Agenda Item	6.5
Report	PLS
No	035/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 30 April 2019

Report Title: 18/05949/MSC: Hazeldene Group

Land At Stratton And East Seafield, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Development of a new public park - approval of matters specified in

conditions 2(i), 2(j), 2(k), 2(l), 2(m), 2(o), 2(r), 2(s), 35, 36, 42, 43, 44,

and 45 of planning permission 16/02161/S42

Ward: 17 – Culloden and Ardersier

Development category: Major

Reason referred to Committee: Approval of Matters Specified in Conditions on Major

Development

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.

Recommendation

Members are asked to agree the recommendation to **Approve** matters specified in conditions as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This submission seeks approval for 14 of the matters specified in conditions of conditions attached to planning permission 16/02161/S42 granted on 29 July 2016 in respect of the Stratton Farm development to allow the delivery of the public park which will be located at the centre of the masterplanned development.
- 1.3 The overall masterplanned development at Stratton Farm comprises 2,500 homes, retail, office, health centre, church, community facilities, restaurant/café, primary school, park and ride, hotel and commercial / business uses split over 4 sequential phases.
- 1.4 The park subject to this submission will comprise of three areas divided by roads. Each area of the park provides a different function, south to north this includes:
 - civic space- related to the proposed town centre location;
 - play space- providing play and recreation facilities for a broad age range of existing and new communities and; and
 - drainage and habitat space providing drainage features that form positive landscape features with potential to deliver biodiversity benefits alongside the planting of new trees, shrubs and hedges and safeguarding existing trees.
- 1.5 This 4.49 hectare park will be delivered in two phases. Phase 1 will deliver the civic space, with construction commencing in Spring 2019 for 12 months. Phase 1 will also include the landscaping, paths and planting for the play space and drainage and habitat space. Play equipment, seating, bins and lighting for the park will be delivered in Phase 2.
- 1.6 This submission seeks approval of the following conditions:
 - 2 (i) details of open space
 - 2 (j) public art
 - 2 (k) landscaping
 - 2 (I) management and maintenance
 - 2 (m) boundary treatment
 - 2 (o) surface water drainage
 - 2 (r) tree retention

- 2 (s) site levels
- 35 green space, sport and recreation
- 36 maintenance of green space
- 42 Tree and Woodland Management Plan
- 43 No lopping, topping or felling of trees
- 44 20 m development setback from trees
- 45 planting scheme in line with phasing
- 1.7 The applicant sought informal pre-application advice with the Planning Authority on matters of procedure and design concepts for the park.
- 1.8 This submission has been supported by the following information:

- Supporting Statement; and
- Arboricultural Method Statement
- 1.9 During the processing of the matters specified in conditions a number of variations have been made to address issues raised by consultees and the Case Officer including:
 - Realignment of paths at road crossing points and additional path connections to respect future desire lines and to maximise permeability of the park;
 - Changes to path design including widening, corner radii increases and using a simplified material palette of hard surfacing materials; and
 - Changes made to equipment to be more compatible with prevailing weather conditions, most notably the replacement of an outdoor table tennis area with an outdoor chess facility.

2. SITE DESCRIPTION

- 2.1 The location of the park within the overall Stratton Farm site lies to the east of the recently dualled Barn Church Road. It comprises agricultural fields, some of which are currently being used to store excess materials from the first phase of development at Stratton. This excess material will be used in the formation of the park.
- 2.2 The ground is relatively level and in due course will be crossed by roads to access Phases 1b, 1e-g, 2 and 3 of the Stratton Farm development. To the west of the proposed park lies phase 1a of the Stratton Farm development which comprises a total of 400 residential dwellings which are currently under construction. In due course residential dwellings will also bound the application site to the east.

3. PLANNING HISTORY

3.1	12 August 2011	09/00141/OUTIN - New town comprising town centre, housing and commercial development	Permission Granted
3.2	12 May 2015	15/00297/S75M - Modification of Section 75 Agreement associated with planning permission 09/00141/OUTIN	Grant Modification
3.3	14 May 2015	13/01049/S42 - Application to vary conditions 4, 36 and 42 of Planning Permission ref 09/00141/OUTIN; amendments to AMP, Park and Ride and amendment to timing of provision.	Permission Granted
3.4	29 July 2016	16/02161/S42 - Develop land without compliance with conditions 1,2,3,9 and 25 and conditions 27 to 54 inclusive (regulating phasing, and regulating timing of provision of infrastructure) of 09/00141/OUTIN as amended by	Permission Granted

