Agenda Item	6.6
Report No	PLS/094/19

#### HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

Date: 4 December 2019

**Report Title:** 19/00524/MSC: Robertson Homes

Land 110m SE of 4 The Square, Craig Dunain, Inverness

**Report By:** Area Planning Manager – South

**Purpose/Executive Summary** 

**Description:** Submission of matters specified in Conditions 2, 3, 6, 7, 10, 11 and 12

of Planning Permission 12/01832/S42 - Erection of 60 houses with

associated roads, parking, drainage and infrastructure

Ward: 13 – Inverness West

**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 of a number of conditions 12/01832/S42 granted on 08 June 2018 in respect of the Westercraigs development. The application seeks to satisfy conditions to allow a total of 60 houses and supporting infrastructure to be built. Comprising a mix of:
  - 48 No. 3 bedroomed houses
  - 12 No. 4 bedroomed houses
- 1.2 The overall masterplanned development at Westercraigs comprises 550 homes split over 7 sequential phases. The phasing and delivery of the site is set out below:

Phase	Unit Numbers	Status	Running Total
2	107	Constructed and occupied	107
3	118	Partially constructed and occupied (conversion of listed building)	225
4	181	Constructed and occupied	406
5	51	Partially constructed and occupied	457
6	60	No construction (application subject to this report)	517
7	15	No construction	532
8	45	No construction	577

- 1.3 While this application would not lead to an increase on the total number of homes permitted on the site, the applicant will need to consider the number of homes delivered on future phases to remain within the numbers presented in the original masterplan. Alternatively the applicant may wish to consider a revision to the masterplan prior to any application for future phases of the application.
- 1.4 This submission seeks approval of the following conditions:
  - 2 (a) siting, design and appearance of all buildings and other structures.
  - 2 (c) access
  - 2 (e) provision of play areas
- 2 (b) sustainable design considerations.
- 2 (d) layout of the site
- 2 (f) landscaping

- 2 (g) details of existing trees, shrubs and hedgerows to be retained
- 2 (i) surface water infrastructure
- 2 (k) details of management and maintenance
- 6 Flood Risk
- 10 Surface Water Drainage

- 2 (h) site levels
- 2(j) waste management
- 3 Design Statement
- 7 Street Lighting
- 11 Connection to the public water supply

- 12 Tree Survey
- 1.5 Pre-application advice was provided to the applicant on a proposal for the site involving 63 residential units. The advice was summarised as:

"The layout as it stands has some positives but it has to be balanced with appropriate servicing of the properties. It is not considered that the layout as currently presented is an appropriate balance between the principles of designing streets and the servicing requirements for the site. As this is the case the application, if submitted in its current form would unlikely be supported."

1.6 Variations: Since validation of the application the design and layout of the site has been reduced from 63 residential units to 60 units and a number of design and layout changes to address matters around servicing of the site, provision of car parking, delivery of open space, provision of a more balanced layout, and to address the provision of surface water drainage.

#### 2. SITE DESCRIPTION

- 2.1 The development sits within a site identified for development within the estate of the former Craig Dunain Hospital as part of the Westercraigs Masterplan.
- 2.2 The site is accessed from the main distributor road within the Westercraigs development, known as "Forester's Way". Originally the site housed a number of ancillary buildings related to the operation of the former Craig Dunain Hospital. These included the: laundry house; workshop; ward; stores; laboratory and mortuary; industrial therapy unit; slaughterhouse; and numerous buildings and structures related to heat and power for the former Hospital. All of these buildings and structures, with the exception of a former store, have now been removed and the site is in use as a site compound and area for recycling materials for the conversion of the adjacent listed building.
- 2.3 The site contains a number of mature and semi-mature trees in varying conditions. To accommodate development on the site a total of 64 trees on the site will be removed and with replacement planting within the site and a compensatory planting scheme proposed for elsewhere within the Westercraigs Masterplan area.

# 3. PLANNING HISTORY

3.1	09.08.2005	03/00676/OUTIN - Outline Planning Permission for residential development and associated infrastructure based upon submitted Master Plan (as amended) (550 houses) granted	Permission Granted
3.2	04.05.2006	05/00645/REMIN - Matters Specified in Conditions application for 107 houses (Site 2A and Site 2B) approved (05/00645/REMIN).	Approved
3.3	09.06.2006	05/00879/REMIN - Matters Specified in Conditions application for redevelopment of listed building to form 118 flats approved	Approved
3.4	09.06.2006	05/00891/LBCIN - Listed Building Consent for redevelopment of listed building to form 118 flats	
3.5	22.07.2009	07/01169/FUL and 07/01172/LBCIN - Planning permission and listed building consent for refurbishment of former hospital to form 32 apartments (Phase 1)	Permission Granted
3.6	22.01.2009	08/00670/FULIN and 08/00671/LBCIN - Planning permission and listed building consent for refurbishment of former hospital to form 54 apartments (Phase 2)	Permission Granted
3.7	28.06.2013	13/01297/FUL - Planning permission for 94 semi-detached, terraced and flatted dwellings (Site 2B)	
3.8	25.05.2016	15/03384/MSC - Erection of 51 houses and associated works	Approved
3.9	08.06.2018	12/01832/S42 - Application for non-compliance with Conditions 1, 6 and 14 of planning permission 03/00676/OUTIN for residential development and associated infrastructure based upon submitted Master Plan (as amended) (550 houses).	Permission Granted

## 4. PUBLIC PARTICIPATION

4.1 Advertised: Development Affecting the Setting of a Listed Building

Date Advertised: 08.03.2019

Representation deadline: 29.03.2019

Timeous representations: 0

Late representations: 8

- 4.2 Material considerations raised are summarised as follows:
  - a) Impact on ecology
  - b) Impact on infrastructure (Education)
  - c) Loss of trees within the site (including impact on ecology and visual impact of loss of trees)
- 4.3 Non-material issued raised are summarised as follows:
  - a) Impact of loss of trees on the West Drive (including visual impact of loss of trees and impact on ecology)
- 4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

