

1. PROPOSED DEVELOPMENT

1.1 The application is for planning permission for a total of 65 residential units (reduced from 67), up to 5 business / retail / community units, open space, and supporting road and drainage infrastructure. The residential units comprise:

- 11 x 1 Bedroom Flats
- 7 x 2 Bedroom Flats
- 20 x 2 Bedroom Houses
- 21 x 3 Bedroom Houses
- 4 x 4 Bedroom Houses
- 2 x 5 Bedroom Houses.

The units on the ground floor of the flatted block are designed to be flexible to meet market demands. Therefore the applicant is seeking some flexibility to allow for a mix of uses including business / retail / community. It would not include hot food takeaway uses. The units are located at the north eastern corner of the site and comprise:

- Unit 1 – 71.1m²
- Unit 2 – 127.6m²
- Unit 3 – 50.3m²
- Unit 4 – 49.7m²
- Unit 5 – 49.7m²

1.2 The applicant has undertaken public consultation which included an exhibition at Fairways on 13 June 2017. An earlier consultation was also undertaken but for a different scheme (80 residential units) during February 2017. In addition the applicant has been through the Council's Pre-Application Advice Service for Major Development and undertook a gateway check of the application in advance of the submission to the Planning Authority.

1.3 The applicant also presented the proposal to the Inverness Design Review Panel. The Panels' Executive Summary is referred to below and the main report is included as Appendix 2.

The Panel strongly supports the development of a new neighbourhood at this location that features a mix of uses, tenures and dwelling types, and a hierarchy of movement routes and public space. In broad terms, it also supports the proposed design approach, in particular its departure from the typical aesthetic and layout of volume house building in the city. There is a concern, however, that the proposal fails to convey a strong sense of place, particularly in the design, layout and treatment of public space. The layout, massing and landscape design also fail to address a number of key considerations in the site appraisal. Suggested improvements include a bolder approach to building design and stronger focus on the quality of public open space, including integration of public art into the design of fixtures and fittings. Landscape proposals need to be more advanced and steps taken to improve the sense of arrival and the approach from the Southern Distributor Road. Natural surveillance of paths and open space must be increased to achieve a sense of safety and to discourage anti-social behaviour. Measures to promote and safeguard community safety should be reviewed with Police

Scotland's community safety officer. The core path, its edges, ditch and bridges should be designed as positive landscape elements with potential to integrate public art.

1.4 Access to the site is from the B861 and a core path runs to the south of the site providing a segregated footpath and cycleway remote from the B861.

1.5 The application is supported by the following information:

- Design and Access Statement;
- Masterplan
- Pre-Application Consultation Report;
- Archaeological Investigation
- Ecology Report
- Topographic Survey
- Flood Risk Assessment
- Drainage Impact Assessment
- Outline Landscape Specification
- Transport Statement.

1.6 Variations: Since the validation of the application a number of changes have been made to the scheme to address comments from consultees and the case officer. These include:

- Change in mix of residential units (type and tenure) to reflect housing need;
- Reduction in number of residential units to accommodate housing mix (67 to 65);
- Modification to elevations facing the core path to improve overlooking and perception of safety;
- Removal of obstructions to forward visibility within the carriageway;
- Change to drainage design to ensure it is compatible with requirements of Sewers for Scotland Guidance and maintenance requirements of The Highland Council.

2. SITE DESCRIPTION

2.1 The site comprises an area of ground between the B861 and the rear of the Slackbuie District Centre which comprises an ASDA superstore, soft play facility, petrol filling station and a soon to be completed public house / restaurant. The site contains a mix of low level ground cover with very limited trees. From the B861, the site slopes down to a flat area of ground on which the development will be set before falling relatively steeply down to the rear of ASDA. There are open views from the site to the west and north of Inverness. Adjacent to the proposed site access is a large detention basin which is utilised by an adjacent housing development and is not suitable for use by this development.

2.2 The site is part of a wider land allocation in the Development Plan where two developments have recently been granted permission and are under construction. This includes a development of 60 houses and public house, and a development of 82 houses.

