

**THE HIGHLAND COUNCIL**

**INVERNESS, NAIRN, BADENOCH AND STRATHSPEY  
PLANNING APPLICATIONS AND REVIEW COMMITTEE**

**02 DECEMBER 2008**

Agenda Item	
Report No	

**COMMERCIAL DISTRICT CENTRE, INCLUDING CLASS 1 RETAIL STORES,  
DOCTORS' SURGERY, PUBLIC SQUARE, PETROL FILLING STATION, PARKING  
AND LANDSCAPING, ON LAND AT NESS-SIDE, DORES ROAD, INVERNESS.  
08/00565/FULIN**

**Report by Head of Planning and Building Standards**

**SUMMARY**

This application is for the development of a district centre comprising a 2,588sqm superstore, 4 additional commercial units, doctor's surgery, community building, petrol filling station, car parking and landscaping on land to the west of Dores Road at the western most end of the Inverness Trunk Link Road (TLR) (formerly Inverness Southern Distributor Road (SDR)). The applicant is Tesco Stores Limited.

10 letters of representation against the proposal have been received. In addition, reflecting community opinion, Holm Community Council objects principally on the basis of the size of supermarket proposed. There are no objections from other consultees.

This site has the benefit of outline planning permission for the development of a district centre. This application is not however a reserved matters application but a full application for planning permission for a larger food store than originally proposed, along with other facilities, on a smaller site. The development complies with development plan policy and national planning policy guidance in that it would fulfil the function of a district centre, with no significant adverse impact on the amenity of the area through increase traffic and activity.

Ness District has a current population of 2,400 people, and when fully built out this will be circa 5,500. While much of this will not be before 2011 as it will be dependent on the completion of the Trunk Link Road (TLR), a store of this scale is acceptable for the current needs of the community and would be in place to support the expansion area. It is not dependent upon completion of the TLR.

It is recommended that this application is **GRANTED** subject to conditions.

**Ward 16:** Inverness Ness-side

## **1.0 PROPOSAL**

- 1.1 This application is for full planning permission for a district centre comprising of a food superstore, four commercial units, medical centre and community building, a petrol filling station, car parking and landscaping to include a civic square, on land to the west of Dores Road at the most westerly end of the Trunk Link Road (TLR). The site, which is currently farm land, is relatively flat with general level with Dores Road some 14-15 metres above ordnance datum (AOD). The nearest residential properties are on Dores Road.
- 1.2 The proposed retail store will have a gross floor area (GFA) of 2,588sqm (approximately 1,682sqm net). It is anticipated that the store will have roughly a 65:35 food to non-food split in line with most Tesco stores. Four commercial units, with gross floor area of 250sqm, are proposed adjacent to the superstore. No proposed tenant has been stated for any of these units.
- 1.3 A key feature in the layout of the buildings is the creation of a civic square which on the north side has a community building, to the west the four retail units, and to the south a doctor's surgery. The principal façade of the supermarket is south facing onto the car park.
- 1.4 The building design is contemporary, and apparently individual to this site, making use of natural building materials such as stone and timber. Although little detail has been submitted, it appears that sustainability issues have been considered with techniques such as passive air conditioning being used. The petrol filling station kiosk and canopy is of a standard design but with elevation treatment common to the other buildings proposed.
- 1.5 Customer parking is proposed to the front of the supermarket development accessed from the existing roundabout at the west most end of the Trunk Link Road (TLR) on Dores Road. A total of 245 car parking spaces are proposed, of which 8 will be parent and child spaces and 13 spaces for disabled customers. Cycle parking racks are to be provided. Parking for the doctor's surgery is provided separately but accessed from the commercial parking area. No parking is provided for the community building.
- 1.6 A new combined footpath and cycleway, referred to as a 'boulevard,' is to be created within the site boundary on the west side of Dores Road. It is designed to link the store, and future development beyond, with the existing footpath network on the east side of Dores Road. This will be achieved via a pedestrian crossing on Dores Road adjacent to a new bus stop with shelter. In addition a further footpath/cycleway through the site will be provided, along the line of the existing farm access track. Both will also be connected with a new path/cycleway that will run parallel to Dores Road but within the site rather on the road side. The existing Ness-side access will require stopping up.
- 1.7 The landscape plans submitted indicate extensive tree planting along boundaries of and through the site, with most of the significant trees covered by TPO retained. Woodland planting is proposed at the entrance to the site and at various locations

at the boundary. Future development outwith the current site boundary could complement these woodland areas. Feature walls in natural stone are to be provided at the road sides at the entrance and within the site.