#### 5. CONSULTATIONS

- 5.1 **Transport Planning Team** do not object to the application following modifications to the site layout and provision of clarification related to: parking arrangements; access location; provision of footpaths; landscaping; and servicing arrangements. It requests conditions to secure the delivery of a Traffic Regulation Order to restrict on-street parking on Forester's Way; and to ensure timeous delivery of the "Copenhagen style" crossing at the access into the site. Further it has requested that all trees within the streets in the development remain the responsibility of the developer / future residents of the development.
- Forestry Officer objects to the application on the basis that the removal of trees do not promote significant protection to existing trees on the site. While it is noted that there is provision for additional landscaping within the site and off-site as compensation any new planting should be secondary to the retention and safeguarding of existing trees.
- 5.3 **Flood Risk Management Team** do not object to the application following the submission of further information in relation to flood routing and capacity of the surface water drainage system. The submitted information shows that the existing surface water drainage network has capacity to manage the additional flows from this phase of the development. The modelled capacity of the detention basin within the wider site will have ample freeboard for this element of the development but no further development on the Westercraigs Masterplan site will be able to use the detention basin and an alternative solution will be required.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

#### 6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making

- 30 Physical Constraints
- 34 Settlement Development Areas
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built and 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
- 74 Green Networks
- 75 Open Space
- 77 Public Access
- 78 Long Distance Routes

#### 6.2 Inner Moray Firth Local Development Plan 2015

Policy 2 – Delivering Development

Allocation IN20 – Westercraigs (370 Homes, Business, Retail)

## 6.5 Highland Council Supplementary Planning Policy Guidance

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

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (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 (The Scottish Government, June 2014)

Creating Places (The Scottish Government, June 2013)

Designing Streets (The Scottish Government, 2011)

#### 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 original planning permission in principle granted on the site and subsequent permission granted for non-compliance with conditions. This submission seeks to approve matters specified in conditions of the planning permission in principle issued in 2018. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continue 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 (12/01832/S42). Therefore subject to the 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.
- 8.6 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.

#### Design and Layout (Conditions 2a, 2b, 2c, 2d, 2e, 2f, 2h, 3)

- 8.7 The application was originally submitted as a 63 house scheme with an alternative location for the road access. The originally submitted scheme provided a positive frontage onto Forester's Way but was not considered to provide a suitable street within the site and did not provide adequate servicing of the development, allow for safe movement of pedestrians within the site, safeguard or enhance trees cover within the site or provide an access in a location which would have been an adequate distance from the access into Great Glen House.
- 8.8 Though a series of consultations with the relevant consultees, including Transport Planning and Forestry a revised site layout was negotiated. In order to address the concerns related to the site access and the internal site layout the applicant followed advise from the Transport Planning Team and moved the site access

- further west. This allowed the reconfiguration of the internal site layout to address concerns around pedestrian safety within the site. In doing so the location, orientation and number of residential units has been adjusted.
- 8.9 The site layout as now proposed provides clear routes for pedestrians, cyclists and car users through the development. In doing so the road now connects through from Forester's Way to the road around the listed building, providing an alternative route for active travel users but due to the street layout, not providing a rat run.
- 8.10 In the original layout submitted, the streetscene within the development would have been dominated by car parking. The car parking is now located in more discrete parking courts and within plots to ensure that the majority of the primary street running though the site is free from on-street parking. In taking this approach a clearer street hierarchy has been defined in accordance with the principles of Designing Streets. Transport Planning are of the view that the layout of the development is not in full accordance with Designing Streets due to the road type within the development. This is agreed. However the approach taken to ensuring that an appropriate street hierarchy is provided, balancing out the provision of all users is welcomed.
- 8.11 A key feature of the revised layout as now presented is the provision of an open space which will feature natural play features. Located in the south west of the site, this will provide a green gateway into the development and the provision of a well designed and overlooked play area which is a deficiency in this area of the wider development.
- 8.12 The general layout of the development is one which takes advantage of the sites location and orientation. The site layout follows the principles of the masterplan for Westercraigs and continued to deliver a strong frontage onto Forester's Way while utilising blocks of development based around a clear street hierarchy within the development parcel. Properties have frontages facing onto all streets and landscaped areas. Overall the layout is considered acceptable.
- 8.13 The houses proposed, in terms of their elevational treatment, are in keeping with the other houses which have been developed by the applicant on the wider site. The scheme comprises of two storey houses, finished in white dry dash render, Anestone feature walling and concrete roof tiles. A number of new house types are proposed to ensure that the properties address more than one street where they are located on prominent corners within the development.
- 8.14 Boundary finishes are a combination of rendered walls and timber fencing. Following negotiation with the applicant the use of timber fencing has been significantly reduced due to the impact it can have on the streetscene. Therefore in all locations facing onto a primary street the boundary finishes are to be delivered in rendered blockwork to provide a higher quality finish to the development.

#### Access, Parking and Servicing (Conditions 2c, 2d, 2j, 7)

- 8.15 Following the initial concerns raised in relation to the access to the site, provision of parking within the site, and ability to service the site, the applicant has worked with colleagues in Transport Planning to ensure that the site accords with the standards set out in the Roads and Transportation Guidelines for New Developments. It should however be noted that some matters of detail such as traffic calming details will be progressed through the Road Construction Consent process.
- 8.16 Car parking is in accordance with THC Standards. The larger areas of car parking have been broken up by the use of landscaping and parking has generally been provided to the side, rather than, front of properties where properties have in curtilage parking. As discussed earlier in the report, this will lead to a reduced dominance of cars within the development.
- 8.17 The strategy for waste management is acceptable and it has been demonstrated that a standard Council waste collection vehicle can manoeuvre through the site to all bin collection points. This has required modification to the location of bin collection points within the development. The proposed locations balance operational need with delivery of a sense of place to ensure that bin stores and collection points are not dominant features within the street
- 8.18 As the properties all have their own private gardens and no flats are proposed therefore communal bike stress within the development are not required.
- 8.19 Service strips within the development are predominantly located within the footpath or grass verges within the development. This is supported.
- 8.20 Forester's Way is a bus route and serves the rest of the Westercraigs development. Transport Planning consider it necessary to secure a Traffic Regulation Order (TRO) on Forester's Way to prohibit on-street parking. Given there is sufficient parking within the scheme for residents and visitors this is considered reasonable to ensure the safety and free flow of the local road network. The TRO can be secured by condition but it should be noted that it is subject to its own statutory process.
- 8.21 The applicant is proposing to use a Highland Council approved street lighting design. This will ensue that LED Street Lights are used. Due to the type and design of streetlighting skyglow will be minimised.

#### Landscaping and Impacts on Trees (Condition 2f, 2g, 12, 13)

8.22 Policy 51 (Trees and Development) of the Highland-wide Local Development Plan, seeks to safeguard trees within development sites and sets out that the developable area of the site should be influenced by tree impact and separation distances. It further sets out that the Council will secure additional tree planting to compensate for the removal of trees and to enhance the setting of any new development.