13/01049/S42

3.5	11 November 2016	16/04179/MSC - Area Development Brief for Phase 1	Permission Granted
3.6	17 January 2017	16/05294/S75D - Discharge of Planning Obligation registered on 21 July 2011 against Land Registry Title INV6445 as modified by Notice of Determination on 12 May 2015 related to Planning Permissions 09/00141/OUTIN and 13/01049/S42	Grant Discharge
3.7	10 May 2017	16/05669/MSC - Infrastructure related to Phase 1 of development	Permission Granted
3.8	7 August 2017	16/05533/MSC - Approval of matters specified in conditions 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(j), 2(k), 2(l), 2(m), 2(o), 2(p), 2(q), 2(r), 2(s), 2(t), 2(u), 3, 9, 11, 12, 13, 30, 31, 35, 41, 42, 44 of planning permission 16/02161/S42 for a 400 dwelling residential development	Permission Granted
3.9	7 March 2018	18/00190/FUL - Erection of temporary sales cabin, visitor parking for new residential development	Permission Granted
3.10	7 March 2018	18/00191/ADV - Erection of flag sign, hoarding sign, fascia sign, chevron sign, swing board and free standing signs.	Permission Granted
3.11	23 August 2018	18/03403/FUL - Temporary siting of two sales cabins and formation of visitor parking area	Permission Granted
3.12	28 November 2018	18/03875/MSC - Application for the approval of matters specified in conditions 2(a), of planning permission 16/02161/S42 in relation to Phase 1B, 1F, 1H and 2A.	Permission Granted
3.13	14 January 2019	18/05111/MSC - Approval of matters specified in conditions 2(b), 2(c), 2(e), 2(f), 2(h), 2(k), 2(l), 2(m), 2(p), 2(q), 2(s), 2(t), 2(u), 11, 31, 35, of planning permission 16/02161/S42 for a redesign of flatted blocks 1-5	Permission Granted

3.14 6 February 2019

18/03649/MSC - Approval of Matters

Specified in Conditions

2b,2c,2d,2e,2f,2g,2i,2k,2l,2m,2o,2p,2q, 2r,2s,2t,2u,3, 9, 11,12,13, 17, 27iii, 30,35,36,37,38,39,40,41,42, 44, 49 of Planning Permission 16/02161/S42 for

Erection of 94 Dwellings

Permission Granted

Pending

Consideration

Permission

Granted

3.15 21 March 2019

18/03810/MSC - Application for Matters Specified in Condition application to satisfy conditions 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(j), 2(k), 2(l), 2(m), 2(o), 2(p), 2(q), 2(r), 2(s), 2(t), 2(u), 3, 9, 11, 12, 13, 30, 31, 35, 41, 42, 44 of planning permission 16/02161/S42 for the erection of 198

houses.

3.16

18/04550/MSC - Erection of 150 unit residential development and associated infrastructure - approval of matters specified in conditions 2(b), 2(c), 2(d),

2(e), 2(f), 2(g), 2(h), 2(i), 2(k), 2(l), 2(m), 2(n), 2(o), 2(q), 2(r), 2(s), 2(t), 13, 28, 30, 31, 35, and 46 of Planning

Permission 16/02161/S42

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development

Date Advertised: 25 January 2019

Representation deadline: 8 February 2019

Timeous 0

representations:

Late representations: 0

5. CONSULTATIONS

- 5.1 **Smithton and Culloden Community Council** did not respond to the consultation.
- THC Access Officer does not object to the submission following submission of amended details and further information. He requested changes to the path network layout and width, and to path materials. He also sought confirmation of resin-bound path specification, gravel path details and other design details. These changes have now been made and the additional information submitted is satisfactory

- 5.3 **THC Forestry Officer** does not object to the submission having received further detail on the proposed tree protection measures and changes to the arboricultural method statement. These changes have been made and he is now content with the submission.
- 5.4 **THC Landscape Officer** does not object to the submission. She provided comments seeking modifications to the proposed development to include a hierarchy of path entrances and the layout of the path network. She also sought confirmation of a range of design details and submission of elevation drawings and typical details to confirm sufficient natural surveillance from Barn Church Road. These changes have now been made and the additional information submitted is satisfactory.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 9 A96 Corridor Phasing and Infrastructure
- 12 Stratton
- 28 Sustainable Design
- 29 Design Quality & Place-making
- 34 Settlement Development Areas
- 51 Trees and Development
- 52 Principle of Development in Woodland
- 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
- 66 Surface Water Drainage
- 74 Green Networks
- 75 Open Space
- 76 Playing Fields and Sports Pitches
- 77 Public Access
- 78 Long Distance Routes