- 2.3 There are no natural or cultural heritage designations covering the site. There are sites of archaeological interest recorded in the Highland Historic Environment Record within vicinity of the site.
- 2.4 The development site is not covered by any international, national, regional or local landscape designations. The site lies within the Rolling Farmland and Woodland Landscape Character Type (LCT) as identified in the Inverness District Landscape Character Assessment (LCA) (SNH, 1999).

3. PLANNING HISTORY

3.1	07.10.2000	00/00190/OUTIN Residential, Commerce/Tourism, Public Buildings/Land, Business/Industry, and Recreational Development	Permission Granted
	09.09. 2004	03/00104/OUTIN Outline masterplan for the development of residential (including low cost housing for sale or rent), site for new school, community facilities, means of access with roads hierarchy, open space and structural landscaping provision	Permission Granted
	27.07.2005	04/00134/FULIN Construction of primary access roads to future residential development, new roundabout on the ISDR for future commercial and educational developments	Permission Granted
	06.06.2007	07/0026/OUTIN Erection of health centre and hotel at site 2	Permission Granted
	06.09.2007	07/00265/OUTIN Medical Centre	Permission Granted
	10.10. 2008	08/00381/REMIN Medical Centre, pharmacy and associated services	Permission Granted
	26.07.2010	09/00644/MSCIN Application for matters specified in conditions of planning permission reference 03/00104/OUTIN for enabling works that relate to the formation of a vehicle access, drainage infrastructure and earth re-grading works to facilitate future development	Permission Granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 25.08.2017
Representation deadline: 08.09.2017
Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

- 5.1 **Inverness South Community Council** has not formally responded to the application. On discussion with the Community Council concerns were raised with regard to: over development of the site; capacity of schools; traffic impacts; lack of conformity with development plan; maintenance of the development; energy efficiency of the residential units; and open space provision.
- 5.2 **THC Access Officer** does not object to the application. A condition is requested to ensure the Culduthel Smithy Cycleway is not obstructed during construction. It is recommended that accessible links to ASDA are included.
- 5.3 **Contaminated Land Team** does not object to the application. A condition is requested to secure a scheme to deal with potential contamination on the site.
- 5.4 **Development Plans Team** does not object to the application. It advises that the site is partly compatible with the development plan, with the higher housing numbers being the elements which would not comply. It advises that on balance this can be accepted on the grounds of it being closer to the district centre. A condition is sought to secure early delivery of the mixed use elements of the proposal. The advice is that contributions should be sought for enhancements to education provision. Furthermore, that the provision of affordable housing, open space, community facilities (if advised by Highlife Highland), and public art should be secured.
- 5.5 **Flood Risk Management Team** does not object to the application. Conditions are sought to secure attenuation of surface water run off; responsibility of maintenance of drainage infrastructure; and submission of designs of the footpath drainage.
- 5.6 **Forestry Officer** does not support elements of the proposed landscaping scheme.
- 5.7 **Historic Environment Team** does not object to the application. A condition is requested to secure a programme of archaeological work.
- 5.8 **Housing Development Manager** initially had concerns regarding the mix of the unit types and tenures on the site. This has been addressed through the processing of the application. A legal agreement is required to secure affordable housing provision.
- 5.9 **Transport Planning Team** does not object to the application. A request has been made to locate any service strip below the footpath.
- 5.10 **Scottish Water** does not object to the application. It advises that there is sufficient water and waste water network capacity to serve the development.
- 5.11 **Scottish Environment Protection Agency** has no objection to the application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 1 - Completing the Unconstrained Expansion Areas
- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 40 - Retail Development
- 41 - Business and Industrial Land
- 42 - Previously Used Land
- 51 - Trees and Development
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access

6.2 Inner Moray Firth Local Development Plan (July 2015)

Policy 2 - Delivering Development

Inverness Settlement Development Area

IN53 - Mixed Use (Business, Community, Retail, 24 Homes).

6.3 Inverness Local Plan (Adopted 2006, Continued in Force 2012)

The provisions of the Inverness Local Plan have been superseded in relation to this application by the adoption of the Inner Moray Firth Local Plan.

6.4 Highland Council Supplementary Guidance

The following Supplementary Guidance forms a statutory part of the development plan and is considered relevant to the determination of this application.

