



Notice of Intention by Allison Coard, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2222
- Site address: Land at Drum Farm, South of Fire Station, Drumnadrochit, IV63 6TG
- Appeal by Springfield Properties PLC against the decision by Highland Council
- Application 19/02761/FUL for planning permission dated 19 June 2019 refused by notice dated 16 December 2019
- The development proposed: Erection of 93 (including 24 affordable) homes including associated infrastructure
- Application drawings as listed in the schedule below
- Date of site visit by Reporter: 7 September 2020

Date of notice: 18 December 2020

Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission subject to the conditions listed below, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters listed in paragraph 64.

Preliminary

The council did not provide a screening opinion for the proposal. I issued a screening direction in accordance with Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 dated 29 October 2020. I concluded that the proposal is not an EIA development.

Reasoning

1. The development plan comprises the Highland-Wide Local Development Plan adopted in April 2012 and the Inner Moray Firth Local Development Plan adopted in June 2015. I am required to determine this appeal in accordance with the development plan unless other material considerations indicate otherwise. I am also required to have special regard to the desirability of preserving listed buildings or their setting and any special features of historic or architectural interest which they possess.

2. The main issues in this appeal having regard to the relevant provisions of the development plan are:



- principle of the development;
- density and phasing;
- layout and design;
- the approach to mixed use and master-planning;
- traffic and access;
- impact on the Category B Listed Glen Urquhart Secondary School and Schoolhouse;
- flood risk;
- natural heritage impacts;
- trees and landscaping; and
- developer contributions.

Principle of the Development

3. Policy 2 of the Highland Wide Local Development Plan ‘Delivering Development’ supports the development of large allocated sites subject to an appropriate masterplan, adequate infrastructure, services and facilities. The appeal site is within the village of Drumnadrochit to the south of the River Enrick. It is bounded to the west by the A82 which is a trunk road and major tourist route. There are residential properties and a bakery along Kilmore Road to the south and along Enrick Crescent. The proposal relates to the site identified for development of 55 homes, business, retail and community uses through proposal DR5 Drum Farm of the Inner Moray Firth Local Development Plan.

4. Paragraph 4.105 of the local development plan indicates the overall level of growth proposed for the village and the intention of creating a larger mixed used settlement to act as a hub for the Glenurquhart villages. It also references mitigation of the impact on the A82 and the protection of the integrity of the community through gradual phasing for the main development sites. In turn paragraph 4.107 references the need to make sure the village is not swamped by a surge of development and that the character and amenity of the village is maintained. Proposal DR5 relates specifically to the appeal site and requires a masterplan/design brief, phasing at a maximum of 10 housing units per year, a non-housing element within an initial phase, a high quality of landscaping and design, accessible green corridor retention and connection to the village path network. In addition a flood risk assessment is required recognising that this may impact on the developable area.

5. Housing development on this land is clearly supported by the development plan. However this current application increases the housing component to include 94 units and the mixed use component, whilst subject of the overall masterplan, is addressed through a separate application. That application, for a mixed use village core, is also at appeal under reference PPA-270-2223. Taken together the proposals extend the site area identified in the local development plan. In addition the proposed rate of build would be higher than that envisaged through Proposal DR5. So whilst my conclusion is that the principle of this proposal is supported its acceptability is subject to the detailed considerations set out below.

Density and Phasing

6. I note that Paragraph 2.12 of the Inner Moray Firth Local Development Plan states that planning applications are expected to be generally consistent with the indicative housing capacities specified. It goes onto state that a different capacity may be acceptable subject to detailed design that demonstrates efficient use of land and a satisfactory layout.

I return to the matter of layout and design below. However I accept that there is a degree of flexibility around capacity if it can be demonstrated that this extent of housing can be accommodated without compromising the wider objectives for the site.

7. The rate of delivery is highlighted in the local development plan as being an additional consideration and this is linked to the proposed phasing plan. Proposal DR5 references a maximum of 10 houses per annum in order to avoid over-whelming local infrastructure and to achieve community integration.

8. The appeal submissions include a phasing plan (Appendix 12) which indicates the development would consist of 4 phases, following a framework set out within the submitted Masterplan (Appendix 13) and the Design and Access Statement (Appendix 14). The plan appended to the council's report of handling and referenced as DR01-SL-PL-09 revision I is the overall layout and phasing scheme relevant to this appeal and the associated village core proposal. Drawing number DR01-SI-PL-03 Revision H shows the site layout and house types relative to this appeal. The first phase, amongst other things, would consist of 24 affordable homes and 11 private homes. The phasing plan controls the sequence of delivery rather than the rate of build.

9. Phase 1 of the development would include the access from the A82, the remote footpath/ cycle path, the stone dyke and, the majority of the planting throughout the site including along its northern boundary and the boundary with the non-housing area. The non-housing element would also be fully serviced.

10. The second phase of development would be focussed on the commercial elements of the proposal. The third phase would include 33 homes. The fourth phase would be for a further 25 homes. A total construction period of 6 years is anticipated. Overall the appellant indicates a rate of delivery of 15 units per year in the latter phases 3 and 4. However the approach as recommended in the council's report of handling, through proposed condition one, would enable the 24 affordable homes and 11 other houses to be delivered quicker. That said sales and demand considerations are likely to apply a staggered approach to this housing coming forward. The council's proposed condition only references control over the rate of development in phases 3 and 4.

11. The appellant makes the case that delivery of the development at a rate of 10 houses per year, as stated in Proposal DR5, is not financially viable. I accept that there are considerable front end costs associated with the delivery of this development and that there may be benefits in delivering the affordable housing earlier and quicker to meet identified need. On that basis the council's officers accepted the premise of an increased build rate and higher density of development. In response to my procedure notice the appellant states that the market need and demand in Drumnadrochit is for smaller, affordable dwelling units, not large houses.

