THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE 11 April 2017

Agenda Item	6.2
Report No	PLS/023/17

17/00378/PIP: Tulloch Homes Ltd Land 155M North East of Milton of Leys Primary School, Leys Square, Inverness

Report by Area Planning Manager - South/Major Developments

SUMMARY

Description: Development of land at neighbourhood centre for sites for commercial/retail, residential (including special needs), community (children's day nursery), care home and recreational open space; and related road, infrastructure and services

Recommendation: GRANT

Ward: 20 Inverness South

Development category: Major

Pre-determination hearing: n/a

Reason referred to Committee: Major application.

1. PROPOSED DEVELOPMENT

- 1.1 This is a planning application in principle to complete the neighbourhood centre at Milton of Leys. A Masterplan has been submitted indicating each of the elements of the centre including a care home, special needs residential, commercial/retail, recreational open space and a school nursery.
- 1.2 The applicant has worked closely with the planning authority through the major application process.
- 1.3 The site is currently served by a loop road that links the primary school with the existing retail units.
- 1.4 Supporting documents include a Consultation Report, Drainage Impact Assessment, Masterplan Statement and an overall Masterplan.

2. SITE DESCRIPTION

2.1 The site is currently vacant, but forms part of the neighbourhood centre at Milton of Leys which has been under construction for some time. Milton of Leys primary

school is to the west and existing retail units to the east. A linear green space runs the length of Milton of Leys linking many of the development phases to the north and east of the site. A play area is immediately to the north and the school MUGA to the north-west. The site is bounded to the south by the distributor road.

3. PLANNING HISTORY

- 3.1 03.11.2016 planning application for layout of roads and other infrastructure to create serviced sites for development of a neighbourhood centre comprising retail, commercial, residential, community (including a day children's day nursery), care home, and recreational space withdrawn (16/03995/FUL).
- 3.2 21.05.2010 planning application for a district centre including retail, residential care housing, children's nursery, community facilities and primary school granted (09/00249/FULIN)
- 3.3 13.08.2007 planning application for a district centre including retail, residential, restaurant/public house, care home, offices, children's nursery, health care, community facility and primary school granted (07/00264/FULIN)

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour: 17.02.2017

Representation deadline: 03.03.17

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

- 5.1 **Development Plans**: No objection, but fair and reasonable developer contributions should be sought including affordable housing contribution.
- 5.2 **Contaminated Land**: No objection subject to conditions.
- 5.3 **Transport Planning**: No objection subject to conditions.
- 5.4 **FRM**: Objections resolved, subject to conditions.
- 5.5 **Community Council**: Supports the application.
- 5.6 **SEPA**: No objection subject to conditions.
- 5.7 **Scottish Water**: No objection.

6. DEVELOPMENT PLAN

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 Placemaking
31	Developer Contributions
32	Affordable Housing
42	Previously Used Land
51	Trees and Development
56	Travel
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage
74	Green Networks
75	Open Space

6.2 Inner Moray Firth Local Development Plan 2015

IN59 East of Milton of Leys Primary School

6.3 Highland Council Supplementary Guidance

Developer Contributions March 2013

7. OTHER MATERIAL CONSIDERATIONS

7.1 Non-statutory Supplementary Policy Guidance

Inshes and Milton of Leys Development Brief March 2003

7.2 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.

Determining Issues

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.

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy;
 - b) layout and design;
 - c) open space/green networks;
 - d) impact on traffic and activity;
 - e) impact on surface water, drainage and flood risk,
 - f) impact on water and sewerage, and
 - g) any other material considerations.

Development plan/other planning policy

8.4 The Development Plan allocates the site for a mixed use neighbourhood centre including retail, commercial, community, care home, recreational space and 16 homes. The proposal indicates land for each of these elements including 8 special needs homes and the possibility of a further 8 in flats above retail units. The principle of the development proposed is consistent with the Development Plan in this regard. This proposal will enhance the existing facilities within the area and provide the range of options envisaged for this neighbourhood centre. The provision of housing will be restricted to a specific identified need, while the care home and additional retail options will deliver facilities commensurate with a neighbourhood centre.