- Developer Contributions: Supplementary Guidance (2013)
- Flood Risk and Drainage: Supplementary Guidance (2013)
- Managing Waste in New Developments: Supplementary Guidance (2013)

- Physical Constraints: Supplementary Guidance (2013)
- Public Art Strategy: Supplementary Guidance (2013)
- Sustainable Design: Supplementary Guidance (2013)
- Open Space in New Residential Developments: Supplementary Guidance (2013)
- Green Networks: Supplementary Guidance (2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy (2014)
- National Planning Framework 3 (2014)
- Designing Streets (2011)
- Creating Places (2013)
- PAN 61 - Sustainable Drainage Systems
- PAN 68 - Design Statements
- PAN 75 - Planning for Transport
- PAN 77 - Designing for Safer Places
- PAN 1/2011 Planning and Noise

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) design and layout;
- c) roads, access and parking;
- d) impact on education provision;
- e) impact on the water environment (including SuDS);
- f) impact on the natural environment;
- g) any other material considerations.

Development plan/other planning policy

8.4 Development plan policy is set out in the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan (IMFLDP) and

statutorily adopted supplementary guidance. The site is within the settlement development area where there is general support for development. The site forms part of a wider allocation in the IMFLDP (IN53) which is allocated for a mix of uses comprising business, community retail and 24 homes. The IMFLDP also sets out a boundary for the Slackbuie District Centre. This is delineated with a blue dashed line. The proposed development is within the District Centre boundary.

- 8.5 When the application was first presented to the Planning Authority at the pre-application stage, it was limited to being wholly residential in nature. The applicant was advised that a scheme within the district centre would not be in accordance with the Development Plan unless it contained a mix of uses commensurate with the allocation in the Development Plan. The application was amended and now contains a mix of uses.
- 8.6 The response from the Development Plans Team set out that residential development was an acceptable part of the mix of uses within the allocation and that the location of the other elements of the scheme was commensurate with anticipated development set out in the IMFLDP. However, the response acknowledged that the number of units proposed within the site is higher than anticipated. It is suggested that this is an appropriate location for higher density development due to the proximity to the district centre. Having said that, it is critical that the mixed use element of the scheme should be secured at the earliest possible opportunity.
- 8.7 The Development Plan contains a number of policy tests that must be taken into account in determining this application, in particular matters related to layout, design, place-making and infrastructure provision. If there are no significant impacts arising from these matters then the application could be supported.

Layout and Design

- 8.8 The applicant has responded positively to pre-application advice provided by the Planning Authority, the Inverness Design Review Panel and any further comments raised by officers and consultees throughout the determination of the application in relation to siting, design and layout.
- 8.9 The site layout generally follows the principles set out in Designing Streets where street design must consider place over movement. As one arrives into the site, there is a legible road layout which presents a series of gateways and focal points. The central primary road through the development has a number of streets running from it where the majority of the housing units are located. There is also good active travel connectivity via the designed in linkages to the core path along the south east boundary.
- 8.10 Where the mixed retail / office / community units are located, these are positioned around a square, providing a spill out space and place for people to gather. This area will not contain traffic and will predominantly be serviced from the edges of the space and the rear of the blocks. The provision of flats above will create activity around the space during the evening and provide overlooking of the space, helping people to feel secure. There will be landscaping within the centre of the space helping to create a focal point at this end of the development.

