

**The Highland Council**

**North Planning Applications Committee  
29 November 2016**

Agenda Item	6.2
Report No	PLN/063/16

**16/01816/FUL: Pat Munro Alness Ltd.  
Land east of Ballachraggan, Teaninich, Alness**

**Report by Area Planning Manager**

**SUMMARY**

**Description** : Formation of access roads, services, landscaping and plots to create mixed use commercial/business park

**Recommendation - GRANT**

**Ward** : 07 – Cromarty Firth

**Development category** : Major

**Pre-determination hearing** : Not required

**Reason referred to Committee** : Major Application

**1. PROPOSED DEVELOPMENT**

- 1.1 The detailed application comprises the proposed construction of access roads, installation of services, fencing and associated landscaping to create a mixed use business and industrial estate.
- 1.2 Pre-application advice in respect of a proposed mixed use development of a wider area straddling Teaninich Avenue, including the application site, was issued on 20.03.2013. A Proposal of Application Notice (PAN) was submitted by the applicant in respect of the current proposal on 15.10.2015. Community consultation was carried out at that time including a public event held in Alness Heritage Centre on 14 December 2015. In addition, the proposal has been screened for Environmental Impact Assessment (EIA) in accordance with the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations. A Screening Opinion was issued on 27.07.2016 advising that the Council considers that an EIA is not required.
- 1.3 An access road exists at the south-east edge of the site with a junction onto Teaninich Avenue, just north-west of the junction opposite to Redwoods Nursing Home, and it is proposed to extend this access road to serve plots on either side and connect with the existing public road 'Dail Nan Rocas' to the north-east. This will allow a through access road and footpath network.

- 1.4 Supporting information submitted with the application includes; Pre-Application Consultation (PAC) Report; Tree and Woodland Survey Report; Landscape Plan; Archaeology Report; Drainage Statement; Construction Environmental Management Report; Flood Risk Assessment and Flood Mitigation Plan. The application has also been accompanied by a Processing Agreement.
- 1.5 **Variations:** Amendments to layout, access, landscaping, drainage and flood mitigation resulting in varied set of drawings submitted 10.11.2016, 15.11.2016 and 16.11.2016.

## **2. SITE DESCRIPTION**

- 2.1 The site extends to approximately 22ha of agricultural land, situated to the immediate south-west of the existing industrial estate and business park at Dail Nan Rocas and Fyrish Way on the western edge of Alness. The site is bounded to the west by the Contullich Burn, with a small group of houses beyond the burn at Ballachraggan. Agricultural land sweeps around the west and north boundaries separating the site from another small pocket of established housing at Teaninich Triangle to the north. Access exists from Teaninich Avenue to the east. To the south-east corner of the site are two large agricultural steading buildings and an area of mature trees.

## **3. PLANNING HISTORY**

- 3.1 As noted at para. 1.2 above, the application site was part of a wider area which was the subject of a formal pre-application enquiry to the Council's Major Pre-Application team in 2013, for mixed development on both sides of Teaninich Avenue. Further to this advice, an application for Planning Permission in Principle was submitted for a hotel on the eastern side of Teaninich Avenue (13/02083/PIP). This application was approved in March 2014 and remains extant.
- 3.2 Subsequently, a Proposal of Application Notification was submitted in respect of a mixed business and industrial development on the current application site in October 2015 (15/03959/PAN).
- 3.3 One of the proposed industrial plots, closest to Teaninich Avenue, has been subject to separate applications from CRC Evans Offshore Ltd. for a workshop and yard area. The first of those (14/03934/FUL), has been withdrawn and superseded by a revised application (16/04612/FUL), in order to accord with the current 'masterplan' application now submitted. This current application from CRC Evans is currently pending, awaiting the outcome and decision on this application.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Schedule 3 and Unknown Neighbour  
Representation deadline : 02.06.2016

Timeous representations : 1

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Concern over the loss of good arable land for such development purposes;
- There are existing units in Alness not being used to their full potential;

- Extent of site for development (including landscaping) has been extended closer to existing housing than shown at pre-application consultation stage and this will overshadow the houses;
- Concern over noise and air pollution;
- Concern over water environment, possible flooding of the burn and impact on wildlife;
- Concerns over the impact of possible security lighting and heating systems related to any future units.

4.3 The letter of representation is 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). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Transport Planning** : No objection subject to conditions. Initial objection withdrawn further to amended proposals submitted by the applicant's agent and engineers. A number of suspensive conditions are recommended including extension of the footway and associated lighting on Teaninich Avenue; provision of four bus stops and shelters on Teaninich Avenue; and provision of a 40mph speed limit beyond the existing 30mph limit on Teaninich Avenue.

5.2 **Flood Team** : No objection subject to conditions. Initial concerns addressed by additional information and amended proposals submitted by the applicant's agent and engineers. Detailed discussions have been undertaken with Envirocentre, SEPA and the Highland Council Flood Risk Management Team and agreement has been reached on the requirements for flood mitigation.

5.3 **Forestry Officer** : No objection, subject to conditions relating to timeous implementation of the submitted Landscape Plan and future maintenance of such landscaping and open space.

5.4 **Landscape Officer** : No objection, subject to conditions relating to timeous implementation of the submitted Landscape Plan and future maintenance of such landscaping and open space.

5.5 **Access Officer** : No objection. This proposed site does not currently have any existing core paths or Public Rights of Way within its boundary. There would however be a general right of responsible access over the land which will be removed upon development. Thus to compensate for this loss there would be an expectation of paths and other access created within the new development.

The path around the SUDS area would form a good recreational space however it is unclear if this path is intended to connect to a track to the neighbouring Ballachraggan Farm as no bridge over the burn is shown. An alternative to this would be to allow a buffer between the burn and the rear of plots 8-12 for an informal burnside path.

