

Agenda Item	7.3
Report No	PLN/004/25

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 22 January 2025  
**Report Title:** 23/03666/FUL: West Coast Estates Ltd  
Land 60M North Of, 23 Barclay Gardens, North Kessock  
**Report By:** Area Planning Manager North

### Purpose/Executive Summary

**Description:** Erection of EV charging station, retail unit (Class 1A), and cafe/restaurant (Class 3, with ancillary take-away) with associated infrastructure and amenity open space

**Ward:** 09 - Black Isle

**Development category:** Local development

**Reason referred to Committee:** More than 5 objections and objection from community council.

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

### Recommendation

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

## 1. PROPOSED DEVELOPMENT

- 1.1 This application is for full planning permission for the erection an electric vehicle (EV) charging station which includes: erection of a EV retail station building (Use Class 1A); formation of 15 EV charging bays (including 1 disabled bay) and 23 parking bays (including 3 disabled bays); erection of a café/restaurant (Use Class 3 with ancillary take-away); formation of 21 parking bays (including 3 disabled bays); installation of 8 Sheffield stands which provides for 16 cycle spaces; and ancillary infrastructure and associated open space. The chargers are currently proposed to be Apitronic Hypercharger HYC300 units, which provide up to 80% charge in 20 minutes at 300kW on average.
- 1.2 The **car parking** is principally located in the north and west of the site, within the set back from the gas pipeline (where buildings would not be supported). The layout has largely been determined by the gas pipeline set back. The EV charging spaces are arranged to have the EV charging bays sets in two rows with a canopy cover and associated substations.
- 1.3 The **café/restaurant unit** is located in the east of the site. It is proposed to have a rectangular footprint, the submitted floor plan shows a public area of 145sqm, a store/servicing area of 85sqm and a corral/servicing area of 53sqm enclosed by a timber fence. The building is single storey with a monopitch roof. The frontage of the building has a south west facing elevation and features a glazed shop front and signage. External finishing materials are Kingspan and aluminium cladding panels in grey and dark grey and timber effect cladding panels. The building is 4.4m tall at its highest point, at the front elevation. A servicing layby is located beyond the front of the building to the west.
- 1.4 The **EV retail station building** is located in the south of the site, it shares a similar contemporary design style with the café/restaurant building and a similar palette of external finishing materials and colours. It has a rectangular footprint with a monopitch roof 5.5m in height at the highest point on the front elevation. The building fronts into the site, facing north. The floor plans submitted show a floor area of 412sqm and a fence enclosed corral area of 68sqm. There is a service vehicle area to the west.
- 1.5 The floor plans for both buildings lack detail. The footprint of the building is known as is their proposed usage, accordingly it is possible to assess the proposals. At the current time the applicant is marketing the development to potential occupants, accordingly this is a speculative development. Submission of detailed floor plans would require to be a condition of planning permission.
- 1.6 The site will be accessed from the Charleston roundabout. There is an existing layby on the site, it is proposed to realign and upgrade this slightly to the west to form the access to the site. The site will be served by an internal access road and path.
- 1.7 The internal layout provides up to 3m wide shared foot/cycle path shared surface link through the site linking with the surrounding area and recognises the existing desire lines. The paths have connections to existing paths including NCN route 1 to the east and the Bellfield Meadows development to the west and south where a signalised crossing over the A9 southbound feeder road would connect to footpaths

in the Bellfield Meadows development. The detail of the crossing would be subject to separate roads consent.

- 1.8 Landscaping amenity areas and paths are proposed to provide amenity open space, including planting to provide both amenity and potential biodiversity gain.
- 1.9 Pre Application Consultation: None
- 1.10 Supporting Information: Arboricultural impact assessment; transport statement; drainage assessment; planning statement, ecology impact assessment, planning and design statement.
- 1.11 Variations: The layout has been altered to reverse the position of car parking and the retail unit from that originally proposed. This change has been made in response to direct discussions the applicant had with Scottish Gas Networks Ltd (SGN) and the Health and Safety Executive (HSE). The current proposal includes a “no development zone” around the gas pipeline. The applicant has been in extensive discussions with SGN and HSE. Originally a drive thru café/restaurant was proposed, the drive thru lane has been removed in response to concerns raised about compliance with planning policy and Transport Planning concerns.

## **2. SITE DESCRIPTION**

- 2.1 The site is located at the northern edge of North Kessock village. It comprises approx. 0.7ha of mostly flat land. It is an area of grass set in between the Charleston roundabout to the south, the A9 trunk road and its embankment to the north and feeder roads which make up the North Kessock A9 junction. A band of dense woodland wraps round the north and east boundaries of the site on the A9 embankment, these are covered by a Tree Preservation Order and form part of a wider identified green network by the IMFLDP 2. These trees border a public path which is a shared foot and cycleway spanning the length of the eastern boundary, between the underpass below the A9 to the north and a crossing over the A9 feeder to the south. This forms part of the National Cycle Network (NCN) Route 1. A desire line is also evident within the site linking from the underpass to the public road and into Barclay Gardens to the west of the site.
- 2.2 Barclay Gardens is a fairly recent housing development of the planned Bellfield Meadows expansion of North Kessock. The two storey houses back onto public road which bounds the site to the north. There is other existing housing development beyond to the south and east. These are separated from the site by Charleston roundabout and the public road and a dense tree belt to the east. The site was originally included as part of the Bellfield development site and was previously proposed to be a petrol filling station.
- 2.3 The high pressure gas pipeline passes below the north west corner of the site.

## **3. PLANNING HISTORY**

3.1	21.12.1999	98/00297/OUTRC Amended Application for Residential Commercial & Leisure Development and New Grade Separated Junction on A9	Permission granted
-----	------------	--	--------------------

23.12.2002	02/00709/REMRC Construction of Grade Separated Junction Including Underpass, Feeder Roads, Roadabout and Landscaping (Approval of Reserved Matters)	Permission granted
26.2.2003	02/00985/OUTRC Application under Article 5(1) & 5(2) of the General Development Procedure (Scotland) Order 1992 to extend the time limit (Ref 98/00297/FULRC) for a further period of 3 Years, in respect of Residential, Commercial & Leisure Development	Permission granted
26.05.2005	05/00466/OUTRC Application under Article 5(1) & 5(2) of the General Development Procedure (Scotland) Order 1992 to extend the time limit (Ref 02/00985/OUTRC) for a Further Period of Three Years, in respect of Residential, Commercial & Leisure Development	Permission granted
29.8.2007	06/01027/REMRC Formation of sites for 145 houses, petrol filling station, two commercial developments, golf course, club house, hotel, holiday lodges and associated roads, services and open space plus conversion of listed building to 3 houses and erection of 10 apartment courtyard to rear of Bellfield House (ARM)	Withdrawn
15.1.2008	07/00876/REMRC Formation of one hundred and twenty nine house sites, petrol filling station, two commercial developments, golf course, club house, hotel, holiday lodges and associated roads, services, landscaping, parks and play areas plus conversion of listed building to three houses and erection of ten apartment courtyard to rear of Bellfield House (ARM) (Resubmission)	Permission granted
7.11.2017	16/00784/PIP Formation of commercial development site	Withdrawn
14.2.2017	Erection of 30 houses and 8 flats (amendment from 37 units)	Permission granted

## 4. PUBLIC PARTICIPATION

### 4.1 Advertised: Unknown neighbour and schedule 3

Date Advertised: 18.8.2023 and 13.12.24

Representation deadline: 27.12.24

Timeous representations: 69 in total. 20 Objections, 46 Support, 3 neutral

Late representations:

### 4.2 Material considerations raised are summarised as follows:

Against:

- a) Road safety Access concerns – access and egress from A9, increase in traffic in and out of the village, pedestrian safety
- b) Insufficient public toilet provision
- c) Residential amenity: noise, light. Pollution, litter, disturbance, anti social behaviour, loss of privacy, pet safety
- d) Impact on resident parking which is already difficult
- e) Proximity to primary school and high school bus route
- f) Cyclist safety
- g) Should include solar panels
- h) Loss of amenity land
- i) Overprovision of shops, there is already a village shop
- j) Contrary to planning policy
- k) Impact on ecology of the site
- l) Impact on existing active travel
- m) Impact on local businesses post office, shop, hotel
- n) Poor quality design and poor gateway entrance to the village
- o) Does not contribute to enhancement of biodiversity
- p) Will mainly benefit drivers travelling through area rather than locals
- q) Taking away land for park and ride
- r) Not enough disabled parking spaces
- s) Development does not improve or blend in with the village
- t) Drainage concerns
- u) Proximity to high pressure gas main
- v) Waste storage – lack of information
- w) Not the right site for this. Sprawl of development from inverness
- x) Too far from village centre
- y) Developer should demonstrate there is adequate electricity available

For

- a) Benefit local residents by improving choices in area with limited existing options
- b) Spin off benefit from increased footfall
- c) Job creation
- d) Will be good for North Kessock and surrounding area
- e) Will help achieve the areas transition to net zero
- f) Enhance surrounding area and rejuvenate the site

- g) Inward investment to the local area
- h) EV charger would encourage people who don't have access to a charger at home
- i) Modern design, Existing shop is not adequate
- j) sensible layout, asset to community
- k) Attract more visitors

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Knockbain Community Council:** Original objection below, a further objection was submitted in relation to the amended proposal to maintain their original grounds of objection.

Following a well-attended public meeting in North Kessock, Knockbain Community Council would like to comment as follows in respect of this planning application.

We would like firstly to draw serious attention to the postcodes of some of the supporters of this development which are well out with the local area.

We would also like to express concern as to the methods adopted by the developer in the way that this development was announced and advertised. The Community Council were only advised of their intention to develop at the same time as the developer's social media and websites went live.

Timescales seem to be excessively tight for comments regarding this development effectively reducing any real opportunity for public debate.

1. We have serious concerns regarding traffic management, in that, there is already a serious speed issue on the approach slip road, and we consider that the whole area needs redesigned to cope with the extra traffic that this development would undoubtedly create. Considerable issues already exist for cyclists and pedestrians using the 'active travel route' and this hazard would be multiplied if the development goes ahead. Similar issues exist on the slip road to the southbound carriageway as well as noise issues with speeding traffic.
2. There have been serious concerns raised regarding exhaust pollution from the extra traffic as well as those using the drive-thru. This area is very close to a school & playing field.
3. The houses in the proximity of the development ('60m North of 23 Barclay Gardens...') would clearly lose amenity, in that there would be considerable noise, light and exhaust pollution, as well as an increase in litter and potential loss in house value. This is a quiet residential area and this will negatively impact the lives of those residents.
4. There is already a shop in the village which also contains a post office. This is an essential amenity for the village, and one that serves a large portion of the community who are elderly, disabled, or do you not have access to private transport. The shop has a wide variety of users from young to old.

5. We consider the emphasis on EV Chargers to be a 'Trojan Horse!' We do not consider the EV chargers to be of sufficient power and would therefore not appeal to the longer distance driver as the time these chargers take is quite considerable. If the charger power was increased, we understand a sub-station would be required which could create noise pollution by way of an electric 'hum.' There would, however, be some advantage for a few locals who do not currently have access to EV chargers.
6. There is most certainly inadequate toilet provision within the site and unless the area was 24/7 there would be no toilet provision at night.
7. Litter management on site would not be sufficient as this would only cover the immediate area. The issue of litter would extend throughout the village which already sees a considerable amount of litter from other sources. This development would only increase this issue. The development has potential to increase vermin in both the development area and throughout the village. This could have a massive impact on the residents of adjoining properties that are very close to the development. We also have concerns regarding the impact of litter on wild animals and birds.
8. The provision of hot food takeaway is considered to be inappropriate due to the smells, litter and noise pollution and its close proximity to a residential area. We also consider that the traffic emerging from any drive-through is a potential hazard to pedestrians and cyclists.
9. We consider the building design to be poor and not in keeping with the local area. We also consider the site design to be poor and potentially dangerous.
10. It is our view that the development has no potential of financial benefit to the village, instead it will stop tourists coming down to the village centre and spending money.
11. There will undoubtedly be an impact on the mature trees adjacent to the site as we see little prospect of the root systems remaining undisturbed during the development. We consider this to be a serious loss of amenity.

We would draw the Planning Committee's attention to the report from the Transport Planning Team, which has similar conclusions to those that we are raising.

In summary, Knockbain Community Council consider that this development has little, if anything to offer the people of North Kessock and based on considerable debate at our public meeting the development should not go ahead.

Knockbain Community Council therefore wish to register our objection to this development & would suggest that planning is refused until the developer can address all of the above points to the satisfaction of Knockbain Community Council and Community of North Kessock.

- 5.2 **Flood Team: Objections resolved subject to condition.** We have reviewed the Drainage Impact Assessment (DIA) provided (Commercial Development at North Kessock, Inverness, DIA Issue 2. Fairhurst. 11/09/24). It is proposed that surface water from the site will be collected, attenuated and treated prior discharge into the nearby Charleston Burn.



- i). The post-development discharge rates have been revised to ensure that the discharge to the watercourse does not exceed the pre-development rates for a range of storm events up to and including a 200 year plus climate change event. We are content with the drainage strategy and withdraw our objection to the application. We request a condition that the final surface water drainage design is submitted for review.
- ii). The proposed surface water outfall to the watercourse has been relocated to be downstream of the culvert under Millbank. We are content with this arrangement.

5.3 **Development Plans: Policy conflicts initially identified resolved through amended proposal.** The amended proposal is now in overall conformity with the development plan because of the following: The dropping of the drive thru restaurant element; the better commitment to active travel connectivity improvements both onsite and offsite; The better commitment (although still needing secured) to biodiversity enhancement measures; The independent rejection of larger expansion proposals at Bellfield Farm (which would if confirmed have justified concerns about the A9 junction capacity); The better development setback from the high pressure gas pipeline (and gas network operator's confirmation of the safety of this).

The proposal offers the prospect of positive compliance with some parts of several NPF4 policies. For example, the rapid EV charging facilities should encourage greater use of electric vehicles for longer journeys therefore reducing carbon emissions and thus helping address climate change. The Class 1A unit, if a small convenience store, offers the prospect of modal shift for local shopping trips within North Kessock particularly for the residents of the new housing at the former Bellfield Farm land. North Kessock doesn't have an identified and protected village centre in planning policy terms and therefore this relatively small scale development will not have any adverse effect on the vitality and viability of any protected centre.

The generality of the HwLDP's topic policies are superseded by those in NPF4. However, those that offer greater detail than NPF4 or that are tailored to Highland circumstance (and are not wholly incompatible with NPF4) are still relevant and may be applicable.

The IMFLDP2 was adopted on 27 June 2024. The application site is allocated as site NK02 for community (park and ride/choose) and retail uses. The applicant's proposal accords with the retail and car parking elements of the allocation.

The following developer contributions will likely be required/provided as part of this commercial uses proposal.

**Cumulative Transport Contributions:** The Inner Moray Firth Delivery Programme 2023 highlights the potential need for developer contributions towards any interventions highlighted within Transport Scotland's A9 Tore to North Kessock Study.

**Site Specific Transport Contributions:** Transport Planning and the Council's Access Officer offered specific comments on the previous proposal which to an extent have been addressed.

Public Art: Given the site's public prominence at the gateway to the village then the site's boundary treatments should be of a higher quality than standard for a development of this type. Stone dykes and additional planting would be one solution and the latter would help meet the net biodiversity enhancement requirement.

The DCSG states that commercial developments should contribute to green infrastructure. Additional onsite planting would be most appropriate and would assist in achieving net biodiversity enhancement. The gas pipeline setback area is the most obvious place for this enhancement for example via shallow rooting flower/plant species.

5.4 **Environmental Health: No objection subject to conditions requiring:** submission of a construction noise mitigation scheme and operational noise management plan; restriction of vehicle deliveries out with the hours of 8am-10pm; external lighting to be in accordance with best practice.

5.5 **Forestry Officer: Objection resolved subject to condition.** The northern boundary of the site is defined by an existing foot/cycle path which provides access to the A9 underpass. The trees between this path and the A9 are therefore not affected by the proposed development. There are three large oak trees within the site along the north east boundary which form part of the wider North Kessock Tree Preservation Order (TPO). These trees have been surveyed and reference is made to a tree report, but this detail has not yet been uploaded. The proposed layout has allowed for the canopy spread of the trees, but does not appear to have considered the Root Protection Area (RPA). The existing path to the north has possibly compromised the RPA in this direction and so it may be necessary to increase the RPA to the south to compensate for this. Please could the applicant superimpose (to scale) the current Tree Protection Plan on to the proposed new site layout to see whether this is still fit for purpose.

As previously requested, I would ask that the Arb consultant carefully excavates test pits at agreed locations along the proposed incursion into the RPA. A brief Arb Method Statement must be submitted for approval prior to any excavation and all works must be closely supervised by the Arb consultant. Given the protected status of the trees (TPO), I would also wish to be notified when the excavation is to taken place, should I wish to attend. Further to discussions with the Arb consultant (Treetek) regarding the amended Arb Impact Assessment and Tree Protection Plan, I accept the proposed changes without the requirement for any test pits.

