Agenda Item	8.2
Report No	PLS-67-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 19 November 2024

Report Title: 23/05335/FUL: The Highland Council

Former Golf Course, General Booth Road, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 118 residential units, infrastructure, roads, drainage and

landscaping

Ward: 13 – Inverness West

Development category: Major

Reason referred to Committee: Major / Council application

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This proposal is for the erection of one hundred and eighteen homes and associated landscaping, drainage and other ancillary works. The residential unit mix comprises:
 - 9No. 3 bed cottage flats
 - 30 No. 2 bed cottage flats
 - 6 No. 1 bed cottage flats
 - 28 No. 2 bed houses
 - 39 No. 3 bed houses
 - 3 No. 4 bed houses
 - 3 No. 5 bed houses.
- 1.2 The Council has identified this site (outwith the practice course) for development, in order to deliver affordable housing.
- 1.3 The development will be constructed in three phases which has been informed by the current flood zone, along with a desire to maintain as much of the distinctive former golf course landscaping as possible. Green space will also be enhanced with additional landscaping features, providing an opportunity to increase biodiversity.
- 1.4 Homes have been organised into looped streets across three phases, within a total built area of 3.2 hectares, resulting in a density of just over 36 units per hectare (excluding open green space).
- 1.5 The proposed homes are mostly two-storey in height and vary in their design. All houses have their own private garden grounds and associated parking, and all cottage flats have dedicated parking areas. EV infrastructure is provided to all house parking areas and to 50% of parking for flats.
- 1.6 Pre-Application Consultation: Two public consultation events were held on 30th June 2023 and 17th July 2023 at Charleston Community Complex and Kings Golf Club respectively; letters were delivered to local residents and an advertisement placed in the local paper ran alongside social media posts. Feedback was gathered via online questionnaires, and relevant points were incorporated in revisions of the scheme.
- 1.7 The application was supported by the following documents:
 - Design and Access Statement
 - Drainage Impact Assessment
 - Ecological Assessment
 - Transport Assessment
 - Tree Survey
 - Arboricultural Impact Assessment and Method Statement
 - Flood Risk Assessment
 - Pre-application Consultation Report
 - Biodiversity Enhancement Assessment Report
 - Torvean North Biodiversity Project Toolkit
 - Heritage Impact Assessment
 - Statement of Community Benefit

- Ground Investigation Report Phase 2
- 1.8 Variations: changes to layout to accommodate changes requested by consultees.

2. SITE DESCRIPTION

- 2.1 The site is owned by The Highland Council and was most recently used as part of Torvean Golf Course, which has since been redesigned, reconfigured and renamed Kings Golf Club, during the West Link Road works. As a result, the site is no longer required or used by the golf club and is currently vacant land, with only the northern portion in use as a practice course.
- 2.2 The site is located with access directly off General Booth Road, which is the connecting road between Clachnaharry and the A82, passing through adjacent communities of Scorguie and Kinmylies. The site encompasses the Kings Golf Club practice area to the north; however, this area of the site is not for development. The site is bounded to the south by the Premier Inn Hotel and caravan park site; to the east by the Caledonian Canal, which is a Scheduled Monument and Core Path, and to the west by General Booth Road and Kings Golf Club course beyond. To the north-west are various residential schemes - existing, recently completed, and currently under construction.

Notice

3. **PLANNING HISTORY**

3.1 27.06.2024 23/02234/PAN - Proposed residential development of Proposal of circa 150 units including associated infrastructure. Application roads and drainage

4. **PUBLIC PARTICIPATION**

4.1 Advertised: Unknown Neighbour and Schedule 3 Development

Date Advertised: 15.12.2023

Representation deadline: 30.12.2023

Timeous representations:

Late representations: 1

- 4.2 Material considerations raised are summarised as follows:
 - a) SUDS basin should be at least 5m from the toe of the canal.
 - b) Works should not impact the structural integrity of the canal.
 - c) Contamination if identified, removal and any subsequent treatment must be undertaken in a safe and controlled manner in accordance with all relevant legislation.
 - d) Planting proposals should focus on native species where possible.
 - e) Protective measures must be incorporated to prevent debris, rubbish or contamination entering the Caledonian Canal during construction works.
 - Litter bins should be considered near the towpath in southeast corner of the site.
- 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 **Muirtown Community Council:** No response received.
- 5.2 **Development Plans Team:** The principle of residential development on the site is supported subject to confirmation from the Council's Estates Team that the site is not required for a school in the future. There are a number of detailed issues that must be addressed for the application to be consistent with the development plan (including the Torvean and Ness-side Development Brief 2019 (TNDB), these are summarised below:
 - Opportunities for incorporating growing space/allotments within the site should be explored;
 - Ensure compatibly with neighbouring Kings Golf Club Practice Area directly north and Torvean Caravan Park directly south;
 - Design and layout improved integration of phase 3 with the wider site and reduced visual dominance of car parking throughout the development;
 - Open space and play area total area of useable open space should be provided and opportunities for increased natural surveillance of landscaped play area explored;
 - Impact on historic assets an assessment based on the cultural significance of the historic assets should be provided that also explains how the integrity and setting will be enhanced, in particular the Caledonian Canal Scheduled Monument directly east;
 - Connections provide path link from northern part of site to the canal towpath and link on north west to connect with the Great Glen Way:
 - Public Art should be incorporated into the proposals; and
 - A Statement of Community Benefit and information relating to waste should be provided.

Following submission of the various documents and clarification from the Estates Team that the site is not required for a new school, Development Plans confirmed they have no objection to this application.

5.3 **Flood Team:** "The Flood Risk Management Team has reviewed the information provided by the Applicant and we withdraw our objection to the application subject to relevant conditions being included.

Flood Risk

- i). We have reviewed the Flood Risk Assessment (FRA) provided (Torvean North, Inverness. FRA. Fairhurst. November 2023), along with the additional information provided in response to our previous consultation (Engineer's response to The Highland Council Flood Team Consultation).
- ii). The houses in phase 1 and 2 of the development are located outwith the flood risk area and will require land raising to achieve the proposed Finished Floor Level (FFL) of 16.25mAOD. This will provide a significant level of freeboard above the predicted flood levels from the Torvean Drain.
- iii). The proposed houses in the western part of the development, phase 3, are on a raised area with lower ground around it. Flooding from the Torvean Drain is predicted to affect the areas around the development, including the access from General Booth

Road. It is anticipated that emergency vehicles would be able to access the site and safe dry pedestrian access would be available along a raised area of ground to the east. The updated site layout drawing (149592/9010) confirms that a formal footpath will be provided along this route.

- iv). The additional information confirms that the proposed FFL of the properties facing onto General Booth Road will be 16.6mAOD to achieve a minimum freeboard of 600mm above the adjacent design flood. Properties in the rest of the site will have FFLs of 16.25mAOD. We are content with this approach.
- v). Care will need to be taken when designing and landscaping the site to ensure that there is no land raising in the flood risk areas and that the identified flood flow routes are retained. We request that this is secured through a suitably worded condition.
- vi). We have no objection to the development on the grounds of flood risk.

Drainage

- vii). We have reviewed the Drainage Impact Assessment (DIA) provided (Torvean North, Housing. DIA. Fairhurst. November 2023). The site drainage will rely on infiltration for discharge of surface water from the SUDS system. This will be via an infiltration basin serving the proposed development and another housing site to the southeast. The DIA states that ground conditions were found to be suitable for the use of soakaways.
- viii). The results of the infiltration testing and groundwater monitoring have been provided. To date groundwater monitoring has been carried out over 5 months and is ongoing. The initial results show that groundwater levels are well below the base of the infiltration features. The final drainage design will need to take account of the monitoring results over the winter months to ensure that the infiltration basin is a minimum of 1m above the groundwater table.
- ix). The infiltration basin will be put forward for vesting by Scottish Water. Scottish Water only accept infiltration systems in exceptional circumstances and so the design will require a Scottish Water waiver. The applicant has provided confirmation that Scottish Water are prepared to grant a waiver and vest the system. We are therefore content with the surface water drainage proposals and withdraw our objection to the application.
- x). We request a condition that the final surface water drainage design is submitted for review and approval. This shall include an updated DIA and will need to be informed by the full groundwater monitoring results. It shall include details of the spillway from the infiltration basin and demonstrate that there would be no flooding to properties in the event of exceedance events overtopping the basin.
- xi). The Council's Transport Planning Team will need to provide comment on the road drainage aspects of the proposals."
- 5.4 **Transport Planning Team:** "In terms of access, some changes need to be made to the corner radii, but these will be resolved through the RCC process and will not materially impact the proposed development layout. There are a few similar minor amendments to the internal roads that will also be resolved through the RCC process and will not materially impact proposed development layout.

