

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**8 April 2014**

Agenda Item	6.4
Report No	PLS/023/14

**13/04414/FUL : HUB North Scotland Ltd**  
**Inverness Royal Academy**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description :** Demolition and erection of secondary school, external sports provision, bus drop off & car parking

**Recommendation - GRANT**

**Ward :** 16 - Inverness Ness-Side

**Development category :** Major

**Pre-determination hearing :** N/A

**Reason referred to Committee :** Manager's discretion (Major category of development)

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to erect a new Secondary School, including new artificial pitches, on the site of the existing Inverness Royal Academy to the west of Culduthel Road. The scheme also involves the provision of an energy centre/bin storage building, new outdoor learning facilities, a wetlands habitat, trim track, sensory and growing gardens, and improvements to the public realm.
- 1.2 The school is designed to accommodate 1474 pupils with the accommodation over four storeys. The design incorporates two atriums that are used to draw light into the school and act as routes for smoke ventilation and warm air exhaust. The main central teaching, social and administration block is bounded by the sports facilities and the Additional Support Needs (ASN) and Autism Spectrum Disorder (ASD) department.
- 1.3 The building design is rectangular with an almost flat roof. The school will be finished in a reconstituted stone concrete panel in a dark tone on the lower levels and brick and reconstituted stone concrete panels on the upper floors in a lighter, contrasting tone. The games hall, the east wing of the school, will be finished in a dark, non-profiled metal composite panel with a glazed corner feature.

- 1.4 The school grounds will accommodate two full-size artificial pitches between the main school building and the B8082 (the “SDR”). The layout also includes an area of terraced seating for outdoor teaching, a nature garden, ASN garden, trim track, soft landscaping including new tree planting, and the main school car park and bus drop off.
- 1.5 The proposal was considered under the Major Pre-Applications Advice Service. The response advised that the proposal is broadly supported but identified several key factors to be addressed, including:
- The need to consider future housing developments within the school catchment.
  - Requirement for a Landscape and Visual Impact Assessment.
  - Consideration of noise issues.
  - The need for a Transport Assessment.
  - The need for a Flood and Drainage Assessment.
- 1.6 A formal Proposal of Application Notice was submitted in July 2013. A report was submitted with the present application outlining the consultation undertaken with the community and stakeholders. This included informal drop in sessions with pupils, staff and the wider community; formal presentations to stakeholders, Community Council representatives and staff; and exhibitions at Inverness Service Point and Culduthel Christian Centre. These events generally took place from September to November 2013. The events were advertised in the Inverness Courier and the Highland News and also on the Council’s web site. It is considered that the consultation process was acceptable.
- 1.7 A number of supporting documents have been submitted as follow:
- Arboricultural Impact Assessment
  - Drainage Impact Assessment
  - Protected Species Appraisal
  - Spoil Management Plan
  - Construction Phase Plan
  - Design/Access Statement
  - Landscape and Visual Impact Study
  - Geo-environmental Assessment
  - Pre-Planning Consultation Report
  - Sustainable Design Statement
  - Flood Risk Assessment
  - Noise Assessment
  - Light Spill Analysis
  - Transport Assessment
- 1.5 **Variations:** Discussions with officers have led to amendments to the landscaping/tree planting, and alterations to the car park layout and the drainage network.

## 2. SITE DESCRIPTION

- 2.1 The existing Inverness Royal Academy occupies a divided site with the main school building separated from the grass pitches by Culduthel Road. The proposed school is located on the site of the present building. This consists of the main school building with temporary classroom units, a large blaise pitch and areas of green open space. The site is bounded to the north and west by residential development, the school playing fields to the east and the B8082 to the south. The northern part of the site is bounded by a Tree Preservation Order at Culduthel Woods. The site for the main school building will be the blaise pitch which is flat and sits below the existing school. The pitches to the east of Culduthel Road are not involved in the application.

## 3. PLANNING HISTORY

- 3.1 There is no relevant planning history with the exception of the Proposal of Application Notice referred to above.