- 1.8 The application has been amended in response to the comments made by TEC Services – Roads and Transportation regarding access and accessibility.

## **2.0 PLANNING HISTORY**

- 2.1 11.10.2001 – Outline planning permission granted for District Centre (98/00993/OUTIN). This was subject to legal agreement requiring contributions to Phase III and IV of the SDR/TLR and restricted to a food store of 1,858sqm (GFA) along with an additional 800sqm gross floor area (GFA) of commercial units, 40 bed motel/bar/restaurant, petrol filling station, 0.5ha community/recreation site, 3.8ha landscaping/open space and 0.36ha of unspecified commercial land.
- 2.2 22.03.2007 – Planning permission for District Centre comprising store with a gross floor area of 4,447sqm (GFA) refused (04/00898/FULIN).
- 2.3 03.12.2007 – Appeal dismissed. Reporter in particular recognising that the form of the development did not conform to his interpretation of a District Centre set out in national planning guidance SPP8 – *Town Centres and Retailing*.
- 2.4 18.11.2008 – Renewal of outline planning permission granted (98/00933/OUTIN).

## **3.0 PUBLIC PARTICIPATION**

- 3.1 The application was advertised in the Inverness Courier on 26 September 2008 as a development likely to introduce noise and activity between 8pm and 8am.
- 3.2 A total of 8 timeous and 2 late letters of representation against the proposal have been received, mainly from local residents. The key issues raised are:
1. The development is too large in size to serve the Ness District;
  2. Out of town location will have adverse impact on existing city centre;
  3. Application does not comply with the local plan;
  4. Significant increase in floor space over the outline planning permission;
  5. No demand for doctor's surgery and who will provide the community facilities;
  6. Impact on already unsuitable local road network;
  7. Premature pending completion of SDR/TLR;
  8. Impact on amenity – particularly if 24h operation – noise/light/traffic pollution;
  9. Flood risk;
  10. Inadequate capacity in existing drainage/water infrastructure.
- 3.3 In addition, a number raise objection to the fact that this application is for another Tesco store in Inverness and the associated issue of competition. This is not material to the determination of this application.
- 3.4 These letters are available to view at the Planning and Development Service, Headquarters, and will be made available at the Town House prior to the meeting.

## **4.0 CONSULTATIONS**

- 4.1 Holm Community Council objects to the proposal. The principal reason relates to the scale of the store but additional concerns have been raised. In particular, that there is insufficient capacity in existing water/sewage infrastructure; that Ness-side should be developed in tandem with the final phase of the TRL; the possible increase in flood risk, that community facilities are poorly located, and; that there is little prospect of the doctor's surgery being developed in this location.
- 4.2 Scottish Environment Protection Agency has no objection.
- 4.3 Scottish Water has no objection.
- 4.4 Scottish Natural Heritage has no objection subject to conditions regarding the need for a walkover survey prior to construction, to look for any new badger setts, and the need to develop a badger protection plan.
- 4.5 TEC Services - Roads and Transportation does not object to the proposal but believes that this application is incompatible with and therefore may prejudice the current proposals for the Trunk Link Road in that access will utilise the leg of the roundabout chosen as part of the Council's preferred route. TEC Services preference is for the site to be accessed directly from Dores Road.

TEC Services requests that should the development be granted, it should be subject to conditions regarding extending the footway/cycleway along Dores Road to the northern boundary of the site, need for a travel plan to include subsidies to the local bus network and details to be submitted on how the community building is to be accessed, the pedestrian crossing, drainage, and cycle provision.

- 4.6 TEC Services – Environmental Health has no objection subject to conditions.
- 4.7 Council Archaeologist has no objection subject to condition requiring a programme of archaeological work for the preservation and recording of any archaeological features affected by the development.