12. In this regard the appellant states a 'large house' approach to development of the appeal site would not be commercially viable. Reliance on such an approach could result in a lack of delivery on the site but also elongate the construction and development process through poor sales figures. The proposed approach is stated to significantly reduce overheads by decreasing build duration by approximately two years. An added benefit of this approach is said to be the reduction in the general impact of construction work on the wider community.

13. I accept these points are not substantiated by detailed market information or financial details. However I understand that development viability would be influenced by the type, size and affordability of the proposed housing. I accept that larger houses and plots, at a density as originally envisaged, could occupy a similar building footprint to the currently proposed denser scheme. I am also aware this is a large site and that the efficient use of land is a legitimate planning objective as is the delivery of affordable housing. These objectives may be facilitated by smaller houses and plot sizes.

14. The council questions the “reasonableness of proposed phasing balanced against developer contributions towards infrastructure”. However the phasing and approach to conditions and infrastructure delivery does not suggest to me an unreasonable approach in this respect. Most of the costs are up front and delivery is not delayed by the phasing plan. A quicker rate of build would undoubtedly assist with project viability. That said I understand the council’s main objection relates to over-development of the site rather than simply to the proposed phasing.

15. I have considered community concerns about the rate of growth to ensure the village is not swamped by a surge in building. This objective is reflected in the terms of Proposal DR5. I appreciate the extent of change when considered alongside other recent proposals in the village and the impact of this on the local community. However the first phase of development would facilitate the second phase village core proposals and the subsequent build rate of 15 units per year is likely only to be an issue in the event that such growth could not be accommodated within the capacity of village services and facilities. I note the council has assumed completions at an average rate of 15 dwellings per annum overall and based school capacity assumptions around a maximum of 20 per year. I also consider that a shortened build period would serve to reduce the impacts of ongoing construction works for existing and new residents.

16. I have been directed to paragraphs 25 and 26 of an appeal decision in November 2014 (PPA-270-2105) (Appendix 49). I note the reporter in similar circumstances, found that site planning objectives would not be prejudiced by adopting some latitude on phasing and housing completions. I note this current appeal site has not been developed for 5 years and that it would deliver significant investment and new facilities to the village as supported by the development plan.

17. Drawing together the above I agree that a degree of flexibility can be applied to density and the rate of development particularly if this enables the potential of an allocated site to be realised. Nevertheless the acceptability of the proposed approach would still depend on avoiding over-development and achieving an appropriate layout and design in accordance with the development plan and the character and amenity of Drumnadrochit. As stated above it would also depend on the required services and facilities to accommodate such growth.

Design and Layout.

18. Proposal DR5 states that a high quality of design is required respecting the prominence of the site in the village and on a main tourist route. It should be set back from the A82 including a stone dyke and retention of public vistas and visual separation between settlements. Landscaping, green corridor connection and active travel linkages are also highlighted.

19. Policy 28: Sustainable Design of the Highland Wide Local Development Plan promotes the use of sites which are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity), accessible by public transport, cycling and walking as well as by car. Proposals should avoid negative impacts upon individual and community residential amenity and demonstrate sensitive siting and high quality design in keeping with local character and making use of appropriate materials. In addition proposals should: promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime; accommodate the needs of all sectors of the community including people with disabilities or other special needs; and contribute to the economic and social development of the community.

20. Policy 29: Design Quality and Place-Making requires new development to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located and to consider the incorporation of public art as a means of creating a distinct sense of place and identity. The associated Sustainable Design Supplementary Guidance draws heavily from the Scottish Government's policy on design and place-making – Creating Places, and Designing Streets – and requires proposals to consider and address the six qualities of successful places. These qualities are also reflected in the council's submitted extract from the Design Forum on Quality of Place for Housing.

21. A block layout structure is proposed to provide frontages to the main circulation routes within the site with emphasis on the frontage onto the main central green, which will form part of the green corridor through the site. The details include the stone dyke and usable open space principally in an area of central open space which includes a play area. A larger area of open space to the north would also be included which corresponds with the area at risk from flooding.

22. I note the council's appeal statement makes reference to a landscape set back of 35 metres from the A82 whereas the proposed area shows a depth of between 9-18 metres. It may be that the figure of 35 metres has been scaled from the local development plan proposals map. There is no specific reference elsewhere to this distance and it is not signposted in the text of Proposal DR5. As it stands the proposal shows a set back from the main road with landscaping and the required stone dyke feature. The appellant references other examples in the village where the requirement for a set-back has been similarly interpreted. I understand the scheme, when considered as a whole, would extend beyond the site boundaries established in the local development plan. I address that matter further in my decision on PPA-270-2223 where I conclude that the layout of the frontage responds appropriately to the objectives of Proposal DR5. In turn this achieves an increase in the developable area to secure the required mixed use and an increased affordable housing contribution.

23. I consider the significant open space provision (48% of the non-housing element and 53% of the residential portion) provides for generous open space and a publically accessible green corridor. This would maintain the visual separation referenced in the terms of Proposal DR5. The non-motorised connections run through the site to adjacent areas. These routes through landscaped corridors are an important part of the design layout. Whilst the community council point to the desirability of a potential future linkage to the Cobbs Bakery site this is not addressed in the current layout. However given the other connections proposed there is nothing to suggest to me that such a link would be a necessary requirement at this stage. The council are concerned that the grouping of

flatted properties and the associated parking would dominate the layout. However I consider this is mitigated by the overall layout, extent of open space and landscaping.

