

| | |
|-------------|-----------|
| Agenda Item | 6.2 |
| Report No | PLS-73-24 |

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 10 December 2024

Report Title: 24/00796/FUL: TJ Morris Ltd

Land 55M northwest of 115 Cranmore Drive, Cranmore Drive, Smithton, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of retail unit, ancillary cafe, outdoor sales area and allotment space, with associated parking, access, active travel routes, boundary treatments, landscaping and public realm

Ward: 17 – Culloden and Ardersier

Development category: Major

Reason referred to Committee: Major application / objections from members of the public

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a large (3,252 sqm gross floor space) retail unit incorporating food and non-food sales, a garden centre and café, and associated parking, access, active travel routes, public realm and landscaping. The retail store

is expected to be operated by Home Bargains. The proposal also includes an area of land for allotments (around 4,900 sqm) which will be transferred to the Council and let to an appropriate Community group.

- 1.2 The 3.1 ha site is situated to the east of Inverness, west of Smithton, and is allocated for town centre use in the Inner Moray Firth Local Development Plan (IMFLDP) and Inverness East Development Brief (IEDB). It also has permission in principle for town centre use, granted by the Stratton New Town planning permission. It is accessed from Barn Church Road, via Sullivan Street and is surrounded by established and recent residential development.
- 1.3 A significant amount of house building has taken place in the area over the last decade and the site is now surrounded by established and recent residential developments. This includes the Culloden West housing which sits adjacent to the western and southwestern boundaries of the application site and is largely completed. Further residential development is currently underway on the opposite (north) side of Barn Church Road, where land has also been set aside for a primary school and a health centre.
- 1.4 The drawings for the proposal indicate an area for Phase 2 of the development, to the southeast of the site, and an area to the northwest of the site, for development by others and likely to consist of flatted social housing with commercial uses on the ground floor. Neither of these areas are covered by this application and are shown only for indicative purposes. Future proposals for these sites will come forward as separate planning applications at a later date.
- 1.5 Pre-Application Consultation: The applicant utilised the Council's pre-application advice service for major developments in August 2023 (23/02406/PREMAJ) where the applicant was advised that the principle of the development was broadly acceptable subject to the outcome of a Town Centre First Assessment and inclusion of a greater range of uses and improvements to the design and layout of the proposal. The application includes a Pre-application Consultation (PAC) Report that describes the public consultation events which took place on 21 June 2023 and 30 August 2023 and which sets out how the public consultation has informed the submitted proposal.
- 1.6 Supporting Information: Flood Risk Assessment; Preliminary Ecological Assessment; Noise Impact Assessment; Design and Access Statement; Supporting Planning Statement; Drainage Strategy; Transport Statement; Archaeological Written Scheme of Investigation
- 1.7 Variations: various minor amendments to the layout to take account of design and technical considerations.

2. SITE DESCRIPTION

- 2.1 The site sits adjacent to an established residential part of Smithton to the east and southeast, recent housing developments known collectively as Culloden West to the southwest and west, and by Barn Church Road to the North. It is former agricultural land, now predominantly under grassland. Deposited topsoil from construction of nearby land forms areas of vegetated bunding, notably along Barn Church Road.

The site slopes gently from south to north and contains a small number of scattered trees. It is linked by a footpath to the recent housing development at Urchal Park and is open to an area of open space to the southeast.

3. PLANNING HISTORY

| | | | |
|-----|------------|--|---|
| 3.1 | 12.08.2011 | 09/00141/OUTIN - New town comprising town centre, housing and commercial development | Planning permission in Principle Granted |
| 3.2 | 14.05.2015 | 13/01049/S42 - Application to vary conditions 4, 36 and 42 of Planning Permission ref 09/00141/OUTIN; amendments to AMP, Park and Ride and amendment to timing of provision. | Planning permission in Principle Granted |
| 3.3 | 12.05.2015 | 15/00297/S75M - Modification of Section 75 Agreement associated with planning permission 09/00141/OUTIN | Grant s75 Modification |
| 3.4 | 29.07.2016 | 16/02161/S42 - Develop land without compliance with conditions 1, 2, 3, 9 and 25 and conditions 27 to 54 inclusive (regulating phasing, and regulating timing of provision of infrastructure) of 09/00141/OUTIN as amended by 13/01049/S42 | Planning permission in Principle Granted |
| 3.5 | 11.11.2016 | 16/04179/MSC - Area Development Brief for Phase 1 | Matters Specified in Conditions Approved |
| 3.6 | 07.08.2017 | 16/05533/MSC - Approval of matters specified in conditions 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(j), 2(k), 2(l), 2(m), 2(o), 2(p), 2(q), 2(r), 2(s), 2(t), 2(u), 3, 9, 11, 12, 13, 30, 31, 35, 41, 42, 44 of planning permission 16/02161/S42 for a 400 dwelling residential development | Matters Specified in Conditions Approved |
| 3.7 | 10.05.2017 | 16/05669/MSC - Infrastructure related to Phase 1 of development | Matters Specified in Conditions Approved |
| 3.8 | 06.02.2019 | 18/03649/MSC - Approval of Matters Specified in Conditions 2b, 2c, 2d, 2e, 2f, 2g, 2i, 2k, 2l, 2m, 2o, 2p, 2q, 2r, 2s, 2t, 2u, 3, 9, 11, 12, 13, 17, 27iii, 30, 35, 36, 37, 38, 39, 40, 41, 42, 44, 49 of Planning Permission 16/02161/S42 for Erection of 94 Dwellings | Matters Specified in Conditions Approved |
| 3.9 | 28.11.2018 | 18/03875/MSC - Application for the approval of matters specified in conditions 2(a), of planning | Matters Specified in |

permission 16/02161/S42 in relation to Phase 1B, Conditions
1F, 1H and 2A. Approved

3.10 20.08.2024 24/00178/S42 - Application under section 42 to develop land without compliance with (16/02161/s42) condition 1 (phasing of development) and consequential changes to condition 18 (town centre), condition 22 (safeguarding land), condition 27 (local road infrastructure mitigation), condition 33 (temporary park and ride facility) and condition 52 (transport assessment) for new town comprising town centre, housing and commercial development Pending Decision

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour / Schedule 3 development

Date Advertised: 03.05.2024

Representation deadline: 17.05.2024

Timeous representations: 150 contributors from 139 households

Late representations: 22 Reps from 21 households

4.2 There were timeous representations from 139 households in total, with 26 objecting to the application, 112 supporting the application and 1 neither supporting nor objecting. Material considerations raised are summarised as follows:

- a) developer previously indicated that the site was earmarked for small retail units and greenspace
- b) increase in noise, light and air pollution and litter and pests such as seagulls and rats; potential for anti-social behaviour in the carpark
- c) area has traffic congestion at peak times; roads do not have the capacity to handle additional traffic; may lead to bottlenecks; existing junctions are not fit for purpose (will be exacerbated by further housing on land on the other side of Barn Church Road); large number of children and young families – additional traffic coming through a residential area will present road safety issues
- d) proximity of the site's entrance and exit to an existing busy junction, which does not have filter lanes, is dangerous and likely to lead to significant congestion; site entrance in close proximity to a children's playpark; more disabled parking required; site access should be closer to junction with Barn Church Road and away from Urchal Park housing
- a) design of the new store has not been tailored to blend with the local environment and will detract from the character of the area
- b) reduction in privacy and security for neighbouring houses
- c) lack of demonstrated demand for additional retail space in Stratton; already a Home Bargain store in Inverness; a large number of empty retail spaces in Inverness
- d) community needs schools, doctors, dentists and independent shops, not a superstore

- e) retail park only 1km away and on a regular bus route where any such sizeable development should be located; a small row of shops such as at Culloden or Cradlehall would be more appropriate
- f) allotments are supported but this can be achieved without such a large retail store
- g) service road is too close to the garden fences of residents; green border between development and existing houses should be wider
- h) remaining green areas need to be protected; impact on wildlife
- i) erection of a bargain superstore does not comply with NPF4 policies on climate crises or biodiversity
- j) no plans available for part of the site
- k) good quality and value for money retail options are scarce in this area
- l) development will generate over £6million of inward investment into the local area
- m) development will create new jobs for local people and provide further opportunities throughout construction and in the supply chain.
- n) reduce travel time to shops in Inverness, which will in turn help save the environment.
- o) plans are sensitively designed and well thought out, ensuring accessibility to the store and surrounding area. The modern design is sleek and stylish and will be an asset to the community.
- p) travelling to shops can be challenging. Many elderly/vulnerable people or those with young children will find having these facilities within walking distance a real benefit.
- q) more affordable shopping options in the Culloden/Smithton area are needed – would help people who need to shop locally get value for money

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 **Development Plans Team:** Sets out a number of recommendations, subject to which the proposal is likely to be in overall conformity with the approved development plan. Developer contributions likely to be required. The part of the application site proposed for retail development is allocated in the IMFLDP2 as site INE17 for housing, retail, business, community and leisure uses, and therefore the principle of retail use is acceptable. The southwest area of the site shown for allotment/green space lies within grey land in the IMFLDP2 and an area indicated for growing space/allotments in the IEDB. The principle of allotment use within this area is also acceptable in principle. In terms of the criteria of NPF4 Policy 27 the proposal is expected to be consistent with part (a) as it will contribute towards creating an early phase of a vibrant and viable town centre. It is important that future proposals on the site increase the mix of uses. Policy 28 part (a) supports new retail proposals in existing city, town and local centres. Given the proposal lies within a planned, new town centre, it is important that it forms the first phase of town centre which, once fully developed, will meet the NPF4 definition of a town centre. In terms of part (b)(i) of this policy, the development is considered to be of an appropriate scale for a town centre location. It is understood impacts on the amenity of nearby residential properties, in particular due to noise and lighting, have been considered and mitigation conditions have been provided to the case officer by the Council's

Environmental Health Team, consistent with part (b)(ii). With regards to part (b)(iii) the site is located within a planned future town centre location, a key reason for the location of the town centre was to channel footfall and activity, to benefit the place as a whole. Concerns remain regarding the limited range of uses proposed; the extent to which the proposal provides qualities of character and identity which create a sense of place; and the design of unit 1, however despite this, there is potential, through considered design, for the wider site to be developed in a way that creates a town centre that meets the definition of NPF4.