5.6 **Transport Planning: Objections resolved:** The latest proposals appear to deliver a significant improvement over what was previously proposed for the site. They continue to have removed the drive-thru aspect of the original proposal, which is welcomed, whilst also improving the internal layout for both deliveries and the movement of people on foot and by bike. We also note and welcome the proposed improvements to infrastructure outside of the site to enhance its non-car connectivity with the local community that this development will serve. This includes the proposed new signalised crossing and the reintroduction of the roadside footway around the western periphery of the site. As stated in our original response, it's our belief that the design details for those improvements, plus any changes to the

vehicular access from the existing roundabout, will be best agreed through a Road Construction Consent (RCC) Application to Highland Council as the Local Roads Authority. We therefore retain our previous recommendation that any permission issued includes a suitably worded Informative clarifying that a Road Construction Consent (RCC) Application will need to be submitted to and accepted by Highland Council as the Local Roads Authority prior to any works commencing to adjust the existing vehicular access for the site and to provide the new signalised crossing and adoptable roadside footways around the site. It should be noted on any Planning Permission issued that, excluding the new adoptable footways around the periphery of the site, all new vehicular and active travel routes feeding into and through this site will remain private, with the vehicular access from the roundabout being a private access.

As stated in our original response, the introduction of a new kerbed roadside footway along the western periphery of the development site is likely to impact on the drainage arrangements for the existing local public road. The submitted Drainage Assessment dated July 2023 does not appear to make any reference to these requirements, or make any provision for it. To ensure that this is appropriately dealt with, we recommend that any Planning Permission issued includes a suitably worded Condition requiring the surface water drainage requirements for the existing local public road impacted by this development be submitted to and accepted by the Planning Authority prior to any works commencing to build this development. Once approved, those designs should be fully implemented and operating prior to any trading commencing from this development.

The quantum and form of car and cycle parking proposed within the site, including provisions for disabled car drivers are reasonable and appear to adhere with the standards set out within our published Roads and Transport Guidelines for New Developments. If the Promoter of this development wished to enhance the experience for people arriving by bike, they may want to consider providing covered cycle shelters that will protect their bikes from the local weather conditions. This is recognised best practice.

As with our original response, given the need for works within and directly adjacent to the existing local public roads serving North Kessock that provide direct connection to the A9(T), we recommend that any permission issued includes a suitably worded Condition requiring a Construction Traffic Management Plan be submitted to and accepted by the Planning Authority prior to works commencing on site. Once approved, that Plan should be reviewed regularly, including considering and acting on feedback received from the experiences of the local community whilst those works are being undertaken

- 5.7 **Access Officer: No objection.** The bound surface to the new length of active travel path between the underpass and the southbound A9 on/off link should be widened to at least 3m and be completed to an adoptable standard. That will require the installation of concrete kerbing and the replacement of the existing crushed sand and gravel surfacing with Type 1 (40mm to dust) sub-base. A plan for the upgrading of the above and the length of active travel path between the underpass and the northbound A9 on/off road which uses the surface of a pre-existing road and footway should be submitted for the written approval as part of this planning process. Failing

that, and if consent is considered, such a plan might be required as a condition of consent. It should include the specifications and locations of the links into the development as well as any signposting and road marking, all of which should be consistent with Cycling By Design including the radii of any path junctions. Improvements to the existing active travel path will require the temporary diversion of users to the alternatives to using the underpass. Using the logical alternative the roundabout and A9 southbound on/off road - will need the consent of Transport Scotland who may require temporary changes to speed limits and signposting.

- 5.8 **Transport Scotland: No objection subject to conditions** regarding lighting, landscaping and drainage.
- 5.9 **Scottish Water:** No objection there is currently sufficiency capacity in the Assynt Treatment Works to service the development. There is currently sufficient capacity for a foul only connection in the Alleanfearn PFI Waste Water Treatment works to service the development. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.
- 5.10 **HSE: Previous objection resolved** regarding proximity of development to gas pipeline
- 5.11 **SGN: Previous objection resolved** regarding proximity of development to gas pipeline resolved objection

## 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 11 - Energy
  - Policy 13 - Sustainable Transport
  - Policy 14 - Design Quality and Place
  - Policy 15 - Local Living and 20 Minute Neighbourhoods
  - 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
  - 30 - Physical Constraints
  - 31 - Developer Contributions
  - 34 - Settlement Development Areas
  - 40 - Retail Development

- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 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
- 74 - Green Networks
- 77 - Public Access

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

Developer requirements: Safeguarded only for Park and Ride/Choose facility and complementary retail provision. Developer masterplan which should include/address: Drainage Impact Assessment; undertake a survey of trees on the site; retain existing trees and woodland of value, especially where subject to statutory or policy protection; set back development from trees and woodland and apply an appropriate tree root protection area to all retained trees; plant additional trees on boundaries as appropriate; and investigate opportunities for nature-based solutions to addressing flood risk through retaining the existing woodland and through tree planting; Protected Species Survey; visualisations to assess and mitigate landscape and visual impact; archaeological survey and recording; Transport Assessment and mitigation including, new/improved active travel links to rest of village and wider strategic route network, no vehicular access to land north of A9.

Placemaking Priorities: Support limited, mixed use expansion to the west of the settlement; Secure infrastructure improvements that play a strategic role in managing travel and visitor impacts; Presume against infill development on greenspaces within the village where they offer amenity, recreational and/or nature conservation value; Safeguard and enhance green network and active travel connectivity.

### 6.4 **Highland Council Supplementary Planning Policy Guidance**

- Developer Contributions (March 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)
- Local Place Plan

## 7. **PLANNING APPRAISAL**

- 7.1 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**

- 7.2 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. All planning applications must now be determined in accordance with the provisions of NPF 4 and the existing Local Development Plan, unless material considerations provide justification otherwise. If there is an inconsistency between NPF4 policies and an LDP which was adopted before 13 February 2023, the NPF prevails under Section 24(3) of the 1997 Town and Country Planning (Scotland) Act 1997 (as amended).

## **Planning Considerations**

- 7.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
  - b) siting design and external appearance of the development
  - c) impact on infrastructure and services and proposed mitigation
  - d) active travel
  - e) community and residential amenity
  - f) trees, species and biodiversity
  - g) any other material considerations

## **Development plan/other planning policy**

- 7.4 The site forms part of land that allocated in IMFLDP 2 under NK01: Land Adjoining A9 Junction for community (park and ride/choose), retail. The developer requirements outlined by the IMFLDP refer safeguarding the site for park and ride/choose facility and complementary retail provision. The proposal accords with the retail and car parking elements of this allocation. The developer requirements require drainage, trees, additional planting, flood risk, protected species, landscape and visual impact, archaeology, access and transport to be considered in any proposal for the site.
- 7.5 **National Planning Framework 4.** NPF4 Policies 1-3 apply to all development proposals nationwide. 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. Policies 1 and 2 of IMFLDP 2 generally align with this. Policy 5 protects soils and peat. The site is within an extensive area identified as prime agricultural land, it is however an allocated site within the SDA and it unlikely to every be in active agricultural use given the size and location of the site. Policy 6 requires proposal to ensure the protection and expansion of woodland and trees and to demonstrate that there is no adverse impacts from development. Policy 9 supports development of vacant land where it is supported by policies of the LDP. Policy 13 support proposals to improve, enhance of provide active travel infrastructure, public transport infrastructure or multi-modal hubs, this includes proposals for electric vehicle charging infrastructure and electric vehicle forecourts Policy 14 of IMFLDP require proposals to demonstrate how they can maximise

walking, wheeling, cycling and public transport. Policy 23 seeks to protect people and places from environmental harm (in this case the potential for pollution and proximity to the gas pipeline). Policies 27 and 28 seek to safeguard the vitality and viability of city, town and local centres.

7.6 **Adopted Highland wide Local Development Plan.** Policy 28 of HWLDP requires proposals to be assessed in terms of a number of sustainable design criteria based around: compatibility with service provision; accessibility; energy efficiency; impact on individual and community residential amenity; demonstrating sensitive siting and high quality design in keeping with local character and the environment and in making use of appropriate materials; promoting varied, lively and well used environments; and accommodating needs of all sectors of the community. Policy 29 states that new development should be designed to make a positive contribution to the architectural and visual quality of the place where it is located and should consider the incorporation of public art. Policy 30 requires developments to demonstrate compatibility with the constraint (in this case the gas pipeline). The site is located within the settlement development area. Policy 34 supports appropriate proposals within SDAs. Policy 40 supports retail development where there is no detrimental impact on the vitality and viability of a city/town/village centre. Policy 51 promotes significant protection to existing hedges, trees and woodland. Policy 55 requires development to avoid unnecessary disturbance, degradation or erosion of peat and soils. Policy 56 promotes sustainable transport. Policies 58, 59 and 60 require proposals to have regard to protected and other important species and habitats. Policy 64 requires proposals to avoid areas susceptible to flooding and promotes sustainable flood management. Policy 65 promotes connection of waste water to the public sewer. Policy 66 states that all development must be drained by SuDS. Policy 72 requires developments to demonstrate that they do not result in significant pollution. Policy 77 seeks to maintain public access.

7.7 **Principle of Development.** The principle of the proposal is considered to be in general compliance with the development plan. This roadside EV charging station occupies a gateway location to the village and has the potential to encourage greater use of electric vehicles for longer journeys, therefore reducing vehicle carbon emissions and making a contribution to addressing the climate emergency and nature crisis in accordance with the aims of NPF 4 and IMFLDP 2. The retail and café/restaurant elements of the proposal are relatively small scale and will support the EV charging providing amenities for users while they wait for their car to be charged. These will also provide additional amenities for residents and could reduce car travel given its location. The proposal provides hyper fast chargers which are not provided in the local area currently.

7.8 **Sustainable Travel.** The site is well located in terms of cycling connectivity given its proximity to National Cycle Network Route 1. The road and path layout of the site has been considered to ensure connectivity through the site taking account of the existing desire lines evident on the site currently. The path and crossing infrastructure in and around the site have been subject to detailed discussions with Transport Planning and the Access Officer. As suggested by the Access Officer. The possibility of providing a formal path on the north/west boundary was discussed but was not considered reasonable by the applicant. Instead it was agreed that the proposals for the links within the site would be enhanced to provide defined and 3m

wide paths. There is bus stops located within the vicinity of the site served by the local bus service.

- 7.9 The development will provide facilities for both passing trade and for the residents of the village. The provision of local facilities is supported by the development plan as these contribute to local living and the principle of 20-minute neighbourhoods reducing the need to drive to services. The amenities provided within the buildings are proposed to support the EV charging facility to provide facilities to users charging their vehicles and to provide a local convenience facility for residents. The existing village shop is approximately 1.25km from the site. Being located off the A9, the development has the potential to attract tourists to stop in North Kessock for EV charging who would normally use Inverness or Dingwall for this service.
- 7.10 The café/restaurant was originally proposed to include a drive-thru lane. This was considered to be contrary to planning policy and could encourage unsustainable transport. Accordingly this was removed from the proposal through negotiation with the applicant/agent.
- 7.11 **Café/Restaurant Use** A café/restaurant falls within Use Class 3 which provides for the sale of food or drink for consumption on the premises. It is reasonable to expect that that operator may provide ancillary food and drink take-away ancillary to this. However, any change to a dedicated hot food take away would require planning permission.
- 7.12 **Access, Parking and Road Safety** It is proposed to access the site from the Charleston roundabout, realigning and upgrading the existing layby. The Transport Statement submitted has been reviewed by Transport Planning and Transport Scotland. No road safety concerns have been raised and it is not considered that the development would result in any significant impacts on the local or trunk road networks. The signalised crossing would be subject to separate consent from the Roads Authority. The quantum and form of car and cycle parking proposed within the site, including provisions for disabled car drivers are reasonable and appear to adhere with the standards set out within the Council's Roads and Transport Guidelines for New Developments
- 7.13 **Community and Residential Amenity** The siting, design and layout avoid any significant overlooking/ privacy/ overshadowing/ overbearing impacts on neighbouring houses. The development will be visible from the 2 storey neighbouring houses but is separated from neighbouring houses to the south-west by their back gardens, screen fences and the public road. The block of 2 storey houses to the south is closer and is separated from the development by a narrow strip of grass and the public road. The buildings within the development back onto the boundary of the site and are screened by trees and a timber fence. It is unfortunate that there is no active frontage to the outside of the site with the layout of the site has been determined by the gas pipeline constraint. Quality planting and timber fencing will help to mitigate the visual impact of the development.



- 7.14 It is noted that there will be an increase in traffic, this has been assessed by a Transport Statement. It is not considered that the traffic generation will result in significant adverse effects on residential amenity given the current A9 feeder roads which bound the site.
- 7.15 The operator will be responsible for ensuring the site is maintained in a clean and tidy state free of litter. A condition is attached requiring a factor to be appointed for maintenance of the overall site.
- 7.16 Conditions are attached at the request of Environmental health to ensure any noise impacts are mitigated during construction and during operation. Conditions are also attached to secure appropriate lighting schemes to avoid amenity, road safety and protected species impacts from lighting.
- 7.17 In order to safeguard adjoining residential amenity it is considered appropriate to restrict the hours of operation of both the café restaurant and the retail unit to between 07:30 – 22:00. This will be safeguarded by condition. It is not considered that a development of the scale proposed at this location would result in significant adverse impacts on residential or community amenity.
- 7.18 **Siting, Design, External Appearance** As outlined above, the layout of the development has largely been influenced by the 6m hold back from the gas pipeline. HSE and SGN agreed that car parking and landscaping can be contained in proximity to the pipeline. As a result the buildings have to be located further south. The café/restaurant building is located in the eastern portion of the site with the retail building in the south, the frontages of these face into the site and car parking. The buildings are reasonably small scale being single storey, low level with monopitch roofs. The buildings share design features and materials including grey aluminium cladding and dark grey timber effect cladding panels. The buildings have an overall contemporary appearance which could make an interesting contribution to the character of this area. No details of signage have been provided since this is a speculative development. It is not considered that the visual impact of the development when viewed from the surrounding village or from the A9 will be overly intrusive.
- 7.19 **Vitality and Viability of Village** HWLDP Policy 40 and IMFLDP 2 Policy 1 direct retail development to centres. North Kessock does not have a designated village centre, therefore the proposal is not contrary to these policies. Given the distance between the proposal and the existing retail and food provision in the village and the small scale of the proposal, it is not considered likely that the proposal will have a significant negative impact on vitality and viability of the village. It is likely that the development will generate additional trade with customers stopping specifically to charge their electric vehicles. Over provision/competition between commercial premises has been raised by third parties, this is not a material planning condition.
- 7.20 **Trees and Woodland** There is a Tree Preservation Order on the north/eastern boundary of the site which forms part of the green network identified by the IMFLDP 2. The application is supported by a tree survey and an arboricultural impact assessment. The proposal would involve a minor encroachment into the root protection area of a limited number of trees. The report states that the incursions

proposed are unlikely to cause irreversible damage to the trees. Safeguarding measures are identified within the tree report. It is proposed to remove one tree which is not part of the TPO, in the north of the site to allow for the footpath. The Forestry Officer has no objection subject to conditions.

- 7.21 **Species, Biodiversity and Enhancement.** An Ecological Impact Assessment Report has been submitted. This concluded that the site has the capacity to support species, however no evidence to suggest current or past use by protected or protected species was identified during the survey and therefore the development will not have an adverse impact. A lighting strategy is recommended to ensure minimal impact to roosting bats in the trees outwith the site to the north, this would be required during and post construction and is secured by condition.
- 7.22 The development is capable of delivering biodiversity enhancement, through the landscaping scheme and through the erection of bat and bird boxes within the woodland area along the northern boundary (secured by condition). The detailed landscaping plan shows a wildflower meadow and planting beds in the north west of the site (closest to the gas pipeline). 10 new trees are proposed to be planting within the site. 7 of these are in the south of the site to the rear of the retail building, between it and the fence. The landscape plan also shows hard landscaping and includes variation the road and paving surfaces. The landscaping scheme helps to integrate the development into its setting and is considered appropriate for this location. A condition is attached requiring the developer to provide a public art contribution, it is suggested that this could be in the form of an entrance feature to the site such as stone wall. This would provide an interesting gateway feature to this prominent site, adding to sense of place and would reflect the existing stone wall in the north of the site.
- 7.23 **Water Environment** It is proposed to connect to the public water and wastewater networks in accordance with development plan policy. The Flood Team and Transport Planning have no objections regarding surface water drainage subject to a condition requiring further details to be submitted.
- 7.24 **Developer Contributions** The Inner Moray Firth Delivery Programme 2023 highlights the potential need for developer contributions towards any interventions highlighted within Transport Scotland's A9 Tore to North Kessock Study. Transport Scotland have not requested that developer contributions be sought. No other developer contributions have been identified.

#### **Other material considerations**

- 7.25 **Third party representations** The application has attracted a reasonably high volume of third party representations, both for and against the development (see section 4 above). The majority of points raised are related to planning policy and/or material planning considerations which are addressed in the planning assessment above. In terms of concerns raised, not explicitly addressed above:

- 7.26 Anti-social behaviour – as outlined above, it is not considered that the development is likely to result in significant residential or community amenity given the uses proposed. The site will benefit from natural surveillance from surrounding houses. Any anti-social behaviour would be a Police Scotland matter.
- 7.27 Insufficient toilet provision – the buildings include toilet provision. It seems unlikely that the car park would attract a high volume of users out with normal opening hours of the commercial premises.
- 7.28 Impact on resident parking – the car parking meets the relevant standards and is accepted by Transport Planning. It is unlikely that demand for parking for the facilities would be so high that on street parking would be required. As outlined previously in the report, the site is well located for sustainable travel options.
- 7.29 Should include solar panels – the buildings are of modern design and will require to meet current building standards.
- 7.30 Loss of amenity land – the site does not appear to be in any active use for amenity other than for public access, which will be maintained through the development.
- 7.31 Taking away land for park and ride – whilst the site is identified in IMFLDP 2 for park and ride/choose, there is no current proposal for this. The site identified in IMFLDP is larger than the development site, extending to the north side of the A9.