- 8.23 The application site contains 64 mature and semi-mature trees which are predominantly silver birch. There are also a small number of elm, goat willow, sycamore, lawson cypress, cherry, and poplar. All of the trees on the site have been identified as either, unsuitable for retention, low quality or moderate quality, in the assessment undertaken by the applicant's arboricultural consultant.
- 8.24 In seeking to address the concerns around the design and layout of the development, negotiations have been ongoing with the applicant to seek retention of trees within the site. For a number of areas within the site it may have been possible to retain some trees but the applicant's arboricultural consultant advised against this due to the risk of the trees becoming destabilised as a result of other trees being removed within the development site.
- 8.25 The largest area of tree removals on the site is on the eastern boundary of the site, occupied by a number of silver birch trees on and around the location of the former Slaughterhouse associated with the former hospital. A stance of trees to the north outwith the development site and a beech hedgerow along this boundary to the east will be retained.
- 8.26 The applicant is proposing to plant a number of trees within the development site itself, including the provision of rowan, downy birch, silver birch, pine, sycamore and oak. These trees are proposed to be planted as Standards (10-12cm girth) with a number of Extra Heavy Standards (16-18cm girth) also proposed. Further a series of shrubs will be planted throughout the site.
- 8.27 To further compensate for the loss of trees within the site, the applicant is proposing a compensatory planting scheme comprising a total of 252 trees in an area to the north west of the site, to the rear of phases 7 and 8 of the development.
- 8.28 The visual impact of the loss of trees within the site is not considered to be significant given the overall appearance and setting of the site. Any tree removals on the site will be required to take place outwith the bird nesting season and the applicant will be required to have any trees identified for removal by an appropriately qualified ecologist.
- 8.29 The loss of trees on any site is disappointing. The site has permission in principle and it was always envisaged that this part of the site would be developed as part of the masterplanned development. It is agreed that the layout of the development, despite efforts of officers to retain trees, would not safeguard the trees within the site. However, in line with the provisions of the Local Development Plan, a scheme for compensatory planting has been proposed. While further detail of the compensatory scheme is required, and can be secured by condition, in principle it does provide significant replanting of trees within the site. On balance it is considered that subject to the submission of a robust compensatory planting plan, inclusive of details of aftercare and management of the trees, the impact of the scheme can be mitigated.

8.30 Overall the landscaping proposed within the application site is considered appropriate to its location. The landscaping will be factored in line with the rest of the Westercraigs development. Detailed arrangements for this phase of the development require to be submitted.

#### Flood Risk and Drainage (Conditions 2i, 6, 10, 11)

- 8.31 Due to the ongoing iterative design process for the Westercraigs site, there has been a need to gain a clear understanding of the drainage solution on the site as it relates to current standards.
- 8.32 The Council's Flood Team reviewed the drainage strategy and capacity of the existing infrastructure. Following the submission of modelling work for the development overall and the development proposed within this application, the applicant has demonstrated to the satisfaction of the Flood Team that there is sufficient capacity in the existing drainage on the site to accommodate the propose development. However, the Flood Team have identified that there would not be capacity in the existing network to take surface water run off from future phases of development while maintaining an appropriate freeboard within the current detention basin. Phases 7 and 8 will require to have their own surface water drainage system.
- 8.33 The Flood Team have also reviewed the overland flood routing for the site. In doing so it is satisfied that the flood routing does not pose a significant risk of flooding to properties.

#### Other material considerations

- 8.34 The phasing of development of the site is controlled via the legal agreement attached to the overall masterplanned development. This sets out that development cannot commence on this site until the completion of site 3b (part of the conversion of the listed building). Further it sets out that only 25 houses within the site subject to this application can be completed and occupied prior to the commencement of development on site 3c (the final part of the listed building to be converted). Thereafter, the remainder of units subject to this application can be completed subject to the completion of site 3c by 31 May 2024 or the completion of the last residential unit elsewhere on the masterplanned site.
- 8.35 Representations have raised concerns over capacity of Charleston Academy to accommodate the houses being built at Westercraigs. The School Roll Forecasts (SRFs) produced by the Council take into consideration committed development, including Westercraigs. Charleston Academy is forecast to go over capacity in 2022/2023. At the time of the original permission the schools were not projected to go over capacity and therefore no developer contributions can be sought through this matters specified in conditions application to the provision of increased capacity in both the primary and secondary school estate.
- 8.36 A number of other conditions require to be satisfied to allow commencement of development on the site. This includes:
  - 16 Archaeological Evaluation; and

17 – Assessment of ground contamination.

Work will be ongoing with the applicant to ensure that these conditions are satisfied timeously.

8.37 There are no other material considerations.

#### **Non-Material Considerations**

8.38 A number of representations raised concerns over the impact of the loss of trees on the West Drive at Westercraigs. The loss of these trees had been approved by the Council's Forestry Officer in order to facilitate the upgrade of the West Drive to a standard that could safely be used by residents of, and visitors to, the Westercraigs development in future. The loss of trees on the West Drive and any associated impacts had been significantly reduced by the design and delivery mechanism of the road, as negotiated by Council officers.

#### Matters to be secured by Section 75 Agreement

- 8.39 The proposed development is required to meet the provisions of the Legal Agreement attached to the Planning Permission in Principle (12/01832/S42). This secured the following:
  - Affordable Housing
  - Contribution toward the provision of Inverness West Link;
  - Contribution toward Sports Facility provision;
  - Transfer of land to a Community Woodland;
  - Feasibility work on a Community Shop;
  - Contribution toward the delivery of a Community Facility;
  - Phasing.

#### 9. CONCLUSION

- 9.1 The proposed design and layout of the scheme is acceptable and does not bring this part of the scheme into conflict with the original masterplan. There have been a number of on-site constraints which have been managed through the processing of the application and the applicant has been receptive to modifying the scheme to deliver a better outcome. However some constraints, including trees will be impacted as a result of the proposals. The removal of the trees within the site is regrettable but it is considered that through significant compensatory planting and the provision of high quality on-site landscaping, the impact is, on balance, acceptable.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

#### 10. 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 N

**Subject to the above**, it is recommended that matters specified in conditions 2(b) and 2(d) be **Approved** subject to the following conditions to provide clarification:

- 1. Prior to the commencement of development a scheme of compensatory planting of trees and woodland within the Westercraigs Masterplan area (the "Planting Scheme") shall be submitted to and approved in writing by the Planning Authority. The Planting Scheme shall include:
  - i. the location of any and all area(s) to be planted;
  - ii. details of the species, planting density for any and all areas of planting and size of trees to be planted;
  - iii. details of ground preparation, drainage and fencing;
  - iv. proposals for the maintenance, for a minimum period of 5 years, and establishment of the Planting Scheme, including the frequency of checks, suitable triggers for any necessary replacement planting (including timing of the aforementioned planting).

