Agenda Item	6.2
Report No	PLS-17-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 March 2022

Report Title: 21/03612/FUL: Springfield Properties PLC

Land at Drum Farm South of Fire Station Drumnadrochit

Report By: Area Planning Manager – South

Purpose/Executive Summary

- **Description:** Erection of 91 residential units and associated roads, landscaping and ancillary infrastructure (Redesign of Planning Permission 19/02761/FUL)
- Ward: 12 Aird And Loch Ness

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 The application is for planning permission for a total of 91 residential units. The site currently benefits from planning permission for 93 residential units (19/02761/FUL). This was granted on appeal in October 2021 following the refusal of planning permission on 12 December 2019. This application relates to a change in house types from those previously granted. In doing so it reduces the overall number of residential units on the site from 93 to 91 units; 68 will be private market housing with 23 affordable units. This application therefore comprises of:
 - 4 x 1 bedroom flats
 - 28 x 2 bedroom flats
 - 15 x 2 bedroom houses
 - 20 x 3 bedroom houses
 - 24 x 4 Bedroom houses

In addition to the above, as per the extant permission, the application comprises a new access from the A82(T), active travel routes, internal roads and footways. A landscaping scheme including a central landscaped area and open space within the northern area. A Sustainable Drainage System (SuDS) is proposed with a SuDS pond in the eastern part of the development.

- 1.2 The site will be accessed via a new junction from the A82(T). This is also intended to serve the adjacent nursery, office space and retail development that lies on the adjacent site that was also granted planning permission on appeal. Active travel routes through the development are proposed connecting with the A82(T) near the fire station and with two locations on Kilmore Road. Open space to be provided in a central location within the site, with further open space identified within the northern part of the site. The primary Sustainable Drainage System (SuDS) basin is proposed at the eastern end of the site.
- 1.3 No formal pre-application advice has been for this application Advice was however provided in relation to procedural matters.
- 1.4 The application is supported by:

Phasing Plan;

Design and Access Statement;

Drainage Assessment;

Flood Risk Assessment;

Landscaping Plan;

Arboricultural Impact Assessment:

Tree Constraints and Protection Plan:

Waste Management Plan:

Transport Assessment;

Access Management Plan; and a

Pre-Application Consultation Report.

- 1.5 Since the application was validated the following additional information has been received
 - Updated Design and Access Statement/ Phasing Plan
 - Updated flood risk and drainage information.
 - Submission of Arboricultural survey and tree protection and constraints plans.
 - Updated plans to show the correct design and handed versions for the units.
 - Updated road/parking layout plans.

2. SITE DESCRIPTION

- 2.1 The application site is currently grazing land and is located on the eastern side of the A82(T). To the north is the Fire Station and agricultural fields; to the east are the residential properties on Enrick Crescent; to the south are the residential properties on Old School Court and by residential properties and the Bakery on Kilmore Road. The site is largely open and fairly level, albeit with the site dropping towards its north-eastern extremity towards the river.
- 2.2 There are some mature trees around the south eastern edge of the site, some within and some outwith the site boundary and in the gardens of properties on Enrick Crescent, the Bakery and properties on Old School Court. The site is crossed by intersecting 11 kV overhead electricity lines on timber poles. An existing combined sewer runs roughly west to east, passing through northern parts of the site. Records indicate that there is some abandoned sewer infrastructure elsewhere within the site
- 2.3 There are no natural, built or cultural 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 900metres east of the application site at the nearest point.
- 2.4 There are sites of archaeological interest recorded in the Highland Historic Environment Record within vicinity of the site. The former Glenurquhart Secondary School and Schoolhouse on Kilmore Road (now in residential use) are Category B listed building and in proximity to the site.

3. PLANNING HISTORY

3.1	01.10.2021	PPA-270-2222 - Erection of 93 (including 24 affordable) homes and associated works	Appeal Allowed
3.2	04.12.2019	19/02761/FUL - Erection of 93 (including 24 affordable) homes and associated works	Planning Permission

Refused

3.3	05.12.2018	18/02863/FUL - Erection of 94 dwellings and Planning associated infrastructure	Planning Permission Refused
3.4	26.03.2018	18/00522/PREAPP - The erection of approximately 120 houses and associated infrastructure	Advice Issued
3.5	26.10.2017	17/05018/PAN - Residential development and associated infrastructure	Case Closed
3.6	29.04.2013	13/01612/PAN - The erection of 55 houses, 3 retail units and a commercial use site	Case Closed

Adjacent Site

3.7	01.10.2021	PPA-270-2223 - Formation of mixed-use village core of nursery, office space and retail (food and non-food)	
3.8	16.12.2019	19/02762/FUL - Formation of mixed-use village core of nursery, office space and retail (food and non-food)	•

4. PUBLIC PARTICIPATION

4.1 Advertised: Inverness Courier – Schedule 3 and unknown neighbourDate Advertised: 20.08.2021

Representation deadline: 04.09.2021

Timeous representations: 2

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - Impact upon privacy and amenity to properties on Kilmore Road.
 - Siting of the amenity area to the rear of existing properties would reduce the impact.
 - Lack of a tree protection buffer for existing trees.
 - Application not supported by an Environmental Statement, Habitat Survey, or Sustainable Design information.
- 4.3 The following matters are not material to the determination of the planning application:
 - Notification and wider public consultation has not been carried out.
- 4.4 All letters of representation are available for inspection via the Council's eplanning

portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>.

5. CONSULTATIONS

- 5.1 **Glenurqhuart Community Council** object to the application.
 - Requests that the conditions on the extant permission are re-applied to any approval.
 - Need for supporting documents to be updated, in particular the flood risk assessment to take account of climate change allowances.
 - Density and numbers are not consistent with the Development Plan and not appropriate for a high-profile tourist location at the heart of the village.
 - The proposal is not aligned with the approved phasing plan (10 units per year) pressures on infrastructure in particular education.
 - Scale of the houses is not appropriate for its location.
 - Capacity issues with the current waste-water treatment facilities.
 - Lack of integration between the affordable and private housing in terms of design;
 - Provision of affordable units does not meet the local housing need. It requests that consideration should be given to the lack of delivery on an adjacent site which it considers demonstrates lack of housing demand.
- 5.2 **Access Officer** does not object to the application following the submission of an Access Management Plan. The Access Officer has confirmed that this is acceptable subject to implementation of this being controlled by a planning condition.
- 5.3 **Development Plans Team** do not object to the application and confirmed that following developer contribution requirements:
 - Provision of a minimum of 25% of the development as affordable housing.
 - Contributions toward provision of a two-classroom extension for Glenurquhart Primary School to enhance primary school capacity.
 - No contributions are required toward the provision of enhanced capacity at Glenurquhart High School.
- 5.4 **Contaminated Land Team** do not object to the application. It has confirmed that there are no known potential sources of land contamination at the site, however, consideration should be given to Radon Protection measures within this area of Drumnadrochit. It requests that an informative should be attached to any permission granted.
- 5.5 **Environmental Health Officer** does not object to the application. Environmental Health confirms that planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. It is explained that, generally, people are tolerant of construction noise during typical working hours which are taken to be 8am to 7pm Monday to Friday and 8am to 1 pm on Saturdays. Works for which noise is inaudible at the curtilage of any noise sensitive property could still be carried out out-with these times.

It has been highlighted that if the applicant intends to undertake noisy work out-with

the aforementioned times, they will be required to submit a detailed construction noise assessment. It expects that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities.

5.6 **Flood Risk Management Team (FRM)** do not object to the application following the submission of additional information. In its first response, it objected to the application on the grounds of a lack of information on drainage. The applicant has since updated the flood risk and drainage information.

Following receipt of the requested information it withdrew its objection to the application. Following the submission of revised flood risk information which includes an assessment of the impact of 37% climate change uplift, it is content that the fluvial flood risk to the development is low. All of the proposed plots are located outwith the area identified at being at risk during a 1 in 200 year plus climate change (37%) fluvial flood event. However, it requires the Finished Floor Level (FFL) of the buildings to be a minimum of 600mm above the 1 in 200 year plus climate change (37%) level, the Flood Risk Assessment confirms that the freeboard is a minimum of 850mm.

It is content with the Drainage Impact Assessment (Rev E), with the development being drained via a SUDS basin at the east end of the site. The DIA indicates that the basin is designed to accommodate runoff from a positively drained area of 1.78Ha. This is understood to include this application and the extant commercial area to the west. Discharge from the basin will be limited to the 2-year greenfield runoff rate and storms up to and including the 200 year plus climate change return period event will be managed within the site. It notes that discharge from the surface water drainage system will be to an existing watercourse to the east and third-party land will be required to construct this feature. It notes that the drainage network will be put forward for vesting by Scottish Water and The Highland Council. It requests a condition that the final drainage design is submitted for review and approval, this shall include confirmation that Scottish Water are willing to vest the surface water drainage infrastructure.

- 5.7 **Historic Environment Team Archaeology** do not object to the application but request a planning condition to secure a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features.
- 5.8 **Forestry Officer** does not object to the application following submission of further information related to impact on trees. Following the submission of the required information, the Forestry Officer is content with the scheme, subject to planning conditions controlling the removal of trees within the site, the implementation of root protection barriers, the use of an arboriculturist to supervise the implementation of the Arboricultural Method Statement and the implementation of the landscaping plans.
- 5.9 **Transport Planning Team** do not object to the application following the submission of additional information.

It welcomes the retention of a pedestrian refuge island within the mouth of the new access junction from the A82 and the retention of footway crossing accesses into the parking courts behind the consented commercial units. It recommends that a planning condition is attached requiring the formation of a gateway feature on the

main spine road between the residential and commercial areas prior to occupation of the adjacent commercial units.

It confirms that the proposed internal residential road layout and street hierarchy generally adheres with that considered through the extant permission. The amended plans detail an appropriate level and scale of parking. However, an alteration to the disabled parking access buffers is required as they are incorrectly positioned in front of Units 52/53 and next to Unit 30/31, this will be conditioned. The provision of a footway in front of units 17-21 will be conditioned.

It is expected that the residential streets to be covered by a 20mph speed limit or zone, traffic calming measures which were sought previously have been retained in this layout. It requests a condition controlling the provision of cycle storage facilities.

It welcomes that the existing footway on the eastern side of the A82 will be extended from where it ends at the current pedestrian refuge island up to the new signalised toucan crossing. However, it notes that it will have a restricted width due to limited available land within the public road boundary.

It has recommended that an informative clarifying that new Traffic Regulation Orders will need to be promoted to formalise the conversion of existing public footways to shared pedestrian and cycle usage.

The retention of the new footway and suitable dropped kerbs in front of the existing fire station off the A82 is welcomed. It also welcomes the intention to provide new bus stops on the A82 north of the proposed new access - recommend that this is controlled by a planning condition.

It notes that the development has sufficient space to accommodate refuse bins and a route to the adoptable road network for collection.

It requests the provision of a construction traffic management plan by condition.

It notes and welcomes the confirmation that the piped carrier system will be proposed for vesting by Scottish Water.