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised : Schedule 3 Development  
Representation deadline : 20.12.2013 and 28.02.2014  
Timeous representations : 4  
Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
- The proposed all weather pitches will cause light and noise pollution to local residents, particularly as they will operate during the evening.
  - The Noise Assessment Report is flawed and not fit for purpose. It does not follow guidance and contains incorrect statements.
  - Proposed route for construction traffic along Culduthel Avenue is not acceptable. Should come in via the "Rollerbowl" end.
  - Pedestrian/cycle access along Culduthel Avenue must be maintained during construction.
  - Culduthel Avenue is known to regularly flood.
  - Working hours should be limited.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

- 5.1 **Development Plans** : No fundamental policy issue. Concerns expressed over parking/internal circulation, the need to ensure the roof is suitable for Highland climate and location of green spaces.

- 5.2 **Landscape Officer** : No objections. Clarification required on certain aspects of proposal, notably the intended use of areas marked “public space”, and amendments to layout to deal with certain practical issues including design of trim track and landscaping.
- 5.3 **Access Officer** : No objections. Concerns expressed over the practicalities of certain access routes and the potential for Active Travel.
- 5.4 **Principal Officer (Land)** : No objections subject to appropriate conditions in relation to tree protection and new planting.
- 5.5 **TEC Services (Lighting)** : No objections.
- 5.6 **TEC Services (Contaminated Land)** : No objections.
- 5.7 **TEC Services (Flood Team)** : No objections subject to appropriate conditions.
- 5.8 **TEC Services (Roads)** : No objections subject to appropriate conditions.
- 5.9 **TEC Services (Environmental Health)** : No objections but advise that noise from the sport pitches will be audible at the nearest dwelling, and during late evening hours the noise levels may create a sleep disturbance. Note that these are considerations for the Planning Authority in terms of loss of amenity but if minded to grant consent advise two conditions to attach to consent.
- 5.10 **Planning Gain Negotiator** : No objections. Need to consider public art within the proposal.
- 5.11 **Lochardil and Drummond CC** : No response.
- 5.12 **Scottish Water** : No objections.
- 5.13 **SEPA** : No objections.
- 5.14 **SportScotland** : No objections subject to the construction of two 100m x 60m 3G synthetic pitches.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place Making
30	Physical Constraints
56	Travel
57	Natural, Built and Cultural Heritage
58	Protected Species
64	Flood Risk
65	Waste Water Treatment

66	Surface Water Drainage
72	Pollution
75	Open Space
76	Playing Fields and Sports Pitches
77	Public Access

## 6.2 **Inverness Local Plan (2006)**

1.49 S: Special Uses

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Draft Inner Moray Firth Local Development Plan**

Settlement Development Area

Open Space

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

Sustainable Design Guide

Flood Risk and Drainage Impact Assessment Supplementary Guidance

Inverness City Vision: Building a Better Inverness

Sustainable Design Guide Supplementary Guidance

Managing Waste in New Developments Supplementary Guidance

Developer Contributions

Highlands Statutorily Protected Species

Physical Constraints

Public Arts Strategy

Trees, Woodlands and Development

### 7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

## 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**

The proposal is part of the Council's ongoing commitment to upgrading of Highland Schools as set out in its Programme for 2012 - 2017 - Working Together for the Highlands. The key issues to be considered in determining the application are the principle of development, the site layout and design, the landscape and visual impact, impact on local residents from construction works and use of the premises in the future, potential impact on trees, potential impact on protected species and technical issues in relation to transport, drainage and flooding.

8.4 Council policy is set out in the adopted Highland-wide Local Development Plan, Inverness Local Plan (As Continued in Force) with the more recent proposed Inner Moray Firth Local Development Plan being a material consideration. The specific allocation in the Inverness Local Plan is Special Uses where the Council "will expect other uses mainly of a community, service or tourist related nature to be maintained or developed where stated". In this respect, the proposed school is clearly a community use and, as such, complies with this policy. The site is not specifically allocated within the proposed Inner Moray Firth Local Development Plan but is covered by the Settlement Development Area general policy which judges proposals against Policy 28 (Sustainable Design) of the Highland-wide Local Development Plan and their compatibility with the existing pattern of development and landscape character and the impact on any natural, built and cultural heritage feature. On the basis of the assessment of the proposal set out below, it is considered that the development is consistent with this policy.