The approved Planting Scheme shall be implemented in full within 12 months of the commencement of development or 31 May 2021, whichever is earliest.

**Reason**: To ensure that the loss of trees on the site as a result of the development is adequately compensated in line with Policy 51 of the Highland-wide Local Development Plan

2. No development shall commence until a detailed scheme for the completion of all open spaces and landscaping within the site has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full.

For the avoidance of doubt the scheme shall detail timescales for implementation in accordance with the following:

Plots 25-31 as shown on approved drawing 1106(PL)SL-02 Revision K, shall not be occupied until the open space, incorporating the amenity area and natural play space to the west of the aforementioned properties has been delivered to the satisfaction of the Planning Authority in accordance with the approved scheme, as shown on approved drawings 334.07.01 Rev C and 337.07.02 Rev C.

**Reason**: To ensure the timeous delivery of open space provision for the amenity of the residents of the development.

No part of the development shall be occupied until Traffic Regulations Order(s), limiting the ability to park on Forester's Way, have been submitted to and approved in writing by the Roads Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall be at the expense of the developer.

**Reason:** To ensure the safety and free flow of the local road network.

4. No development shall commence until a detailed scheme for provision of "Copenhagen" style crossings at the entrances to the application site and between the primary street and parking courts within the application site have been submitted to and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented in full prior to first occupation of the development.

**Reason**: To ensure timeous delivery of the required mitigation to facilitate pedestrian safety.

#### 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

The development to which these matters specified in conditions relate 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.

- 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.

#### **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: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

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 and 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: <a href="https://www.snh.gov.uk/protecting-scotlands-nature/protected-species">www.snh.gov.uk/protecting-scotlands-nature/protected-species</a>