5.6 **Environmental Health** : No objection. At this stage it is impossible to predict the exact types of premises which may take up the plots but the development is for mixed business/commercial use and will bring these activities fairly close to existing residential properties at Ballachraggan. Consideration should therefore be

given by the applicant to the type of business allowed to occupy the plots closest to houses to minimise any potential noise or other type of nuisance. It is noted that there is an intention to restrict construction times and dust suppression measures will be in place as required so hopefully the impact on existing residents during construction can be reduced. Under the terms of the Control of Pollution Act 1974, Environmental Health has powers to regulate construction noise if required and it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities.

- 5.7 **Historic Environment Team** : No objection. The proposed development is located in an area of archaeological potential. An appropriate suspensive condition should be attached to ensure submission and approval of an archaeological programme of work prior to any other work commencing on site.
- 5.7 **AIness Community Council** : No objection, however concern over the burn which has a propensity to flood and wish assurances over the maintenance of this.
- 5.8 **SEPA** : No objection. Initial objection withdrawn further to additional information submitted by applicant's engineers, showing flood mitigation measures in the form of a bund and swale to capture any flows that overtop the east embankment of the burn. In addition hydraulic modelling has been provided which demonstrates that the proposed mitigation does not significantly alter flood dynamics at the site or increase flood risk elsewhere.
- 5.9 **Transport Scotland** : No objection
- 5.10 **Scottish Water** : No response

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Highland Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality & Place-making
Policy 31	Developer Contributions
Policy 34	Settlement Development Areas
Policy 41	Business and Industrial Land
Policy 51	Trees and Development
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 61	Landscape
Policy 64	Flood Risk

Policy 65 Waste Water Treatment

Policy 66 Surface Water Drainage

Policy 77 Public Access

## 6.2 Inner Moray Firth Local Development Plan 2015

AL 12 Business Use – Requirements: Landscaping, including boundary planting, particularly to the south; Flood Risk Assessment.

AL 18 Industrial Use – Requirements: Landscaping, particularly on south-west boundary; High quality design to reflect gateway location.

## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Draft Development Plan

Not applicable

### 7.2 Highland Council Supplementary Planning Policy Guidance

Construction Environmental Management Process (August 2010)

Developer Contributions (March 2013)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

### 7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

## 8. PLANNING APPRAISAL

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

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

### 8.3 Development Plan Policy Assessment

8.31 There are no fundamental policy issues. The site lies largely within Alness Settlement Development Area and covers the allocations for business and industrial use at AL12 and AL18 in the adopted Inner Moray Firth Local Development Plan. Whilst the site boundary extends marginally beyond such boundaries, particularly to the south-west, this has been to accommodate surface water drainage and flood risk mitigation infrastructure; together with structural landscaping. The use as a mixed business and industrial estate is compatible with the established industrial and business uses adjacent at Fyrish Way and Dail Nan Rocas. The current application is for road layout, other servicing infrastructure and

landscaping only. Separate detailed planning applications will require to be submitted for approval in respect of any prospective buildings, uses and operations on each of the sites identified, before such works and operations can take place.

#### **8.4 Transport and Access**

- 8.41 The original proposals showed a footway on one side of the industrial access road only. As the proposed plots are on both sides of the road, this arrangement was not considered acceptable and a revised layout including footways on both sides of the carriageway was requested and received.
- 8.42 The original submission did not include a continuation of the footpath on Teaninich Avenue to the point of access into the application site. Teaninich Avenue is part of the Key Employment Route 6a identified in the December 2010 Alness and Invergordon Active Travel Audit. The increase in traffic on this route is in excess of 100% during the morning peak. Consistent advice has been given regarding the requirement for a footway to the applicant and the layout as submitted was not considered acceptable. A revised layout including a 2m footway adjacent to the carriageway of Teaninich Avenue connecting to the existing footway on the west side of the road was requested and received. A condition is recommended to secure the timeous provision of this footpath and associated street lighting prior to any of the plots being brought into use. It is proposed that the construction would be approved as part of the Road Construction Consent which would be required for construction of the access to any of the plots.
- 8.43 Further to negotiation with regard to Developer Contributions, the applicants have confirmed that they will provide two bus stops and shelters north of the development and two bus stops and shelters south of the development. This is welcomed and is adequate to upgrade public transport facilities for the site. A condition is recommended to secure the timeous delivery of this public transport infrastructure.
- 8.44 Further to negotiation with regard to the implications of the increase in traffic proposed, the applicants have agreed to fund introduction of a 40mph speed limit on Teaninich Avenue between the current 30mph limit and the southern access point to the application site. A condition is recommended to secure the timeous delivery of this speed limit extension. The applicant should be aware of the length of time required to promote an Order and should provide details to the Roads Authority as early as possible to enable the statutory process to be undertaken without delay to the occupation of any industrial unit. An informative note can be attached to this effect. In addition, a suspensive condition is requested for a road safety audit giving advice on the extent of street lighting required on Teaninich Avenue prior to commencement of any works. The reason for this is that when the lighting is extended along with the footway on Teaninich Avenue there will then only be a short gap in the lighting to the A9 junction. The Council's street lighting engineer has raised concerns about this isolated dark spot.