### **8.5 Siting, Design and Landscape**

8.6 The proposed development involves the erection of a large secondary school with associated infrastructure including two large artificial pitches, car parking and outdoor play space on a site measuring approximately 6.2 ha. This is a relatively constricted site to accommodate these requirements and has clearly had an impact on the layout and design. The new school building is a long, rectangular structure over four storeys. The restricted nature of the site has reduced opportunities to break up the building or allow for the shape to be altered. The architects have therefore sought to reduce the impact of such a large building through the use of a deeper plan form and the treatment of the elevations.

8.7 The Design Statement recognises the "need to utilise robust, durable and low maintenance materials". To this end the lower levels of the building will be clad in a reconstituted stone concrete panel in a dark tone to create a plinth that the upper floors will sit on. The upper floors will be clad in brick to the south and reconstituted stone panels to the north. These elements will be of a lighter tone. The games hall on the east end of the building will be clad in a darker, non-profiled metal composite panel with a translucent glazed corner.

8.8 Policy 29 of the Highland-wide Local Development Plan states that new development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The site is located within the Lochardil and Drummond area of the city, which can be characterised as a residential suburb. The adjacent developments to the south of the SDR are of a similar design and layout. It is difficult, perhaps, to describe the area as of high architectural quality. Moreover, there are other large modern, developments in the general area such as Asda and the Gaelic School. As always, there is no correct answer when considering design issues. In this case, it is considered that there is an element of "form follows function". The building will work effectively as a school, will not be out of context in its proposed location, and, given the restricted site, is generally well-designed.

8.9 The restricted nature of the site and the need to maintain the existing school during construction effectively defines the site layout. The new school must be located on the blaise pitch with car parking and drop off points nearby. This effectively leaves the bulk of the existing school site for the new artificial pitches. Discussions have taken place with the applicant and the layout has been amended to take account of several concerns, mainly in relation to pedestrian access, parking layout, tree planting and hedging, location of cycle stores, layout of the trim track and the need for more detailed information on landscaping. Given the constraints alluded to above, the potential to amend the layout is limited and the revised layout is considered acceptable.

#### 8.10 **Amenity**

8.11 The key issue in relation to amenity is the impact on local residents who live adjacent to the site. Most residential development is set back from the site and is screened by trees or is located to the south across the SDR. There are, however, several properties immediately to the west of the site. The major impacts are from light and noise pollution from the proposed artificial pitches and the construction works. Both Light and Noise Assessments have been submitted together with some details on the construction site and the routing of construction traffic.

8.12 The artificial pitches will be a community facility and, as such, will be available to the community outwith school hours. The key concerns, therefore, relate to the evening use of the pitches and the potential impact on amenity from the floodlighting and general noise from those playing football or other games. The floodlighting has been assessed by the Council's Lighting Engineers. Their assessment is that the proposed lighting scheme meets Council requirements in terms of lighting levels and spill lighting. The adjacent properties and road network are sufficiently far away from the development to be unaffected by light from the installation.

8.13 A Noise Assessment was also submitted and considered by TEC Services (Environmental Health). Their desktop assessment is that noise from the sport pitches will be audible at the nearest dwelling, and during late evening hours the noise levels may create a sleep disturbance. In order to mitigate this, they have suggested conditions in relation to operating hours and the provision of a Noise Management Plan but note that the potential impact is ultimately a matter for the Planning Authority. They also suggest that noise mitigation measures such as acoustic barriers could be considered.