## **5.0 PLANNING POLICY**

- 5.1 The Highland Structure Plan (2001)

Policies G1-G8 – General Strategic Policies  
Policy R1 – Shopping Hierarchy  
Policy R4 – Major Food Stores  
Policy R5 – Town Centre Shopping  
Policy R6 – Comparison Shopping  
Policy TC9 – Car Parking  
Policy TC11 – Public Transport  
Policy N1 – Nature Conservation

## 5.2 The Inverness Local Plan (2006)

General Policy 1 – Design Principles  
General Policy 2 – Urban Structure  
General Policy 3 – Sustainable Construction  
General Policy 5 – Developer Contributions  
General Policy 9 – Transport  
General Policy 13 – Flood Risk  
The City of Inverness Policy 7 – Retailing outwith the city centre  
The City of Inverness Policy 22 – District/neighbourhood centres  
The City of Inverness Policy 29 – A9-A82 Trunk Road Link  
The City of Inverness Policy 39 – District/neighbourhoods

## 5.3 The Ness Development Brief

Approved at the Inverness Area Planning Committee on 29 January 2007, this document promotes the development of one of the City's principal expansion areas to complete a sustainable and balanced Ness District. To do this it provides a financial protocol to co-ordinate and secure equitable developer contributions towards the additional deficiencies created by upwards of 1,300 new houses and 2,700 new residents. It establishes that guidance for Ness Castle which is considered sufficient to progress pending planning applications, but that land at Ness-side and Milton of Ness-side will require additional policy advice once key variables such as distributor road design and the scale of retail provision have been resolved.

The development of the District Centre is not dependent upon the completion of the SDR/TLR as it is for the housing at Ness-side. However, the Brief identifies that any net loss of community facilities set out within outline permission 98/00993/OUTIN should be compensated.

## 5.4 Scottish Planning Policy 8 – *Town Centres and Retailing* (2006) advises that, in selecting sites for new retailing, a sequential approach should be adopted with preference always given first to town centre sites, followed by edge of centre sites, other commercial centres identified within the development plan, and only then out of centre locations. SPP8 uses the term 'town centre' to '*cover city, town and district centres, irrespective of size, that provide a diverse and sustainable mix of activities and land uses which create an identity that signals their function and wider role.*'

SPP8 makes no reference to the need to encourage competition and choice.

## 5.5 Scottish Planning Policy 7 – *Planning and Flooding* (2004) provides advice to Planning Authorities on flooding.

## 5.6 Scottish Planning Policy 17 – *Transport Planning* (2004) provides guidance on maximum parking standards and measures to reduce dependence on car travel.

## **6.0 PLANNING APPRAISAL**

6.1 Under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, a decision upon an application for planning permission should be made in accordance with the Development Plan unless material considerations indicate otherwise.

### Determining Issues

6.2 The determining issues are:

- do the proposals accord with the development plan?;
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

### Assessment

6.3 The planning considerations are whether the proposal a) is acceptable in principle, b) is of a suitable design quality, c) will have any adverse impact upon existing transport infrastructure, d) will have any adverse impact upon flooding and drainage, e) will have any adverse impact upon wildlife, f) will have any adverse impact on the amenity of neighbouring occupiers, and g) raises any other material consideration not already considered.

### Principle

6.4 The Highland Structure Plan sets the policy context for retailing in the Highland Area. Policy R4 encourages localised provision of food retailing where it is well related to existing and proposed housing.

6.5 More detailed planning policy for retail development in Inverness is contained within The Inverness Local Plan. The Local Plan seeks to accommodate the growth of Inverness within sustainable city districts. For retailing this means that facilities must be convenient to the residential population and aim to minimise cross-City transport movements. The Local Plan retail strategy is designed, while maintaining the City Centre as the main focus for retail activity, to direct new convenience retailing to identified district centres that are accessible places within the developing city districts at Culloden, Culduthel-Slackbuie within the South District, and at Ness-side within the Ness District. These district centres are intended to create a network of centres in which the individual role of each supports and is supported by the role of others. As envisaged within SPP8, these centres could be seen as diverse 'town centres' in their own right.

6.6 The Local Plan states that these district centres should have food shopping provision in accordance with their function and commensurate with local needs along with provision of other services where deficiencies have been identified. The scale and format of development need not therefore be the same at each location and will be determined by consideration of factors such as the size of catchments, proximity to alternative facilities, transport capacity, as well as the overall effect on the existing and proposed structure of retailing in the city.

