence nor any tree felling approved pursuant of conditions 6 and 7 until a pre-commencement protected species survey has been undertaken and a report of survey has been submitted to, and

approved in writing by, the Planning Authority. This shall include a Stage 2 bat survey and camera trap surveys of badger sets. The survey shall cover the whole application site and a 50- metre area around the application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work including the details of any required tree felling shall only progress in accordance with any mitigation measures contained within the approved report(s) of survey and the timescales contained therein.

Reason: To protect the natural heritage of the area in accordance with Policy 58 of the Highland Wide Local Development Plan.

25. No part of the development shall be occupied until the emergency access for the site and the maintenance access to the Sustainable Drainage System Basin has been formed and connected to Kilmore Road. This access shall be delivered and provided without impediment.

Reason: In the interests of timeous provision of emergency and drainage maintenance access.

26. Prior to the occupation of any part of the development hereby permitted, the new ghost island right turn priority junction with the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

27. Prior to occupation of any part of the development hereby permitted, the proposed pedestrian accessibility improvements on the eastern side of the A82 (T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

28. Prior to occupation of any part of the development hereby permitted, the proposed Toucan pedestrian crossing and pedestrian refuge crossing on the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic

on the trunk road.

29. Prior to occupation of any part of the development hereby permitted, the proposed bus stops on the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

30. For the avoidance of doubt, there be no land-raising within the functional floodplain including for the formation of the footpath and the Finished Floor Level (FFL) of the buildings shall be a minimum of 600mm above the 1 in 200 year plus climate change (37%) level.

Reason: To minimise the risk of flooding.

B. GRANT application 23/00533/FUL 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. Planning Permission is hereby granted for 24 residential units to be developed in accordance with the Master Plan hereby approved in three sequential phases. No development shall commence until a phasing plan has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the plan shall include the following provisions:

- Delivery of all affordable housing identified within Phase 1 of the development;
- No delivery of development in Phases 2, or 3 until Phase 1 and the servicing and landscaping of the commercial land have been completed; and

The development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority. A Sub- Phase means any part of any Phase of Development.

Reason: To ensure that the development proceeds in an appropriate phased manner and to secure delivery of non-housing uses in accordance with Proposal DR5 of the Inner Moray Firth Area Local Development Plan

3. The approved Access Management Plan (Rev B, November 2021), and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: To safeguard and maximise the opportunities for continued public access in and around the development site in accordance with Policy 77 of the Highland Wide Local Development Plan.

4. 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.

5. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority. The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. A Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Pre-commencement habitat and species surveys;
 - b. Habitat and Species Protection;
 - c. Pollution Prevention and Control (inclusive of waterbodies);
 - d. Dust Management;
 - e. Construction Noise Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on

construction and open sites - Part 1: Noise;

- f. Construction Vibration Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;
 - g. Site Waste Management;
 - h. Surface and Ground Water Management:
 - Drainage and sediment management measures from all construction areas;
 - Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
 - i. Public Water Supply Protection Measures;
 - j. Emergency Response Plans; and
 - k. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for any other specific issue identified within the Schedule of Mitigation and/or conditions attached to this permission;
- v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment.

6. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority. The CTMP, which shall be implemented as approved

during all period of construction, must include:

- i. provision for all construction access being taken via the proposed site access as shown on the approved site layout;
- ii. a description of all measures to be implemented by the developer, in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
- iii. the identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and where appropriate Transport Scotland, including;
 - an initial route assessment report for construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
- iv. a procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction periods;
- v. a detailed protocol for the delivery of loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of larger load movements in the local media. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events;
- vi. details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- vii. wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
- viii. appropriate reinstatement works shall be carried out, as identified by Highland Council, at the end of the construction of the development.
- ix. measures to ensure that construction traffic adheres to agreed routes.

Thereafter the approved Construction Traffic Management Plan shall be implemented in full, unless otherwise approved in writing by the Planning Authority

Reason: To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

7. Notwithstanding the details submitted no development shall commence or tree felling be undertaken until the following details of hard and soft landscaping have been submitted to, and approved in writing by, the Planning Authority:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan confirming any trees to be felled subject to compliance with condition 22 on protected species along with the existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed boundary treatments inclusive of walls, fences and gates;
 - iv. A scheme for the layout, design and construction of all green spaces shown on the approved site layout, including the provision of natural and equipped play opportunities and recreation facilities (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of equipment or furniture at 1:20 scale.
 - v. A scheme for the layout, design and construction of all hard landscaped spaces shown on the approved site layout, including the details of all street furniture (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of street furniture at 1:20 scale.
 - vi. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - vii. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

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 and to secure the protection of natural heritage in accordance with condition 24.

8. No development shall commence until the submission of a landscaping plan has been submitted to, and approved in writing by, the Planning Authority and this shall be carried out after the completion of the affordable housing in Phase 1.

Reason: In the interests of visual amenity.

9. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement demonstrating compliance with conditions 6 and 22 and including a programme of supervision, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction), has been submitted to and subsequently approved in writing by the planning authority. Thereafter the approved details shall be implemented.

Reason: To ensure the protection of retained trees during construction and thereafter and to protect the natural heritage of the area in accordance with Condition 23.

10. None of the houses or flats shall be occupied until a scheme for the maintenance, in perpetuity, of all on-site green spaces and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

11. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority.

