Agenda Item	6.3
Report No	PLS-057-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 17 August 2021

Report Title: 21/01018/FUL: Springfield Properties PLC

Land To South Of Nairn Road, Ardersier

Report By: Area Planning Manager South

Purpose/Executive Summary

Description: Remix of house types in sub-phases B, C and D for a total of 66 homes

previously granted planning permission under 18/03073/FUL

Ward: 17 – Culloden and Ardersier

Development category: Major

Reason referred to Committee: 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 **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks planning permission for a change in house types on 66 of the plots within phases B, C and D of the development granted planning permission under reference 18/03073/FUL. In doing so it reduces the overall number of residential units on the site from 117 down to 110. This application therefore comprises of:
 - 28 x 2 Bedroom flats
 - 27 x 3 Bedroom houses
 - 11 x 4 Bedroom houses
- 1.2 Access to the site would be via Connage Crescent and Fettes Road, both of which connect to Nairn Road. A path runs to the east of the site along the dismantled railway.
- 1.3 It is understood that the applicant made the community aware of the changes to the proposal via the Community Liaison Group which was a condition of the original planning permission for site.
- 1.4 The application has been supported by details of:
 - Material finishes:
 - Roads hierarchy:
 - Waste management;
 - Drainage; and
 - Road layout.
- 1.5 Since the application was validated a number of modifications have been made to address concerns from Transport Planning related to the proximity of parking to junctions including:
 - Revision of boundary treatments;
 - Modification of driveway locations; and
 - Provision of safety zones for disabled parking spaces.

2. SITE DESCRIPTION

- 2.1 The development of the wider site has commenced with the installation of infrastructure and erection of units within the first phase of the development. Prior to development commencing the site comprised an area of agricultural ground to the rear of Connage Place, Connage Crescent, Campbelltown and Fettes Road. Milton of Connage Farm is located to the west with the site boundary at the south being defined by the Ardersier Burn. To the east lies a raised beach where the there is a remote path on the route of the disused railway which can link into the village.
- 2.2 Access to the site would continue to be via Connage Crescent and Fettes Road which both connect onto Nairn Road before utilising the local road network to the A96(T).
- 2.3 There are no natural or cultural heritage designations covering the site. There are sites of archaeological interest recorded in the Highland Historic Environment

Record within vicinity of the site. The site has connectivity to the Moray Firth Special Area of Conservation, Inner Moray Firth Special Protection Area / Ramsar site, Moray Firth Proposed Special Area of Conservation and is in proximity of the Ardersier Glacial Deposits Site of Special Scientific Interest.

2.4 The application site is not covered by any international, national, regional or local landscape designations. The site lies within the Coastal Farmlands - Moray & Nairn Landscape Character Type (LCT) as identified in the national landscape character assessment published by NatureScot (2019).

3. PLANNING HISTORY

3.1	6 Dec 2019	18/03073/FUL - associated works		of 117	houses &	Planning Permission Granted
3.2	24 August 2018	17/04393/PAN development	- AR2	for	residential	Case Closed
3.3	12 July 2012	07/01094/OUTIN (114 Units)	- Reside	ential de	evelopment	Case Closed

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 and Unknown Neighbour

Date Advertised: 19.03.2021

Representation deadline: 02.04.2021

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

- 5.1 Ardersier and Petty Community Council did not respond to the consultation.
- 5.3 **Access Officer** does not object to the application as he considers the proposal has little impact on the agreed access management plan for the site.
- 5.2 **Contaminated Land** do not object to the application.
- 5.3 **Environmental Health Officer** does not object to the application. He sets out that planning conditions are not used to control the impact of construction noise and that this would be controlled via powers under the Control of Pollution Act.
- 5.4 **Flood Risk Management Team** do not object to the application and requests that the drainage conditions attached to the original planning permission be applied.
- 5.5 **Forestry Officer** does not object to the application. He notes that there are no mature trees on or adjacent to the site which might be affect by the proposals and he has no concerns over the landscape plans provided.

- 5.6 **Historic Environment Team** do not object to the application. It notes that archaeological work for this site has been completed and no further work would be required as a result of this application.
- 5.7 **Landscape Officer** does not object to the application. She has set out that there are no landscape issues of concern as a result of the proposed alternations.
- 5.8 Transport Planning Team do no object to the application following the submission of additional information and modified site layouts. It notes that to facilitate the modifications to the consented development that amendments have been made to waste collection areas, driveway parking and communal parking (including disabled parking). It recommends that plot boundary features and landscaping will need to be set back from the visibility splays. It accepts the location of the disabled spaces within the development subject to the provision of a 1.2m wide safety zone between them and the adjacent spaces. In relation to waste, it sought additional information on the location of the bin stores and access arrangements. In notes that the drainage system is similar to the one previously proposed. It requests conditions which were attached to the original permission to be attached to any permission granted including: provision of the footway connection to Fettes Road; provision of traffic calming on Connage Crescent; provision of 20mph speed limit on Fettes Road and Connage Crescent; roads and footpath finishes; road improvement mitigation; and construction traffic management.
- 5.9 **Scottish Environment Protection Agency** do not object to the application.
- 5.10 **Scottish Water** do not object to the application. It sets out that it cannot confirm capacity in either the Inverness Water Treatment or Ardersier Waste Water Treatment Works. It notes that the proposal impacts on Scottish Water assets and advises that the applicant must discuss this with the Scottish Water Asset Impact Team.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 9 A96 Phasing and Infrastructure
- 19 Smaller Settlements in the A96 Corridor
- 28 Sustainable Design
- 29 Design Quality and Place-making
- 30 Physical Constraints
- 31 Developer Contributions
- 32 Affordable Housing
- 34 Settlement Development Areas
- 42 Previously Used Land
- 51 Trees and Development
- 55 Peat and Soils
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species

- 59 Other important Species
- 60 Other Importance Habitats
- 63 Water Environment
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 72 Pollution
- 74 Green Networks
- 77 Public Access

6.2 Inner Moray Firth Local Development Plan 2015

Policy 2 – Delivering Development

Allocation AR2 (South of Nairn Road (55 Houses)

6.4 Inner Moray Firth Local Development Plan Review

The Inner Moray Firth Local Development Plan is currently under review. The Main Issues Report was published for consultation early 2021. It identified this site as preferred for residential development where the Report states that it is expected that development of this site will address the majority of housing need in the area. The Proposed Plan is the next stage in the plan making process and it is expected to be published late 2021 / early 2022.

6.5 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2018)

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)

Public Art Strategy (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy, 2014

National Planning Framework 3 (The Scottish Government, 2014)

Designing Streets (The Scottish Government, 2010)

Creating Places (The Scottish Government, 2013)

PAN 61 – Sustainable Drainage Systems

PAN 68 – Design Statements

PAN 75 – Planning for Transport

PAN 1/2011 - Planning and Noise

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The principle of the development has been established through the previous permission. This submission seeks to approve matters specified in conditions of the planning permission in principle. In order to address the determining issues therefore, Committee must consider the extent to which the proposal 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 not changed since the determination of the original permission for this development (ref: 18/03073/FUL). Therefore subject to detail set out later in this report the submission for the approval of matters specified in conditions accords with the provisions of the Development Plan. The remainder of this report will consider the specifics of the changes and assess its compatibility wit the development plan.

Design and Layout

- 8.5 The overall layout of the development is remaining largely the same with the road and footpath networks remaining as per the original permission. However, the change in house types has resulted in fewer units being progressed on the site.
- 8.5 The applicant has requested this change due to a review of the housing market and in doing so they have introduced house types similar to those in their Lochloy development in Nairn. The change to unit types from the consented scheme to the proposed scheme is set out below:

Unit Type	Consented Scheme	Proposed Scheme	Unit Change
2 Bedroom Cottage Flat	36	27	-9
2 Bedroom House	12	0	-12
3 Bedroom House	20	28	+8
4 Bedroom House	5	11	+6
Total	73	66	-7

The details in the above table excludes the other 44 units, including 30 affordable homes, which are not subject to this remix application and are already under construction.