24. I understand the concerns of the community that the density and two storey design would not reflect that of adjacent development and would be too close to neighbouring housing particularly those at 3 and 5 Kilmore Road. The nature of the proposed housing in this location reduces the garden depth to 7 metres. The landscaping between the housing and the commercial use is also considered to be limited. The proposal indicates a density at 7.2 homes per acre which translates to 17.8 houses per hectare. The Kilmore Road development to the South East of the site is less dense at 6 homes per acre or 14.8 houses per hectare. The appellants quote development at Benleva with a higher density of 10 homes per acre which equates to 24.7 houses per hectare.

25. I appreciate that densities vary throughout the village but I do not consider the proposed density to be unusually high given the comparisons above. Whilst the site currently has a semi-rural character it is allocated in the local development plan for a mixed use development to become a residential and commercial area of the village. The extent of open space proposed is stated to be in excess of the council's guidelines. My conclusions above accept that smaller house sizes and plots would inevitably lead to a higher density of development if the allocated site is to be utilised efficiently. I note that some of the housing north of the central open space would be of single storey design and that this should assist in providing a less dense character.

26. I have considered the particular concerns raised regarding the two storey design, relationship and proximity of the proposed new housing close to the existing housing on Kilmore Road. These properties currently enjoy a semi-rural setting and a deeper landscaped buffer between the new housing and the properties on Kilmore Road may have helped retain that setting. However my conclusion is that the separation distances, given the depth of established gardens, would maintain acceptable privacy levels. In addition the orientation and design would prevent any over-shadowing or unacceptable loss of amenity. Planting is proposed along the boundary of plots 1-11, albeit within garden ground, along with further amenity planting along the footpath access.

27. The consequent relationship of houses and gardens would alter the current situation but would not be unusual in a village context. While I understand loss of view is of concern this is not a matter the planning system can generally address in so far as it applies to the enjoyment of a view from a particular property. I can only consider this matter in the wider context of overall amenity and landscape impact. In that respect I consider the layout would maintain an open aspect through corridors and spaces. It is not unusual in a village context for 2 storey houses to back onto areas where bungalows are more common. Consequently I do not consider that impact to be unacceptable or that it would have been appropriate to require the houses along this boundary to be of a bungalow design.

28. I am also aware of the relationship and orientation of the proposed housing on the eastern side of Old School Court and have considered the impact on the existing properties and gardens. However, whilst there may be some loss of daylight to a portion of garden ground the separation distances indicate this would be limited and again not unusual or unacceptable in a village context. Whilst the buffer between the commercial and residential uses on the north side of the proposed access is less substantial, than that to the south, I

consider the arrangement of the buildings road, parking and more limited landscaping would still enable a sufficient degree of separation between the uses.

29. The submitted architectural response (Appendix 50) references the character of Drumnadrochit in following a traditional understated palette of materials with variations of facade treatments, window colours and roof finishes. I consider the proposed design reflects this albeit in a modern and varied context by use of materials such as slate grey roofs and white dry dash. Features such as dormers and rendered panels would create variety and interest across the designs.

30. I note the differences in design between the private market housing and affordable housing. I consider that whilst the house types and layouts would inevitably be somewhat different an element of coherence in the overall layout and design is maintained. The fact that the affordable houses are larger with a more spacious layout and lower roof pitches reflects the variety found in most residential areas and within Drumnadrochit. The quality of materials should not be compromised and I do not consider the differences would lead to any detrimental impact on the overall scheme. Whilst the materials and colours of finishes are referenced there is a lack of any detailed specification. I agree with the council that this matter should be subject to further specification and approval. I consider this can be addressed through an appropriately worded condition.

31. From the above I appreciate there is some variation in terms of site boundaries and the footprint and layout from that indicated in the local development plan. However there is nothing that suggests to me that the layout and design are inappropriate in this location or that the design lacks a distinctive character appropriate to its context. I consider the proposal would achieve a safe and pleasant, welcoming and adaptable and resource efficient development that is not difficult to move around and beyond. The design and layout objectives set out in the local development plan would generally be achieved. Consequently I consider that compliance with proposal DR5 of the Inner Moray Firth Local Development Plan and with Policies 2, 28 and 29 of the Highland Wide Local Development Plan would be achieved in so far as these relate to layout and design.

Mixed Use and Master-planning

32. I recognise that delivery of the non-housing elements of proposal DR5 is an important objective. There is a requirement for any application to include a non-housing element which must be provided within an initial phase of development. Concern is expressed by the community council and others that the village core proposal is only speculative at this stage. Obtaining surety as to the delivery of the mixed use approach as indicated in Proposal DR5 is complicated given those other uses are addressed through a separate planning application which is now a separate appeal (PPA-270-2223).

33. I agree with the council that delivery of the mixed use development following the first phase of housing could be achieved by a suitably worded suspensive condition. This in itself would provide greater surety by placing emphasis on the delivery of the non-housing element before the remainder of the housing can commence. Circular 3/2012 on planning obligations and good neighbour agreements advises that legal agreements should not be used where a planning condition would achieve the same objective.

34. For this reason I queried the need for the two appeals to be tied through a legal agreement. In response the council provided a draft wording for such an agreement. The

council states the agreement would enable definition of the development overall and the phasing of development. It could then tie the delivery of the development within the non-housing permission to the delivery of a number of houses / phases within the housing permission.

35. Comparison of the terms of suggested condition one and the draft wording indicates an agreement could address a number of additional matters. It could include those plans relevant to both applications and the shared access arrangements. It would link both appeals to those plans including the overall phasing plan and the masterplan document. The plans relevant to both appeals are those referenced in the report of handling as Plans 1-6. The plans relevant to this appeal were confirmed by the council in response to my procedure notice as referenced in the schedule of plans below.

