

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
21 October 2014

Agenda Item	7.2
Report No	PLS/069/14

13/01049/S42: Inverness Estates Ltd
Land at Stratton and East Seafield, Inverness

Report by Head of Planning and Building Standards

SUMMARY

Description: Application to vary conditions 4, 36 and 42 of Planning Permission ref 09/00141/OUTIN; amendments to Access Management Plan, Park and Ride and amendment to timing of provision.

Recommendation: GRANT

Ward: 18 - Culloden and Ardersier

Development category: Major

Pre-determination hearing: Not Required

Reason referred to Committee: Major Application Recommended for Grant and Objections from Community Council.

1. PROPOSED DEVELOPMENT

- 1.1 The proposed development is a major mixed-use development on 78.8 ha of greenfield agricultural land at Stratton Farm, East Inverness. The development was granted planning permission in principle on 12 August 2011.
- 1.2 The development will be delivered in phases over a period of 15-20 years and, for each phase, a variety of supporting works, some on- and some off-site, are required through both conditions and a Section 75 Obligation.
- 1.3 This application seeks to modify the wording of three of those conditions, namely conditions 4 (relating to the drafting of public access management plans), 36 (relating to the provision of various road infrastructure improvements) and 42 (relating to the provision of a park and ride scheme), which would enable the supermarket element of the development to progress in advance of the residential.
- 1.4 The modifications sought, with the exception of those relating to the park and ride facility, do not remove the need to provide the infrastructure required through the original conditions, rather, as explained in the main body of this report, they are

concerned with the specific phasing/timing of provision. With regard to the park and ride facility, the modification sought was principally to reduce its scale from 500 to 150, however, as explained below, this has been altered following discussions with the Development & Infrastructure Service so that a temporary park and ride will be provided as part of Phase 1 and the full 500 space facility will come alongside Phase 2.

- 1.5 **Variations:** Detailed discussions have taken place between the Development & Infrastructure Service and the applicant over the precise wording of the proposed amendments. The proposed wording for condition 42 (park and ride) has been altered as a result.

2. SITE DESCRIPTION

- 2.1 The application site is located east of the City of Inverness, approximately 300m south of the Moray Firth at its closest point and immediately south of the A96(T) which is the main trunk road between Inverness and Aberdeen. Communities in the vicinity include Culloden, Smithton and Balloch to the east and Westhill to the south. The district distributor road - Barn Church Road - bisects the site running from Culloden (SE) to the A96(T). Adjoining the site to the west is the Inverness Retail and Business Park and beyond that the A96(T) meets the A9 (at Raigmore interchange). The agricultural lands of Ashton Farm lie to the south and west of the site. The area is near to the Longman and Castle Stuart Bays Site of Special Scientific Interest (SSSI), the Inner Moray Firth Special Protection Area (SPA) and Ramsar site and the Moray Firth Special Area of Conservation (SAC).
- 2.2 The application site extends to some 78.8 hectares of gently undulating agricultural land. The area is used at present for both arable crops and grazing pasture. The buildings on the site include Stratton farm house and associated outbuildings and a derelict cottage. A petrochemical pipeline follows the south side of the A96. Adjoining land use to the south and south east is predominantly residential with Smithton immediately adjacent. The site generally slopes north-west down to the Moray Firth with AOD heights between 40m and 10m. The Cairnlaw Burn crosses the site from east to west and forms the main drainage course in the area.
- 2.3 Accessibility to the site by road is good given adjacency to the A96(T) and because Barn Church Road crosses the site. The site is well served by public transport with several bus services passing adjacent to the site along the A96(T) and Barn Church Road and providing access to Inverness city centre and the residential communities of Westhill, Smithton and Culloden (further details of public transport are provided in the Transport Assessment which accompanies this application). The site also contains a section of the public road - Barn Church Road, a 'wider access' core path, sewer and water mains, electricity and telecommunications lines.

3. PLANNING HISTORY

- 3.1 12 August 2011 - New town comprising town centre, housing and commercial development granted planning permission (09/00141/OUTIN).

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline : 12 April 2013

Timeous representations : 3

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Loss of a public toilet at the Park & Ride;
- Concerns regarding the reduction in parking spaces and bus stopping/turning areas;
- Concerns about adverse impact on access management plan;
- Concerns about breaking the link between major road improvements and the residential development;
- Objection to a dual carriageway, traffic calming, additional junctions and traffic lights at Barn Church Road;
- Park & Ride is not necessary here and should be located at Dalcross, in its place a short-stay Traveller site should be formed;
- No mention of surface water drainage improvements.

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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Smithton & Culloden Community Council:** Objection on the grounds of: i) Park & Ride should be relocated to the east end of Barn Church Road as it could better absorb traffic at that location; ii) Four lanes of traffic could create difficulties for pedestrians crossing south to north due to increased traffic; iii) Concerns relating to the location of the new link road entry point and the potential for increased congestion; iv) the access road to and from the proposed Stratton development on to Barn church road would also add to the current congestion.

5.2 **THC Access Officer:** No objections.

5.3 **THC Roads:** No objections, following amendments to wording of proposed conditions.

5.4 **THC Contaminated Land:** No objections; amendments proposed to contaminated land conditions to ensure they refer to current guidance/standards.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

6.1 Highland Wide Local Development Plan 2012

Policy 12	Stratton
Policy 28	Sustainable Design
Policy 29	Design Quality and Place-making
Policy 31	Developer Contributions
Policy 42	Previously Used Land
Policy 56	Travel
Policy 77	Public Access

7. OTHER PLANNING POLICY CONSIDERATIONS

Draft Development Plan

- 7.1 Inner Moray Firth Local Development Plan (Draft – June 2014)
Policy IN83 - Stratton

Highland Council Supplementary Planning Policy Guidance

- 7.2 Green Networks (January 2013)

Scottish Government Planning Policy and Guidance

- 7.3 National Planning Framework for Scotland 3
Scottish Planning Policy
Designing Places
Designing Streets

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.

Development Plan Policy Assessment

- 8.3 Policy assessment for this application is restricted only to those policies relevant to the conditions for which modifications are sought or proposed. The principal policy is Policy 12 of the Highland-wide Local Development Plan, which relates specifically to land at Stratton. Of particular relevance are the following requirements:

Transport

- Dualling of the A96 between the Smithton and Inverness Retail and
- Provision of local distributor roads developed to the boundaries of the site
- which will provide unfettered access for later phases of development in
- East Inverness;
- Provision of a Park and Ride site;
- Improvements to Smithton Roundabout;
- Provision of a right turn lane at the signalised junction between Barn
- Church Road and Tower Road;
- Provide active travel linkages to key community facilities;
- Provide active travel linkages within and out with the site; and
- Upgrade of Barn Church Road.

Green Networks & Open Space

- Linkage to the green network both within the site and linking to the wider
- green network of adjacent sites; and
- Open space delivered in line with the requirements of Open
- Space in New Residential Developments: Supplementary Guidance.

8.4 On the basis that the application, as amended following discussion with the Development & Infrastructure Service, seeks permission simply to amend the phasing of some of the delivery of the supporting infrastructure, it is considered that the application accords with the Development Plan, is consistent with the requirements of the original planning permission and does not give rise to any policy concerns.

Material Considerations

8.5 The application seeks modifications to three separate conditions attached to planning permission in principle ref. 09/00141/OUTIN, namely: conditions 4 (Access Management Plans), 36 (Transport Infrastructure) and 42 (Park and Ride).