- 5.2 **Transport Planning Team:** Commented on access and parking arrangements. A restriction on HGV vehicles turning left from the site onto Sullivan Street should be put in place and a Site Operation manual submitted for approval; facilities to cater for right turning traffic travelling south on Barn Church Road to safely access the site need to be put in place; details of the vehicular access into the allotment site requires to be provided and implemented prior to commencement of trading; bus shelters to be referenced; active travel links to the southeast should link with existing paths and the National Cycle Network Route 1 on Smithton Road; footpath to be provided through Phase 2 from Urchal Park. Proposed parking (122 spaces) is significantly lower than published maximum standards for retail (232 spaces) however the site is well connected by non-car methods and in close proximity to residential houses. Parking within retail parks needs to be assessed on merit and should be lower than individual retail trips and assessment of trip levels suggest that the proposed 122 spaces should be sufficient. However, monitoring should take place to inform any future application for Phase 2 of the development. The number and location of disabled parking is acceptable; cycle parking and allotment parking provision to be agreed; recycling point acceptable.
- 5.3 **Flood Risk Management Team:** Originally objected to the proposal due to insufficient information on flood risk and drainage. A flood risk assessment was requested to assess impact on any part of the site from Smithton Burn. Surface water to be designed to ensure that there is no surface water flood risk to the development or increase of risk elsewhere. Further to submission of a Flood Risk Assessment which concluded that the site is not at risk of flooding from Smithton Burn. Site surface water is to be drained to SUDS for treatment and attenuation prior to discharge to an existing Scottish Water surface water sewer.
- 5.4 **Active Travel Team:** A footpath from the development site to link to the existing paths between Sinclair Park and Cranmore Drive. Alternatively, a contribution to improve the Active Travel route on Sinclair Terrace (extension of footway on west side of road to the junction with Barn Church Road); cycle parking on public realm.
- 5.5 **Historic Environment Team (Archaeology):** A partial evaluation has already been carried out across this area which showed potential for buried features to survive and be impacted by the development. Whilst the risk is not such as to warrant a full excavation it is important that the nature and extent of any features is identified and recorded before destruction. Site clearance should therefore be done under archaeological supervision. A Written Scheme of Investigation has been submitted and is acceptable. A planning condition is recommended to ensure implementation.

- 5.6 **Access Officer:** Connections to surrounding path network welcomed subject to them being built to a suitable specification. Will defer to Transport Planning if these are covered by an RCC application.
- 5.7 **Environmental Health:** Main concerns for the Service would be potential loss of amenity from construction and operational noise. Powers to control construction noise are available to the local authority under the Control of Pollution Act. The applicant will be required to submit for agreement with the Planning Authority a construction noise and vibration mitigation scheme including details of working hours and noise mitigation and a dust mitigation scheme. The proposed development is close to existing residential properties and a Noise Impact Assessment (NIA) has been submitted in support of the application, covering noise from HGV deliveries, car parking and mechanical plant. Proposed opening hours are 08:00 – 21:00 Monday to Saturday and 08:00 – 19:00 Sunday. A 3m high acoustic barrier is included around the Service Yard. The assessment for mechanical equipment and the car park showed there would only be a slight or low impact from operational noise (daytime). Assessment for HGVs was carried out for both daytime and nighttime. The outcome for the daytime assessment was below background noise, however for night-time the rating was above background noise level therefore the NIA recommends a condition to restrict night-time deliveries to the store. All mitigation measures contained in the NIA should be adhered to.
- 5.8 **Forestry:** The site is former agricultural land that has not been farmed for some time, with naturally generated scrub along the northern edge and small tree patches across the site. While some trees are shown for retention and others for transplantation, it is considered that the only trees which could be realistically retained are the two on the eastern boundary, and other trees are not of a scale where transplantation is likely to be successful. The applicant should therefore ensure that the tree planting proposals are suitably robust to ensure that scrub and trees to be removed would be adequately replaced. Landscape Plan can be accepted. No objection subject to conditions.
- 5.9 **Transport Scotland:** Does not advise against the granting of permission.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 5 - Soils

Policy 6 - Forestry, Woodland and Trees

Policy 7 - Historic Assets and Places

Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 18 - Infrastructure First

Policy 20 - Blue and Green Infrastructure
Policy 21 - Play, Recreation and Sport
Policy 22 - Flood Risk and Water Management
Policy 27 - City, Town, Local and Commercial Centres
Policy 28 - Retail

6.2 **Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions
34 - Settlement Development Areas
40 - Retail Development
51 - Trees and Development
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
75 - Open Space
77 - Public Access

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

INE17 - housing, retail, business, community and leisure uses

6.4 **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)
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 Inverness East Development Brief

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

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
 - b) siting and design;
 - c) impact on residential amenity;
 - d) access and Infrastructure;
 - e) environment;
 - f) impact on infrastructure and services and proposed mitigation (developer contributions); and
 - g) any other material considerations

Development plan/other planning policy

- 8.4 The site lies within the Settlement Development Area of Inverness. Together with a smaller area of land to the north of Barn Church Road, it is allocated for a mixed-use town centre development (housing, retail, business, community and leisure uses) in the Inner Moray Firth Local Development Plan 2 (IMFLDP2) (2024) and the Inverness East Development Brief (IEDB) (2018). Planning permission in principle was first granted for a new town at Stratton in August 2011 (09/00141/OUTIN). While varied by a number of more recent S42 permissions, the planning permissions all promote a range of town centre uses (including food retail, non-food retail, offices, church, community building, restaurant/café and housing) on the application site and land to the north of Barn Church Road. Subject to the proposal being considered to represent the start of a genuine town centre development and being acceptable in terms of all other relevant policies and guidance, the proposal would be considered to comply with the development plan.
- 8.5 National Planning Framework 4 (NPF4) (2023) 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. NPF 4 gives considerable weight to the global climate and nature crises and all development proposals should contribute to the enhancement of biodiversity.

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.

- 8.6 Policy 28 (Retail) of NPF4 seeks to encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes. It requires retail development proposals to be consistent with the town centre first principle which means that retail proposals will be supported in existing city, town and local centres, and in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP. They will not be supported in out of centre locations. Policy 27 (City, town, local and commercial centre) seeks to protect the viability of city and town centres by applying a Town Centre First approach.
- 8.7 IMFLDP2 does not formally define the site as a town centre, however, given the site's planning history and development plan allocation, it is clear that the site is intended to function as a town centre in the future. NPF4 Policies 27 and 28, HwLDP Policy 41 and IMFLDP2 Policy 6 do not provide prescriptive policy criteria on areas allocated for new town centres. Rather, reference is made in these policies to existing or identified/designated city, town and local centres. In these circumstances, it is important to consider if this proposal will facilitate the early stages of a genuine town centre compatible with the NPF4 definition, and if it will contribute towards achieving the intent and outcomes of NPF4 Policies 27 and 28.
- 8.8 NPF4 defines a 'town centre' as displaying:
- **A diverse mix of uses, including shopping.** The mix of uses proposed by this application are somewhat limited – to retail, café and allotment, however this proposal only comprises Phase 1 of a wider development and there remains potential for a greater diversity of uses to come forward for the remaining land. Indeed, it is noted that plans are currently being progressed for a 2 and 3 storey blocks of flats with ground floor commercial uses in the northwest corner of the site, and an area of land to the north of Barn Church Road has been set aside for community use (health centre).
 - **A high level of accessibility.** The site is easily accessible from the large number of new and established residential areas which surround it and by public transport.
 - **Qualities of character and identity which create a sense of place.** An active frontage onto Barn Church Road and incorporation of landscaping and public realm will provide a sense of place, and the allotments will benefit the well-being of the community.
 - **Wider economic and social activity during the day and in the evening.** There is some potential for activity in both day and evening, particularly through evening opening of the retail store and use of allotments. There is space for community events within the public realm.
 - **Integration with residential areas.** The site is well connected by active travel routes to the existing and future residential areas that surround it.

- 8.9 The intent of Policy 27 of NPF4 is to encourage, promote and facilitate development in our city and town centres. A Town Centre First approach is applied to help centres adapt positively to long term economic, environmental and societal change. This proposal facilitates development in a planned new town centre. It is providing a retail and café facility alongside gifting land for community food growing or allotment use. It is also providing elements of infrastructure that are likely to encourage future mixed-use development, including residential flats that will allow for town centre living and ground floor commercial use. A town centre first assessment was submitted as part of this application which states that the proposal is consistent with Policy 27 due to it lying within a designated town centre, within the context of previous permissions granted as part of the Statton Masterplan. In this context it is considered that the site is a planned town centre and the proposal is therefore consistent with the Town Centre First approach.
- 8.10 Overall, it is considered that the location, scale and range of goods to be sold will not have a significant impact on the vibrancy of Inverness city centre. The proposed operator, Home Bargains, offers a relatively broad range of goods which will allow the local community to access much of their daily needs within walking distance of their homes, which will benefit the community and contribute to local living which is consistent with NPF4 Policy 15. A planning condition will, however, be applied to restrict the Phase 1 building from being used solely for the sale of bulky goods in the future, in recognition of the importance of a breadth of goods in a town centre location and as the sale of solely bulky goods would not be considered an appropriate town centre use.

Siting and Design

- 8.11 There are some site-specific physical constraints which limit options for the layout of the site, notably mains sewers which run through the middle of the site from north to south and restricts the positioning of buildings. Due to this it was only possible for a partial frontage of the Phase 1 building to be oriented to Barn Church Road. However, positioning of the entrance and café alongside curtain glazing and an area of landscaped public realm will positively contribute towards the creation of an active frontage onto Barn Church Road which is consistent with design principles set out in the IEDB. A service yard and outdoor garden centre area sit immediately south of the building, separated by a landscape buffer from the adjacent houses.
- 8.12 The central portion of the site is taken up by car parking, interspersed with trees and low-level planting. An area of land in the northwest corner of the site is set aside for development by others – anticipated to consist of a flatted development with ancillary ground floor commercial uses, of a scale to emulate the flatted block on the other side of Sullivan Street. A further area of public realm is centrally positioned between this land and the car park. A portion of land towards the south of the development is also excluded from this application and will form Phase 2 of the development.
- 8.13 The main access to the site is taken from the west of the site, off Sullivan Street. It curves to the north, providing access to the future flatted development as well as the main parking area. A service road segregates commercial vehicles from public traffic and runs along the southern and eastern perimeter of the site to the service yard. The service road also provides access to the allotments. A path network throughout

the site provides good connectivity from the adjacent areas and allows for pedestrian movement away from vehicles.