- 5.10 Access Panel: No response received.
- 5.11 Historic Environment Scotland: No response received.
- 5.12 **NatureScot:** No response received.
- 5.13 **Scottish Water** do not object to the application. It confirms that there is currently sufficient capacity for a foul water connection at Drumnadrochit Wastewater Treatment Works. However, it is unable to confirm sufficient capacity at this time for a water connection to Glenconvinth Water Treatment Works.
- 5.14 **Scottish Environment Protection Agency (SEPA)** do not object to the application, subject to a planning condition that there be no land-raising within the functional floodplain including for the formation of the footpath.
- 5.15 **Transport Scotland** do not object to the application, subject to planning conditions to secure the construction of the new ghost island right turn priority junction with the A82(T), the proposed pedestrian accessibility improvements on the eastern side of the A82(T), the proposed Toucan pedestrian crossing and pedestrian refuge

crossing on the A82(T) and the proposed bus stops on the A82(T). All the works shall be carried out prior to occupation of any part of the development.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

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

6.2 Inner Moray Firth Local Development Plan 2015

Policy 2 – Delivering Development

Allocation DR5 – Drum Farm – Mixed Use 55 homes, business, retail, community Drumnadrochit – Settlement Development Area (SDA) and supporting settlement text.

6.3 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 part of a wider site DR02 Drum Farm, and is preferred for residential development with business, retail and community uses. This land can help to consolidate the settlement in a central location and the report expects 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 during the first part of 2022.

6.4 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 (2014) Designing Streets (2011) Creating Places (2013) PAN 1/2011 Planning and Noise PAN 2/2011 Planning and Archaeology PAN 2/2010 Affordable Housing and Land Audits PAN 61 Sustainable Urban Drainage Systems (SUDS) PAN 65 Planning and Open Space PAN 66 Annex B: Advice on Major Developments Affecting Trunk Roads and Motorways PAN 67 Housing Quality PAN 68 Design Statements PAN 77 Designing Safer Places PAN 79 Water and Drainage

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) design, layout and landscaping
 - c) impacts upon residential amenity
 - d) roads and access
 - e) impacts on the natural environment
 - f) impacts upon historic environment
 - g) flood risk, water supply and drainage
 - h) developer Contributions (including open space and affordable housing)
 - i) phasing and the wider masterplan
 - j) any other material considerations.

Compliance with the development plan and other planning policy

8.4 The principle of residential development on this site has been established through the planning permission that was granted on appeal in October 2021. This permission was granted subject to 27 planning conditions and a section 75 legal agreement securing contributions towards Glenurquhart Primary School, delivery of affordable unit, the provision of a pedestrian crossing across the A82 (T) in the vicinity of the Health Centre, and to address delivery of the associated village core proposals as Phase 2 in accordance with the single overall phasing plan and masterplan.

- 8.5 This current application seeks planning permission for a change in house types and in doing do it reduces the overall number of residential units on the site from 93 to 91 units. In order to address the determining issues therefore, Committee must consider the extent to which the new houses types/number of units continues to comply with development plan policy and take into consideration any other material considerations.
- 8.6 Development Plan policy is set out in the Highland wide Local Development Plan (HwLDP) 2012, the Inner Moray Firth Local Development Plan (IMFLDP) 2015 and statutorily adopted supplementary guidance.
- 8.7 The site is located within the mixed-use land allocation DR5 in the IMFLDP. The principle of residential development on this site is accepted through its position within a site allocated in the IMFLDP and via the extant planning permission 19/02761/FUL. While the DR5 allocation provides an indicative housing capacity of 55 units, the increase in numbers and density was addressed and considered acceptable by the Reporter as part of the appeal process and subsequent approval for 93 houses. The suitability of the site for the revised 91 unit will need further consideration.
- 8.8 The Development Plan policy context has not changed since the determination of the extant permission for residential development on this site. The principle is therefore established. Where the development is of high quality in terms of its design and layout without having a significantly detrimental impact upon individual and community residential amenity or the natural, built and cultural heritage, and where it can be adequately accessed and serviced without significant impact on existing services or have additional impact on flooding in the area, the proposals would accord with the Development Plan.

Design, layout and landscaping

- 8.9 The IMFLDP 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. In this regard, the overall layout of the development is remaining largely the same with the road and active travel routes are the same as the extant permission. A block layout structure is maintained 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 provision of two principal areas of open space is again as per the extant scheme, with the large area within the northern section of the site helping to maintain the visual separation referenced in the DR5 land allocation.
- 8.10 The proposed change is to the units mix and house types. The applicant has requested the following change in house types 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 in house types has resulted in fewer units being progressed on the site, with a reduction in units from 93 to 91. The change to unit types is summarised below:

Unit Type	Extant Scheme	Proposed Scheme	Unit Change				
Private Market Housing							
2 bed flat	16	28	+12				
2 bed house	21	0	-21				
2 bed bungalow	0	2	+2				
3 bed house	27	16	-11				
4 bed house	5	22	+17				
TOTAL	69	68	-1				
Affordable Housing							
1 bed flat	4	4	0				
2 bed house	11	9	-2				
2 bed bungalow	0	4	+4				
3 bed bungalow	3	0	-3				
3 bed house	6	4	-2				
4 bed house	0	2	+2				
TOTAL	24	23	-1				

- 8.11 Concerns have been expressed by third parties with regards to the proposed density, design and its non-conformity with the indicative number of residential units highlighted in the land allocation. However, the Reporter considered these matters in determining that the extant scheme and deemed them to be acceptable. Many of the Reporters conclusions are relevant in assessing the current re-design application. In granting the 93-house scheme, the Reporter did "not consider the proposed density to be unusually high" and the overall unit numbers, although above that identified in the land allocation was considered to be acceptable. The number of units proposed by the re-design is slightly less than the extant permission, 91 rather than 93 units. The proposed house designs and reduction in units does not raise any further concerns than those assessed by the Reporter for the existing permission.
- 8.12 Concerns have been raised with regards to the two-storey nature of the proposed designs. Like the extant permission, the proposed housing mix includes both single storey and two storey designs. The two storey designs are relatively modern and perhaps to some extent 'bulkier' than the extant scheme. However, the proposed change in house types is not considered to undermine the aims and design direction secured under the planning permission for the extant scheme. For instance, there is still the use of features such as dormers and rendered panels would create variety and interest across the designs. Concerns have been expressed regarding the difference between the proposed private and affordable housing. Although there are less features and detailing on some of the affordable housing designs, it is considered that there is still coherence in the overall layout and that variety is found in most residential areas and within Drumnadrochit. One way in which to provide further unity is through the final material palette, as per the extant permission this will be controlled via a planning condition. Consequently, it is considered that the application is in compliance with the DR5 land allocation in 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.

Impacts upon residential amenity

8.13 A representation has raised concern in relation to the impact of the development on the amenity of residents along Kilmore Road. To the rear (north) of properties 1, 3, 5, 7, and 11 Kilmore Road the extant scheme was for 11 residential units. Units 1 – 7 were contained within 2 storey detached or semi-detached properties, with units 8-11 within a flatted building. As part of the extant permission the Reporter assessed in detail the impact upon these existing properties in terms of the twostorey design, relationship and separation distances between the existing and proposed. The Reporter concluded 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. The consequent relationship of houses and gardens would alter the current situation but would not be unusual in a village context.....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".

- 8.14 The current application proposes to alter the proposed design of these plots. The proposed layout is for 8 units contained within 4 semi-detached buildings. Plots 5-8 will now be single storey, with the remaining plots being 2-storey in design. The separation distance between the existing and proposed units is comparable to the extant scheme, although due to the removal of the flatted building there is now a greater separation distance between the existing properties of 3 and 5 Kilmore Road and plots 7 and 8. The current scheme again proposes further amenity planting along the common boundary with the existing and proposed houses. Concerns have been raised that existing trees along this boundary are not protected, however, the plans do show proposed root protection measures. and these will be controlled through a planning condition. Consequentially, it is not considered that the proposed application raises any substantive concerns over those considered acceptable by the Reporter for the extant scheme. Therefore, subject again to suitable planning conditions controlling boundary and landscaping works, the application is acceptable.
- 8.15 In relation, to the impact of the proposed housing on the eastern side of Old School Court, the Reporter considered that:

"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".

The current application details the house on plot 78 being sited closer to the existing property to the south-west, however, the properties are still set at an angle from each other. The applicant was asked to provide additional information which regards to the impact upon this property. The applicant has stated that there are no windows in the western elevation of this property which would give rise to overlooking or any undue impact on privacy. The only window serves a bathroom and will be obscure glazed. In addition, the scale of the building coupled with the

distances between properties will ensure there is no prejudice to sunlight/ daylight.

8.16 Planning conditions are not used to control construction noise as powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, as there is a potential to cause disturbance, as raised in representations, it is considered appropriate to secure a noise and vibration assessment as part of the Construction Environment Management Plan. In addition, as per the extant permission a planning condition requiring a that Community Liaison Group should be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

Roads and access

- 8.17 As per the extant permission access to the site will be via a single vehicular access point from the A82(T). Transport Scotland do not object to the application, subject to the planning condition attached to the extant permission, which seeks to secure the construction of the new ghost island right turn priority junction with the A82(T), the proposed pedestrian accessibility improvements on the eastern side of the A82(T), the proposed Toucan pedestrian crossing and pedestrian refuge crossing on the A82(T) and the proposed bus stops on the A82(T).
- 8.19 Following the submission of additional information, Transport Planning do not object to the application. It welcomes the retention of a pedestrian refuge island within the mouth of the new access junction from the A82 and the retention of footway crossing accesses into the parking courts behind the consented commercial units. It recommends that a planning condition is attached requiring the formation of a gateway feature on the main spine road between the residential and commercial areas prior to occupation of the adjacent commercial units. It welcomes that the existing footway on the eastern side of the A82 will be extended from where it ends at the current pedestrian refuge island up to the new signalised toucan crossing. However, it notes that it will have a restricted width due to limited available land within the public road boundary. As such the applicant will be encouraged to discuss with the adjacent landowner the ability to widen the footpath into their land. The retention of the new footway and suitable dropped kerbs in front of the existing fire station off the A82 is welcomed. It also welcomes the intention to provide new bus stops on the A82 north of the proposed new access and recommend that this is controlled by a planning condition.
- 8.20 Transport Planning confirm that the proposed internal residential road layout and street hierarchy generally adheres with that considered through the extant permission. The amended plans detail an appropriate level and scale of parking. However, an alteration to the disabled parking access buffers which are incorrectly positioned in front of Units 52/53 and next to Unit 30/31 will be conditioned. The provision of a footway in front of units 17-21 will also be conditioned. It is expected that the residential streets will be covered by a 20mph speed limit or zone, traffic calming measures which were sought previously have been retained in this layout. It requests a condition controlling the provision of cycle storage facilities. It notes that the development has sufficient space to accommodate refuse bins and a route to the adoptable road network for collection. It requests the provision of a

Construction Traffic Management Plan (CTMP) be secured by condition.

8.21 In terms of wider public access, the Access Officer has no objection to the application and is content with the submitted Access Management Plan, implementation of this will be controlled by a planning condition.

Impacts on the natural environment

- 8.22 As detailed above there are no natural heritage designations on the site. Urguhart 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. Concerns have been raised by third parties that the application has not been supported by ecological surveys. An ecological walkover survey was undertaken previously. The Reporter also gave consideration to the potential impact upon bats in relation to a number of mature trees on the southern boundary that contained features suitable for bats including cavities and flaking bark. The Reporter concluded that a further Stage 2 survey would be required before the removal of trees but acknowledged that a number of these trees are diseased and notwithstanding this development will need to be removed for safety reasons. This aspect is controlled by Conditions 6, 7 and 22 of the extant permission. The Council Forestry Officer has no objection to the scheme subject to planning conditions controlling the removal of trees within the site, the implementation of root protection barriers, the use of an arboriculturist to supervise the implementation of the Arboricultural Method Statement and the implementation of the landscaping plans.
- 8.23 In addition, Condition 4 of the extant permission a Construction Environment Management Document (CEMD) will be controlled which will require further survey work and the appointment of an Environmental Clerk of Works (ECoW). Subject to the application of the same planning conditions, it is considered that this re-design application does not raise any new considerations not already addressed and as such the information submitted with the application is deemed to be acceptable in this context.