Condition 4 – Access Management Plans

8.6 The original condition required an Access Management Plan to be submitted to, and approved in writing by, the Planning Authority prior to the commencement of development within each phase. The wording referred to 'the plan' (construed as a single plan) and required it to be implemented prior to the development being occupied.

8.7 As originally drafted, the condition does not provide for the non-residential elements of Phase 1 (including the supermarket) commencing before the residential, nor does it easily cater for the residential elements themselves being phased. Given the current economic climate, this has been viewed by the applicant as an obstacle to the development of this site.

8.8 The condition also suggested that all public access infrastructure had to be in place across the phase prior to any occupation, which would prove impracticable for such

a large phased development with design details being approved across a number of future applications.

- 8.9 Accordingly, the applicant has sought minor amendments that allow for Access Management Plans to be submitted and enacted in a fashion that enables Phase 1 to be carried out in sub-phases. A safeguard has also been added requiring each plan to demonstrate how it will integrate with existing or proposed networks to ensure that a holistic approach is still maintained.
- 8.10 The alterations allow for a phased approach, but are otherwise unchanged. They are considered acceptable and the Council's Access Officer has raised no objections.

Condition 36 – Transport Infrastructure

- 8.11 As originally drafted, Condition 36 requires all of the following matters to be submitted for the approval of the Planning Authority prior to any development commencing within Phase 1. The various infrastructure components would then have to be provided prior to the occupation of any of the development in Phase 1 in accordance with approved phasing details.
- i. a scheme for bus priority from the Park and Ride site to the A96;
 - ii. a scheme for widening Barn Church Road to 4 lanes including speed limits, traffic calming and gateway features including traffic calming measures on the transition between 30 and 40 mph zones and segregated cycle lanes on Barn Church Road in accordance with illustrative WSP drawing number 0392-SK-502 Revision A;
 - iii. a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas;
 - iv. a scheme for junction design, signalisation, widening and/or improvement of Barn Church Road/Tower Road junction and the Tower Road/Culloden Road junction;
 - v. a scheme for a combined footway cycle route from the junction with Smithton Road to Culloden Academy on the south east side of Barn Church Road (provided this can be achieved within the existing road boundary) and a combined footway/cycleway on the north west side of Barn Church Road;
 - vi. a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore;
 - vii. a scheme for altering the lane markings at Millburn roundabout in accordance with WSP drawing number 0392_SK_MR_OO1.
- 8.12 The changes sought to this condition would enable the non-residential elements of the development to progress prior to the details for parts (iii) and (v) (safe routes to school and a combined cycle/footways on the Smithton and Barn Church roads) being submitted to the Planning Authority for approval, with parts (iii) and (v) being submitted prior to any residential development commencing. This reflects the fact that these two elements of supporting infrastructure were required principally in support of the residential development and not the non-residential (e.g. the supermarket).

- 8.13 In essence, as for the other modifications proposed, the requested changes to this condition will not see a reduction in the infrastructure to be provided in support of the development, merely that provision may be phased in line with the proposed phasing of Phase 1 (split between non-residential and residential development). The proposed amendments to this condition, as outlined in this report, are considered acceptable, do not give rise to concern and the Council's Transport Planning section has raised no objections.

Condition 42 – Park and Ride

- 8.14 The application initially sought consent to reduce the size of the proposed park and ride from 500 spaces to 150 spaces, remove bus parking provision, reduce the facility to a single bus stop and remove the requirement for public toilets. This proposal would have resulted in a material reduction in the mitigation provided in support of the development and was considered unacceptable; it was not supported by Development Management or Transport Planning.
- 8.15 Following discussions with the applicant, an agreement was reached that the permanent 500-space park and ride facility, along with all original supporting infrastructure (including toilets) would still be provided, but as part of Phase 2. A temporary 150-space park and ride facility would be provided in support of Phase 1, with a slight reduction in its supporting infrastructure (e.g. no toilets), and would be maintained until such time as the permanent facility was provided.
- 8.16 This approach acknowledges changes in the economic climate since the original scheme was first conceived and facilitates the commencement of development by allowing an initial smaller park and ride facility. However, and importantly so, it retains the need for the developer to provide a permanent 500-space facility and brings with it the added benefit of the specific details of the permanent facility being able to be informed and shaped by the practical, day-to-day experiences of the local community and the operators/users of temporary facility.
- 8.17 The Council's Transport Planning team has raised no objections to the changes to Condition 42 as agreed between the applicant and Development Management and outlined in the recommendation.

Representations

- 8.18 While Smithton & Culloden Community Council raised a number of concerns and has objected to the application, the matters raised do not relate to the specifics of this Section 42 application, which, under the Act, can only look at the conditions attached to the original permission; they are not therefore matters that can be considered.
- 8.19 For example, the location of the park and ride adjacent to the supermarket, which the Community Council suggests should be moved to the east end of Barn Church Road, was agreed as part of the original planning permission and the applicant has not applied to alter this (nor does the proposed location fall within their control). Similarly, the application is not concerned with access or link road details, which

have either been agreed or remain to be agreed under separate applications/submissions to the Council.

- 8.20 While a number of third-party representations were also received in relation to this application, many of these also related to issues that go beyond the scope of a Section 42 application and revisit issues or principles that have already been agreed. Of those issues which are, however, material in terms of this application, the following comments are provided:

- Loss of a public toilet at the Park & Ride;

Comment: While a toilet will not be provided as part of the temporary park and ride facility, the facility will be located adjacent to the supermarket, which will have toilets. Dedicated toilets will be provided as part of the permanent park and ride required as part of Phase 2.

- Concerns regarding the reduction in parking spaces and bus stopping/turning areas.

Comment: While there will be reductions in the parking spaces provided as part of the temporary facility, the permanent facility remains unchanged. 500 spaces, along with all required supporting infrastructure, will still be required as the development itself increases in scale and impact. The reduction is a temporary measure.

- Concerns about adverse impact on access management plan.

Comment: Access Management Plans will still be provided, one per phase/sub-phase. There has been no watering down of the requirements of the plans; indeed, a clause has been added to the condition requiring clear integration with existing and proposed infrastructure.

Other Considerations

Time Limits

- 8.21 In granting permission under Section 42 of the Act, the statutory 3-year period for commencing development applies, unless the Planning Authority directs otherwise. When the original planning permission in principle was granted, a period of 5 years was given for the commencement of development; this period expires on 12 August 2016. Given this application was submitted simply to 'vary' conditions and is not an application to renew or extend the permission, it is recommended that the original deadline for commencing development is applied to any new permission through a direction.

Contaminated Land

- 8.22 Recent changes have been made to the British Standards relating to contaminated land assessment and remediation. It is therefore proposed that the contaminated land condition, condition 5, is updated so that reference is made to the updated

standards and all such work is carried out in accordance with current best practice.

Notice of Completion for Each Phase

- 8.23 A new, additional condition should be applied requiring that a Notice of Completion is submitted to the Council upon completion of each phase, as required by the Act.

Matters to be secured by Section 75 Agreement

- 8.24 No changes are proposed to the existing Section 75 Obligation that relates to this development. A modification will, however, be required to ensure that the obligations are timed to any new permission granted.

9. CONCLUSION

- 9.1 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. Approving application will not result in any overall change to the infrastructure required in support of the development, simply that the phasing of the delivery of some elements is amended, principally to enable the supermarket element of the scheme to progress first.

10. RECOMMENDATION

Action required before decision issued: Yes

Modification of the existing Section 75 Obligation to ensure that its obligations bind any planning permission in principle granted by the Planning Authority under Section 42 of the Act.