- 8.14 The proposed Phase 1 unit is a large, single storey building, typical of modern retail developments. Materials include buff coloured blockwork, timber effect cladding and grey and black metal sheeting. Such 'big box' units are not entirely consistent with IEDB's design guidance, however this is the model utilised by the applicant and must be assessed as such. It measures 49m x 68m and also includes an outdoor garden centre area to the south. The focal point of the building is its entrance at its northwestern corner which incorporates curtain wall glazing and an internal lobby giving access to the store and the internal café. The entrance joins an area of landscaped public realm giving access to Barn Church Road as well as the parking areas.
- 8.15 Significant planting is proposed throughout the site and around its edges. This will take the form of small-medium trees underplanted with low maintenance shrub planting, plus some larger feature trees at the site's entrance and within the public realm. The soft landscaping proposals help to define the streetscape, provide visual and acoustic screening to adjacent housing and opportunities for wildlife and biodiversity. Sculptural walling interspersed with street trees along Barn Church Road will provide interest, and the hard landscaped areas of public realm will utilise good quality paving and provide informal seating. The public realm areas also provide potential for community gathering and events, such as farmer's markets.
- 8.16 The proposal shows sufficient cycle and pedestrian routes throughout the site to result in well connected, permeable development, linking to the existing residential areas and beyond. Notably, a new path will be provided through amenity ground to the southeast of the site linking it to the National Cycle Route at Smithton Road and the established housing in the wider Smithton area. An existing path linking the southwestern edge of the site to Urchal Park will also be extended through the future Phase 2 of the development, and footpath links will lead to Barn Church Road and Sullivan Street.
- 8.17 The southern part of the site is identified for allotments and has the additional benefit of providing a buffer between the retail development and the surrounding housing. The allotment land will be transferred to the Council who will let it for a peppercorn rent to an appropriate Community Group. It is understood that there is already an established allotment group in the area who will be well placed to take on the site. The land transfer and legal arrangements will be covered as part of a Section 75 legal agreement for the site. The developer has also agreed to provide some basic infrastructure such as hard surfacing for car parking, and this is covered by planning condition.
- 8.18 Overall, while concerns remain that the layout and design thus far does not fully present the more traditional town centre that may originally have been envisaged for this site, the wide range of comparison and convenience goods offered by the proposed occupier; the inclusion of a café, garden centre and allotments, public realm and meeting space; and an active frontage onto Barn Church Road will, together with the potential for a further diversity of uses from the excluded areas and

the community site on the opposite side of Barn Church Road, allow for the creation of a welcoming and vibrant centre which meets the principles of local living.

Impact on Residential Amenity

- 8.19 A number of objectors to the proposal have expressed concern about the site's close proximity to existing residential properties and potential impact on amenity, privacy and visual impact. To the east the site directly bounds the rear gardens of Sinclair Place. The site is considerably lower than the gardens which will help to reduce the visual impact of a building of this size, and a 12m wide landscaped buffer with bund, widening to over 30m to the north separates the building from the boundary. There is a minimum distance of 22m between the building and the closest house and it is considered that the proposals satisfactorily account for amenity issues in this northeastern part of the site. Further south, adjacent to the service yard, the landscaped buffer narrows to 5m and a small number of houses to the east of the service yard are considered to have a higher sensitivity to noise from deliveries and activity than those further north. A 3m high acoustic fence will surround the service yard in order to help mitigate noise to these properties.
- 8.20 Houses to the south of the development site will back onto the allotment space, which will provide a buffer to the retail element of the site. To the west, residents on Sullivan Street will be separated from the site by the road and the proposed flatted development. They will, however, be impacted by the increase in traffic utilising Sullivan Street to access the site. Sullivan Street was designed to serve the town centre development and is a main route through the residential development. It is, therefore, expected to accommodate significant amounts of traffic. However, some restrictions have been put in place to mitigate impact, such as no left turn permitted for delivery vehicles exiting the site. Finally, to the southwest of the site, the rear gardens of a number of properties at Urchal Park bound the site close to the access road and service road. These properties are also within the closest proximity to the Phase 2 site for which there are no details at present. It is considered that these Urchal Park properties are particularly sensitive to noise impact from the development. A 10m landscaped buffer between the site boundary and the main vehicular access into the site is proposed, which narrows to 5m along the service road. As further mitigation, the applicant has also proposed the erection of a 2m acoustic timber fence along this elevation.
- 8.21 The Council's Environmental Health team has assessed the proposal in relation to construction and operational noise. It notes that due to the proximity of houses to the development site there is potential for disturbance from construction noise, and a condition is recommended to ensure that the developer complies with best practice and working hours. The applicant has submitted a Noise Impact Assessment which covers operational noise impact from HGV deliveries, the car park and the mechanical plant associated with the store (proposed opening hours 09:00 – 21:00 Monday – Saturday and 08:00 – 19:00 Sunday). Assessment is based on the installation of acoustic barriers in noise sensitive locations and concludes that only a slight or low impact will be experienced during daytime hours from operational noise but that noise from HGV deliveries would notably exceed background noise levels during nighttime hours. A condition is therefore included to restrict any night time

deliveries to the store. Conditions to control dust, lighting and the control of litter are also included.

Access and Infrastructure

- 8.22 Vehicular access to the site is taken from an existing signal-controlled junction on Barn Church Road which was designed to serve the residential development and mixed-use site. Transport Planning has, however, highlighted issues caused by a lack of right-turn facilities for traffic heading southeast on Barn Church Road to safely wait when turning right into Sullivan Street and have recommended a condition to ensure that changes will be made to Barn Church Road to safely cater for traffic turning right into the site. This will result in an overall improvement in safety at this junction.
- 8.23 The proposed level of car parking (122 spaces) is lower than the Council's maximum standards (232 spaces) however the site is well connected by public transport and active travel means and is surrounded by residential areas within walking distance of the site. Retail developments must be assessed on their own merits and assessment of trip levels suggest that this is sufficient and is accepted, however it is noted that parking demand for the Phase 1 site should be monitored and reported in support of any Phase 2 proposals; and that the approved active travel routes are implemented prior to any trading commencing. Cycle parking, disabled parking and EV charging are provided in line with Council guidance and building regulations, and a publicly accessible recycling centre has been included within the site.
- 8.24 The proposal is considered to meet sustainable travel policies through its location adjacent to residential areas and within walking distance for residents; its position close to bus stops on Barn Church Road and Sullivan Street; and by its good provision of active travel routes which permeate the site and link it to the surrounding residential developments in all directions.
- 8.25 Two key sewers run southwest to northeast through the site (combined and surface water) with further foul and surface water connections from the east. These connections will be diverted around the Phase 1 building. Foul drainage from the retail unit will connect to the mains foul water network. Surface water from the external hardstanding will be captured into a new urban drainage network providing appropriate levels of surface water treatment and attenuation prior to discharge to the existing drainage network within the development site.
- 8.26 A Flood Risk Assessment was submitted with the application and updated following review by the Council's Flood Risk Management Team. It concludes that the site is not at risk from flooding from the Smithton Burn and surface water drainage has been designed to ensure that there is no pluvial flooding risk to the development or surrounding land.

Environment

- 8.27 A preliminary ecological survey was submitted as part of the application. No signs of protected species were noted; however recommendations and mitigation are made, including the requirement for pre-commencement surveys.

- 8.28 Under NPF4 all planning applications must demonstrate a positive impact on biodiversity and strengthening of nature networks. While the site is greenfield it is mainly laid to grassland, therefore there are significant opportunities for biodiversity improvements, which are set out in a Biodiversity Enhancement Strategy, submitted as part of the Preliminary Ecological Survey. The Landscape Plan shows landscape buffers which will create new habitat and nature corridors bounding the edges of the site with native trees and understorey species. Many trees will be planted throughout the car park and public realm areas and along the Barn Church Road frontage, and areas will be defined using hedging rather than hard alternatives. Species have been chosen to broaden the ecological value of the site. The allotment site will also impact positively on the biodiversity of the area, and until it is developed in the future, the Phase 2 area will be planted with a species rich grass and wildflower mix.
- 8.29 A large number of trees will be planted throughout the site. The Forestry Officer has accepted the proposals subject to conditions to protect the small number of retained trees from construction and for the tree planting shown on the Landscape Plan to be implemented in full during the first planting season following commencement of development.

Impact on infrastructure and services and proposed mitigation (developer contributions)

- 8.30 In line with the Inverness East Development Brief and Policy 31 of the HwLDP (Developer Contributions) and associated Developer Contributions Supplementary Guidance (2018), an assessment of a proportionate contribution towards services and infrastructure was made. A contribution of £ £88,909.68 (£110,506 index linked to November 2024) towards East Link and Inshes Corridor will be required along with on-site contributions towards public art and the gifting of the allotment site. The developer contribution and arrangements and timescales for the transfer of allotment land shall be the subject of a Section 75 legal agreement to be concluded prior to any planning permission being issued. A planning condition requires details of public art to be agreed.

Other material considerations

- 8.31 There are no other material considerations.

Non-material considerations

- 8.32 Other issues raised by contributors such as vermin and anti-social behaviours are for the operator of the site or police to manage and cannot be controlled through the planning system. Any perceived impact on property prices is not a material planning consideration.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.33 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) A Section 75 legal agreement to include:

- i. Details and timescales for the allotment land to be transferred to the Council (for onward rent to a suitable community association)
- ii. Developer Contribution in respect of the East Link and Inshes Corridor

8.34 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 The proposal represents the first stage of a wider mixed-use development on this site. It is allocated in the development plan for mixed town centre use and planning permission in principle has been in place since 2011. It is considered that together with the remainder of the land, which will come forward through separate planning applications in the future, in addition to the community use on the land opposite Barn Church Road, which is set aside for health centre use, the proposal generally complies with the diversity of uses expected for a town centre use set out in the Development Plan and the IEDB, and can be supported.