Parking: It appears from the information provided that the minimum resident and visitor car parking requirements for this development are being met.

Active Travel: The latest information continues to propose a remote shared footpath / cycleway on the northeastern side of General Booth Road connecting between the different phases of development. Whilst we note that this remote route is now proposed to be 3m wide and is shown as connecting through to the Core Path network to the northwest, we will still require the designs to demonstrate that adequate lighting, signage, gradients and drainage are provided for this route. Also, the connections to and from the existing shared footway / cycleway contiguous with the carriageway of General Booth Road will need to be 3m wide with appropriate gradients for safe use by all, including pedestrians, cyclists and people needing wheeled support. We will also require this development to provide the following facilities to assist pedestrians and cyclists to cross General Booth Road in the vicinity of this development:

- Suitable dropped kerb crossings with tactile paving on both sides of General Booth Road at the ends of the footways on either side of the northern vehicular access into Phase 3
- A new central refuge island within the hatching for the ghost island on General Booth Road at the northwestern end of the existing shared footway cycleways on General Booth Road, with suitable dropped kerbs and tactile paving. This should be designed for safe use by both pedestrians and cyclists, with the central refuge island being wide enough for a cyclist to safely wait and be protected by the island.

The latest information continues to show only a potential future link to the canal towing path. Given the desire there will be to connect with this route and the previous comments from Scottish Canals welcoming this development maximising opportunities to interface with the canal, we would expect any permission issued to include a requirement to make suitable active travel connections to the canal towing path. Such connections should be suitable to be used by all, including those needing wheeled support and cyclists, and be available for use prior to any occupation.

All the above proposals will support the non-car connectivity of this development for the residents of and visitors to it, including connections to local schools, bus services and wider facilities and networks. Given this, we continue to recommend that any permission issued includes a suitably worded Condition requiring the design details for the key non-vehicular connections to and from this development be submitted to and accepted by the Planning Authority and then subsequently fully implemented prior to any occupation of all aspects of this development."

Servicing: The submitted information on vehicle tracks for our larger refuse collection vehicles suggests that they should be able to safely negotiate the latest proposed road layouts, which is welcomed.

It would also appear that each property has their own private secure garden area where bins can be stored, with routes provided out to connect with the adoptable roads for taking those bins out for collection.

Drainage and Flooding: The proposed surface water drainage system appears to remain as a piped carrier system taking run-off from both roads and curtilage into a SUDS infiltration basin for treatment and discharge. As stated in our previous response, whilst this is not generally an approach accepted by Scottish Water without some form of positive outfall from such a basin, Scottish Water had previously stated

in their email dated 19 July 2023 that a specification waiver for the proposed infiltration basin had been accepted by Scottish Water subject to a Condition that a flood analysis is completed to show that any flooding from that basin will not affect the proposed housing (Waiver No. 2534). This should be resolved prior to works commencing as, without Scottish Water acceptance of the proposed approach, there is no viable drainage solution to support the development. The design details for roads drainage, including locations of road gullies, will be agreed through the corresponding RCC processes. This will also need to include proposals for the effective drainage of the adoptable remote active travel path connections proposed in support of this development."

- 5.5 **Environmental Health:** No objection to the development subject to relevant conditions relating to construction noise, dust suppression and hazards around the golf practice area.
- 5.6 **Forestry Officer:** "The applicant has provided a letter, detailed Landscape Plans and an Arboricultural Method Statement in response to initial queries. The letter confirms that some of the issues raised regarding individual tree retentions/removals have been resolved, which is most welcome.

The letter also notes that some of the boundary tree groups that we sought the retention of were not possible to retain due to the significant raising of ground levels across the site. However, it is confirmed that some of the trees within the groups could be retained and this is confirmed in the AMS, but further on-site confirmation will be required by the Arboricultural Clerk of Work (ACoW). The AMS is accepted. The letter goes on to note how significant supplementary planting is now proposed to compensate for the tree losses.

There is a suite of four BSS Landscape Plans (101-104) which covers the entire site (all 3 phases) but does not contain detail of the numbers of trees to be planted and the annotation in places just says new planting. We do not need details for Phase 3 just now, but it is useful to see the intended planting in this phase. We do however need full landscaping details for phases 1 and 2, although this could be conditioned.

The suite of four BSS Phase 1 Planting Plans (401-404) shows a number of areas of proposed new planting as well as a significant number of proposed new individual specimen trees in parks, streets and gardens. These planting proposals are generally welcome and accepted, although there are street trees shown without reference numbers on drawing 402 and the street tree schedule only goes to ST7 but there are more than 7 shown on the drawings.

We are concerned that the pale green woodland planting areas do not appear in any detail on these drawings (401 404). Given the level of tree removals required for phases 1 and 2 we will need the woodland planting to be carried out in this phase and protected from the future construction phase.

No objection to the application providing relevant conditions are attached to any permission."

5.7 **Contaminated Land Team:** Having received the Phase 2 Ground Investigation Report for the above site, the team is satisfied that there are no issues of concern regarding potential contaminated land at the above proposed development.

The stockpiled Made Ground materials of unknown provenance on site have been sampled and tested and indicated no elevated contaminants of concern. Although not sampled at a density considered appropriate for reuse at surface within residential garden areas, the materials have been classed as suitable for use as Class 2 General Fill once screened for oversized blocks of material, and if used for this purpose outwith garden areas we have no further comment regarding this application.

It should be noted that Basic Radon Protection measures are required across the site, and the report recommendations regarding Buried Concrete and Water Supply Pipework should be adhered to.

- Historic Environment Team: "We foresee no direct or adverse impacts upon built heritage arising from the proposal. We must however consider the setting of the Caledonian Canal (Scheduled Monument) and the more distant Tomnahurich Cemetery (registered Garden and Designed Landscape). The proposed housing designs are, as is typical for volume house building in Inverness, fairly low quality in architectural terms and repetitive in nature; the 3-storey blocks are particularly poor. We would therefore request that enhanced tree-planting/screening is provided between the housing-scheme and the canal, to reduce visibility of it from the heritage sites; that proposed/existing will not be sufficient to provide a visual buffer."
- Archaeology: "The application lies within an area of archaeological potential and an archaeology condition should be attached requiring that the development area is the subject of an evaluation in the first instance in order to establish the archaeological content and potential. Dependent on the results of this work, further study may be required in advance of, and during, construction works to record any identified remains. The evaluation will be backed up by desk-based research to produce a report setting out the results and any required mitigation strategy. The applicant will need to engage the services of a professional archaeological contractor."
- 5.10 **Area Education Team:** This proposal has been discussed with the team and there is no planned future use for the site from an education point of view.
- 5.11 **Access Officer:** The Access Management Plan has been amended.
- 5.12 **SEPA**: "We are now in a position to withdraw our previous flood risk objection. Please see the advice provided below.
 - 1. The letter from Fairhurst includes site plans (dwg. 149592/9009 and 149592/9010) showing the extents of development and that the proposed land raising is located outwith the flood extents for the 1 in 200 year including climate change event.
 - 2. Additional modelling has been undertaken on the four culverts downstream of General Booth Road with results showing that exceedance of these structures results in water overtopping and returning to channel or flowing north, away from the site. We are satisfied that these structures would be unlikely to increase flood risk at the site, even if blocked.
 - 3. Cross sections have been provided which show the existing embankment levels to be raised well above the predicted ponded water to the south. Given the properties themselves are outwith the flood risk area and raised above the design flood level there should be no requirement to evacuate during a flood event.