- 8.45 Suspensive conditions for each plot are requested for submission, agreement in writing, construction in accordance with agreed, dimensioned plans and maintenance in perpetuity to ensure:
- Cycle, disabled person and general parking provision in accordance with the Council's Roads and Transport Guidelines;
  - Visibility splays of 4.5m x 90m are required at each of the plot access points;
  - Servicing layouts (including swept paths) to demonstrate each plot can be serviced by the appropriate commercial vehicles and that those vehicles are able to turn within the plots so that they access and exit in a forward gear;
  - Drainage layouts to demonstrate that; a suitable level of treatment is provided within the plot, no surface water is discharged onto the public road and that no surface water drainage is discharged to the roads surface water swales;
  - A dimensioned external layout including identified pedestrian and vehicle access routes and showing the extent of the proposed surfacing. Surfacing of accesses is required for a minimum of 6m beyond the edge of the public road.
- 8.46 It was highlighted that the framework travel plan in the Transport Assessment submitted did not establish mode share targets, did not give details of the travel surveys required or their frequency and did not include any strategy for updating or phasing the plan although this was requested. The applicants have stated their transport consultants SIAS will take on the role of Travel Planner co-ordinator funded by an annual factoring fee and that the plan will be based on census data. A suspensive condition is requested for agreement of the framework travel plan prior to any work starting on site. A further suspensive condition is requested prior to occupation of each plot which will require a finalised Travel Plan to be agreed with the Planning and Roads Authority in writing in accordance with the agreed framework travel plan.
- 8.47 With regard to road drainage, investigation establishing the ground conditions and the winter ground water table will be required prior to issue of Road Construction Consent to inform the road drainage details. The Drainage Impact Assessment assumes that the first level of treatment will be provided for the surface water within the plot boundaries. It has been assumed that only 50% of each plot will have impermeable surfacing. Beyond this value attenuation will be required on each plot. As noted above a suspensive condition will be required to confirm this.
- 8.48 The first level of treatment for the roads surface water is provided by swales which have check dams and will discharge at regular intervals to a surface water sewer. Discharge to the swales was originally proposed by filter strip but has been revised due to the requirement for a footway. The swales will take only roads water and are proposed for adoption by the Roads Authority. This is acceptable. The road swale will form part of the Road Construction Consent and will be subject to technical review at that stage.
- 8.49 The second level of treatment for both roads and plot surface water is provided by a detention pond which outfalls via a swale to the Contullich Burn. These elements are proposed for adoption by Scottish Water. This is acceptable. A suspensive

condition to ensure that the SUDs system is designed to meet the requirements of Scottish Water and is suitable for vesting (including Sewers for Scotland 3) is requested. Confirmation that Scottish Water will vest the pond and outfall will be required prior to issue of RCC.

## **8.5 Flood Risk**

8.51 SEPA initially objected to the application, as insufficient information was provided to allow assessment of flood risk. Further to submission of a flood mitigation plan, SEPA has confirmed no objections, noting that hydraulic modelling has been provided to demonstrate that the proposed mitigation does not significantly alter flood dynamics at the site or increase flood risk elsewhere.

8.52 The Council's Flood Team has subsequently had substantial dialogue and negotiation with the applicant's engineers and with SEPA, with regard to the detail of proposed flood mitigation measures and is now able to support the application subject to a number of conditions relating to in-plot drainage systems, flood mitigation and finished floor levels of any built development within two of the plots nearest to the Contullich Burn.

## **8.6 Landscaping**

8.61 The suite of information submitted with the application includes a Landscape Plan and Tree and Woodland Plan and Report. Further to initial consultation responses from the Council's Forestry and Landscape Officers, the Landscape Plan was revised to take account of such comments and also because of the changes required by Transport Planning and the Flood Team. On this basis the Council's Forestry Officer has accepted the principles set out within this document but asks for suspensive conditions requiring submission of a Tree Protection Plan, Arboricultural Method Statement and revised Landscape Plan for approval prior to commencement and thereafter adherence with such approved details. It is extremely important, given the scale of the proposed development on the south-western margins of the town and highly visible from the A9 trunk road, that robust structural landscaping is established timeously and maintained in perpetuity.

## **8.7 Representations**

8.71 As can be noted at 4.1 - 4.2 above, a single letter of objection has been received from a householder within the small group of houses to the north-west of the application site (Teaninich Triangle). The concerns over the principle of the development and the loss of agricultural land are noted however the bulk of the site is allocated in the recently adopted Inner Moray Firth Local Development Plan and the residual area, mainly to the south and south-west is additional land required to secure structural landscaping, surface water drainage system and flood mitigation. Concerns relating to the water environment and flooding also raised by Alness Community Council have been addressed by SEPA and the Flood Team in their requests for additional information, resulting in the submission of amended and additional drawings. Conditions are recommended to help secure timeous provision of appropriate surface water drainage and flood mitigation infrastructure.

8.72 To the north, the boundary of the site extends almost as far as the existing houses at Teaninich Triangle. The site layout drawing shows a proposed wedge of tree planting between the northernmost plots and the houses in order to screen the proposed development from those properties. The landscape drawing specifies a mix of birch, oak, scots pine, rowan and alder within this area which only immediately adjoins the housing group at the far eastern corner. There is a residual area of open land between the proposed trees and the houses which will ensure that the open outlook to the south-west is maintained. As a revised Landscape Plan is being required by condition prior to any work commencing on site, it will be possible to review the species and specification of planting of such trees to minimise shading/leaf fall etc. on those established houses, whilst maintaining a degree of screening/separation.

8.73 With regard to concerns over noise and other potential nuisance; and also the concerns relating to impact of lighting and heating systems, the physical separation of the site from the adjoining group of houses will help mitigate any possible future issues. However, as noted at 8.31 above, detailed planning applications for the development of each plot will be required to be submitted and approved before any such development becomes operational. Detailed consideration of any potential pollution and amenity issues will be undertaken in consultation with SEPA and Environmental Health at that time. In addition it is considered appropriate to attach an informative note to this permission, as recommended by the Environmental Health Officer, to advise the applicant to give careful consideration to the type of business allowed to occupy the plots closest to houses (at Teaninich Triangle and Ballachraggan) to minimise any potential noise or other type of nuisance. It should be noted further that in terms of the Control of Pollution Act 1974, Environmental Health has powers to regulate noise if required and it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities.