9.2 The economic benefit to the area in terms of construction and ongoing job opportunities is noted, as is the benefit of a local retail offering selling a broad range of value goods within walking distance of a large number of consumers. The allotments are an additional, welcome community benefit, which together with the café and communal public realm space provide opportunities for building a sense of community within this relatively new residential area. The proposal will bring a vacant, allocated site into active use and as such 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 Y

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation Y

Revocation of previous permission N

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

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

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

2. No trading shall commence until a 'Site Operation and Maintenance Manual' shall have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt, articulated commercial vehicles shall not be permitted to turn left out of the site access onto the local public road network (Sullivan Street). The Site Operation and Maintenance Manual shall include an explanation of measures to be taken by the developer/site operator to ensure and monitor adherence to the above requirement. Thereafter, the Manual shall be implemented in accordance with the approved details.

Reason: In the interests of road safety

3. No development shall commence until details of appropriate changes to the signal-controlled junction on Barn Church Road to safely cater for right turning traffic from Barn Church Road into Drummossie Road / Sullivan Street shall have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The agreed changes shall be implemented in accordance with the approved details prior to trading commencing on site.

Reason: In the interests of road safety

4. No development shall commence until a Construction Traffic Management Plan (including a routing plan for construction vehicles) shall have been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. In the event that the alterations to the signal-controlled junction on Barn Church Road set out in Condition 3 have not been completed prior to the main construction works commencing, the Construction Traffic Management Plan shall contain measures to safely manage construction access from Barn Church Road. For the avoidance of doubt, the developer shall implement the approved Construction Traffic Management Plan prior to any other development commencing and shall thereafter remain in place until the development is complete.

Reason: In the interests of road safety

5. No development shall commence until the design details for the raised sections of carriageway on the service road to serve the pedestrian crossings and access to the allotment parking has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter, the road shall be constructed in accordance with the approved details prior to commencement of trading from the site.

Reason: In the interests of road safety

6. No development shall commence until design details for the cycle parking, in accordance with requirements set out by the current Cycling by Design publication, has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter, the cycle parking shall be constructed in accordance with the approved details prior to commencement of trading from the site.

Reason: To ensure adequate provision of safe, secure cycle parking

7. The developer shall make available any land required to complete the roadside footway along the east side of Drumossie Road/Sullivan Street, along the western boundary of the application site.

Reason: In order to ensure pedestrian connectivity to the site.

8. No development shall commence until full details of a suitably bound 3m wide active travel route between the site and Smithton Road, within the amenity land between Sinclair Park and Cranmore Drive, has been submitted to and approved in writing by the Planning Authority. Thereafter the active travel route shall be constructed by the developer in accordance with the approved details prior to commencement of trading from the development site, or as may otherwise be agreed in writing by the Planning Authority.

Reason: In order to ensure the site is well connected and provides for non-vehicular modes of traffic.

9. No development shall commence until the design details for all non-vehicular connections to, from, and throughout the development and shown on approved Site Plan 0188-P100 REV C1 have been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt this includes the proposed route from Urchal Park through Phase 2 of the development. Thereafter the active travel routes shall be constructed by the developer in accordance with these approved details prior to commencement of trading.

Reason: In order to ensure the site is well connected and provides for non-vehicular modes of traffic.

10. The area of land defined in the approved Site Plan for Allotments shall be fenced off from the remainder of the site prior to any other development

commencing. For the avoidance of doubt the allotment land shall not be used for any purpose other than allotments, including the storage of construction materials, site offices, vehicles, or other equipment associated with the wider development site. No development shall commence until details of the infrastructure to serve the allotment site has been submitted to and approved in writing by the Planning Authority. This is likely to include, but is not limited to:

- An area of hardstanding suitable for vehicle and cycle parking
- Boundary fencing/paths
- Water and sewage provision

The agreed infrastructure works shall be carried out by the developer prior to the land being transferred to the Council or other such time as may be agreed in writing with the Planning Authority.

Reason: In order to ensure the allotments are ready for use prior to the transfer of land

11. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, shall have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

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

12. No development shall commence until a construction noise and vibration mitigation scheme, which demonstrates how the applicant/contractor will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration, shall have been submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. The assessment shall include but is not limited to the following:

- A description of the most significant noise sources in terms of equipment; processes or phases of construction.
- The proposed operating hours and the estimated duration of the works for each phase.
- A detailed plan showing the location of noise/vibration sources, noise sensitive premises and any survey measurement locations (if required).
- A description of noise mitigation methods that will be put in place including any proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence from this requires to be justified.

Thereafter the development shall progress in accordance with the approved Noise and Vibration Mitigation Scheme and all approved

mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Planning Authority

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

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

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

14. No development shall commence until a Construction Method Statement shall have 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; and
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Thereafter the approved Construction Method Statement shall be adhered to by the developer throughout the construction period.

Reason: In the interests of amenity

15. The development shall be undertaken in accordance with the approved Noise Impact Assessment undertaken by Bureau Veritas (ref 21339339/rmg/R1) (14 February 2024). For the avoidance of doubt, all approved mitigation measures shall be put in place by the developer prior to the commencement of the operational phase of the development, or as otherwise may be agreed in writing by the Planning Authority in consultation with Environmental Health.

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

16. All plant, machinery and equipment associated with this development including ventilation, air-conditioning, heating and refrigeration services or similar shall only be operated during the hours of 07:00hrs- 22:00hrs.

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

17. The rating level of all combined plant equipment (including ventilation, air-conditioning, heating and refrigeration services) shall not exceed the existing background (LA90) noise level during the daytime (07:00hrs – 22:00hrs).

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

18. There shall be no vehicle deliveries to the application site out-with the hours of 08:00hrs and 22:00hours unless otherwise approved in writing by the Planning Authority.

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

19. No development shall commence on site until a Litter Management Plan and Waste Strategy shall have been submitted to, and approved in writing by, the Planning Authority. The approved Plan shall be implemented upon commencement of trading and shall be adhered to at all times thereafter.

Reason: In the interests of amenity

20. No development shall commence until details of the location and design of a publicly accessible recycling point have been submitted to and approved in writing by the planning Authority in consultation with Highland Council's Waste Services. Thereafter the facility shall be provided in accordance with the approved details prior to trading commencing from the site.

Reason: In the interests of amenity

21. No development shall commence on site until the developer shall have submitted an external lighting scheme for the site for the approval in writing of the Planning Authority in consultation with the Roads and Environmental Health Authorities. For the avoidance of doubt, the scheme shall include:

- Location, height and type of all lighting columns, and building security lighting
- Number, type and orientation of individual lights
- Type of bulb and lighting level
- Shrouds/hoods on lights to avoid light overspill into surrounding residential properties

- Means of control of lighting, including details of automatic cut-outs/timers ensuring that no lighting shall be visible from Unit 1 or its delivery area after 1 hour from the closing of the unit, or before the commencement of morning deliveries.

The scheme shall be designed and installed in accordance with the best practice contained in the Institute of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light.

The development shall thereafter be undertaken in accordance with the agreed details.

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

22. No development, site excavation or groundwork shall commence until all retained trees shall have been protected against construction damage using protective barriers located beyond the Root Protection Area (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 both during construction and thereafter.

23. All planting contained within the approved Landscape Plan (9358 L102 Rev B) 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 amenity.

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

25. No development shall commence until a scheme for the maintenance, in perpetuity, of all areas of hard and soft landscaping including all areas of public realm, car parking, paths, walls, fences, hedges, lighting, and those elements of surface water drainage infrastructure not maintained either by the Council or Scottish Water, has 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

26. No development shall commence until details of the final surface water drainage design shall have 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 adhere to the drainage strategy set out in the Drainage Impact Assessment (DIA) and include confirmation that Scottish Water will accept the surface water discharge from the site into their network. The drainage shall consider the pluvial ponding identified in the northeast corner of the site including any inflows from outwith the site boundary. 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.

27. Development and work shall progress in accordance with the mitigation measures contained within the approved Preliminary Ecological Assessment (Wild Surveys Ltd, 24 July 2023).

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

28. No development shall commence until pre-commencement surveys to locate the presence or absence of protected species shall have been undertaken and copies submitted for the approval in writing of the Planning Authority. Should any protected species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and shall be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

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

29. Notwithstanding the provisions of Class 1(A) of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the permission hereby granted relates to the use of the premises solely for the purpose of the sale of food and non-food only (maximum 10% retail floorspace to be bulky goods sales) and for no other use or purpose including any other activity falling within Class 1A of the said Order, unless the express consent of the Planning Authority is otherwise obtained.

Reason: In order to clarify the terms of the permission hereby granted.

30. The advertising and totem signage depicted in the approved drawings is indicative only and no advertising shall be erected until full details of the proposed design, dimensions and illumination (if any) have been submitted and approved as part of a further application for advertising consent.

Reason: To ensure that full details of these matters are considered by the Planning Authority.

REASON FOR DECISION

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

INFORMATIVES

Initiation and Completion Notices

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

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

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

Flood Risk

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

Scottish Water

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

Septic Tanks and Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Parking Monitoring

You are advised that an analysis of parking demand for Phase 1 is likely to be required as evidence of the suitability of future parking provision for Phase 2 of the development. Regular monitoring of parking demand is therefore recommended.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which

noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

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

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

Signature: David Mudie
Designation: Area Planning Manager - South
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1: Location Plan – 0188-01 rev A
Plan 2: Site Layout Plan – 0188-P100 rev C1
Plan 3: Landscape Plan – 9358-L102 rev B
Plan 4: Contextual Streetscape – 0188-P104 rev A
Plan 5: Floor Plan – 0188-P101 Rev B
Plan 6: Elevation Plan – 0188-P105 Rev A
Plan 7: Elevation Plan – 0188-P106 Rev A
Plan 8: Drainage Layout – 15245-GOO-XX-XX-DR-C-05 Rev P03

Appendix 2

| | COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS | | | | REQUIRED FOR LEGAL AGREEMENTS ONLY | | | | |
|-------------------------------|--|------------------|-----------------|----------------------------|------------------------------------|-------------------------|-------------------------------|--------------------------------|-------------------------------|
| Type | 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 |
| East Link and Inshes Corridor | East Link and Inshes Corridor | | | £88,909.68 | BCIS | Q4 2017 | As agreed in S75 | | 15 |
| | | | | | | | | | |