However, should access be required then there is existing higher ground which provides connection to the wider development site and the development is not entirely surrounded by flood water. We are therefore satisfied the proposals do not create an island of development and have no objection on the basis of access requirements. However, we would recommend that the embankment should be maintained as a formal footpath and improvements made where required to ensure the stability of the structure.

Notwithstanding the above, we still recommended that further consideration be given to measures to reduce the existing flood risk of General Booth Road and reconnect the flow pathways with the watercourse by upgrading the road culvert and/or removing the embankment. We believe that further investigation into these options could lead to an overall betterment to flood risk for the area and also a better site layout which locates Phase 3 alongside the other two phases."

- 5.13 NatureScot: No comment.
- 5.14 **Scottish Water:** No objection. There is currently sufficient capacity in the Inverness Water Treatment Works to service the development. There is currently sufficient capacity for a foul only connection in the Allanfearn Waste Water Treatment works to service the development.
- 5.15 **Transport Scotland:** No objection. Advise that relevant conditions be attached.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Policy Framework 2023 (NPF4)

- 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 7 Historic Assets and Places
- Policy 9 Brownfield, vacant and derelict land empty buildings
- 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 18 Infrastructure First
- Policy 20 Blue and Green Infrastructure
- Policy 21 Play, Recreation and Sport
- Policy 22 Flood Risk and Water Management
- Policy 23 Health and Safety

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions

- 32 Affordable Housing
- 34 Settlement Development Areas
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 74 Green Networks
- 75 Open Space
- 77 Public Access
- 78 Long Distance Routes

6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)

INW08 Torvean North - mixed use - housing, community, green space

Policy 1 Low Carbon Development

Policy 2 Nature Protection, Preservation and Enhancement

Policy 5 Green Networks

Policy 8 Placemaking

Policy 9 Delivering Development and Infrastructure

Policy 10 Increasing Affordable Housing

Policy 11 Self and Custom Build Housing

Policy 13 Accessible and Adaptable Homes

Policy 14 Transport

6.4 Highland Council Supplementary Planning Policy Guidance

Torvean and Ness-side Development Brief (TNDB)

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)

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

Creating Places (Jun 2013)

Designing Streets (Mar 2010)

- PAN 61 Sustainable Drainage Systems (Jul 2001)
- PAN 68 Design Statements (Aug 2003)
- PAN 75 Planning for Transport (Aug 2005)
- PAN 77 Designing for Safer Places (Mar 2006)

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) Development plan policy;
 - b) Compatibility with Torvean and Ness-side Development Brief;
 - c) Design and layout (including open space and landscaping);
 - d) Roads, access, and parking;
 - e) Waste management;
 - f) Water, flood risk and drainage;
 - g) Landscaping and open space;
 - h) Built heritage;
 - i) Amenity impacts;
 - j) Ecology and biodiversity; and
 - k) Impact on infrastructure (including education).

Development plan and other planning policy

- 8.4 The site lies within the Settlement Development Area of Inverness an area allocated for development in the Inner Moray Firth Local Development Plan 2 (IMFLDP2) and the Torvean and Ness-side Development Brief (TNDB) and therefore the principle of development on the site is supported under the Highland wide Local Development Plan and NPF4.
- 8.5 NPF4 Policies 1-3 apply to all development proposals. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions where possible.
- 8.6 NPF4 expects development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale a proposal will be supported

where it meets the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. Proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with these six qualities should not be supported. National policy expects proposals to demonstrate that transport requirements have considered sustainable travel in their design and that impacts of development proposals on infrastructure should be appropriately mitigated. Proposals should also protect and enhance historic assets and places. Development on areas liable to flood risk should be avoided. Policy 16 (Quality Homes) sets out that development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported as are proposals that make provision for affordable homes to meet an identified need. Similar policies, seeking similar objectives, are set out within the Highland wide Local Plan.

8.7 Subject to ensuring that the development can adequately address the requirements of the allocation and the TNDB, are of high quality, are compatible with the existing pattern of development and landscape character, respects any existing natural, built and cultural heritage features, is compatible with the existing infrastructure and not detrimental to the amenity of the area the proposals may be considered to comply with the development plan.

Compatibility with Torvean and Ness-side Development Brief

- 8.8 The TNDB indicative masterplan shows a northern area of the site as a potential school site. Para 39 of the brief explains that as the Council develops its strategy for education provision in the city it is important that Council-owned land is considered as an option for future school and nursery use. The brief allows for residential use on this part of the site if the Council conclude that there is not a requirement for the land to be used for a school. The Education Team were consulted on this application and confirmed that the site is not required for a school, therefore they had no objection to this application.
- 8.9 The TNDB shows the northwest portion of the site as a park including growing spaces/allotments. In response to this, the applicant has advised that they were in communication with a Community Food Growing Coordinator. However, there was no evidence of any formal plan in place for the development and maintenance of allotments. In order to ensure the planning application proceeded without delay, an area allocated for informal growing space / community use has been indicated on the Landscape Plan drawing ref.101 Rev F, to be developed by others.
- 8.10 Para 38 explains that a generous provision of open space between the area and the new golf practice course will provide play and recreation space and help to maintain a high-quality green network. The TNDB and the IMFLDP2 envisaged that a green network at this location would provide physical, visual and habitat connections that would ensure accessibility for both wildlife and people. The site layout shows two distinct 'development zones' one within the area shown for built development in the TNDB directly north of the caravan park and hotel, and another, smaller and separate zone further north. The second development zone lies within the area shown as park land in the TNDB and green network in the IMFLDP2. It is understood from the application's Design and Access Statement that a reason for the two separate

development areas within the site is for all development to be located outwith flood risk areas.

- 8.11 The location and form of development do have potential to retain the green network and continue to allow for physical, visual and habitat connections. A green corridor remains to the north between development and the golf practice area that leads to large areas of retained greenspace that is intended to be supplemented with new planting. An infiltration basin is also planned within this area alongside connections to the Caledonian Canal. This landscape strategy will help to retain parts of the park land type setting that currently exists within the site.
- 8.12 The rear of homes in the southern portion of the site abuts a Premier Inn Hotel and Torvean Caravan Park. There is potential for the new homes to be affected by noise from these existing developments, in particular the caravan park. NPF4 Policy 23 part (e) explains that the agent of change principle applies to noise sensitive development. Therefore, in this case, the applicant is required to demonstrate both that they have assessed the potential impact on the occupants of the proposed development and that the proposed design incorporates appropriate measures to mitigate this impact. Whilst it is noted that the site of the caravan park has an extant planning permission for residential and commercial development, given that the caravan park currently continues to operate, this requirement remains. It is noted that the Council's Environmental Health Officer has recommended that for noise attenuation and privacy purposes a 2m close boarded fence be erected between the proposed development and the caravan park. This is likely to be sufficient to meet the requirements of NPF4 Policy 23 part (e). In response to this, the applicant has confirmed that they will erect 2m high close boarded fence panels between the development site and the Torvean Caravan site, for noise mitigation purposes.
- 8.13 In order to address the requirement to provide public art, the applicant intends to include public art into the proposal through illustrated interpretation signage panels placed within the landscape, which will provide the public with information about:
 - Ecology of the site flora and fauna (positioned at the SuDS basin); and
 - Active travel links (positioned to the centre of the development).

This is considered an acceptable solution to addressing the public art requirement and can be controlled by condition.

8.14 As part of the pre-application consultation, the applicant advised that the Kings Golf Club were concerned about public access and safety across the Practice Green once the houses were built. If children living in the houses were to wander across the fairway there would be a real possibility of being struck by a stray golf ball. They also raised the point that flooding occurs on occasion to the practice green in front of the tee-off area, and that the water can be fairly deep in places. In response to this, the applicant has shown a fence surrounding the practice area and has further confirmed that ball-stop fencing will be provided. The details of this can be secured by condition.