- 8.6 The units are a mixture of two storey and one and a half storey in height. The reduced density in the development allows the introduction of features such has Juliet balconies without concerns about over-looking becoming apparent. The first floor cottage flats on the southern boundary also incorporate larger balconies which are in proportion with the projections from the building to allow for some outdoor amenity space for the upper floor flats. The material pallete varies across the site but all units comprise of the main finishes of white smooth render, concrete roof tiles, and grey alu-clad windows. Across the site to define character areas, the applicant has sought to apply different feature finishes including buff render, pewter grey render, pearl coloured Cedral cladding and grey timber. The house designs and material finishes are considered acceptable.
- 8.7 In reducing the overall number of units across the site, in turn the density of development has reduced, and additional garden ground is now available to properties thereby increasing their amenity. Given the location of the changes within the wider development, it is not considered that there would be any impacts on the amenity of existing properties in terms of privacy.
- 8.8 Boundary treatments are a mix of timber fencing styles and the use of 1.8m high fences has been avoided where the properties are adjacent to main streets. Adjacent to main streets, rear garden boundaries are formed by 1.5m high walls with a white render finish and a grey coping stone. To the front of properties along the main streets, laurel hedging is proposed and in some more limited locations within the development beech hedging is proposed.
- 8.9 The landscaping strategy across the site mirrors that of the consented development on the site. This was previously secured by condition with details of landscaping approved prior to commencement of development. Neither the Council's Landscape Officer nor the Forestry Officer have raised any concerns with the proposed landscaping. It is considered that a condition to secure details of the associated landscape management and maintenance provisions should be attached to any planning permission that may be granted.

Roads, Access and Parking

- 8.10 The access to the site and road layout will not change as a result of this application. The site will continue to have two accesses, one via Connage Crescent and one via Fettes Road. The Transport Statement submitted with the original application demonstrated that there is sufficient capacity in the local road network to accommodate the development and Transport Planning agreed with the findings of the assessment that has been undertaken.
- 8.11 Mitigation was agreed and secured by condition on the original permission to ensure the delivery of:
 - provision of the footway connection to Fettes Road to be delivered prior to the occupation of the 50th unit within the development;
 - provision of traffic calming on Connage Crescent to be delivered prior to the occupation of the 50th unit within the development;
 - provision of 20mph speed limit on Fettes Road and Connage Crescent;
 - roads and footpath finishes;
 - · road improvement mitigation (inclusive of; and
 - construction traffic management.

Transport Planning has recommended that these conditions are attached to any permission which may be granted for the development as varied.

- While the overall site layout has remained the same, the plot layouts have changed. When the application was submitted the revised plot layouts led to a number of potential conflicts which would bring driveways too close to junctions within the development. Following the submission of modified drawings and further information demonstrating that sufficient forward visibility is achievable at the junctions, it now considers the layout to be acceptable but has stated that the boundary treatments for these properties need to be set back from the visibility splays. The applicant has submitted revised drawings showing the landscaping set back and a condition can be applied in relation to the maintenance of visibility splays.
- 8.13 The parking on site is to be delivered as a combination of driveway and communal parking courts. An appropriate level of parking has been provided in relation to the modified development and subject to application of a condition to ensure delivery of a safety zone of 1.2m being provided adjacent to the disabled parking spaces associated with plots 259 and 266. The applicant has shown that this is achievable via inclusion on a revised site layout drawing and the arrangement of disabled parking is acceptable in this instance.
- 8.14 Cycle parking can be provided in curtilage for houses and flatted blocks will have dedicated cycle lockers provided for each flat. This is in accordance with the Council's Roads and Transportation Guidelines.
- 8.15 The applicant has submitted a plan showing the location of bin collection points and bin stores. Based on the submitted drawings, the location and scale of the bin stores will ensure that the proposal can meet with the relevant requirements of the

- Managing Waste in New Developments Supplementary Guidance. The final details of the bin stores can be secured by condition.
- 8.16 The footpath network within the development and connecting to the wider paths in the area is not changing as a result of this application. The approved Access Management Plan will continue to apply to this application.
- 8.17 The drainage proposals remain consistent with those approved under the original permission. The details of these were approved by the Council's Flood Risk Management Team and have also been considered through the Road Construction Consent for the scheme. The drainage infrastructure will be vested by Scottish Water in due course.

Other material considerations

- 8.18 The site has potential connectivity to the Inner Moray Firth Special Protection Area and Ramsar site, Moray Firth potential Special Protection Area and the Moray Firth Special Area of Conservation. Whilst there is connectivity and the developer requirements in the IMFLDP require this to be considered, on the original permission NatureScot set out that the development is unlikely to have a significant effect on the designated sites either alone or in combination with other developments in the area. As this is the case the Council were not required to assess the proposal against the 'Habitats Directive' which is translated into Scots law through the Conservation (Natural Habitats, and c.) Regulations 1994 (as amended). The modifications to the proposal promoted through this application would not affect this finding.
- 8.19 The wider area has been found to be rich in archaeological finds. As this is the case, the original permission was required to undertake a further programme of archaeological investigation and recording. The Council's Historic Environment Team are satisfied with the results of the investigation that has previously been undertaken and does not consider any further work is required as a result of this application.
- 8.20 A development of this scale is likely to have adverse impacts on residential amenity and the road network during the construction process. As such it is appropriate to attach conditions to secure construction environment management and construction traffic management plans continue to be in place. Planning conditions are not used to control construction noise as powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. The Construction Environment Management Plan already in place for the development includes a noise and vibration assessment, employment of an ecological clerk of works to ensure environmental mitigation is appropriately delivered and a detailed pollution prevention plan.
- 8.21 To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition.
- 8.22 A Community Liaison Group is already in place for the wider development and it is considered that this should continue to ensure that the community council and other

stakeholders are kept up to date and consulted before and during the construction period.

8.23 There are no other material considerations.

Matters to be secured by Legal Agreement

- 8.24 The original planning permission on the site was accompanied by a legal agreement to in order to mitigate the impact of the development on infrastructure and services. The original legal agreement will require to be modified to ensure it enforceable against the modified permission. The applicant will be required to do this through the submission and approval of an application under S75A of the Act. In doing so the original legal agreement will require to be modified to ensure the following matters continue to be secured prior to planning permission being issued:
 - a) Delivery of Affordable Housing (minimum 25% delivered on-site).
 - b) Contributions to primary school accommodation within the Culloden Academy School Catchment Area, in the first instance Ardersier Primary School providing a two classroom extension (£2035 per house and £1153 per flat).
 - c) Contributions to secondary school accommodation within the City of Inverness School Catchment Area, in the first instance either a new secondary school or major extension at Culloden Academy (£3471 per house and £1869 per flat).
 - d) Contributions to land required for the delivery of either a major extension or new secondary school within the City of Inverness School Catchment Area (£91 per house and £52 per flat).
 - e) Contribution to the delivery of community facilities within the Culloden Academy School Catchment Area, in the first instance being the delivery of strategic sports provision based at Culloden Academy or Inverness Campus (£163 per residential unit).
 - f) Contributions to delivery of the A96 Corridor Green Network (£230 per residential unit).

The above developer contributions address the impacts of the development and are based upon the provisions of the adopted Developer Contributions Supplementary Guidance (November 2018) and related provisions set out in the Green Networks Supplementary Guidance (November 2013) and the East Inverness Development Brief (June 2018).

- 8.25 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers for the following reason:
- 8.26 The Council, acting as Roads Authority, will seek an updated wear and tear agreement to be put in place under Section 96 of the Roads (Scotland) Act 1984.