*¹ Adjust total to take account of flat exemptions

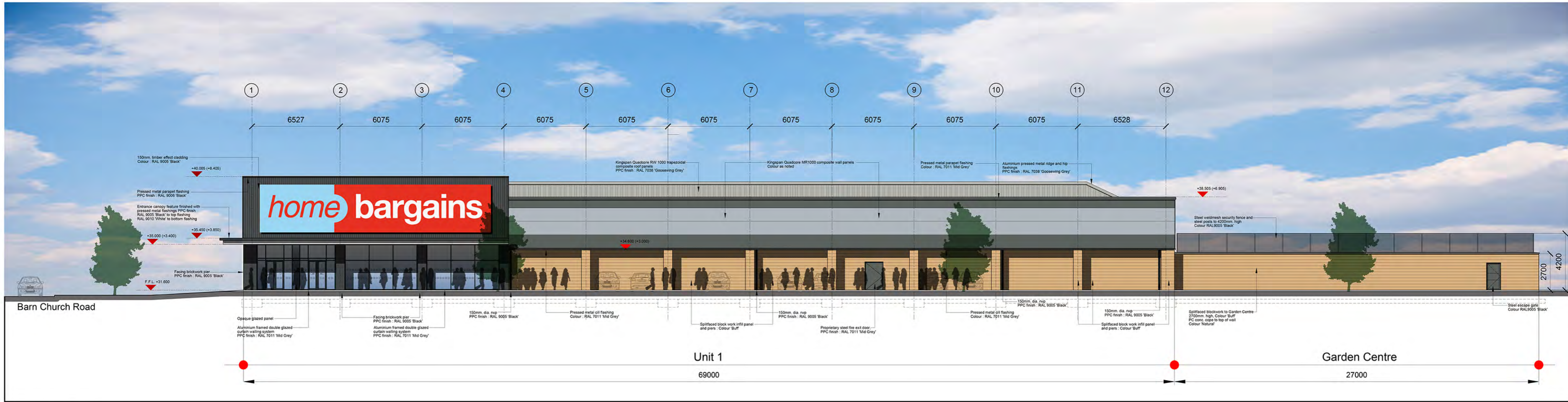
*² Base Date – Set out in Supplementary Guidance on Developer Contributions

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

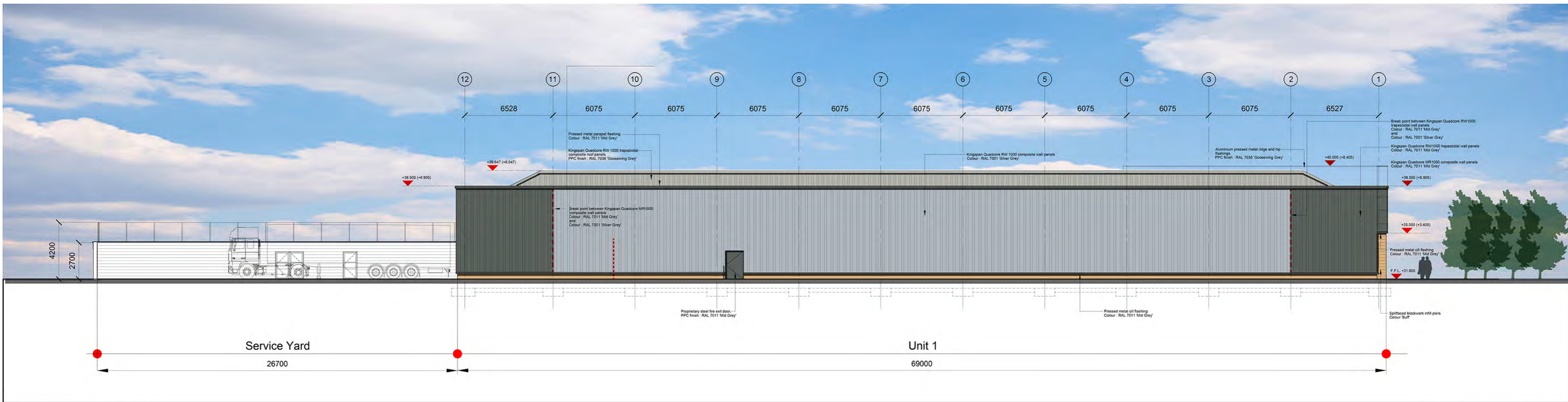
*⁴ Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

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

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



E1 North East Elevation
 1:100



E2 South West Elevation
 1:100

REVISIONS:
 A 23.02.2024 Building/parapet heights reduced
 Amendments to cladding spec. DG

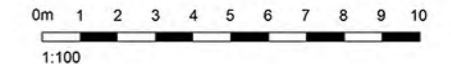


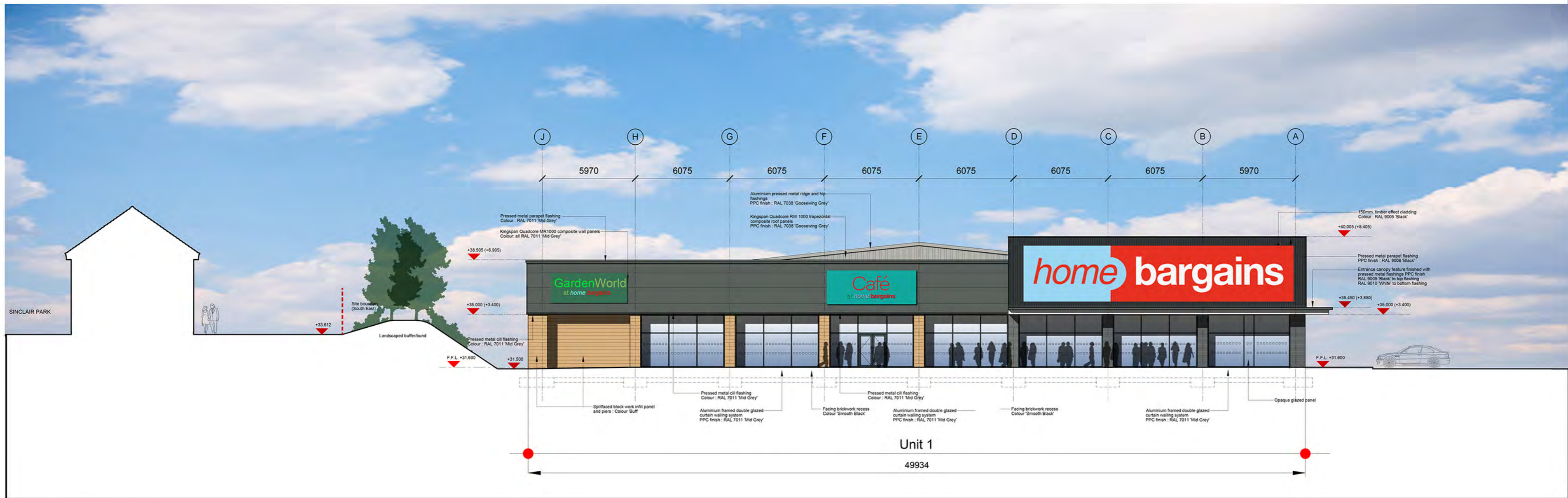
247 WEST GEORGE STREET, GLASGOW G2 4DE
 Tel: 0141 309 9177 info@idahome.co.uk

Retail Development
 Stratton Centre, Inverness
 TJ Morris Ltd.

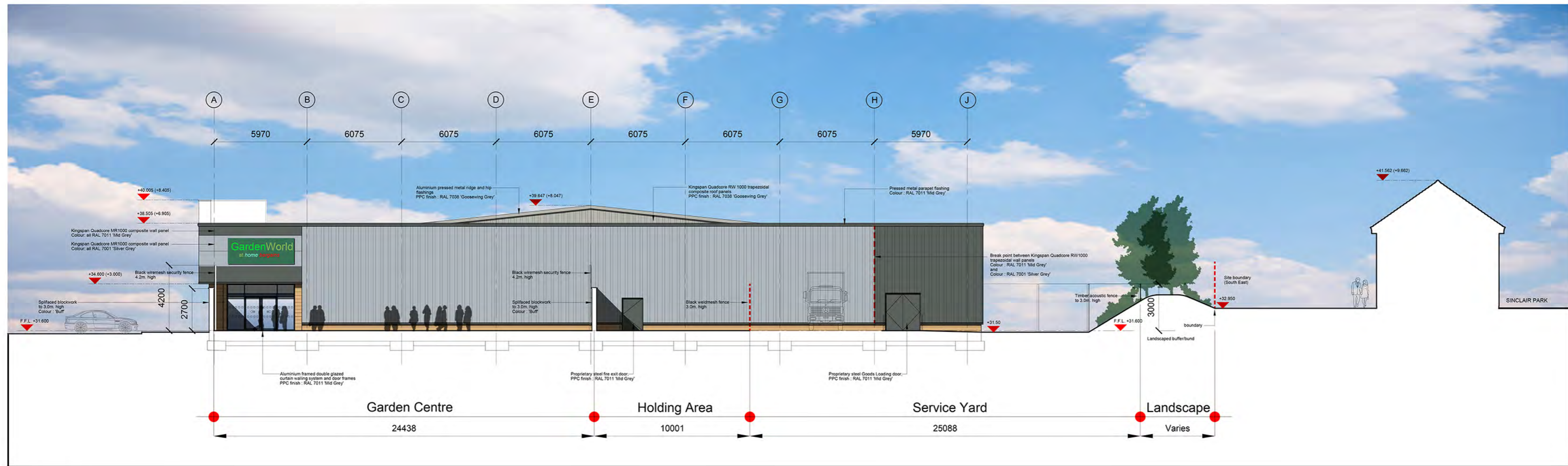
Unit 1
 Proposed Elevations - Sheet 2

| | | | |
|-----------|------------|----------|----|
| SCALE | DATE | BY | DP |
| 1:100 | 14/02/2024 | Planning | AT |
| DWG NO | REV | | |
| 0188-P105 | A | | |





E1 North East Elevation
 1:100



E2 South West Elevation
 1:100

REVISIONS:
 A 23.02.2024 Building/parapet heights reduced
 Amendments to cladding spec. DG