Subject to the above, it is recommended that:

- i. planning permission in principle is **GRANTED** under Section 42 of the Act in accordance with planning permission in principle ref. 09/00141/OUTIN, dated 12 August 2011, without compliance with condition(s) 4, 5, 36 and 42 previously imposed, but subject to the other conditions imposed and to the conditions outlined below: and
- ii. in granting planning permission in principle the Council directs that the time limits outlined below apply: and
- iii. all informatives and notes to applicant attached to outline permission ref. 09/00141/OUTIN are attached to any new permission alongside the additional informatives outlined below.

CONDITIONS

4. Prior to commencement of development within each Phase, an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or

permanent diversion or closure)) shall be submitted for the written approval of the Planning Authority. The plan shall show:-

- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc. and how these will integrate with existing or proposed networks;
- d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e) Links to the Highland Council's core paths and green frameworks.

Each Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

5. Prior to the commencement of development of each phase, a scheme to deal with potential contamination within the phase shall be submitted to, and approved in writing by, the Planning Authority. Each scheme shall include:
 - i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
 - ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
 - iii. measures to deal with contamination during construction works;
 - iv. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
 - v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence within any phase until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

36. Prior to the commencement of non-residential development in Phase 1 all items below, with the exception of (iii) & (v), shall be submitted for the written approval of the Planning Authority. Items (iii) & (v) shall be submitted for the written approval of the Planning Authority prior to the commencement of any residential development within Phase 1.

- i) a scheme for bus priority from the Park and Ride site to the A96;
- ii) a scheme for widening Barn Church Road to 4 lanes including speed limits, traffic calming and gateway features including traffic calming measures on the transition between 30 and 40 mph zones and segregated cycle lanes on Barn Church Road in accordance with illustrative WSP drawing number 0392-SK-502 Revision A;
- iii) a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas;
- iv) a scheme for junction design, signalisation, widening and/or improvement of Barn Church Road/Tower Road junction and the Tower Road/Culloden Road junction;
- v) a scheme for a combined footway cycle route from the junction with Smithton Road to Culloden Academy on the south east side of Barn Church Road (provided this can be achieved within the existing road boundary) and a combined footway/cycleway on the north west side of Barn Church Road;
- vi) a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore;
- vii) a scheme for altering the lane markings at Millburn roundabout in accordance with WSP drawing number 0392_SK_MR_OO1.

Prior to occupation of any parts of Phase 1 of the development, the agreed details and the agreed phasing for (i) (ii), (iv), (vi) & (vii) above shall be implemented and operational to the satisfaction of the planning authority; the agreed details for (iii) & (v) shall be implemented in accordance with the requirements of Matters Specified in Conditions approval for the residential development within Phase 1 and subsequent Phases.

Reason: To ensure that the consequences for the local road network from traffic resulting from the proposed development are addressed prior to the main traffic generators commencing operations.

42. (a) Prior to commencement of development of Phase 1, full details for a temporary park and ride facility shall be submitted to, and approved in writing by, Planning Authority. The temporary park and ride facility shall include 150 car parking spaces, a bus stop and turning area, shelters for passengers, public transport information and convenient pedestrian access to the Stratton town centre and be located close to the 8000m² retail superstore in Phase 1 of the development. Prior to commencement of trading of the 8000m² retail superstore, the temporary park and ride facility shall be implemented in accordance with the approved details and shall be fully operational. Thereafter, the temporary park and ride facility shall be maintained as approved unless and until a permanent facility has become fully operational under part (b) below.

(b) Prior to the commencement of development of Phase 2, full details for a permanent park and ride facility shall be submitted to, and approved in writing by, Planning Authority. The permanent park and ride facility shall include bus stops, bus parking bays, 500 car parking bays, shelters for passengers, access to public toilets, public transport information and convenient pedestrian access to the Stratton town centre. The permanent park and ride facility shall be implemented in accordance with the approved details and shall be fully operational prior to the first occupation of any other development within Phase 2. Thereafter, the permanent park and ride facility shall be maintained as approved, unless otherwise may be approved in writing by the Planning Authority.

Reason: In the interests of reducing car usage and providing sustainable transport facilities.

54. Within a period of 28 days following the completion of each phase of the development hereby approved, a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) must be submitted in writing to the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

TIME LIMIT DIRECTION

The Highland Council hereby makes the following Direction under Section 59(5) & (7) of the Town and Country Planning (Scotland) Act 1997 (as amended).

An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

For Phase 1:

- i. **12 August 2016;**
- ii. **SIX MONTHS** from the date on which an earlier application for the requisite approval was refused; or
- iii. **SIX MONTHS** from the date on which an appeal against such refusal was dismissed.

For Phase 2 and each subsequent Phase:

- i. **3 YEARS** from the date of commencement of the previous Phase;
- ii. **SIX MONTHS** from the date on which an earlier application for the requisite approval was refused; or
- iii. **SIX MONTHS** from the date on which an appeal against such refusal was dismissed.

In respect of each phase, this planning permission in principle will lapse on the expiration of:

- i. For Phase 1, 2 YEARS;
- ii. For Phase 2 and each subsequent Phase, 2 YEARS;

from the date of the requisite approval of any matters specified in conditions applicable to that phase or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained, whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

ADDITIONAL INFORMATIVES

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

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.

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.

Signature:

Designation: Head of Planning & Building Standards

Author: David Baldwin

Designation: Principal Planner

Date: 8 September 2014

Background Papers: Documents referred to in report and in case file;
Location Plan;
Site Boundary Plan;
Original Masterplan Layout;
Original Decision Notice.

Appendix A – Letters of Representation

Name	Address	Date Received	For/Against
Paul Bova	Barnview, Resaurie, Inverness	10.04.2013	Against
Johan McGrath	151 Galloway Drive, Culloden	08.04.2013	Against
C. Stafford	Clach na Sanais, Croy	08.04.2013	Against

Appendix B – The Original Decision Notice

PLANNING PERMISSION IN PRINCIPLE

Reference No: 09/00141/OUTIN

THE HIGHLAND COUNCIL

Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act

DECISION NOTICE

To:
Inverness Estates Ltd
Myrtlefield House
Grampian Road
Aviemore
PH22 1RH

Per:
Muir Smith Evans
203 Bath Street
Glasgow
G2 4HZ

New town comprising town centre, housing and commercial development on land at Stratton and East Seafield, Inverness

The Highland Council in exercise of its powers under the above Acts **grants planning permission in principle** for the above development in accordance with the particulars given in the application and the following plans/drawings:

Type of Plan	Plan Number	Date Plan Received
Location/Site Plan	G1173 (MP) 00	25.02.2009
Indicative Plan	G1173 (MP) 01 Rev D	25.02.2009
Indicative Plan - A96 improvement	WSP 0392_SK_103 Rev C	10.09.2010
Indicative Plan -Longman Roundabout improvement	WSP 0392_SK_LR_001	10.09.2010
Indicative Plan -Raigmore roundabout improvement	WSP 0392_SK_RI_003	10.09.2010
Indicative Plan - Barn Church Road widening	0392_SK_502_Rev A	10.09.2010
Indicative Plan – Milburn roundabout road marking	0392_SK_MR_001	10.09.2010

This permission is granted subject to the following conditions: -

- 1. Planning Permission in Principle is hereby granted for a mixed use development upon 78.8 hectares to be developed in four sequential phases comprising uses, dwelling numbers and floor-space as set out within Table 1: Approved Phasing and Uses below (please refer to attached Notes).**