- 6.7 The application is for the provision of a supermarket, along with other services and petrol filling station, within this established and expanding area. The site forms part of the identified District Centre within the development plan and outline planning permission has already been given for such uses within this location. While this application is more limited in respect of its commercial and community facilities than that provided for in the outline permission, if fully developed, it is considered that it would still fulfil the function of a district centre. The land directly to the west could sustain future expansion of it as envisaged in the development plan and Ness Development Brief. The question of whether there is sufficient commercial demand to sustain the proposed doctor's surgery is not one that the planning authority can easily address. The site is on offer and a legal agreement or condition on the permission would be able to restrict development to that use.
- 6.8 Turning to scale, this application is for a supermarket 637sqm (GFA) larger than that provided for by the outline planning permission but considerably less than the recently refused proposal which was for a floor area of 4,447sqm (GFA). This was considered to be excessive and relied on a catchment that spread well beyond the Ness District. In his decision on that appeal, the Reporter agreed with this assessment but unfortunately did not provide a view as to what an appropriate level of provision should be, which he was of course not obliged to do. However, if a proportionate approach to calculating available floor space across the three district centres identified in the development plan is undertaken, based on a theoretical capacity of 8,600sqm net new convenience floor space in Inverness up to 2011, somewhere in the region of 1,228sqm net would be appropriate to serve the Ness District. With approximately 1,682sqm net floor area, 589sqm of which would be non-food (35%), the proposed development is appropriate in scale.
- 6.9 Subject to other more detailed considerations, such as design, amenity and accessibility of the proposal, the development accords with the development plan.

#### Design Quality

- 6.10 With regard to the general layout and orientation of the buildings on site, the development is considered to be well thought out. The creation of a public square with retail units facing onto it and Dores Road, and flanked by two other buildings provides a well defined 'sense of place.' The principal link with the existing community of Holm is well placed lying between Holm Park and Drumfield Road. Other footpaths within the site will improve accessibility into and within the site. Parking will generally be screened from Dores Road.
- 6.11 In terms of detail, the main store, the additional retail units as well as the doctor's surgery and community building has been designed as a cohesive group. The building design adopted appears more original and sensitive to the site and surroundings than the standard retail warehouse proposal. While the proposed retail units are still largely of warehouse type construction, the large expanse of roof has been broken up by use of mono-pitched sections and the low slung canopy suspended on timber fluted columns. The style remains contemporary using cladding panels as well as the usual glass curtain walling. The use of a high proportion of timber and small areas of natural stone walling will provide a building of high quality. The use of these materials continue in the community building,

doctor's surgery and in the surrounding landscaping.

- 6.12 A number of significant trees will be lost as a result of this proposal. However, the majority of the mature trees fronting Dores Road and along the existing farm access road will be maintained and supplemented by additional tree planting. There is a considerable amount of landscaped area within the site, rather than 'open space', with more substantial areas at the entrance to the site and along the Dores Road frontage. Although the level of open-space is again not as significant as that proposed within the outline permission, the site subject of this application is smaller in area.

#### Transport Infrastructure

- 6.13 As outlined above it is considered that the proposed supermarket is appropriate in scale to the size of the District. It is anticipated therefore that the majority turnover will be generated from within the District itself however it is recognised that the customer base for a particular store does not strictly follow the intended catchment. People will travel to a supermarket of their choice rather than to the one that is closest.
- 6.14 In this case, the site is considered to be well connected to the existing community and to the proposed expansion of the District that would enable greater use of sustainable modes of transport. However, these often need to be encouraged. There is sufficient parking proposed to accord with national guidance but no commitment has been given to discouraging staff or customers from travelling by private car, for example by encouraging greater use of local bus services. TEC Services consider that the applicant, in addition to providing the necessary pedestrian crossings, bus stops and shelters and cycle parking, needs to develop a Travel Plan that would further support local bus services. This can be achieved by condition.
- 6.15 On the issue of access, TEC Services consider that this application may prejudice the completion of the Trunk Link Road in that access will utilise the leg of the roundabout chosen as part of the Council's preferred route. While this may be a preferred route for the purpose of securing Government support for the scheme, it is not the one that is identified within the development plan. A separate junction on Dores Road as suggested is only likely to increase traffic on this section of road; the suitability of which to accommodate this development has been questioned by objectors.

#### Drainage and Flooding

- 6.16 The site does not lie within a flood plain. Subject to provision of suitable surface water treatment, it is not considered that the development would pose a flood risk. A Drainage Impact Assessment has been carried out with the conclusion that a drainage scheme based on the SUDS principles can be developed. TEC Services – Roads and Transportation has no objection to the proposal subject to condition.
- 6.17 It is known that water and waste water capacity within the area is limited. However, considerable infrastructure investment is due to be expended on this by all

developers of the Ness-side/Ness Castle expansion area. It is for the developer to resolve any infrastructure capacity issues with regard to this development with Scottish Water.

#### Impact on wildlife

- 6.18 Having consulted with SNH, it would appear that the only protected species that may be affected by the proposal would be badger. While evidence suggests that Ness-side forms part of the foraging territory for badgers located at Ness Castle, SNH are not aware of any badger setts on this site. While foraging areas are not protected, setts are. SNH do not object subject to a condition requiring the applicant to survey the site prior to construction and agree any appropriate mitigation should the need arise.