36. Drawing together the above I consider that the suggested condition one can provide assurance to address the delivery of the mixed use phase sequentially. However, a Section 75 agreement would be necessary to clarify the overall layout and to achieve a cohesive approach to development of the site overall. I note for instance that phase one as linked to this appeal would include the separate non-housing proposal being fully serviced. Such an agreement would provide a means of formally combining the considerations between the two appeals. Such a master-planned approach reflects the requirements of Proposal DR5 and Policy 2 as referenced above. Consequently, I consider this is a matter that should be addressed by agreement in accordance with the terms of Circular 3/2012 on planning obligations and good neighbour agreements. With such provision I consider that the requirements for mixed use and master-planning would be addressed.

Traffic and Access

37. Policy 77 of the Highland Wide Local Development is concerned with public access whilst Policy 56 on travel covers wider transport considerations. The submitted design and access statement shows how the layout and access proposals have evolved to focus access on a spine road from the A82 rather than to rely on secondary or other access from Kilmore Road which is more residential in nature. The appellant also proposes significant off-site road improvements including a new toucan crossing across the A82, a continuation of the footpath which runs alongside the A82 and new bus stops.

38. I note community concerns about the safety of an additional access onto the A82 and the traffic impacts of the proposal on the village. The appellant's Transport Assessment included assessment of the proposed development on the operation of the A82(T) and associated junctions. I find nothing to indicate the identified impacts would impact significantly on the capacity, efficiency or safe operation of the existing network subject to the mitigation outlined.

39. Transport Scotland's response requests that construction of the new ghost island right turn priority junction with the A82 should also be secured along with the proposed pedestrian accessibility improvements on the eastern side of the main road, the proposed Toucan pedestrian crossing and pedestrian refuge crossing and the proposed bus stops. Subject to these matters being addressed and secured prior to the occupation of any part of the development there is no objection from the Trunk Roads Authority.

40. Appendix 18 indicates the conclusions and actions from the Road Safety Audit. This clarifies a drawing referenced as 19044-008 Revision A which shows the footway provision

relative to the A82, the associated Toucan pedestrian crossing and pedestrian refuge crossing. I understand this was one of the matters raised by the community council. Taking into account the detail provided on that drawing I consider this provision could be secured by the relevant conditions as set out in the council's report of handling.

41. The council as roads authority require some additional conditions requiring details of the proposed gateway feature on the main spine road between the residential and commercial areas. Additional footpath links including a 2 metre footway in front of plots 23-37 are also required. In addition details are also requested for prior approval on the form of all necessary cycle parking along with bin storage and the drainage and landscaping treatment relative to the road network.

42. There is no dispute between parties around these issues and the proposed conditions. I consider these conditions would be necessary in order to secure road safety and accessibility. This would be in accordance with the relevant provisions of the development plan and with Scottish Planning Policy and the associated Planning Advice Note 75 on Planning for Transport. The council's proposed wording of the relevant conditions, in a suspensive form, would secure delivery of the identified mitigation works, prior to the occupation of any part of the development.

Heritage impacts

43. The former Glenurquhart Secondary School and Schoolhouse on Kilmore Road (now in residential use) is a Category B Listed Building on the boundary of the appeal site on Kilmore Road. The former school and schoolhouse have sandstone dressings and the windows, entrance detailing, garden walls, railings and gate piers are all mentioned in the description. The building dates to 1885 when it accommodated 233 children.

44. I consider the impact of the application proposals upon the listed building and its setting is limited to the relative location of the Active Travel Link and associated landscaping proposals. The existing mature trees in this vicinity contribute to this setting but I note these are in poor condition and that discussion has progressed on their potential removal as part of this scheme. My conclusions below indicate that those established trees, where capable of retention, should be considered as part of an integrated approach to landscaping of the site.

45. I note the proposed scheme of landscaping includes planting of a mix of 'select standard' trees and 'standard' trees within communal amenity grass areas through which the proposed active travel routes will pass. I consider that it would be important to retain a landscape setting in the vicinity of the listed building. Subject to the retention, where possible, of existing trees and the extent and nature of the proposed new landscaping my conclusion is that the listed building would be protected in accordance with the terms of the Act and the relevant development plan policies.

46. There are sites of archaeological interest recorded in the Highland Historic Environment Record within vicinity of the site. Consequently there is the potential for archaeological features to be present within the site. For these reasons I agree that an archaeological watching brief could be secured by condition.

Flood Risk

47. Taking into account the 1 in 200 year flood event scenario plus an allowance for climate change, the northern part of the site, outwith the developable area, (around 1.8ha) is stated to be at risk of fluvial flooding from the River Enrick. However, no occupied element of the development, housing or non-housing uses is proposed within the area identified as a 1 in 200 year (plus climate change) flood event. I note that neither SEPA nor the council's Flood Risk Management Team have objected to the application. An active travel route is proposed to cross the area at risk of flooding and I understand it would have to be designed appropriately and remain at existing ground levels to avoid any change to floodplain storage or conveyance. I consider that the finished level and construction detail of the path is a matter that could be secured by condition.

48. I have considered the representations that suggest proposals for development of the site should await implementation of the Drumnadrochit Flood Protection Scheme. This is suggested on the basis that it would free up additional land for development and enable the layout to be amended to shift house plots away from existing properties on Kilmore Road. From the submissions I understand that the council has progressed a Flood Protection Scheme to reduce the risk of flooding of residential and commercial properties within the village and that detailed design is progressing with anticipated completion by summer 2021.

49. Subject to other planning considerations, it may be that following implementation of the flood protection scheme more land at Drum Farm would be suitable for development than is currently the case. However I note the current scheme was designed to alleviate risk to existing properties. In any event I am obliged to assess this case on its merits and at this stage there is no detail of an alternative development footprint nor of its suitability in terms of future flood risk. I note that conditions are requested by the council to secure the final drainage design, including full network simulations for storms up to the 1 in 200 year plus climate change event. In terms of water and waste water provision, Scottish Water has not confirmed there is sufficient capacity in the network to serve the development as a whole. However I note that it is proposed that the existing combined sewer, located within Springfield land, would be upgraded to increase capacity as part of the delivery of onsite development infrastructure. With these provisions there would be no conflict with Policy 64 of the Highland Wide Local Development Plan which applies to Flood Risk.