For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the Landscaping Plans to be approved under Conditions 6 and 7 are implemented to the agreed standard; and

ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the Commencement of development, Site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

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

12. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland 4, or any superseding guidance prevailing at the time and include details of the surface water drainage for the site) have been submitted to, and approved in writing by, the Planning Authority. The submission shall be supported by a revised Drainage Impact Assessment and Flood Risk Assessment (inclusive of any revised modelling) to ensure the final design does not have an adverse impact on the established principles of flood risk and drainage established through this application. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

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 development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water shall remain the responsibility of the developer and maintained in line with the scheme to be approved under Condition 10 above.

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

14. No development or work shall commence until a detailed specification for all proposed road and path materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to ensure that important elements of the proposed

character and identity of the site are delivered.

15. No development shall commence on site until a scheme for the inclusion of public art within the development, including types and locations of artworks and the management and maintenance thereof, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented prior to occupation of the development and maintained in perpetuity.

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

16. Prior to the first occupation of each house or flat within the development car parking spaces (inclusive of disabled parking spaces) and cycle parking spaces (inclusive of communal cycle parking facilities as appropriate) shall be provided in line with the standards contained within The Highland Council's Road and Transportation Guidelines. Thereafter, all car parking and cycle parking spaces shall be maintained for this use in perpetuity

Reason: To ensure that appropriate levels of car and cycle parking are available for each plot.

17. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development has been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained.

18. No development shall commence on any phase or sub phase until a scheme has been submitted detailing the provision of electric car charging points within the development serving the associated phase or sub-phase. This shall include the location and design of each charging point and a timescale for implementation. The approved 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.

19. No development shall commence until a Waste Management Strategy has been submitted to and approved in writing by the Planning Authority. This shall detail an approach to sustainable waste management in the operation of all aspects of development; identify bin collection points and bin stores (and include design of the bin stores as appropriate at 1:20 scale plans); identify routes for waste collection vehicles and any required infrastructure in each phase or sub-phase. Thereafter the strategy shall

be implemented in line with the timescales contained therein.

Reason: In the interests of amenity, to manage waste and prevent pollution.

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

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

21. No development shall commence on each phase or sub phase until the materials to be used in external finishes (including but not limited to finishes of walls, roofs, rainwater goods, windows and doors) of any and all built structures (inclusive of houses, flats, cycle stores and bin stores), have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the development.

22. No development shall commence until a scheme for the delivery of the following mitigation, in line with timescales for delivery set out in this condition, and detailed design of the mitigation has been submitted to and approved in writing by the Planning Authority:

- a) a scheme for the location, design and installation of a gateway feature on the main spine road between the residential and commercial areas to the specifications and standards set out by The Highland Council. Thereafter, the scheme shall be implemented before occupation of any units within the development;
- b) A scheme for the provision of a footway connecting from the internal footpath network in the development to the existing footpaths to the north and south of the site adjacent to the A82 (T). Thereafter, the approved scheme shall be implemented prior to the occupation of any residential unit within the development;
- c) A scheme for the design and implementation of safe routes to school, to Glenurquhart Primary School within the site connecting to existing safe routes to school outwith the site. This shall include provision of a

pedestrian crossing of A82 (T). The agreed scheme shall be implemented prior to occupation of any residential unit within the development.

- d) A scheme for the provision of bus stops, inclusive of new bus shelters. The agreed scheme shall be implemented prior to occupation of any residential unit within the development.
- e) A scheme for the delivery of a footpath to the front of units 17-21 within the development. Thereafter the scheme shall be implemented prior to occupation of these units.

Prior to the submission of any of the proposed schemes set out in points a-d Glenurquhart Community Council shall have a minimum of 14 days to provide comment on the proposed schemes. The developer will be required to submit a report outlining any comments received by the Community Council and how they have been taken into consideration in the formulation of the submitted schemes.

Reason: To ensure that the consequences for the local road network and pedestrian safety as a result of traffic from the proposed development are addressed.

- 23. No residential dwelling shall be occupied until Traffic Regulation Order(s), limiting the speed of traffic on all roads, within the development, to no more than 20mph, have been submitted to and approved in writing by the Roads Authority, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall be delivered by the developer.

Reason: In the interests of safety of all road users in the residential development.

- 24. No development shall commence nor any tree felling approved pursuant of conditions 6 and 7 until a pre-commencement protected species survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. This shall include a Stage 2 bat survey and camera trap surveys of badger sets. The survey shall cover the whole application site and a 50- metre area around the application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work including the details of any required tree felling shall only progress in accordance with any mitigation measures contained within the approved report(s) of survey and the timescales contained therein.

Reason: To protect the natural heritage of the area in accordance with Policy 58 of the Highland Wide Local Development Plan.

- 25. No part of the development shall be occupied until the emergency access for the site and the maintenance access to the Sustainable Drainage

System Basin has been formed and connected to Kilmore Road. This access shall be delivered and provided without impediment.

Reason: In the interests of timeous provision of emergency and drainage maintenance access.

26. Prior to the occupation of any part of the development hereby permitted, the new ghost island right turn priority junction with the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

27. Prior to occupation of any part of the development hereby permitted, the proposed pedestrian accessibility improvements on the eastern side of the A82 (T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

28. Prior to occupation of any part of the development hereby permitted, the proposed Toucan pedestrian crossing and pedestrian refuge crossing on the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

29. Prior to occupation of any part of the development hereby permitted, the proposed bus stops on the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

30. For the avoidance of doubt, there be no land-raising within the functional floodplain including for the formation of the footpath and the Finished Floor Level (FFL) of the buildings shall be a minimum of 600mm above the 1 in 200 year plus climate change (37%) level.