- 8.11 The primary street running from north east to south west through the development has been designed with a maximum speed of 10mph. In doing so it contains a number of deflections in the road alignment created with parking, boundary treatments, houses and in-street landscaping. This reduces the forward visibility within the development thus slowing down traffic. Further this street has been designed as a shared space, with all users sharing the carriage way. This will make the road an uncomfortable place for cars and is intended to slow the traffic further. However, a footpath has been included in the development on the primary street to make pedestrian movements within the site more comfortable.
- 8.12 This approach to street design is not without its challenges and the servicing and maintenance of the development is one such challenge. Transport Planning has raised concerns regarding an 18m long section of road in the centre of the development which narrows to a width of 4.5m. Concerns focus on the potential need to close the road if maintenance is required given there is no alternate route. The applicant has suggested that there are solutions which may be available but these are matters which can be determined through the Road Construction Consent (RCC) process. Following further discussion with Transport Planning, it is agreed that this is a matter which will be dealt with at the RCC stage and solutions are available which will not impact on the planning layout.
- 8.13 Transport Planning has also highlighted challenges posed by this type of layout in relation to waste management. The applicant has set out a waste management strategy which is, in principle, acceptable. The layout has designed in bin collection points to the proposed development, with communal bin stores being provided for the flatted and commercial development. Neither the householder nor the waste operatives will have to take a bin further than the recommended distances to the bin collection points. There are two reversing manoeuvres which will require to be made by the waste collection vehicle. These and all other manoeuvres can be achieved within the road boundary with very limited overhang of landscaped areas and the edge of parking bays. There will not be any over run. The landscaped areas can be designed in a manner which reduces any such conflicts. A swept path analysis has been submitted to demonstrate that a refuse vehicle can manoeuvre through the site. Further details of vehicle routing and micro-siting of the bin collection areas can be secured by condition.
- 8.14 It is accepted in the short section of the street where the carriageway narrows to 4m, there will be no opportunity for vehicles to pass each other. However, given the short length, availability of places for vehicles to wait for another to pass, and the low level of traffic in the development, it is considered that this place making feature is appropriate as it facilitates a better relationship between the buildings and the street and reduces speed through design of the development rather than by use of retrofitted chicanes or other traffic calming features. It is not considered that poorly parked cars or poorly presented bins having an impact on traffic movement are material considerations.
- 8.15 The layout has also raised concerns over forward visibility and visibility at junctions within the development. However, given the speed at which traffic will be moving within the development, subject to some minor and inconsequential changes to the layout in terms of types of landscaping, the majority of these conflicts have been

resolved however there maybe a requirement for some micro-siting through the RCC process.

- 8.16 The design of the houses and mixed use blocks are considered to be appropriate in scale to the layout and the position of the development. Height has been introduced at the north eastern corner of the site with the mixed use blocks providing a focal point. The use of materials and a lack of depth in these blocks help to break up the mass and lessen the impact of the scale. The houses are a maximum of 2 storeys, are orientated toward the street, and are finished in a combination of finished timber and smooth render. This will provide a clear and crisp finish to the development.
- 8.17 The boundary treatments in the development reflect the materials used on the buildings within the site and will be used to help tie together the character of the scheme. There are some boundaries which should be finished with a different material than the one proposed, i.e. walls instead of fencing and vice versa. As this is the case, the final scheme for boundary treatments will need to be secured by condition.
- 8.18 The Open Space in New Residential Developments: Supplementary Guidance, places a focus on quality rather than quantity. The site contains limited open space, but the site is in relatively close proximity to a number of other open spaces. The open space included in the development, while limited, is considered to be of a high quality with the use of landscaping to provide amenity areas which have a range of functions including places to relax and places for imaginative play. There will be no fixed play equipment in the open space. The applicant has suggested the slope between the site and the south western part of the district centre can be developed as natural greenspace. While it can be it is not considered as usable open space, it would have amenity and biodiversity value. The scheme as presented for this part of the site, is however disappointing, and the Forestry Officer is not content with the proposed landscaping scheme. There is however a willingness from the applicant to improve this space. The detailed landscaping scheme, and associated maintenance programmes, can be secured by condition.

Roads, access and parking:

- 8.19 The site will be accessed from the B861 via an existing access. This may require some minor upgrading. A Traffic Assessment submitted with the application has demonstrated that there is sufficient capacity in the local road network to accommodate the development.
- 8.20 Matters raised by Transport Planning on the internal layout of the development have been considered in the design and layout section of this report. There is sufficient car and cycle parking within the development.
- 8.21 There are some matters of detailed road construction and design which are outstanding. These matters are however controlled by the Road Construction Consent process. There are no outstanding matters which will require any significant changes to the layout or design of the development. The approval of the layout included in the planning drawings will not prejudice the determination of the Road Construction Consent.

8.22 The site has responded well to its location next to the core path and has followed advice from the case officer and the Inverness Design Review Panel by creating frontages to the path and providing clear linkages from the development to the core path. Consideration will need to be given to the provision of the pedestrian and cycle connectivity around the site access which is severed by the access road. This will need to deliver a scheme which provides priority to pedestrians and cyclists and a safe environment. While this is not shown within the application, there is sufficient land and flexibility in the layout at this point to ensure it is deliverable. This can therefore be secured by condition.