Impacts upon the historic environment

- 8.24 The former Glenurquhart Secondary School and Schoolhouse on Kilmore Road is a Category B Listed Building. As per the extant permission the impact from development on this site is considered to be limited to the location of the Active Travel Link and associated landscaping proposals. The existing mature trees in this vicinity contribute to this setting, but as noted in the Arboricultural Assessment, four of the mature Wych Elms are considered to be dead and should be removed regardless of the development due to a potential safety risk. Two Ash trees are to be retained and the area will be augmented by new trees along the active travel route as denoted on the landscaping scheme. Subject to the retention, of existing trees and the proposed new landscaping, it is considered that as per the extant permission the re-design application would protect the listed building in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.
- 8.25 There are sites of archaeological interest recorded in the Highland Historic

Environment Record within vicinity of the site. Consequently, as per the extant permission the Historic Environment Team has requested that an archaeological watching brief is secured by a condition.

Flood risk, water supply and drainage

- 8.26 The applicant submitted an updated flood risk information which includes an assessment of the impact of the 37% climate change uplift. The Councils Flood Risk Management Team is content that the fluvial flood risk to the development is low. All of the proposed plots are located outwith the area identified at being at risk during a 1 in 200 year plus climate change (37%) fluvial flood event. However, FRM recommended that Finished Floor Level (FFL) of the buildings is controlled by a planning condition.
- 8.27 Glenurqhuart Community Council has raised concerns about the capacity of the foul drainage network to accommodate the development. Scottish Water do not object to the application. It confirms that there is currently sufficient capacity for a foul water connection at Drumnadrochit Wastewater Treatment Works. However, it is unable to confirm sufficient capacity at this time for a water connection to Glenconvinth Water Treatment Works. It is understood that the applicants are in discussions with Scottish Water on this matter and that there is capacity for the development. This will be for the developer to secure.
- 8.28 In terms of surface water drainage, the FRM team has confirmed that it is content with the updated Drainage Impact Assessment with the development being drained via a SUDS basin at the east end of the site. FRM request a condition that the final drainage design is submitted for review and approval, this shall include confirmation that Scottish Water are willing to vest the surface water drainage infrastructure. Transport Planning notes and welcomes the confirmation that the piped carrier system will be proposed for vesting by Scottish Water. Conditions 10 and 11 of the extant permission control the final technical details of the drainage system and its ongoing maintenance. These conditions will again be attached to this current application.

Developer Contributions (including affordable housing)

- 8.29 Policy 31 Developer Contributions sets out that developer contributions may be sought when a development would result in a deficiency in public services. Contributions can be sought to address such deficiencies, for example towards increased education capacity, transportation and infrastructure. The Councils Development Plans Team have provided advice on the latest requirements for developer contributions as these are based on the latest forecast modelling for matters such as the school roll. The existing planning permission was issued following conclusion of a legal agreement this secured:
 - 25% affordable housing;
 - Contribution toward the enhancement of primary school capacity at Glenurquhart Primary School (£7,359 per house or £4,171 per flat. No contributions to education were required from 1 bedroom flats); and
 - Contribution toward the provision of a pedestrian crossing of the A82 to

facilitate access from the site to the health centre and pharmacy (£515 per dwelling).

8.30 The Developer Contributions Supplementary Guidance includes a mechanism for reviewing the developer contributions for a scheme if a new proposal is brought forward. In doing so colleagues in Development Plans have advised that Glenurquhart Primary School no longer requires a major school extension as it is only now likely to breach its 90% physical capacity threshold by a degree requiring a two-classroom extension only rather than a major school extension. As a result, the legal agreement requires modification to reflect this change.

Phasing and the wider masterplan

- 8.31 As detailed above, the site is part of the wider DR5 mixed use land allocation. As part of this there is a requirement for a non-housing element to be provided. Permission for the formation of mixed-use village core of nursery, office space and retail (food and non-food) on land to the west has already been granted (19/02762/FUL). To ensure that the non-housing element on the adjacent site is delivered as part of a more cohesive strategy, the Reporter controlled the phasing to provide assurance that the delivery of the wider mixed used allocation would be phased sequentially. However, in addition a Section 75 legal agreement was also deemed necessary to clarify the overall layout and to achieve a cohesive approach to development of the site overall. As part of this house design remix application, it is considered appropriate to grant permission on the basis of an updated legal agreement.
- 8.32 The application is accompanied by a 4-part phasing plan. Phase 1 of the development would include the access from the A82, the landscaping around the commercial area to the west, the SuDS and 23 affordable units and 12 private market housing. The second phase of development would be focussed on the commercial elements of the proposal and the central landscaping area for the houses. The third phase would include 28 homes. The fourth phase would be for a further 28 homes. Concerns have been raised by third parties with regards to the phasing/delivery rates of the site being outwith the 10 houses per annum as identified in the DR5 land allocation in the IMFLDP. The Reporter considered that there could be some flexibility in this regard. In paragraph 15 of the decision notice the Reporter states that:

"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".

The re-design of the house types does not materially alter this assessment. A

finalised phasing plan can be secured by a planning condition.

Other material considerations

- 8.33 As with many sites in Highland, the application site has potential for below ground radon. The Contaminated Land Team recommend an informative is attached to any planning permissions which may be granted setting out that radon barriers may be required.
- 8.34 Concerns have been raised that the application was not accompanied by an Environmental Statement. However, the proposal is not considered to be EIA development, so there is no requirement for this to be submitted.

Non-material considerations

8.35 The impact upon property values is not a material planning consideration. The matter raised in relation to the need to remove 'dead' elm trees for health and safety reasons will be a matter for the applicants to pursue.

Matters to be secured by Section 75 Agreement

8.36 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

a) contributions towards a two-classroom 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) to address delivery of the associated village core proposals with Phase two of four in accordance with the single overall Phasing Plan and Masterplan.

8.37 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:

"The proposed application has failed to conclude a legal agreement required to secure reasonable and proportionate contributions to secure mitigation for the impacts of the proposed development. As such the application is contrary to the provisions of Policy 31 (Developer Contributions), Policy 32 (Affordable Housing) of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the Inner Moray Firth Local Development Plan."

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 that have previously been agreed or the constraint on the site.
- 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): Provision of affordable housing
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. **RECOMMENDATION**

Action required before decision issued

Conclusion of Section 75 Obligation - YES

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

- 1. Planning Permission is hereby granted for 91 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. The approved Access Management Plan (Rev B, November 2021), and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: 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:
 - Drainage and sediment management measures from all construction areas;
 - 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.

- 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;
 - 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 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 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;
 - c) 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.
 - d) 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.
 - e) A scheme for the delivery of a footpath to the front of units 17-21 within the

development. Thereafter the scheme shall be implemented prior to occupation of these units.

f) A scheme for the delivery of amended disabled parking access buffers to the front of Units 52/53 and next to Units 30/31. These shall be relocated to be next to the adjacent parking spaces and not next to the private access paths. The scheme shall be implemented prior to occupation of these units.

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.

28. For the avoidance of doubt, there be no land-raising within the functional floodplain including for the formation of the footpath and the Finished Floor Level (FFL) of the buildings shall be a minimum of 600mm above the 1 in 200 year plus climate change (37%) level.

Reason: To minimise the risk of flooding.

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 & 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: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

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_f or_working_on_public_roads/2

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and 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

Contaminated Land

You are advised that consideration should be given to Radon Protection measures within this area of Drumnadrochit.

Signature:	David Mudie
Designation:	Area Planning Manager – South
Author:	Alison Harvey
Background Papers:	Documents referred to in report and in case file.

Relevant Plans:

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS			REQUIRED FOR LEGAL AGREMEENTS ONLY					
Туре	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date ^{*2}	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools ²									
Primary – Build Costs	Towards a two classroom extension at Glenurquhart Primary School	£2,041	£1,157	£152,815	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
Affordable Housing									
On-site provision ³	23 units to be built during first phase of the development				NO				
Transport									
Pedestrian Crossing	Provision of a crossing of the A82 to connect the site to the health centre and pharmacy.	£515	£515	£46,865	BCIS		TOC/CC	Apr/Oct	15

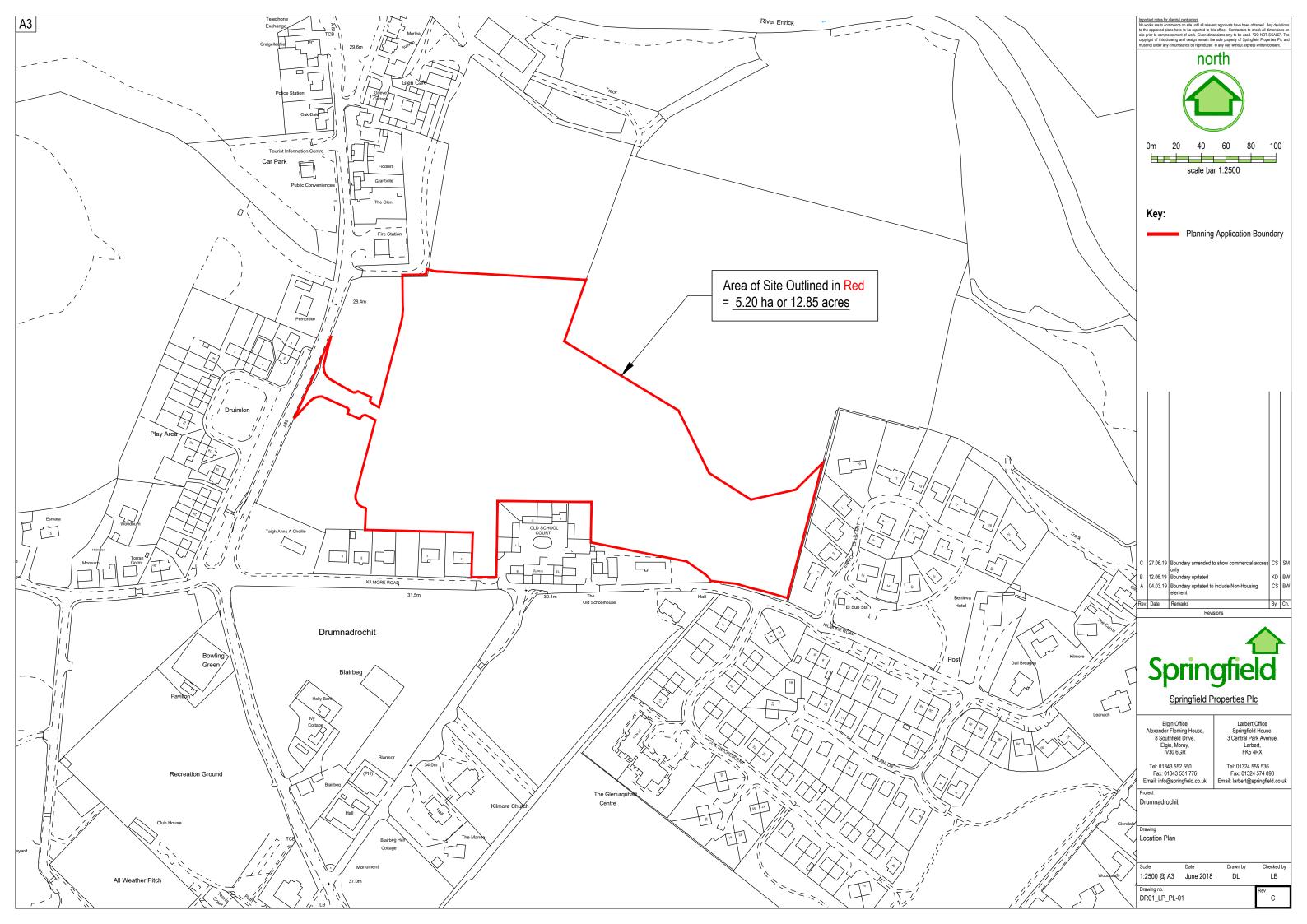
Other Legal Agreement requirements

• Phasing - Tying together the proposal with the extant consent on the adjacent land to the west (planning reference 19/02762/FUL Formation of mixed-use village core of nursery, office space and retail) to secure development in accordance with the single overall Phasing Plan whereby the non-housing uses would be delivered as Phase 2 of 4.