## 8.8 **Archaeology**

8.81 With regard to Policy 57 in the Highland-wide Local Development Plan, the Council's Historic Environment Team has advised that the proposed development is located in an area of archaeological potential. Buried prehistoric settlement has been found in the wider area during development in recent years and the application area is considered to have a similar potential for the survival of buried archaeological remains. A suspensive condition is recommended. This will require that the development area is the subject of an evaluation in order to establish the archaeological content and potential. Dependent on the results of this work, further study may be required in advance of, and during, construction works. The evaluation will be backed up by desk-based research to produce a report setting out the results and any required mitigation strategy. The applicant will need to engage the services of a professional archaeological contractor.

## 8.9 **Developer Contributions**

8.91 As noted at 8.4 above, the developer contributions secured all relate to transportation infrastructure and improvements, by way of four additional bus stops and shelters; extension of the public footpath alongside Teaninich Avenue; and

extension of the speed limit to the southern site entrance. Such works are necessary in view of the increase in traffic which will be generated by the proposed development and the increase in pedestrian/vehicular traffic conflict. It will also serve to enhance facilities for existing established businesses.

8.92 In line with the Council's Supplementary Guidance on Developer Contributions it is also considered appropriate to secure a public art contribution, which can be provided on site. There may be some scope to provide this as part of the informal path around the SuDS pond. A suspensive condition is recommended. The submission also includes details of gateway signage at the southern road junction with Teaninich Avenue. The sketch details provided show structures on either side of the junction, each being two stone pillars supporting a simple green background sign, containing the name 'Easter Ross Business Park' and 'Fyrish Monument' emblem. It is suggested by the sketch that the signs will be uplit. Full details of this pair of signs will require to be submitted for approval prior to their installation. Again, this can be secured by condition.

8.10 **Matters to be secured by Section 75 Agreement**

None

**9. CONCLUSION**

9.1 The principle of a large extension to the existing industrial and business parks at Teaninich is compliant with policy and has been supported in pre-application advice since 2013. It is considered that such development with excellent connectivity with the A9 trunk road will help encourage the growth and retention of existing businesses within the Easter Ross area as well as attract new business to locate in the area. Considerable consultation, dialogue and negotiation with the applicant's agents and engineers, particularly involving the Council's Flood Risk Management team and Transport Planning team, has helped secure an improved submission.

9.2 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.

**10. RECOMMENDATION**

**Action required before decision issued** No

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons/notes to applicant:

1. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached

specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

2. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement has been submitted to and subsequently approved in writing by the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). A suitably qualified arboricultural consultant shall be employed at the applicant's expense to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision shall be agreed with the Planning Authority and certificates of compliance for each stage shall be submitted for approval. No development shall commence until a work instruction has been issued to the arboricultural consultant to enable them to undertake the necessary supervision unhindered for the duration of the project.

**Reason** : To ensure the protection of retained trees during construction and thereafter.

3. No development shall commence until a revised Landscape Plan and specification has been submitted to and subsequently approved in writing by the Planning Authority. The approved Landscape Plan shall be implemented in full prior to commencement of development on any plot and maintained thereafter in accordance with the approved Grounds Maintenance Specification and Factoring Agreement. A suitably qualified landscape consultant shall be employed at the applicant's expense to ensure that the Landscape Plan is implemented to the agreed standard. Stages requiring supervision shall be agreed with the Planning Authority and certificates of compliance for each stage shall be submitted for approval. No development shall commence until a work instruction has been issued to the landscape consultant to enable them to undertake the necessary supervision unhindered for the duration of the project.

**Reason** : In the interests of amenity and to ensure the timeous provision of planting and landscaping in tandem with development of the site and for replacement when required, in accordance with Policies 28, 29 and 34 of the Highland-wide Local Development Plan.

4. No development shall commence on site until detailed design of the flood mitigation proposals, including the compensatory flood swale and bund as outlined in the supporting Flood Mitigation Plan (Envirocentre, September 2016), have been submitted to and approved by the Council's Flood Risk Management. Development shall thereafter proceed on the basis of the works as approved.

**Reason** : To ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

5. For the avoidance of doubt, minimum finished floor levels for any buildings located within plots 11 and 12 shall be set as required in the table below, in order to address potential future climate change and any residual risk associated with fluvial flooding from the Contullich Burn, as detailed in the supporting Flood Risk

Assessment (Envirocentre, July 2016):

Plot	Minimum Finished Floor Level (m AOD)
Plot 11	10.5
Plot 12	8.8

**Reason** : To ensure that all flood mitigation measures, required in order to reduce the risk of flooding occurring within the application site, is provided timeously.

6. For the avoidance of doubt, in plot drainage systems will be required to limit post-development flow rates and volumes to pre-development rates and volumes, based on the maximum allowable impermeable areas as shown in the table below, via in-plot storage and flow control as noted in the Drainage Impact Assessment (HGA, Issue 2, Sept 2016):

Manhole Number (see drawings 3039:105/01, 02 and 03 rev A)	Existing Plot references discharging to manhole	Maximum Allowable Impermeable Area (sq m)
S53	1	2044
S59	2	2028
S66	3	5777
S36	4	6254
S33	5	4848
S42	6	5744
S30	7	4078
S6	8	4344
S10	9	4950
S17	10	3850
S27	11	4192
S50	12	6925
S70	13	4055
S56	14	1600

**Table 2: Maximum Allowable Impermeable Area permitted to discharge at limited, pre-development runoff rates. Areas taken from 'Overall Development Plan' 2012 040-011 Rev C**

**Reason** : To ensure adequate surface water drainage management and prevent localised flooding in accordance with Policy 66 of the Highland-wide Local Development Plan.