- 8.14 It is clear from the above assessment by Environmental Health that there will be an impact on the amenity of local residents, particularly in the evening. There are three properties within some 40-60 metres of the pitches that will be most affected. There is a balanced judgement to be made, therefore, between the loss of amenity to these individuals and the need for a new school and the associated community use of the artificial pitches. On the basis of the importance of the new school to local people it is considered that the needs of the wider community through the provision of the school and community facilities outweigh the impact on the residents. However, there is a clear need to mitigate the potential impacts and, to this end, the conditions suggested by Environmental Health are included in the recommendation. Environmental Health have also advised that acoustic barriers or similar could also be used. However, it is considered that this issue should be dealt with under the Noise Management Plan recommended by Environmental Health. If such barriers are recommended, they should be included in any noise mitigation scheme.
- 8.15 A scheme has been submitted outlining where the construction facilities will be located and the routing of vehicles. Similar to the layout issues described above, there are very limited options for the siting of construction facilities, which include site offices, mess facilities and storage of materials. The need to maintain the existing school in operation and avoid impacting on residents as much as possible dictates that Culduthel Avenue should be used for this purpose. Whilst this is considered acceptable, two issues arise: the need to maintain pedestrian/cycle access along Culduthel Avenue during the construction phase as this is a widely used route and the routing of construction vehicles via the western entrance to Culduthel Avenue. Discussions have taken place with TEC and Legal Services and there appears to be no issue with directing construction vehicles via the eastern or Rollerbowl entrance. The applicant has also accepted that Culduthel Avenue should remain open to pedestrian/cycling traffic. These can be covered by condition.
- 8.16 **Natural Heritage**
- 8.17 The new school will be sited close to the existing Tree Preservation Order at Culduthel Woods to the north of the site. The Principal Officer (Land) considers that the development will not impact on the woodlands subject to appropriate tree protection barriers being put in place. A number of trees within the existing school site will also be lost due to the redevelopment. These losses are inevitable if the school is to proceed, however there will be a scheme of re-planting.
- 8.18 Due to the demolition of the school and tree felling, a bat survey was submitted. This confirmed that there was no evidence of bats in either the building or the trees. However, it did advise that the building had potential for bat roosts and that further surveys would be required. Since the school is not to be demolished until 2016, these surveys can be carried out within that time. Moreover, given the time delay until the demolition occurs, a pre-commencement Protected Species survey would be required in any event. Conditions can be attached too in relation to these surveys, mitigation measures and ensuring no demolition before August 2016, the approximate likely date for demolition at present.

## 8.19 **Transportation**

8.20 A Transport Assessment has been submitted and considered by TEC Services. They are generally satisfied with the submission but have several recommendations in relation to the use of Culduthel Road, replacing zebra crossings with Toucan crossings at the school, providing Toucan crossings on the B8082 at Essich and Culduthel Mains roundabouts and the provision of Travel and Construction Management Plans. The former should include the potential for Active Travel.

## 8.21 **Flooding and Drainage**

8.22 Drainage and Flood Assessments have also been submitted. These have been considered by both SEPA and TEC Services (Flood Team). Both recognise that the potential flood risk relates to pluvial flooding and that the proposal is outwith the functional flood plain for coastal and riverine flooding. SEPA consider that the pluvial flood risk can be managed and, on this basis, withdrew their initial objection to the development. The Flood Team has reviewed the technical information submitted by the applicant and considers that the proposal is acceptable subject to conditions, in particular to the detailed design of the drainage systems and height of minimum floor levels.

## 8.23 **Loss of Sports Pitch**

8.24 The erection of the school will require the loss of the existing blaise pitch. In these circumstances, SportScotland must be consulted. They have no objection to the development subject to the two artificial pitches being designed to an appropriate standard and coming into use not later than one year after the opening of the school. These matters can be covered by condition.

## 8.25 **Public Art**

8.26 The Planning Gain Negotiator has advised that public art should be incorporated within the project as set out in the Developer Contributions Supplementary Guidance. Discussions have taken place with the applicant and it is considered that the most appropriate way to take this forward is to work with the school and pupils to design and incorporate art into the building and grounds to enhance the development and offer learning opportunities. It would be appropriate to ensure this through condition.

## 8.27 **Material Considerations**

Objectors raise a number of concerns, the majority of which have been dealt with above. However, other matters were raised. The suggestion was made that the working hours during construction should be restricted. Normal procedure is not to impose such conditions as noise nuisance is generally a matter for the Environmental Health Service. Concerns were also expressed over the need for residents to be informed of the work as it progresses and the need for a direct contact number if any issues arise. The applicant has agreed that such contact would be beneficial and that this would form part of the contractor's requirements.

Access for emergency vehicles has also been raised. If Culduthel Avenue is used as the contractor's yard, then the only access option for emergency vehicles is via the eastern entrance to Culduthel Avenue. Having dual access for emergency vehicles would clearly be beneficial and is likely to be a matter discussed at the Building Warrant stage. However, it would be appropriate to incorporate it in a construction management plan.

**8.5 Other Considerations – not material**

One objector has asked that a structural survey of his house be carried out before and after the works. This is not a matter normally dealt with in the consideration of a planning application. It is essentially a private matter between the respective parties.

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

None.