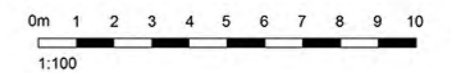


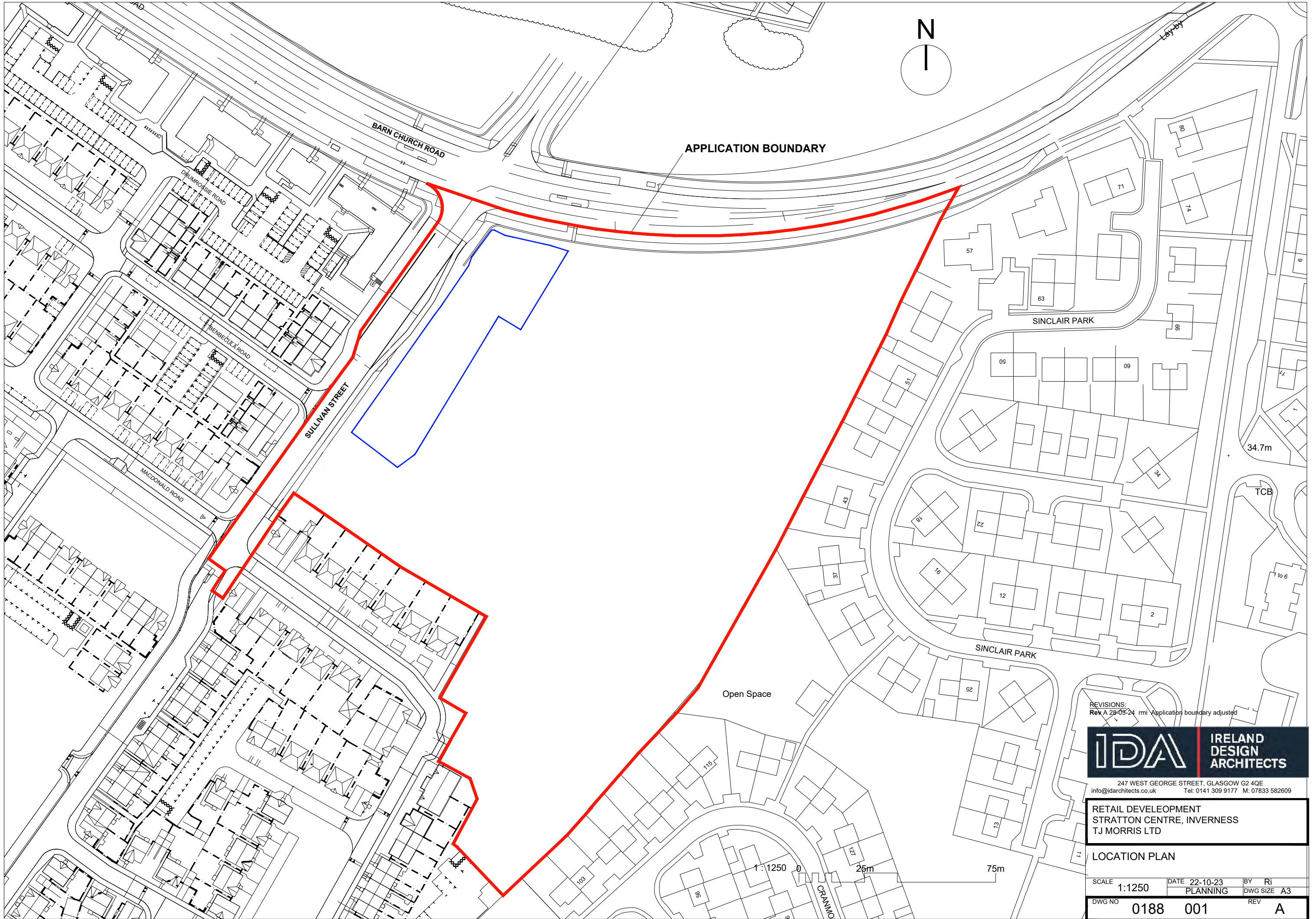
247 WEST GEORGE STREET, GLASGOW G2 4QE
 Tel: 0141 559 9177 info@idarchitects.co.uk

Retail Development
 Stratton Centre, Inverness
 TJ Morris Ltd.

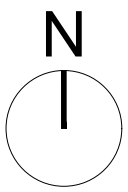
Unit 1
 Proposed Elevations - Sheet 2

| | | | |
|-----------|------------|----------|--------------|
| SCALE | DATE | BY | DP |
| 1:100 | 14/02/2024 | Planning | DWG SIZE: A1 |
| DWG NO | REV | | |
| 0188-P106 | A | | |





APPLICATION BOUNDARY

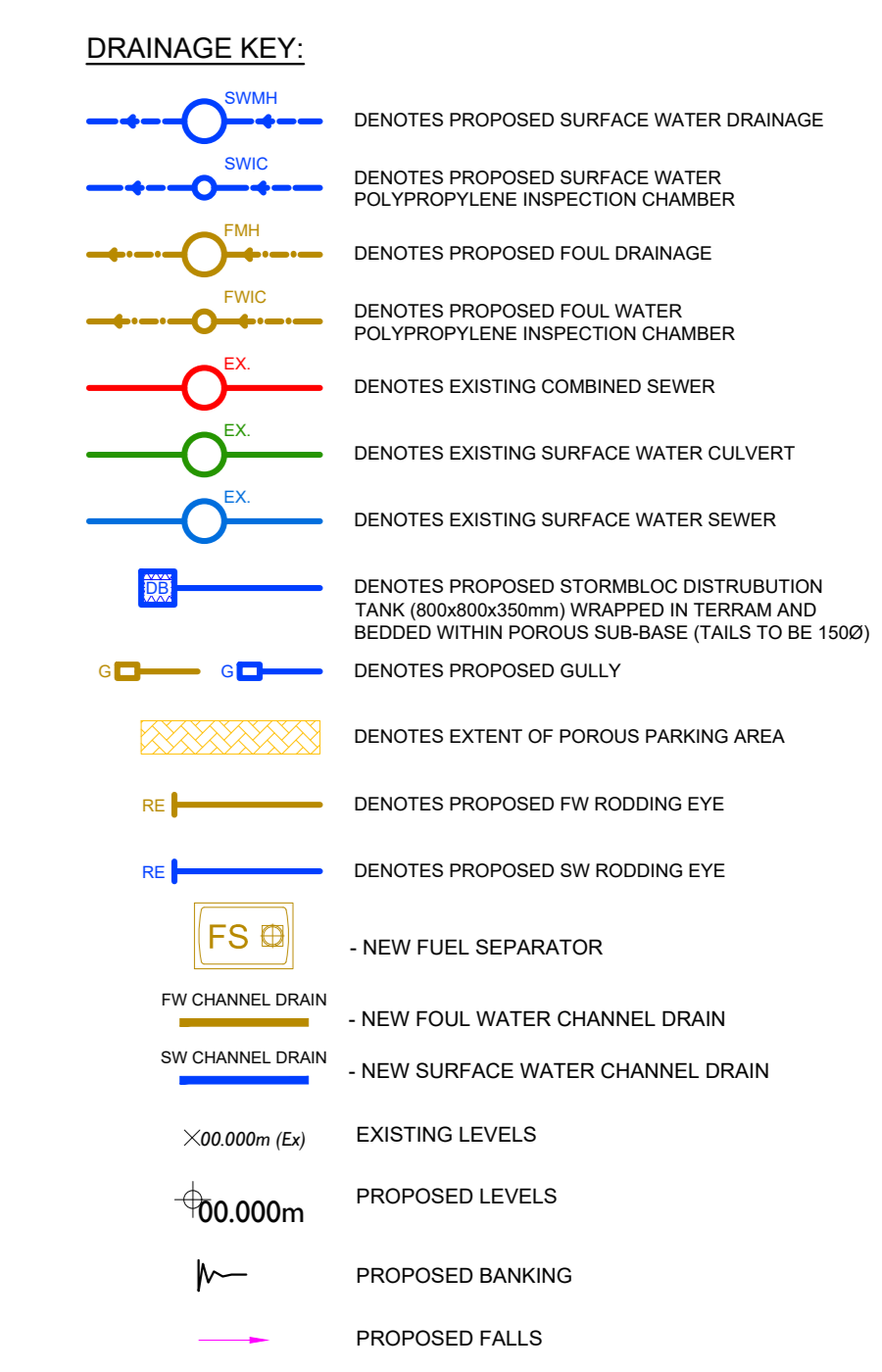
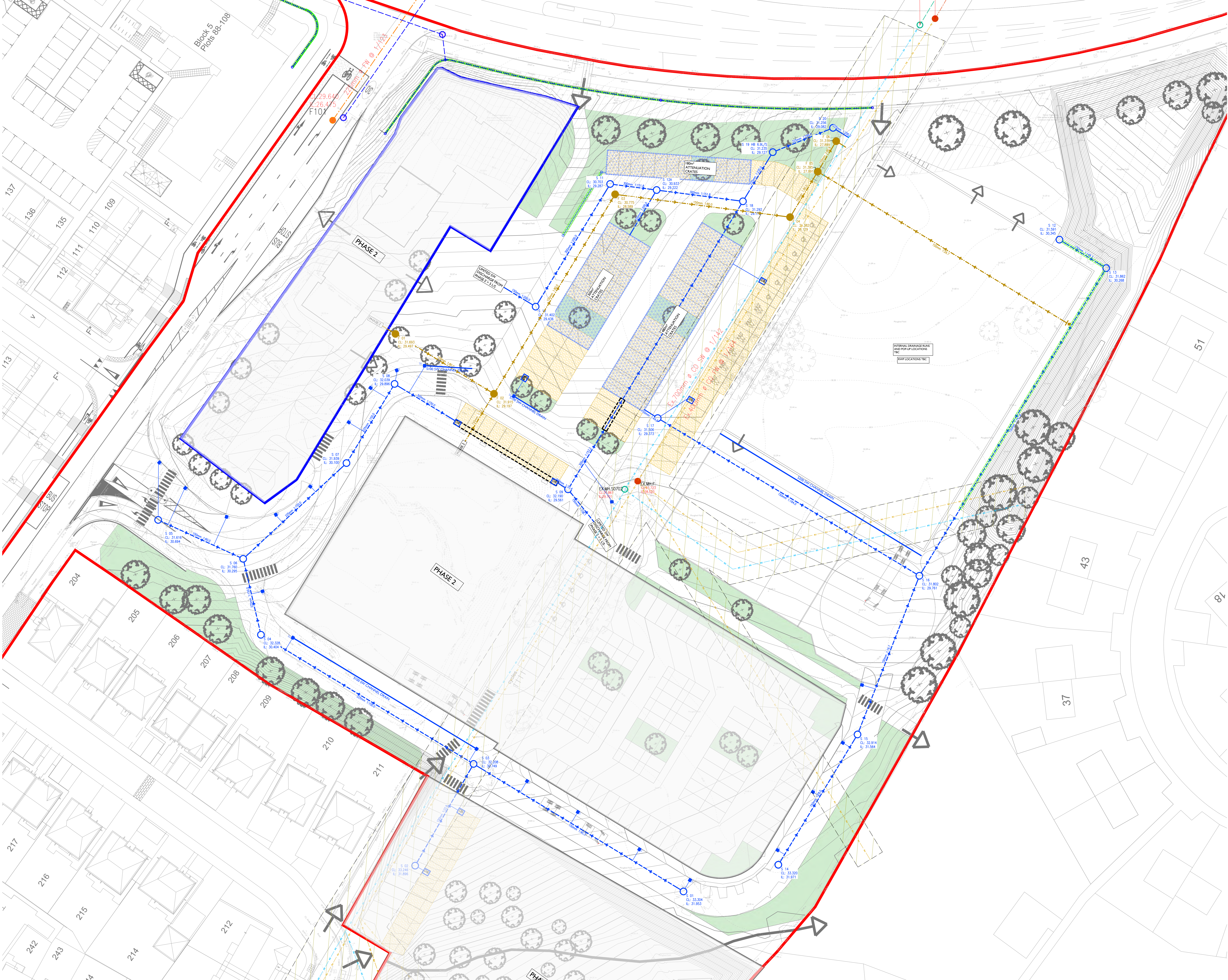