7. For the avoidance of doubt, details of the proposed surface water drainage system shall be submitted with the planning application for each individual plot. If an area greater than that shown in the table 2 is impermeable (See Condition 6 above), any additional surface water runoff generated will need to be stored on site, unless otherwise agreed with The Highland Council.

**Reason:** To ensure adequate surface water drainage management and prevent localised flooding in accordance with Policy 66 of the Highland-wide Local Development Plan.

8. No development shall commence on site until evidence of technical approval from Scottish Water for the proposed surface water drainage measures has been provided and acknowledged in writing by the Planning Authority after consultation with the Roads Authority (including the Flood Risk Management Team).

**Reason:** To ensure that surface water drainage is provided timeously and carefully managed and maintained in compliance with the principles of SuDS; in order to protect the water environment and to mitigate against any flood risk.

9. Until such time as the foul and surface water gravity sewers, pumping station, detention basin and outlet swale are formally vested by Scottish Water, maintenance will remain the responsibility of the developer. In this regard, the name and contact details for the party responsible for maintenance shall be provided to the Planning Authority within 28 days of the first use of the SuDS basin. Thereafter, the named party will be solely responsible for the drainage infrastructure until the time that the drainage infrastructure is adopted by Scottish Water or another responsible party. If the party responsible for drainage infrastructure changes, the Planning Authority shall be notified within 28 days of the change in responsibility.

**Reason:** To ensure that surface water drainage is provided timeously and carefully managed and maintained in compliance with the principles of SuDS; in order to protect the water environment and to mitigate against any flood risk.

10. Prior to commencement of construction of the SuDS basin and outlet pipe, detailed design of the drainage network, SuDS basin and outlet pipe and a programme for implementation, (as shown on drawings 3039:105/01, 02 and 03 rev D), including 2 year, 30 year and 200 year simulation results, shall be submitted to and approved in writing by the Council's Flood Risk Management Team. Development shall thereafter proceed on the basis of such approved details.

**Reason:** To ensure that surface water drainage is provided timeously and carefully managed and maintained in compliance with the principles of SuDS; in order to protect the water environment and to mitigate against any flood risk.

11. Prior to first use of development on any of the plots hereby approved, a two metre wide footpath and associated street lighting shall be constructed along the west side of Teaninich Avenue, as shown on the approved drawings, and completed to the satisfaction of the Planning Authority, after consultation with the Roads Authority.

**Reason:** In the interests of road and pedestrian safety and to ensure standards commensurate with the scale of development in accordance with Policy 28 of the Highland-wide Local Development Plan.

12. Prior to first use of any new development, accessed from the north, which brings the additional total gross floor space of the industrial estate to more than 1894m<sup>2</sup>, the two new bus stops and associated shelters, shown on approved drawing

3039:250 Rev A, towards the north end of Teaninich Avenue, shall be constructed to the satisfaction of the Planning Authority after consultation with the Roads Authority.

**Reason:** To ensure timeous enhancement of public transport services in accordance with Policies 28, 31 and 56 of the Highland-wide Local Development Plan.

13. Prior to first use of any new development, accessed from the south, which brings the additional total gross floor space of the industrial estate to more than 1894m<sup>2</sup>, the two new bus stops and associated shelters, shown on approved drawing 3039:250 Rev A, towards the south end of Teaninich Avenue, shall be constructed to the satisfaction of the Planning Authority after consultation with the Roads Authority.

**Reason:** To ensure timeous enhancement of public transport services in accordance with Policies 28, 31 and 56 of the Highland-wide Local Development Plan.

14. No development shall commence on site until details of a scheme for the introduction of a 40mph speed limit on Teaninich Avenue between the current limit and the southern access point (including funding promotion of an order together with signing, lining and street lighting amendments) has been submitted to and agreed in writing by the Roads Authority. Thereafter the order shall be made and the works constructed (as agreed by the statutory process) prior to occupation of any unit within the application site.

**Reason:** In the interests of road and pedestrian safety and to ensure standards commensurate with the scale of development in accordance with Policy 28 of the Highland-wide Local Development Plan.

15. No development shall commence on site until a Road Safety Audit has been carried out at the applicant's expense, to determine the extent of street lighting required on Teaninich Avenue. Thereafter the installation of street lighting shall proceed on the basis of the Audit's findings.

**Reason:** In the interests of road and pedestrian safety and to ensure standards commensurate with the scale of development in accordance with Policy 28 of the Highland-wide Local Development Plan.

16. No development shall commence on site until a revised Framework Travel Plan, has been submitted to and approved in writing by the Planning Authority after consultation with the Roads Authority. Thereafter the development shall proceed in accordance with such Framework Travel Plan as approved.

**Reason:** In order to ensure that sustainable mode share targets are identified and a strategy put in place for updating or phasing the Plan in accordance with Policies 28 and 56 of the Highland-wide Local Development Plan.

17. Prior to first occupation of development on any plot, a finalised Travel Plan in respect of such plot, together with a programme for reviewing the Plan, shall be submitted to and approved in writing by the Planning Authority after consultation with the Roads Authority in accordance with the agreed Framework Travel Plan. Thereafter the development shall proceed in accordance with such detailed Travel Plan as approved (and as may be reviewed).

**Reason:** In order to ensure that sustainable mode share targets are identified and a strategy put in place for updating or phasing the Plan in accordance with Policies 28 and 56 of the Highland-wide Local Development Plan.