#### **Non-material considerations**

- 7.32 As noted earlier in this report, overprovision/competition between commercial premises is not a material planning consideration.

The need to demonstrate that there is an adequate supply of electricity to service the development has been raised. This is a matter for the developer to address with the relevant electricity supplier. There is no evidence to suggest that there would be a supply issue.

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

- 7.33 None

### **8. CONCLUSION**

- 8.1 The application is considered to comply overall with the development plan. The rapid EV charging facilities should encourage greater use of electric vehicles for longer journeys therefore reducing carbon emissions, making a contribution to addressing the climate emergency. The associated retail and café/restaurant will provide facilities for users of the chargers and local residents. The site is well placed to offer sustainable travel options and existing public and cycle access has been incorporated into the design. The new signalised crossing will enhance pedestrian and cycle links. The layout and design of the development including landscaping are considered acceptable and should make an overall positive contribution to the visual amenity of this area.

8.2 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.

## 9. IMPLICATIONS

9.1 Resource: Not applicable

9.2 Legal: Not applicable

9.3 Community (Equality, Poverty and Rural): Not applicable

9.4 Climate Change/Carbon Clever: Not applicable

9.5 Risk: Not applicable

9.6 Gaelic: Not applicable

## 10. RECOMMENDATION

### Action required before decision issued N

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

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

2. No development shall commence until full details of the final surface water drainage design has been submitted to and approved in writing by the Planning Authority in consultation with the Flood Team. This shall be in accordance with the principles outlined by the Drainage Impact Assessment (DIA) provided (Commercial Development at North Kessock, Inverness, DIA Issue 2. Fairhurst. 11/09/24). Thereafter the development shall be completed and maintained in accordance with the approved details.

**Reason:** To protect the water environment

3. No development shall commence until details of the surface water drainage requirements for the existing local public road impacted by this development have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Once approved, those designs should be fully implemented and operating prior to any trading commencing from this development and thereafter maintained.

**Reason:** To protect the water environment and to ensure the development does not impact on the existing road drainage

4. 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.

5. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, thereafter the development shall be completed and maintained in accordance with the approved details. Once approved, that Plan should be reviewed regularly, including considering and acting on feedback received from the experiences of the local community whilst those works are being undertaken

**Reason:** In the interests of road and public safety

6. No development shall commence until details of the external lighting within the site have been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland and Environmental Health. The external lighting system 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. Thereafter the development shall be completed and maintained in accordance with the approved details.

**Reason:** To ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished, and in the interests of amenity.

7. No development shall commence until details of the landscaping treatment along the trunk road boundary have been submitted to, and approved in writing by the Planning Authority in consultation with Transport Scotland (and the Forestry Officer). Thereafter the development shall be completed and maintained in accordance with the approved details. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

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

8. No development shall commence until a construction noise mitigation scheme has been submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. This shall demonstrate how the applicant/contractor will ensure the best practicable measures are implemented in order to reduce the impact of construction noise. The assessment should 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 sources, noise sensitive premises and any survey measurement locations if required).

- A description of noise mitigation methods that will be put in place including the 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 requires to be justified.

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

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 the interests of amenity.

9. No development shall commence until a noise management plan which sets out proposals to reduce the impact of noise arising from this development when operational has been submitted to and approved in writing by the Planning Authority. This may include physical measures such as barriers or enhanced insulation or management controls. There shall be no vehicle deliveries to the application site out-with the hours of 8am and 10pm.

**Reason:** In the interests of residential and community amenity.

10. No development shall commence until details of any temporary diversion of the existing path network during construction shall be submitted to and approved in writing by the Planning Authority in consultation with the Access Officer (and Transport Planning and Transport Scotland if required).

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

11. No signage shall be installed on the buildings until full details of the signage have been submitted to and approved in writing by the Planning Authority. Thereafter the signage shall be in accordance with the approved details.

**Reason:** In the interests of amenity.

12. A suitably qualified arboricultural consultant shall be employed at the developer's expense to ensure that the approved Tree Protection Plan, Arboricultural Method Statement and Landscape Plan are implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development, including site clearance or demolition, shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

**Reason:** To secure the successful implementation of the approved Tree Protection Plan and Landscape Plan in the interests of amenity and biodiversity enhancement.

13. No development shall commence until details of a public art entrance feature to the site has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details and before the completion of the development.

**Reason:** In the interest of visual and community amenity and to make a proportionate public art contribution in accordance with the Council's DCSG Given the site's public prominence at the gateway to the village the the site's boundary treatments should be of a higher quality than standard for a development of this type, for example a stone wall entrance feature.

14. No development shall commence until evidence of a factoring agreement for the maintenance in perpetuity of all on site green spaces, landscaping and open and communal areas and infrastructure has been submitted to and approved in writing by the Planning Authority.

**Reason:** To ensure ongoing and long-term maintenance in the interests of amenity.

15. No development shall commence until a lighting strategy for both construction and post construction to ensure minimal impact to roosting bats in the trees to the north of the site has been prepared by a suitably qualified professional and submitted to and approved in writing by the Planning Authority. Thereafter the development shall be constructed and maintained in accordance with the submitted Ecology Impact Assessment and the approved lighting strategy.

**Reason:** In order to ensure the development does not impact on Protected Species. The lighting strategy should aim to avoid or minimise the amount of direct light spilling on to the oak trees, particularly into the canopy of the trees.

16. No development shall commence until at least 2no bird boxes and 2no bat boxes have been attached to trees within the woodland on the northern boundary.

**Reason:** To support biodiversity enhancement

17. No development shall commence on the buildings until detailed floor plans have been submitted to and approved in writing by the Planning Authority.

**Reason:** To ensure that the development complies with the terms of the planning permission, detailed floor plans have not been submitted since this is a speculative development at the time of application.

18. No development shall commence until a phasing programme has been submitted to and approved in writing by the Planning Authority. This shall detail the sequence of development with the site access and EV charging

bays shall be delivered in the first phase of development and operational prior to any other element of the site coming into first use.

**Reason:** In order to enable the Planning Authority to retain effective control over the development, to avoid it being undertaken in a piecemeal manner given it is currently a speculative development. The site access and the EV chargers should be in the first phase of development as the development is supported in planning policy terms as an EV charging station.

## **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.

### **Road Construction (RCC)**

A Road Construction Consent (RCC) Application will need to be submitted to and accepted by Highland Council as the Local Roads Authority prior to any works commencing to adjust the existing vehicular access for the site and to provide the new signalised crossing and adoptable roadside footways around the site. It should be noted that, excluding the new adoptable footways around the periphery of the site, all new vehicular and active travel routes feeding into and through this site will remain private, with the vehicular access from the roundabout being a private access.

### **Gas Pipeline**

Excavations, stockpiling of material, vehicles crossing over the route of the pipeline, changes in ground levels, drilling, piling and the siting of temporary structures, cabins and containers are all activities that can have a negative impact on the pipeline. This list is not exhaustive and SGN advice should be sought if in any doubt.



### **Flood Risk**

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

### **Scottish Water**

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

### **Septic Tanks and Soakaways**

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

### **Local Roads Authority Consent**

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

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

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

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud and Debris on Road**

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

### **Construction Hours and Noise-Generating Activities**

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

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

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

### **Protected Species – Halting of Work**

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

Signature:

Designation: Are Planning Manager – North

Author: Emma Forbes

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

Relevant Plans:

- Plan 1 - Location Plan 22.19-P-001
- Plan 2 - Proposed elevations Class 3 building 22.19-P-020 REV A
- Plan 3 - Proposed elevations EV chargers 22.19-P-021 REV A
- Plan 4 - Proposed boundary fence 22.19-P-022
- Plan 5 - Proposed site section 22.19-P-050 REV A
- Plan 6 - Proposed elevations Class 1A building 22-19-P-023 REV A
- Plan 7 - Proposed site layout 22.19-P-010 REV C
- Plan 8 - Proposed landscaping plan 22.19-P-040 REV D

## Appendix 1 – Letters of Representation

**LIST OF REPRESENTATIONS FOR Erection of EV charging station, retail unit (Class 1A) and cafe/restaurant (Class 3) with associated infrastructure and amenity open space AT ASGARTH, MAIN STREET, NORTH KESSOCK, INVERNESS, IV1 3XN 23/03666/FUL**

### OBJECTORS

1.	Andy Jamieson		20/08/23
2.	Mr Peter Moffatt	Druim Ard, Newton Of Kinkell, Muir Of Ord, IV6 7RF	02/09/23
3.	Mr Emrys Jones	30 Drumsmittal Road, North Kessock, Inverness, IV1 3JU	08/10/23
4.	Mrs Frances Tilbrook	Greenwood House, Denny Road, Cromarty, IV11 8YT	19/08/23
5.	Mr Stuart Graham	Glenoran, 45 Bellfield Road, North Kessock, Inverness, IV1 3XU	11/12/24
6.	Mrs Anne Thomas	Drumsmittal Park, Drumsmittal, North Kessock, Inverness, IV1 3XF	18/12/24
7.	Miss L Cumming		14/08/23
8.	Kirsty Evans		21/08/23
9.	Ms Allison McGuire	10 Barclay Gardens, North Kessock, Inverness, IV1 3AB	14/08/23
10.	Mr David Greer	Old Post Office House, Main Street, North Kessock, Highland, IV1 3XN	07/10/23
11.	Mr Owen Smith	Grianach, 3 Mill Crescent, North Kessock, Inverness, IV1 3XY	08/10/23
12.	Mr George Swanson	An Sealladh, Bellfield Road, North Kessock, Inverness, IV1 3XU	22/08/23

13.	Sandra Dingwall	Windsong, Drumsittal, North Kessock, Inverness, IV1 3XF,	08/09/23
14.	Mr Duncan Simpson	5 First Field Avenue, North Kessock, Inverness, IV1 3JB	16/08/23
15.	Knockbain Community Council		08/10/23
16.	Valerie James	36 Bellfield Road, North Kessock, Inverness, IV1 3XU,	08/10/23
17.	James Attridge		08/10/23
18.	Jane Arnold	Craigard, Craigton, North Kessock, Inverness, IV1 3YG,	06/10/23
19.	Mrs Debbie Whitelaw	Craigduff, Craigton Point, North Kessock, Inverness, IV1 3YQ	19/08/23
20.	Mrs Diana Reid	Asgarth, Main Street, North Kessock, Inverness, IV1 3XN	06/10/23

## SUPPORTERS

21.	David Hay	Achnandarach Lodge, IV52 8TY,	31/08/23
22.	Peter Birks	28 Balvaird Terrace, IV6 7TR,	28/08/23
23.	Taylor Moore	25 Sgriodan Crescent, IV1 3JL,	28/08/23
24.	Lorraine Armour	75 Drumsittal Road, North Kessock, Inverness, IV1 3JU,	19/08/23
25.	Heidi Wheeler	71 Drumsittal Road, IV1 3JU	28/08/23
26.	Alasdair Grigor	9 Balnabrath Way, North Kessock , Inverness, IV13JG ,	30/08/23

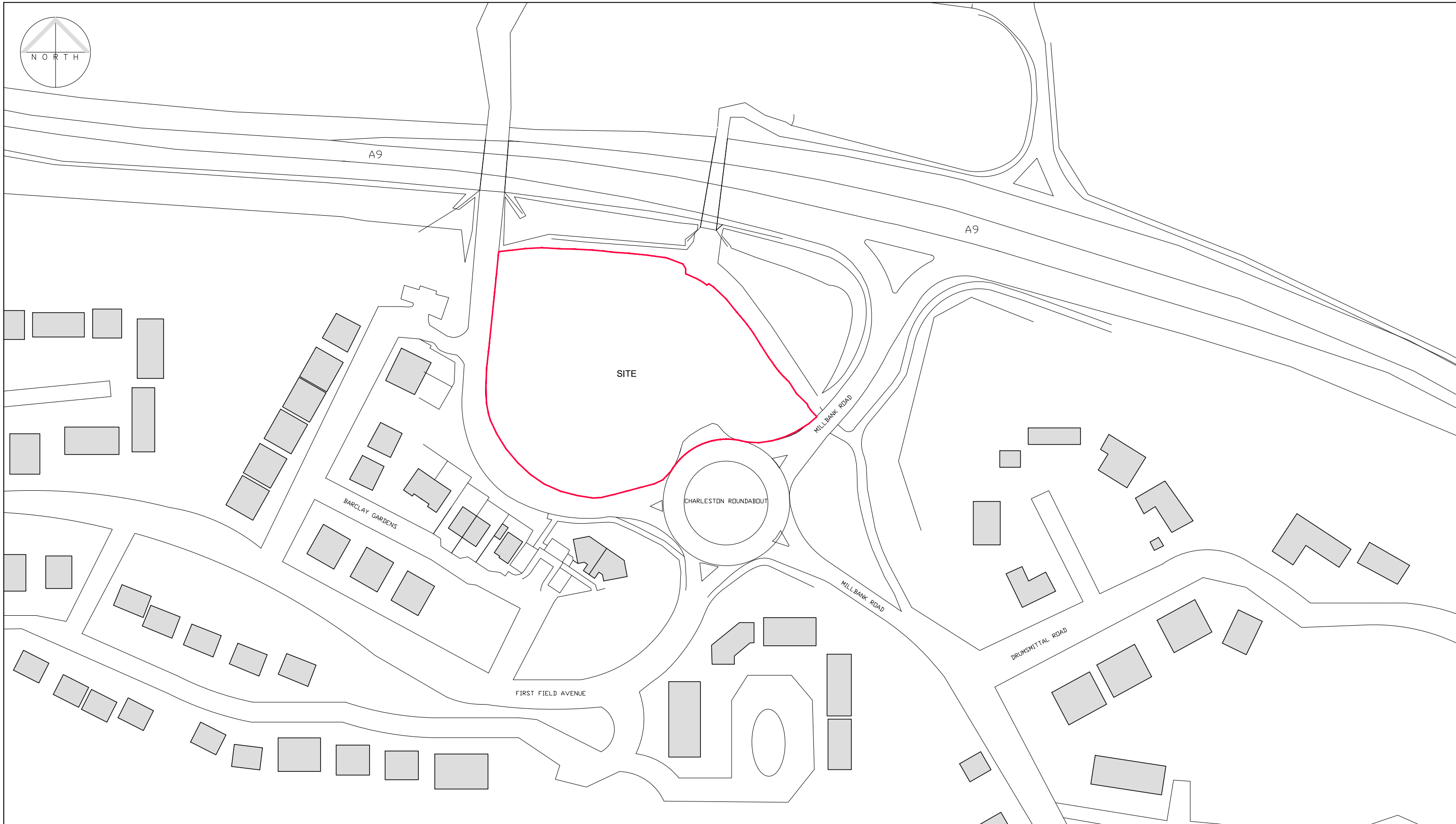
27.	Tanya Marshall	42 Drumsmittal Road, North Kessock, IV1 3JU	30/08/23
28.	Leonard Barber	Leonard Barber, 22 Dunvegan Place, IV3 8SB,	25/08/23
29.	Murdo Maciver	13 Yairs Rise, Charleston, North Kessock, Inverness, IV1 3YJ,	15/02/24
30.	Ms Alison Henderson	23 Ferry Brae, North Kessock, Inverness, IV1 3YH	02/09/23
31.	Mr Robert Bell	20 Cameron Avenue, Balloch, Inverness, IV2 7JT	02/09/23
32.	Steve MacMillan	Inverness, IV3 8TS	29/08/23
33.	Mark Geddes	36 Kintail Crescent, Inverness, IV2 4PG,	24/08/23
34.	Brett McWilliam Gubbins	37 Hil Street, IV2 3AN	27/09/23
35.	Claire Jack	The Lighthouse, Craigton, North Kessock, Inverness, IV1 3YG,	17/08/23
36.	Kate Smith	7 Barclay Gardens, North Kessock, Inverness, IV1 6XP,	18/08/23
37.	Emma Macleod	15 Drumsmittal Road, North Kessock, Inverness, IV1 3JU,	24/08/23
38.	Richard Wilson	8 Woodlands Park, Westhill, Inverness, IV2 5FJ,	24/08/23
39.	Mr Ross Korzepa	23 Ferry Brae, North Kessock, Inverness, IV1 3YH	31/08/23
40.	Ms Cara McCubbin	14 Woodside Brae, IV2 5TJ	31/08/23
41.	John Mowatt	2 St Fergus Court, KW1 4NS,	16/08/23
42.	Scott Nicol	8 Millbank, North Kessock, Inverness, IV1 3XJ,	16/08/23
43.	Sarah Davidson	16 Balnabrath Way, North Kessock, Inverness, IV1 3JG,	16/08/23