Design and layout

8.15 The housing capacity in the IMFLDP2 is 30 homes. The capacity figure was based on a large part of the site being developed for the purposes of the school. However, as it has been confirmed that no part of the site is required for a school, the capacity of the

site can increase. NPF4 supports compact urban growth and higher density development which will help to sustain public transport and support local living. The relatively accessible location of this site by a range of transport modes and its proximity to a range of services and facilities allows the proposal to be consistent with NPF4 Policy 15 part (a). These factors in combination with a layout that demonstrates efficient use of land, and a satisfactory site layout allows the principle of 118 homes to be supported on the site.

- 8.16 Torvean Caravan Park has an extant planning permission for four / five storey blocks of flats, therefore the area of the site to the south-east end is an ideal location for three storey blocks of flats fronting onto the canal to create an attractive public realm and relate to the neighbouring blocks.
- 8.17 Across the development there is a mix of semi-detached and terraced houses, and two and three storey cottage flats. All flats have their own front door, and the upper flats have their own stairs, to encourage ownership over these spaces. All flats and houses have access to an individual private garden to store bins and cycles, and to hang washing. Homes are generally arranged in terraces with three storey flats positioned at the ends of streets to create a visual 'stop'. Semi-detached houses are positioned to the centre of the development, to allow incidental central green spaces for play opportunities. The streets are overlooked by the houses, and the rear gardens face onto open landscape with the aim to increase a sense of safety across the development areas.
- 8.18 To minimise the visual impact, where possible, houses with parking to the front have been placed opposite houses with side parking. Furthermore, the landscaping plans include strategically placed street trees in road build-outs and street frontages, along with formal hedgerows and shrub planting.
- 8.19 The mix of house types was specified by The Highland Council, as applicant, and all will be affordable housing with a potential mix of tenures.
- 8.20 The materials selected for this development draw on the character and existing finishes of the surrounding housing developments, but also take into consideration cost, availability and buildability. In terms of aesthetics, they have been specifically selected for their warmth, and natural tones. These are buff or pale red brick, ivory render, interlocking pantiles, smooth grey pantiles, anthracite grey window frames and black gutters and down pipes. While brick in its own right is not normally associated with this area, it does reflect the materials of other buildings in the vicinity. Brick is not to be used as the primary material however but in conjunction with a warm colour render. Brick is a robust and low maintenance material, both of which are significant requirements for the applicant. The intention is to ensure that the development remains aesthetically pleasing over time and does not become an eyesore due to maintenance issues.
- 8.21 Between the two development areas, a large, landscaped play area is proposed with lots of scope for natural play and wooded facilities. Although there will be some tree loss to facilitate the play area, significant clumps of new tree planting will help to provide context for the new play area.

Roads, access, and parking

- 8.22 The site is well placed for connectivity via active travel routes, with walking and cycling via shared paths available all around the site. The canal towpath is a well-used route and the Great Glen Way Core Path runs around the north and east of the site. Public transport is also available, with the Stagecoach No. 2 bus running at half-hourly intervals along General Booth Road adjacent to the site, with bus stops next to the Premier Inn. The city centre itself is approximately a 30-minute walk / 15-minute cycle from the site, where the railway station and bus station offer many routes linking towns and cities around Scotland.
- 8.23 The nature of the site and its connections to surrounding paths, means that it is ideal for cycling and walking, and this is encouraged through the use of low-speed environment streets and introducing shared footpaths around the site. Covered cycle parking for visitors is provided to every block of flats.
- 8.24 Parking provision meets the Highland Council Roads Guidelines as set out in the Transport Assessment. All house car parking is in-curtilage, and all cottage flats have dedicated parking areas. EV infrastructure is provided to all house parking areas and to 50% of flats parking. Visitor parking is provided on-street, within the landscaped verges. Cycle parking shelters have been provided to each flat block, and bicycles can be stored in each private garden.
- 8.25 Vehicular access to the two development clusters will be via existing junctions, which will be improved, and a turning lane introduced to General Booth Road to the southern junction to cope with the vehicle movements.
- 8.26 The applicant has advised they fully support the connection of the development to the canal and are providing improvements to the existing historic desire line routes across the site through the creation of new formal footpaths, up to the existing informal path which leads up the canal embankment at the south-east corner. The canal embankment is outwith the ownership and control of the applicant, and would not only require third party consent, but also Scheduled Monument Consent, which are outside of the scope of the housing development. They have, however, shown a new, fully accessible connecting path to the Great Glen Way to the north-west boundary of the site. This land is within the applicant's control and ownership
- 8.27 The Transport Planning Team is content with the proposed access arrangements subject to some non-material changes that will be resolved through the Road Construction Consent process.
- 8.28 Transport Scotland has not raised any objections to this application subject to conditions requiring the landscaping, fencing and lighting adjacent to the Trunk Road to be agreed before development commences.

Waste Management

- 8.29 Bins are stored on hardstanding in each private garden (houses and flats all to have individual allocated secure garden space). Space is provided to each for:
 - 1No. green general waste bin

- 1No. blue recycling bin
- 1No. brown garden waste bin
- 1No. food waste caddy

Screened bin collection points are positioned to the fronts of blocks, where there are more than three bins using the same collection point for uplift on bin day, to avoid footpath overspill. All rear gardens have paved access from the gate to street-side.

8.30 These proposals meet the general requirements for waste management in a residential area and can be supported.

Water, flood risk and drainage

- 8.31 The nature of the site means that there are large portions of it that can be affected by flooding so locations for new housing is constrained to the two zones indicated on the plan. Flooding areas cannot be built upon however this does allow an opportunity for increasing biodiversity. The Flood Risk Assessment indicates that finished floor levels are set at 16.25m AOD to avoid risk to the homes if the canal structure was to fail. Compensatory soft landscaping within the developments is designed to assist with sustainable drainage, along with permeable hard surfaces.
- 8.32 The houses in phase 1 and 2 of the development are located outwith the flood risk area and will require land raising to achieve the proposed Finished Floor Level (FFL) of 16.25mAOD. This will provide a significant level of freeboard above the predicted flood levels from the Torvean Drain.
- 8.33 The proposed houses in the western part of the development, phase 3, are on a raised area with lower ground around it. Flooding from the Torvean Drain is predicted to affect the areas around the development, including the access from General Booth Road. It is anticipated that emergency vehicles would be able to access the site and safe dry pedestrian access would be available along a raised area of ground to the east. The updated site layout drawing (149592/9010) confirms that a formal footpath will be provided along this route.
- 8.34 The additional information confirms that the proposed FFL of the properties facing onto General Booth Road will be 16.6mAOD to achieve a minimum freeboard of 600mm above the adjacent design flood. Properties in the rest of the site will have FFLs of 16.25mAOD. The Flood Team have confirmed that they are content with this approach. SEPA are also satisfied that there are sufficient measures in place to protect the proposed houses, although SEPA also note there could be further opportunity to improve things further.
- 8.35 The site drainage will rely on infiltration for discharge of surface water from the SUDS system. This will be via an attractive landscaped area around a SUDS infiltration basin located to the north of Phase 1 serving the proposed development and another housing site to the southeast. The Drainage Impact Assessment states that ground conditions were found to be suitable for the use of soakaways.
- 8.36 The infiltration basin will be put forward for vesting by Scottish Water. Scottish Water only accept infiltration systems in exceptional circumstances and so the design will require a Scottish Water waiver. The applicant has provided confirmation that Scottish Water are prepared to grant a waiver and vest the system. The Flood Team have

confirmed they are therefore content with the surface water drainage proposals subject to a condition requiring the final surface water drainage design is submitted for review and approval. Final details of drainage for the roads will be resolved through the RCC process.