18. For the avoidance of doubt, details of the access, parking, turning and drainage systems shall be submitted with the planning application for each individual plot. This shall include dimensioned plans and supporting information to demonstrate maintenance in perpetuity to ensure:

- Cycle, disabled person and general parking provision in accordance with the Council's Roads and Transport Guidelines;
- Visibility splays of 4.5m x 90m at each of the plot access points;
- Servicing layouts (including swept paths) to demonstrate each plot can be serviced by the appropriate commercial vehicles and that those vehicles are able to turn within the plots so that they access and exit in a forward gear;
- Drainage layouts to demonstrate that; a suitable level of treatment is provided within the plot, no surface water is discharged onto the public road and that no surface water drainage is discharged to the roads surface water swales;
- A dimensioned external layout including identified pedestrian and vehicle access routes and showing the extent of the proposed surfacing. Surfacing of accesses is required for a minimum of 6m beyond the edge of the public road.

**Reason:** In the interests of road and pedestrian safety and to ensure adequate surface water drainage management and prevent localised flooding in accordance with Policy 66 of the Highland-wide Local Development Plan.

19. No development shall commence on site until details of a feature of Public Art to be provided on site, in compliance with the Council's Public Art Strategy Supplementary Guidance; and proposals for its installation and maintenance; have been submitted to and approved in writing by the Planning Authority. The Public Art feature shall thereafter be installed and maintained in accordance with such details.

**Reason:** In accordance with Highland wide Local Development Plan Policy 31 (Developer Contributions) and associated supplementary planning guidelines on Developer Contributions, Open Space and Public Art Strategy.

20. Prior to erection of the proposed gateway signage at the road junction with Teaninich Avenue, full details and specification of such signage and any associated lighting shall be submitted to and approved by the Planning Authority after consultation with the Roads Authority. Thereafter the signage shall be installed and maintained as approved.

**Reason:** In order to allow the Planning Authority to consider this matter in detail, in the interests of amenity and road safety.

### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

### **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

### **FOOTNOTE TO APPLICANT**

#### **Initiation and Completion Notices**

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

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

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

#### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), 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 & 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\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2)

### **Mud & 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.

### **Sustainable Design**

Future designs for this site should draw on the principles contained within with The Highland Council's Sustainable Design Guide: Interim Supplementary Guidance, in particular with regard to use of sustainable building materials, waste water re-use/recycling and energy conservation.

### **Street Names**

In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

### **Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage 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 SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Major Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

### **Future Development of Individual Plots**

Please note that separate detailed applications for Planning Permission will be required for any buildings, operations or use of individual plots. No development, operation or use shall be carried out from any plot unless with the express Planning Permission of the Planning Authority. The applicant is advised to give careful consideration to the type of business allowed to occupy the plots closest to the houses; in particular Plots 11 and 12 to the west; and Plots 8 and 9 to the north.