44.	Scott Neville	7 Tor Gorm Road, North Kessock, Inverness, IV1 3JJ,	17/08/23
45.	Simon Caine	18 Ferry Brae, North Kessock, Inverness, IV1 3YH,	17/08/23
46.	Janice Levack	Braes Of Coulmore, North Kessock, Inverness, IV1 3XB,	17/08/23
47.	Mr David McAspurn	Coille Na Creige Lodges Craigbreck Wood, Kilmuir, North Kessock, Inverness, IV1 3ZG	29/08/23
48.	Mrs Caroline Hyde	The Bungalow, Arpafeelie, North Kessock, Inverness, IV1 3XD	30/08/23
49.	Sally Wilson	49 Towerhill Ave, Inverness, IV2 5FX	28/08/23
50.	Leeanne Turner	Leeanne Turner, 40 Ferry Brea, IV1 3YH,	28/08/23
51.	Alex Low	32 Reverend Downie, Wynd, KY12 9FF,	28/08/23
52.	Mr Alistair Field		01/09/23
53.	Mr David Tuach	Cluanie, IV8 8NT	25/08/23
54.	Angela Delaye	6 Round Court, IV1 3JD	25/08/23
55.	Mr Jason Gunn	Da Dheug, 12 First Field Avenue, North Kessock, Inverness, IV1 3JB	29/08/23
56.	Pamela Moore	10 Woodlands Terrace, IV25DP,	28/08/23
57.	Judy Moir	15 Towerhill Drive, Cradlehall, Inverness, IV2 5FD,	29/08/23
58.	Iain Matheson	15 Rothes Place, Slackbuie, Inverness, IV2 6FT,	29/08/23
59.	Kevin Thomson	New House, Drumsittal, North Kessock, Inverness, IV1 3XF,	29/08/23

60.	Carol-Anne Long	1 Nelson Street, Inverness, IV3 8BY,	29/08/23
61.	Gillian & Gordon Hunter	9 Yairs Rise, Charleston, North Kessock, Inverness, IV1 3YJ,	29/08/23
62.	Alex Low	32 Reverend Downie Wynd, KY12 9FF	28/08/23
63.	Finlay Mackinnon	5 Torwood Way, IV6 7SW,	27/08/23
64.	Frank Ryan	17 Madras Street, Inverness, IV3 8DA,	21/08/23
65.	Alister Morrison	5 Round House Avenue, North Kessock, Inverness, IV1 3JE,	21/08/23
66.	Sue Macdiarmid	Blair Na Coi, Charleston, North Kessock, Inverness, IV1 3YA,	07/10/23

## REPRESENTATIONS

67.	Mr Joseph Lindsay	Balquhidder, Main Street, North Kessock, Inverness, IV1 3XN	28/08/23
68.	Lois Bailey	16 Yairs Rise, Charleston, North Kessock, Inverness, IV1 3YJ,	25/08/23
69.	Sue Blaney	12 Tor Gorm Road, North Kessock, Inverness, IV1 3JJ,	08/09/23



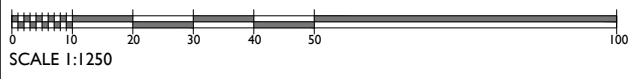
SITE BOUNDARY 

SITE AREA  
7148sqm / 0.7 Hectares / 1.76 Acres

Project:  
NORTH KESSOCK

Client:  
WESTCOAST ESTATES

Drawing title:  
**LOCATION PLAN**



**CAG ARCHITECTS** 

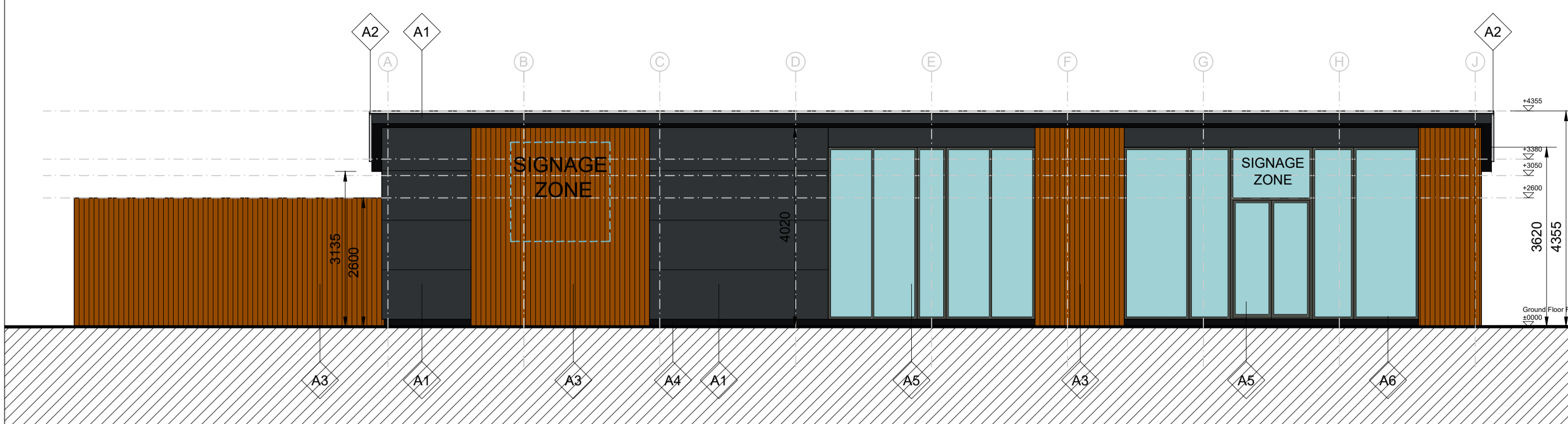
GARROWOOD STUDIO, GRANGE, KEITH T: 01315169820 E: INFO@CAGARCHITECTS.CO.UK

Scale: <b>1:1250@A3</b>	Issue Status: <b>PLANNING</b>	Approved:
Drawn: <b>AWS</b>	Checked:	Date:
Date: <b>31.05.23</b>	Date:	Revision:

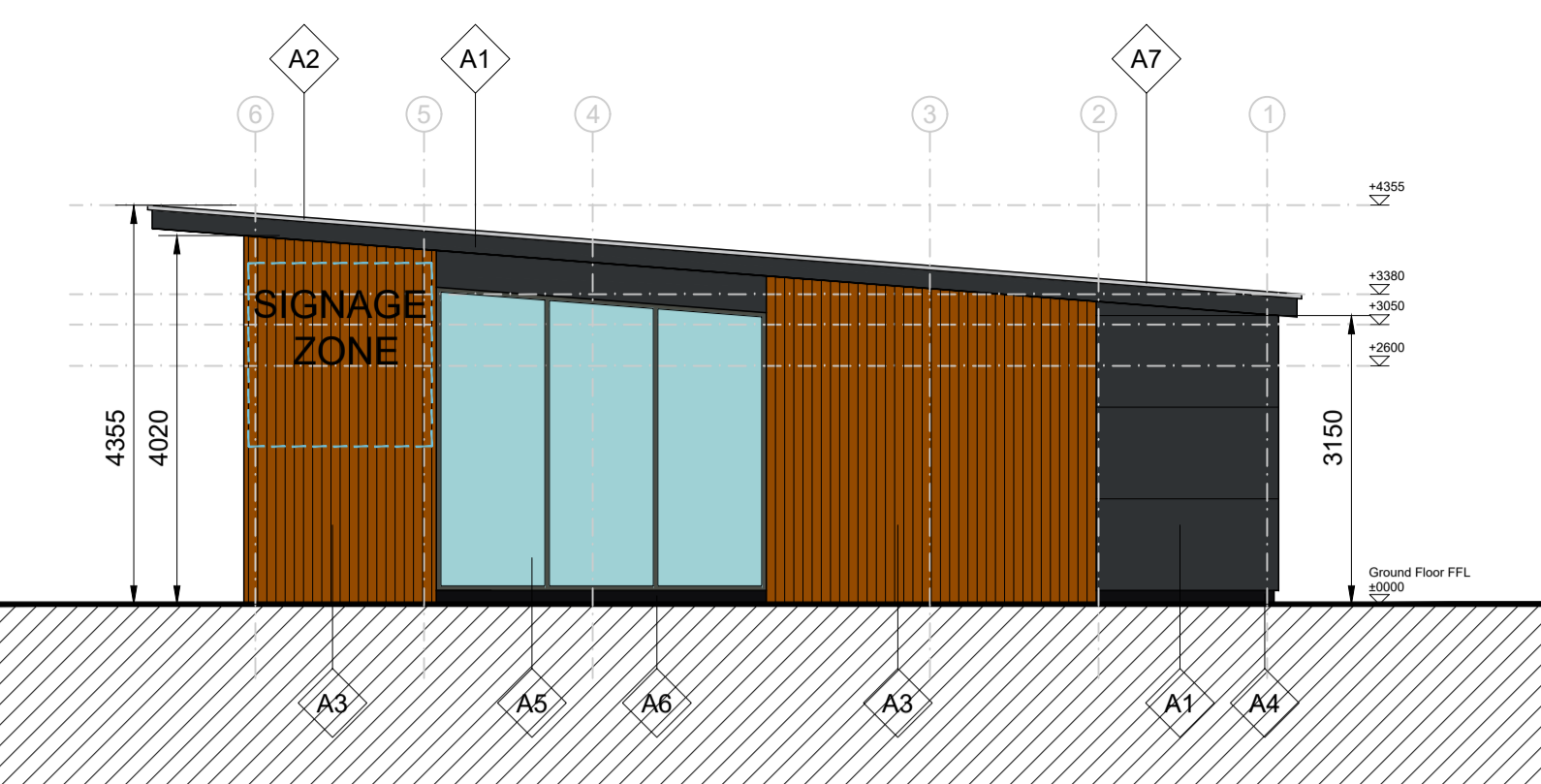
Drawing No.:  
**22.19-P-001**

Rev.	Date	Description

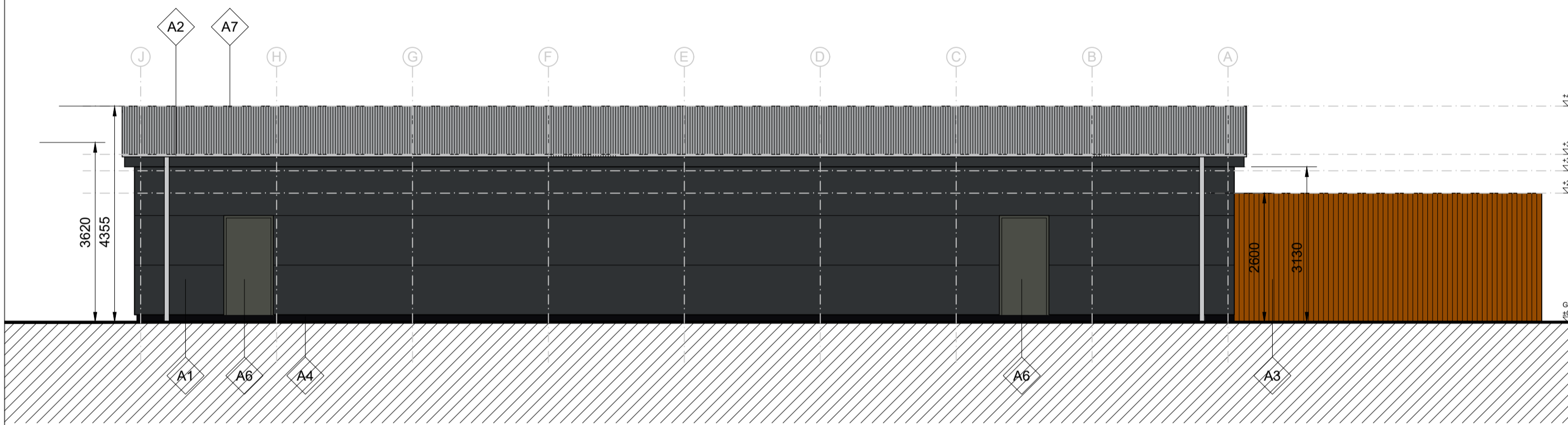




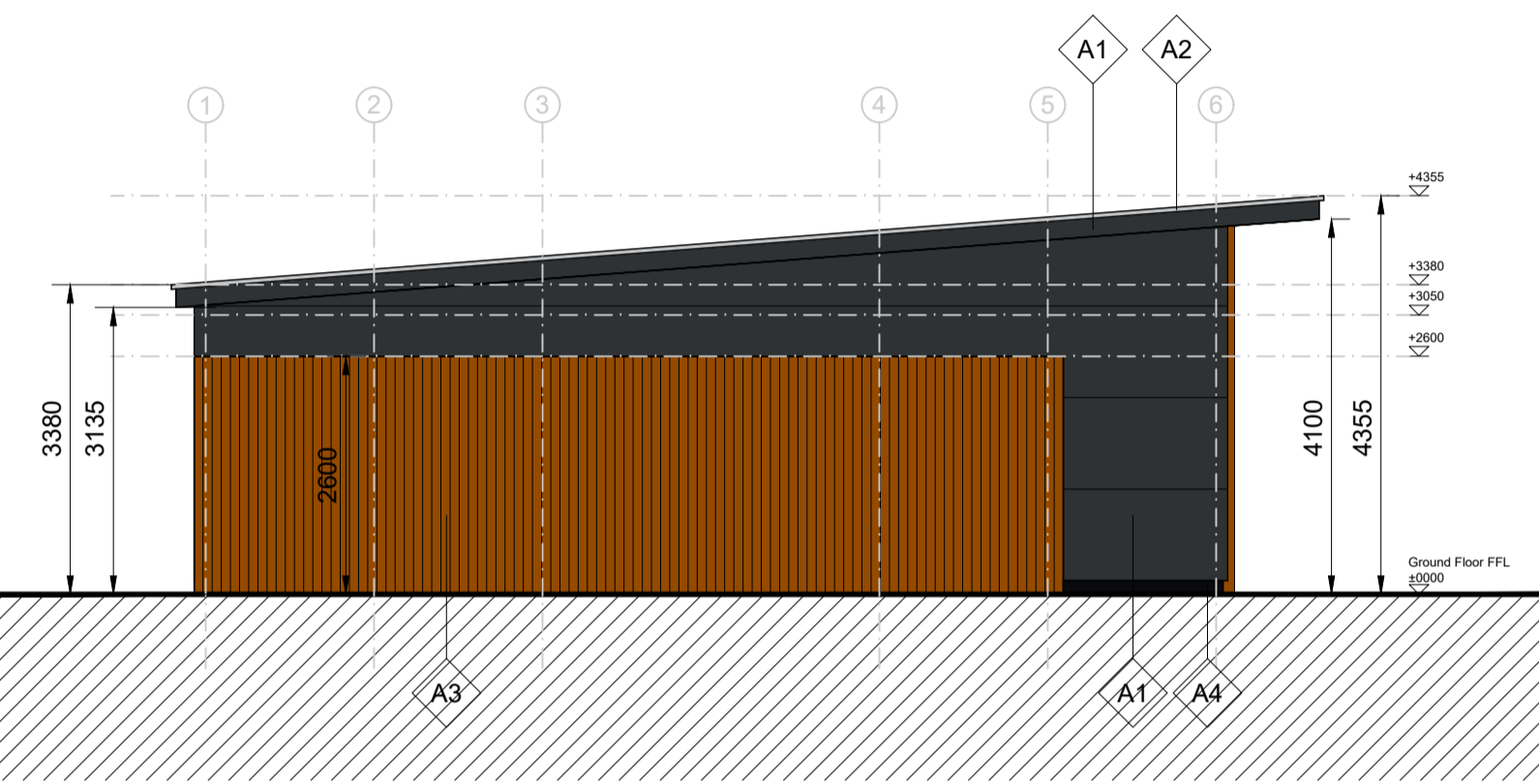
01 SOUTH ELEVATION  
SCALE 1:80



03 EAST ELEVATION  
SCALE 1:80

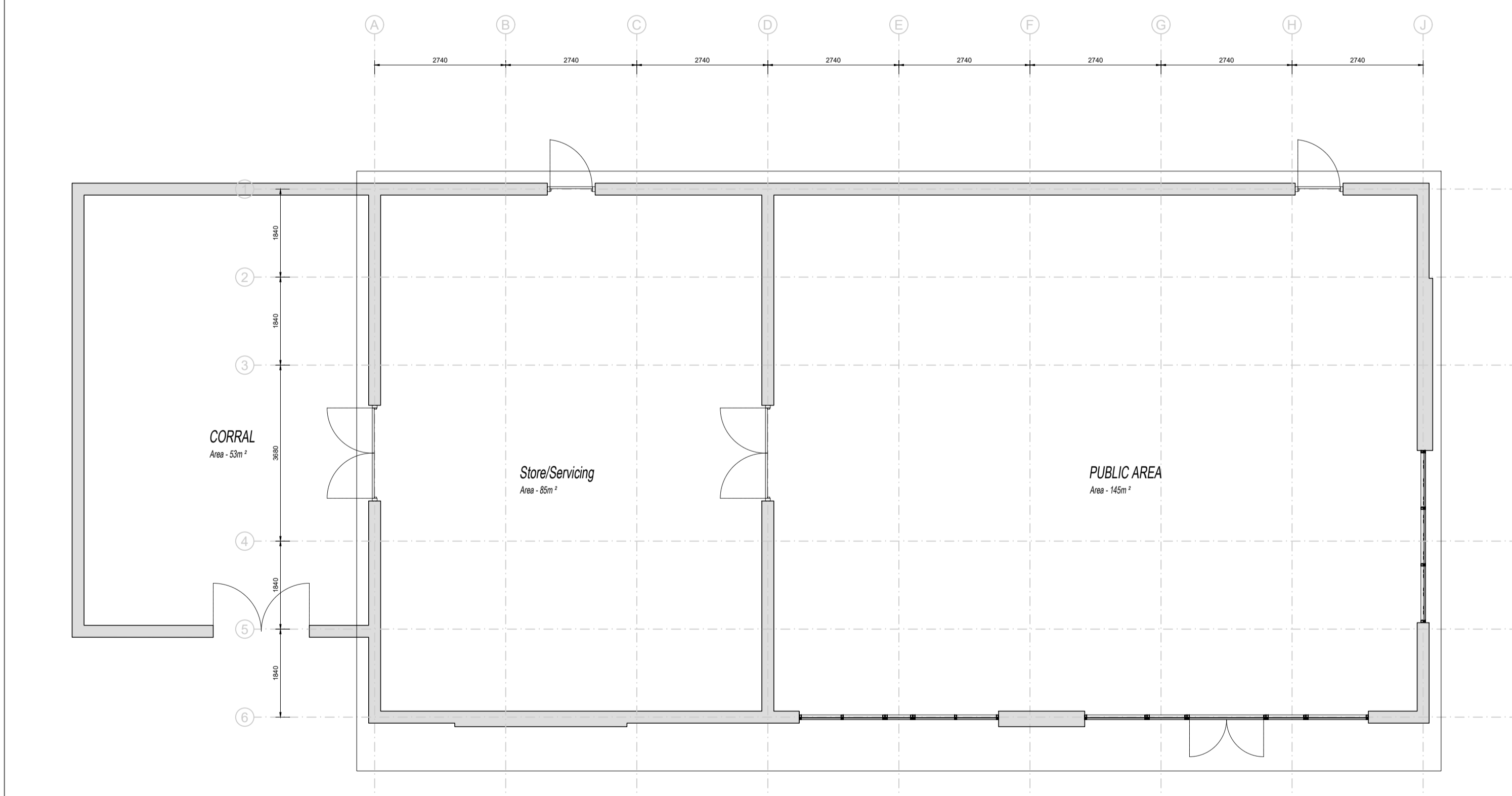


02 NORTH ELEVATION  
SCALE 1:80

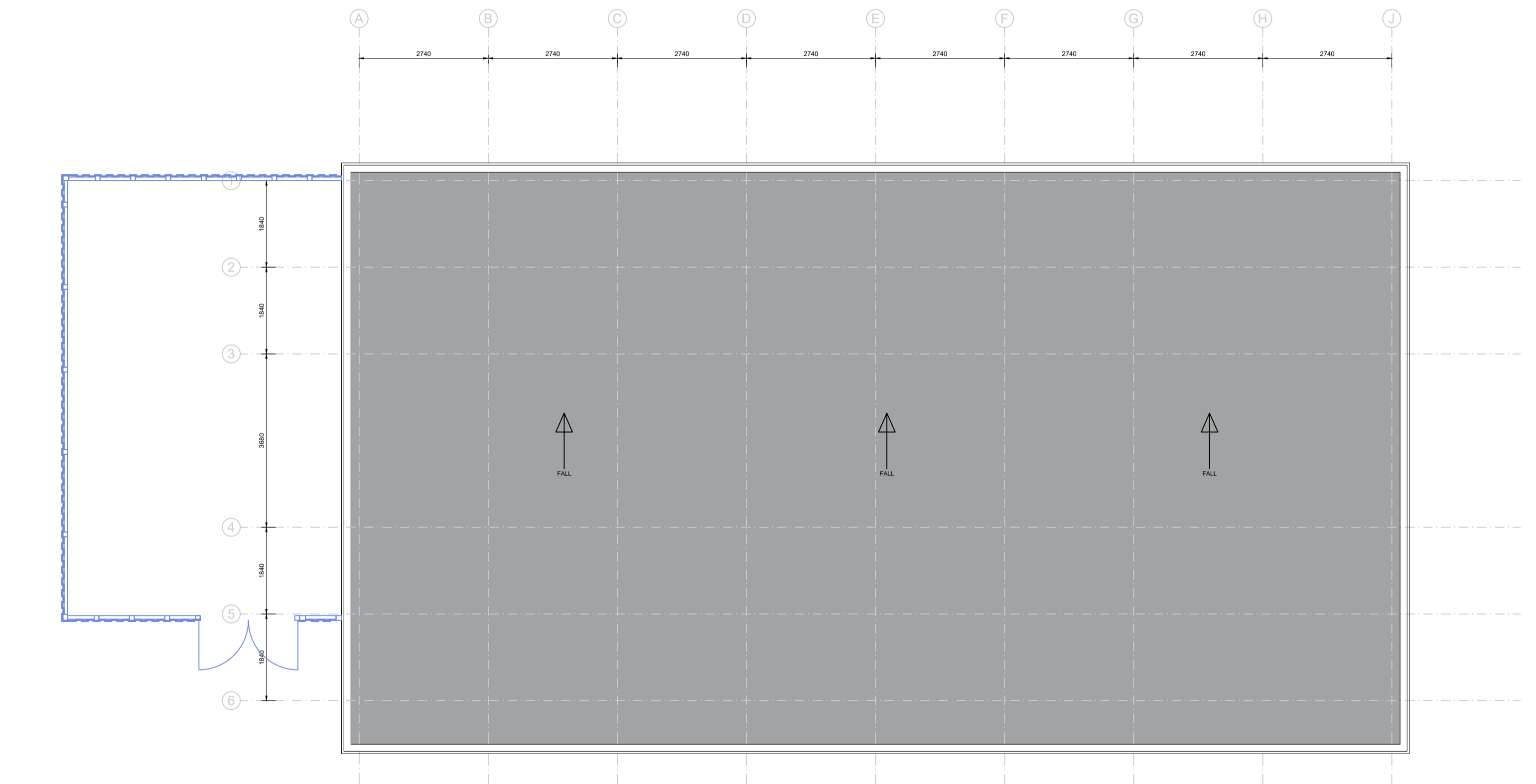


04 WEST ELEVATION  
SCALE 1:80

- MATERIALS LEGEND**
- A1 Kingspan cladding panels RAL 7021
  - A2 Aluminium edge panel Ral 7016
  - A3 Timber cladding Random mix of timber effect cladding panels
  - A4 Aluminium base panel RAL 9005
  - A5 Restaurant Glazing PPC RAL 9005 Jet Black frames
  - A6 Window and Doors PPC RAL 9005 Jet Black frames
  - A7 Single ply roof membrane Light grey



05 FLOOR PLAN  
SCALE 1:80



06 ROOF PLAN  
SCALE 1:80

Rev.	Date	Description
A	06.08.24	REVISED PROPOSALS

KEY:

Project:  
**NORTH KESSOCK**

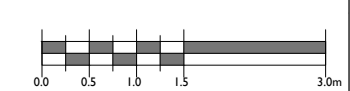
Client:  
**WEST COAST ESTATES**

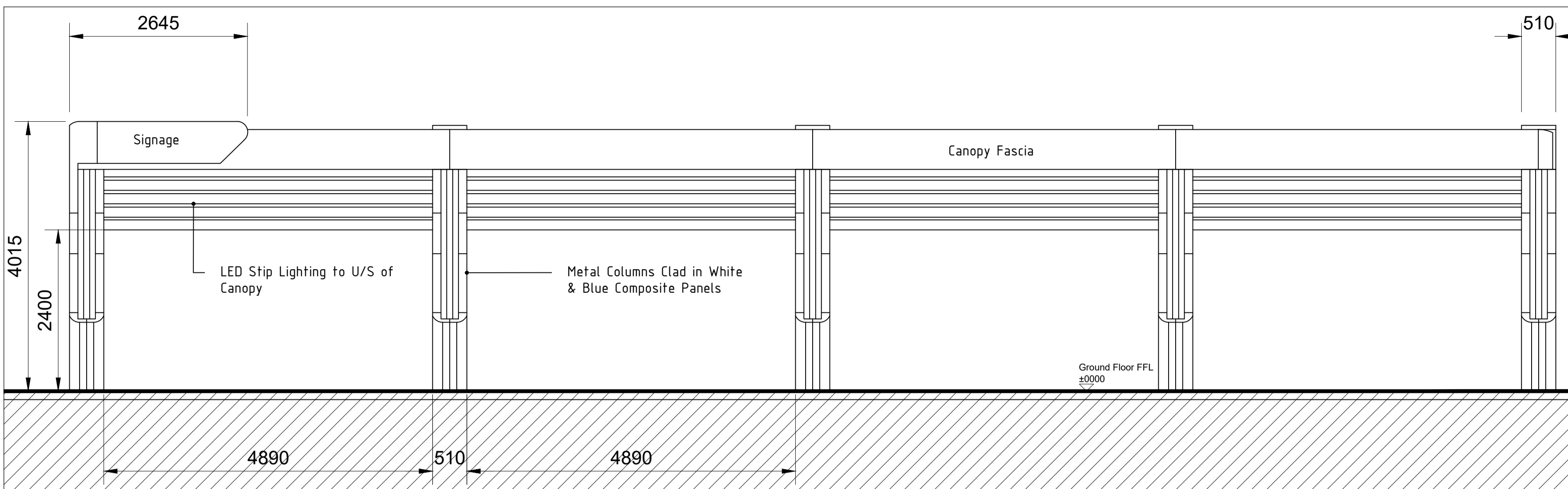
Drawing Title:  
**PROPOSED ELEVATIONS - DRIVE TO RESTAURANT**

**CAG ARCHITECTS**

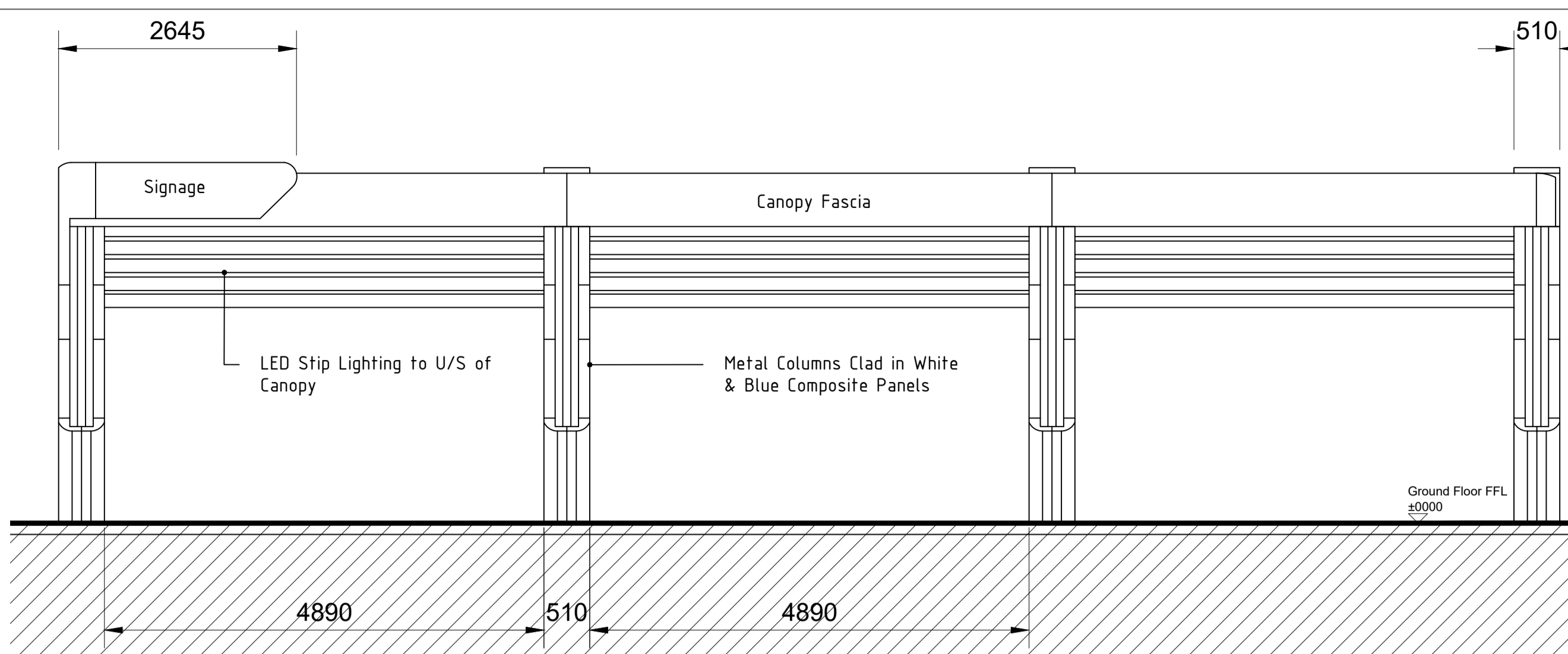
GARRWOOD STUDIO, GRANAGE, KEITH T: 01315 169820 E: INFO@CAGARCHITECTS.CO.UK

Scale of A1 <b>1:80@A1</b>	Issue Status <b>PLANNING</b>	Approved:
Drawn <b>RA</b>	Checked:	Date:
Date: <b>06.08.24</b>	Revision: <b>22.19-P-020</b>	Date:
Drawing No.	Revision: <b>A</b>	

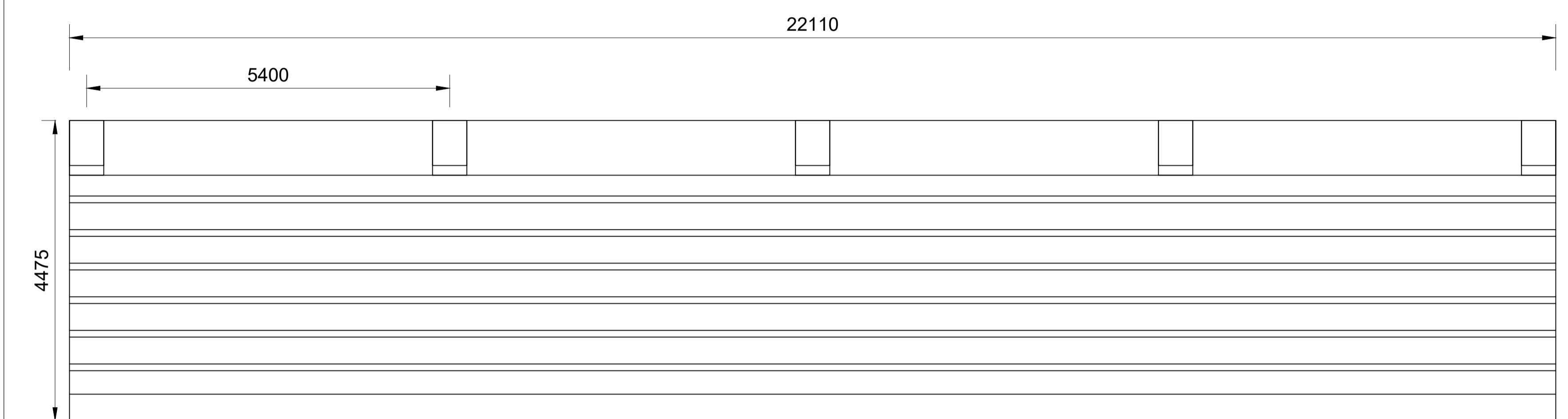




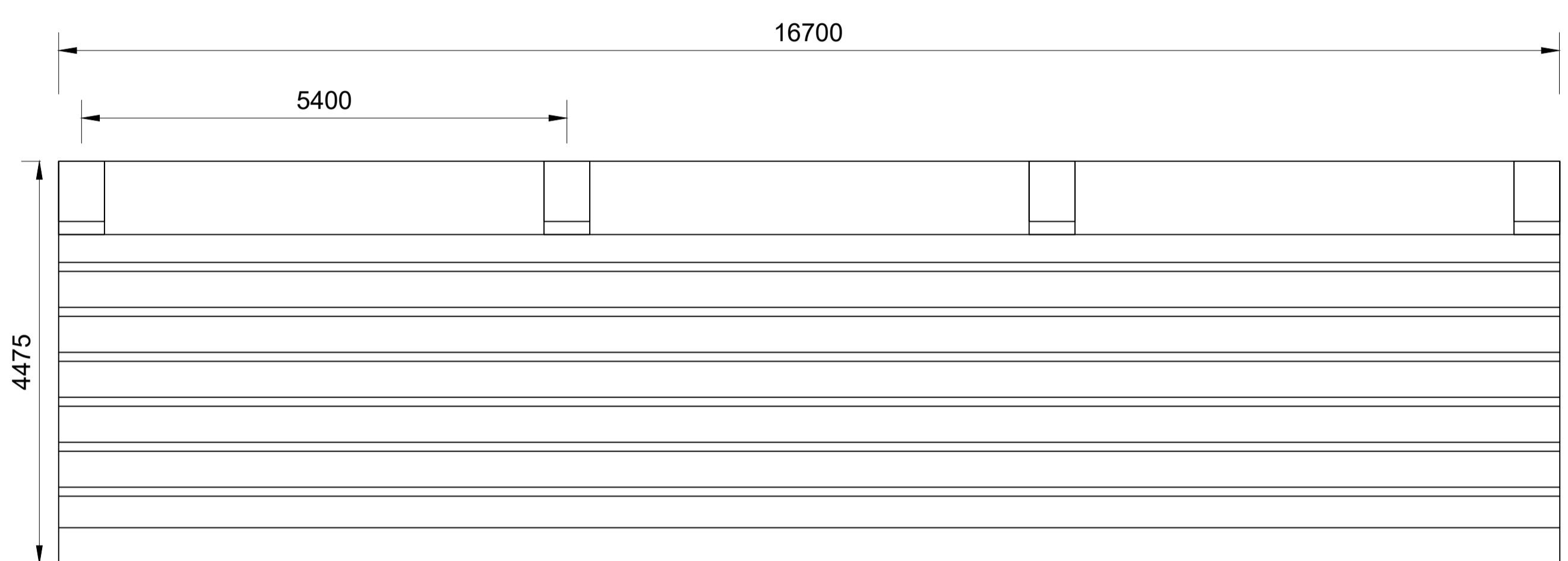
01 CANOPY 01 SOUTH ELEVATION  
SCALE 1:50