Landscaping and open space

- 8.37 The existing wider site is to be retained as an important landscaped green area for dog walkers and community use. A new landscaped play area is to be provided to the existing stand of trees to the centre of the development, with incidental play areas between houses. Trees will be provided to each garden as well as to the street scape.
- 8.38 The aim is to enhance the landscaping around the site, which will not only benefit the new community, but also the existing surrounding communities. The 'country park' feel of the site will not be lost, but present new connection opportunities and a safe pleasant environment for everyone to enjoy.
- 8.39 A variety of planting around the site will encourage biodiversity including broadleaved and mixed woodland planting, species rich grassland pond edge mix, urban pollinator grassland mix, bee, bird and butterfly mix grassland as well as formal and native hedgerow planting.
- 8.40 There is a suite of four BSS Landscape Plans (101-104) which covers the entire site (all 3 phases) but does not contain detail of the numbers of trees to be planted and the annotation in places just refers to "new planting". The Forestry Team has confirmed that they do need full landscaping details of numbers and types of trees to be planted. This can be secured by condition.

Built heritage

8.41 The site is located adjacent to the Caledonian Canal (Scheduled Monument) and the more distant Tomnahurich Cemetery (registered Garden and Designed Landscape). The Historic Environment Team have confirmed that they do not anticipate any significant impact on these heritage features, however requested enhanced tree-planting/screening is provided between the housing-scheme and the canal, to reduce visibility of it from the heritage sites. This can be secured by condition.

Amenity Impacts

8.42 Due to the location of the development, the topography of the site and intervening landscaping the properties in the development will not lead to amenity impacts in terms of privacy or daylight to existing properties.

Ecology and biodiversity

- 8.43 A preliminary ecological assessment has been carried out to identify the ecological baseline to allow for a provision of information to determine the impacts from the installation of the development and to propose mitigation or further surveys are required.
- 8.44 In terms of designated sites, this report concluded that due to the distance of separation between the proposed development and nearby designated sites there will

be no direct impact from the development on these designated sites. In relation to habitats, a total of twelve Phase 1 habitats/features were located during the survey, including various woodland, mixed plantation, broadleaved scattered trees and grassland and the mitigation measures required to compensate for loss of existing habitats have been incorporated into the Landscaping Plan in terms of species rich long grass, grass and wildflower seed mix around the SUDS basin, planting of trees and replacement of non-native species in the plantation with native species.

- 8.45 The assessment of the protected species survey of the site concluded that badgers are utilising the site for foraging and commuting only, with no setts is located on site. A Badger Protection Plan is proposed, which will include pre-construction survey for badgers and mitigation for their protection. This can be secured by condition. The species survey has concluded that ensuring grassland retention and allowing for their normal movements is recommended, along with a preconstruction survey for badger setts and mitigation during construction. With this in place there will be no significant impact on badger populations due to the development.
- 8.46 In terms of biodiversity, the applicant submitted the Torvean North Biodiversity Enhancement Assessment Report to show compliance with NPF4 Policy 3. Enhancement of the existing modified grassland to create new areas of species-rich grassland with features including areas of native woodland of varied age will enhance the biodiversity currently found on site and within the wider locality. The new grassland habitats will link to existing areas of habitat, providing increased foraging opportunities and enhanced connectivity. In addition to habitat creation, there is a potential for the provision of species-specific features such as bat boxes, bee bricks, bird boxes and hibernacula for amphibians and reptiles to benefit species present in the area. Although these features cannot be accounted for within the biodiversity metric, they will create new habitat on-site and improve the site for existing species.
- 8.47 The project is anticipated to result in an increase in Area Biodiversity Units, from the existing 45.35 Area Biodiversity Units to 51.02 Area Biodiversity Units (+13%). Thus, achieving significant positive effects for biodiversity on-site, in line with NPF4 and the biodiversity Mitigation Hierarchy.

Impact on infrastructure (including education)

- 8.48 The site lies within the catchment area of Kinmylies Primary School. The DCSG explains that to allow for year to year fluctuations, contributions are required where the school capacity threshold is anticipated to be at or above 90% capacity for five of the 15 years forecast. In the published 2023/24 School Roll Forecasts, Kinmylies Primary breaches 90% for 4 out of the 15 years forecast, and therefore generally, contributions for allocated sites within the capacity specified in LDPs are not required. This is confirmed for Kinmylies Primary School in the IMFLDP2 Delivery Programme.
- 8.49 This site is allocated for 30 homes in the IMFLDP2 and this application proposes 118 homes. The additional 88 homes proposed are considered 'windfall' and therefore have not been taken into account in the school roll forecasts. The DCSG requires that for proposals of 10 or more windfall units that school roll forecasts are re-run. For the re-run the following assumptions were made:

- Education contributions apply to 112 homes of the 118 homes proposed as the 6 one bedroom homes are exempt from education contributions;
- Based on information provided by the applicant the following timing and phasing has been assumed for the purposes of calculating developer contributions:
 - 2026/27 40 homes; 2027/28 40 homes; 2028/29 32
- Result school capacity threshold anticipated to be at or above 90% capacity for 4 of the 15 years forecast – therefore contributions are not required.
- 8.50 Another major application for 380 residential units at Land South of Kirkwall Brae is currently under consideration (24/01297/PIP). This also lies within the Kinmylies Primary School and Charleston Academy catchment area. This application proposes additional units in comparison to the allocated site and therefore the school roll forecasts will also require to be re-run as part of that application. However, given the General Booth Road (23/05335/FUL) application is at a later stage in the determination process, any changes to phasing and capacity at Land South of Kirkwall Brae have not been factored into the school roll forecast re-run.
- 8.51 The site lies within the catchment area of Charleston Academy. The latest 2023/24 School Roll Forecasts projects a physical capacity issue at this school and the IMFLDP2 Delivery Programme confirms that contributions are to be at standard rates for all housing applications within the school catchment.

Matters to be secured by Legal Agreement / Upfront Payment

8.52 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:

Summary of Developer Contributions					
Infrastructure / Service Type	Requirement	Financial Contribution Rate per Home			
	Contribution towards increased capacity at Kinmylies Primary School not required.	N/A			
Primary	Contribution towards land costs	N/A			
Education – Secondary	Charleston Academy – new 3-18 campus	£8,673 per house* £4,915 per 2 bed house/flat*			
	Contributions towards land costs	None specified			
Community Facilities	Charleston Community Campus – Expansion to provide enhanced community facilities over and above standard community facilities associated with new school (as per SportScotland guidelines) Regional Sports Facilities – New indoor tennis centre and indoor athletics training provision – delivered as part of a wider strategic sports plan for the Highlands	£1,568**			

Affordable Housing	Minimum 25% on site provision Note: Development understood to provide 100% affordable housing	N/A
Transport & Active Travel	Contribution toward payment for delivery of strategic road improvements, in the first instance toward payment for delivery of the Inverness West Link Road.	£2,500***
Public Transport	The TNDB (page 8) explains that new bus stops at key points on the existing routes through new developments will be needed at Torvean. Two new bus stops were provided at the southern end of General Booth Road close to its junction with the A82/Glenurquhart Road as part of the West Link development. There are also existing bus stops further north on General Booth Road at its junction with Golf View Road. All these bus stops are in close proximity of the development and therefore contributions towards new bus stops are not required in this instance.	N/A
Services Infrastructure	Applicant is advised to contact Scottish Water directly to confirm any water and wastewater upgrading costs and to seek advice from Council Waste Management Section regarding recycling contributions.	-
Public Realm & Art	Required and preference is for on-site provision	-
Green Infrastructure	This should include appropriate measures to conserve, restore and enhance biodiversity	
Total per home		£12,741
Total per 2 bed house/flat		£8,983

All figures will be index linked to the current financial quarter using the Building Cost Information Service All-in Tender Price Index at the time of payment.

8.53 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 for the following reason:

9. CONCLUSION

9.1 This application is to provide 118 affordable homes on a site that is a former golf course. The landscaping and topography of the wider site creates a "country park" feel and the site is well-used by the local community. The proposed houses and flats are split between three phases of development and across two development areas that sit on raised land outwith flooding areas. Improved footpath links around and through the site, as well as a new enhanced segregated footpath that will run the full length of the

^{*}These figures are forward index-linked to Q4 2024 to reflect the fact that any contributions due or work to be done would not be before this date

^{**}Base date Q2 2023

^{***}Base Date Q4 2013

site parallel to General Booth Road, will benefit not just the new community but the existing community as well.