9. CONCLUSION

- 9.1 The proposed modification to the unit types and plot layouts within the scheme are acceptable and does not bring this part of the scheme into conflict with the principles agreed through the original application or onsite constraints.
- 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: Electric vehicle charging facilities will be delivered on the site.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y Modification

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

- 1. No development shall commence until a scheme for restoration of the route of the Balnagowan Burn to the south and west of the site inclusive of any modelling work identifying any change in flows and flood plain down stream, has been submitted to and approved in writing by the Planning Authority in consultation with SEPA.. The scheme shall include morphological improvements to the Balnagowan Burn inclusive of:
 - a) removal of the embankment along the edge of the site to improve floodplain connectivity and allow the lower part of the site to flood in lower return periods in line with the findings presented in the submitted Initial Morphological Assessment (Ref: KC1343-CO/MS dated 01 May 2018);
 - b) re-grading of the channel bank to create a more natural riparian area;
 - planting of native trees to the river bank to provide shading and stream ecology

Thereafter scheme shall be delivered either direct by the applicant prior to occupation of the 50th house within the development or a Section 69 Agreement under the Local Government Act 1973 all be entered by the applicant in favour of the Planning Authority and SEPA to deliver a bond to facilitate the delivery of the restoration of the Balnagown Burn in line with the approved scheme.

Reason: to protect and enhance the water environment and ensure that restoration of the Balnagowan Burn can be taken forward in an integrated manner.

2. No development or works shall commence until a Phasing Plan outlining details of the phasing of the development has been submitted to, and approved in writing by the Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved phasing plan.

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

3. 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.

For the avoidance of doubt the scheme shall detail timescales for implementation in

accordance with the following:

- Plots 235-238 and Plots 231-234 shall not be occupied until the central open space, inclusive of tree planting and play equipment, has been delivered to the satisfaction of the Planning Authority in accordance with the approved scheme; and
- all other landscaping completed prior to occupation of the last house within the development.

Thereafter, the approved scheme shall be implemented in full.

Reason: To ensure that the open space within the site is delivered timeously and to ensure sufficient play and open space provision exists within the application site to serve future residents' needs.

- 4. 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 (whether on land or inland water), 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.). 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.

- 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;
- i. Drainage and sediment management measures from all construction areas; and
- ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
- i. Public Water Supply Protection Measures;
- j. Emergency Response Plans; and
- k. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for 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.

- No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority. The CTMP, which shall be implemented as approved during all period of construction, must include:
 - i. The CTMP shall make provision for all construction access being taken via the proposed site access as shown on the approved site layout.
 - ii. A description of all measures to be implemented by the developer, including the delivery of a 20mph speed limit on Fettes Road and Connage Crescent, 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.

- No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed boundary treatments inclusive of walls, fences and gates;
 - iv. A scheme for the layout, design and construction of all green spaces shown on the approved site layout, including the provision of natural 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.

Landscaping works shall be carried out in accordance with the approved scheme and the provisions of Condition 3 of this planning permission.

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.

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.

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

- i. Ensuring that the Landscaping Plans to be approved under Condition 8 is implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

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

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.

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 all drainage infrastructure within the development is properly managed and maintained.

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.

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

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

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.

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.

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 (including Ardersier 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

- 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 dropped kerbs and hard standings at the bus stop on Nairn Road (eastbound) 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 of traffic calming within the adopted road corridor on Fettes Road and Connage Crescent between the access to the development and the junctions of the aforementioned roads with Nairn Road. Thereafter, the approved scheme shall be implemented prior to the occupation of any residential unit within the development;
 - c) A scheme for the provision of footways on within the adopted road corridor on Fettes Road between the access to the development and the junction Fettes Road with Nairn Road. 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 Ardersier Primary School within the site connecting to existing safe routes to school outwith the site. This shall include provision of a pedestrian crossing of Nairn Road. The agreed scheme shall be implemented prior to occupation of the 50th residential unit within the development.

Prior to the submission of any of the proposed schemes set out in points a-d Ardersier and Petty 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 Councils 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.

No residential dwelling shall be occupied until Traffic Regulation Order(s), limiting the speed of traffic on all roads, within the development and the access roads to the development, for the purposes of this condition being Fettes Road and Connage Crescent, 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.

The finished floor level of all residential units shall be no lower than 6.7m above ordnance datum. All other elements of the development shall be no lower than 6m above ordnance datum.

Reason: In the interests of minimising flood risk.

No house shall be erected on the site until the delivery of a scheme for the refurbishment of the traffic calming measures on Nairn Road have been submitted to and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented prior to the occupation of the 50th residential unit within the development.

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

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

INFORMATIVES

Initiation and Completion Notices

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

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

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

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

Local Roads Authority Consent

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

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

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

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

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for 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 NatureScot 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 NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Factoring of the Development

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

Signature: David Mudie

Designation: Area Planning Manager South

Author: Simon Hindson

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

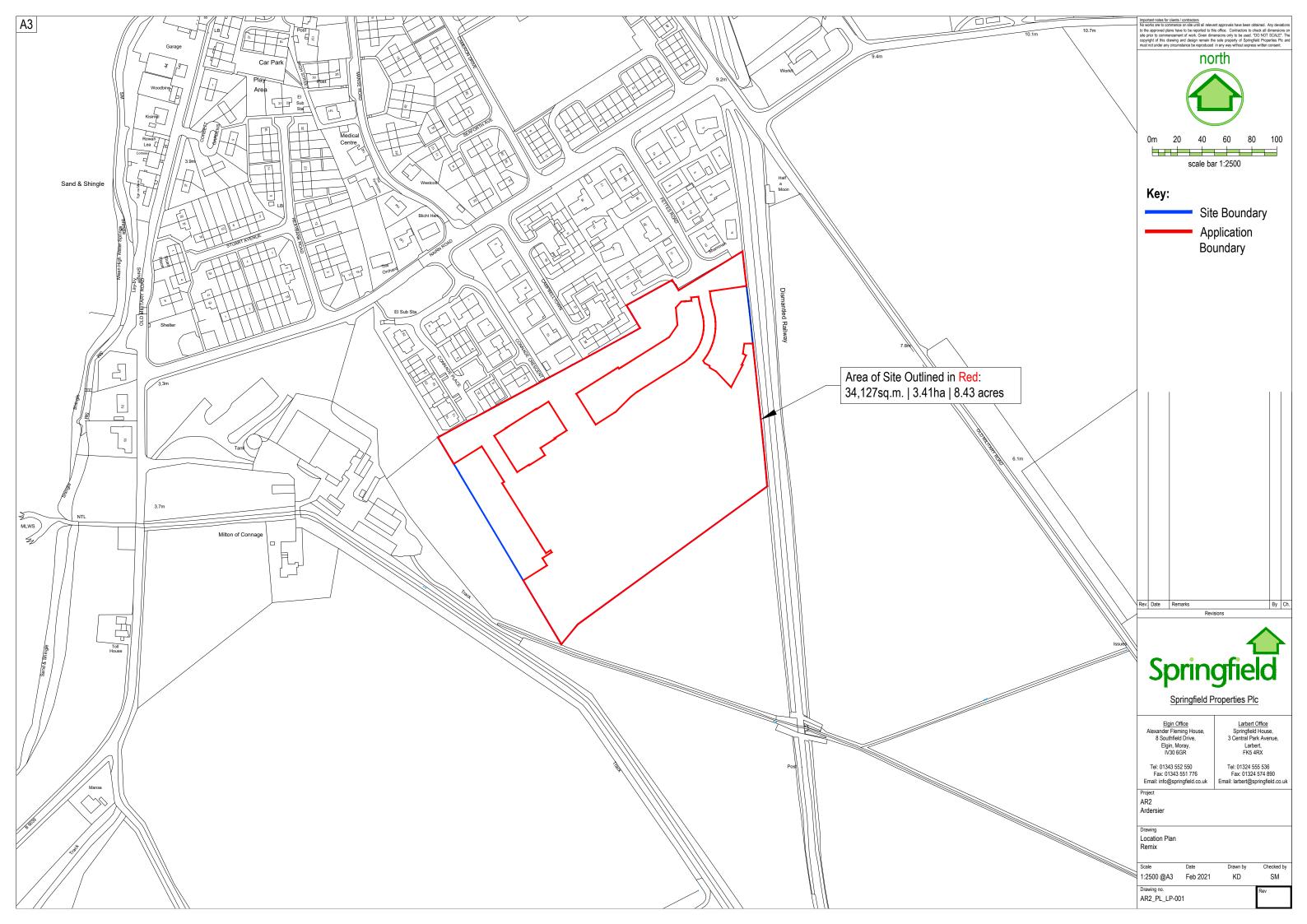
Relevant Plans: Plan 1 - Location Plan (AR2-PL-LP-001)