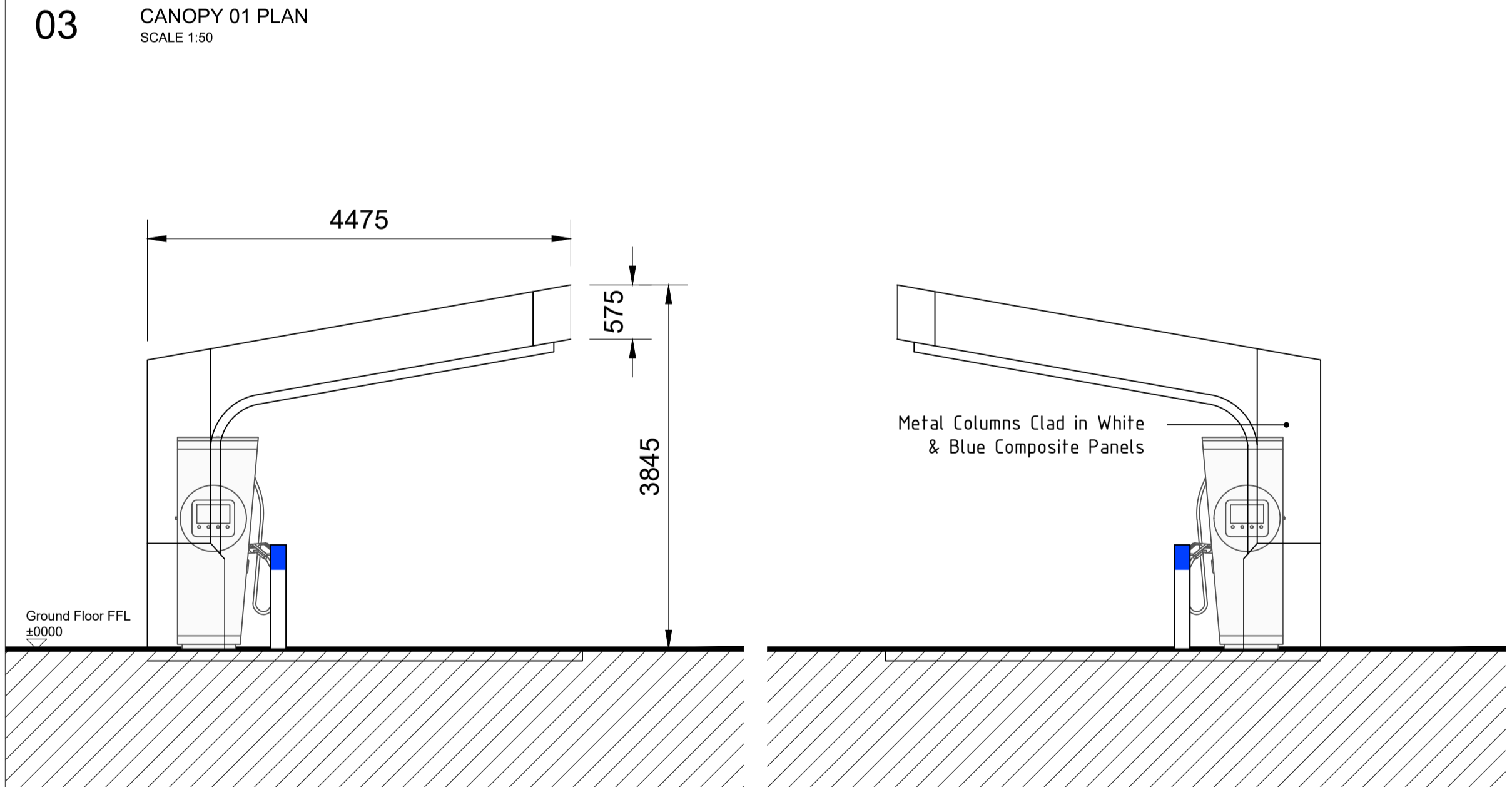
02 CANOPY 02 NORTH ELEVATION  
SCALE 1:50



03 CANOPY 01 PLAN  
SCALE 1:50

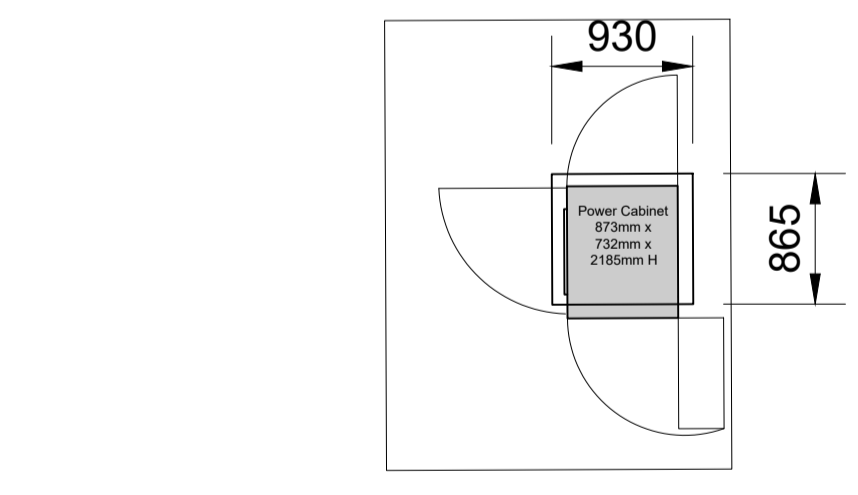


04 CANOPY 02 PLAN  
SCALE 1:50

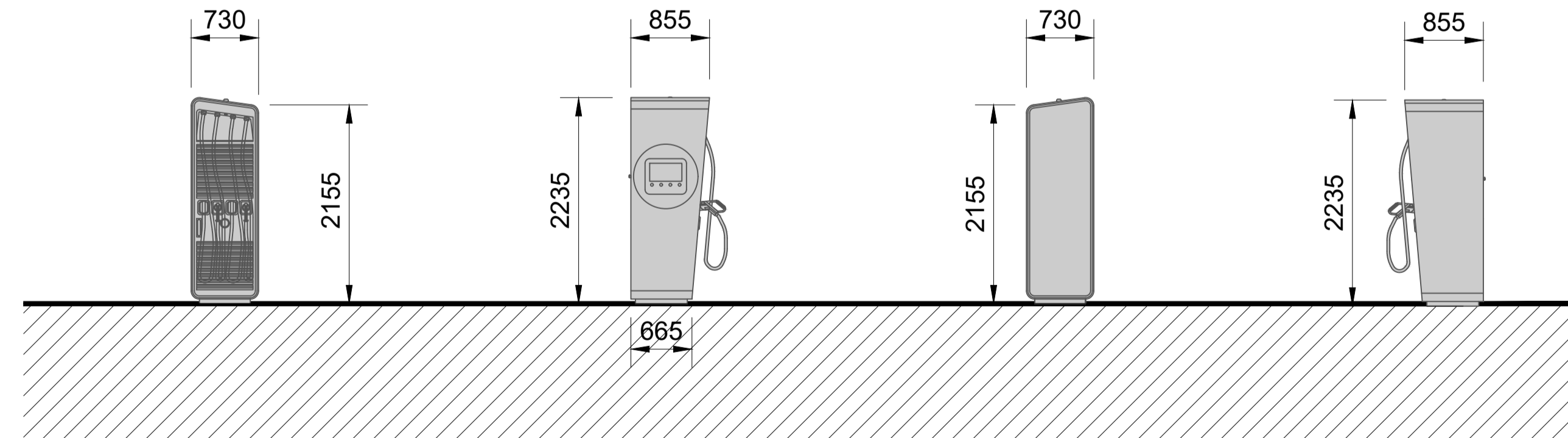


05 CANOPY WEST ELEVATION  
SCALE 1:50

06 CANOPY EAST ELEVATION  
SCALE 1:50



07 CHARGER FLOOR PLAN  
SCALE 1:50



08 POWER CABINET ELEVATIONS  
SCALE 1:50

Rev.	Date	Description
A	06.08.24	REVISED PROPOSALS

KEY:

Project:  
NORTH KESSOCK

Client:  
WEST COAST ESTATES

Drawing Title:  
PROPOSED PLAN AND ELEVATIONS  
-EV CHARGING CANOPIES

Scale of A1:  
1:50@A1

Drawn:  
RA

Date:  
06.08.24

Drawing No:  
22.19-P-021

**CAG ARCHITECTS**

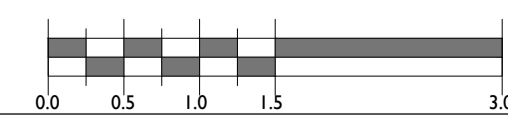
GARRWOOD STUDIO, GRANGE, KEITH T: 01315 109820 E: INFO@CAGARCHITECTS.CO.UK

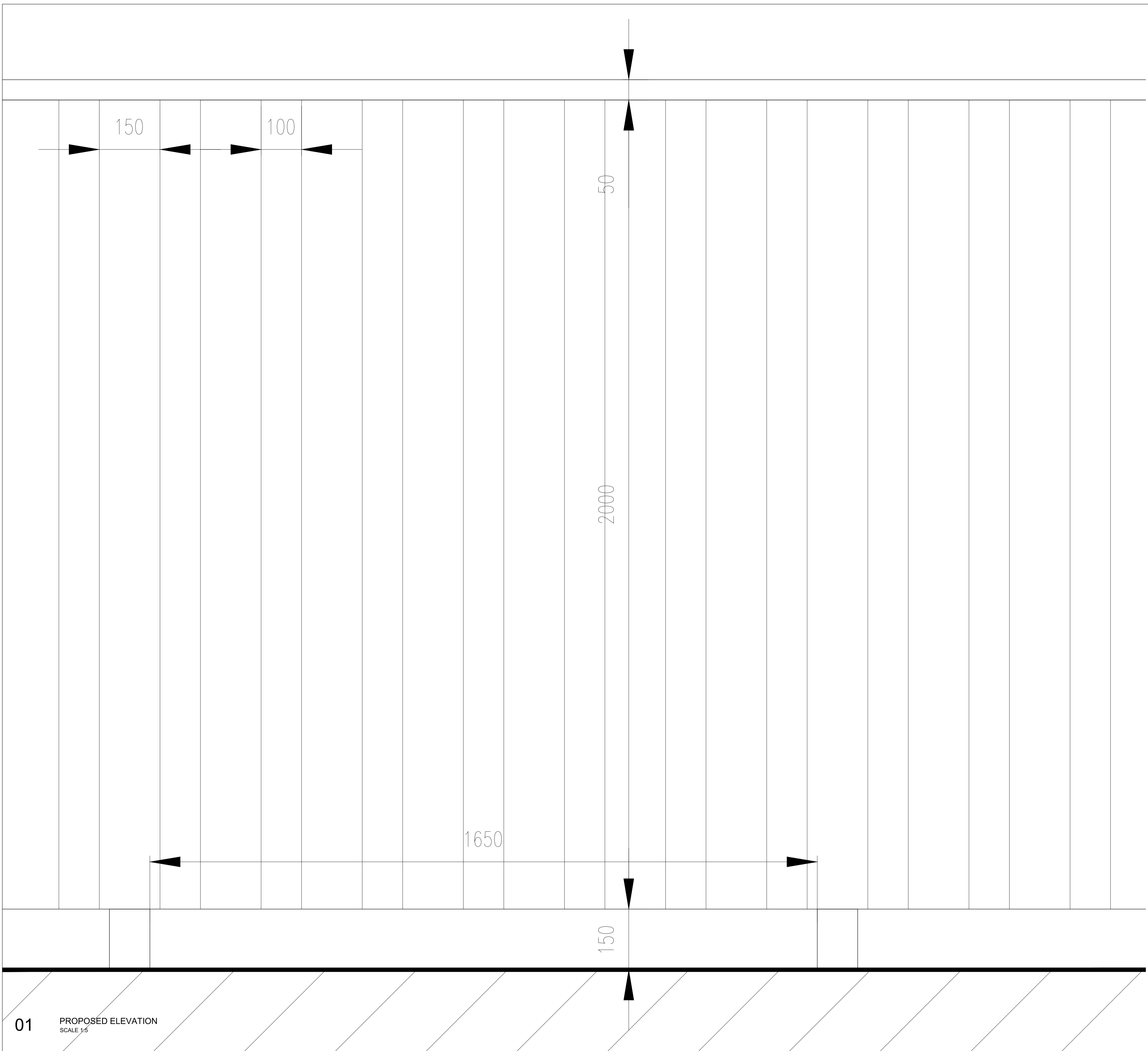
Issue Status:  
PLANNING

Approved:

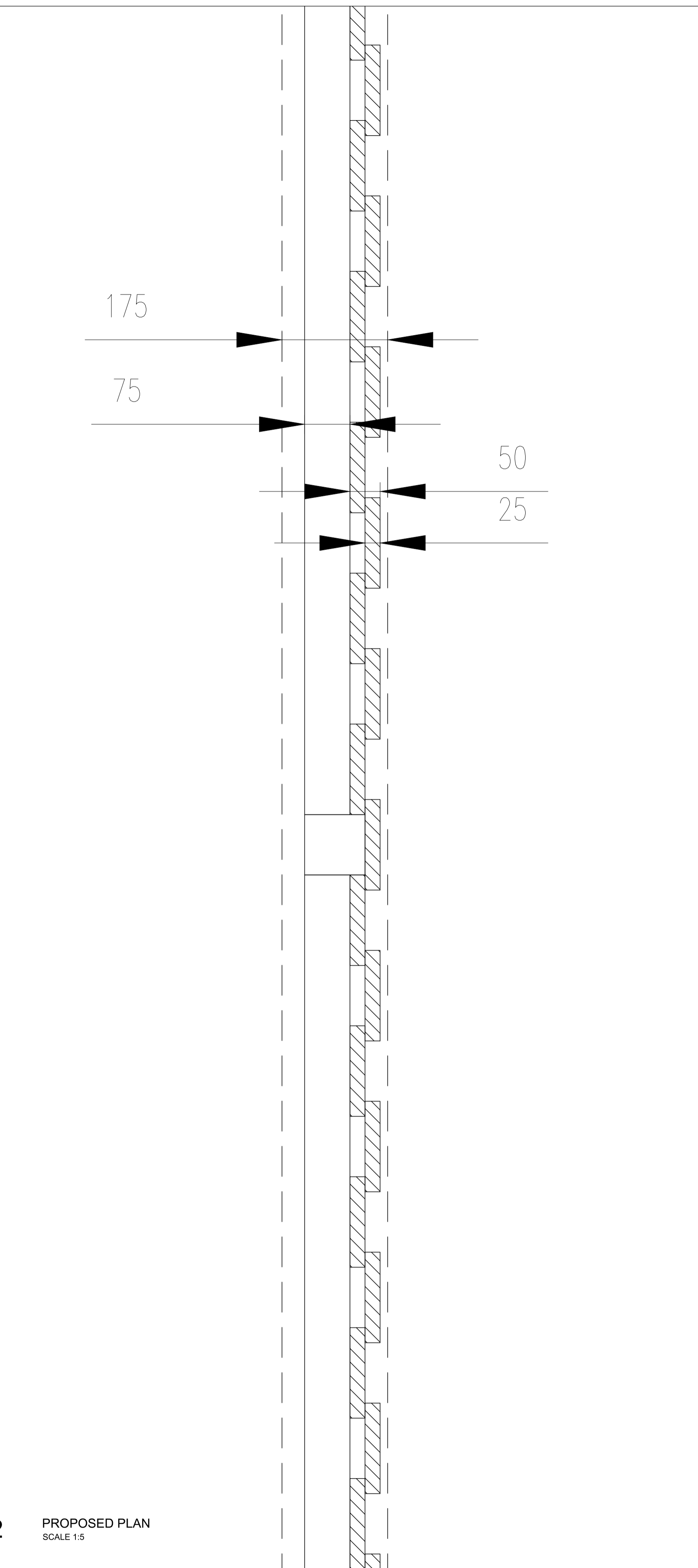
Date:

Revision:  
A





01 PROPOSED ELEVATION  
SCALE 1:5



02 PROPOSED PLAN  
SCALE 1:5

KEY:

Rev.	Date	Description

Project:  
NORTH KESSOCK

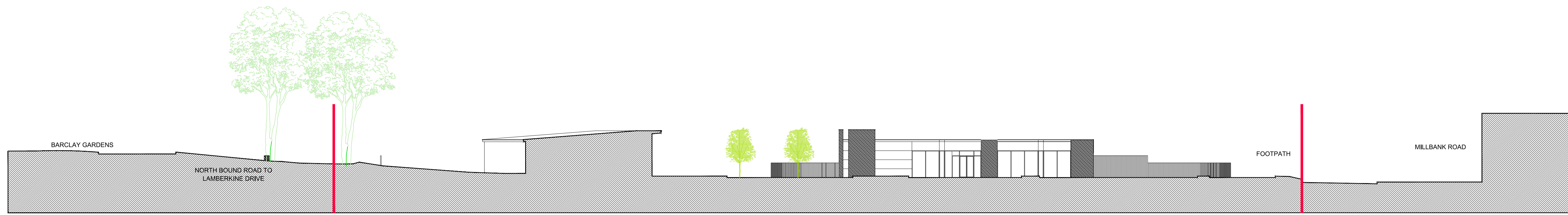
Client:  
WEST COAST ESTATES

Drawing Title:  
PROPOSED BOUNDARY FENCE

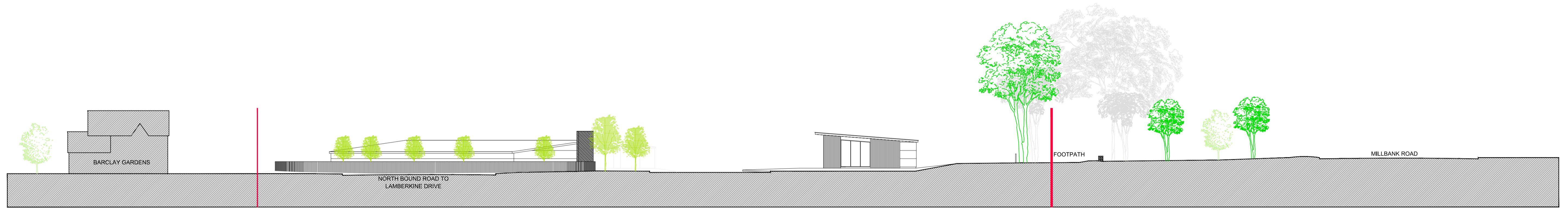
**CAG ARCHITECTS**

GARRWOOD STUDIO, GRANGE, KETHY T: 01315 189820 E: INFO@CAGARCHITECTS.CO.UK

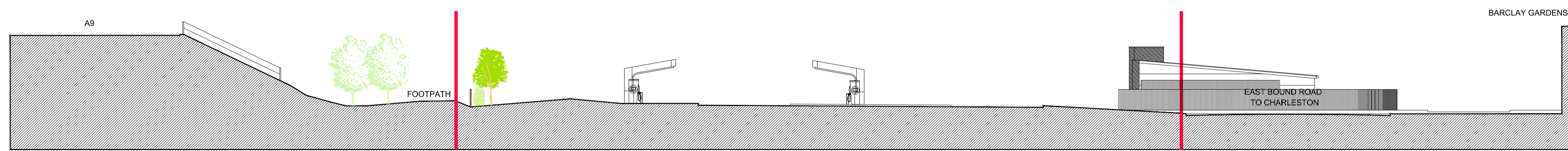
Scale of A1 1:5@A1	Issue Status PLANNING	Approved:
Drawn: AWS	Checked:	Date:
Date: 27.07.23	Date:	Date:
Drawing No. 22.19-P-022	Revision:	



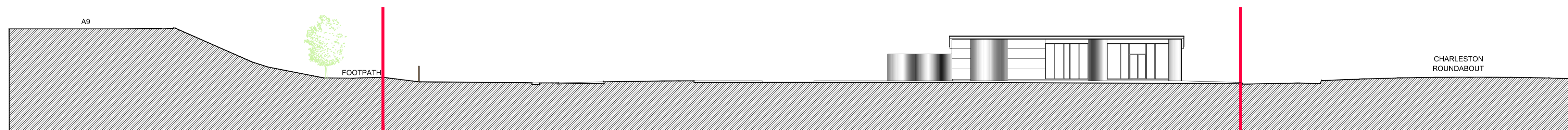
01 PROPOSED NORTH SECTION  
SCALE 1:250



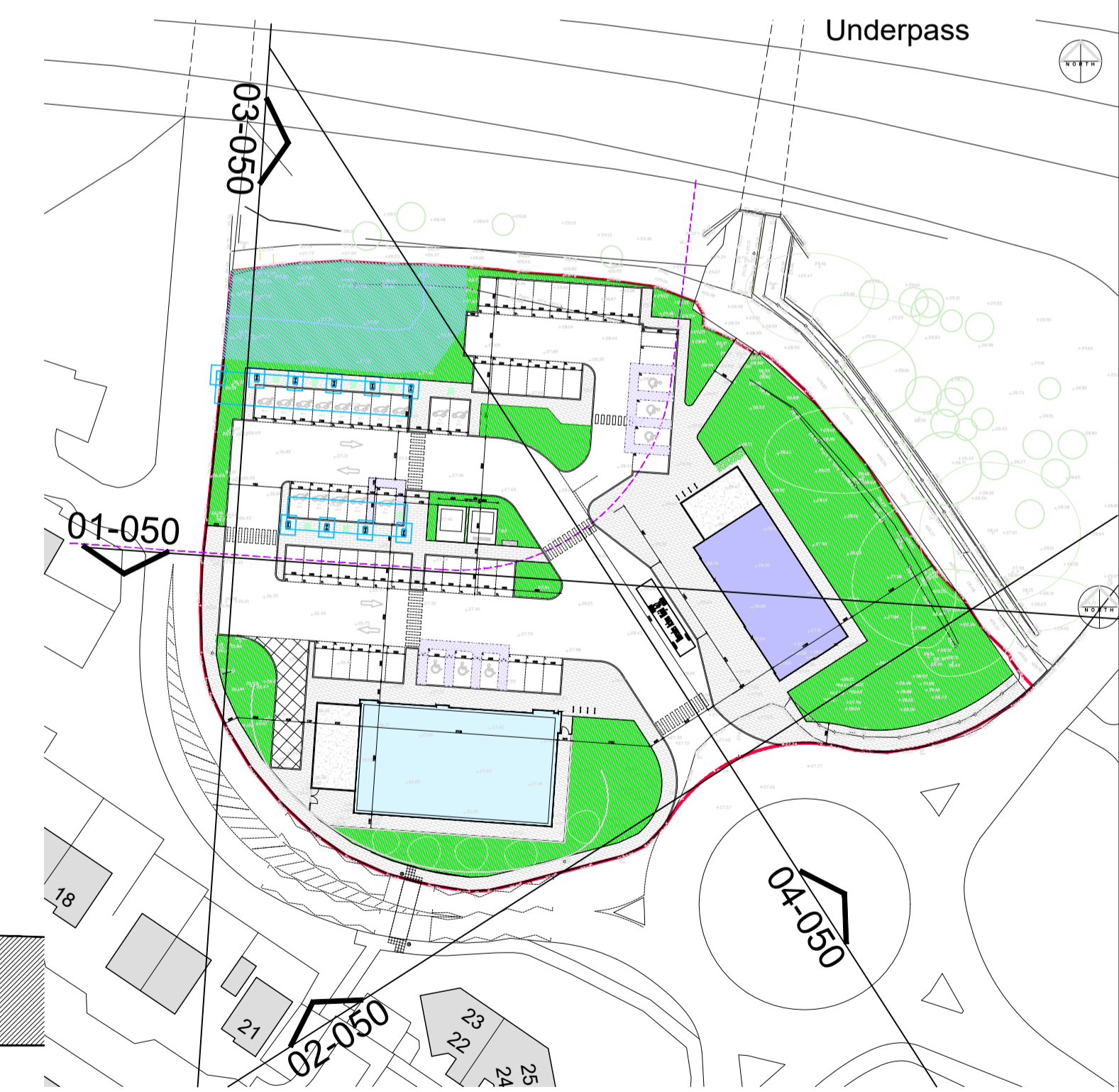
02 PROPOSED SOUTH EAST/NORTH WEST SECTION  
SCALE 1:250