Designation: Area Planning Manager – South

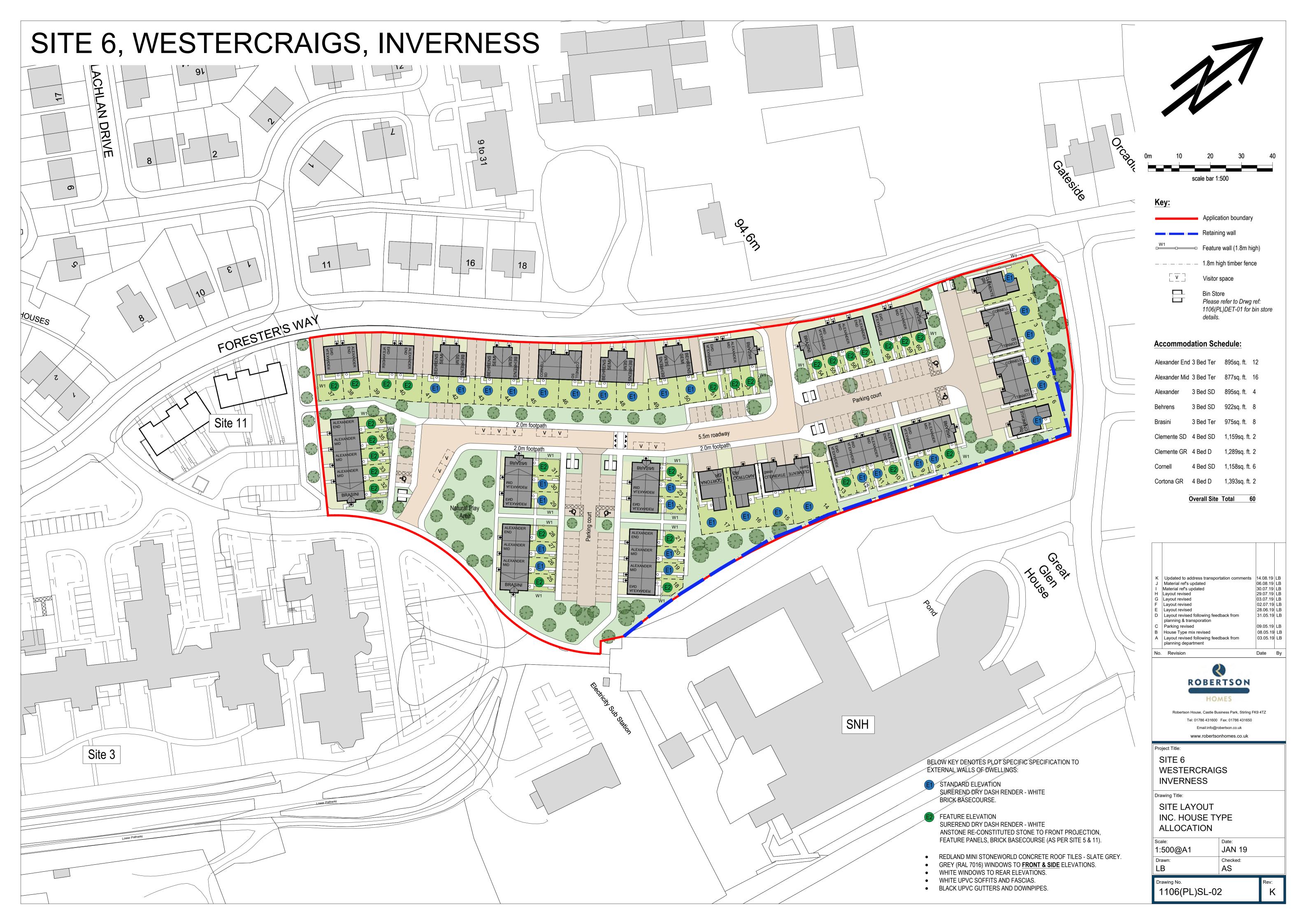
Author: Simon Hindson

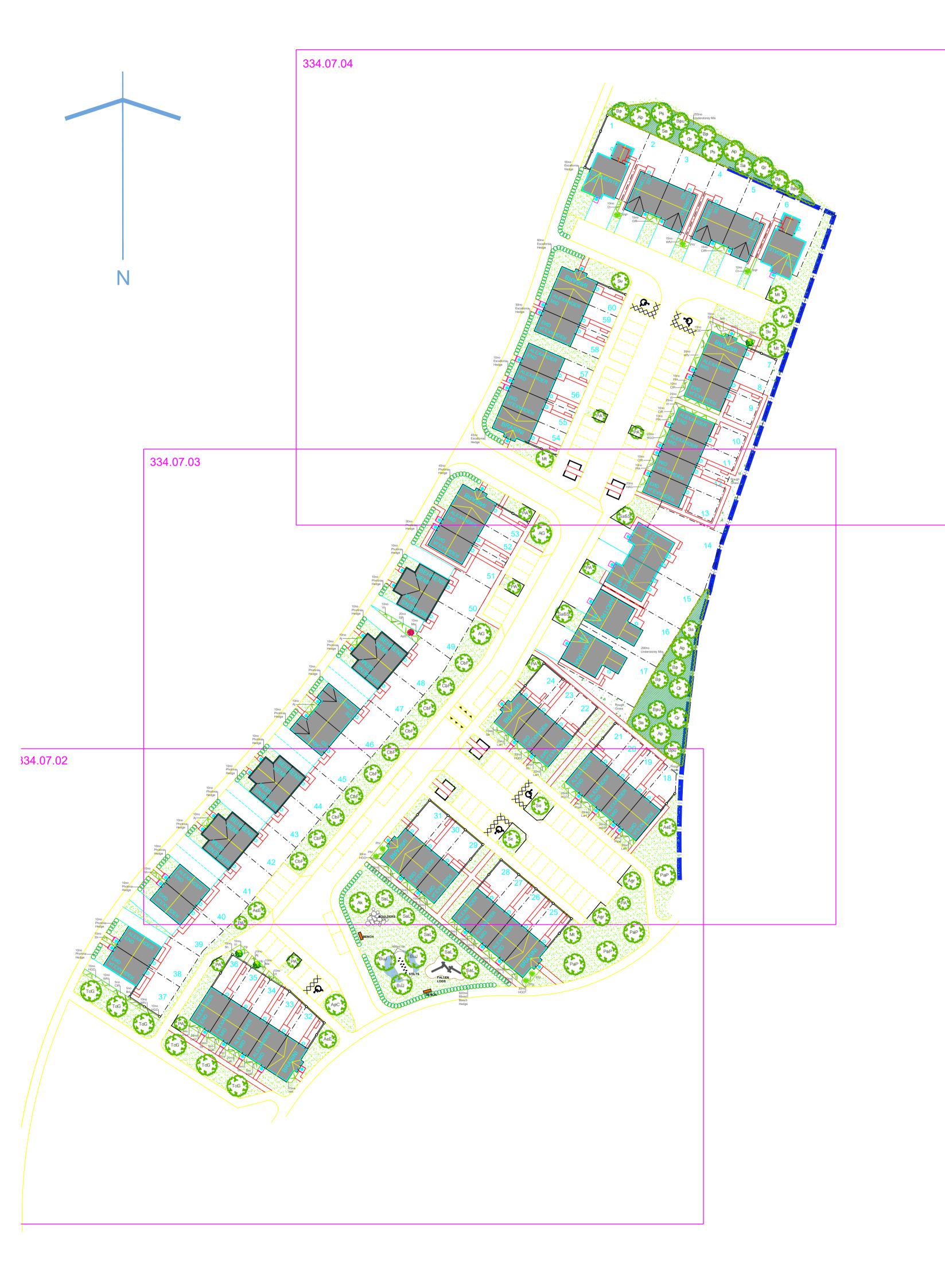
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 1106(PL)SL-02 Revision K – Site Layout Plan

Plan 2 - 334.07.01 Rev C - Landscaping Plan Plan 3 - 334.07.02 Rev C - Landscaping Plan Plan 4 - 334.07.03 Rev C - Landscaping Plan Plan 5 - 334.07.04 Rev C - Landscaping Plan

Plan 6 - 1106(PL)SL-07 Revision A - Street Elevations





#### **PLANTING SCHEDULE**

CARE SHOULD BE TAKEN TO ENSURE THAT ALL TREES ARE PLANTED A MINIMUM OF 1M AWAY FROM ALL FOOTPATHS AND SERVICE STRIPS.

These plants have been chosen taking into account the recommendations of the RHS Plant Selector. Where possible, plants which are particularly attractive to bees have been used.

#### PROPOSED TREES

	, , , , , , , , , , , , , , , , , , , ,	
Agr	Acer griseum (Paperbark Maple)	2no
Bpu	Betula pubescens (Downy Birch)	4no
Вр	Betula pendula (Silverbirch)	5no
VIt	Malus tschonoskii (Crab Apple)	4no
PA	Prunus 'Amanogawa' (Flag Pole Cherry)	11n
Sa	Sorbus aucuparia (Rowan)	4no
Sc	Sorbus commixta	2no
SaSS	Sorbus aucuparia 'Sheerwater Seedling' (Rowan)	2no
Sv	Sorbus vimorinii	2no

All of the above trees to be Standard (10-12cm girth) Single short-staked and root balled. Where trees are planted into turf, an area 1m dia, at the base of the tree, should be mounded and kept clear of weeds and grass and other deleterious

arorran.		
cE	Acer campestre 'Elegant' (Upright Field Maple)	3no
G	Acer 'Globosum' (Mophead Maple)	3no
рС	Acer platanoides 'Columnare' (Upright Norway Maple)	1no
р	Acer pseudoplatanus (Sycamore)	4no
uJ	Betula utilus 'Jacquemontii' (White Birch)	3no
bF	Carpinus betulus 'Frans Fontaine' (Fastigiate Hornbeam)	10no
aP	Prunus avium 'Plena' (Cherry)	4no
r	Quercus robur (Oak)	4no
aL	Sorbus aria 'Lutescens' (Whitebeam)	5no
:G	Tilia cordata 'Greenspire' (Fastigiate Lime)	6no

All of the above trees to be Extra Heavy Standard size (16 to 18cm girth) root balled and double short-staked.

k	Abies koreana (Korean Fir)	1no
S	Pinus sylvestris	2no

All of the above to be root-balled conifers (100-125cm height) double short staked.