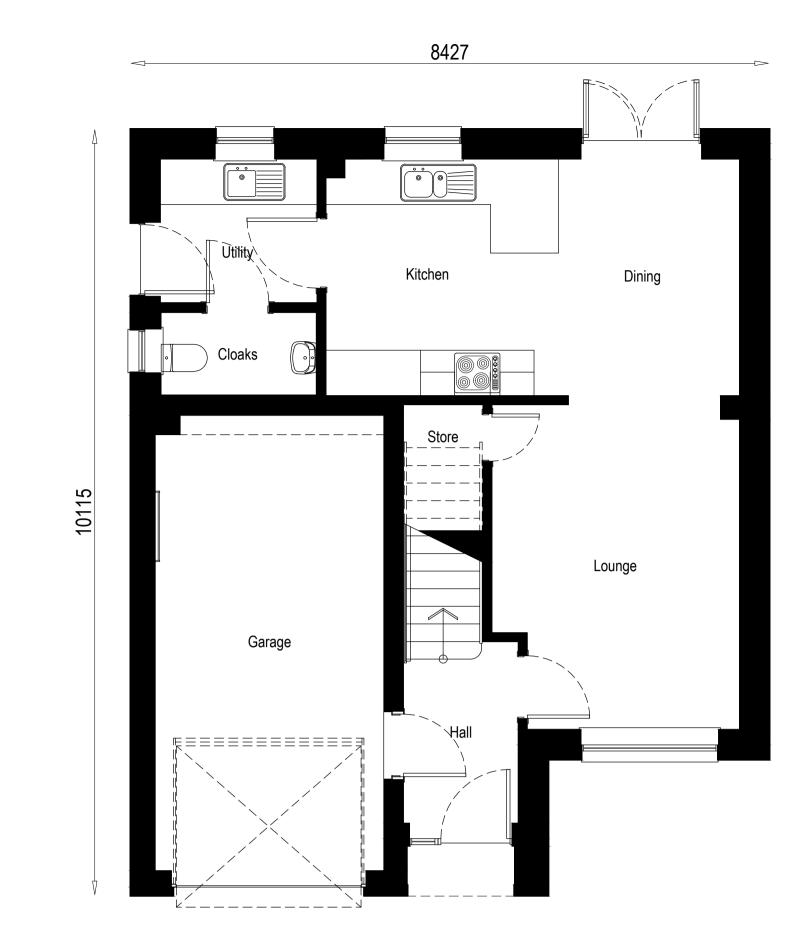
² Indicate whether or not 1 bed houses/flats are exempt

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).





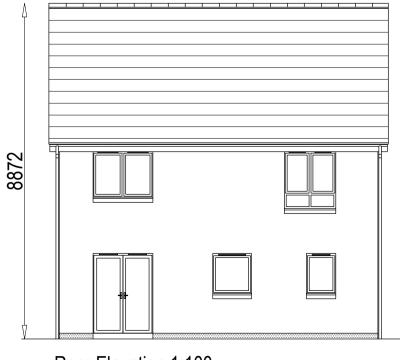


Ground Floor Layout 1:50

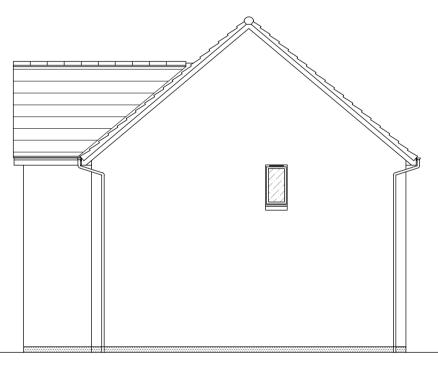
A1



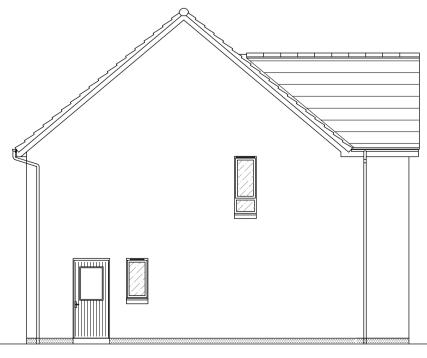
Front Elevation 1:100



Rear Elevation 1:100

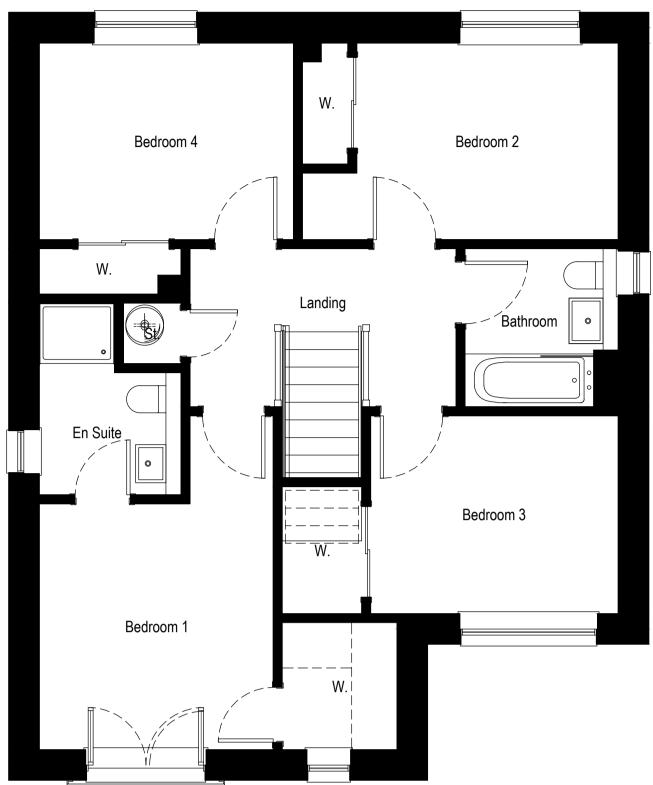


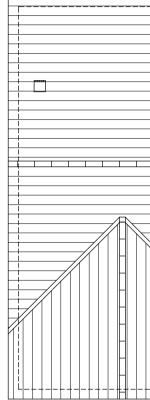
Side Elevation 1:100



Side Elevation 1:100

feature base feature cladding feature masonry

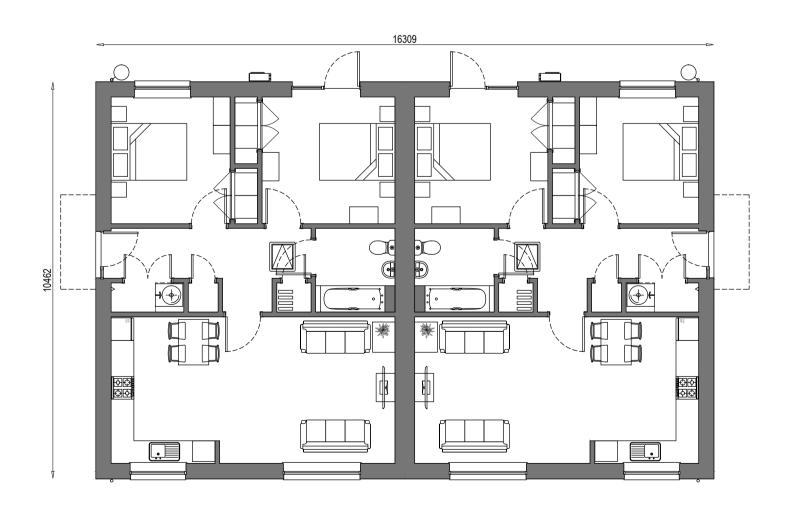




First Floor Layout 1:50



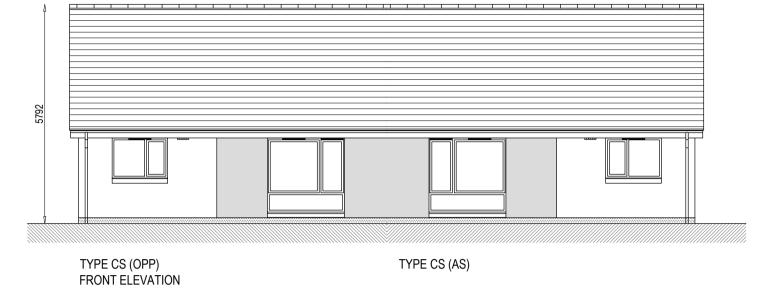
TYPE CS (OPP) GROUND FLOOR LAYOUT TYPE CS (AS)

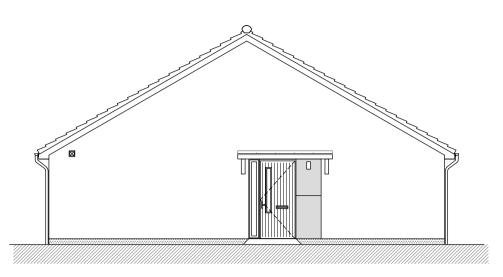


TYPE CS (AS) REAR ELEVATION

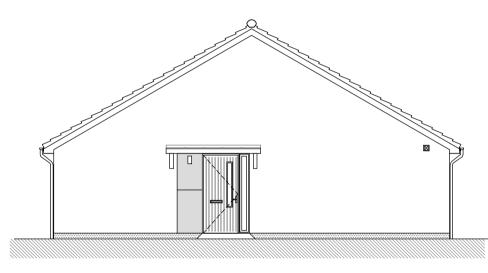
TYPE CS (OPP)