Layout and design

8.5 As the application is for planning permission in principle, as expected, no detailed layout for the buildings or their design has been provided. However, the indicative layout includes building heights and illustrates that the retail units with flats above to the front of the site will be two storeys in height. The expectation therefore is that the development fronting the main road will be of similar scale to the existing buildings within this part of Milton of Leys. The final details of layout and design will be considered further in subsequent matters specified in conditions applications.

Open space/green networks

- 8.6 The proposal includes an area of green space but as yet this does not have a defined function and would likely remain unused as it is. To further augment the facilities in this location, it is intended that the applicant be required to lay this out as a kick pitch. This would then give the open space a more definite purpose and would be a more appropriate contribution to the community infrastructure as required by the Development Plan. It is suggested that this is secured by condition.
- 8.7 A key issue within Milton of Leys at the present time is connectivity to and between community facilities for residents; including Inshes Park, the school and the retail units adjacent to this site. Since the proposal is likely to attract footfall itself and also provides a missing link between housing, particularly to the north-east, and the

school it is considered that there is an opportunity here for the developer to create a footpath network through the green space that links Inshes District Park with this neighbourhood centre via the housing developments in between.

8.8 Notwithstanding the provision of the kick pitch, opportunities exist for tree planting to provide more structure to the landscape in this area and allow the buildings to better integrate. This too can be sought by condition.

Traffic and activity

- 8.9 The site is identified within the Development Plan for a neighbourhood centre and as the development builds out there will be an expectation that there will be an increase in traffic and activity. By seeking provision of a significant additional footpath network through the open space, the travel links to the centre and the school will be much improved and may actually reduce short journeys by car.
- 8.10 The main road is already in place and is considered suitable for the proposed uses. It is expected that with the density suggested that sufficient parking will be capable of being provided. The details for car parking requirements and layouts will be considered as part of any further application for development within each Phase. The nursery building and access to it in particular will require careful consideration to ensure that children are kept safe as they travel to and move within the school grounds.

Surface water, drainage and flood risk

- 8.11 The Council's Flood Team were consulted on this application and while it had initial concerns, the applicant was able to resolve these through further study and information. The proposal should not pose any flood risk.
- 8.12 On site discharge of surface water is not possible on this site. However, connections are available to existing surface water sewers. SEPA is content with this solution subject to a condition that requires each Phase to provide details of how it can achieve compliance with the principles of SuDS.

Water and sewerage

8.13 The site is serviced. Waste water connections are available. Scottish Water has raised no concerns indicating that there is capacity within its network for both water and waste water.

Other material considerations

8.14 While some site infrastructure has been implemented i.e. roads and servicing, the Council's Contaminated Land Unit has identified that the site has in the past been investigated for potential methane and carbon dioxide emissions. The Unit suggest that a condition be attached to any grant of permission to ensure that appropriate measures are in place to deal with potential contamination.

Non-material considerations

8.15 None.

Matters to be secured by Section 75 Agreement

8.16 Developer Contributions will be sought as per the Inshes and Milton of Leys Development Brief.

9. CONCLUSION

- 9.1 This application, when implemented, will complete the Milton of Leys District Centre. Further applications will be submitted in respect of the detail for the individual elements of the site including finalised layout and building design. For now, the principle of this proposal is supported subject to the conditions.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action	required	before	decision	issued	Υ
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Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement Y

Revocation of previous permission N

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

1. No development shall commence until a Phasing Plan has been submitted to, and agreed in writing by, the Planning Authority. For the avoidance of doubt this should include each of the elements of this planning application, inclusive of the kick pitch and the footpath network to and through the site.

Reason: In the interests of ensuring the elements are constructed in a timeous manner.