Dated: 12 August 2011

Head of Planning and Building Standards

Table 1: Approved Phasing and Uses

		Phase 1	Phase 2	Phase 3	Phase 4
	Use class	01/01/2011to 31/12/2016	01/01/2016to 31/12/2021	01/01/2021to 31/12/2026	01/01/2026 to 31/12/2031
Residential (subject to affordable housing policy)	9 & sui generis	300 dwellings	450	875	875
Food Retail	1	8000m ²	0	0	0
Non-food retail	1	1350m ²	1000m ²	1000m ²	0
Offices	2	2100m ²	2000m ²	1000m ²	0
Health centre	Sui generis	1900m ²	0	0	0
Church	10g	1000m ²	0	0	0
Community Building (including library)	10f/10e	1700m ²	0	0	0
Restaurant/cafe	3	375m ²	0	0	0
Primary school	10b	0	1300m ²	1300m ²	0
Park & ride	Sui generis	500 spaces	0	0	0
Hotel	7	80bed	0	0	0
Commercial/business	4/sui generis	0	0	9500m ²	0

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

- 2. The development shall be undertaken in four phases in accordance with Table 1. Prior to the submission of any of the matters specified by conditions for any part of the site, a detailed 'Area Development Brief' for each Phase of the development shall be submitted to and approved by the planning authority for that part of the site. These documents shall be produced using the principles set out in the Stratton Masterplan and Environmental Statement. Development within each Phase area shall accord with the terms of the relevant Area Development Brief and the phasing strategy set out in the Highland wide Local Development Plan.**

Reason: To ensure a consistent and high quality of development throughout the site.

- 3. A further application, or applications, for the approval of matters specified in conditions shall be submitted to the planning authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of 'Designing Places', 'Designing Streets' and 'PAN 67 Housing Quality':-**
 - a) the siting, design and external appearance of all buildings and other structures;**
 - b) details of sustainable design considerations including use of solar gain design, solar energy use, grey water recycling and rain water harvesting, external lighting to minimise sky glow, and energy conservation generally;**

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- c) the means of access to the site and all external roadworks identified in conditions 33 and 36 below;
- d) the layout of the site, including all roads, footways and parking areas;
- e) the provision of equipped play areas;
- f) the provision of public open space, including allotments in accordance with the Highland Council's supplementary guidance on the provision of open space in residential development;
- g) details of public art provision;
- h) the details of, and timetable for, the hard and soft landscaping of the site;
- i) details of management and maintenance arrangements of the areas identified in (d), (e) and (f) above;
- j) the design and location of all boundary walls and fences;
- k) the provision for loading and unloading all goods vehicles;
- l) the provision of drainage works;
- m) the disposal of sewage;
- n) means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Planning Guidance' including provision of communal composting and recycling facilities;
- o) details of existing trees, shrubs and hedgerows to be retained; and
- p) details of existing and proposed site levels

Reason: To enable the planning authority to consider these aspects of the development in detail.

Pedestrian and Cycle Access

4. Prior to commencement of development within each Phase an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority. The plan shall show:-
- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
 - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
 - c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc;
 - d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
 - e) Links to the Highland Council's core paths and green frameworks.

The agreed plan shall thereafter be implemented prior to the occupation of development within each phase.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

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Contaminated Land

5. Prior to commencement of development of each Phase, a scheme to deal with potential contamination on site for that Phase will be submitted to and approved in writing by the planning authority, and is thereafter implemented to the satisfaction of the planning authority. The scheme shall contain details of proposals to deal with potential contamination and must include:-
- a) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the planning authority, and undertaken in accordance with PAN 22 (2000) and BS10175:2001;
 - b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan);
 - c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the planning authority;
 - d) Submission, if necessary, of monitoring statements at periods to be agreed with the planning authority for such time period as is considered appropriate by the planning authority.

Reason: To ensure the site is free from contamination and is fit for the use(s) proposed.

Noise control

6. Prior to commencement of development measures to mitigate the potential noise impact of development on existing and/or future noise sensitive dwellings and the hotel shall be submitted to and agreed in writing by the planning authority. The agreed measures shall thereafter be implemented.

Reason: To ensure acceptable levels of external and internal noise levels are achieved.

7. No built development shall be erected in areas of the site identified in the Environmental Statement as Noise Sensitive Category D.

Reason: In the interests of amenity and to ensure that no noise sensitive development is constructed in an area subject to high noise levels.

8. Prior to commencement of development of any primary school, a detailed survey and assessment of the environmental noise sources impacting the school site shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

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Reason: To ensure acceptable levels of external and internal noise levels are achieved in the school.

- 9. Prior to commencement of development of the proposed retail superstore in Phase 1, a detailed survey and assessment of the noise emissions from the proposed retail superstore shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.**

Reason: To assess the likely impact of noise on proposed neighbouring residential premises and to ensure acceptable levels of external and internal noise levels are achieved.

- 10. Prior to commencement of development of each Phase, a noise control plan and management system incorporating the control measures identified in paragraphs 7.5.25 and 7.5.26 of the Stratton Environmental Statement shall be submitted for the written approval of the planning authority. Thereafter an agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.**

Reason: To assess and control the likely impacts of noise on residential properties.

- 11. During construction operations for which noise is audible at the boundary of the site shall only be carried out between 08.00 hours and 18.00 hours Monday to Friday, between 08.00 hours and 13.00 hours on Saturdays and at no time on a Sunday or public holiday. Work requiring to be carried out outwith these times shall only commence with the prior written approval of the planning authority except in the case of an emergency.**

Reason: In the interests of amenity.

- 12. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 25 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.**

Reason: In the interests of amenity.

Dust Control

- 13. Dust mitigation measures identified in paragraph 8.5.6 of the Stratton Environmental Statement shall be implemented during construction operations.**

Reason: In the interests of amenity and to prevent dust contamination and to maintain good air quality.

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Construction Waste Management

14. Prior to commencement of each Phase of development a Site Waste Management Plan for that Phase as detailed in Appendix 1 (attached) to control waste during construction shall be submitted for the written approval of the planning authority in consultation with Scottish Environment Protection Agency (SEPA).

Reason: In the interests of amenity, to manage waste and prevent pollution.

Operational Waste Management

15. Prior to commencement of each Phase of development a Waste Management Strategy as detailed in Appendix 2 (attached) for that Phase, shall be submitted for the written approval of the planning authority in consultation with SEPA to detail the approach to sustainable waste management in the operational development.

Reason: In the interests of amenity, to manage waste and prevent pollution.

Flood prevention

16. No development will take place within the functional flood plain in compliance with Scottish Planning Policy, the Flood Risk assessment submitted with the application or any subsequent assessment.

Reason: In the interests of amenity, to protect property, to protect the water environment, and prevent flooding.

Sustainable Urban Drainage

17. No development within each Phase shall commence until a Surface Water Drainage Strategy (SUDS) in accordance with the Environmental Statement is submitted to and approved in writing by the planning authority in consultation with SEPA, TECS and Scottish Water. Thereafter the agreed scheme shall be implemented to the satisfaction of the planning authority. Areas of habitat lost to create SUDS outfall and wetlands shall be planted with native species and enhanced for wildlife.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

18. With the exception of one permanent watercourse crossing, any SUDS outfalls and habitat enhancement areas, there shall be no watercourse engineering works on the Scretan and Cairnlaw Burns.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

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19. Prior to commencement of development details of any watercourse crossing on the Scretan Burn or Cairnlaw Burn using a bridging solution shall be submitted for the further approval of the planning authority in consultation with SEPA and shall thereafter be implemented as agreed with the planning authority in consultation with SEPA.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

20. There shall be no temporary watercourse crossing points for construction vehicles.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

21. During construction all watercourses will be protected by robust protective fencing erected to maintain a 10 metre buffer strip along the watercourse and any works compounds will be set back a minimum of 20m from any watercourse.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

Water supply and foul drainage

22. All phases of the development shall be connected to the public waste water system and to the public water supply.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

Construction Environmental Management Plan

23. Prior to commencement of each Phase of development a Construction Environmental Management Plan as detailed in Appendix 3 of the letter from SEPA of 12 May 2009 (attached) including a dust management strategy for that Phase shall be submitted for the written approval of planning authority in consultation with SEPA.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

Pipeline safeguarding

24. During construction the existing petrochemical pipeline on the northern boundary of the site shall be protected by 6 metre buffer strip protected by robust protective fencing.