**9. CONCLUSION**

9.1 The proposal to construct a new school on the site of the present Inverness Royal Academy is to be welcomed. It generally accords with the Development Plan and there are no technical objections. Whilst noise from the proposed artificial pitches is likely to reduce the amenity of some local residents, it is considered that the overall community benefits outweigh this consideration.

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**

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

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

1. Before development commences a plan showing a scheme for the continued use of Culduthel Avenue by pedestrians and cyclists shall be submitted to, and agreed in writing by, the Planning Authority. Any details pursuant to this plan shall be formed along the entire frontage of Inverness Royal Academy where it bounds Culduthel Avenue and shall be designed and constructed in accordance with The Highland Council's Road Guidelines for New Developments. The footway/cycleway shall become operational before construction work commences.

**Reason :** In the interests of road safety.

2. Before the school hereby approved comes into operation, the existing zebra crossing on Culduthel Road shall be replaced with a Toucan Crossing.

**Reason :** In the interests of road safety.

3. Before the school hereby approved comes into operation Toucan Crossings shall be provided on the Southern Distributor Road at the Essich Roundabout and Culduthel Mains Roundabout in locations to be agreed with the Roads Authority.

**Reason :** In the interests of road safety.

4. Before the school hereby approved comes into operation a "No Stopping" restriction shall be established on Culduthel Road. The exact length over which this is to apply shall be agreed with the Planning Authority in consultation with the Roads Authority.

**Reason :** In the interests of road safety.

5. No development shall commence until a Travel Plan, which sets out proposals for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. The Travel Plan shall include:
  - i. Measures for extending and/or increasing the frequency of the existing local bus services(s) and associated financial contributions;
  - ii. Details for the management, monitoring, review and reporting of these measures; and
  - iii. Details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of first occupation of any part of the development

**Reason :** In the interests of road safety.

6. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete. For the avoidance of doubt this shall ensure that all construction traffic is routed via the eastern junction of Culduthel Avenue where it meets Culduthel Road.

**Reason :** In the interests of road safety.

7. Before development commences the detailed design of the foul and surface water drainage network, associated pumping station and SUDS pond (including supporting calculations) shall be submitted to, and agreed in writing by, the Planning Authority. For the avoidance of doubt, any proposed surface water discharge into the existing (private or public) sewer network should be equal to or less than the existing discharge rate and volume. As part of the detailed design the results of a CCTV survey on the existing sewer network discharging into Lochardil Burn shall be submitted. Thereafter, development shall progress in accordance with the approved details.

**Reason :** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

8. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

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

9. All measures to mitigate flooding, as shown on the approved plans, shall be constructed in full and brought into use prior to the first occupation of the development. Thereafter, these measures shall be maintained in perpetuity.

**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.

10. Minimum finished floor levels of 300mm above surrounding ground levels shall be applied to all proposed buildings in order to protect against the residual pluvial flood risk.

**Reason :** In order to ensure that the proposal is safeguarded from flood risk.

11. The community facilities hereby approved, including the artificial pitches, shall not be open to customers, and no customer shall be allowed on the premises, outwith the hours of:

- i. 9am to 9pm Monday to Friday;
- ii. 10am to 4pm on Saturdays; and
- iii. 10am to 4pm on Sundays.

The use of the sport pitches outwith these times including bank holidays shall only commence with the prior written approval of the Planning Authority.

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

12. Before the school hereby approved becomes operational, a Noise Management Plan for the community facilities, including artificial sports pitches, shall be submitted to and agreed in writing by, the Planning Authority. The Noise Management Plan shall be carried out by a competent person and identify all physical and operational practices which are necessary to control/reduce noise (e.g. sports acceptable for the pitches, opening and closure management, lease conditions, scheme of maintenance for the pitch surfaces and fencing), establish monitoring systems on compliance with any noise control procedures, and establish procedures and method for recording and responding to any noise complaints.

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

13. Before development commences, the design for the two 100m x 60m pitches shall be submitted to, and agreed in writing by, the Planning Authority. For the avoidance of doubt, the pitches will be surfaced with a 3G synthetic pitch that will be designed and constructed by a recognised (e.g. Sports and Play Construction Association registered) specialist pitch contractor.

**Reason :** To ensure that the pitches are constructed to an appropriate standard.

14. The synthetic pitches will be fully operational and available for use not later than one year after the opening of the new school.

**Reason :** To ensure that the pitches are available to the community within a reasonable time of the school becoming operational.

15. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason :** In order to ensure that the approved landscaping works are properly undertaken on site.

16. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason :** In order to protect existing trees within the site.

17. No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed prior to the commencement of the development and as a minimum retained until the

completion of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the approved Tree Protection Plan and approved Arboricultural Method Statement are implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

**Reason :** In order to ensure that the approved landscaping works are properly undertaken on site.

18. No development, site excavation or groundwork shall commence until full details of protective tree barriers have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved barriers shall be erected prior to any development, site excavation or groundwork commencing and shall remain in place throughout the construction period. Barriers must not be moved or removed during the construction period without the prior written approval of the Planning Authority. For the avoidance of doubt, the tree barriers shall be erected within both the site and along the boundary of the Culduthel Woods Tree Preservation Order.

**Reason :** In order to safeguard existing trees.

19. No demolition works shall take place until a pre-commencement Protected Species Survey is undertaken on the existing school building and a report of survey has been submitted to, and approved in writing by, the Planning Authority. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

20. Unless otherwise agreed in writing by the Planning Authority, no demolition works shall be carried out before August 2016.

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

21. No development shall commence on site until samples of all finishing materials have been submitted to and agreed in writing by the Planning Authority.

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

22. No development shall commence until a Construction Method Statement has been submitted to and received the written approval of the Planning Authority. This shall include the proposed location of the works compound, the means of screening the site, how the site will be developed and mitigation measures in terms of dust and noise for adjacent premises. For the avoidance of doubt the construction method

statement should reference to noise and mitigation as detailed in the “Noise Impact Assessment (document 478868.AB.08.00 v.1) which was submitted as part of the planning application and British Standard 5228:2009 “Code of practise for noise and vibration control on construction and open sites”, so as to demonstrate best practicable means and minimise the noise impact of the works. The development shall thereafter proceed in accordance with the approved Construction Method Statement.

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

23. Before the school hereby approved comes into operation, a scheme for the provision of public art, both within the school and the grounds, shall be submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt this shall include a timetable for the implementation of the scheme. Thereafter the scheme shall be implemented as agreed.

**Reason :** In order to provide public art within the school and contribute to the improvement of the local environment.

24. The proposed cooking odour extraction system shall be designed, installed, effectively operated and maintained to ensure that odours are not detectable within neighbouring premises. The proposed extraction system shall be submitted for approval by the Planning Service.

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

25. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise sensitive premises with windows open for ventilation purposes.

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

## **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.

## **INFORMATIVE NOTE REGARDING THE 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.

### **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

### **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.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **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.

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

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

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

Signature: Allan J. Todd  
Designation: Area Planning Manager - South  
Author: J. Harbison  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – CTCH-J636-01 Tree Plan

Plan 2 – PL(0)0001 Location Plan  
Plan 3 – PL(0)0003 Ground and First Floor Plan  
Plan 4 – PL(0)0004 Second and Third Floor Plan  
Plan 5 – PL(0)0005 Roof Plan  
Plan 6 – PL(0)0006 Building Section  
Plan 7 – PL(0)0007 Site Section  
Plan 8 – PL(0)0008 REV A Drainage  
Plan 9 – PL(0)0009 Energy Centre/Bin Store  
Plan 10 – PL(0)0010 Cycle Shelter  
Plan11 – PL(0)0011 Cycle Shelter  
Plan 12 – PL(0)0012 Sports Store  
Plan 13 – 1750 LO1 Rev I Landscape Plan  
Plan 14 – 1750 LO2 Rev E Planting Plan  
Plan 15 – 1750 LO3 Rev C Growing Garden  
Plan 16 – 1750 LO4 Rev B ASN and Sensory Garden  
Plan 17 – 1750 LO5 Rev B Tree Protection Plan  
Plan 18 – 1750 LO6 Rev C Fencing Layout  
Plan 19 – PL(1)1112 Rev B Site Plan

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Hilary Parkey	5 Culduthel Avenue Inverness	20.02.2013 06.02.2014	Against
Steve Feltham	Dores and Essich Community Council	19.12.2103	Against
Fraser Mills	7 Culduthel Avenue Inverness	18.12.2013	Against
R.G. Hendry	3 Culduthel Avenue Inverness	20.12.2013	Neither for nor against