- 2. No development shall commence within each Phase until an application, or applications, as they relate to or are relied upon by that Phase has been submitted to and approved by the Planning Authority in respect of the following matters:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of all buildings and other structures;

- iii. the details of, and timetable for, the hard and soft landscaping of the site, including boundary treatment;
- iv. details of management and maintenance arrangements of the areas identified in (iii) above;
- v. details of access for all modes of transport, walking and cycling;
- vi. the provision of car parking including in-curtilage parking, communal parking areas, parking courts and on-street parking;
- vii. details of all street lighting and lighting of car parking areas ensuring that safety and security matters are addressed;
- viii. details of and timing for provision of covered cycle parking;
- ix. details of the water and waste water connections;
- x. details of the provision of surface water drainage systems across each Phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
- xi. details of existing and proposed site levels with fall arrows;
- xii. details of finished floor levels; and
- xiii. 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 and recycling facilities;

Reason: Planning permission is granted in principle only and these matters must be approved prior to development commencing.

3. Any details pursuant to condition 2, shall include full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time). Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any element of the development. For the avoidance of doubt the onsite drainage system shall limit discharge to the receiving watercourse to predevelopment greenfield rates for all storms up to and including the 1 in 200 year return period event. Detailed calculations shall be provided to support this.

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

- 4. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:
 - a) 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 submitted to and agreed 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:

- b) 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;
- c) measures to deal with contamination during construction works;
- d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of 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.

5. No development shall commence on each Phase of the development until a construction Traffic Management Plan (including a routing plan for construction vehicles) for that Phase 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.

Reason: In order to ensure the safety and free flow of traffic on the public road, facilitate servicing outwith the carriageway and maintain the integrity of the public road carriageway.

- 6. No development shall commence on any Phase, other than the nursery site, 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 no later than the date of first occupation of any part of the development, with the exception of the nursery which may be occupied.

Reason: In order to facilitate the use of a variety of modes of transport.

- 7. No development shall commence on any Phase, other than the nursery site, until:
 - a) a detailed specification for the provision of a footpath network linking the Neighbourhood Centre with Inshes District Park and the housing

- developments in between, all in general alignment with proposals illustrated within drawing PL007, has been submitted to, and agreed in writing by, the Planning Authority.
- b) thereafter the footpath network shall be constructed and completed inline with the approved details to the satisfaction of the planning authority prior to first occupation of the development, with the exception of the nursery, which may be occupied.
- c) detailed arrangements for the future maintenance of the footpath network agreed under this condition has been submitted to, and approved in writing by, the Planning Authority and thereafter implemented in perpetuity.

Reason: In the interests of providing and maintaining a green travel network and in order to comply with policy.

- 8. No development shall commence on any Phase, other than the nursery site, until:
 - a) a detailed specification for the provision of the kick pitch has been submitted to, and agreed in writing by, the Planning Authority.
 - b) thereafter the kick pitch shall be constructed and completed inline with the approved details to the satisfaction of the planning authority prior to the first occupation of the development, with the exception of the nursery site, which may be occupied.
 - c) detailed arrangements for the future maintenance of the kick pitch agreed under this condition has been submitted to, and approved in writing by, the Planning Authority and thereafter implemented in perpetuity.

Reason: In the interests of providing and maintaining a community kick pitch and in order to comply with policy.

- 9. Unless otherwise agreed with the Planning Authority, the total impermeable area draining to the onsite drainage system shall not exceed the following for each of the proposed phases:
 - Future Area 1 (commercial) = 0.253 ha.
 - Future Area 2 (nursery) = 0.285 ha.
 - Future Area 3 (care home) = 0.373 ha.
 - Future Area 4 (special needs) = 0.193 ha.

Reason: In the interests of flood prevention.

REASON FOR DECISION

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

TIME LIMITS

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.259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a

connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

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 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 for more

information.

Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886606.

Wear and Tear: The Roads Authority have advised that you carry out a pre-start and post construction survey as under section 96 of the Roads (Scotland) Act 1984, the developer will be responsible for the repair of any damage to the Council's road network that can reasonably be attributed to construction related traffic. You would be advised to prepare a Wear and Tear Agreement with the Roads Authority.