OPOSED	SHRUB	S				
	Aucuba	japonica	'Crotonifolia'	30 to 40cm	3L	3

J	Aucuba japonica Grotoriilolla	30 to 400111 3L	3/111	40110
d	Buddleia davidii 'Black Knight'	40 to 60cm 3L	2/m²	5no
t	Choisya ternata 'Sundance'	30 to 40cm 3L	3/m²	20no
tR	Ceanothus thyrsiflorus			
	'Repens'	30 to 40cm 3L	4/m²	65no
GE	Elaeagnus x ebbingei			
	'Gilt Edge'	40 to 60cm 3L	3/m²	25no
AG	Hebe 'Autumn Glory'	30 to 40cm 3L	4/m²	20no
GO	Hebe 'Great Orme'	30 to 40cm 3L	4/m²	130no
Н	Hypericum 'Hidcote'	30 to 40cm 3L	5/m²	15no
аН	Lavandula angustifolia			
	'Hidcote'	20 to 30cm 3L	8/m²	200no
a	Mahonia aquifolium	40 to 60cm 3L	3/m²	20no
A	Potentilla fruiticosa			
	'Abbottswood'	30 to 40cm 3L	4/m²	100no
us	Prunus Iusitanica	40 to 60cm 3L	3/m²	20no
b	Spiraea x bumalda			
	'Anthony Waterer'	30 to 40cm 3L	4/m²	45no
h	Sarcococca hookeriana			
	'Humilis'	20 to 30cm 2L	4/m²	45no
F	Skimmia japonica 'Fragrans'	40 to 60cm 3L	3/m²	35no
t	Viburnum tinus 'Eve Price'	45 to 60cm 3L	3/m²	95no
fV	Weigela florida 'Variegata'	45 to 60cm 3L	4/m²	110no

## PROPOSED SPECIMEN SHRUBS

ApD Hp	Acer palmatum dissectum Hydrangea anomala	25L	as spec.	1no
	subsp. petiolaris	10L	as spec.	3no
PtP	Phormium tenax 'Purpureum'	20L	as spec.	2no
PtV	Phormium tenax 'Variegatum'	20L	as spec.	5no

# MIXED BEECH HEDGE (620no TOTAL)

Fagus sylvatica	60 to 80cm 1+2	310no
Fagus sylvatica 'Atropurpurea'	60 to 80cm 1+2	310no

Mixed Beech hedge is to be planted in two alternate rows at 300mm centres either side of a 900mm high post and wire fence, in alternating groups of 12 plants.

# **ESCALLONIA HEDGE**

Escallonia 'CF Ball'	40 to 60cm 3L	200no

Escallonia hedge is to be planted in one row, evenly spaced, at 300mm centres.

# **PHOTINIA HEDGE**

Photinia x fraseri 'Red Robin'	40 to 60cm 3L	215no

Photinia hedge is to be planted in one row, evenly spaced, at 300mm centres.

# **UNDERSTOREY MIX (545no)**

0	(0.101.0)			
30%	Crataegus monogyna( Hawthorn)	60 to 80cm	1+1	190n
15%	Sambucus nigra (Elder)	60 to 80cm	1+1	82no
15%	Viburnum opulus (Guelder Rose)	60 to 80cm	1+1	82no
10%	Cornus sanguinea( Dogwood)	60 to 80cm	1+1	55no
10%	Corylus avellana (Hazel)	60 to 80cm	1+1	55no
10%	Malus sylvestris(Crab Apple)	60 to 80cm	1+1	55no
5%	Rosa pimpinelifolia( Scotch Rose)	60 to 80cm	1+1	26no

Understorey mix is to be planted in groups of 5 to 10 at 1 per m<sup>2</sup>. All unprotected edges are to be enclosed with a 900mm high timber post and 3 wire fence.

Area is to be cultivated with a harrow, and plants are to be planted on top of the furrow.

# PROPOSED BULBS

**Hn** Hyacinthoides non-scripta

Randomly scatter the bulbs over prepared area at 25 per m<sup>2</sup> as per planting specification.

# PROPOSED AMENITY GRASS MIX

British Seed Houses A19 (Lawns and Landscaping) available from: http://www.bshamenity.com



# **ROOT BARRIER**

ReRoot 2000 (1.0mm thickness, 1000mm depth) available from Green Blue Urban or similar approved.

Root barrier to be put in place at points detailed to minimise any potential root growth on neighbouring driveways or roads following concerns raised by the Local Authority.



#### PLANTING SPECIFICATION

#### **GRASS MIX**

1. The grassed area is to be carefully checked to ensure that the soil is appropriate and free from rubble, stones, weeds and other deleterious material. If not appropriate, it should be replaced with quality material or the Landscape Architect should be advised.

#### (Note: It is the responsibility of the contractor to ensure that he is planting into the correct quality of material)

- 2. Where topsoil is to be added the subsoil should be fully broken up to ensure adequate drainage and a layer not less than 150mm deep
- 3. The topsoil should be cultivated to a fine, even tilth with no undulations or bumps.
- 4. All grass areas are to be turfed or seeded in accordance with guide-lines set out in BS 4428: Code of Practice for general landscape operations:
- 5. Front gardens are to be turfed with approved, good quality turves (unless otherwise specified). The soil shall be of loam texture and free from stones over 15mm in any one direction. Open spaces are to be either turfed or seeded, as specified, with an approved proprietary mix applicable to the location.

## SHRUBS

1. The whole planting bed is to be carefully set out and the soil checked to ensure that it meets the standards set out in BS 3882: 2015 Specification for Topsoil. If it does not it should be replaced with the appropriate quality material or the Landscape Architect must be

#### (Note: It is the responsibility of the contractor to ensure that he is planting into the correct quality of material)

- 2. If new topsoil is required the subsoil base should be fully broken up to ensure adequate drainage.
- 3. The bed should be inspected after the subsoil base is broken up and before topsoil cultivation for any signs of flooding. If there are signs and these cannot be resolved the Landscape Architect should be advised.

#### (Note: It is the responsibility of the contractor to ensure that he is not planting into a waterlogged bed)

- 4. Planting should not be undertaken below 2 degrees centigrade, or when the ground is snow covered or frozen.
- 5. The topsoil should be cultivated throughout the bed to a depth of 300mm. It should be left with a central ridge 150mm above the edges
- 6. When the bed has been fully cultivated and formed, planting holes shall be dug 150mm wider than the root spread. Bare-root plants shall have the roots carefully teased out and pot-grown plants shall have the roots carefully loosened from the soil. 2 to 2.5litres, depending on the size of the plant, of Fison's Peat-Free Planting Compost, or similar approved, shall be worked into the backfill. The plants shall be planted so that the finished topsoil level is at the nursery level on the stem of the
- 7. The plants shall be well firmed in and, after planting, a slow acting fertiliser shall be carefully worked into the top 50mm of soil round each plant taking care to avoid contact with the stem.
- 8. Immediately after planting the whole bed shall be well watered in.
- 9. All work shall be carried out in accordance with best horticultural practice.