- 9.2 No objections have been received in connection with this development. The proposal will bring forward much needed affordable housing for Inverness and policy supports development of it at this location. The layout of the site has taken account of the constraints around flooding, landscaping, trees, protected and species and drainage and aims to provide a high-quality environment for those living there with excellent access to various modes of transport. As such the proposal can be supported.
- 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 Obligation/up-front payment	Υ	
Revocation of previous permission	N	

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

1. No development shall commence until details of public art and street furniture provision 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: In the interest of amenity in line with policy objectives set out within the Public Art Strategy and the Developer Contributions Supplementary Guidance.

2. The housing adjacent to the Kings Golf Club Practice Green shall not be occupied until full details of ball-stopping fencing have been submitted to, and received the

approval in writing of, the Planning Authority. Thereafter, the approved scheme shall be implemented in full prior to occupation of the housing.

Reason: In order to minimise risk of injury by stray golf balls.

3. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces, including all on-site woodland and trees, play areas and/or other spaces, paths, walls, fences, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), shall 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.

4. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located as per the approved Tree Protection Plans and in accordance with BS 5837:2012 Trees in Relation to Design, Demolition & Construction (or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and shall not be moved or removed during the construction period without the prior written approval of the Planning Authority.

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

5. A suitably qualified Arboricultural consultant shall be employed by the applicant to ensure that the approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are set out in the AMS and certificates of compliance for each stage shall be submitted for the written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

6. No development shall commence until a detailed Landscape Plan and maintenance programme for the development has been submitted to and approved by the Planning Authority. The Landscape Plan shall include peripheral woodland planting areas, including an enhanced buffer with the Caledonian Canal and full details of numbers and types of trees to be planted. The planting shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character of the historic environment.

7. A suitably qualified landscape consultant shall be employed by the applicant to ensure that the Landscape Plans are implemented to the agreed standard. Stages requiring supervision shall be agreed with the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

Reason: In the interests of amenity.

8. Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: To ensure that there shall be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road shall not be diminished.

9. Prior to commencement of the development, details of the landscaping treatment along the trunk road boundary shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: To ensure that there shall be no distraction to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road shall not be diminished.

10. Prior to commencement of the development, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority in consultation with the Roads Authority and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

11. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

12. No development shall commence until the design details for the key non-vehicular connections to and from this development have been submitted to, and received the approval in writing of, the Planning Authority. The development shall be fully implemented in accordance with these details prior to any occupation of the development.

Reason: To ensure all connections meet approved design standards.

13. For the avoidance of doubt, there shall be no land raising in the flood risk areas and identified flood flow routes shall be retained.

Reason: In order to protect properties from flooding.

14. No development shall commence until the final surface water drainage design has been submitted to, and received the approval in writing of, the Planning Authority in consultation with the Flood Risk Management Team. For the avoidance of doubt, this shall include an updated Drainage Impact Assessment and shall be informed by the full groundwater monitoring results. It shall include details of the spillway from the infiltration basin and demonstrate that there would be no flooding to properties in the event of exceedance events overtopping the basin. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

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

- 15. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. measures to reduce the impact of construction noise at noise sensitive locations:
 - viii. protective measures to prevent debris, rubbish or contamination from entering the Caledonian Canal; and
 - ix. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

16. No development shall commence on site until a scheme for protecting properties adjacent to the development site from construction-related dust has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented before any development commences and be maintained until development is complete.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

17. No development shall commence until a risk assessment, undertaken by a suitably qualified person, with regard to the potential hazard of persons being struck by stray

golf balls from the Kings Golf Club practice course, has been submitted to, and received the approval in writing of, the Planning Authority. For the avoidance of doubt, the assessment shall identify the positioning and the minimum height and length of any proposed ball-stop fencing as well as the intended use of the land adjacent to the practice course. Thereafter the approved details shall be implemented prior to occupation of any house in Phase 3.

Reason: In order to minimise risk of injury by stray golf balls.

18. Development and work shall progress in accordance with the mitigation measures contained within the Torvean North Housing Development Preliminary Ecological Assessment dated 18 August 2023.

Reason: To ensure that the development does not have an adverse impact on protected species or habitat.

19. No development shall commence until Badger pre-commencement survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover 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 shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

20. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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

21. The stockpiled Made Ground materials of unknown provenance on site shall be used as Class 2 General Fill only. For the avoidance of doubt, it shall not be used in garden areas without the prior written consent of the Planning Authority in consultation with Contaminated Land officers.

Reason: In order to ensure that the site is suitable for future uses given the unknown nature of previous uses/processes of Made Ground on the site.

22. A 2m high close boarded fence shall be erected between the proposed development and the caravan park.

Reason: In the interests of residential amenity.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

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

Scottish Water

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the

nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Scottish Canals

All interfaces with the canal, including construction methodologies adjacent to the canal structure, will require Scottish Canals Third Party Works (TPW) approval. Details of Third Party Works requirements can be found on their website https://www.scottishcanals.co.uk/business-governance/business-opportunities-and-how-to-work-with-us/third-party-works.

The TPW's process ensures that any proposals are submitted and approved by key internal stakeholders before the commencement of works on site; the following information is requested as part of this process:

- Description of proposed works.
- Plan showing the location of proposed works.
- Proposed dates of works (start date and completion date).
- Complete and sign Appendix 1: Notification Form, which you will find on page 100 of our Code of Practice document.
- Complete and sign Appendix 2: Typical Costs Undertaking, which you will find on page 101 of our Standard Code of Practice document.
- Complete the Third Party works Environmental questions.
- Scottish Canals will need a copy of RAMS and contractor's insurance certificate before works commence.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Elaine Watt

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 00 ZZ DR A 0001 Location Plan

Plan 2 - 00 ZZ DR A 0002 Site Plan (Topographical)

Plan 3 - DIHD22034_HRIM_00_ZZ_DR_A_0004 REV 07 Overall Site

Layout Plan

Plan 4 - DIHD22034 HRIM 00 ZZ DR A 0005 REV 04 Ph 1 Site Plan

- Plan 5 DIHD22034_HRIM_00_ZZ_DR_A_0006 REV 04 Ph 2 Site Plan
- Plan 6 DIHD22034_HRIM_00_ZZ_DR_A_0007 REV 04 Ph 3 Site Plan
- Plan 7 00_ZZ_DR_A_0008 House Types/Mix
- Plan 8 00 XX DR A 0200 Site Sections
- Plan 9 DIHD22034_HRIM_01_ZZ_DR_A_0100 House Type 1
- Plan 10 DIHD22034 HRIM 02 ZZ DR A 0100 REV 02 House Type 2
- Plan 11 DIHD22034 HRIM 03 ZZ DR A 0100 REV 02 House Type 3
- Plan 12 DIHD22034 HRIM 04 ZZ DR A 0100 REV 02 House Type 4
- Plan 13 DIHD22034 HRIM 05 XX DR A 0101 REV 03 House Type 5
- Plan 14 DIHD22034 HRIM 06 XX DR A 0101 House Type 6
- Plan 15 DIHD22034 HRIM 07 XX DR A 0101 House Type 7
- Plan 16 DIHD22034_HRIM_08_XX_DR_A_0101 House Type 8
- Plan 17 149592/2001 REV E Drainage Layout Plan (Phase 1 & 2)
- Plan 18 149592/2501 REV C Drainage Layout Plan (Phase 3)
- Plan 19 101 REV F LANDSCAPING PLAN 1 OF 4
- Plan 20 102 REV F LANDSCAPING PLAN 2 OF 4
- Plan 21 103 REV G LANDSCAPING PLAN 3 OF 4
- Plan 22 104 REV C LANDSCAPING PLAN 4 OF 4
- Plan 23 106 REV B LANDSCAPING PLAN Play Area
- Plan 24 149592/9001 Rev C Ground Investigation Layout
- Plan 25 149592/9010 Embankment Bund Access and Egress Route

Appendix 2

Туре	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREMEENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period* ⁵
Schools ²									
Primary – Build Costs	N/A	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	N/A	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	New campus Charleston	£8,673	£4,915	£753,412	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	N/A	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	Charleston Community Campus	£1,568	£1,568	£185,024	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Transport									
Road Improvements	Inverness Link Road	£2,500	£2,500	£295,000	BCIS		TOC/CC	Apr/Oct	15 or 20