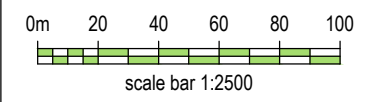
Reason: To minimise the risk of flooding.

31. Prior to completion of the houses at Plots 220 & 221 a 2 metre high fence shall be erected around the rear gardens as shown on the approved drawing.

Reason: In the interests of residential amenity.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Location Plan DR01-PH2LP-01 (23/00532/FUL)
Site Layout Plan DR01-PH2PP-01 (23/00532/FUL)
Location Plan DR01-PH3PLP-01 (23/00533/FUL)
Site Layout Plan DR01-PH3PP-01 (23/00533/FUL)
Site Phasing Plan DR01-PH2-3PP-07 (23/00532/FUL & 23/00533/FUL)
floor/elevation plan - Cupar semi 1073sd-stock-901
floor/elevation plan – Lauder 1104dt-stock-901
floor/elevation plan - Roslin 1202DT-STOCK-901
floor/elevation plan Nairn 1237DT-STOCK-90
floor/elevation plan – Arden 1224dt-stock-901
floor/elevation plan – Nairn 1237DT-STOCK-901
floor/elevation plan - Balerno 1287dt-stock-901
floor/elevation plan – Nethy 1517dg-stock-901
floor/elevation plan – Kintore 1653dt-stock-901 rev A
floor/elevation plan - Culbin 1932ct-stock-901
floor/elevation plan - Dunning DR01-PL-DUNNING-901
floor/elevation plan - Cullen (23/00533/FUL)
floor/elevation plan - Moray and Dunbar cottage flats - (23/00533/FUL)

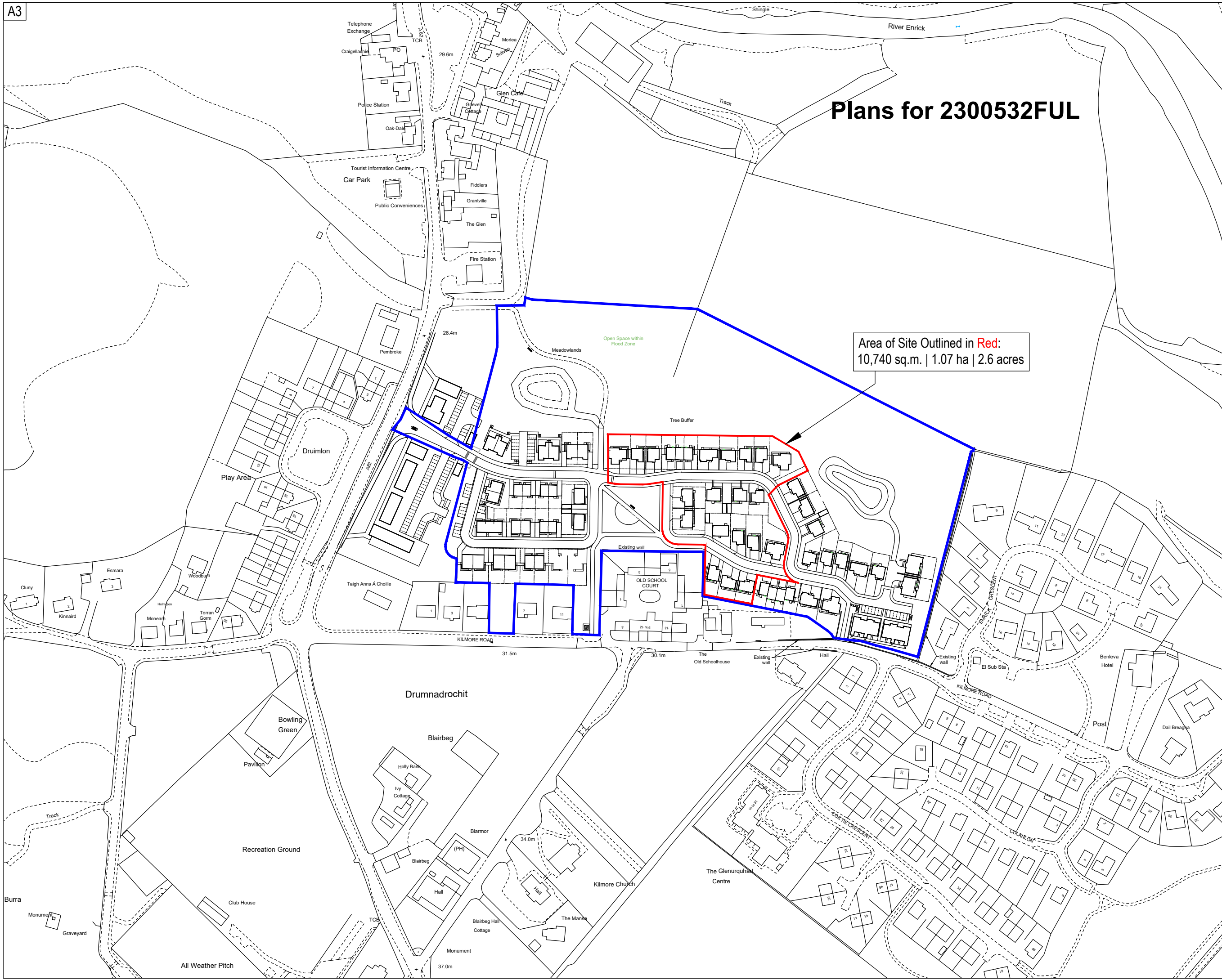
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- Application Boundary
- Ownership Boundary