Impact on Education Provision

8.23 The development is located within the Cauldeen Primary School Catchment Area and the Inverness Royal Academy Catchment Area. Table A below sets out the likely pupil generation from the proposed development

<i>Table A - Pupils Generated by the Development</i>				
	Pupil Product Ratio	Number of Units	Number of Exempt units (1 bedroom flats)	Total Pupils Generated
Primary (Flats)	0.17	18	11	1.19
Primary (Houses)	0.30	47	0	14.11
Secondary (Flats)	0.07	18	11	0.49
Secondary (Houses)	0.13	47	0	6.6

8.24 It is anticipated that the development will generate 15.30 primary school pupils and 7.19 secondary school pupils based on the pupil product ratios set out in the draft Developer Contributions Supplementary Guidance.

8.25 Table B below sets out the current capacity of the school estate which will serve the proposed development:

<i>Table B - Current School Capacities</i>					
	Capacity	Current Roll (% of capacity)	Academic Year when school surpasses 100% Capacity (without any further intervention)	Academic year when school roll peaks (without any further intervention)	Number of pupils over capacity at school roll peak (without any further intervention)
Cauldeen Primary School	221	173 (78.3%)	2019/2020	2032/2033 (End of Forecasted Period)	362
Inverness Royal Academy	1474	1044 (70.8%)	2025/2026	2032/2033 (End of Forecasted Period)	233

8.26 It has been identified that the school roll at Cauldeen Primary School will continue to be over capacity without any further intervention. On this basis contributions will be sought to facilitate enhancements to provision either at Cauldeen Primary School or through the delivery of a new primary school. The negotiation with the developer has been based on new school rates and the methodology set out in the draft Developer Contributions: Supplementary Guidance.

8.27 Inverness Royal Academy is forecast to be at capacity from 2024 onwards. As this is the case an extension to Inverness Royal Academy. Developer contributions will be sought to deliver enhanced capacity at Inverness Royal Academy to address this.

Impact on the water environment (including SuDS)

8.28 The development will be served by the public water and waste water network. As required by the provisions of the HwLDP, all surface water requires to be dealt with within the site and via an appropriate sustainable drainage system.

8.29 The originally submitted scheme included proposals which did not adequately deal with surface water either in terms of quantity or quality of discharge. Concerns were raised by Transport Planning and Flood Risk Management Team over the original solution that comprised very deep ditches and underground attenuation of surface water. The concerns centred around quantity of water, quality of discharge and maintenance.

- 8.30 Following the submission of revised proposals which comprise filter trenches, swales and attenuation, the drainage scheme now is considered adequate in terms of quality, quantity and maintainability. These matters will be considered further through the RCC process however sufficient information has been submitted to demonstrate that this is a workable solution and there is sufficient land within the development to accommodate surface water at pre-development greenfield run off rates.
- 8.31 The site is not at risk from flooding based on the submitted information and the Indicative Flood Risk Mapping published by SEPA.

Impact on the natural environment

- 8.32 The application site has the potential to host a number of habitats. As such the developer was required to undertake a habitat survey of the site. This included further surveys for bats, red squirrels, badgers and bird species. The surveys did not identify any occupied habitats of bats, red squirrels, badgers, or bird species. While not present, this does not mean that these areas are not suitable areas for foraging. However, there was little to no evidence of this during the surveys undertaken by the applicant.
- 8.33 During field surveys carrion crows and roe deer were observed within the site. Suitable habitat was also identified for hedgehogs. Subject to pre-commencement protected species surveys being undertaken, along with any mitigation identified, and site clearance works being undertaken under the supervision of an Ecological Clerk of Works, it is not anticipated that the proposed development will have a significant adverse impact on wildlife and protected species.
- 8.34 During preparations for construction the site will be cleared. This will include the small area of young trees within the site. These will require to be compensated through the landscaping of the site. The applicant is willing to do this however the submitted scheme requires further consideration with species better suited to the site included in the planting mix. This can be secured by condition.