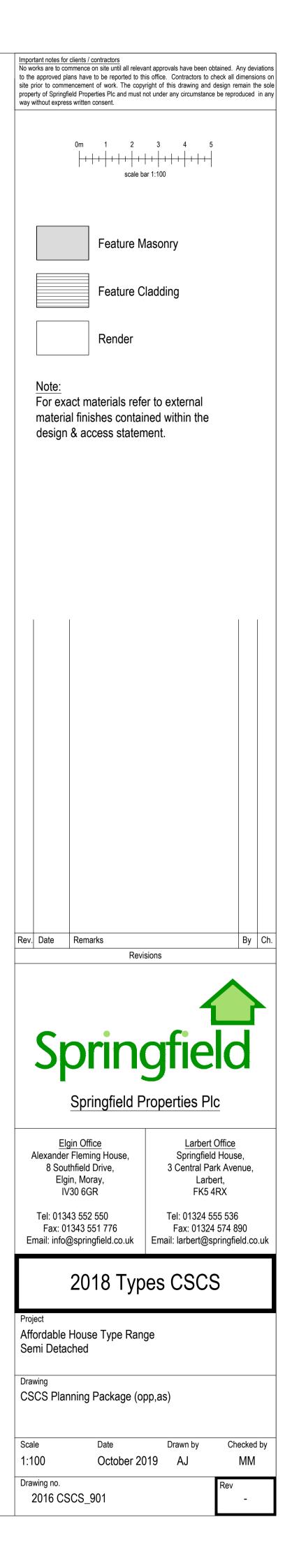




TYPE CS (AS) SIDE ELEVATION



TYPE CS (OPP) SIDE ELEVATION





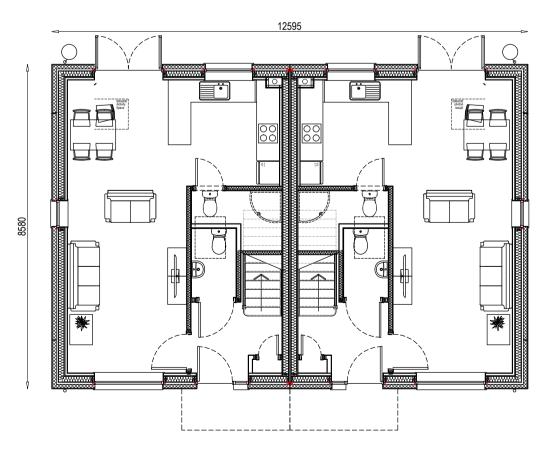
TYPE B (OPP END) REAR ELEVATION

TYPE B (AS END)



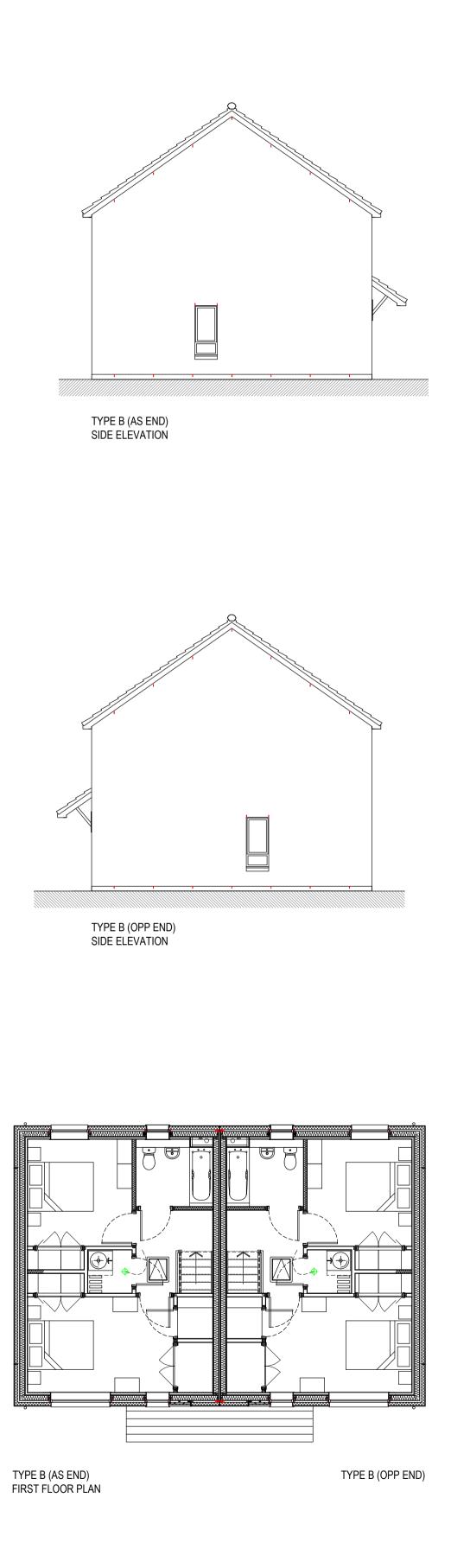
TYPE B (AS END) FRONT ELEVATION

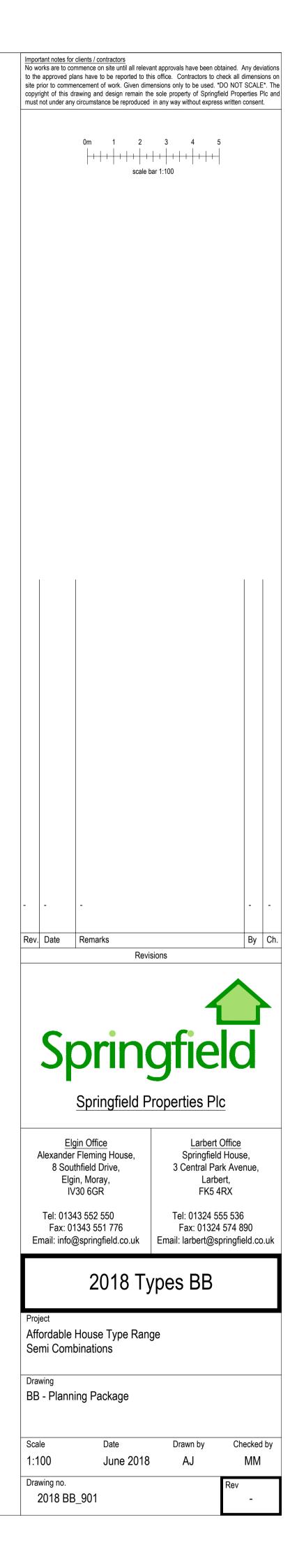
TYPE B (OPP END)



TYPE B (AS END) GROUND FLOOR PLAN

TYPE B (OPP END)

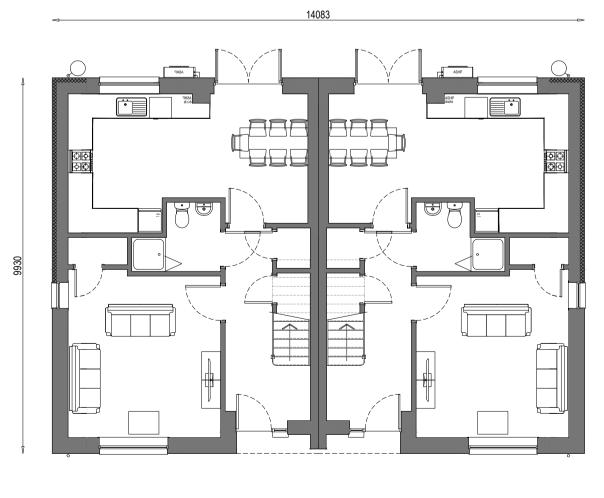






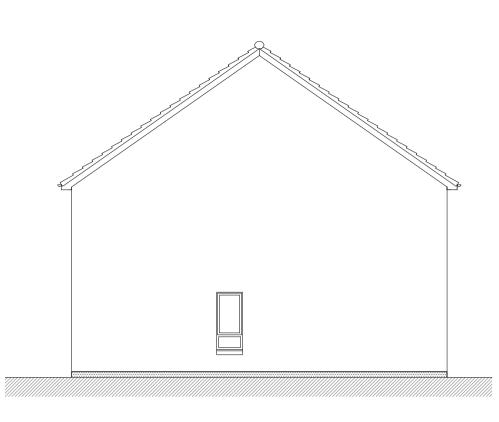
TYPE D (OPP) FRONT ELEVATION TYPE D (AS)

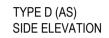


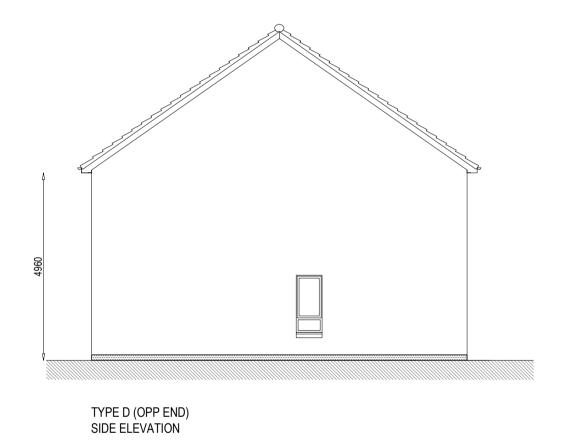


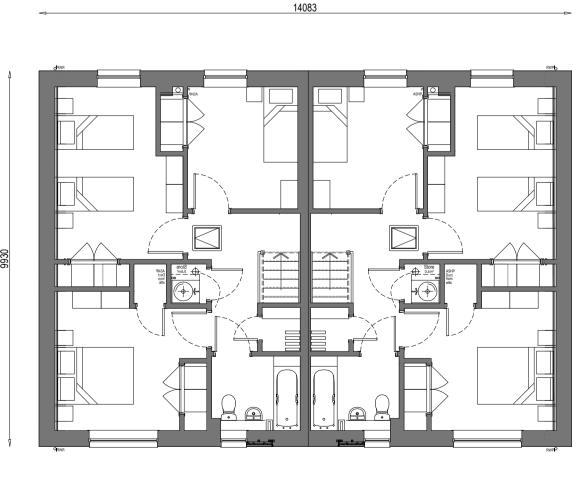
TYPE D (OPP) GROUND FLOOR PLAN TYPE D (AS)