Natural Heritage

50. There are no natural heritage designations on the site. Urquhart Bay Wood Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are located to the north east of the application site. There is hydrological connectivity between the application site and the designated sites. The Loch Ness and Duntelchaig Special Landscape Area (SLA) lies over 900 metres east of the application site at nearest points. However no issues are raised suggesting any likely significant effects on these interests. Avoidance of the flood risk area along with drainage provision connecting to the sewer is considered to avoid any likely significant impact in relation to hydrological connectivity. For these reasons my conclusion is that Appropriate Assessment under the terms of the Habitat (Scotland) Regulations 1994 would not be required.

51. Policy 58 of the Highland Wide Local Development Plan and the associated Supplementary Guidance March 2013 are concerned with Protected Species. An ecological walkover survey has been submitted and no direct evidence was found.

However, it noted a number of mature trees on the southern boundary have features suitable for bats including cavities and flaking bark. The survey references the need for a Stage 2 bat survey should felling or heavy pruning of these trees be required to accommodate the proposals. If bats or their roosts were to be found a derogation licence from SNH will be required for works which may impact on bats or their roosts prior to works commencing.

52. Given the consultation responses indicated a potential lack of survey work to address the issue of bats I sought further information on this matter with reference to paragraph 214 of Scottish Planning Policy and the terms of the local development plan. Scottish Planning Policy states that where there is evidence of protected species steps should be taken to establish their presence and that such matters must be considered prior to the determination of the application.

53. This further information clarified that the walkover survey was carried out in 2017 so an update would now be required prior to the commencement of development. However, I understand that whilst trees are identified for felling this reflects their current condition rather than a necessity arising from the developable area or works proposed to accommodate the scheme. So whilst I can understand that felling of diseased trees would be a desirable outcome there is nothing to suggest this is necessary immediately in order to allow the development to proceed.

54. In that context I consider that no tree felling should proceed or be authorised in advance of the required Stage 2 survey work. However I am content, in the particular circumstances of this case, that this could be addressed through a slight amendment to the council's proposed conditions. With such provision I consider that compliance with Policy 58 and the terms of Scottish Planning Policy can be achieved as any felling of the relevant trees would be prevented until this matter was addressed. In addition I note that the proposed pre-commencement surveys, any consequent protection and mitigation and provision to halt the works are also matters to be addressed in the proposed condition requiring a Construction Environmental Management Plan.

55. There is evidence of badgers commuting through the site on the southern boundary under the stock fence. However it is stated that these animals are likely to be foraging within the field for earthworms. There is no evidence of setts within or adjacent to the site. There was some recognised potential for ground nesting birds and a recommendation to avoid site clearance work April through to August or otherwise carry out further pre commencement surveys. Again I consider these are matters that can be appropriately addressed through conditions and that subject to compliance consistency with Policy 58, its associated guidance and the relevant aspects of Scottish Planning Policy would be achieved.

Trees and Landscaping

56. Policy 51 (Trees and Development) of the Highland Wide Local Development Plan states that 'The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites.' I note there are only a few trees but that most of these are large and prominent with a number of elm trees around Old School Court. The consultation response from the council's forestry officer notes many of these elms are infected with Dutch elm disease. There are a number of other trees just outwith the southern and eastern boundaries of the site.

57. Section 194 (Policy Principles) of Scottish Planning Policy (June 2014) states that the planning system should... 'protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value.'

58. The appellant's submissions include a Tree Constraints Plan, an Arboricultural Impact Assessment/ Method Statement, Tree Protection Plan, a set of three Landscape Plans, Site Layout Phasing Plan and a Landscape Schedule. The Landscape Plans show the proposed planting of 13 heavy standards, 22 select standards, 104 standards, 38 half-standards and 7500 hedge plants. I consider this is a relatively extensive level of landscaping and that this will be important to integrate the site within the village particularly as the planting becomes more established over time. However notwithstanding the detail provided, confirmation of the timing and detail of planting would be required. The submissions indicate the following mature trees within the site: 7 Wych Elm, 2 Ash and 2 Sycamore.

59. As confirmed in the appellant's response to my procedure notice no direct loss of trees is associated with the development. However, the council's forestry officer recommended that 6 trees adjacent to Old School Court should be removed. They are either currently posing a risk to adjacent properties, or are showing symptoms of Dutch Elm disease and have a very limited life expectancy. It was consequently recommend that trees T401, T402, T405, T406, T407 and T408 (all Wych Elm) are removed because of poor structural or physiological condition. However, as stated these works are not directly required to enable the development to proceed and the proposed felling is stated to respond to the request by residents of Old School Court.

60. There is nothing to suggest that the stated risk to property would be directly attributable to this proposal or that such felling need be advanced ahead of any construction on site. The applicant indicates the diseased trees could simply be retained. However the submissions on their condition, the need for an integrated approach to landscaping and boundary treatment and the references to potential risk to property indicate that this is a matter that should be addressed prior to occupation of any new housing. Details of any such felling should clearly respond to any findings and consequent recommended mitigation arising from the pre-commencement bat survey referenced above. I consider these matters can be addressed through some minor revision to the council's proposed conditions. This would prevent any tree felling subject to further details of the trees to be lost and to the completion and due consideration of the required stage 2 bat survey work.

61. In terms of direct damage, the distances between the proposed development and the trees which are to be retained would be sufficient to allow root growth without causing damage to the building structures. Protection measures can be secured through conditions. Given the layout of the site, I do not consider the retained trees would present a significant nuisance.