Other material considerations

- 8.35 The wider area has been found to be rich in archaeological finds. As this is the case, a further programme for archaeological investigation and recording is required. This can also be secured by condition.
- 8.36 A development of this scale is likely to have adverse impacts on residential amenity and the road network during the construction process. As such it is appropriate to attach conditions to secure construction environment management and construction traffic management plans. Planning conditions are not used to control construction noise as powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, as there is a potential to cause disturbance, as raised in representations, it is considered appropriate to secure a noise and vibration assessment as part of the Construction Environment Management Plan.

- 8.37 To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and location of these can be secured by condition. Further a strategy for energy use and sustainability should be considered by the applicant and also secured by condition.
- 8.38 To ensure that the commercial elements of the scheme are delivered timeously, these will be secured as a first phase of the development. This and the phasing of the remainder of the site can be secured by condition.

Non-material considerations

- 8.39 None.

Matters to be secured by Section 75 Agreement

- 8.40 a) Contributions to enhancements to primary school accommodation within the Inverness Royal Academy Catchment Area (£349,170 (£7289 per house, £941 per flat)
- b) Contributions to enhancements to secondary school accommodation at the Inverness Royal Academy (£1313 per house, £574 per flat)
- c) Affordable Housing 100% across the site.
- 8.41 The applicant has agreed, to the above heads of terms for the legal agreement
- 8.42 The applicant has four months from the date the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

9. CONCLUSION

- 9.1 The application provides opportunity to round off and complete an expansion area within the city. Further it would provide additional facilities within the district centre. This is mixed with the provision of affordable housing at a mix which meets current housing need and demand, the delivery of which is a priority for the Council. The design of the development is largely in accordance with the principles of Designing Streets.
- 9.2 While there are positives to be derived from the development, it presents some difficulties in terms of operation of the development; particularly waste management. The applicant considers that these matters can be dealt with by condition or through the Road Construction Consent process. The matters of concern have been designed out through a process of negotiation between the applicant and officers.
- 9.3 Subject to the application of conditions to manage the phasing of development, secure details of particular elements of the development and an appropriate level of developer contributions to education provision, the development can be supported.

9.4 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. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development or works shall commence until a Phasing Plan outlining details of the phasing of the development has been submitted to, and approved in writing by the Planning Authority. This shall show the completion of the flatted blocks containing the retail and office units on the ground floor prior to occupation of any other residential unit within the development.

Thereafter, the development shall be undertaken in accordance with the approved phasing plan.

Reason: To ensure that the development proceeds in an appropriate manner.

2. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority. The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the

following:

i. A Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);

ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;

iii Construction Environmental Management Plans (CEMPs) for the construction phase, covering:

a. Pre-commencement habitat and species surveys;

b. Habitat and Species Protection;

c. Pollution Prevention and Control;

d. Dust Management;

e. Construction Noise Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;

f. Construction Vibration Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;

g. Site Waste Management;

h. Surface and Ground Water Management;

i. Drainage and sediment management measures from all construction areas; and

ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.

i. Public Water Supply Protection Measures;

j. Emergency Response Plans; and

k. Other relevant environmental management as may be relevant to the development.

iv. Special Study Area plans for:

a. Any other specific issue identified within the Schedule of Mitigation and/or conditions attached to this permission;

v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;

vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and

vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment.

3. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority. The CTMP, which shall be implemented as approved during all period of construction, must include:

i. The CTMP shall make provision for all construction access being taken via the proposed site access as shown on the approved site layout. For the avoidance of doubt no construction access shall be taken via the Culduthel County Cottages road or the Culduthel Smith Cycle / Foot Path.

ii. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;

iii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and Transport Scotland, including;

- An initial route assessment report for construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;

iv. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction periods.

v. A detailed protocol for the delivery of loads/vehicles, prepared in

consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of larger load movements in the local media. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.

vi. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.

vii. Wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;

viii. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the construction of the development.

ix. Measures to ensure that construction traffic adheres to agreed routes.

Thereafter the approved Construction Traffic Management Plan shall be implemented in full, unless otherwise approved in writing by the Planning Authority.

Reason: To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

4. The development shall not be occupied until a detailed Travel Plan for the whole development, which sets out proposals for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority.