#### Amenity

- 6.19 No indication of hours of operation has been given. Concern has been raised that the development will have an adverse impact on amenity, particularly if 24 hour opening is anticipated. Subject to conditions, TEC Services – Environmental Health has no objection. Matters such as lighting and noise associated with deliveries, plant and machinery are all matters that can adequately be controlled by condition.
- 6.20 It is recognised that the development will result in a potential increase in traffic and activity in the area and particularly around the access junction and on Dores Road. Having said this, the longer term development aspirations for the Ness District will in any event involve a considerable change to existing amenity. The principle of development within this area is already clearly established within the development plan and the retail offer is not greatly dissimilar in scale to that which already has outline planning permission.

#### Other Material Considerations

- 6.21 No other material considerations have been raised that require to be addressed.

### **7.0 CONCLUSION**

- 7.1 The application site forms part of the area identified within the Inverness Local Plan as a district centre to serve the Ness District. The proposal provides a number of the facilities that have been identified as deficient within the area. The scale of retail provision is commensurate to the needs of the existing and expanding community and would not result in a significant trade draw from other districts.
- 7.2 What constituted a district centre featured significantly in the Reporter's decision notice of December 2007. The layout and detailed building design is well considered, and will produce a development of high quality with a clear sense of arrival and good connectivity to existing and future housing development. It is considered that the applicant has taken the Reporter's comments on board. Subject to conditions, the amenity of neighbouring residents can be protected.

- 7.3 With regard to provision of the doctor's surgery, it is difficult for the Council to be certain that there will be demand. However, the site and the building design would be available, subject to a grant of consent, should someone wish to take it up. Likewise with the community building. The Ness Development Brief indicates that commercial 'windfall' development will require to provide within its own site, or contribute to, additional public open space/landscaping and community facility provision in the same proportions detailed in District Centre planning consent 98/00933/OUTIN. The application is approximately 2/3 of the area of the site with outline permission therefore taking a proportionate approach with the inclusion of the land for the community building, shop units, and doctor's surgery no additional contribution will be required. However, it would be wise to ensure that the land is reserved for the community uses proposed. The applicant will however need to provide additional contribution to Phase IV of the TLR for the additional 637sqm of floor space.
- 7.4 On the issue of access, it is considered that the proposal is well located to existing, as well as proposed housing areas, and subject to the need to promote more sustainable modes of transport the proposal would have no adverse impact on the current road network. The Ness Development Brief considers the housing development at Ness-side to be dependent on the completion of the TLR. The district centre is not. While it may conflict with the current proposal for completion of the TLR as submitted to Ministers, the proposed route of the final phase of the TLR contained in the development plan does not share the access point for this proposal. As the decision on the TLR is as yet unknown and that even if it is taken forward by Government other alternative alignments may be available, this is not considered a material consideration that is sufficient to alter the adopted position of the development plan.
- 7.5 The proposal complies with the development plan and there are no material considerations that indicate otherwise.

## **RECOMMENDATION**

That planning permission is **GRANTED**, subject to:

A. That the applicant enter into a Section 75 or other appropriate legal mechanism:

- To secure the community land contribution, including land identified for doctor's surgery and community building, and;
- Provide additional contribution to Phase IV of the SDR/TLR.

And,

B. That the following conditions are attached to any grant of planning permission:

1. The development hereby permitted shall commence no later than five years from the date of this consent.

**Reason:** Statutory requirement.

2. The development hereby granted shall be restricted to the following gross floor areas:
  - Supermarket – 2,588sqm gross floor area
  - Retail units – 4 at 250 sqm gross floor area

The creation of mezzanine flooring shall not be permitted without the prior approval of the Council.

**Reason:** In order to safeguard the vitality and viability of the town centre.

3. The use of the retail units hereby granted, as defined above, shall be limited to the sale of non-food goods.

**Reason:** In order to safeguard the vitality and viability of the town centre.

4. Within three months from the date of this consent, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Council. In particular this Travel Plan shall detail measures to extend and/or increase frequency of the existing bus services, and shall include details of subsidies. The agreed measures shall be implemented from the date of first occupation of the development and, with the exception of bus subsidies which shall endure for a period of three years from the date of first occupation, shall continue without time limit, subject to the provisions for monitoring and review contained within the Travel Plan.