Signature: Nicola Drummond

Designation: Area Planning Manager – South/major Developments

Author: Elaine Watt

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

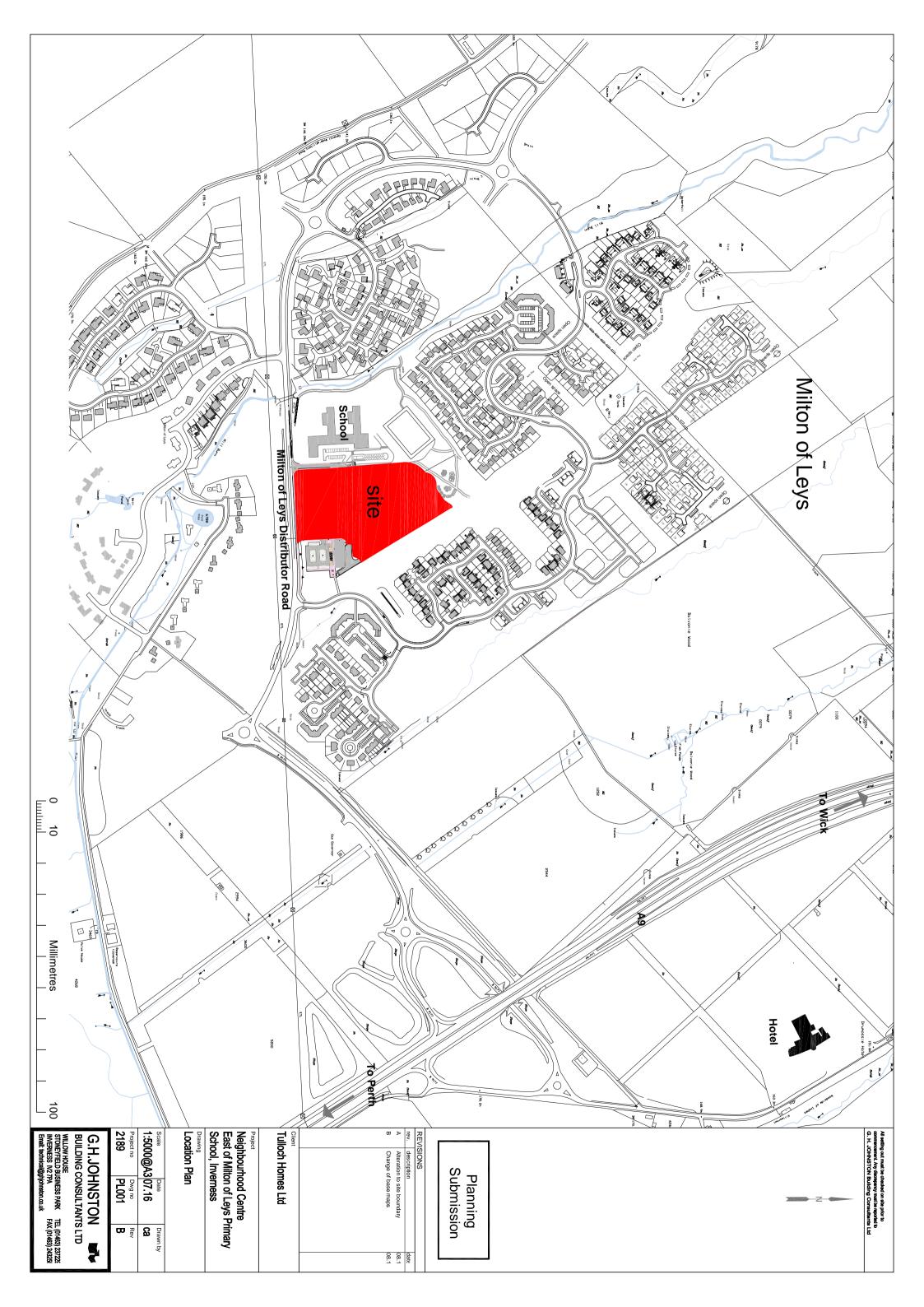
Relevant Plans: Plan 1 – Location Plan

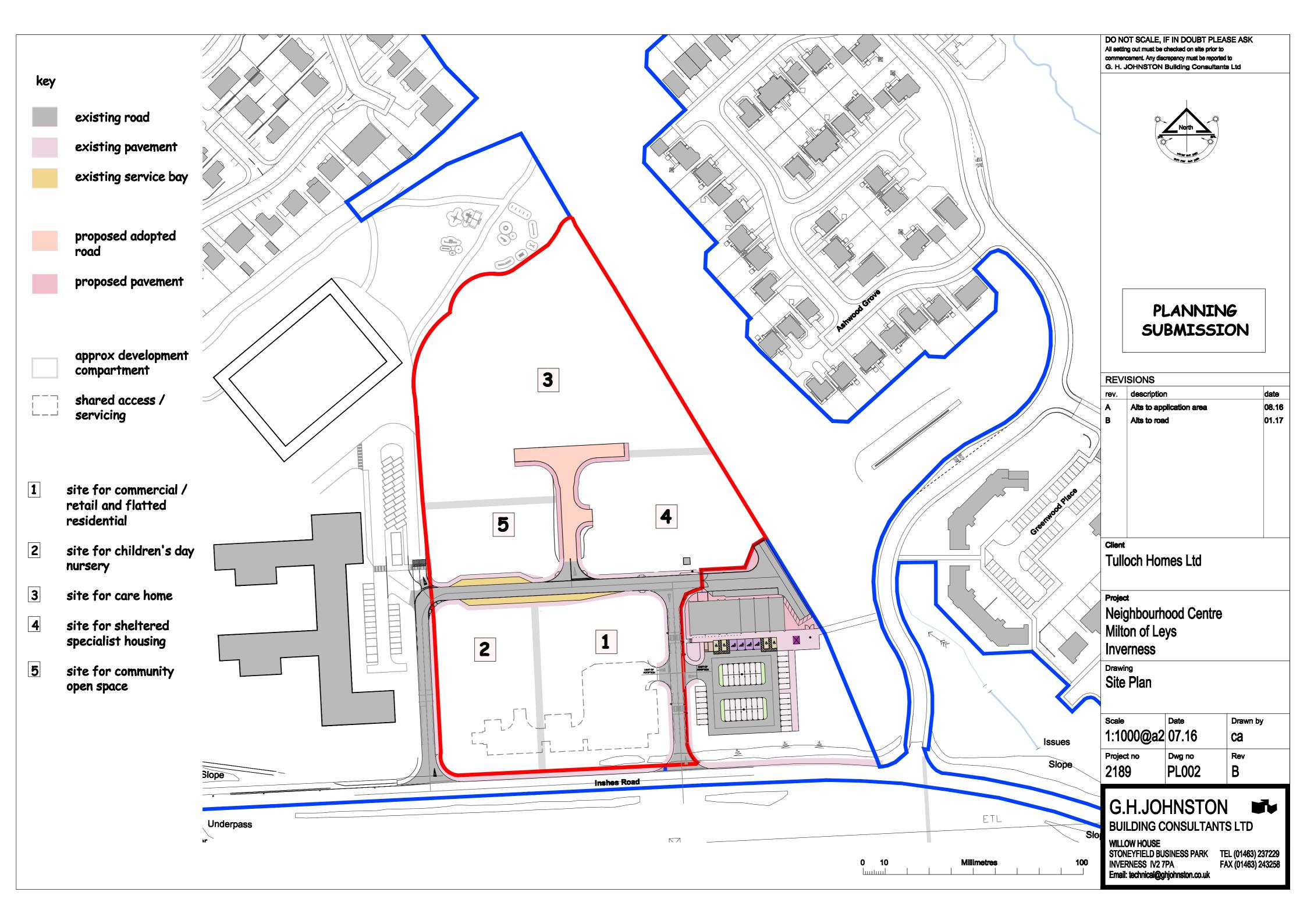
Plan 2 - Site Layout Plan

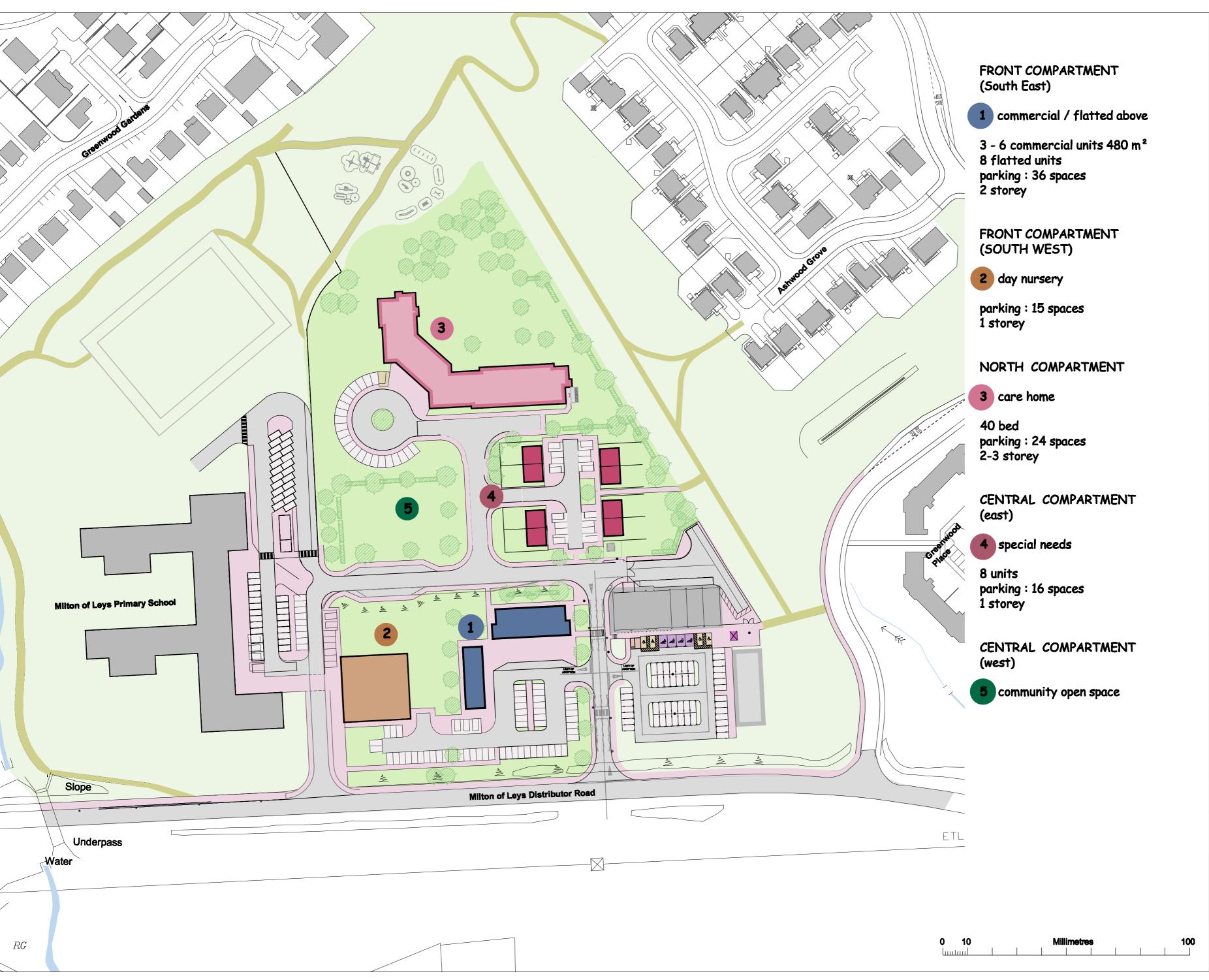
Plan 3 – Indicative Site Layout Plan
Plan 4 – Neighbourhood Route Plan
Plan 5 – Schematic Materplan Layout

Appendix – Letters of Representation

None







DO NOT SCALE, IF IN DOUBT PLEASE ASK All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



PLANNING SUBMISSION

REVISIONS

ev.	description	date
4	Alts to care home boundary / area	08.16
3	Revised scheme	12.16
C	Revised scheme	01.17
כ	Revised scheme special needs area	01.17
=	Insert option added	01.17

Tulloch Homes Ltd

Neighbourhood Centre Milton of Leys Inverness

Indicative Masterplan Layout

Scale	Date	Drawn by
1:1000@a2	07.16	ca
Project no	Dwg no	Rev
2189	PL003	Ε

G.H.JOHNSTON

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