#### TREES

- 1. Trees shall be planted at the appropriate season depending on root-grown or bare-root, and in line with BS 8545:2014 Trees: from nursery to independence in the landscape.
- 2. Tree pits are to be dug not less than 1m cube and not smaller than 250mm larger than the overall root spread. Care is to be taken to ensure that all sides are permeable and have not been "polished", and that all pits are free draining with 50mm of washed round pea gravel to the base of the tree pits.
- 3. A pressure-treated timber stake 75 x 75mm shall be used. It shall extend 500mm above the finished soil level, with a proprietary tie set 100mm below the top of the stake.
- 4. One tie shall be used on standard and feathered trees up to 2m high. Two will be required for Heavy and Extra-Heavy Standard trees up to 18cm girth. Above this three will be required unless an underground guying system is specified.
- 5. Backfill for the tree pits is to be 20% Peat-free Compost, Fison's or similar approved.
- 6. The backfill is to be a raised mound at the top with the centre 150mm above the edges. Care is to be taken to ensure that the finished backfill level is at the nursery level on the tree and that level is at the centre of the mound 150mm above the edges of the pit when the tree has been well firmed in.
- 7. On completion of the planting the tree shall be well watered in with not less than 10gallons of water. Thereafter it should be watered as required, following periods of any more than three consecutive hot, dry days, until the tree is fully established.

# **HEDGES**

- 1. Hedge planting should be as for the shrubs, set out above. However, the planting bed should be established by using the line of the hedge as the length. The width will be the planted line of the hedge plus 300mm either side. (ie a single line of hedge will be 600mm wide and a double, 500mm apart, will be 1100mm wide.
- 2. After achieving the correct quality topsoil and, with the base broken up, if topsoil is imported, the soil shall be cultivated to ensure a ridge, into which the hedge is planted, set 150mm above the edge of the bed.
- 3. Thereafter all of the above, fertiliser shall be applied and the hedge well
- 4. After planting the hedge should be trimmed back to an even line, to encourage growth, with the amount of trimming dependent on species.

# **UNDERSTOREY MIX**

1. The planting area shall be initially checked for quality of soil and risk of flooding. If there is a problem with either of these, remedial actions shall

(Note: It is the responsibility of the contractor to ensure that he is planting into the correct quality of material and not into waterlogged soil)

- 2. The area shall be cultivated either by harrowing to produce a series of ridge and furrows or by 'Spit and Place' to ensure a series of raised
- 3. The whips shall be placed at the higher point in each case.
- 4. All plants are to be staked and tied, and protected with a 600mm high Tubex Standard tree shelter.
- 5. Each plant is to be supported with a stake driven to a firm base, with a proprietary tie positioned at 500mm above ground, and with the stake a further 100mm above the tie. The tree should be planted ensuring that the stake will be on the windward side of the tree shelter. The tree shelter should then be carefully positioned over the tree, making sure not to damage the lateral branches and ensuring that the releasable ties slide over the stake. It should be pushed into the ground a minimum of 20mm. The thumb release ratchet ties should then be tightened to ensure that the tree shelter is firmly positioned. The tie end should then be tucked into the hole in the tree shelter.

# PLANTING SPECIFICATION FOR BULBS

- 1. The existing sub-soil base is to be cultivated to a depth of 300mm. All grass lumps, weeds, roots, stones greater than 45mm, bricks and other leterious material are to be removed from site.
- 2. Randomly scatter the bulbs over the prepared area at 25 per m². Soil is to be turned over or a corer used. Bulbs are to be planted the correct way up at a depth of 20 to 30 cm. Cover with soil or turf.

## **MAINTENANCE**

The developer will ensure, within the missives, that purchasers are responsible for common areas. On completion of the site, a Factor will be appointed who will assist in the establishment of a Residents' Association. The Residents' Association will thereafter ensure that the Factor organises the following maintenance regime:

a. Fine grass cut 16 times per year. b. All cuttings to be raked and removed from the site.

 a. Rough grass cut twice per year. b. All cuttings to be raked and removed from the site.

The objective is to provide a full even cover and prevent overcrowding. To that end the site should be inspected once per year by a suitably qualified horticulturalist and the following regime followed:

- a. The shrub beds shall be kept clear of weeds, either mechanically or by using an approved herbicide.
- b. Shrubs shall be pruned up to twice per year, in Spring and Autumn depending on the species, to maintain their natural shape and habit.
- Any damaged, diseased or broken branches should be removed. c. In the first five years all dead and dying shrubs should be replaced by
- shrubs of similar size and species to those originally planted d. From the second year beds should be inspected and thinned out where appropriate. Where suitable, these shrubs can be used to fill gaps in the planting area. Otherwise gaps should be in-filled with appropriate
- new plants as for 'e' above. e. After 10 years a systematic programme of replacement should be established.

Trees have been chosen for their appropriateness to their individual location. Pruning, other than for health and safety reasons, should not be necessary. They should, however, be inspected by a suitably qualified arboriculturalist

- a. An area 1m diameter at the base of the trees shall be kept clear of weed and grass either mechanically or by using an approved herbicide.
- b. Tree stakes and ties should be inspected 3 times per year (Autumn,
- Winter and Spring). c. All dead and diseased branches, or those broken due to malicious action or wind damage should be cleanly removed and the scar cleaned
- d. All trees which have been removed or which are found to be dying, severely diseased or damaged will be replaced by trees of similar size and species to those originally planted. These should be replaced as soon as seasonal weather conditions allow.

# Beech, Escallonia and Photinia hedges:

The objective is to produce a thick, healthy, impenetrable hedge. Pruning should be undertaken where necessary to achieve a neat and compact finish.

a. All hedge is to be pruned back to an even hedge line to encourage thickening twice within the first growing season after planting and twice a year thereafter.

# Hardsurface:

a. Six visits per year to remove weeds from shrub beds and between paviours and within other hard standing areas. All weeds are to be removed from the site. Where herbicides are used extreme care should be taken to avoid damage to surrounding grass, avoiding spray drift.

## Understorey Mix:

This has been designed to maintain a semi-natural, small-scale woodland cover. As the mix matures it should encourage regeneration and ecological diversity. Pruning should therefore be kept to a minimum.

- a. Understorey Mix is to be thinned once every five years for the first
- b. The ground at the base of the planting shall be kept clear of weeds, either mechanically or by use of an approved herbicide.

# NEW GRASS TURF/SEED

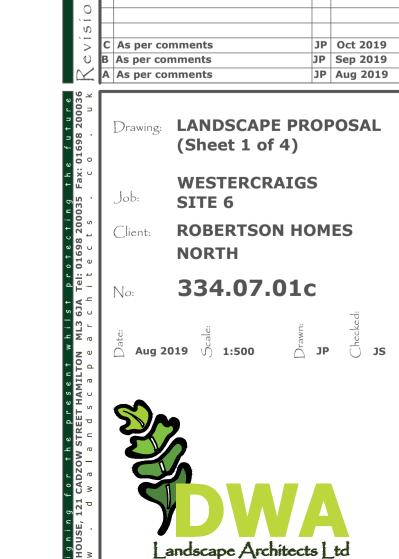
The areas delineated for new turf/seed are approximations for m<sup>2</sup>

Areas will be seeded/turfed AFTER the removal of existing deleterious plant and hardscape material, AND AFTER the installation of new bed configurations as per plan.