A1

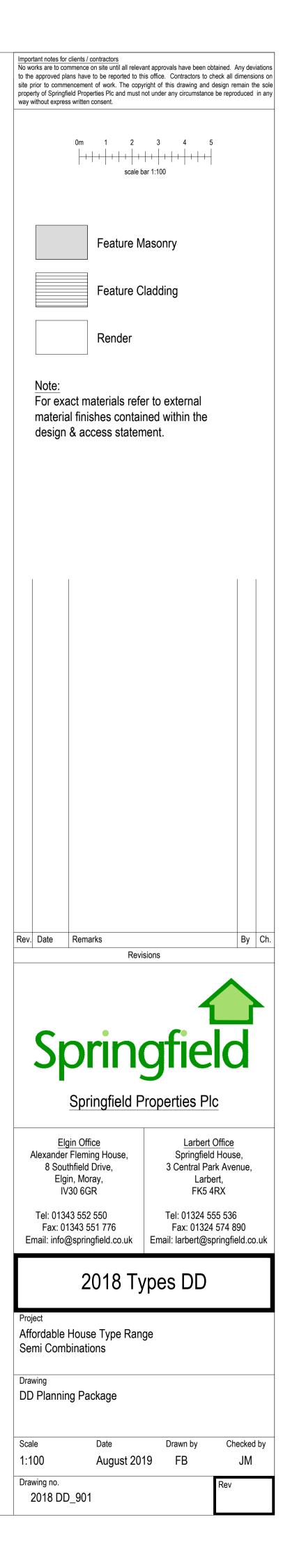




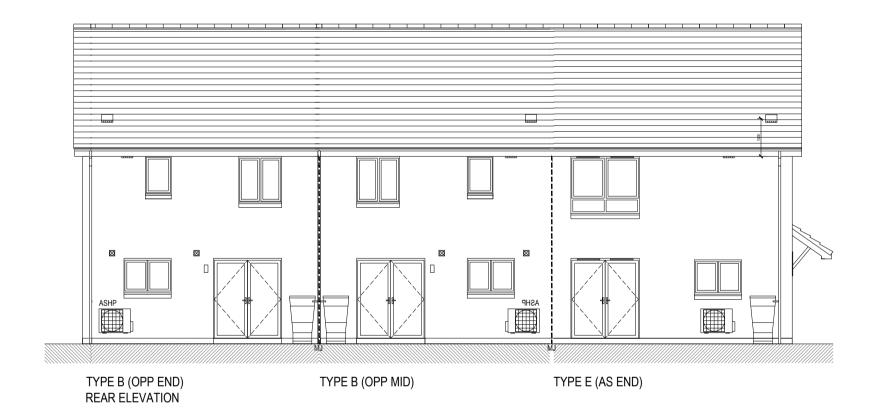


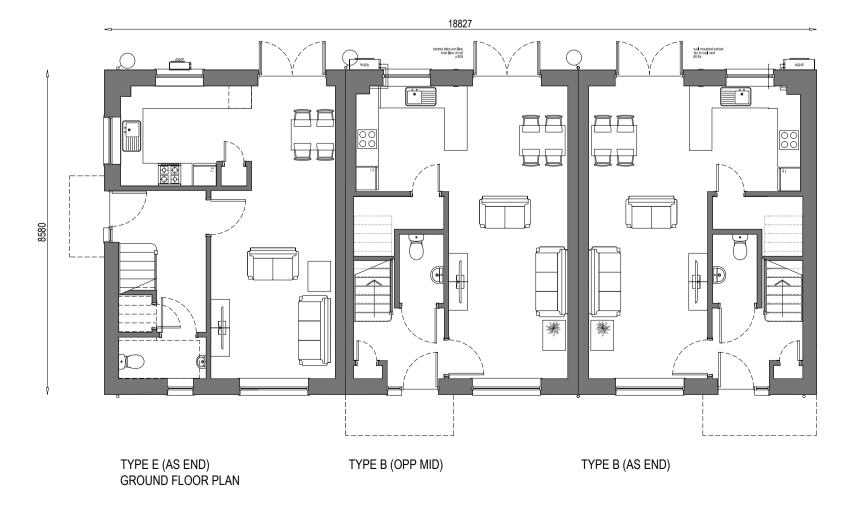


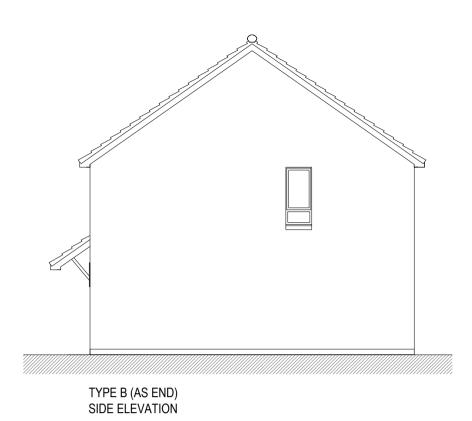
TYPE D (OPP) FIRST FLOOR PLAN TYPE D (AS)

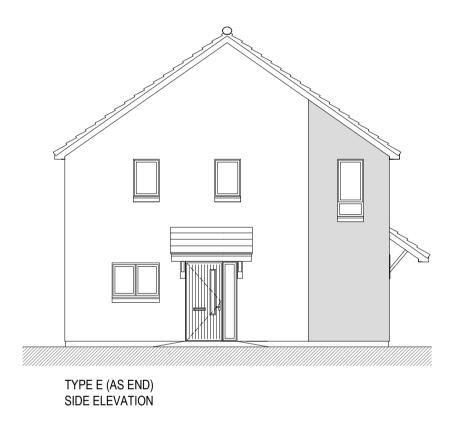


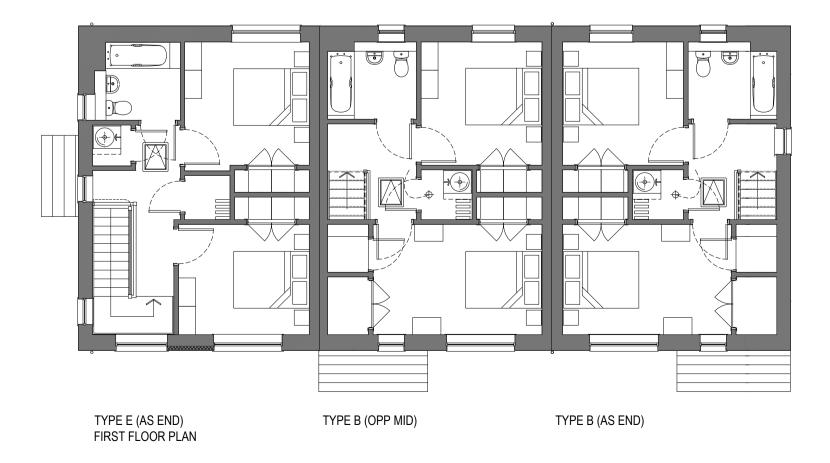


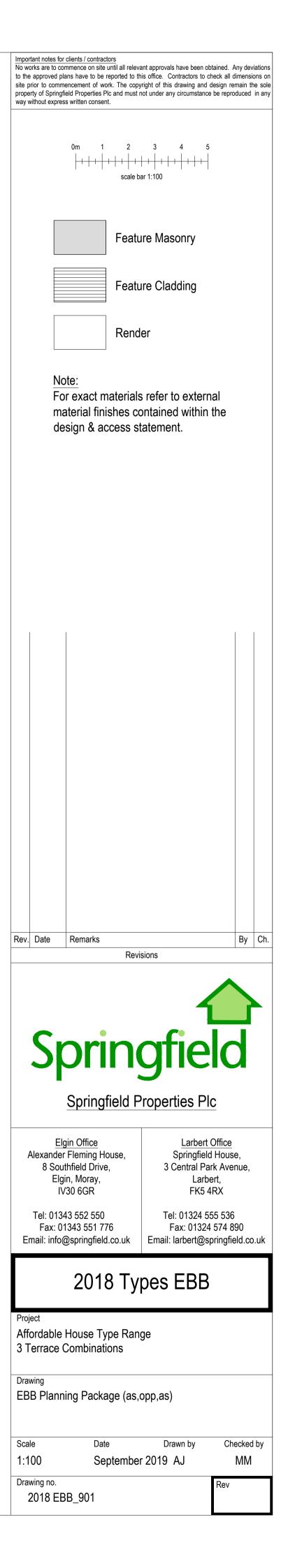


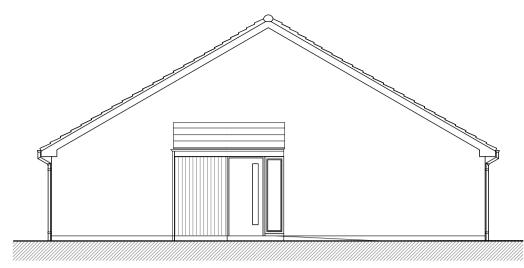


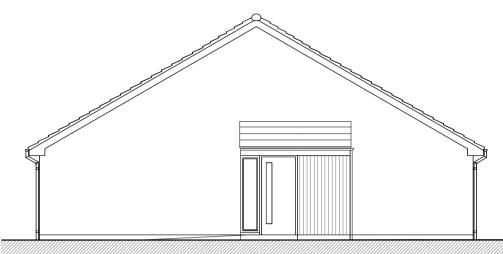


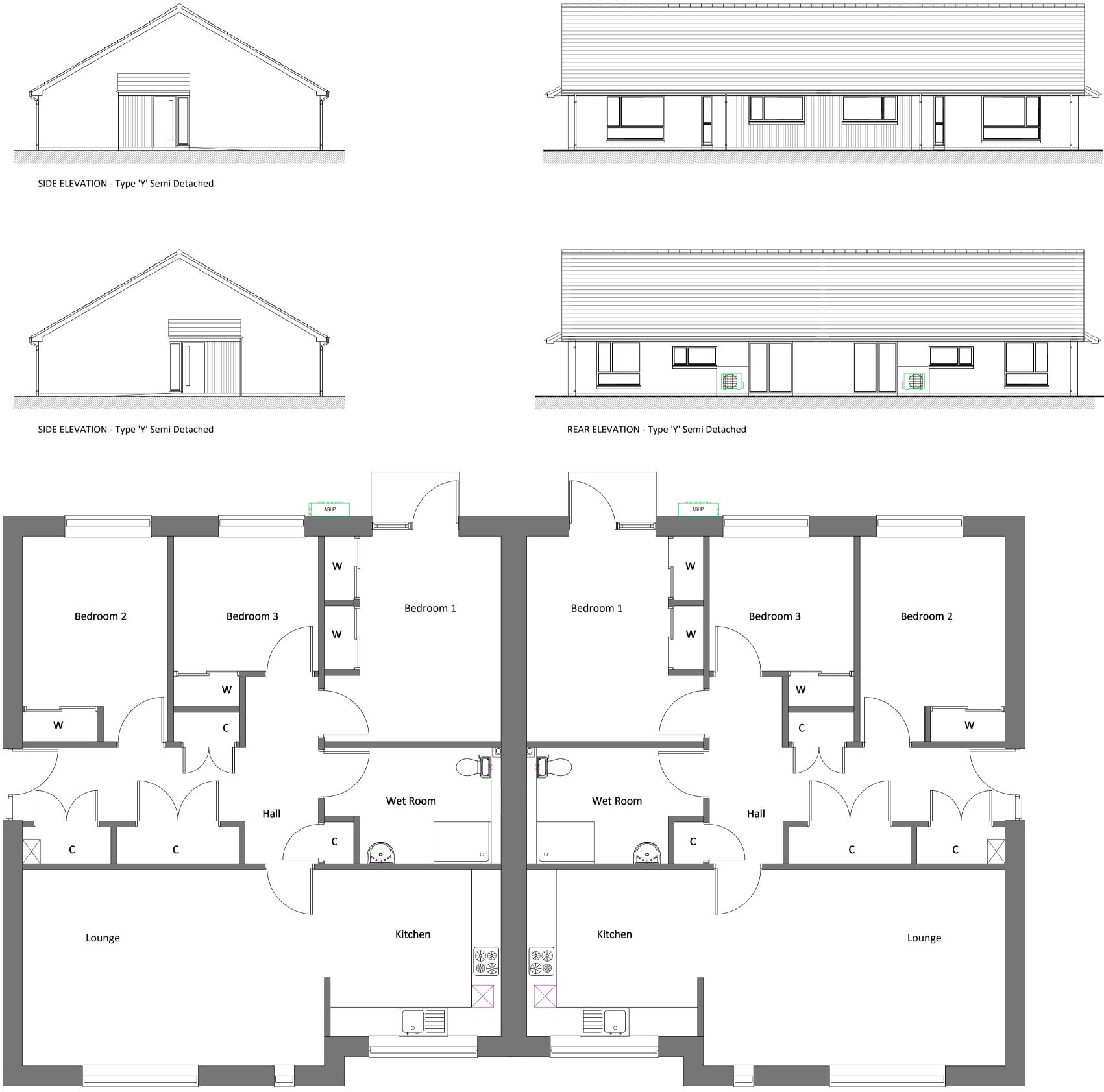




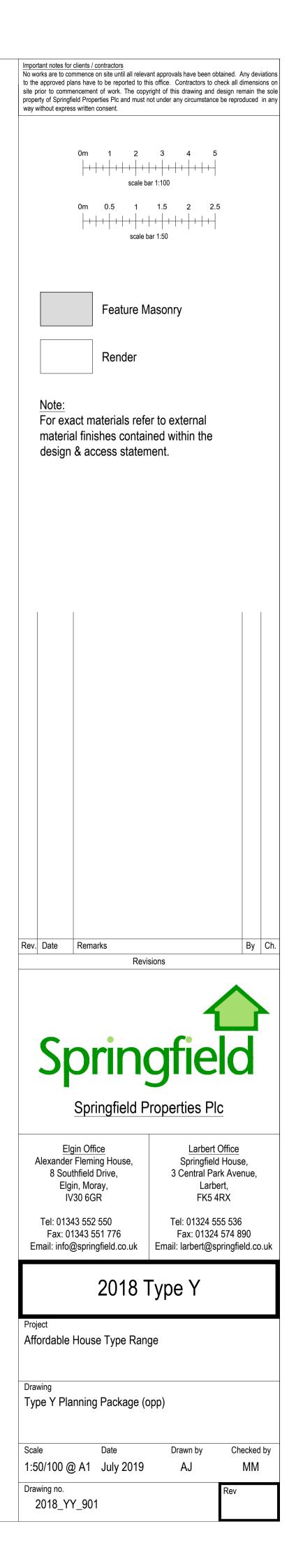








Room Measurements			
	metric		
Kitchen/Dining	3.48m x 3.40m		
Lounge	6.14m x 3.99m		
Wet Room	2.88m x 2.38m		
Hall	6.23m x 1.50m		
Bedroom 1	3.60m x 4.18m		
Bedroom 2	2.95m x 4.18m		
Bedroom 3	2.95m x 3.46m		
Internal Floor Area	103.14m sq		