The detailed Travel Plan shall include:

- a. Measures for extending and/or increasing the active travel opportunities in the area;
- b. Details for the management, monitoring, review and reporting of these measures;
- c. Details of Residential Travel Packs to be distributed to each property on first occupation; and
- d. A system of management, monitoring, review, and reporting.

The Travel Plan shall be implemented as approved from the commencement of development to the date of completion of the development.

Reason: In order to reduce the dependency on the private car and encourage the use of sustainable and active transport.

5. No development shall commence until a detailed Outdoor Access Plan of public access in proximity of the site which may be affected by the development (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

All existing access points, paths, core paths, tracks, rights of way and other routes, and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

i. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;

ii. All proposed paths, tracks and other routes for use by walkers, cyclists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);

iii. Construction details of all paths to be delivered within and out of the site, being delivered at a minimum width of 2m, with the path connecting through the site from the Culduthel Smithy Cycleway (Core Path Reference IN19.49) to an appropriate point adjacent to the Supermarket utilising the roads within the development and then at a minimum of 2.5m wide connecting in adjacent to the Supermarket within the Slackbuie District Centre;

iv. Any diversion of paths, tracks or other routes, temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard and enhance public access during the construction and operational phase of the development.

6. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

site.

7. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed boundary treatments inclusive of walls, fences and gates;
 - iv. A scheme for the layout, design and construction of all green spaces shown on the approved site layout, including the provision of natural play opportunities and recreation facilities (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of equipment or furniture at 1:20 scale.
 - v. A scheme for the layout, design and construction of all hard landscaped spaces shown on the approved site layout, including the details of all street furniture (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of street furniture at 1:20 scale.
 - vi. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - vii. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.
 - viii. A scheme for the surface treatment of the crossing of the access point into the site with the Culduthel Smithy Footpath / Cycleway.

Landscaping works shall be carried out in accordance with the approved scheme.

All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

8. No residential unit adjacent to the square (inclusive of Plots 1-19) shall be occupied until the scheme for the hard and soft landscaping in the square shown on the approved site layout, to be approved under Condition 7 iv. above, has been completed to the satisfaction of the Planning Authority.

Reason: To ensure that the civic space within the site is delivered timeously.

9. No residential unit adjacent to the green space (inclusive of Plots 26-31) shall be occupied until the scheme for the soft landscaping in the greenspace on the approved site layout, to be approved under Condition 7 v. above, has been completed to the satisfaction of the Planning Authority.

Reason: To ensure that the open space within the site is delivered timeously.

10. None of the houses or flats shall be occupied until a scheme for the maintenance, in perpetuity, of all on-site green spaces and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

11. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the Landscaping Plans to be approved under Condition 7 is implemented to the agreed standard; and

- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by

the Planning Authority.

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

12. No development shall commence until 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 and include details of the surface water drainage for the site and the adjacent Culduthel Smithy Cycle Path) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

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

13. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water shall remain the responsibility of the developer and maintained in line with the scheme to be approved under Condition 12 above.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

14. No development or work shall commence until a detailed specification for all proposed road and path materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to ensure that important elements of the proposed character and identity of the site are delivered.

15. No development shall commence on site until a scheme for the inclusion of public art within the development, including types and locations of artworks and the management and maintenance thereof, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented prior to occupation of the development and maintained in perpetuity.

Reason: To ensure the delivery of a development with a unique identity which facilitates the creation of place.

16. Prior to the first occupation of each house or flat within the development car

parking spaces and cycle parking spaces (inclusive of communal cycle parking facilities as appropriate) shall be provided in line with the standards contained within The Highland Council's Road and Transportation Guidelines. Thereafter, all car parking and cycle parking spaces shall be maintained for this use in perpetuity.

Reason: To ensure that appropriate levels of car and cycle parking are available for each plot.

17. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development has been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained

18. No development shall commence on any phase or sub phase until a scheme has been submitted detailing the provision of electric car charging points within the development serving the associated phase or sub-phase. This shall include the location and design of each charging point and a timescale for implementation. The approved scheme shall be implemented in line with the approved timescales.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

19. No development shall commence until a Waste Management Strategy has been submitted to and approved in writing by the Planning Authority. This shall detail an approach to sustainable waste management in the operation of all aspects of development; identify bin collection points and bin stores (and include design of the bin stores as appropriate at 1:20 scale plans) ; identify routes for waste collection vehicles and any required infrastructure in each phase or sub-phase. Thereafter the strategy shall be implemented in line with the timescales contained therein.