Where existing grass to remain has been disturbed and/or damaged through the improvement works, it is the contractors responsibility to level areas, replace turf and make good to a satisfactory condition.

Where new seeded/turfed areas are to tie into existing, it is the contractors responsibility to level ground accordingly and create a seamless blend as far

ALL seeding and turfing is to be carried out to the specifications set forth





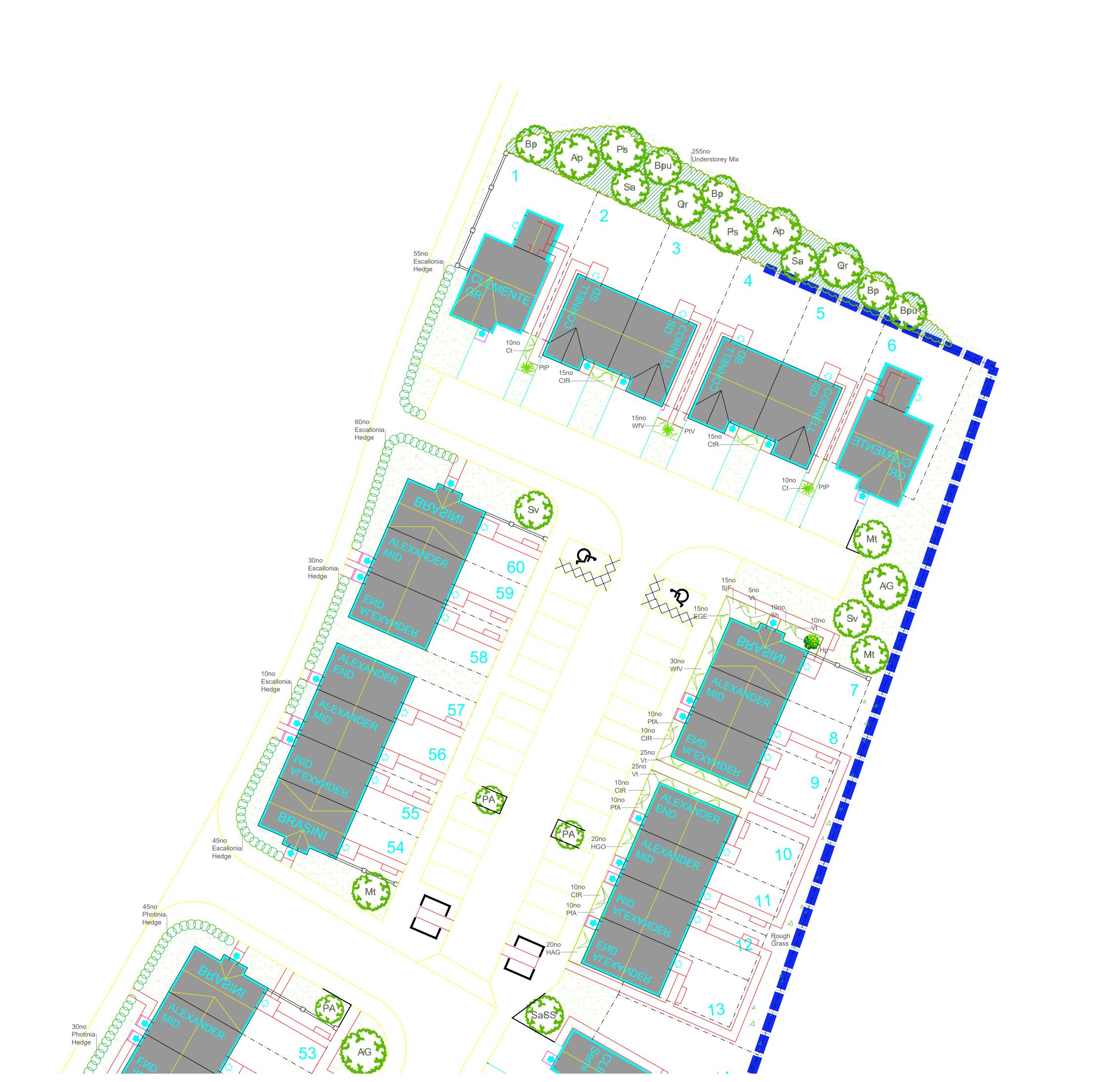
Available from Jupiter Play or similar approved.

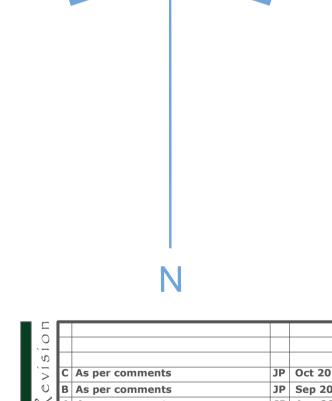
Landscape Architects Ltd

Timber Benches.

Available from Jupiter Play or similar approved.







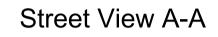
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# SITE 6, WESTERCRAIGS, INVERNESS





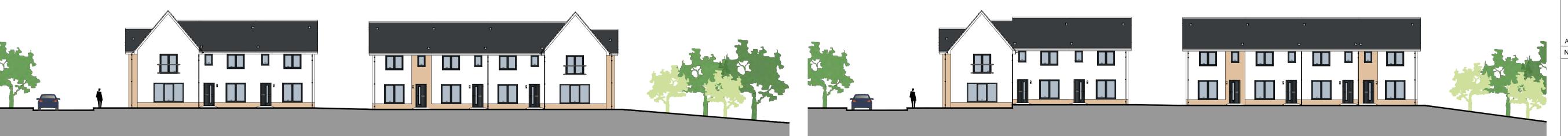




Street View A-A (contd)



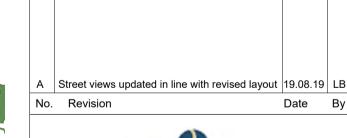
Street View B-B



Street View C-C



Street View E-E





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Project Title:

SITE 6

WESTERCRAIGS
INVERNESS

STREET VIEWS

| Scale: | Date: | JAN 19 | | Drawn: | Checked: | AS | AS |

Drawing No. 1106(PL)SL-07

A