Plan 2 - Site Layout Plan (AR2_PL-01 REV Y)
Plan 3 - Landscaping Plan (AR2_PL-02 REV N)
Plan 4 - Materials Finish Plan (AR2_PL-06 REV H)

Plan 5 Plan 6 Plan 7 Plan 8 Plan 9 Plan 10 Plan 11 Plan 12 Plan 13 Plan 14 Plan 15 Plan 16	 Parking Provision (AR2_PL-07 REV B) Waste Management (AR2_PL-09 REV A) Roads Hierarchy (AR2_PL-04 REV D) Cupar House Type (1073SD()911 REV K) Lauder House Type (1104DT(AS)911 REV C) Roslin House Type (1202DT(AS)911 REV D) Arden House Type (1224DT(AS)911 REV H) Nairn House Type (1237DT()901 REV D) Balerno House Type (1287DT(AS)911 REV C) Braemar House Type (652-757CF()901 REV G) Auldearn House Type (932TF(AS)911 REV A)
Plan 16	 Dallachy House Type (932TE(AS)911 REV A)
Plan 17	- Ardmore House Type (950SD(AS)911)
Plan 18	Cottage Flats (AR02-PL-CF01)

Appendix 1 – Letters of Representation

None







Drumellie

Drumellie

Total Private:

Total Affordable:

Overall Site Total:

Character Private 19

Basecourse:

Feature Masonry:

Feature cladding:

Basecourse:

Basecourse:

Main finish:

Windows:

Plot specific finish

Feature Masonry:

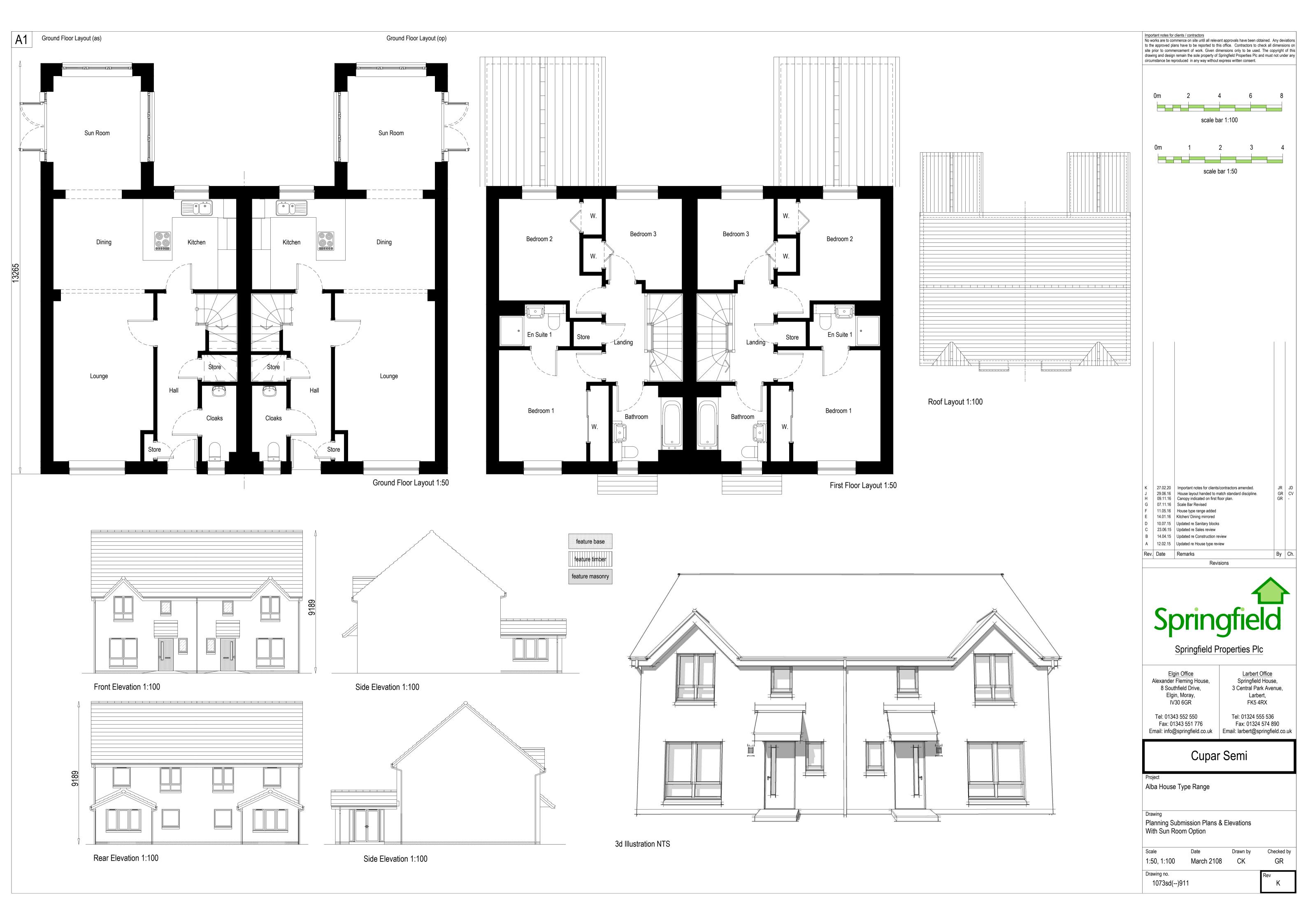


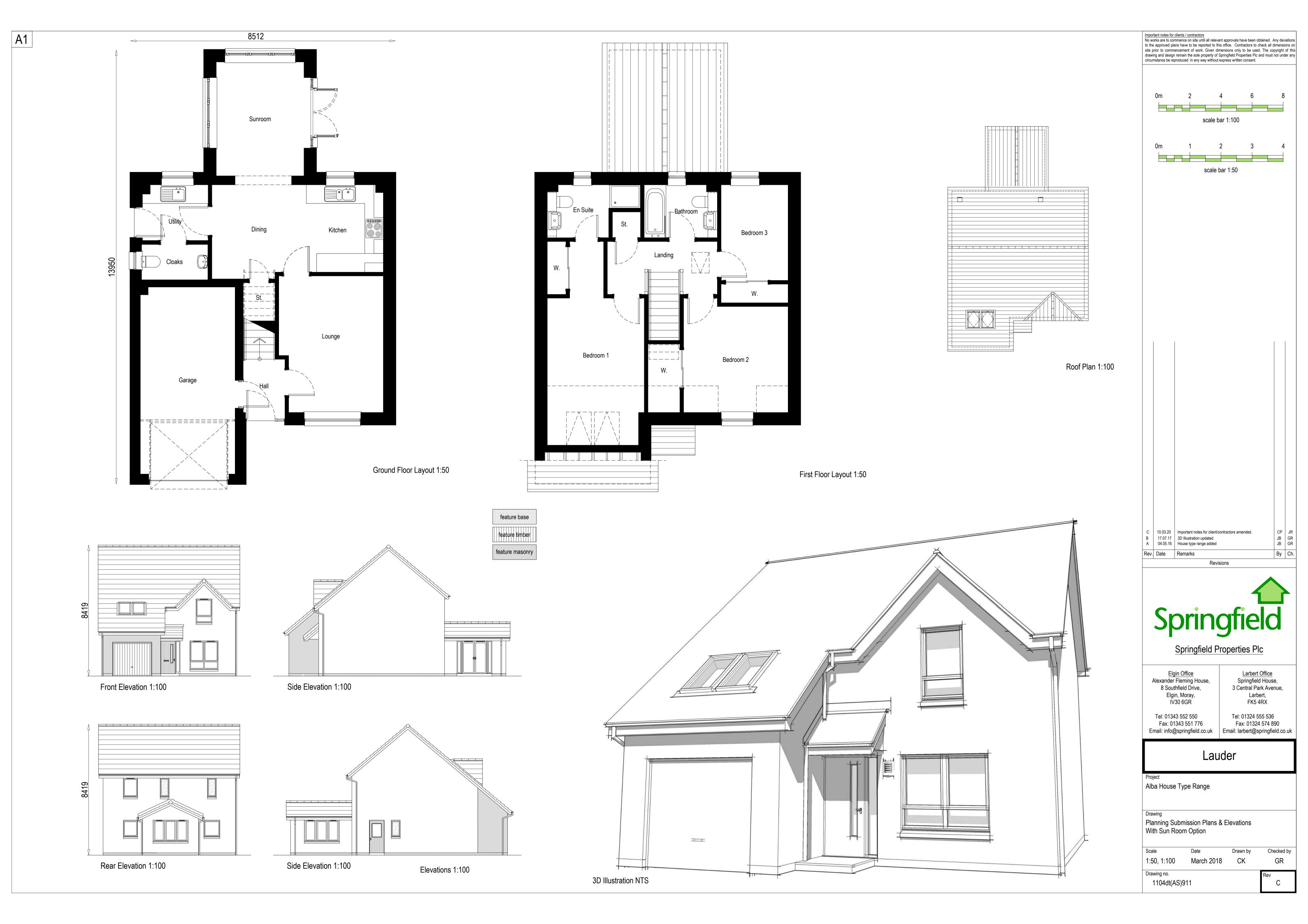
Important notes for clients / contractors No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. *DO NOT SCALE*. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and