Plans for 2300532FUL

Area of Site Outlined in Red:
10,740 sq.m. | 1.07 ha | 2.6 acres



Rev	Date	Remarks	By	Ch.
Revisions				



Elgin Office
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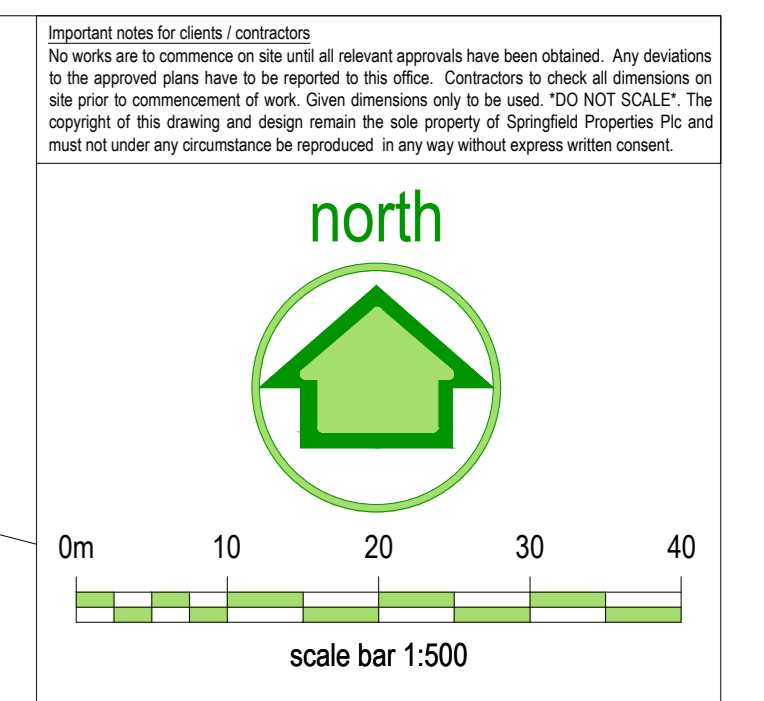
Project DR01 Drumadrochit Phase 2			
Drawing Location Plan			
Scale 1:2500@A3	Date Jan 2023	Drawn by SM	Checked by BW
Drawing no. DR01_PH2LP_01			Rev



Plans for 2300532FUL

Area approved under application ref; 21/03612/FUL

Area subject to separate application



Legend

- Ownership Boundary
- Application Boundary
- Affordable Boundary
- Flood Extents

Accommodation Schedule

Balemo	4 Bed	1287sq. ft. 3
Roslin	4 Bed D	1,202sq. ft. 4
Arden	4 Bed D	1,410sq. ft. 1
Cubin	4 Bed D	1,921sq. ft. 3
Dunning	4 Bed D	1668sq. ft. 2
Nethy	3 Bed D	1517sq. ft. 1
Kintore	4 Bed D	1633sq. ft. 3
Naim	3 Bed SD	1,410sq. ft. 1
Lauder	3 Bed D	1,410sq. ft. 2
Cupar	3 Bed D	1,177sq. ft. 3
Private		
Total		23