**Reason:** In order to reduce dependency on the private car and to encourage greater use of public transport in particular.

5. Prior to the commencement of construction of the building hereby approved, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Council. Only the approved materials shall be used in the construction of the building. Note: Samples of the materials may be required.

**Reason:** In order to enable the Council to consider this/these matters in detail.

6. Prior to the commencement of construction of the building hereby approved, further details in the form of 1:50 elevations and typical sections through the proposed building façade shall be submitted to and approved in writing by the Council. The elevations and sections shall be sufficiently detailed to indicate final construction form and shall address in particular; depth of reveals at openings, junction details, and construction joints. The building shall then be implemented in accordance with the approved plans.

**Reason:** In order to enable the Council to consider this/these matters in detail.

7. Prior to the commencement of development a scheme for the protection of the retained trees (section 7, BS 5837, the Tree Protection Plan) shall be submitted to and approved in writing with the Council. The approved scheme shall thereafter be implemented.

The scheme shall include:

- a. a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS 5837) of every retained tree on the site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- b. the details of each retained tree as required at para. 4.2.6 of BS 5837 in a separate schedule.
- c. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works should be carried out in accordance with BS 3998, 1989, Recommendations for tree work.
- d. written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
- e. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS 5837).
- f. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS 5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- g. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS 5837)
- h. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS 5837)
- i. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS 5837) of any retained tree, including those on neighbouring or nearby ground.
- j. The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS 5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- n. the details of the working methods to be employed with regards to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- q. the timing of the various phases of the works or development in the context of the tree protection measures.

**Reason:** In order to safeguard trees to be retained and thereby protect the

existing character of the site.

8. Prior to the commencement of development, a Tree Constraints Plan which informs the site layout shall be submitted to and agreed in writing by the Council all in accordance with BS5837:2005 (Trees in Relation to Construction). This shall include details of each tree including a schedule of any remedial works which may be required; as well as the Root Protection Area; Crown Spread and Tree Categorization. The categories for each tree are to be annotated onto the original Land Survey along with canopy spread and Root Protection Area.

**Reason:** In order to safeguard trees to be retained and thereby protect the existing character of the site.

9. Prior to the commencement of development a scheme of supervision for the arboriculture protection measures shall be submitted to and approved in writing by the Council. The approved scheme shall thereafter be implemented.

The scheme will be appropriate to the scale and duration of the works and shall include details of:

- a. induction and personnel awareness of arboriculture matters.
- b. identification of individual responsibilities and key personnel.
- c. statement of delegated powers.
- d. timing and methods of site visiting and record keeping, including updates.
- e. procedures for dealing with variations and incidents.

The Council may require the scheme of supervision to be administered by a qualified arboriculturist approved by the Council but instructed by applicant.

**Reason:** In order to safeguard trees to be retained and thereby protect the existing character of the site.

10. Prior to the commencement of work on site, a sustainability statement detailing commitments to reducing energy consumption and waste disposal shall be submitted to and approved in writing by the Council. Matters to be considered include:

- wind power or solar energy or ground heat exchange pumps
- the use of “grey water” for toilet flushing, vehicle washing and similar uses.
- the use of wood fuel where possible
- heat recycling and ventilation
- measures for energy efficiency
- materials minimisation, composting and recycling

The development shall incorporate the agreed measures.

**Reason:** To ensure compliance with the Council’s policies for designing for sustainability.

11. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the written approval in writing of the Council. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

**Reason:** In order to ensure the protection of the archaeological interest of the site.

12. Prior to the commencement of development, the badger interest shall be protected in accordance with a scheme for monitoring and mitigation to be submitted to and approved in writing by the Council. The scheme is to include the implementation of badger passes and associated fencing where identified. During construction operations appropriate measures shall be adopted to avoid disturbance to known areas of badger interest.

**Reason:** To safeguard Badger interest.

13. Prior to the commencement of development, all proposed street lighting design shall be submitted to and approved in writing by the Council. All site lighting shall be designed to avoid extraneous light pollution or urban "sky glow."

**Reason:** In order to ensure proper selection of lighting that reduces "sky glow."

14. Prior to the commencement of development, details of secure covered cycle storage areas shall be submitted to and agreed in writing by Council. The agreed cycle parking shall be implemented prior to occupation of the development and maintained thereafter.