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

20. For the avoidance of doubt and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As Amended) the ground floor units shall be only be used for the following use classes as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997 (As Amended) - Class 1 (Shops), Class 2 (Financial and Professional Services, Class 4 (Business) or Class 10 (Non-Residential Institutions) only.

Reason: To clarify the terms of the permission and in the interests of

ensuring a sustainable mixed use development.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

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.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Factoring of the Development

Shared elements of the development are to be factored. The applicant is advised that it is their responsibility to ensure compliance with the provisions of the Property Factors (Scotland) Act 2011.

Major Development Site Notice

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

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

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 886608.

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 10369 - P(00)001
Plan 2 - Site Layout Plan 10369-P(00)003 REV E
Plan 3 - Road Layout Plan 116486-1001 REV H
Plan 4 - Block 1 Elevations 10369-P(--)011 REV A
Plan 5 - Block 2 Elevations 10369-P(00)013 REV A
Plan 6 - Block 3 Terrace Elevations 10369-P(--)014 REV A
Plan 7 - Block 4 Terrace Elevations 10369-P(--)015 REV A
Plan 8 - Block 5 Terrace Elevations 10369-P(--)016 REV A
Plan 9 - Block 6 Terrace Elevations 10369-P(--)017 REV A
Plan 10 - Block 7 Terrace Elevations 10369-P(--)018 REV A
Plan 11 - Block 8 Terrace Elevations 10369-P(--)019 REV A
Plan 12 - Block 9 Terrace Elevations 10369-P(--)020 REV A
Plan 13 - Block 10 Terrace Elevations 10369-P(--)021 REV A
Plan 14 - Block 11 Terrace Elevations 10369-P(--)022 REV A
Plan 15 - Block 12 Terrace Elevations 10369-P(--)023 REV A
Plan 16 - Block 13 Terrace Elevations 10369-P(--)024 REV A
Plan 17 - Block 14 Terrace Elevations 10369-P(--)025 REV A
Plan 18 - Block 15 Terrace Elevations 10369-P(--)026 REV A
Plan 19 - Block 16 Terrace Elevations 10369-P(--)027 REV A
Plan 20 - Section Plan 10369-P(00)008 REV A

Appendix – Letters of Representation

None.

- Reconfigure the entranceway to avoid the mismatch of terraced of houses on one side and a garden fence on the other.

8.2. The Panel welcomes and supports the creation of an arrival space but is concerned that the proposal lacks a cohesive design for this space, how it will be detailed, and how the sense of arrival will be achieved.

9. CONNECTIONS AND CONNECTIVITY

9.1. The layout should maximise opportunities to connect to surrounding uses and movement routes, including the core path. The current proposal lacks information on how it (a) links to neighbouring development, (b) reinforces and extends existing active travel routes including safe routes to schools, and (c) promotes sustainable transport – all vital to creating a place that is easy to move around.

9.2. The character of the core path and its links into the development is currently compromised by proximity to rear garden fences, gable ends and car parking. The path is already extensively used and its treatment, including the way it connects into the development, will have a significant impact on the overall design. Natural surveillance must be increased to provide path users with a reasonable sense of safety and to discourage anti-social behaviour. The path, its edges, the ditch and bridges should be designed as positive landscape elements with potential to integrate public art.

9.3. All paths, including the core path, should be adequately lit.

9.4. Early discussion should take place with the Council's transport team to agree the extent of surfaces for adoption.

10. A SAFE PLACE

10.1. The decision to omit the proposed path on the northern edge of the site will have a positive impact on community safety, as should the introduction of a mix of uses.

10.2. There is concern, however, that safety could be compromised because:

- key spaces, including the core path, are not sufficiently well overlooked;
- the functionality of some large open spaces is unclear, especially on the eastern boundary of the site.

10.3. The new square may have potential to encourage anti-social behaviour. To avoid a repeat of the mis-use of public space in nearby Hilton the developer is encouraged to discuss design details with Police Scotland's local Community Safety officer.