Adjust total to take account of flat exemptions

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

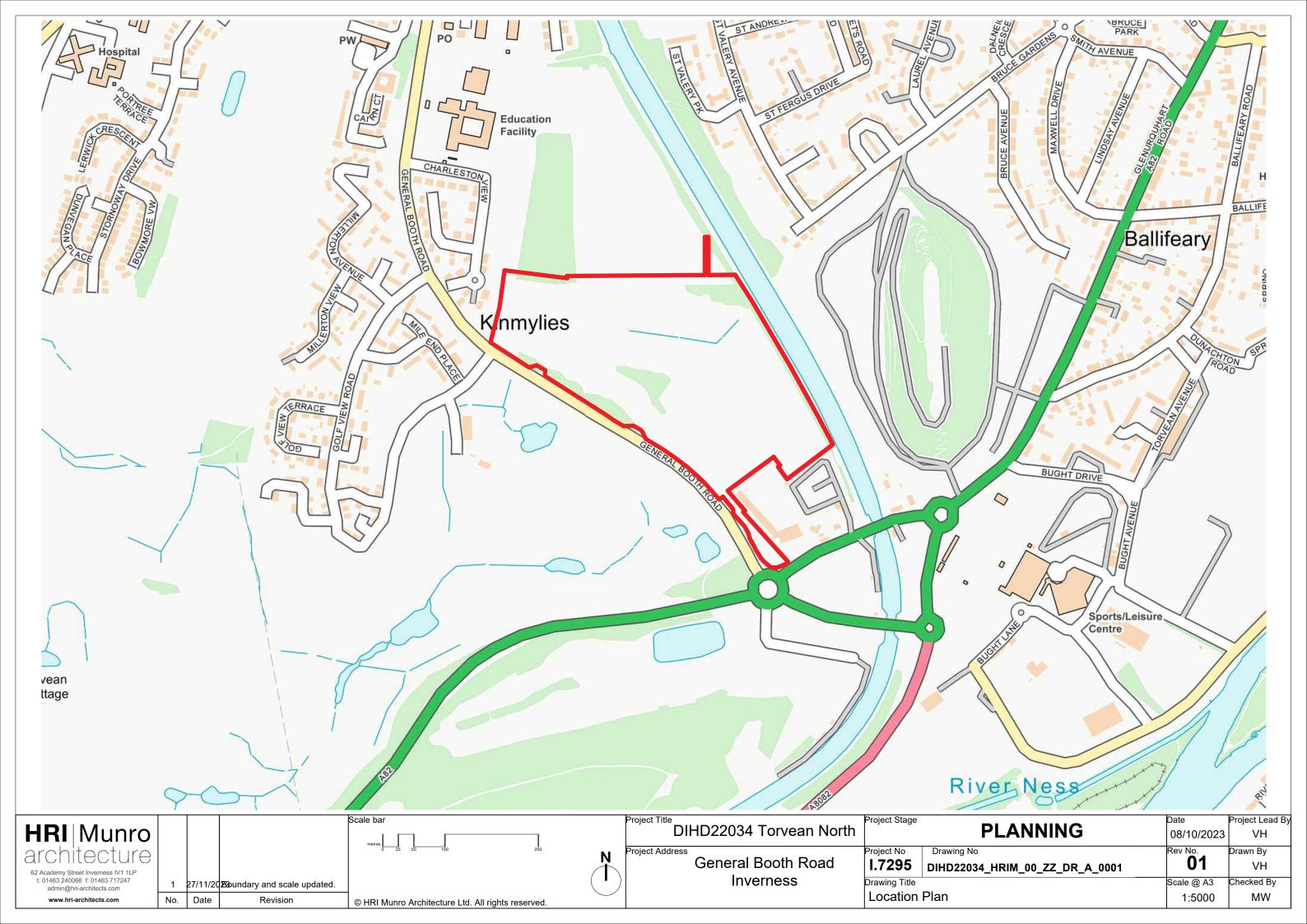
Base Date – Set out in Supplementary Guidance on Developer Contributions

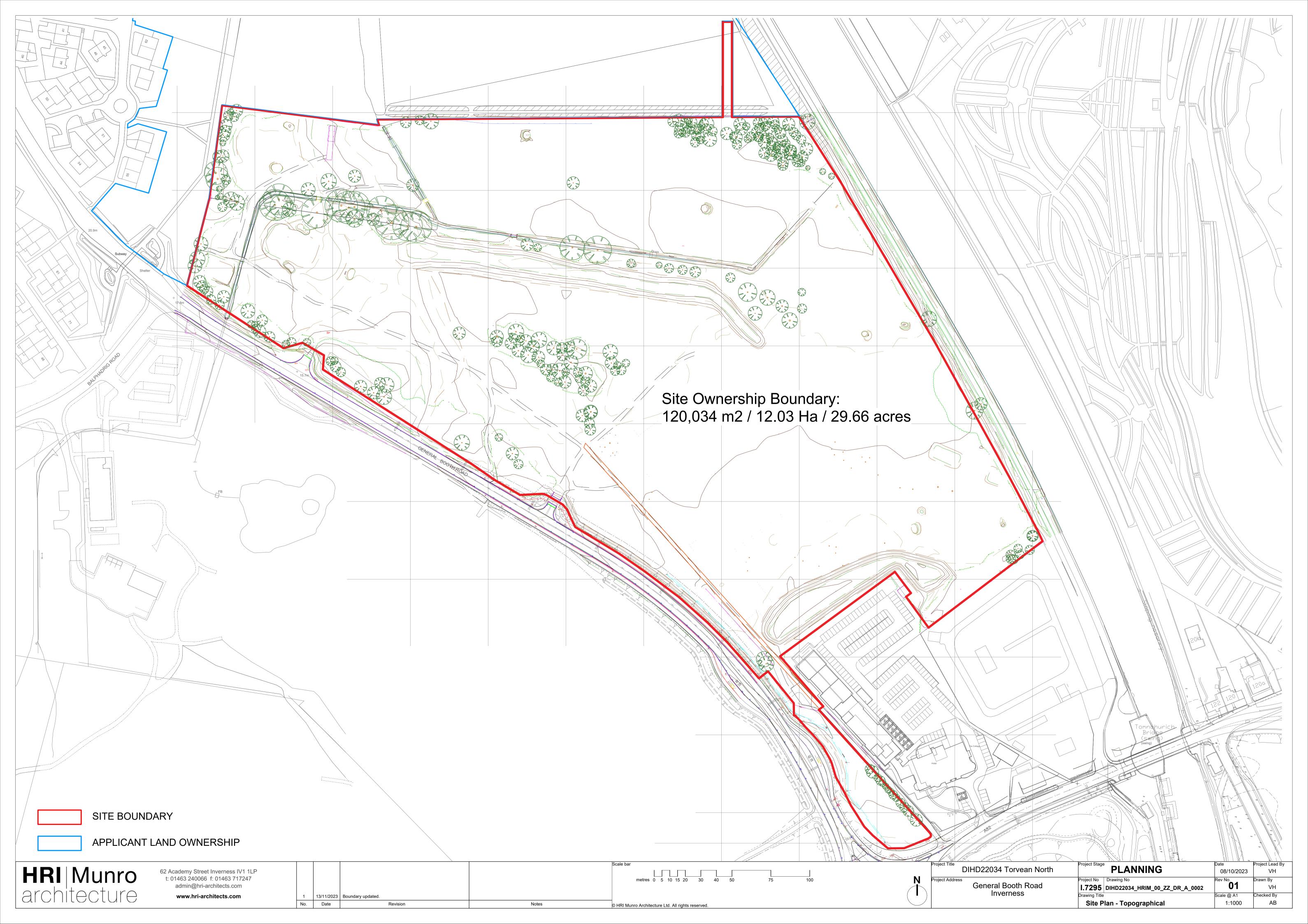
^{*3} TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