**Reason:** In order that these issues are fully considered.

15. Prior to the commencement of development a further report, to include a noise assessment in accordance with *BS 4121: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas*, in respect of servicing activity shall be submitted to and approved in writing by the Council. In addition to the noise impact assessment, this report shall detail any mitigation measures required to protect the amenity of current and future nearby residential premises. Any approved mitigation, including restrictions to delivery hours if appropriate, shall be implemented prior to the occupation of the development.

**Reason:** In order to safeguard the amenity of neighbouring occupiers.

16. Prior to the commencement of development, details of an acoustic enclosure to be provided around the proposed car wash area shall be submitted to and approved in writing by the Council. The approved enclosure shall be erected prior to bringing into use the car wash.

**Reason:** In order to safeguard the amenity of neighbouring occupiers.

17. Prior to the commencement of development on site, or as may otherwise be agreed, the detailed arrangements for water and sewerage infrastructure, and its implementation programme to serve the site shall be submitted for the prior approval of the Council in consultation with Scottish Water. No part of the development shall be occupied until off-site sewer connections and potable water storage infrastructure as required has been completed to the satisfaction of the Council or as otherwise agreed in consultation with Scottish Water.

**Reason:** In order to ensure effective control over water and sewerage infrastructure in the interest of sustainability.

18. Prior to the occupation of any part of the development hereby granted, details of all external street furniture, including refuse bins, cycle racks and bollards, shall be submitted to and agreed in writing by the Council. Only the agreed street furniture in the quantities approved shall be erected on site.

**Reason:** In the interest of visual amenity.

19. Prior to the occupation of any part of the development hereby granted, a fully dimensioned car parking layout shall be submitted to and approved in writing by the Council. The approved car parking and access arrangements shall be completed to a satisfactory standard and shall thereafter remain available for use at all times and no spaces shall be obstructed in any way that prevents that use.

**Reason:** In the interests of road safety and order to ensure that car parking overspill is kept to a minimum.

20. Prior to the occupation of any part of the development hereby granted, a scheme for adequate storage of refuse from the development shall be submitted to and agreed in writing by the Council. The agreed scheme shall thereafter be implemented and maintained at all times.

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

21. Prior to the occupation of the development, the proposed access road from the internal roundabout to the west and the footpath that runs parallel to Dores Road to the north shall be constructed to the full extent of the boundary shown on the approved plans.

**Reason:** In order to preserve future access options.

22. The development hereby approved shall not be occupied until the following improvements to the local cycle/pedestrian network have been completed to the satisfaction of the Council in accordance with details which shall be submitted to and approved in writing by the Council within three months of the date of this consent:

(i) Provision of new bus bays and shelters on Dores Road and;

- (ii) Installation of a signalised pedestrian crossing on Dores Road adjacent to the pedestrian entrance to the site and the bus stop;

**Reason:** In order to encourage more sustainable means of travel.

23. No construction, excavation, build up of material, storage of material, vehicle movement, fires or mixing of cement is permitted within the root protection area of retained trees. Roads, paths or parking areas which pass through the root protection area of retained trees will be constructed using a no-dig technique.

**Reason:** In order to safeguard trees to be retained and thereby protect the existing character of the site.

24. The approved landscaping scheme shall be fully implemented within six months of the first occupation of the development, and thereafter shall be maintained in perpetuity by the applicants and/or their successors to the entire satisfaction of the Council. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

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

25. All surface water and flood prevention infrastructure shall be designed in accordance with the SUDS "CIRIA" design manual. The overall scheme details shall be submitted for prior approval before any development commences and shall show each main phase of SUDS infrastructure. Subsequently each submission of details of housing and other related development shall specify full details of the SUDS scheme to be implemented as part of that particular development phase. All water retention or detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose to the satisfaction of the Council before any houses in the relevant development phases are occupied.

**Reason:** In order to ensure effective surface water drainage in the interest of sustainability.

26. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with Noise Rating Curve 25 when measured and/or calculated within any nearby noise sensitive premises.

**Reason:** In order to safeguard the amenity of neighbouring occupiers.

27. The normal construction working hours within the site shall be Monday to Friday 0800 hours to 1900 hours and Saturdays between 0800 hours and 1300 hours, with no working being carried out on Sundays or public holidays except for safety reasons. Any work required to be carried out outwith these times shall only commence with the prior written approval of the Council.

**Reason:** In order to protect the amenity of neighbouring occupiers.

28. The developer shall undertake all necessary steps to prevent nuisance to neighbouring residents caused by dust arising from operations approved by this permission.