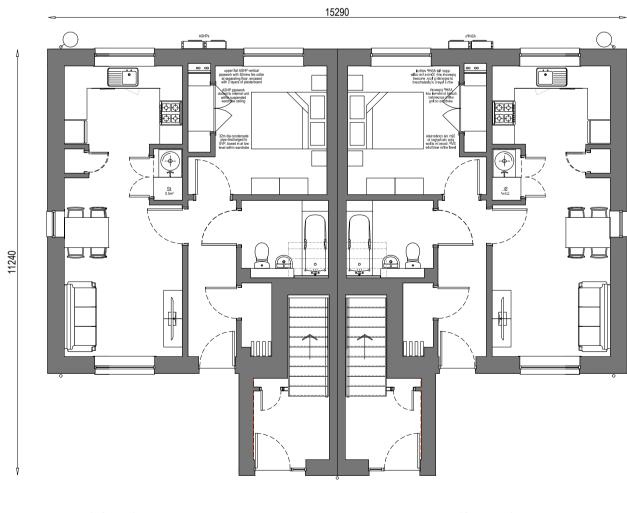




TYPE A (OPP END) REAR ELEVATION TYPE A (AS END)

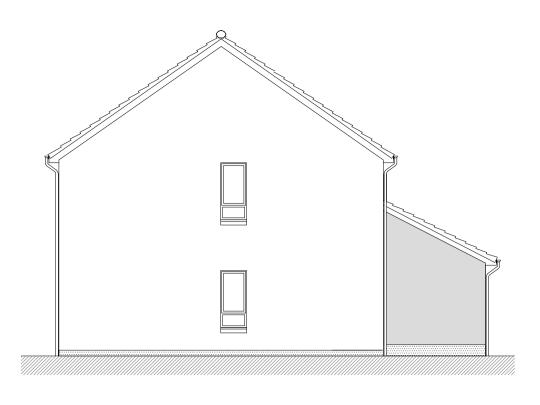


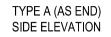
TYPE A (AS END) FRONT ELEVATION TYPE A (OPP END)

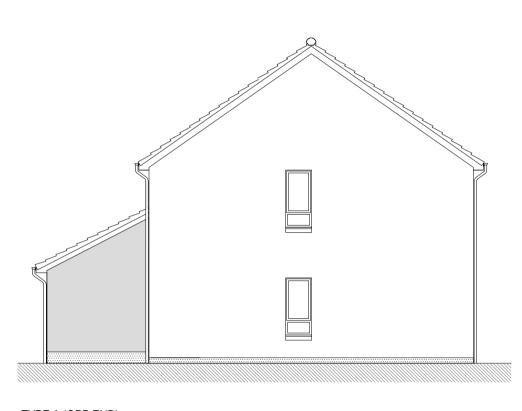


TYPE A (AS END) GROUND FLOOR PLAN TYPE A (OPP END)