62. Taking all of that into account and notwithstanding the details already submitted I consider the council's suggested conditions enable further detail of the proposed landscaping proposals and approach to any tree felling on the site to be considered. This also enables a condition corresponding to my conclusions above preventing felling of any of the identified trees prior to the referenced stage 2 survey being carried out. A slight amendment to the council's proposed conditions is required to secure this.

63. Subject to conditions requiring the approval of further details I consider the submitted information demonstrates that a high quality landscaping scheme can be secured in accordance with Proposal DR5 of the Inner Moray Firth Local Development Plan and Policy 51 of the Highland Wide Local Development Plan.

Developer Contributions

64. Policy 31 (Developer Contributions) requires all developments to make appropriate contribution towards improved public services. The following matters are indicated by the council to be addressed through a planning agreement in the event this appeal is successful:

- a) contributions towards a major extension at Glenurquhart Primary School;
- b) delivery of the proposed affordable housing on site;
- c) contributions towards provision of a pedestrian crossing across the A82 (T) in the vicinity of the Health Centre;
- d) tying together the proposals subject of the two planning appeals (PPA-270-2223 and this appeal PPA-270-2222) to secure development in accordance with the single overall Phasing Plan and Masterplan including the non-housing uses to be delivered as Phase 2 of 4 (as referenced above).

65. I understand the development is located within the Glenurquhart Primary School Catchment Area and the High School Catchment Area. Glenurquhart Primary, overall, has a capacity of 150 pupils and current roll of 117 pupils with the school operating at 78% capacity, as indicated in the latest 2018/19 School Roll Forecasts (as updated March 2019). In previous School Roll Forecasts the capacity had been identified as 175 pupils; however, the school has had to provide a dedicated Additional Support Needs space for the first time (i.e. setting aside for that purpose a classroom that was previously available for general class teaching). As a consequence of this the council states that the relevant school capacity figure, as the basis for assessing developer contribution requirements, has reduced by one classroom to 150 pupils.

66. The site was identified in the School Roll Forecast but only on the assumption of the indicated capacity of 55 homes within the forecast period. On that basis the current Inner Moray Firth Delivery Programme (March 2019) indicated that all housing development within the Glenurquhart Primary school catchment would be required to contribute at '2 classroom extension' rates. However the School Roll Forecast has now been re-run to include the whole of the proposed development of 93 homes.

67. This is forecast to increase the school roll above the 90% capacity threshold set out in the Developer Contributions Supplementary Guidance by 2018. It is then forecast to rise in 2021/22 to 97% and to continue to rise to a high of 182 pupils in 2027/28 and remain at that level for the rest of the forecasting period. Whilst that is higher than originally anticipated it would trigger the same '2 classroom extension' rates. Nevertheless further constraints have been identified in this case given the Gaelic Medium provision at this school. This places extra demands on school capacity and space as set out in the council's report of handling. Consequently in this case a higher contribution based on major extension rates is sought by the council to address the education impacts of this proposal.

68. Whilst the above represents some departure from the council's published approach I am satisfied that in the particular circumstances described the higher contribution would be justified and in accordance with the terms of Circular 3/2012 on planning obligations and good neighbour developments. Given current capacity at Glenurquhart High School the 90% capacity threshold set out in the Supplementary Guidance is not reached at all during the forecasting period. Under the terms of the Supplementary Guidance, no secondary school contribution is required.

69. With regards to affordable housing the proposal is to provide for the on-site delivery of 24 affordable homes in the first phase. I consider this to be in accordance with the terms of Policy 32 on affordable housing. These would be provided through a registered social landowner with whom a mix of house types has been agreed including reducing the number of 1 bedroom flats and 2 bedroom semi-detached bungalows whilst increasing the number of 3 bedroom semi-detached houses and adding a fully wheelchair-accessible 3 bedroom bungalow.

70. I understand this provision would meet a recognised acute shortfall in such accommodation as identified in The Highland Council's Local Housing Strategy. In that respect it is notable that the higher density of housing proposed would in turn achieve delivery of more affordable housing. I agree that this benefit is a material consideration in this case.

71. I note concerns have been raised in relation to the capacity of healthcare facilities, shops, emergency services and postal services. However, this is a site identified for development through the local development plan. The delivery of such facilities is largely outwith the control of the planning system and the council has not identified any specific deficiencies in other facilities through its local development plan. Nevertheless the delivery of a mix of uses on the site should help to address this matter to some extent. An increase in population can also help support existing facilities and encourage new provision. I have already addressed above the matter of linking this appeal to that for the village core proposals in order to secure delivery of the required mixed use approach.

72. The submitted development plan team response dated October 2019 details the amounts of the financial contributions based on the education assumptions above. In addition a financial contribution at a rate of £515 per dwelling is sought to a pedestrian crossing in the vicinity of the health centre over and above the transport infrastructure to be delivered as part of the development. This is part of the package of measures to secure safe pedestrian linkages beyond the site. Drawing together all of the above my conclusion is that the matters indicated in paragraph 64 above require to be addressed in accordance with Policy 31 and the terms of Circular 3/2012 on planning obligations and good neighbour agreements.

Other Matters

73. There were also concerns raised over the suitability of drainage provision. In that respect I note the existing combined sewer, located within Springfield land, would be upgraded to increase capacity as part of the delivery of onsite development infrastructure.

74. A number of concerns are raised in relation to amenity including the impacts during construction. In relation to construction impacts these would be short term in nature during the build phases for the site as a whole. As development progresses amenity consideration

would also apply to new residents in the initial housing phases. However I note the terms of the council's proposed condition requiring the prior submission of a construction environmental management plan which would control matters including noise and dust impacts. The appropriate phasing of development should also help to address any associated impacts. I note the provision within the council's proposed conditions for community liaison to be established by the applicant and agree this would be a sensible addition given the scale of this proposal and its location within the village. Other concerns raised are addressed under the relevant headings in my conclusions above.