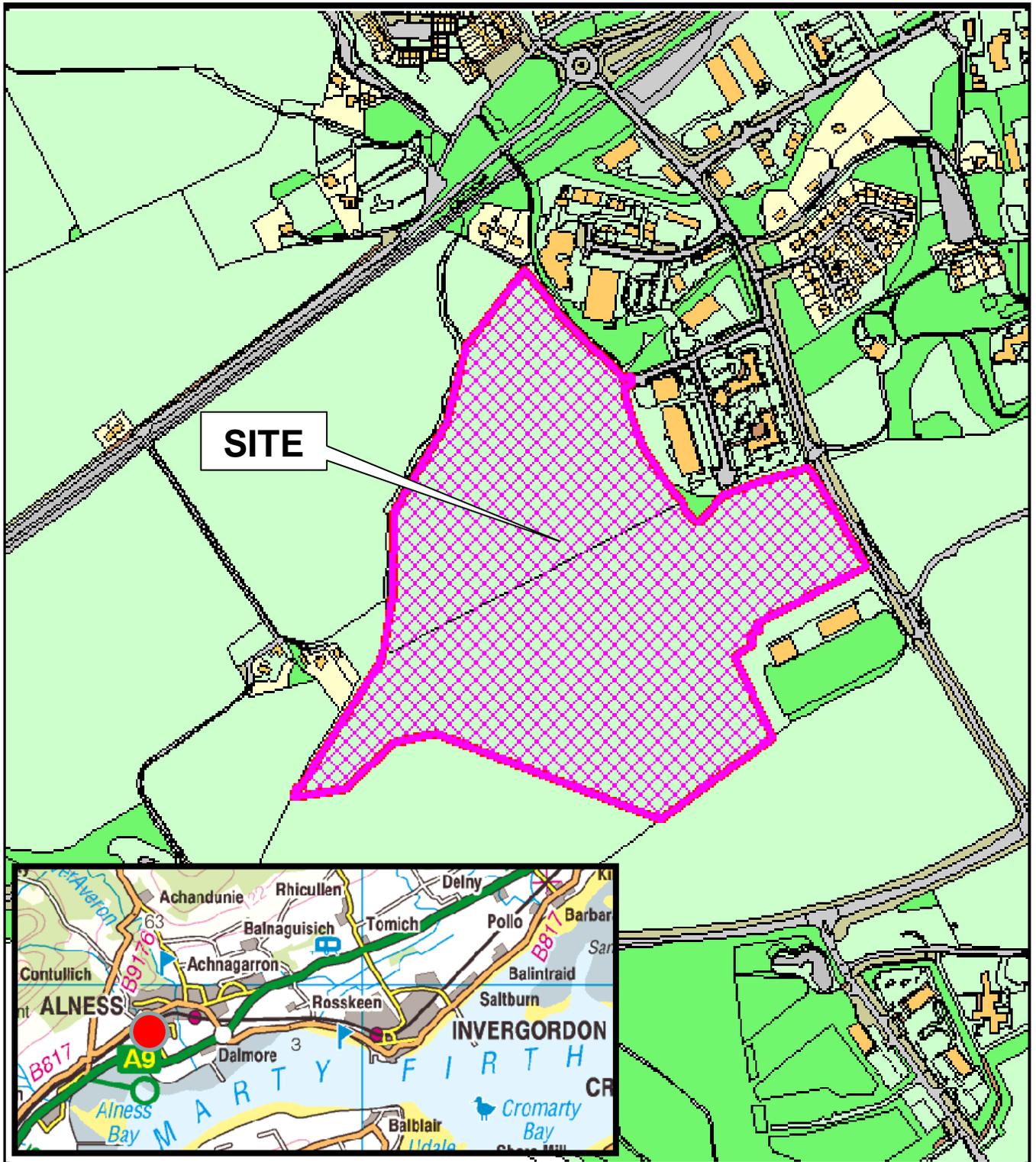
### **Surface Water Management**

The Council's Flood Risk Management Team encourage the use of alternative measures for managing surface water which have additional aesthetic and environmental benefits as well as reducing the capacity requirements of the traditional drainage infrastructure. Green roofs, rain gardens, rain walls and water butts are all examples of acceptable surface water management techniques.

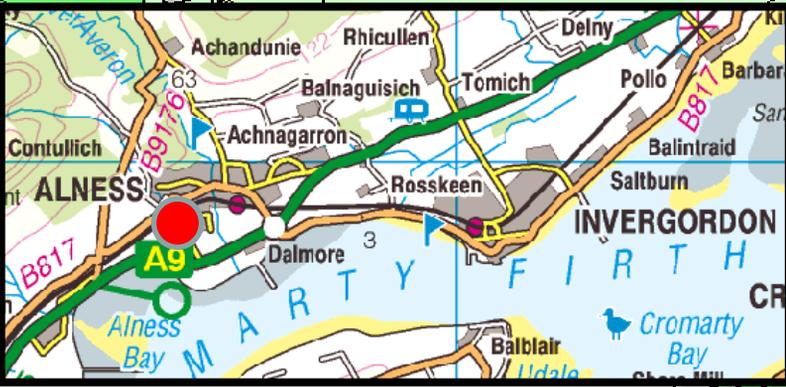
### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Signature: Dafydd Jones  
Designation: Area Planning Manager - North  
Author: Dorothy Stott  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Layout Plan  
Plan 3 – Proposed Phasing Plan



**SITE**




**The Highland Council**  
 Comhairle na Gàidhealtachd  
 Planning & Development Service

**16/01816/FUL**

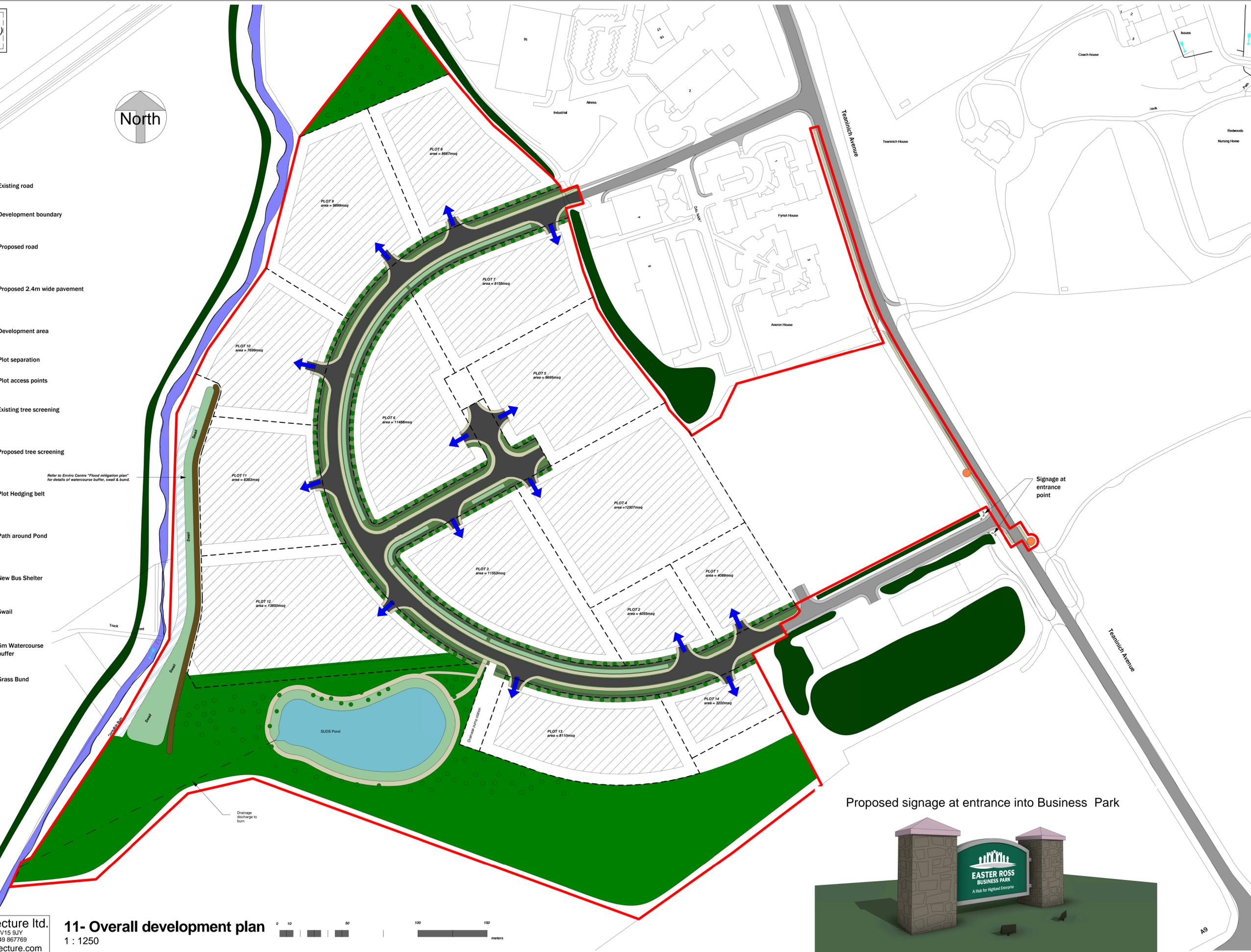
Formation of access roads, services,  
 landscaping and plots to create mixed use  
 commercial/business park at  
 Land NE of Oakwood, Ballachraggan, Alness