6.2 Inner Moray Firth Local Development Plan (2015)

Policy 2: Delivering Development Allocation IN84 – Stratton (Mixed Use)

6.3 Highland Council Supplementary Planning Policy Guidance

Inverness East Development Brief (Jun 2018)

Construction Environmental Management Process for Large Scale Projects (August 2010)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Open Space in New Residential Developments (Jan 2013)
Public Art Strategy (March 2013)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014) National Planning Framework 3 (Scottish Government, 2014) Creating Places (Scottish Government, 2013) Designing Streets (Scottish Government, 2010)

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 submission requires to be assessed against all policies of the Development Plan relevant to the submission, all national and local policy guidance and all other material considerations relevant to the submission.

Planning Considerations

8.3 The principle of the development has been established through the previous permission. This submission seeks to approve matters specified in conditions of the planning permission in principle. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with development plan policy, the provisions of the conditions attached to the planning permission in principle and take into consideration any other material considerations.

Development plan/other planning policy

- 8.4 Development Plan policy has changed since the time of determination of the original planning permission in principle application. The Highland Structure Plan (2001) is no longer in force and the Inverness Local Plan (2006) in relation to this site and the policy provisions have been superseded by the contents of the Highland-wide Local Development Plan (2012). The Inner Moray Firth Local Development Plan (2015) has also been adopted.
- 8.5 However, Development Plan policy has not changed since the determination of the application for non-compliance with conditions (16/02161/S42). The Inverness East Development Brief has however been adopted. The Development Brief recognised the planning permission at Stratton and the aspiration to deliver

a park within the site. Therefore, subject to detail set out later in this report, the submission for the approval of matters specified in conditions accords with the provisions of the Development Plan. The remainder of this report will consider the submissions made in relation to the relevant conditions attached to the planning permission in principle and assess its compatibility with the Development Plan.

<u>Layout and Design (Conditions 2(i), 2(j), 2(k), 2(m), 2(o), 2(s) and 35)</u>

- 8.6 The design of the park combines landscaping and planting features to create a new attractive public park through the centre of the wider development site. A combination of bunds and areas of dense planting provide attractive features of interest and for interaction.
- 8.7 A formal entrance is located at the south eastern end of the park that provides a civic space compatible with future adjacent proposed town centre uses. A separate MSC application addressing the public art condition (2j) of the permission in principle will be submitted by the applicant detailing public art for the park's main entrance.
- 8.8 Routes through each of the three areas of the park provide a permeable network of connections for active travel users to move through spaces, to routes on Barn Church Road and in the future to new neighbourhoods and the dedicated cycleway identified in the Inverness East Development Brief.
- 8.9 Drainage features have been integrated into the design of the park to encourage informal play and to manage surface water drainage as part of the surface water drainage strategy for the whole site. This part of the Stratton site was not identified to be at risk of flooding, as shown in Appendix E of the Flood Risk Assessment Supporting Information document submitted on 02 Jun 2017 for the adjacent application (16/05533/MSC).
- 8.10 Through the application process changes were made to the layout and design of the park. This included:
 - widening and realigning paths to improve their quality and usability and to better connect them with the surrounding active travel network; increase in the number of path entrances to improve permeability of the park and to maximise future active travel desire lines;
 - creation of breaks in the mounding / planting to Barn Church Road to balance visual and acoustic screening of the road with ensuring sufficient natural surveillance; and
 - table tennis tables were replaced with chess tables to be more compatible with location's likely wind speeds.
- 8.11 The layout and design of the park, including the amendments agreed with the applicant, is of a high standard and meets with the terms of the conditions attached to the planning permission in principle.