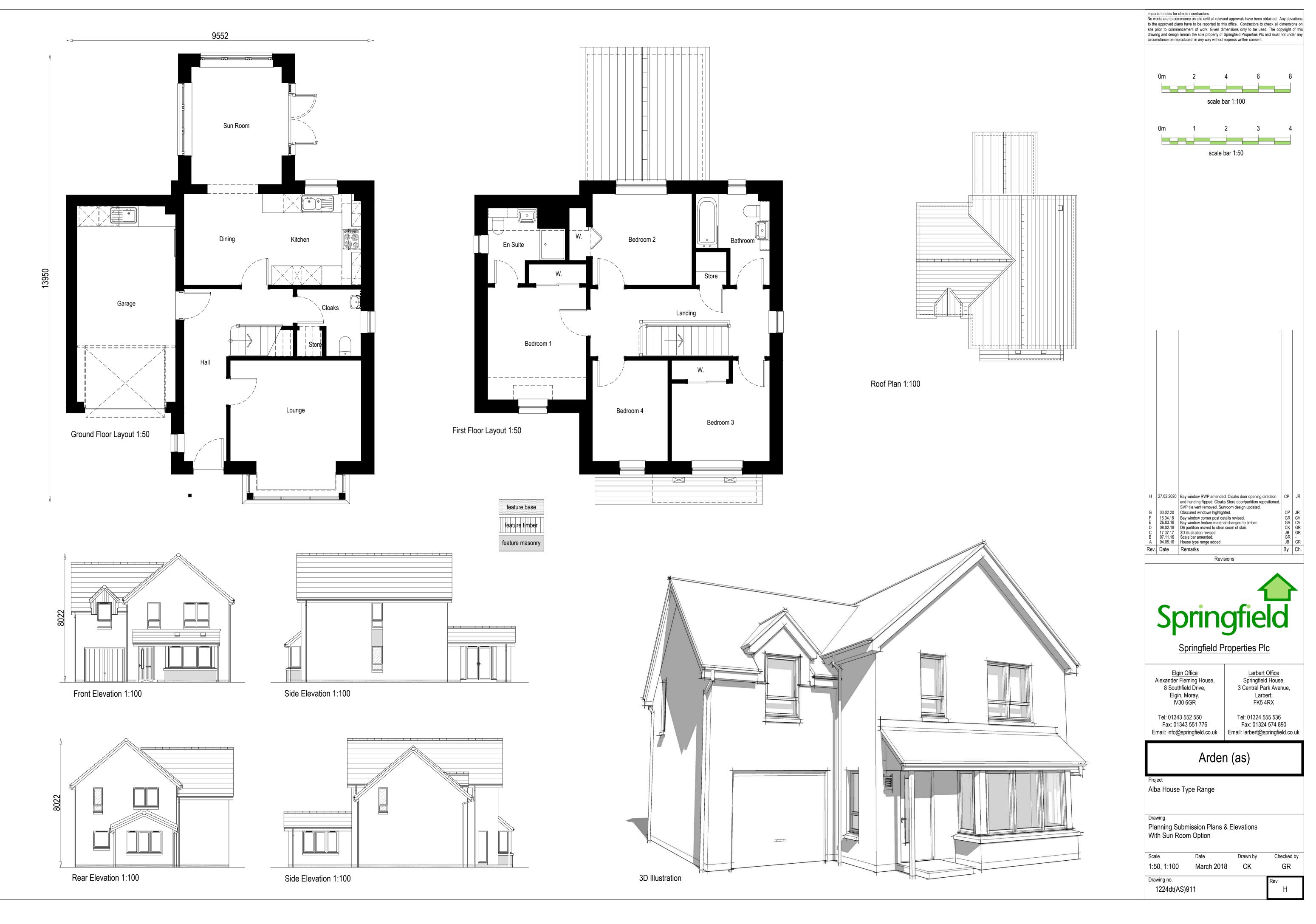


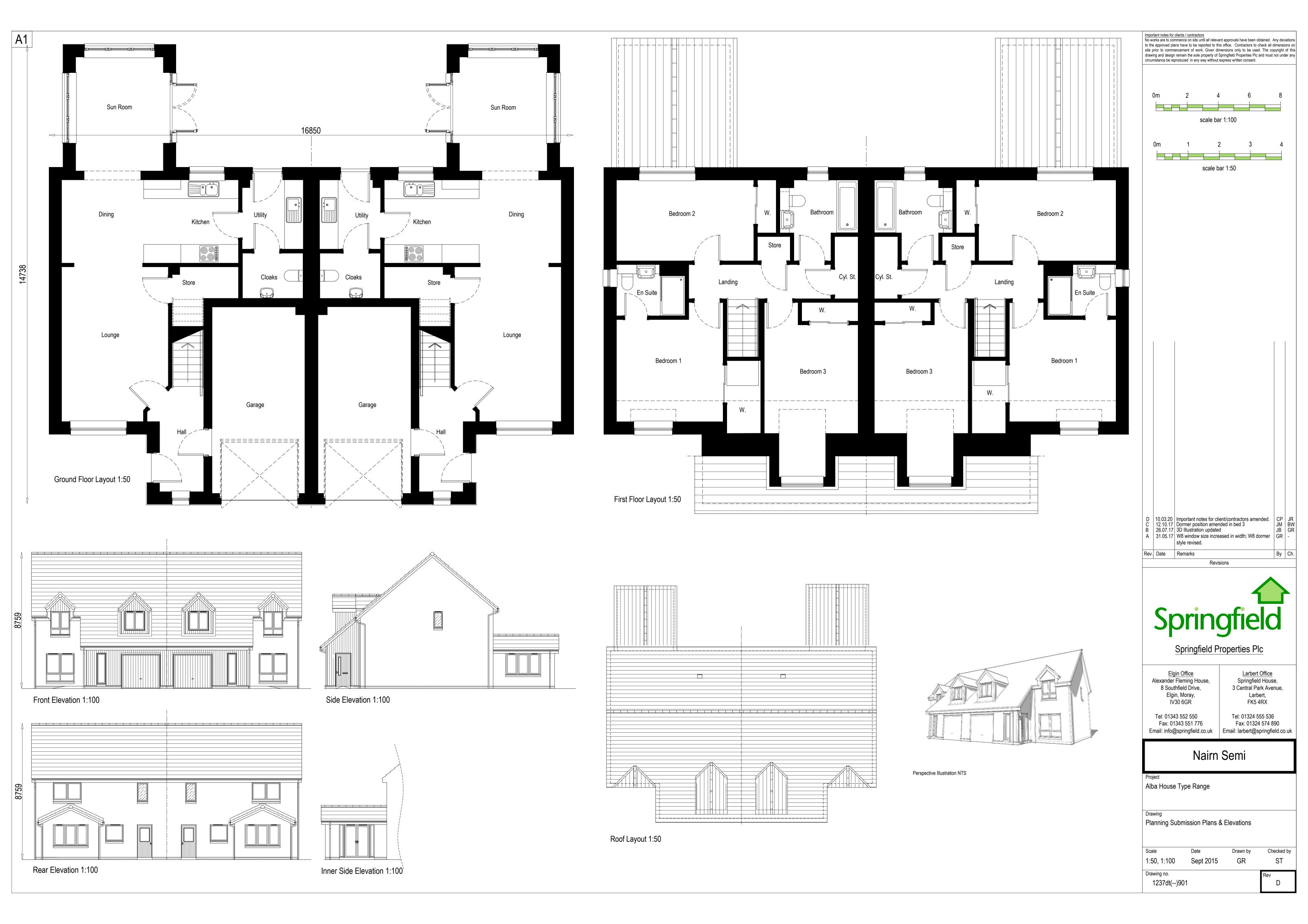




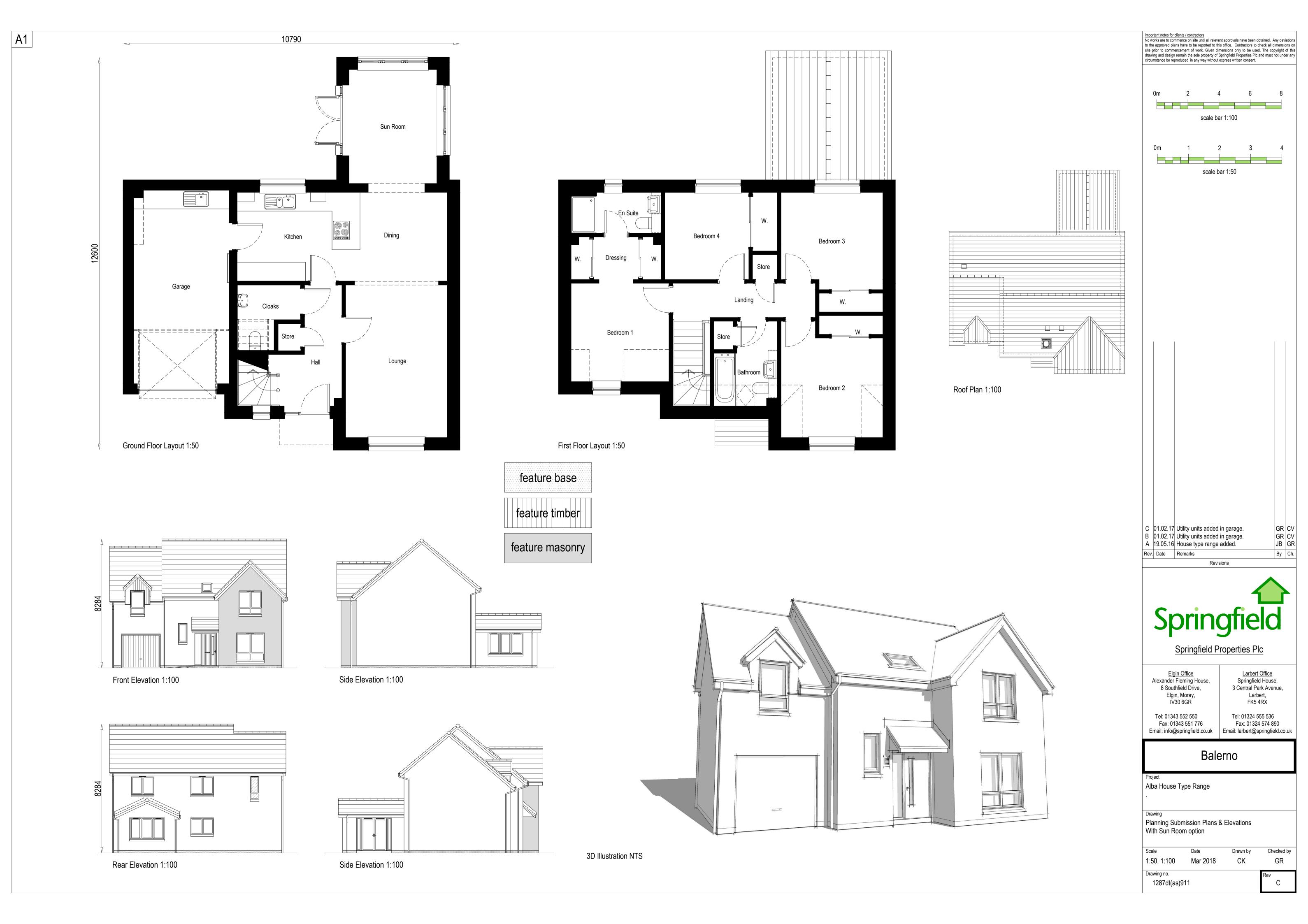


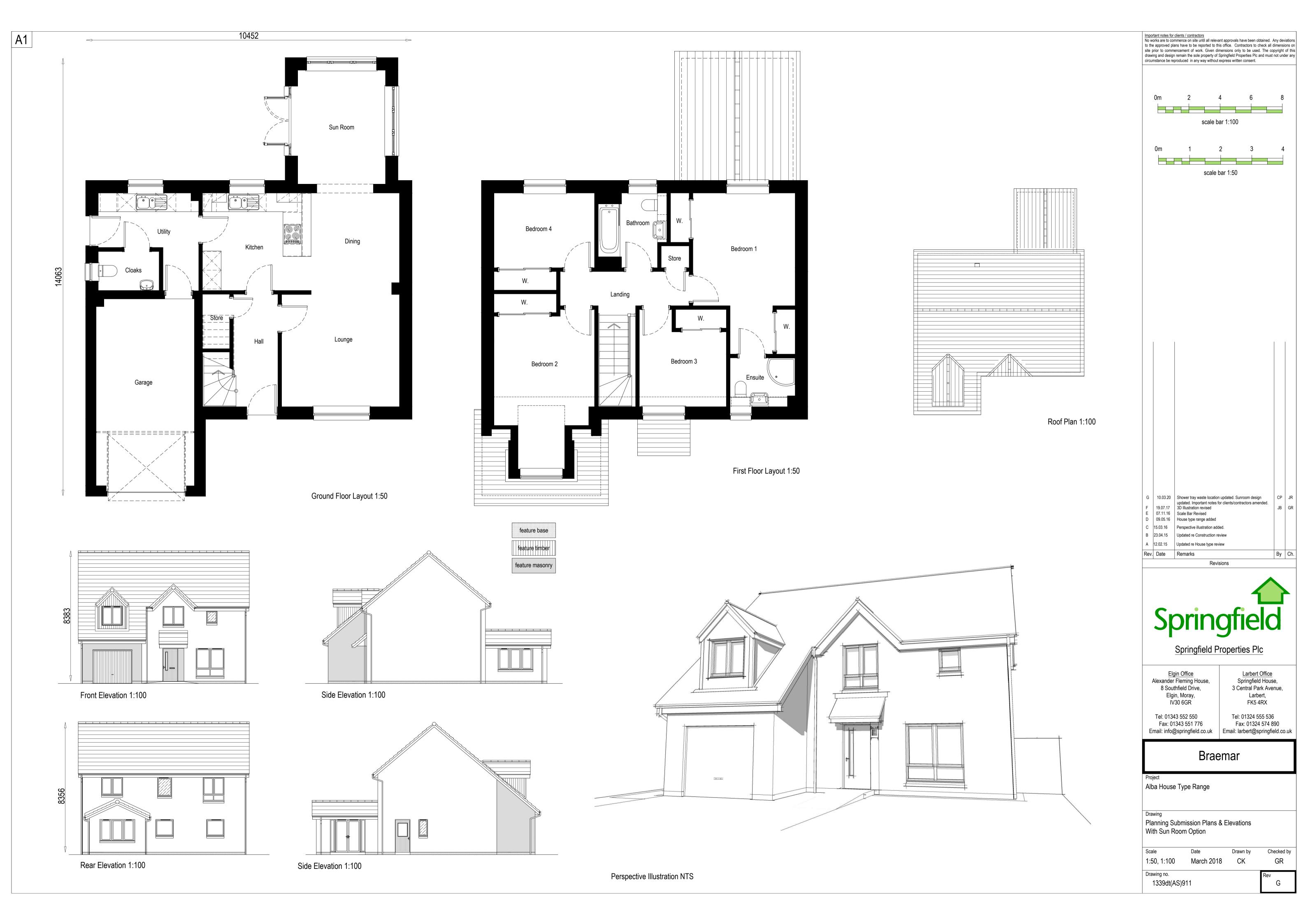


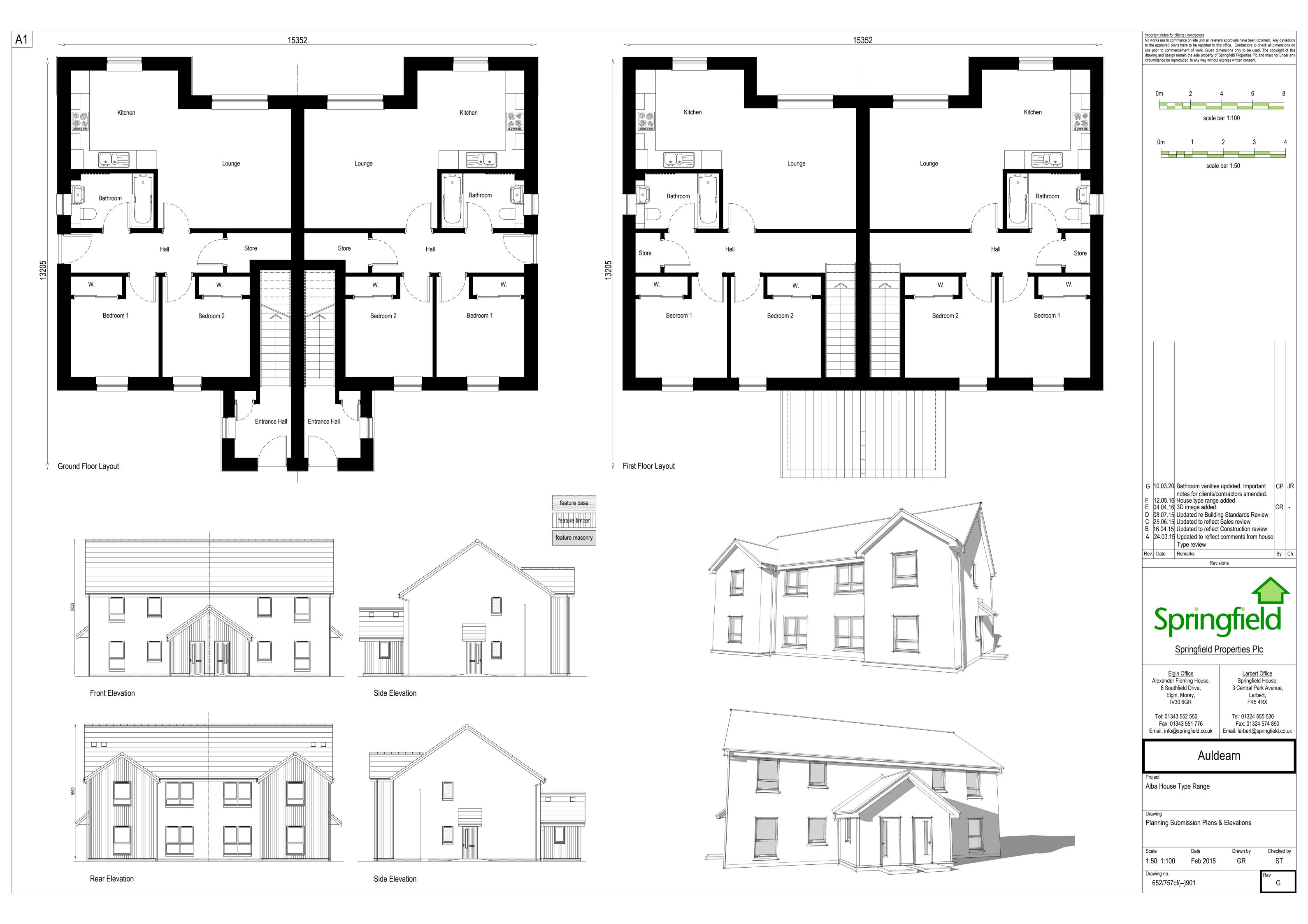


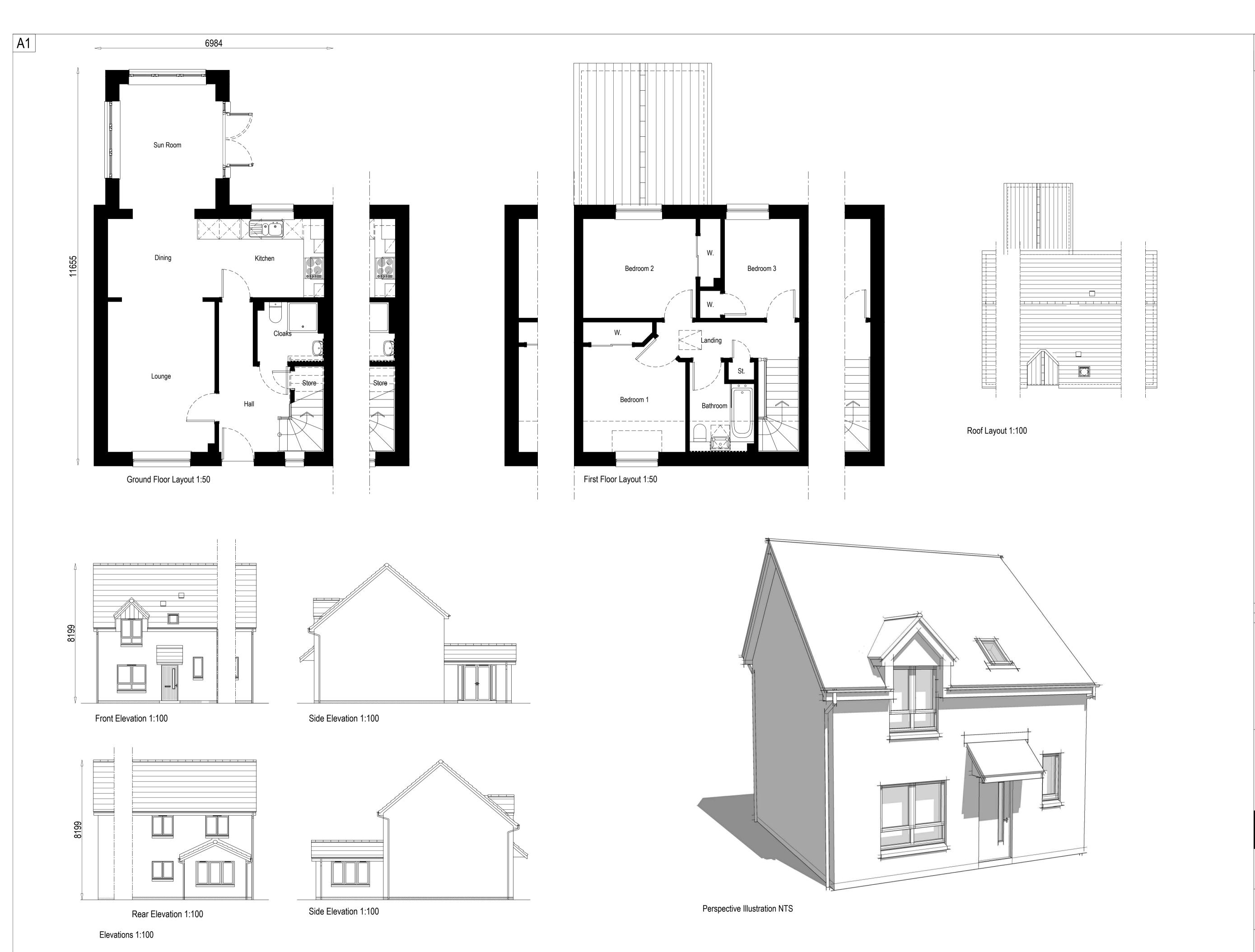






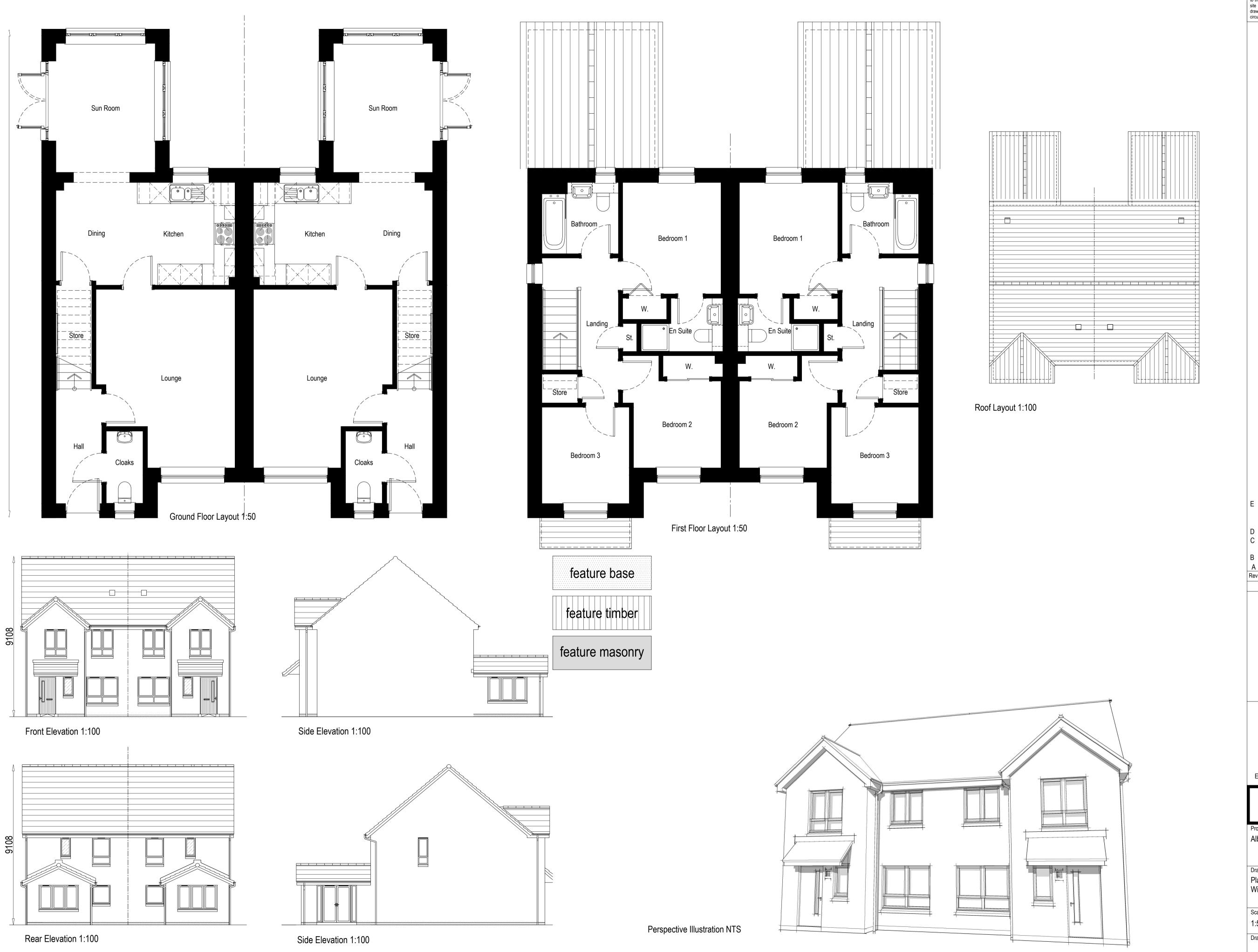






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Springfield House,
3 Central Park Avenue, Elgin Office
Alexander Fleming House,
8 Southfield Drive, Elgin, Moray, IV30 6GR Larbert, FK5 4RX Tel: 01343 552 550 Tel: 01324 555 536 Fax: 01343 551 776 Fax: 01324 574 