- Existing road
- Development boundary
- Proposed road
- Proposed 2.4m wide pavement
- Development area
- Plot separation
- Plot access points
- Existing tree screening
- Proposed tree screening
- Plot Hedging belt
- Path around Pond
- New Bus Shelter
- Swail
- 6m Watercourse buffer
- Grass Bund

Refer to Enviro Centre "Flood mitigation plan" for details of watercourse buffer, swail & bund.



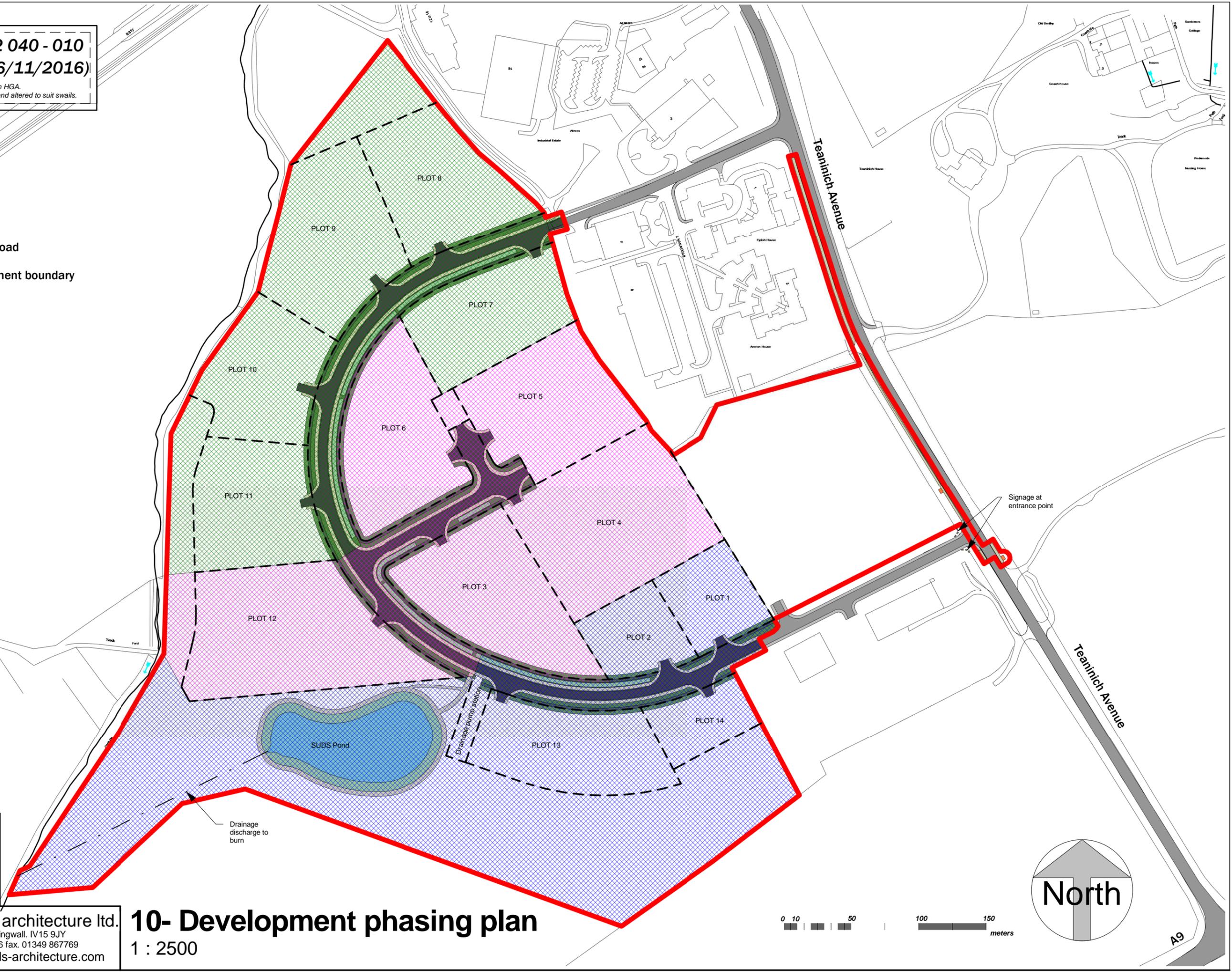
Proposed signage at entrance into Business Park



**DWG no: 2012 040 - 010**  
**Revision: C (16/11/2016)**

Drawing areas altered to match HGA.  
Plot boundary areas checked and altered to suit swails.

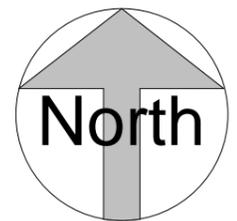
-  Existing road
-  Development boundary
-  Phase 1
-  Phase 2
-  Phase 3



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# 10- Development phasing plan

1 : 2500



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