Reason: To safeguard the existing petrochemical pipeline from damage.

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Retail development

- 25. Notwithstanding that this permission is in principle, the Town Centre, as defined in the Phase 1 Area Development Brief, shall be developed as a multi-functional area, and shall include all of the following uses (unless specific exclusions are approved in writing by the planning authority):-**
- i. Retail (Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) developed in accordance with the requirements of conditions 26, 27 and 28 of this permission;**
 - ii. Financial and Professional Services (Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
 - iii. Food and Drink Services (Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
 - iv. Offices/Light Industry (Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
 - v. Hotel (Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
 - vi. Residential (Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
 - vii. Flatted dwellings;**
 - viii. Park and Ride facility;**
 - ix. Community facilities (Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997);**
 - x. Open Space;**
 - xi. Car Parking.**

Reason: To ensure that the proposed Town Centre fulfils a multi-functional role within the development.

- 26. The Town Centre shall be developed within the area defined for that purpose in the Phase 1 Area Development Brief.**

Reason: To ensure that the proposed Town Centre fulfils a multi-functional role within the development.

- 27. Notwithstanding that this permission is in principle, the retail (as defined by Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) element of the development within the proposed Town Centre shall be developed according to the following principles:-**

- i. In Phase 1, non-food retail provision shall be restricted to a minimum of four units in the size range up to 400 square metres (gross internal area);**
- ii. In Phase 1, any Class 1 retail unit shall not exceed 8000 square metres gross internal area.**

Reason: To control the nature and proportions of the types of retail floor-space within the development and to ensure that it does not have impacts on the city centre above those identified in the Retail Impact Assessment.

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- 28. Notwithstanding that this permission is in principle, no retail unit shall commence trading until all of the following works have been carried out to the satisfaction of Transport Scotland and the planning authority:-**
- i. The A96 between West Seafield and Smithton roundabouts has been formed into a dual carriageway in both directions;**
 - ii. Smithton Roundabout has been re-designed to accommodate the dual carriageways and provide an additional west bound lane and a slip road onto the A96 from Barn Church Road;**
 - iii. Signalisation of Raigmore roundabout has been implemented.**

Reason: To ensure that the retail operation is served by a satisfactory system of public transport and that the principal road accesses to the site are operational.

Trunk Road A96/A9 Link

- 29. No development shall commence on Phases 2, 3 and 4 until such time as the A96/A9 Link road alignment is agreed in writing with the planning authority in consultation with TEC Services and Transport Scotland and thereafter implemented.**

Reason: To ensure that major strategic infrastructure is in place before further phases of the development are progressed.

- 30. Prior to commencement of the development of Phase 2 the applicant shall agree with the planning authority in conjunction with Transport Scotland the area of land which is required for the A96/A9 Link road and provide a plan showing the safeguarded land. This land should thereafter be kept free of all development unless otherwise agreed in writing with the planning authority.**

Reason: To ensure that adequate land is safeguarded for a future A9/A96 Link Road.

Strategic Transport Infrastructure

- 31. Prior to commencement of any development hereby permitted the applicant shall consult with Transport Scotland to secure appropriate safeguards for the implementation of the A96 to dual carriageway standard without prejudice to the future commitment to upgrade the A96 road.**

Reason: To safeguard any future improvement to the A96 trunk road.

- 32. Prior to the commencement of development hereby permitted a traffic monitoring plan shall be submitted and agreed in writing with the planning authority in consultation with Transport Scotland - TRNMD. This will establish the volumes of traffic associated with the development as it proceeds, to aid in the production and submission of Transport Assessments for future phases of the development.**

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Reason: To minimise interference with the safety and free flow of traffic on the trunk road.

33. Prior to the occupation of any of the following components of the development hereby permitted:-

- i) 750 residential units;**
- ii) 8000sqm retail superstore;**
- iii) 3550sqm non-food retail (local shops);**
- iv) 5100sqm offices;**
- v) 1,900 sqm health centre;**
- vi) 1000sqm church;**
- vii) 1700sqm community facilities;**
- viii) 375sqm café/restaurant;**
- ix) 1300sqm primary school;**
- x) park and ride site;**
- xi) 4000sqm commercial/business;**
- xii) 80 bed hotel;**
- xiii) 1550sqm car showroom;**
- xiv) 4000sqm garden centre**

The following list of infrastructure modifications to the strategic road network shall be implemented to the satisfaction of the planning authority and Transport Scotland -TRNMD, in consultation with the trunk road management organisation:-

- 1. Upgrade the existing A96(T) between Smithton and the Inverness retail and Business Park roundabouts to dual carriageway, generally in accordance with WSP drawing number 0392-SK-103 Revision C;**
- 2. Infrastructure modifications to the A96(T) Smithton roundabout, generally in accordance with WSP drawing 0392-SK-103 Revision C;**
- 3. Modifications to the A96(T)/A9(T) Raigmore Interchange to include the full signalisation of the roundabout and changing of lane markings, generally in accordance with WSP drawing number 0392_SK_RI_003;**
- 4. Either - modifications to the A9(T) Longman roundabout to include the full signalisation of the roundabout, altering the A9 southern approach to allow two straight ahead lanes (northbound) and an additional lane on the circulating carriageway, generally in accordance with WSP drawing number 0392_SK_LR-001; or**
- 5. An agreed contribution to the satisfaction of the planning authority in consultation with Transport Scotland - TRNMD, towards infrastructure improvements at Longman roundabout which will provide additional capacity on the A9 trunk road at this location;**
- 6. Modifications to the signal times at the A9 slip road/Culloden Road/Caulfield Road North junctions**

Reason: To minimise interference with the safety and free flow of traffic on the trunk road.

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- 34. For the purposes of the provision of Strategic Transport infrastructure the extent of the development permitted by this permission shall be limited to the components listed in Condition 35 above. Development beyond those numbers and quantities listed in condition 35 will be dependant on the following:-**
- i) Either submission and approval in writing by the planning authority, in consultation with Transport Scotland -TRNMD of further Transport Assessments to establish what mitigation may be required to cater for conditions prevailing at that time and thereafter the implementation of the agreed mitigation measures, or if not forthcoming;**
 - ii) An agreed contribution to the satisfaction of the planning authority, in consultation with Transport Scotland -TRNMD towards a developer protocol, having been brought forward as Supplementary Guidance to the local Development Plan towards the provision of upgrades to the A96(T).**

Reason: To limit the scale of development to that which can be accommodated by existing highway infrastructure.

Travel Plan

- 35. Prior to the occupation of any part of the employment element of the development hereby permitted, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the planning authority, in consultation with Transport Scotland - TRNMD. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car.**

Reason: To be consistent with the requirements of Scottish Planning Policy.