REVISIONS:
 Rev A 28-05-24 rmi Application boundary adjusted

IDA IRELAND DESIGN ARCHITECTS
 247 WEST GEORGE STREET, GLASGOW G2 4QE
 info@idarchitects.co.uk Tel: 0141 309 9177 M: 07833 582609

RETAIL DEVELOPMENT
 STRATTON CENTRE, INVERNESS
 TJ MORRIS LTD

| | | |
|---------------|---------------|-------------|
| LOCATION PLAN | | |
| SCALE 1:1250 | DATE 22-10-23 | BY Ri |
| | PLANNING | DWG SIZE A3 |
| DWG NO 0188 | 001 | REV A |



- DRAINAGE NOTES:**
- THIS DRAWING HAS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS & ENGINEERS DRAWINGS AND SPECIFICATIONS.
 - FOR DRAINAGE DETAILS REFER TO DRAWING P14747501.
 - FOR LOCATION OF ALL R/W PIPES & INTERNAL POP-UPS, REFER TO ARCHITECTS DRAWING. ALL DOWN PIPES TO BE FITTED WITH ACCESS HANDHOLES ABOVE F.F.L. OR GROUND LEVEL.
 - ALL GALLY CONNECTIONS TO BE 1500 UN/O. ALL SVP CONNECTIONS TO BE HORIZONTAL 1000 OR TO MATCH S.V.P. DOWNPIPE IF GREATER. ALL R/W P. CONNECTIONS TO BE 1500 OR TO MATCH F.W.P. DOWNPIPE.
 - ALL PIPES UP TO 4500 (INCL.) TO BE UPVC PIPES. PIPES GREATER THAN 4500 TO BE CONCRETE.
 - PIPES UNDER ROADS HAVING LESS THAN 1200mm COVER ARE TO BE ENCASED IN CONCRETE IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS.
 - MANHOLE COVER LEVELS ARE INDICATIVE AND SHOULD BE SET TO SUIT FINISHED ROAD LEVEL AND CAMBER.
 - ALL EXTERNAL MANHOLES WITHIN ROADS TO BE FITTED WITH LOAD CLASS D400 COVERS UN/O. ALL EXTERNAL MANHOLES WITHIN SOFT LANDSCAPING TO BE FITTED WITH LOAD CLASS B125 COVERS UN/O. ALL IN ACCORDANCE WITH BS EN 124-015 (ALL PARTS).
 - INVERT LEVELS OF EXISTING DRAINS AND MANHOLES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING OPERATIONS. NO EXISTING SEWER MANHOLE TO BE OPENED OR ENTERED WITHOUT THE PERMISSION OF THE LOCAL AUTHORITY DRAINAGE DEPARTMENT AND THE ATTENDANCE OF SUPERVISION AS REQUIRED.
 - DRAINAGE DESIGN AND INSTALLATION TO BE TO THE SATISFACTION OF THE LOCAL BUILDING CONTROL DEPARTMENT AND TO COMPLY WITH BS EN 752:2008.
 - ADAPTABLE DRAINAGE WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST EDITION OF 'SEWERS FOR SCOTLAND'.

⚠ PROPOSED SW DISCHARGE RATE TO BE AGREED WITH ABERDEENSHIRE COUNCIL, CURRENTLY 1,200 EVENT STORED BELOW GROUND

⚠ FURTHER DISCUSSION REQUIRED WITH SCOTTISH WATER TO DETERMINE ACCEPTABILITY OF PROPOSED DRAINAGE WITHIN STAND-OFF DISTANCE

| REV. | DATE | REVISION | BY | CHK. |
|------|----------|-----------------------------|-----|------|
| | | FIRST ISSUE | KWM | KMT |
| P02 | 17.04.24 | PLANNING BOUNDARIES UPDATED | KWM | KMT |
| P03 | 22.04.24 | PLANNING BOUNDARY AMENDED. | KWM | KMT |

TJ MORRIS LTD
Stratton Centre, Inverness
Inverness

PLANNING
Drainage layout

Goodson Associates Tel: +44 (0)1224 624 749
Fax: +44 (0)1224 624 749
Email: aberdeen@goodson.com
Web: www.goodson.com

Consulting Civil, Structural & Transportation Engineers
Commerce House, Commerce Street, Aberdeen, AB11 5FN
Also at Edinburgh, Glasgow and Leeds.

| STATUS | SUITABILITY |
|---------------------------------------|----------------------|
| PLANNING | |
| ORIGINATOR'S JOB No: | |
| DATE CREATED: 08.02.24 | SCALE: AS NOTED @ A0 |
| DRAWING No: 15245-GOO-XX-XX-DR-C-0500 | REV: P03 |

LANE MARKINGS ADJUSTED TO FORM
RIGHT TURN LANE IN ACCORDANCE WITH
ROADS DEPT GUIDELINES
REFER TO GOODSON ASSOCIATES
DRAWINGS FOR DETAILS AND DIMENSIONS



| SCHEDULE OF PROPOSALS | |
|--|----------------------|
| PHASE 1 | |
| Unit 1 (retail) | 3251sqm / 35,000sqft |
| Outdoor Sales Area | 929sqm / 10,000sqft |
| Parking spaces (Includes- 12no. EV charging spaces 7no. disabled spaces 4no. Parent & child spaces Motor cycle parking 16no. cycle-parking) | 122 total |
| LANDSCAPE AND PUBLIC REALM AREAS STRATEGY SHOWN: REFER TO LDA CONSULTANTS DRAWINGS FOR DETAILED PROPOSALS | |
| ROAD ACCESS DETAILED DESIGN, DRAINAGE PROPOSALS, LEVELS AS PER GOODSON ASSOCIATES DRAWINGS | |
| EXTERNAL LIGHTING DESIGN AS INDICATED ON HORIZON M&E CONSULTANTS DRAWINGS | |

- Concrete service area slab: as per structural engineers specification. Typical fall not exceeding 2.0%.
- Bitmac surfacing: as per structural engineers specification. Typical fall not exceeding 2.0%.
- Thermaplast surfacing for road markings/direction arrows.
- Blockwork pavers to parking bays, porous where required for SUDS design.
- Fences: Permeable where required. Tobermore Pedestals (Bridle & natural colours) Contrasting delineation strips, and parking symbols etc.
- Pavers to Frontages: Tobermore Mayfair (Graphite) 400mm x 400 mm, 60mm thick, non slip paving slabs (for non-traffic areas) To be laid in accordance with manufacturers requirements. Max 1 in 50, no joints less than 25% of slabs at building edge.
- Tactile slabs at pedestrian crossing points.
- 1200mm wide concrete flag path with gravel edging between piers & to building and to boundary.
- Stainless steel bollards along building frontages.
- Stainless steel cycle hoops with covered shelters.
- 4.2m high oak wall black mesh fencing to perimeter of garden centre.
- 3m high black mesh fencing and timber acoustic fencing to service yard areas.
- Timber acoustic fencing as indicated on plan.
- Drop kerbs and tactile slabs.

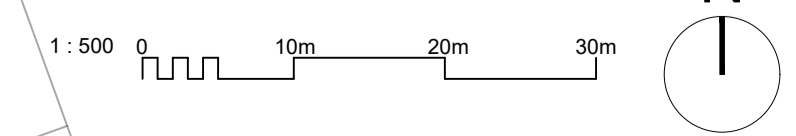
| DEVELOPMENT BY OTHERS/ SEPARATE APPLICATIONS | |
|---|--------------------|
| Phase 2 | Retail unit |
| Northwest corner | Residential/retail |
| Allotment/green space | |

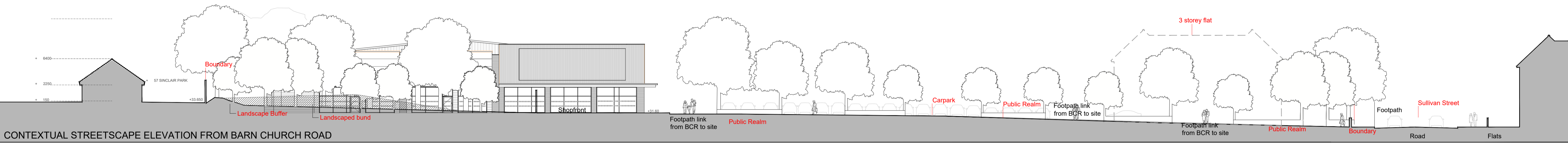
| REVISIONS | DATE | BY | DESCRIPTION |
|-----------|----------|----|---|
| Rev A | 12-04-24 | BM | Revised to reflect location plan |
| Rev B | 05-07-24 | BM | Updated in response to Roads Dept consultation responses |
| Rev C | 16-10-24 | BM | Updated in response to further Roads Dept consultation comments. Cycle and/or area amended to reflect updated details. Areas for recycling reduced. |
| Rev CHC | 16-10-24 | BM | Height of landscaped bund at BCH noted. Where being to BCH lane adjusted. |