890 Email: info@springfield.co.uk Email: larbert@springfield.co.uk Dallachy (as) Alba House type range Planning Submission Plans & Elevations
With Sun Room Option Drawn by Checked by 1:50, 1:100 March 2018 CK

932te(AS)911



Important notes for clients / contractors No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent. scale bar 1:100 scale bar 1:50 E 03.02.20 Door removed from Lounge and partition removed between Lounge & Dining Store. D 04.07.17 3d illustration revised
C 09.11.16 Canopy indicated on plans and side elevations
B 07.11.16 Scale bar revised JB GR GR -JB GR JB GR By Ch. A 04.05.16 House type range added
Rev. Date Remarks Revisions Springfield Properties Plc Larbert Office
Springfield House,
3 Central Park Avenue, Elgin Office
Alexander Fleming House,
8 Southfield Drive, Elgin, Moray, IV30 6GR Larbert, FK5 4RX Tel: 01343 552 550 Tel: 01324 555 536

Fax: 01343 551 776 Email: larbert@springfield.co.uk Email: info@springfield.co.uk

Ardmore

Fax: 01324 574 890

Alba House Type Range

Planning Submission Plans & Elevations With Sun Room option

Drawn by Checked by 1:50, 1:100 March 2018 CK Drawing no.

950sd(AS)911