75. I can appreciate some frustration that the submitted scheme differs to an extent from that outlined in the local development plan and what the community may have envisaged in that context. I note the comparison made with the proposals by Loch Ness Homes (Proposal DR6). However no scheme is directly comparable. My conclusion above is that the local development plan allows some flexibility and that the proposal enables the proposed mixed use approach, significant investment and the delivery of housing including affordable housing. I have not found the proposal to be unacceptable in terms of its identified impacts. Nor have I found that it would compromise the design and other objectives for the site. Other issues are raised about the extent of property on the market and the impact on house prices but these are not land use planning considerations that would influence this decision. Whilst I note the reference to allotment provision the site is identified for housing and mixed use development in the local development plan.

Conclusion

76. For the reasons stated above I consider that despite the proposed increase in housing and build rate from that set out in Proposal DR5 some flexibility is warranted in this case. The development plan makes provision for such flexibility and I find that policy compliance is otherwise demonstrated. Consequently I consider the proposal achieves compliance overall with the development plan subject to the appropriate conditions and legal agreement. I find no other consideration sufficient to indicate that the appeal should be dismissed. In reaching this conclusion I have paid special regard to the desirability of preserving the setting of the listed building.

77. A planning obligation restricting or regulating the development or use of the land should be completed in order to address the timing and relationship with the associated village core proposals. This should also address the education, roads and affordable housing requirements referenced in paragraph 64 above. I will accordingly defer determination of this appeal for a slightly extended period of up to 14 weeks to take account of the holiday period. This should enable the relevant planning obligation or some suitable alternative arrangement (as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 14 week period, a copy of the relevant obligation, with evidence of registration or recording, has not been submitted I will consider whether planning permission should be refused or granted.

Allison Coard

Reporter

Schedule of Plans

Location Plan	000002	24.09.2019
Site Layout Plan	000003	24.09.2019
General Plan	000004	24.09.2019
Landscaping Phasing Plan	000005	29.09.2019
Landscaping Plans	000006,7,8	29.09.2019
Floor/elevation plans	2016 AA 901 Revision B, BB 901, BE 901 Revision A, CS CS 901 Revision B, DD901 Revision A, EB901, EBB901 Revision A, DR01-ALVIE-01 A, DR01-BRADAN-SE-MI-01 Revision A, DR01-BRADAN-TE-R-01 Revision A	19.06.2019
Floor/elevation plans	2018 Albyn YTYP-E-AS-PL-01	24.9.2019
Floor Plan	DR01-CARBETH-T ER01 Revision A	19.06.2019
Elevations	DR01-CARBETH ER02 Revision A	19.06.2019
Floor/elevation plans	DR01-CARBETH SEMI 01 Revision A DR01- DRUMELIE AS Revision A DR01- DRUMELIE OP Revision A	19.06.2019
Location Plan	DR01 LP PL01 Revision C	01.07.2019
Landscaping Plan	DR01 PL 05 Revision A	19.06.2019
Existing Site Layout Plan	DR01 SL PL 02 Revision C	01.07.2019
Site Layout Plans	DR01 SL PL 03 Revision H DR01 SL PL 04 Revision I	23.09.2019
Site Layout Plan	DR01 SL PL 09 Revision I	25.09.2019
Section Plan	DR5 BINSTORE 01	19.06.2019
Road Layout Plan	DRUM-ENG-007 Revision I	07.10.2019
Site Layout Plans	DRUM-ENG-002 Revision C	07.10.2019
	DRUM-ENG-007 Revision G DRUM-ENG-008 Revision G DRUM-ENG-009 Revision C	30.09.2019
General Plan	DRUM-ENG-012	24.09.2019
Road Layout Plan	SR01-SL-PL-06 Revision H	19.06.2019
Road Adoption Plan	DRUM-ENG-011 Revision A	23.09.2019

Tree Protection Plan	000001	10.08.2019
Vehicle Swept Path	DRUM-ENG-REFUGE Revision E	23.09.2019
Road Layout Plan	DR01-SL-PL-06	24.09.2019

Schedule of Proposed Conditions

1. Planning Permission is hereby granted for 93 residential units to be developed in accordance with the Master Plan hereby approved in four sequential phases. No development shall commence until a phasing plan has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the plan shall include the following provisions:

- Delivery of all affordable housing identified within Phase 1 of the development;
- No delivery of development in Phases 3, or 4 until Phases 1 and 2 have been completed; and
- An average completion rate of 15 units per year in Phases 3 and 4.

The development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority. A Sub-Phase means any part of any Phase of Development.

Reason: To ensure that the development proceeds in an appropriate phased manner and to secure delivery of non-housing uses in accordance with Proposal DR5 of the Inner Moray Firth Area Local Development Plan.

2. No development shall commence until a detailed Access Management Plan for public access across the site (as existing, during and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

i. 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;

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

iii. All paths, tracks and other routes for use by walkers, riders, cyclists and any other relevant outdoor access enhancements inclusive of all paths connecting outwith the boundary of the development connected to existing paths outwith the development without impediment (including construction specifications, any measures for deterring use by motorised vehicles, signage, information leaflets, proposals for ongoing maintenance etc.). For the avoidance of doubt this shall include:

- the removal of any signs or gates deterring access to the farm track near the fire station;

- specification of the proposed path through the floodplain open space to be 3m wide, bitmac and lit with associated drainage;
- specifications for the other paths including their widths, including the difference between the 3m Asphalt Cycleway and 2m Asphalt Footpath;
- removal of the gate from the green corridor onto Kilmore Road;
- details of the junction, inclusive of any barrier, of the active travel link onto Kilmore Road;
- no pathside fences greater than 1.2m;
- the path within the flood plain is at ground level; and
- inclusion of a 2m wide asphalt path, between the parking / nearby housing areas around the southern end of the 'village core' development and the proposed crossing on the A82(T) in the vicinity of the Café and Taigh Anns A Choille. These paths shall be delivered and provided without impediment.