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

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

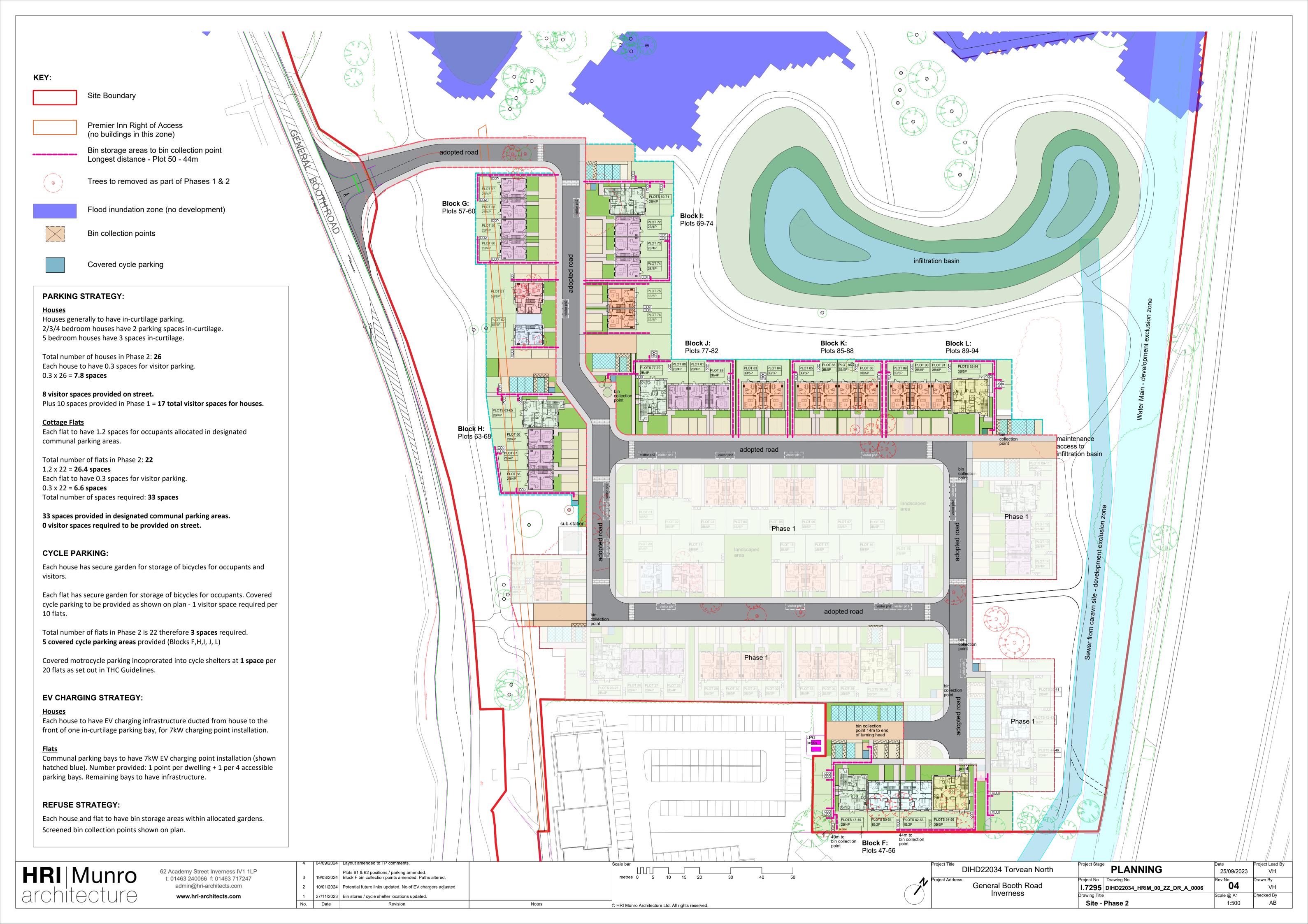
² Indicate whether or not 1 bed houses/flats are exempt

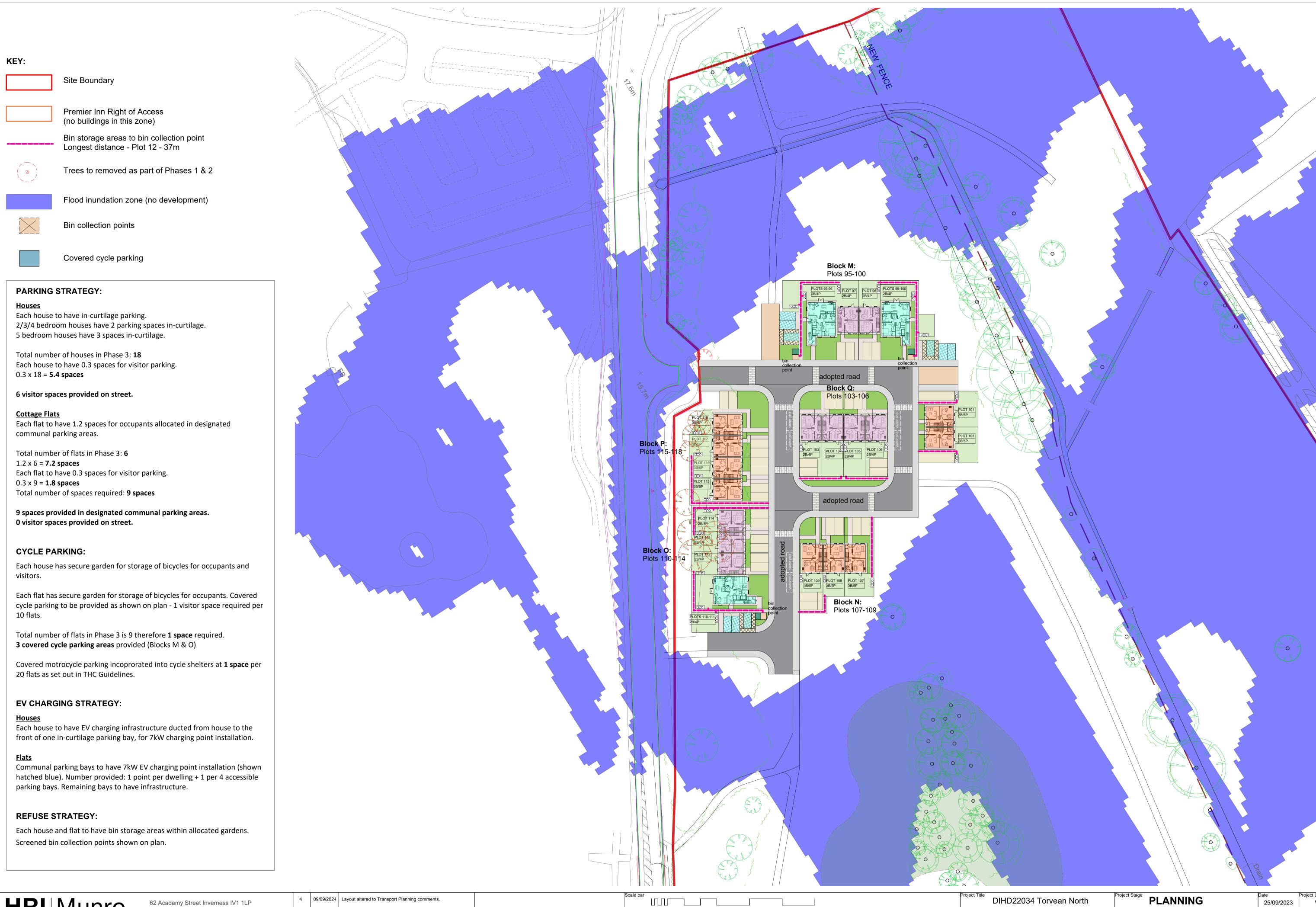












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4 09/09/2024 Layout altered to Transport Planning commen 20/03/2024 Parking note amended. Paths altered.
2 29/01/2024 Footpath added. No of EV chargers adjusted.
1 27/11/2023 Bin stores / cycle shelter locations updated.

Notes

Date

Project Address

General Booth Road
Inverness