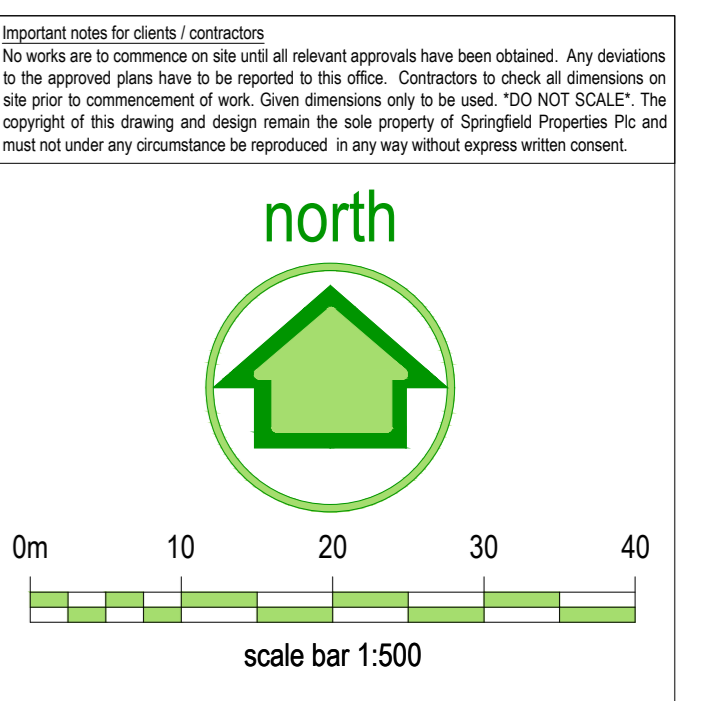
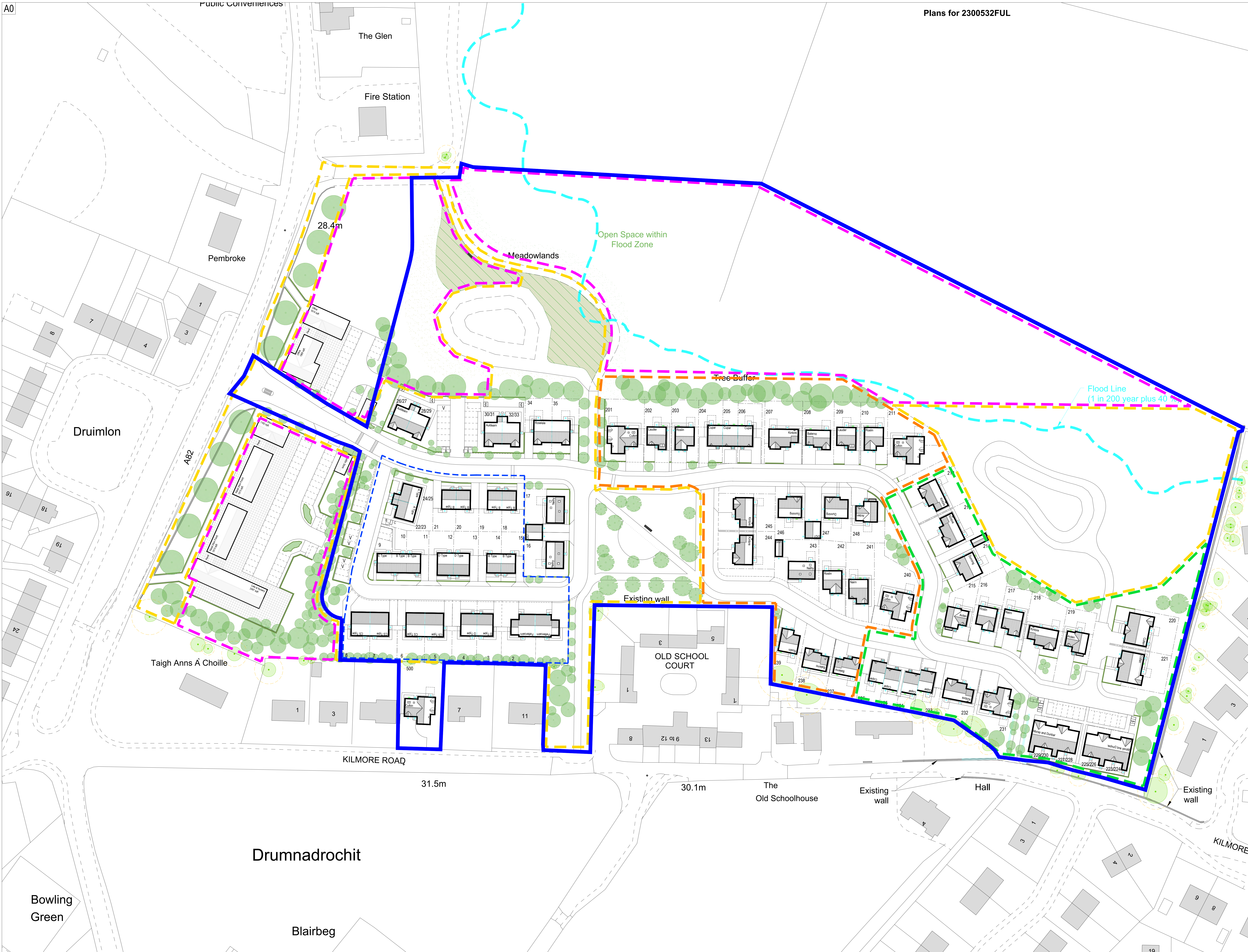
Rev.	Date	Remarks	By	Ch.
B	Nov 23	Plots 204-206 updated adding access to 205 SM BW near garden		
A	Aug 23	Naim replaced with Roslin and access path added to Cupar terrace	SM	BW

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Project: DR01 Drumnadrochit Phase 2 Application
Drawing: Site Layout

Scale: 1:500 @A0	Date: Jan 2023	Drawn by: SM	Checked by: BW
Drawing no: DR01_PH2PP_01			



- Key**
- Affordable boundary
 - Ownership Boundary
 - Phase 1
 - Affordable housing (23), SUDS, Private Housing (12)
 - Central landscaped area, cycle path, boundary wall and heavy standard trees adjacent to A82 (front of commercial area)
 - Phase 2
 - Private Housing (23)
 - Phase 3
 - Private Housing (24)
 - Sub-phase 1/2/3
- Installation of services, roads and any other necessary infrastructure of non-residential element to be delivered in Phase 1. Approved range and type of uses to be delivered subject to market conditions.

Rev.	Date	Remarks	By	Chk.
A	Nov 23	Layout updated per Transportation comments	SM	JM

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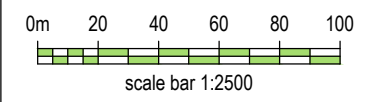
<p>Elgin Office Alexander Fleming House, 8 Southfield Drive, Elgin, Moray, FF9 6GR</p>	<p>Larbert Office Springfield House, 3 Central Park Avenue, Larbert, F15 4RX</p>
<p>Tel: 01343 552 550 Fax: 01343 551 175 Email: info@springfield.co.uk</p>	<p>Tel: 01224 555 536 Fax: 01224 574 690 Email: larbert@springfield.co.uk</p>

Project: DR01
Drumnadrochit
Phases 2 and 3 Planning Applications
Drawing: Planning Plan