**Reason:** In order to protect the amenity of neighbouring occupiers.

Signature:

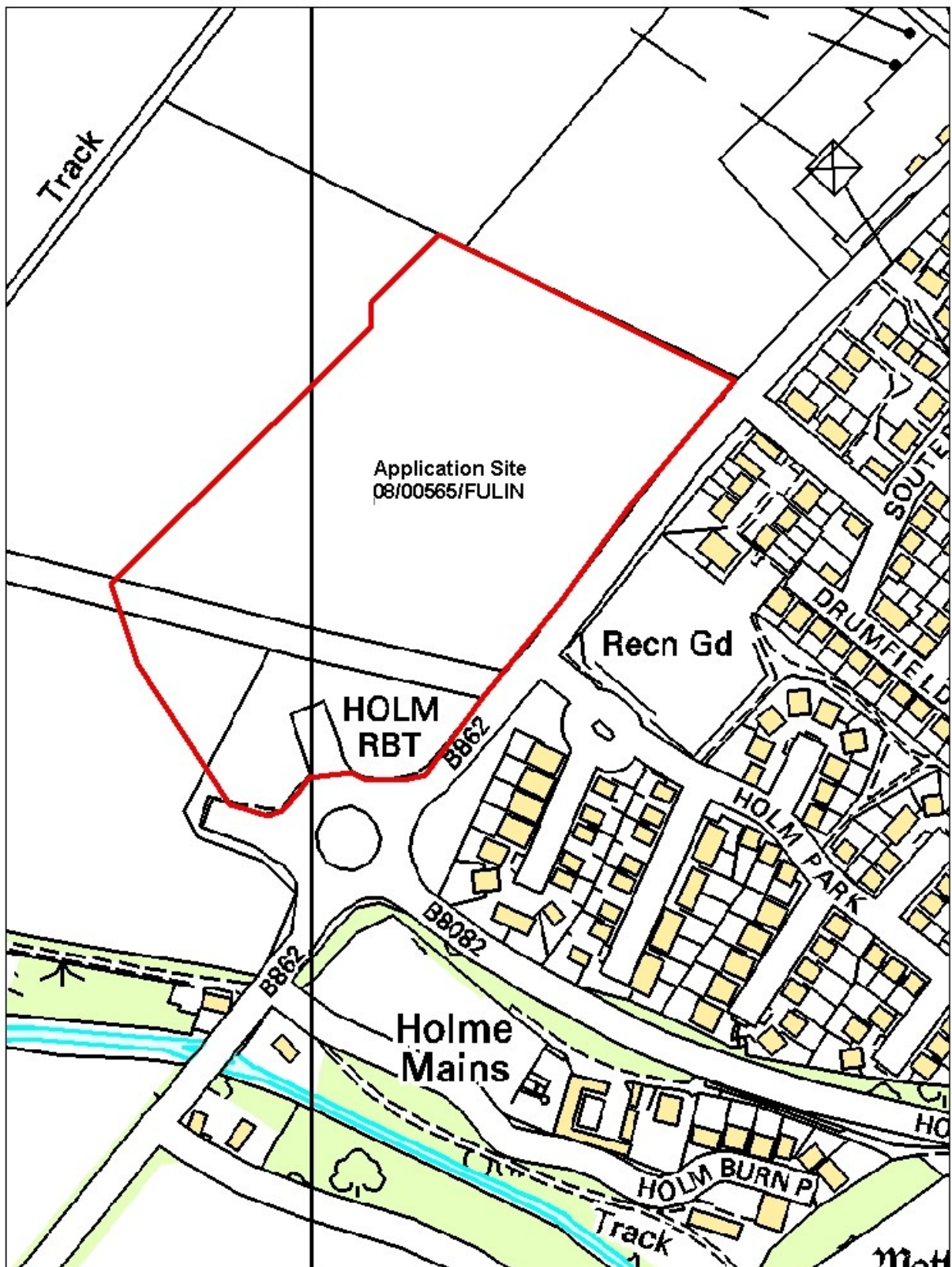
Designation: Head of Planning and Building Standards

Author: David Mudie, Team Leader – Development Management (01463) 702255

Date: 18.11. 2007

Ref: 08/00565/FULIN

Background Papers: Case File



**08/00565/FULIN**  
**Proposal: - Retail, Doctors Surgery,**  
**Community Building, Public Square,**  
**Petrol Filling Station**

0 10 20 metres      **1:2,500**      N  
 1 cm equals 25 metres  
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**The Highland Council**  
 Comhairle na Gàidhealtachd  
 Planning & Development Service  
 Ref: JD      Date: 18/1/08