Local Road Infrastructure

- 36. Prior to commencement of development of Phase 1 the following details shall be submitted for the written approval of the planning authority:-**
- i) a scheme for bus priority from the Park and Ride site to the A96;**
 - ii) a scheme for widening Barn Church Road to 4 lanes including speed limits, traffic calming and gateway features including traffic calming measures on the transition between 30 and 40 mph zones and segregated cycle lanes on Barn Church Road in accordance with illustrative WSP drawing number 0392-SK-502 Revision A;**
 - iii) a scheme for the design and implementation of safe routes to school including statutory 20mph zones outside school and within residential areas;**
 - iv) a scheme for junction design, signalisation, widening and/or improvement of Barn Church Road/Tower Road junction and the Tower Road/Culloden Road junction;**

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- v) a scheme for a combined footway cycle route from the junction with Smithton Road to Culloden Academy on the south east side of Barn Church Road (provided this can be achieved within the existing road boundary) and a combined footway/cycleway on the north west side of Barn Church Road;
- vi) a scheme for an east to west cycle link through the proposed development to connect with a future pedestrian/cycle way over the railway to Beechwood campus and over the A9 to Raigmore;
- vii) a scheme for altering the lane markings at Millburn roundabout in accordance with WSP drawing number 0392_SK_MR_001.

Prior to occupation of any parts of Phase 1 of the development, the agreed details and the agreed phasing for (i) (ii), (iv), (v), (vi) & (vii) above shall be implemented and operational to the satisfaction of the planning authority; the agreed details for (iii) shall be implemented in accordance with the requirements of Matters Specified in Conditions approval for the residential development within Phase 1 and subsequent Phases.

Reason: To ensure that the consequences for the local road network from traffic resulting from the proposed development are addressed prior to the main traffic generators commencing operations.

37. All roads intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

Reason: To ensure that future roads and routes can be provided without impediment.

Traffic management plan

38. Notwithstanding the generalities of this permission, before any development commences for each Phase, a Traffic Management Plan for each Phase shall be submitted to and approved by the planning authority.

Reason: To ensure that the road network within the site is designed and developed in an appropriate manner.

Car Parking

39. Car parking provision including disabled parking to serve the proposed development shall be in accordance with National Standards as set out in Scottish Planning Policy and in accordance with Highland Council standards where national standards are not applicable unless otherwise agreed in writing with the planning authority.

Reason: To ensure adequate provision of car parking in accordance with Scottish Planning Policy national standards.

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40. Notwithstanding that this permission is in principle, all public car parking shall be illuminated and designed to ensure that personal safety and security issues are adequately addressed. Prior to commencement of operation of the superstore hereby approved details of lighting shall be submitted for the written approval of the planning authority.

Reason: to ensure that the proposed car parking is safe and secure for use by the public.

41. Prior to commencement of each non residential development within each Phase a Parking Management Plan in respect of each application for non-residential development that includes car parking for that Phase shall be submitted for the written approval of the planning authority. The parking management plan shall include signage, specific provision for short-stay parking, management of staff parking and other parking control measures.

Reason: to ensure that the car parking provided is used in an effective and appropriate manner.

Park and Ride Facility

42. Prior to commencement of development of Phase 1, the details of a 'park and ride' facility shall be submitted for the written approval of the planning authority. The 'park and ride' facility shall include bus stops, bus parking bays, 500 car parking bays in Phase 1, shelters for passengers, access to public toilets, public transport information and convenient pedestrian access to the Stratton town centre and be located close to the 8000m² retail superstore in Phase 1 of the development. Prior to commencement of trading of the 8000m² retail superstore, the 'park and ride' facility shall be implemented in accordance with the approved details and be operational.

Reason: In the interests of reducing car usage and providing sustainable transport facilities.

Open Space Provision & Maintenance

43. Prior to the commencement of each Phase, details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

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44. Prior to the first occupation of each Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are maintained in accordance with the Council's standards.

Natural Heritage

45. Prior to commencement of development in each Phase a Badger Protection Plan shall be submitted for the written approval of the planning authority in consultation with Scottish Natural Heritage. Following approval the plan shall be implemented.

Reason: To protect the natural heritage of the area.

46. Prior to commencement of development the breeding bird survey and mitigation outlined in table 1.1 of the Stratton Environmental Statement shall be carried to the satisfaction of the planning authority in consultation with Scottish Natural Heritage.

Reason: To protect the natural heritage of the area.

47. Prior to commencement of development the otter mitigation plan as detailed in the Stratton Environmental Statement shall be implemented to the satisfaction of the planning authority in consultation with Scottish Natural Heritage.

Reason: To protect the natural heritage of the area.

48. Prior to commencement of development a licence to remove bats or bat roost(s) shall be obtained from Scottish Natural Heritage and mitigation implemented as detailed in the Stratton Environmental Statement.

Reason: To protect the natural heritage of the area.

Archaeology

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

Reason: To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

Tree Protection

50. Prior to commencement of development within each Phase, a survey of the location and quality of existing trees on the site and identifying those trees to be retained shall be submitted for the written approval of the planning authority. With effect from the date of this permission, no trees within the site shall be lopped, topped, felled or otherwise damaged unless otherwise approved in writing by the planning authority. All built development shall be sited a minimum of 20 metres from the boundaries of existing woodland/trees identified to be retained unless otherwise approved in writing by the planning authority. The trees identified for retention shall be fenced off and protected physically from damage during site construction works in accordance with details which shall be submitted to and require the approval in writing of the planning authority.

Reason: In order to ensure the protection of existing trees within the site.

Landscaping

51. All planting comprised in the approved scheme of landscaping for each Phase shall be undertaken in the first planting season following occupation of the first building for that Phase. Any plants which, within a period of five years from the occupation of the first building on that Phase, die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately landscaped.

Aviation safeguarding

52. No development shall exceed 50 metres above ordnance datum (AOD).

Reason: In the interests of aircraft safety.

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Monitoring

53. Unless otherwise agreed in writing by the planning authority, following the commencement of development hereby approved, the planning authority in February of each year of development shall be provided with data on the progress of key elements of the mixed use development including as a minimum, the construction and occupation of the gross floor area (sq m) by use class and provision of structural landscaping.

Reason: To allow the effective control of a large scale development to emerge in tandem with the provision of necessary additional infrastructure.

DIRECTION UNDER SECTION 59(5) & (7) - TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

The Highland Council hereby makes the following Direction under Section 59(5) & (7) of the Town and Country Planning (Scotland) Act 1997 (as amended).

An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

For Phase 1

5 YEARS from the date on this decision notice;
SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For Phase 2 and each subsequent Phase

3 YEARS from the date of commencement of the previous Phase;
SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
SIX MONTHS from the date on which an appeal against such refusal was dismissed.

In respect of each phase, this permission will lapse on the expiration of the period of

For Phase 1, 2 YEARS;

For Phase 2 and each subsequent Phase, 2 YEARS;

from the date of the requisite approval of any matters specified in conditions applicable to that phase (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

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Notice of initiation of development

Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of the Act, which may result in enforcement action being taken.

Notice of completion of development

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country planning (Scotland)m Act 1997 (as amended) to give the planning authority written notice of that position.

REASON FOR DECISION

Notwithstanding that the proposals were significantly contrary to the Development Plan the development would represent a substantial long term investment in Inverness and would creat employment opportunities. The development would implement major road and infrastructure improvements and could improve the appearance of an entry point into the City. These are significant material considerations that weigh in favour of the development. Further details are contained in the report of handling available at:

<http://www.highland.gov.uk/yourcouncil/committees/archivepremay2007/thehighlandcouncil/2010-09-15-hc-sp-min.htm>

NOTES

Please note: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

Section 75 Legal Agreement: You are advised that this planning permission has been granted subject to a Section 75 Legal Agreement. The terms of the agreement must be read in conjunction with the planning permission hereby approved. The terms of the Agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development. The S75 agreement can be inspected at The Highland Council, Planning and Development Service, Council HQ, Glenurquhart Road, Inverness, IV3 5NX.