Scale	Date	Drawn by	Checked by
1:500 @A0	Jan 2023	SM	BW

Drawing no. DR01_PH2-3PP_07

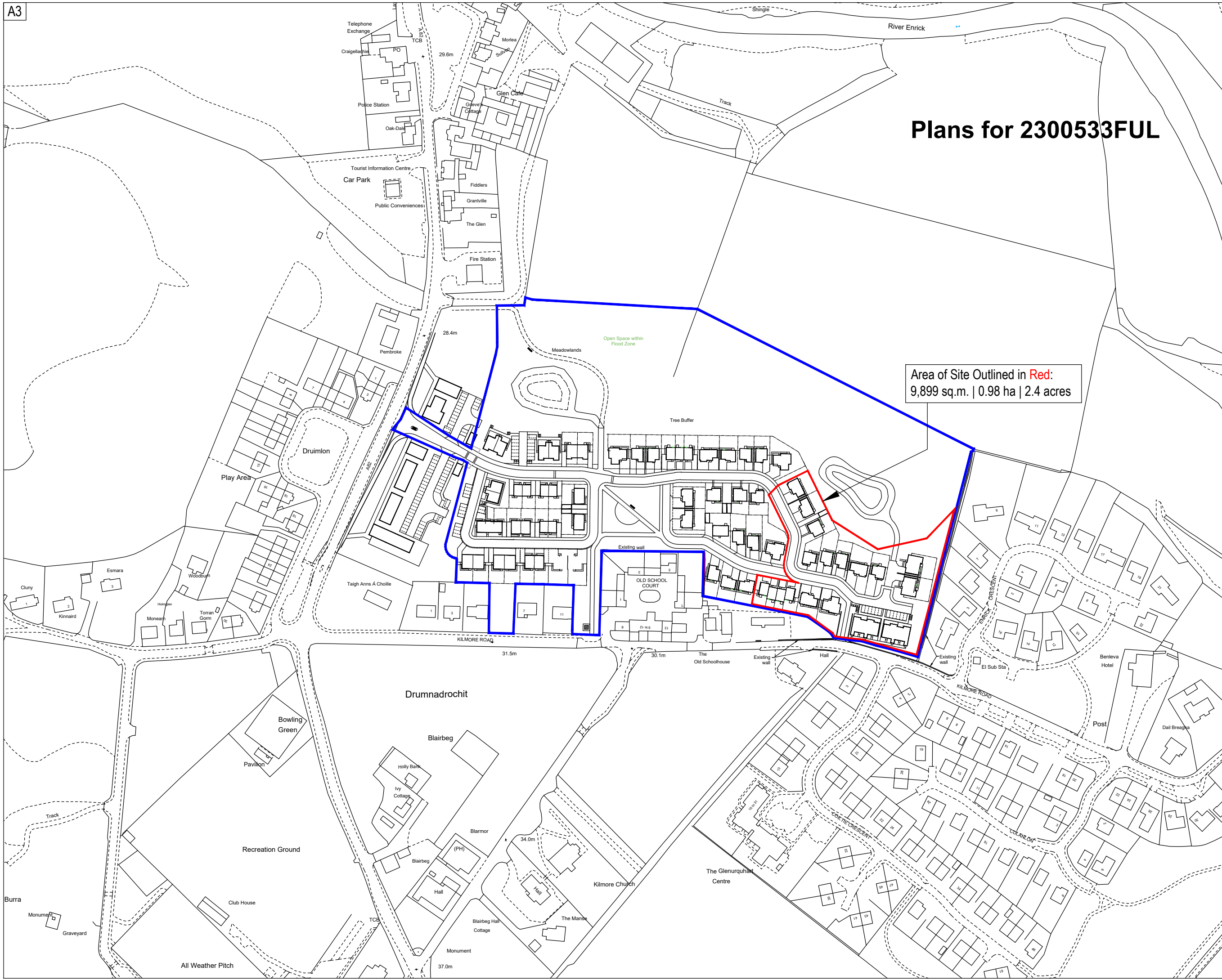
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- Application Boundary
- Ownership Boundary