Management and Maintenance (Conditions 2(I), 2(q), 2(u) and 36)

- 8.12 The applicant clarified that a factoring agreement would be used for the management and maintenance of the park. Condition 36 of the permission in principle requires the full detail of such a scheme to be provided prior to occupation of each phase or sub-phase and therefore it is sufficient at this stage to note that the information provided clarifies the intention to prepare this prior to occupation of adjacent development.
- 8.13 Sections 9.3 and 9.4 of the Supporting Statement explain the landscape maintenance and management of the park, particularly the establishment period and long term maintenance regime, both of which are acceptable and will ensure the park remains a useable and attractive public amenity.
- 8.14 The design detail for waste and lighting is referred to in Section 8 of the Supporting Statement. Further details were sought about the location of bins and arrangements for refuse collection. The collection of the bins will be via a private collection arrangement and will be part of the factoring arrangements for the park. Lighting of the path network will be delivered alongside play equipment in the park (phase 2). The details provided by the applicant are considered acceptable.

Trees and Woodland (Conditions 2(r), 42, 43 44 45)

- 8.15 Trees are a major element of the park's design. Avenue planting defines the eastern boundary of the park on Barn Church Road and specimen planting is used throughout the development. A Birch maze creates an attractive area for informal play and exploration, and new planting is used to bolster the Tree Preservation Order trees (TPO, No. HC132) within the southernmost area of the park.
- 8.16 The Forestry Officer sought additional information about safeguarding the TPO trees, particularly ensuring appropriate and effective construction exclusion zones (CEZs) and haul routes in proximity to the TPO tree root protection areas. Further information was submitted by the applicant to address the points raised, including an Arboricultural Method Statement that covers construction methods in root protection areas, how the TPO trees and their root systems will be safeguarded during construction (including CEZs), and how play features and equipment on and around TPO trees will be constructed. The information provided and amendments made resolved the issues raised about existing trees and woodland.

Other relevant conditions not covered by the application (9, 11, 37-40)

8.17 Condition 9 of the permission in principle has not been addressed through this application. It requires a noise control plan, management system and scheme of noise mitigation for the construction phase of the development which will require to be submitted by the applicant and approved by the Planning Authority prior to the commencement of development. This will be provided through the submission to address construction management.

- 8.18 Condition 17 requires the submission of a Construction Environment Management Document two months prior to the commencement of development. This does not require to be submitted via a matters specified in conditions submission but will be required in line with the aforementioned timescale.
- 8.19 Conditions 37-40 relating to survey and protection plans of protected species have not been addressed by this application, but require to be approved prior to the commencement of development on the site.

Other material considerations

8.20 Phase 2 of the scheme involves the delivery of play equipment, lighting and furniture for the park. The original information submitted did not provide a specific timescale for this. A condition has therefore been added, in agreement with the applicant, that phase 2 will be completed within 2 years of the approval of this application, or upon completion of the 200th residential dwelling anywhere on the Stratton development site.

Matters to be secured by Section 75 Agreement

8.21 The proposed development is required to meet the provisions of the Legal Agreement attached to the Planning Permission in Principle (16/02161/S42). However given the use no developer contributions arise as a result of this application.

9. CONCLUSION

- 9.1 Sufficient information has been submitted to address the conditions attached to the planning permission in principle for the layout and design of the proposed park.
- 9.2 This proposal will provide a new public park for the east of the city and will enable new and existing communities in the area to access a central place to engage in outdoor play and recreation. The issues raised by consultees and the Planning Authority have been addressed by the applicant and the proposal will therefore contribute to the vision for the area set out in the Local Development Plan.
- 9.3 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 No issued

Subject to the above, it is recommended that matters specified in conditions as set out in the description of development are **Approved** subject to the following:

Conditions and Reasons

1. For the avoidance of doubt, phase 2 of this scheme, all play and recreation equipment, park furniture and other facilities in the park, as shown on approved drawings 2011-500-01 REV A, 2011-500-02 REV A, and 2011-500-03 REV A, shall be installed within two years of the date of this approval of matters specified in conditions, or upon completion of the 200th residential unit within the Stratton Masterplan site (as defined by the planning application boundary of 16/01642/S42), whichever occurs first.

Reason: To ensure a fully equipped facility is delivered within a reasonable timeframe for use by new and existing communities to access public open space, and for play, and recreation purposes.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PERMISSION

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date on this decision notice.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

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

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

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

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.

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

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Craig Baxter

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

Relevant Plans: Plan 1 - Location Plan (2011-500-00)

Plan 2 - Site Layout Plan 1 (2011-500-001 REV A)

Plan 3 - Elevation Plan 1 (2011-500-13)
Plan 4 - Elevation Plan 2 (2011-500-14)

