For the avoidance of doubt, Phases 1 and 2 as referred to in Condition 1 comprise the “TA Assessed Development” contained within the Section 75 Agreement.

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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 (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Street Names: inline 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).

The provision of affordable housing will normally be achieved under the auspices of a local Housing Association or Trust which will take on the long term management and allocation responsibilities. For the purposes of this permission, a Housing Association or Trust shall be a limited company or charitable institution, society or trust registered with Scottish Homes and eligible for assistance by them in the provision of housing for people in need, or such other body acceptable to the Planning Authority.

The applicant is advised that the proposed development will require the submission of a Badger Protection Plan to Scottish Natural Heritage in support of a Badger Licence application, and their prior approval of such licence before commencement of any development.

The applicant is advised to take account of the Highland Council Badger Policy Guidance. (copy attached) <http://www.highland.gov.uk/NR/rdonlyres/5F8D14CC-A073-416D-B34B-011A8E0549FD/0/BPGN.pdf>

The applicant is invited to retain historic place names within future place and street names.

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

Regarding the design of attenuation ponds relating to water quality SEPA direct the applicant to our publication 'Ponds Pools and Lochans' www.sepa.org.uk/water/water_regulation/guidance/idoc.ashx?docid=8c2eca4a-f50e-4fcd-9f99-d4c0442791cc&version=-1 which provide guidance for the design of habitats which could potentially assist in the amelioration of water quality. SEPA also recommend that advice should also be sought from Scottish Natural Heritage in this respect.

Dated: 12 August 2011

Head of Planning and Building Standards

Details of environmental protection regulatory requirements and good practice advice for the applicant can be found on SEPA's website at www.sepa.org.uk/planning. For a specific regulatory matter, please contact a member of the Environmental Protection and Improvement Team in the local SEPA office at: Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel:01349 862 021.

Please note that the site is directly under the flightpath of the main operating runway for Inverness Airport, and there is the possibility that some of the lighting may cause a distraction to pilots. The developer is advised to follow the recommendations of the Civil Aviation Advice Note No2 which refers to lighting near airports.

During construction it is likely that mobile or fixed cranes will impact on the airport protected surfaces. The developer should refer to the British Standard publication "Crane Control in the Vicinity of Aerodromes". Contact should be made with the airport before any crane operation takes place.

The Inverness airport is obliged to ensure that any development within eight nautical miles is assessed against the bird strike risk and associated hazard. The developer should ensure such activities as earthworks, soil stripping and seeding do not increase the risk of bird activity and the threat to aircraft safety. The provision of open water features should be of such a nature that any potential for feeding/roosting of birds is restrained.

Road Construction Consent will be required for any new or improved access onto the public highway. The developer should contact the Area Roads and Community Works Manager, Highland Council Offices, Diriebught Road, Inverness, for further information.

Trunk road modification works shall in all respects comply with the Design Manual for Roads and Bridges (DMRB) and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by his design organisation.

The road works that are subject of the above conditions shall require Road Safety Audits as specified by the Design Manual for Roads and Bridges.

Any work within the trunk road will require a Minute of Agreement with Transport Scotland.

Trunk road modifications will, in all respects, be expected to comply with the requirements of the Disability Discrimination Act (DDA) 2005.

Appendices

Appendix 1 – SEPA: Site Waste Management plan

Appendix 2 – SEPA: Waste Management Strategy

Appendix 3 – SEPA: Construction Environmental Management Plan

Appendix 4 – Archaeological Schedule

Dated: 12 August 2011

Head of Planning and Building Standards

NOTIFICATION TO APPLICANT

1. If the applicant is aggrieved by the decision to refuse planning permission for or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to:
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Appeals can also be lodged online via the ePlanning Portal at <https://eplanning.scotland.gov.uk/WAM/>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Form of notice to be displayed while development is in progress

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008**

NOTICE UNDER REGULATION 38

Development at: Land at Stratton and East Seafield

Notice is hereby given that planning permission has been granted to:

Inverness Estates Ltd, Myrtlefield House, Grampian Road, Aviemore, PH22 1RH

Permission was granted by Highland Council on:

10 August 2011

The development comprises:

New town comprising town centre, housing and commercial development.

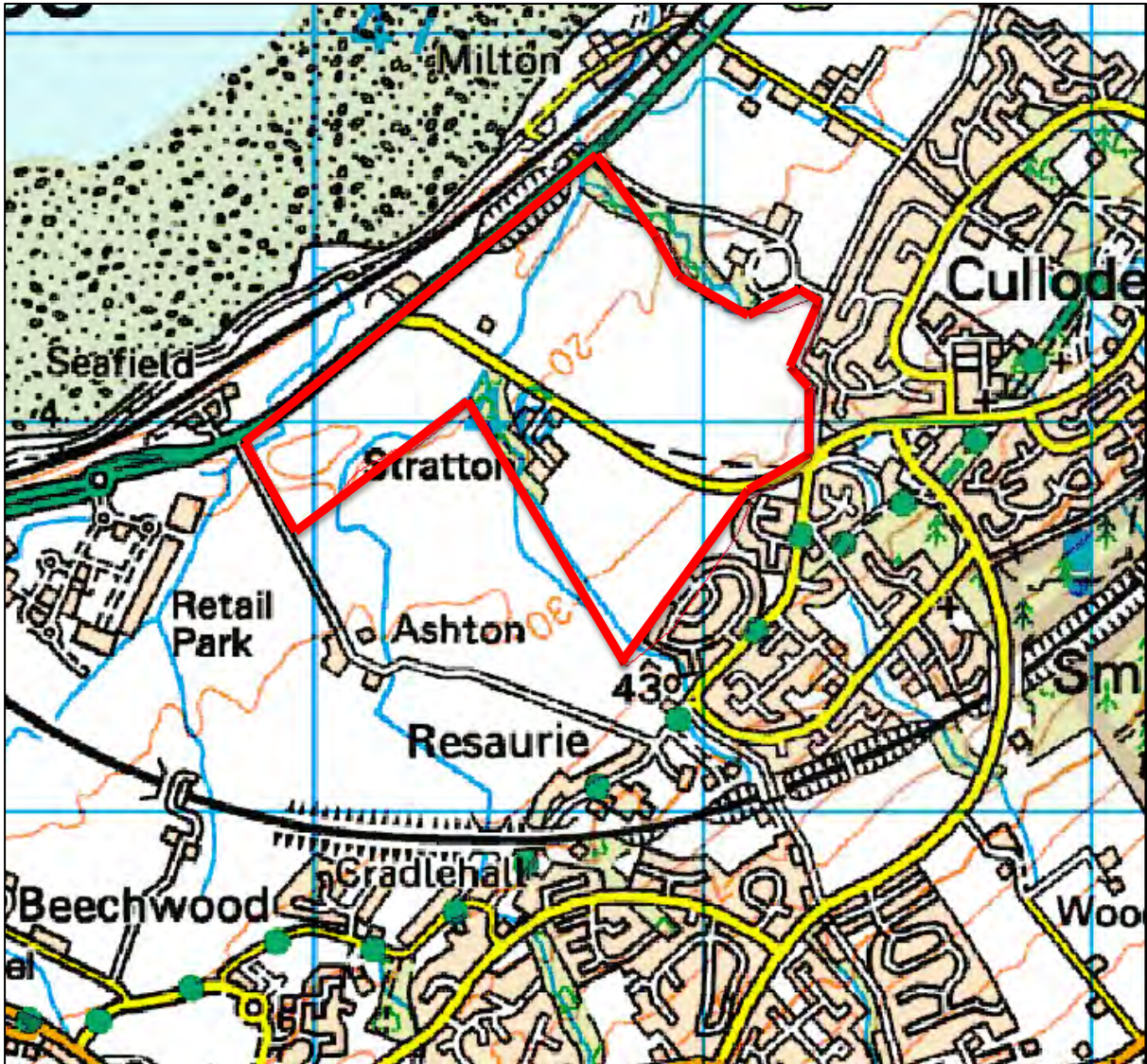
Further information regarding the planning permission including conditions, if any, on which it has been granted can be obtained at all reasonable hours by quoting the following reference: 09/00141/OUTIN