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

Thereafter the approved Access Management Plan shall be implemented.

Reason: To safeguard and maximise the opportunities for continued public access in and around the development site in accordance with Policy 77 of the Highland Wide Local Development Plan.

3. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, 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.

4. 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 (inclusive of waterbodies);

- 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;
 - 1) Drainage and sediment management measures from all construction areas; and
 - 2) 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.

5. 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. provision for all construction access being taken via the proposed site access as shown on the approved site layout;
- 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 where appropriate 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 identified 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.

6. Notwithstanding the details submitted no development shall commence or tree felling be undertaken until the following details of hard and soft landscaping have been submitted to, and approved in writing by, the Planning Authority:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan confirming any trees to be felled subject to compliance with condition 22 on protected species along with the 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 and equipped 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.

Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

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 and to secure the protection of natural heritage in accordance with condition 22.

- 7. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement demonstrating compliance with conditions 6 and 22 and including a programme of supervision, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction), has been submitted to and subsequently approved in writing by the planning authority.

Thereafter the approved details shall be implemented.

Reason: To ensure the protection of retained trees during construction and thereafter and to protect the natural heritage of the area in accordance with Condition 22.

- 8. 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.

- 9. 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 Conditions 6 and 7 are 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.

10. 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 4, or any superseding guidance prevailing at the time and include details of the surface water drainage for the site) have been submitted to, and approved in writing by, the Planning Authority. The submission shall be supported by a revised Drainage Impact Assessment and Flood Risk Assessment (inclusive of any revised modelling) to ensure the final design does not have an adverse impact on the established principles of flood risk and drainage established through this application. 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.

11. 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 10 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.

12. 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.

13. 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.

14. Prior to the first occupation of each house or flat within the development car parking spaces (inclusive of disabled 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.

15. 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

16. 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.

17. 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.

18. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils (Glenurquhart Community Council) unless otherwise agreed in writing by the Planning Authority. The group shall act as a vehicle for the community to be kept informed

of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing and type of development within future development phases. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is occupied.

Reason: To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures throughout the construction period

19. No development shall commence on each phase or sub phase until the materials to be used in external finishes (including but not limited to finishes of walls, roofs, rainwater goods, windows and doors) of any and all built structures (inclusive of houses, flats, cycle stores and bin stores), have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that these matters can be considered in detail to ensure the character and identity of the development.

20. No development shall commence until a scheme for the delivery of the following mitigation, in line with timescales for delivery set out in this condition, and detailed design of the mitigation has been submitted to and approved in writing by the Planning Authority:

- a) a scheme for the location, design and installation of a gateway feature on the main spine road between the residential and commercial areas to the specifications and standards set out by The Highland Council. Thereafter, the scheme shall be implemented before occupation of any units within the development;
- b) A scheme for the delivery of a footpath between units 23-27 within the development. Thereafter the scheme shall be implemented prior to occupation of units 23-27;
- c) A scheme for the provision of a footway connecting from the internal footpath network in the development to the existing footpaths to the north and south of the site adjacent to the A82 (T). Thereafter, the approved scheme shall be implemented prior to the occupation of any residential unit within the development;
- d) a scheme for the design and implementation of safe routes to school, to Glenurquhart Primary School within the site connecting to existing safe routes to school outwith the site. This shall include provision of a pedestrian crossing of A82 (T). The agreed scheme shall be implemented prior to occupation of any residential unit within the development.
- e) A scheme for the provision of bus stops, inclusive of new bus shelters. The agreed scheme shall be implemented prior to occupation of any residential unit within the development.

Prior to the submission of any of the proposed schemes set out in points a-d Glenurquhart Community Council shall have a minimum of 14 days to provide comment on the proposed schemes. The developer will be required to submit a report outlining any comments received by the Community Council and how they have been taken into consideration in the formulation of the submitted schemes.

Reason: To ensure that the consequences for the local road network and pedestrian safety as a result of traffic from the proposed development are addressed.

21. No residential dwelling shall be occupied until Traffic Regulation Order(s), limiting the speed of traffic on all roads, within the development, to no more than 20mph, have been submitted to and approved in writing by the Roads Authority, unless otherwise agreed in

writing by the Planning Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall delivered by the developer.

Reason: In the interests of safety of all road users in the residential development.

22. No development shall commence nor any tree felling approved pursuant of conditions 6 and 7 until a pre-commencement protected species survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. This shall include a Stage 2 bat survey and camera trap surveys of badger sets. The survey shall cover the whole application site and a 50 metre area around the application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work including the details of any required tree felling shall only progress in accordance with any mitigation measures contained within the approved report(s) of survey and the timescales contained therein.

Reason: To protect the natural heritage of the area in accordance with Policy 58 of the Highland Wide Local Development Plan.

23. No part of the development shall be occupied until the emergency access for the site and the maintenance access to the Sustainable Drainage System Basin has been formed and connected to Kilmore Road. This access shall be delivered and provided without impediment.

Reason: In the interests of timeous provision of emergency and drainage maintenance access.

24. Prior to the occupation of any part of the development hereby permitted, the new ghost island right turn priority junction with the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

25. Prior to occupation of any part of the development hereby permitted, the proposed pedestrian accessibility improvements on the eastern side of the A82 (T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

26. Prior to occupation of any part of the development hereby permitted, the proposed Toucan pedestrian crossing and pedestrian refuge crossing on the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

27. Prior to occupation of any part of the development hereby permitted, the proposed bus stops on the A82(T), generally as illustrated on ECS Transport Planning Ltd's Drawing No. 19044_008 Rev. A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.