Plans for 2300533FUL

Area of Site Outlined in Red:
9,899 sq.m. | 0.98 ha | 2.4 acres

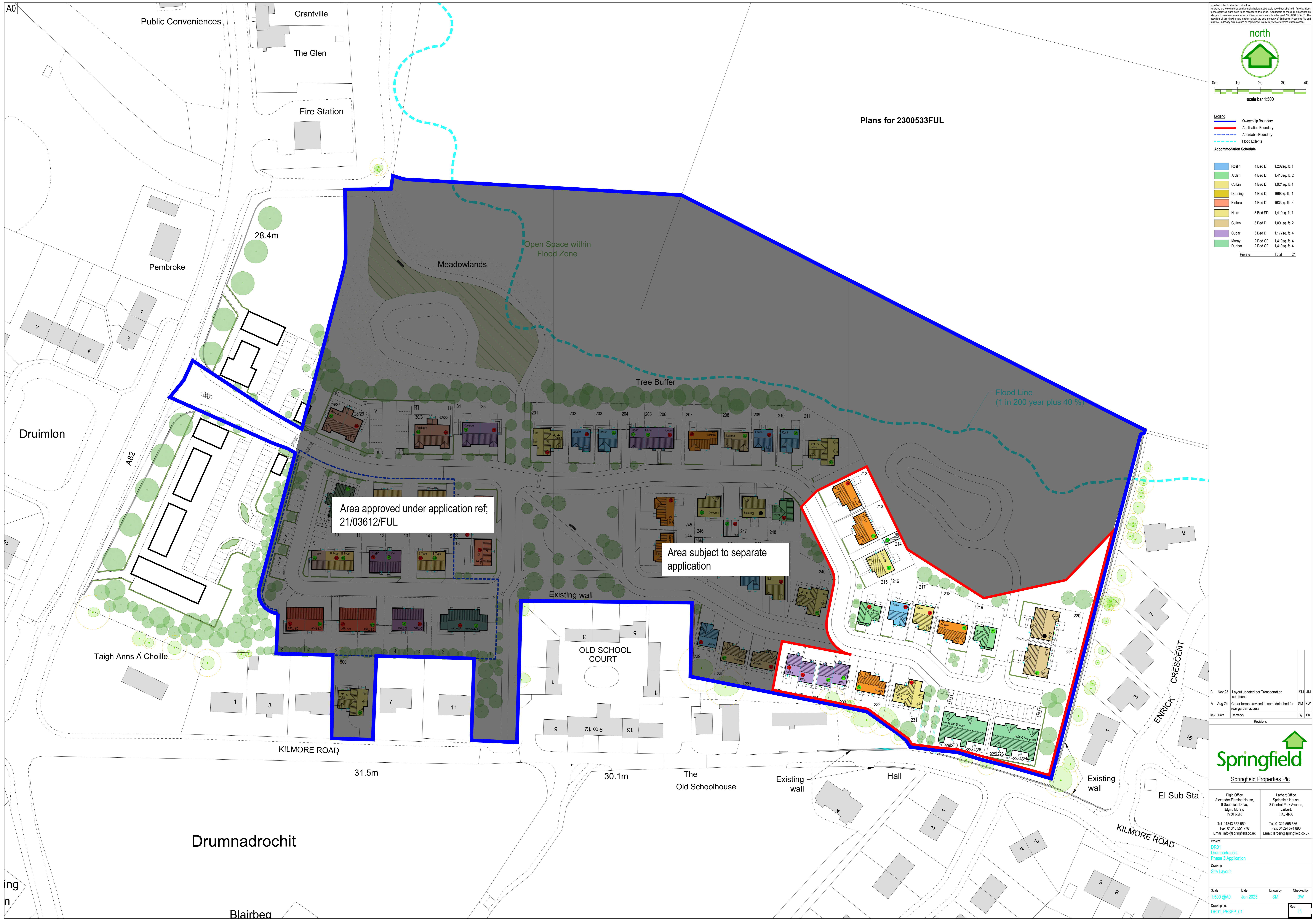


Rev	Date	Remarks	By	Ch.
Revisions				



<p>Elgin Office Alexander Fleming House, 8 Southfield Drive, Elgin, Moray, IV30 6GR</p> <p>Tel: 01343 552 550 Fax: 01343 551 776 Email: info@springfield.co.uk</p>	<p>Larbert Office Springfield House, 3 Central Park Avenue, Larbert, FK5 4RX</p> <p>Tel: 01324 555 536 Fax: 01324 574 890 Email: larbert@springfield.co.uk</p>
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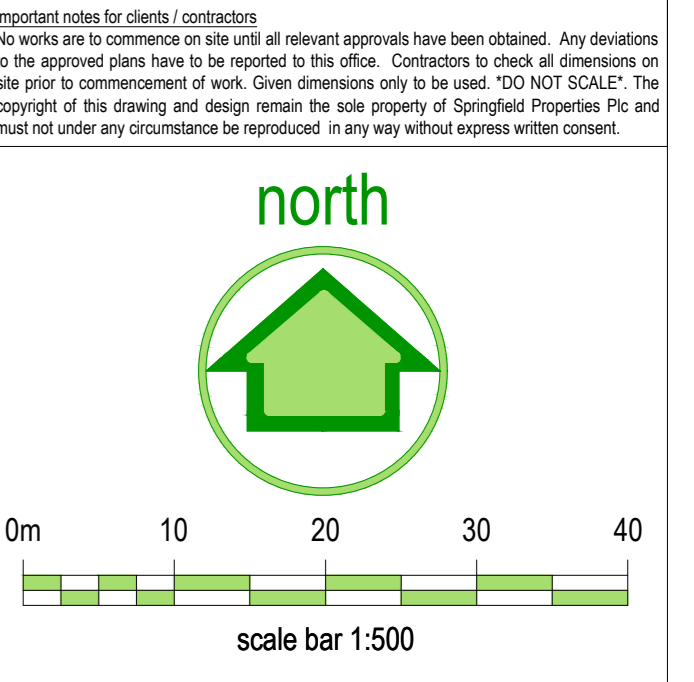
Project	DR01 Drumnadrochit Phase 3		
Drawing	Location Plan		
Scale	Date	Drawn by	Checked by
1:2500@A3	Jan 2023	SM	BW
Drawing no.	DR01_PH3LP_01		Rev



Plans for 2300533FUL

Area approved under application ref:
21/03612/FUL

Area subject to separate
application



Legend

- Ownership Boundary
- Application Boundary
- Affordable Boundary
- Flood Extents

Accommodation Schedule

Roslin	4 Bed D	1,202sq. ft. 1
Arden	4 Bed D	1,410sq. ft. 2
Cubin	4 Bed D	1,321sq. ft. 1
Dunning	4 Bed D	1,668sq. ft. 1
Kintore	4 Bed D	1,533sq. ft. 4
Naim	3 Bed SD	1,410sq. ft. 1
Cullen	3 Bed D	1,091sq. ft. 2
Cupar	3 Bed D	1,177sq. ft. 4
Morey	2 Bed CF	1,410sq. ft. 4
Durbar	2 Bed CF	1,410sq. ft. 4
Private		Total 24

Rev	Date	Remarks	Revisions	By	Ch.
B	Nov 23	Layout updated per Transportation comments		SM	JM
A	Aug 23	Cupar terrace revised to semi-detached for rear garden access		SM	BW