At:

**Highland Council
Planning and Development Service
Council Headquarters
Glenurquhart Road
Inverness IV3 5NX
01463 702254**

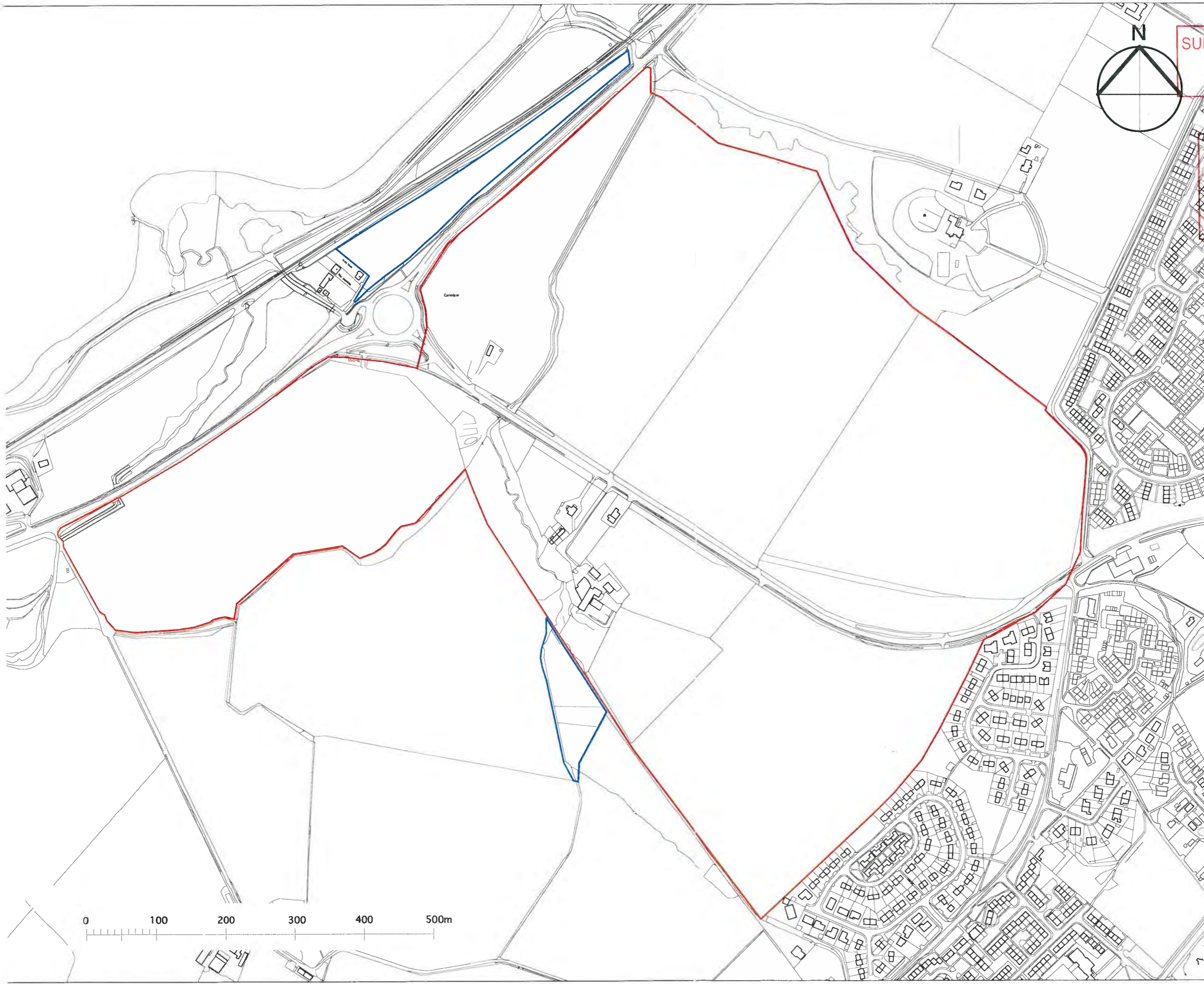
Dated: 12 August 2011

Head of Planning and Building Standards



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Location Plan



Do not scale from drawing. Use figured dimensions only.
 All dimensions to be checked on site by the contractor and any discrepancies to be notified to the architect prior to any work commencing.

**SUBJECT TO THE CONDITIONS
 OF THIS PERMISSION**

THE HIGHLAND COUNCIL
 APPROVED BY THE
 HIGHLAND COUNCIL
 AS PLANNING AUTHORITY
 DATE 12.08.2011

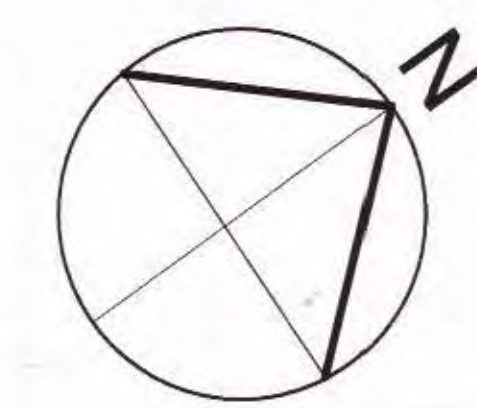
The Highland Council
Planning and Building Standards
PLAN 1 OF 2 Application Reference
09/00141/OUTIN
RECEIVED 25.02.09

**INVERNESS PLANNING &
 BUILDING CONTROL SERVICES**
25 FEB 2009
RECEIVED

Revisions:
 Title: SITE BOUNDARY PLAN
 Project: STRATON MASTERPLAN
 Client: INVERNESS ESTATES LTD
 Drawing No: 01173 (MP) 00
 Scale: 1:5000 @ A3
 Date: February 2008



Do not scale from drawing. Use figured dimensions only.
All dimensions to be checked on site by the contractor and any
discrepancies to be notified to the architect prior to works being carried out.



SUBJECT TO THE CONDITIONS
OF THIS PERMISSION

THE HIGHLAND COUNCIL
APPROVED BY THE
HIGHLAND COUNCIL
AS PLANNING AUTHORITY
DATE 12.05.2011

The Highland Council
Planning and Building Standards
PLAN 2 OF 2 Application Reference
09/00141/OUTIN
RECEIVED 25.02.09

INVERNESS PLANNING &
BUILDING CONTROL SERVICES
25 FEB 2009
RECEIVED

Revisions:
D - 19/02/09 - plan adjusted
C - 13/02/09 - plan adjusted
B - 28/01/09 - plan adjusted, title amended
A - 9/12/08 - plan adjusted, title amended

Title: BASE PLAN
Project: STRATTON MASTER PLAN
Client: INVERNESS ESTATES LTD
Drawing No: G1173 (MP) 01 Rev D
Scale: 1:2500 @ A1 1:5000 @ A3
Date: February 2009

0 100 200 300 400 500m