03 PROPOSED WEST/EAST SECTION  
SCALE 1:250



04 PROPOSED SOUTH WEST/NORTH EAST SECTION  
SCALE 1:250



05 PROPOSED SITE PLAN  
SCALE 1:750

Rev.	Date	Description
A	07/08/24	REVISED PROPOSALS

Project:  
**NORTH KESSOCK**

Client:  
**WEST COAST ESTATES**

Drawing Title:  
**PROPOSED SITE SECTIONS**

Scale of A1:  
**1:250@A1**

Issue Status:  
**PLANNING**

Drawn:  
**RA**

Checked:  
**RA**

Approved:  
**RA**

Date:  
**07.08.24**

Drawing No:  
**22.19-P-050**

Revision:  
**A**

Scale: 0 2 4 6 8 10.0m 20.0m  
SCALE 1:250

**CAG ARCHITECTS**

GARRWOOD STUDIO, GRANGE, KETHY T: 01315 189820 E: INFO@CAGARCHITECTS.CO.UK

Issue Status:  
**PLANNING**

Drawn:  
**RA**

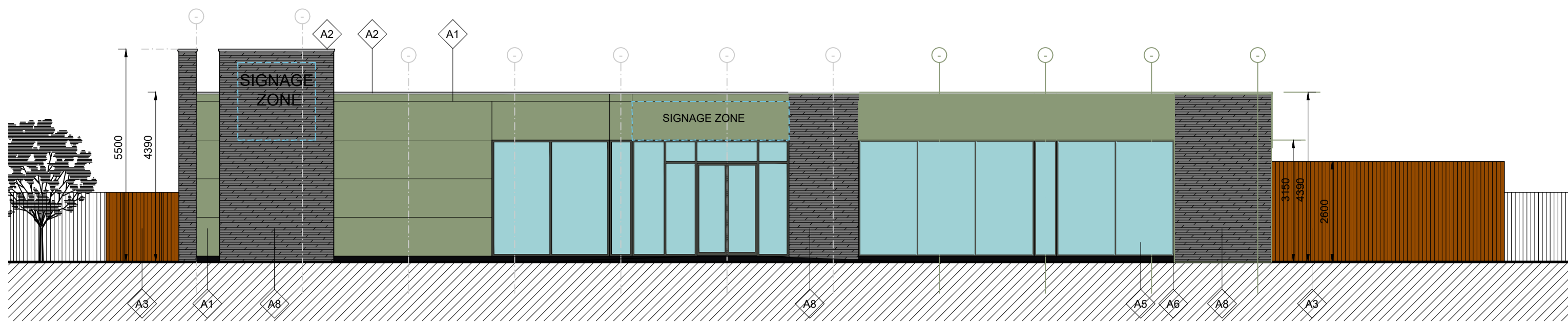
Checked:  
**RA**

Approved:  
**RA**

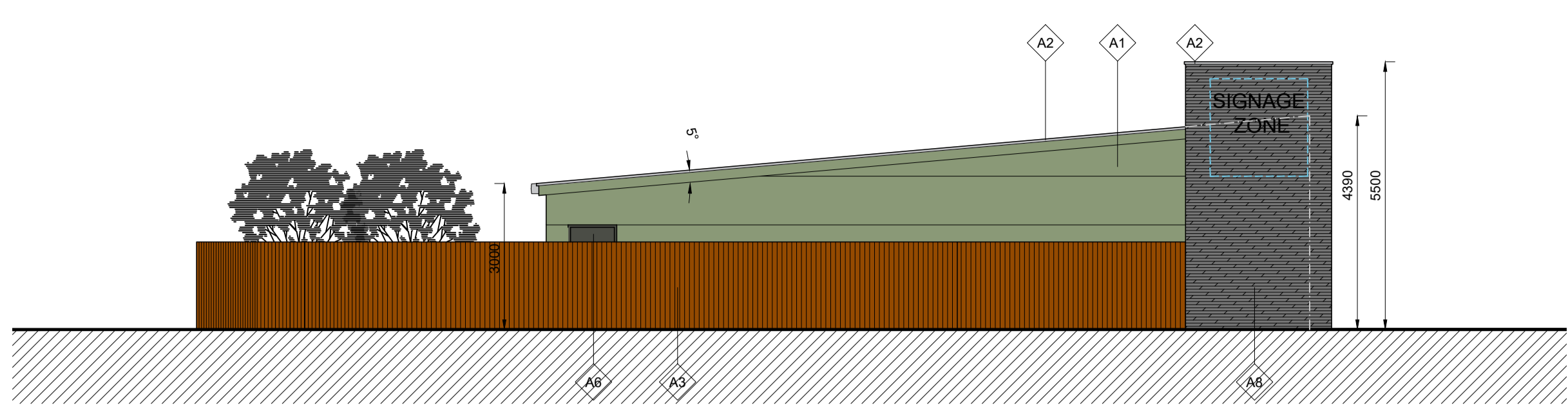
Date:  
**07.08.24**

Drawing No:  
**22.19-P-050**

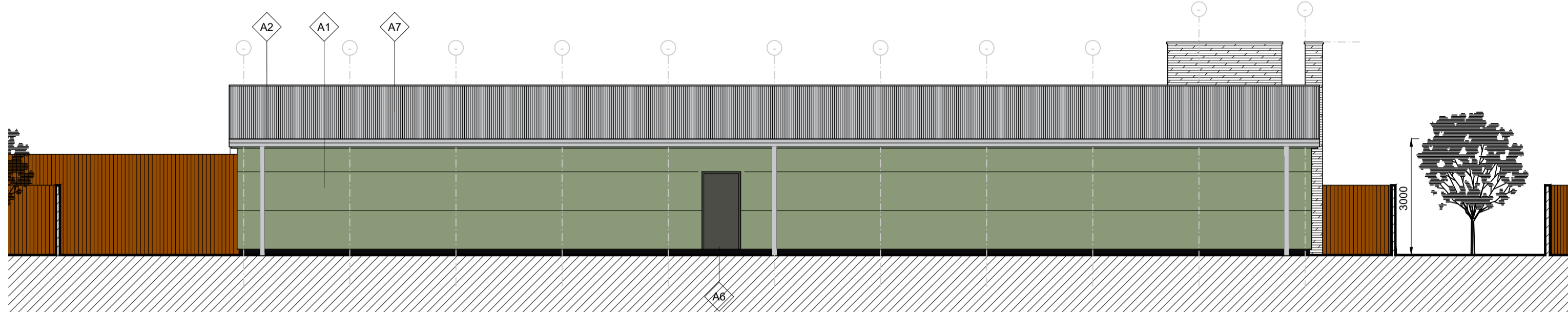
Revision:  
**A**



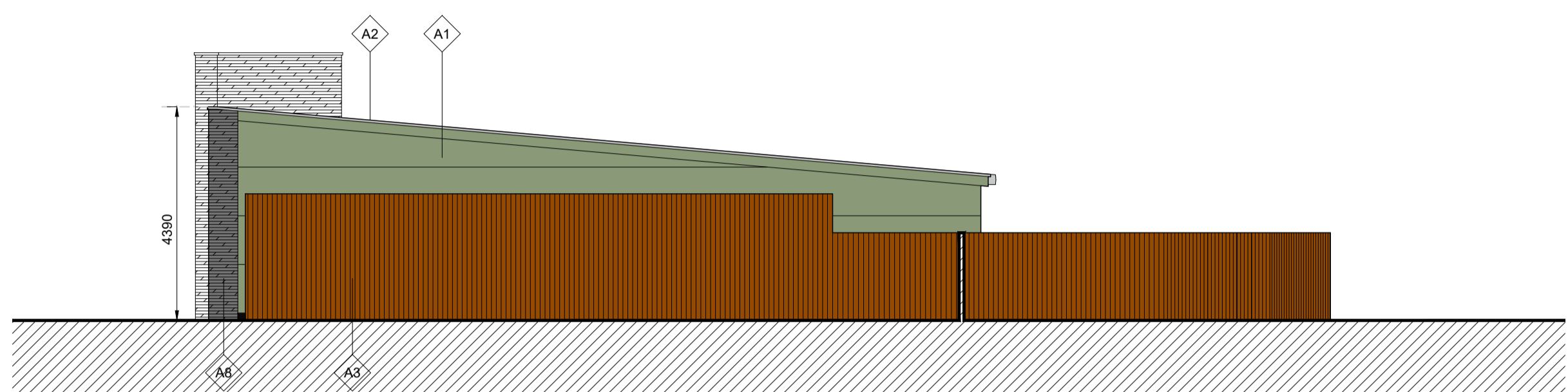
01 NORTH ELEVATION  
SCALE 1:100



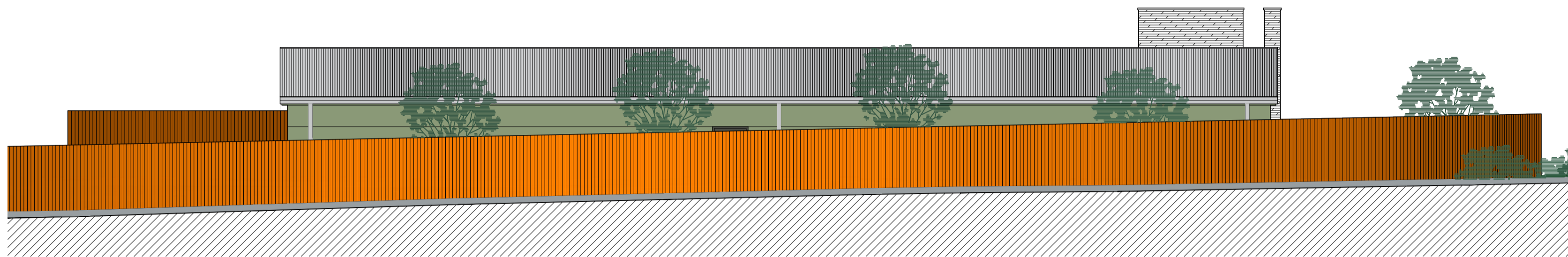
03 EAST ELEVATION  
SCALE 1:100



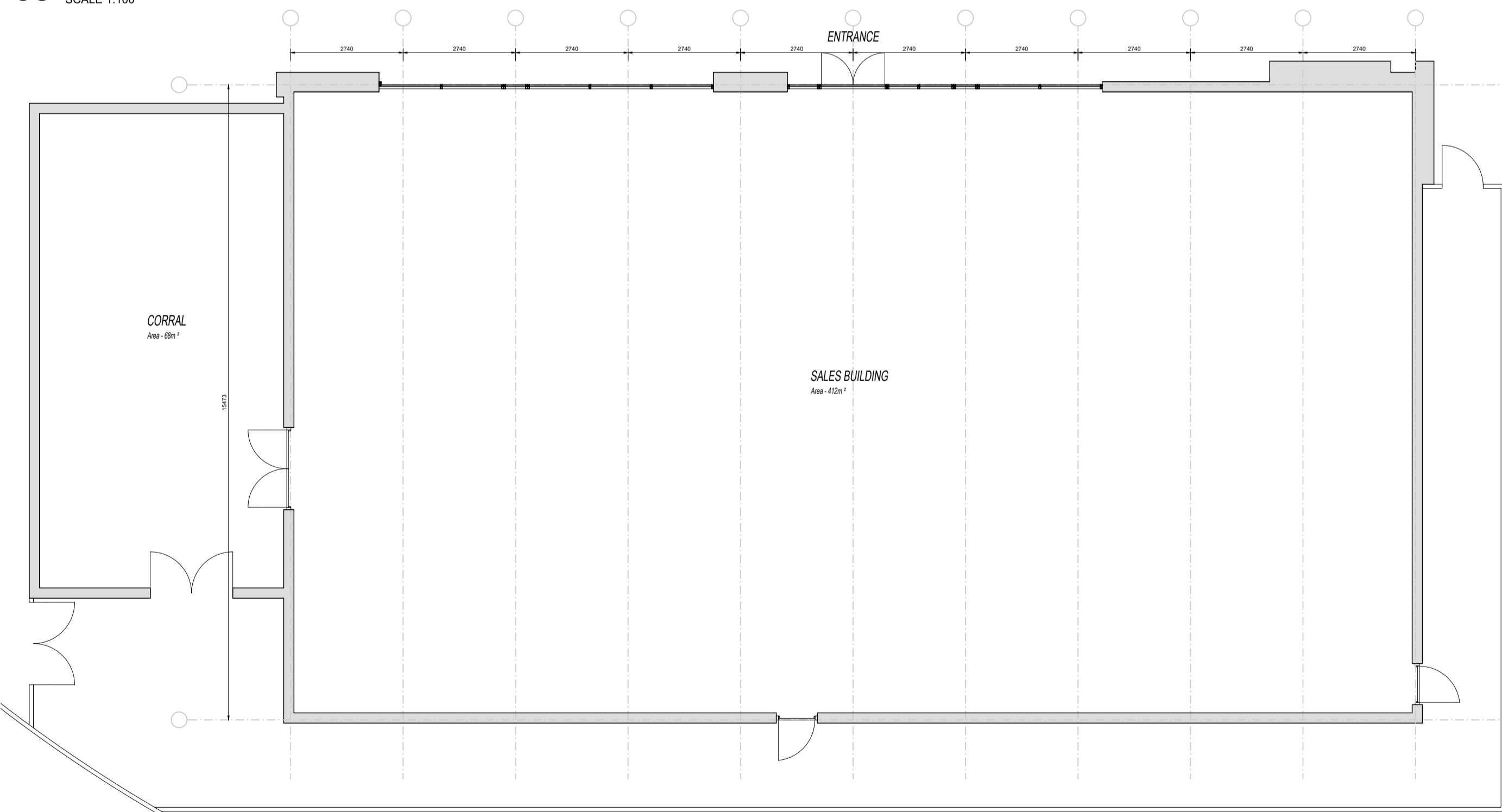
02 SOUTH ELEVATION  
SCALE 1:100



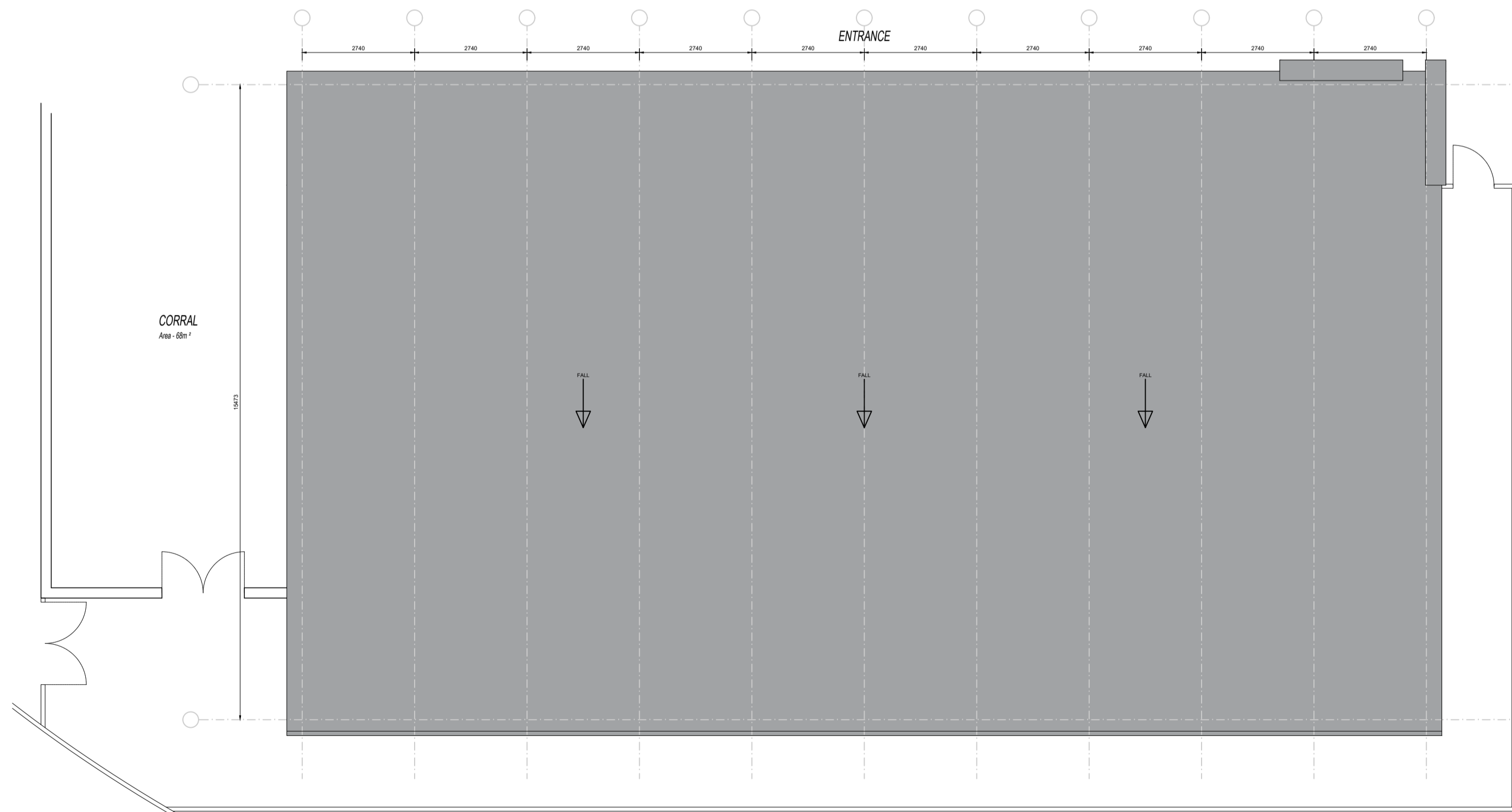
04 WEST ELEVATION  
SCALE 1:100



05 SOUTH ELEVATION AS VIEWED FROM ADJACENT ROAD  
SCALE 1:100



06 FLOOR PLAN  
SCALE 1:100



07 ROOF PLAN  
SCALE 1:100

- MATERIALS LEGEND
- A1 Kingspan cladding panels RAL 6021
  - A2 Aluminium edge panel Ral 7016
  - A3 Timber cladding Random mix of timber effect cladding panels
  - A4 Aluminium base panel RAL 9005
  - A5 Restaurant Glazing PPC RAL 9005 Jet Black frames
  - A6 Window and Doors PPC RAL 9005 Jet Black frames
  - A7 Single ply roof membrane Light grey
  - A8 Stone/Cladding Feature Panels Slate/horizontal banding

Riv.	Date	Description
A	09/12/24	ROOF PLAN

KEY:

Project:  
NORTH KESSOCK

Client:  
WEST COAST ESTATES

Drawing Title:  
PROPOSED RETAIL UNIT

Scale at A1:  
1:100@A1

Issue Status:  
PLANNING

Drawn:  
RA

Date:  
23.06.24

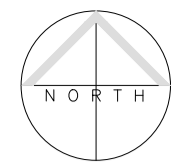
Drawing No.:

**CAG ARCHITECTS**

GARRWOOD STUDIO, GRANGE, KETHIC T: 01315 169920 E: INFO@CAGARCHITECTS.CO.UK

Checked:	Approved:
Date:	Date:
Revision:	A

22.19-P-023



KEY:-

PLOT 1

EV STATION  
Unit 400 sqm (4,305sq.ft) GIA  
Site Area 3943 sqm (0.97 acres)  
15No. Charging bays, including 1No. Charging Disabled Bays  
23No. Parking Bays incl 3No. DDA bays

PLOT 2

CLASS 3 UNIT  
Unit 260sqm (2,798sq.ft) GIA  
Site Area 3200 sqm (0.79 acres)  
21No. Parking bays incl 3No. DDA bays

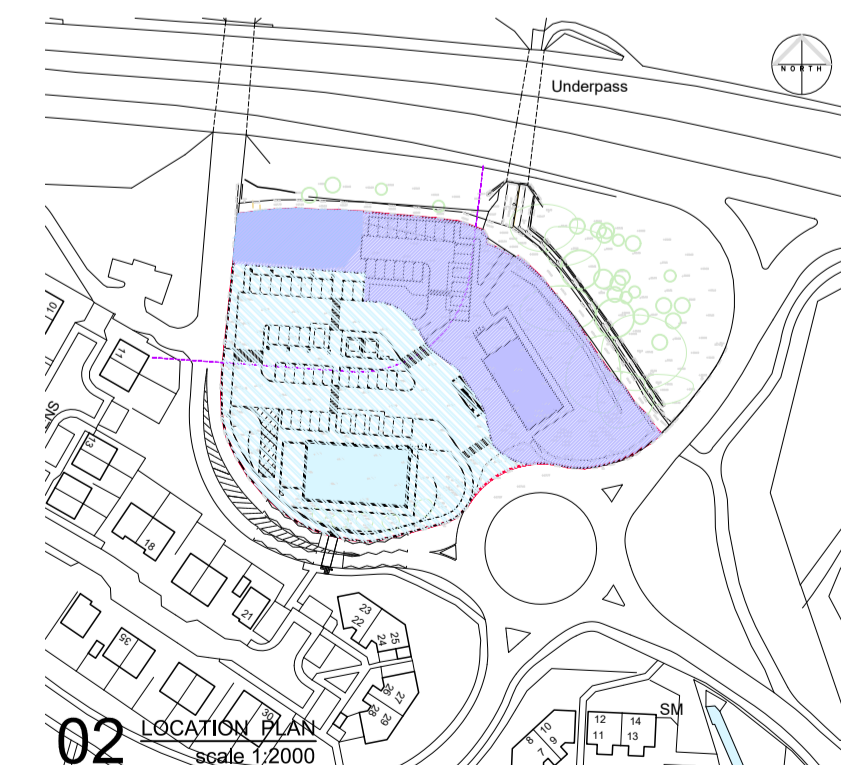
Boundaries:-

- Existing Timber Post + Wire Fence
- Existing Boundary Wall
- Existing Trees, within Site Boundary
- Existing Footpath
- Existing LampPost

Notes:-

- Existing Timber Post + Wire Fence to be removed
- Existing Footpath to be removed and rerouted
- 8No. Charging columns (spec TBC)

- Downtakings
- - - Gas Main



01 PROPOSED SITE PLAN  
scale 1/200

Rev.	Date	Description
C	09/12/24	REVISED LAYOUT
B	06/08/24	REVISED LAYOUT
OPT A2	21/09/23	GAS PIPELINE ADDED
OPT A3	22/06/23	ADJUSTMENT TO SUIT TRACKING
OPT A	20/06/23	ADJUSTMENT TO AVOID TPO TREES

- GAS PIPELINE
- GAS PIPELINE 6M STANDOFF AS PER SGN ADVICE. NO DEVELOPMENT ZONE
- GAS LINE BUILDING EXCLUSION
- SITE BOUNDARY
- SITE AREA  
7146sqm / 0.77ha / 1.76 Acres

Project: NORTH KESSOCK

Client: WEST COAST ESTATES

Drawing Title: PROPOSED SITE PLAN

Scale at A1: 1:200/2000@A1

Drawn: AWS/RA

Date: 24.06.24

Checked: [ ]

Approved: [ ]

Revision: C

SCALE 1:200

02 LOCATION PLAN  
scale 1/2000

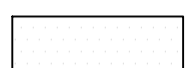

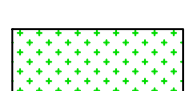



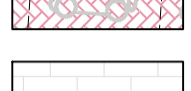

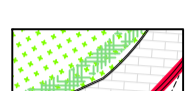
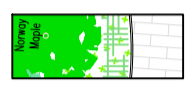
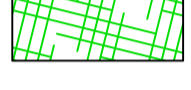

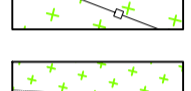
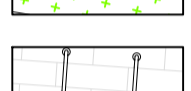

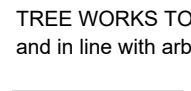
**CAG ARCHITECTS**

GARRWOOD STUDIO, GRANGE, KETHICK T. 01315 169820 E. INFO@CAGARCHITECTS.CO.UK





Issue Status: PLANNING

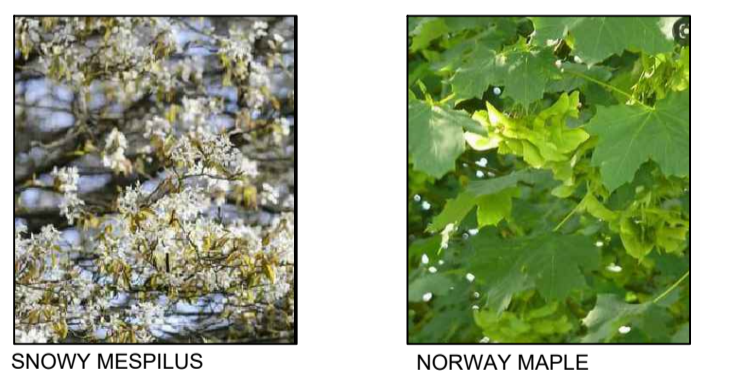
22.19-P-010

LANDSCAPE KEY

-  **TARMAC ROADWAY**  
New road surfacing
-  **CONCRETE ROADWAY**  
Raised concrete platt
-  **WILDFLOWER GRASS MIX**  
7 annuals, 8 Perennials, 7 grass species. All Native.
-  **TEGULA SETT PAVING**  
Harvest. Conc. flush kerb edge paint lines.
-  **TEGULA SETT PAVING**  
Brindle. Conc. flush kerb edge paint lines.
-  **DDA BAY**  
Epoxy paint - white.
-  **EV CHARGE BAY**  
Epoxy paint - Lime green.
-  **PAVING**  
Coach House - Dark Grey
-  **CONCRETE KERBING**  
Including ramps, laid to fall.
-  **NEW HEDGE**  
+1.5M Beech (Fagus Sylvatica Purpurea)
-  **NEW HEDGE**  
+1.0M Beech (Fagus Sylvatica )
-  **PLANTING BEDS**  
Mixed species as per spec.
-  **ROAD MARKINGS**  
Epoxy paint - white.
-  **FENCE**  
+1.1M Steel epoxy painted (Ral 6005)
-  **TIMBER FENCE**  
+1.8M Curved at South Boundary
-  **CYCLE STANDS**  
Stainless Steel Sheffield Stands

TREE WORKS TO BE READ IN CONJUNCTION WITH TREE REPORT and in line with arboricultural specification

-  **NEW TREE 3No.**  
Acer Platanoides (Norway Maple)  
4m Standard
-  **NEW TREE 3No.**  
Amelanchier Lamacckii (Snowy Mespilus)  
4m Standard
-  **NEW TREE 4No.**  
Fagus Sylvatica (Beech) Half Standard  
3-4m CANOPY
-  **EXISTING TREE'S ON SITE 3No.**  
For Spec, refer to Tree Report



01 PROPOSED LANDSCAPE PLAN  
scale 1:200

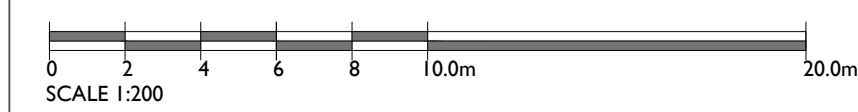


**SITE BOUNDARY**  
SITE AREA  
7146sqm / 0.7Ha / 1.76 Acres

Rev.	Date	Description
D	09/12/24	Revised layouts
C	06/08/24	Revised layouts
B	31/07/23	Text Updated
A	31/07/23	Text Updated

Project:  
NORTH KESSOCK

Client:  
WEST COAST ESTATES  
Drawing Title:  
PROPOSED LANDSCAPE PLAN



**CAG ARCHITECTS**  
GARRODWOOD STUDIO, GRANGE, KETH  
T: 01315 189820 E: INFO@CAGARCHITECTS.CO.UK

Scale of A1 1:200@A1	Issue Status PLANNING	Approved:
Drawn RA	Checked:	Date:
Date: 06.08.24	Date:	Date:
Drawing No. 22.19-P-040	Revision: D	