Springfield
Springfield Properties Plc

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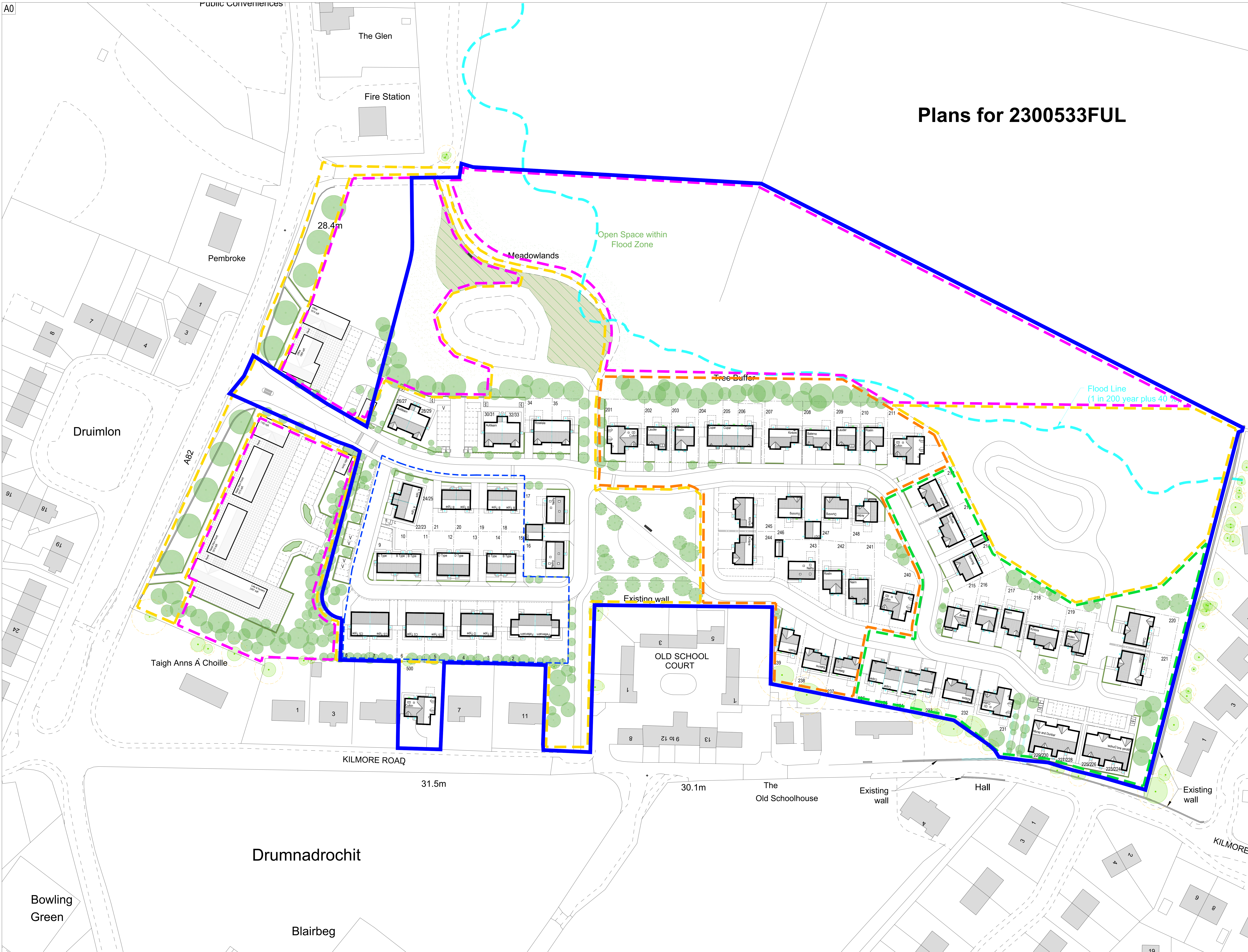
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Project
DR01
Drumadrochit
Phase 3 Application

Drawing
Site Layout

Scale 1:500 @A0 Date Jan 2023 Drawn by SM Checked by BW

Drawing no. DR01_Ph3SP_01 Rev B



Plans for 2300533FUL

Important notes for clients / contractors:
 The notes to the contract of sale and all relevant approvals have been obtained. Any reliance on the approved plans must be reported to the office. Contractors to check all dimensions on site to determine if they are correct. Client agreement only for use: 2300533FUL. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not be used in any form without express written consent.

north

0m 10 20 30 40
 scale bar 1:500

- Key
- Affordable boundary
 - Ownership Boundary
 - Phase 1
 - Affordable housing (23), SUDS, Private Housing (12)
 Central landscaped area, cycle path, boundary wall and heavy standard trees adjacent to ASD (front of commercial area).
 - Phase 2
 - Private Housing (23).
 - Phase 3
 - Private Housing (24).
 - Sub-phase 1/2/3
- Installation of services, roads and any other necessary infrastructure of non-residential element to be delivered in Phase 1. Approved range and type of uses to be delivered subject to market conditions.

Rev.	Date	Remarks	By	Chk.
A	Nov 23	Layout updated per Transportation comments	SM	JM

Revisions

Springfield Properties Plc

<p>Elgin Office Alexander Fleming House, 8 Southfield Drive, Elgin, Moray, IV30 6GR</p>	<p>Larbert Office Springfield House, 3 Central Park Avenue, Larbert, FK5 4RX</p>
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Project
 DR01
 Drumnadrochit
 Phases 2 and 3 Planning Applications

Drawing
 Planning Plan

Scale	Date	Drawn by	Checked by
1:500 @A0	Jan 2023	SM	BW

Drawing no.
 DR01_PH2-3PP_07

Rev. **A**