IDA IRELAND DESIGN ARCHITECTS
247 WEST GEORGE STREET, GLASGOW G2 4JE
info@idarchitects.co.uk Tel: 0141 369 9177 M: 07933 54090

RETAIL DEVELOPMENT
STRATTON CENTRE, INVERNESS
TJ MORRIS LTD

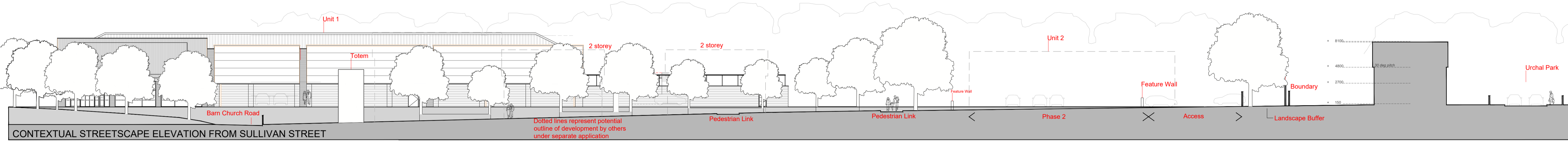
PROPOSED SITE PLAN
SCALE: 1:500 DATE: 15-02-24 BY: BM
PLANNING DWG SIZE: A1
DWG NO: 0188 - P100 REV: C1





CONTEXTUAL STREETSCAPE ELEVATION FROM BARN CHURCH ROAD

Dotted lines represent potential outline of adjacent development by others under separate application



CONTEXTUAL STREETSCAPE ELEVATION FROM SULLIVAN STREET

Dotted lines represent potential outline of development by others under separate application

Rev A 15-11-24 bml Minor updates, footpaths + bund noted. Levels at 57 Sinclair Park noted.

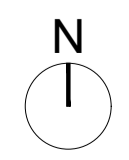
REVISIONS:

IDA IRELAND DESIGN ARCHITECTS
 247 WEST GEORGE STREET, GLASGOW G2 4QE
 info@idarchitects.co.uk Tel: 0141 309 9117 M: 07833 882609

RETAIL DEVELOPMENT
 STRATTON CENTRE, INVERNESS
 T.J. MORRIS LTD

PROPOSED CONTEXTUAL STREETSCAPE ELEVATIONS
 SCALE: 1:250 DATE: 09-02-24 BY: bml
 PLANNING [DWG SIZE: A1]

DWG NO: 0188 - P104 REV: A



| PLANT SCHEDULE | | | |
|--------------------------------|--|----------|------------------------------|
| PUBLIC REALM TREES | | | |
| Species | Specification | Centres | |
| Acer rubrum | EHS, 14-16cm girth, 4.5-5m height, 1.75-2m clear stem, single straight leader, well balanced crown, rootballed or containerised. | as shown | |
| Malus 'Evereste' | EHS, 12-14cm girth, 3.5-4m height, 1.75-2m clear stem, fastigiate form, rootballed or containerised. | as shown | |
| Pyrus calleryana 'Chanticleer' | EHS, 12-14cm girth, 3.5-4m height, 1.75-2m clear stem, fastigiate form, rootballed or containerised. | as shown | |
| Sorbus aria 'Mojestica' | EHS, 12-14cm girth, 3.5-4m height, 1.75-2m clear stem, fastigiate form, rootballed or containerised. | as shown | |
| NATIVE BUFFER TREES | | | |
| Species | Specification | Centres | |
| Amelanchier lamarkii | EHS, 14-16cm girth, 4.5-5m height, 1.75-2m clear stem, single straight leader, well balanced crown, rootballed or containerised. | as shown | |
| Malus x domestica | EHS, 12-14cm girth, 3.5-4m height, 1.75-2m clear stem, fastigiate form, rootballed or containerised. | as shown | |
| Prunus avium | EHS, 12-14cm girth, 3.5-4m height, 1.75-2m clear stem, fastigiate form, rootballed or containerised. | as shown | |
| Sorbus aucuparia | EHS, 12-14cm girth, 3.5-4m height, 1.75-2m clear stem, fastigiate form, rootballed or containerised. | as shown | |
| SHRUBS | | | |
| Species | Specification | Location | No. per m ² |
| Cornus sanguinea | Min 2L pot size | As shown | 5 |
| Filipendula ulmaria | Min 2L pot size | As shown | 5 |
| Rosa canina | Min 2L pot size | As shown | 5 |
| WOODLAND SHADE MIX | | | |
| Species | Specification | Location | No. per m ² |
| Anemone x Eupisensis | 9cm pots, Plant in groups of 7-11 of one species and randomly mixed with all species. | As shown | 9 |
| Epimedium grandiflora | 9cm pots, Plant in groups of 7-11 of one species and randomly mixed with all species. | As shown | 9 |
| Gallium odoratum | 9cm pots, Plant in groups of 7-11 of one species and randomly mixed with all species. | As shown | 9 |
| Geranium robertianum | 9cm pots, Plant in groups of 7-11 of one species and randomly mixed with all species. | As shown | 9 |
| Heuchera 'Paris' | 9cm pots, Plant in groups of 7-11 of one species and randomly mixed with all species. | As shown | 9 |
| Tellima 'Grandiflora' | 9cm pots, Plant in groups of 7-11 of one species and randomly mixed with all species. | As shown | 9 |
| Tiarella 'Cardifolia' | 9cm pots, Plant in groups of 7-11 of one species and randomly mixed with all species. | As shown | 9 |
| GRASS VERGES | | | |
| Species | Specification | Location | Total area (m ²) |
| Eco species-rich grass | Geminal WFG20 or Soctia Seeds | As shown | 6969 |
| HEDGES | | | |
| Species | Specification | Location | Total length (m) |
| Fagus sylvatica | Transplant, bare root, 120/150cm height, Plant in double staggered row at 300mm centres. | As shown | 2373 |

| ESTABLISHMENT & MAINTENANCE SCHEDULE | MONTHS | | | | | | | | | | | |
|--|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|
| | JANUARY | FEBRUARY | MARCH | APRIL | MAY | JUNE | JULY | AUGUST | SEPTEMBER | OCTOBER | NOVEMBER | DECEMBER |
| Tree establishment inspection | | | | | | | | | | | | |
| Dead tree and shrub replacement | | | | | | | | | | | | |
| Check stakes and ties (remove after 3 years) | | | | | | | | | | | | |
| Shrub pruning, dead heading, generally tidy | | | | | | | | | | | | |
| Hedge trimming | | | | | | | | | | | | |
| Grass cutting (species rich) | | | | | | | | | | | | |
| Grass cutting (verges) | | | | | | | | | | | | |

- ### PRINCIPLES
- Create an attractive entrance from Sullivan Street by the inclusion of feature trees underplanted with shrubs and species-rich grass mix.
 - Create an attractive road front along Barn Church Road by the inclusion of feature trees underplanted with a mix of native and non-native grasses and flowers to give year-round colour and visual interest.
 - Feature, sculptural walls to the entrance and Barn Church Road will complement the planting and add further visual and amenity interest.
 - Native tree and understorey species will be located to the east and south boundaries, on low mounds, to reduce provide screening and separation between the existing residential properties and the new development. The density will be such to provide screening but maintain light and sun into the rear gardens.
 - The public realm and car park areas will include tree species suited to urban environments. Where trees are planted in hard areas, they will be planted into underground tree cell systems to ensure appropriate growing conditions to ensure thriving of the trees. Species will also be selected to provide year round visual interest through form, flowers, berries and bark texture.
 - The public realm and car park areas will include shrubs and hedging that are suited to urban environments and require minimal maintenance.
 - The selection of grass mix, shrubs, hedges and trees will, collectively, be selected to broaden the habitat and ecology value of the site.
 - Where possible existing trees will be retained and / or translocated. Translocated trees will be relocated to the eastern and southern boundaries to be included within the new screen planting.
 - Grass and tree planting to the Phase 2 area will be removed when this area is developed.



- ### LEGEND
- Red line boundary
 - Blue line boundary (Phase 2 Development - future application)
 - Contours (0.5m intervals)
 - Eco species-rich grass
 - Eco species-rich grass - will be removed when Phase 2 implemented
 - Woodland shade mix (low shrubs and flowers)
 - Public realm - hard landscape
 - Public realm - furniture (seat/bench, cube seat, litter bin)
 - Public realm - cycle stands
 - Public realm - trolley bays
 - Lighting post (single/back to back)
 - Wall-mounted luminaire
 - Bollard luminaire
 - Area for allotment/green space (to be developed by others - outwith this application remit)
 - Proposed trees - public realm
 - Proposed trees - native buffer
 - Proposed trees - remove or relocate when Phase 2 implemented
 - Existing trees retained. Those within Phase 2 area will be removed at time of development
 - Shrubs
 - Proposed beech hedge (maintained at 1.5m height)
 - Proposed feature / sculptural drystone walls
- Note:
- For additional information on hard landscape elements refer to Architects information

| REV. | DESCRIPTION | APP. | DATE |
|------|--|------|------------|
| B | ISSUED FOR PLANNING (layout amended to align with Architect's information) | Sir | 29.11.2024 |
| A | ISSUED FOR PLANNING (Red & Blue line boundaries amended) | Sir | 12.04.2024 |
| I | ISSUED FOR PLANNING | Sir | 23.02.2024 |

LD A DESIGN

PROJECT TITLE
RETAIL DEVELOPMENT
STRATTON CENTRE, INVERNESS
T J MORRIS LTD

DRAWING TITLE
PROPOSED LANDSCAPE PLAN

| | | |
|-----------|---------------|------------------|
| ISSUED BY | Glasgow | T: 0141 222 9780 |
| DATE | February 2024 | DRAWN |
| SCALE | 1:500 | CHECKED |
| STATUS | Planning | APPROVED |

DWG. NO 9358 L102

No dimensions are to be scaled from this drawing. All dimensions are to be checked on site. Area measurements for indicative purposes only.
© LDA Design Consulting Ltd. Quality Assured to BS EN ISO 9001 : 2015
Sources: Ordnance Survey