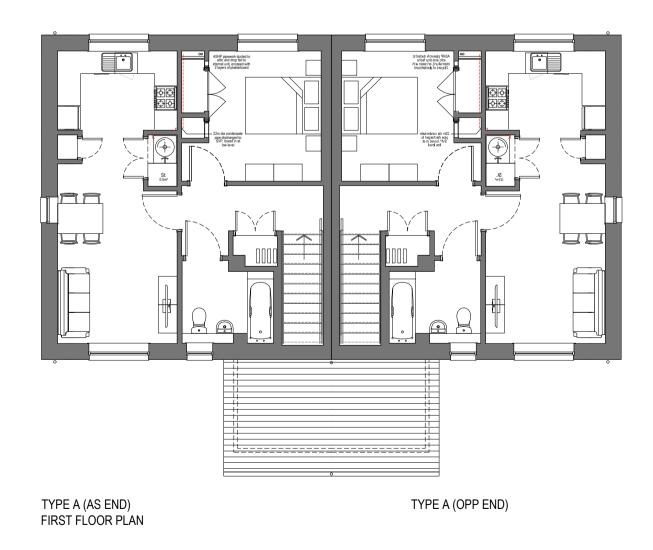
A1

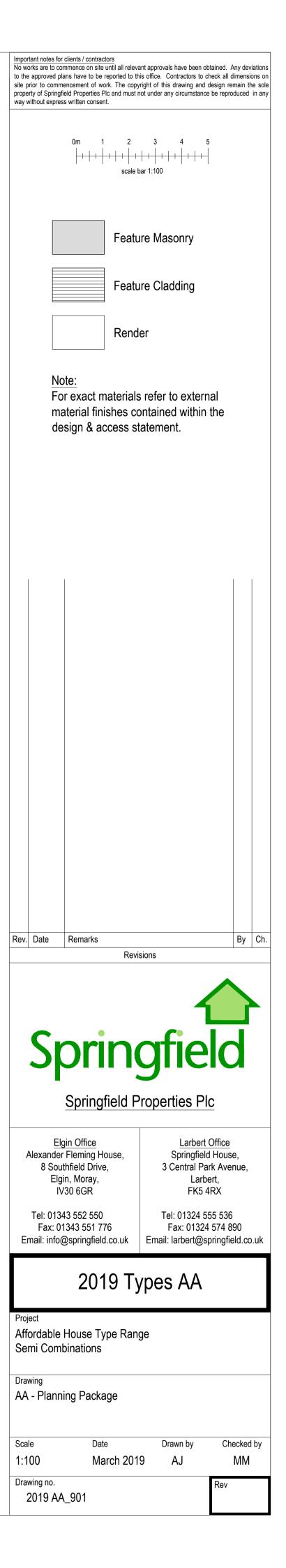


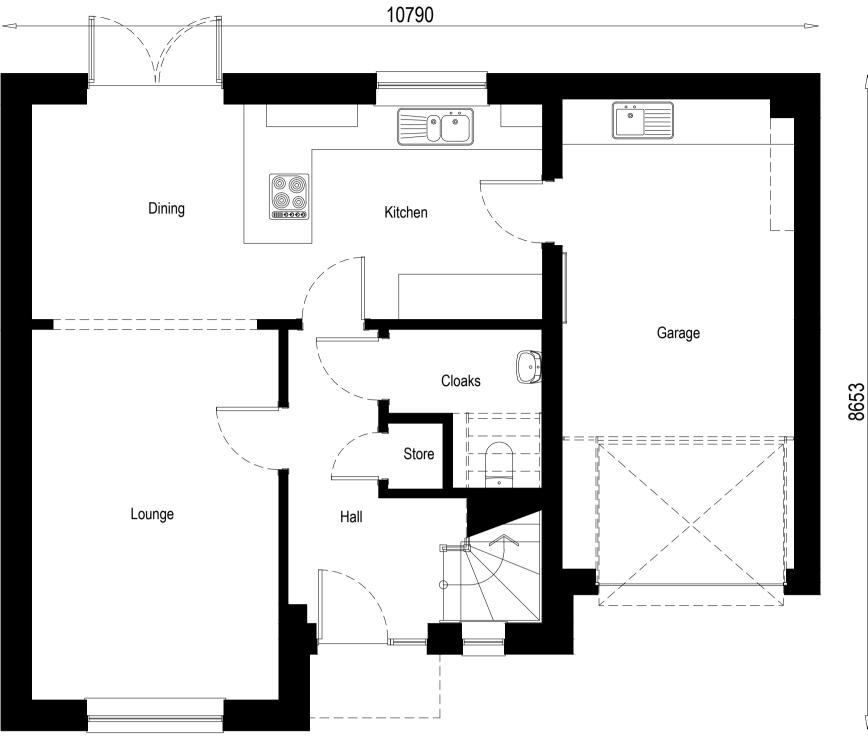




TYPE A (OPP END) SIDE ELEVATION



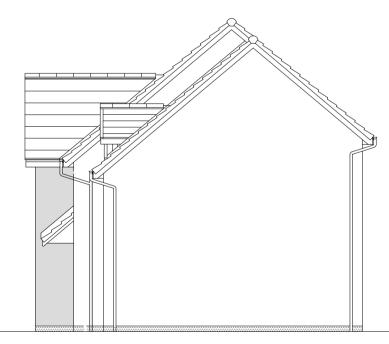




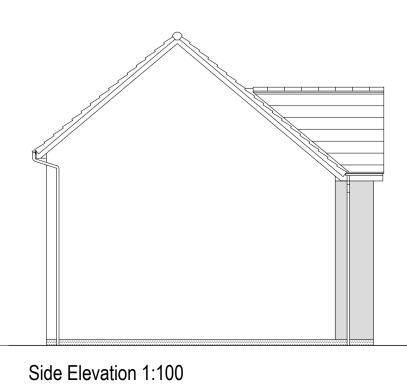


Front Elevation 1:100

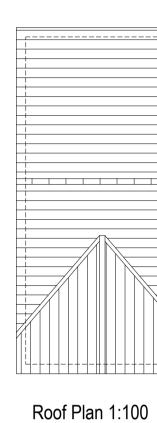




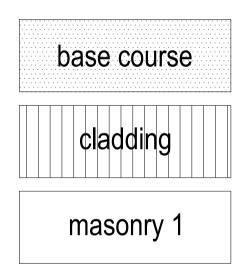
Side Elevation 1:100

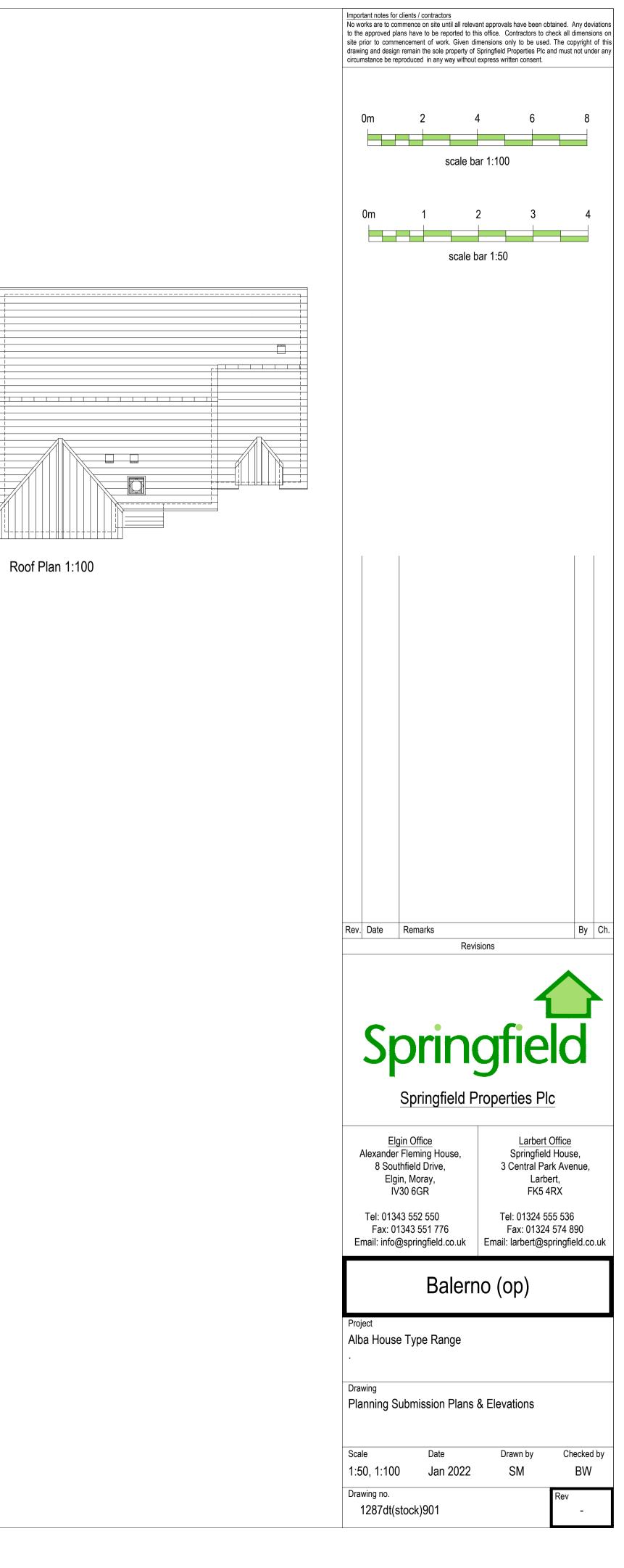


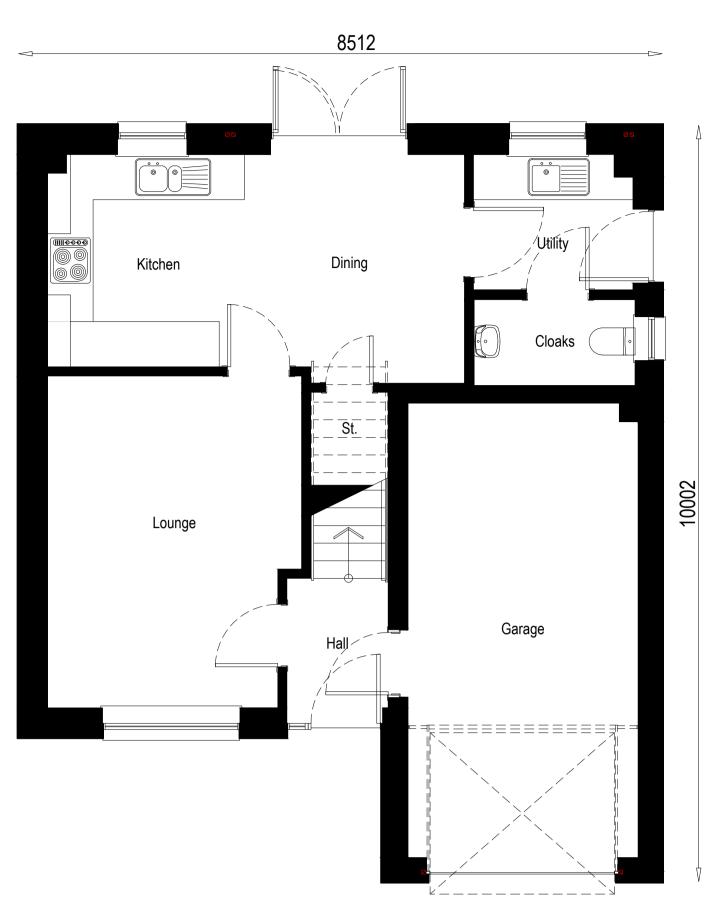


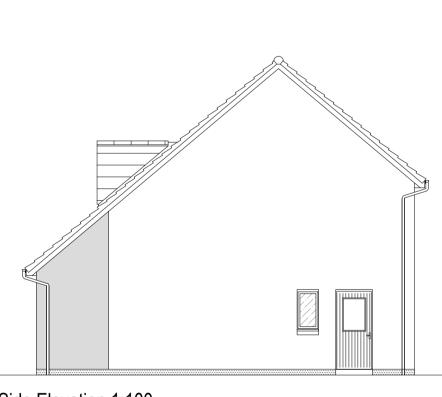


First Floor Layout 1:50

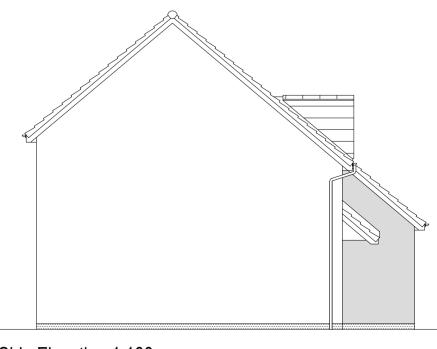








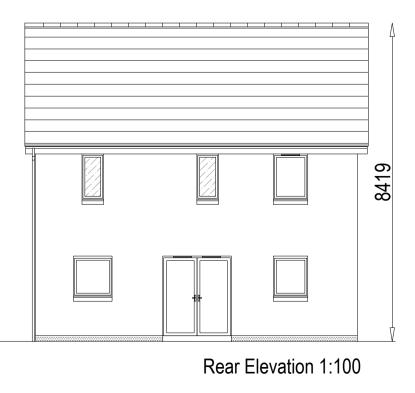






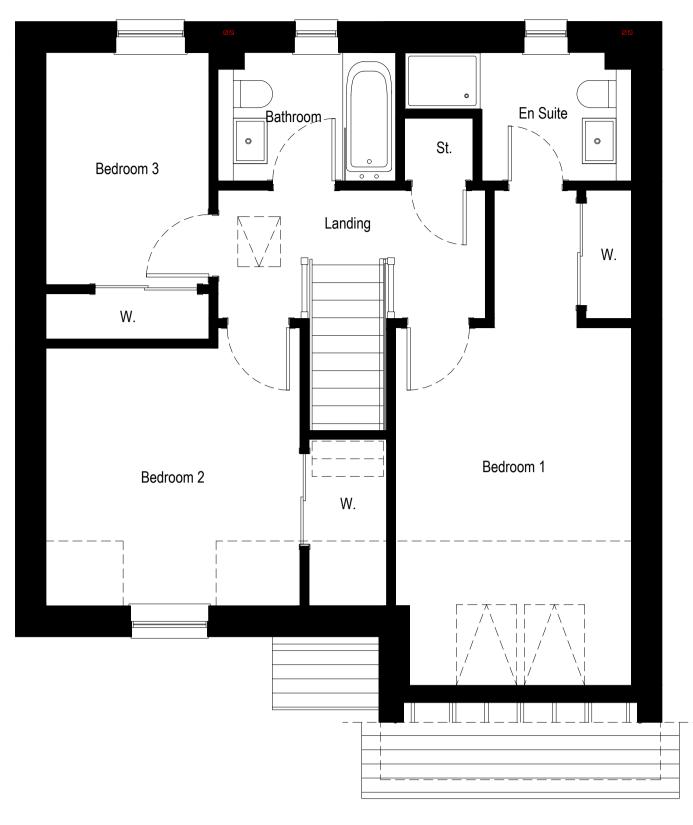


Front Elevation 1:100



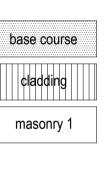
Elevations

A1

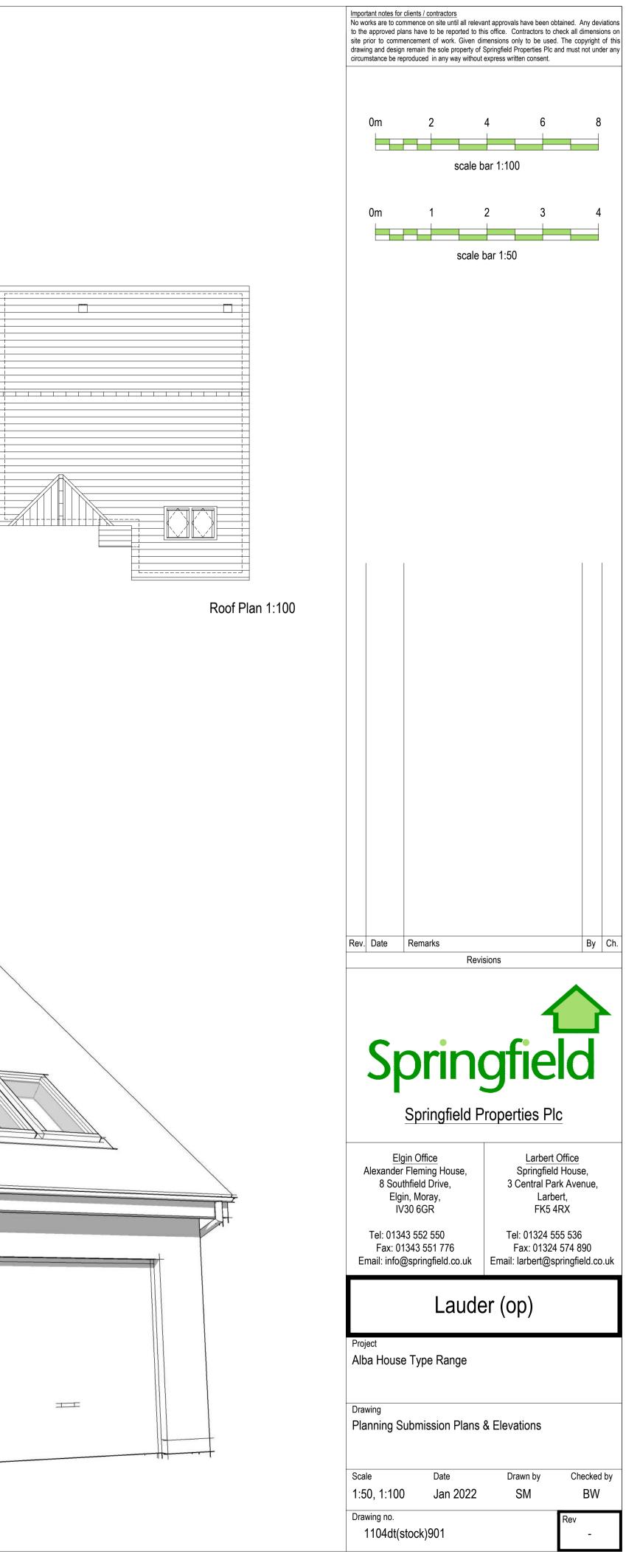


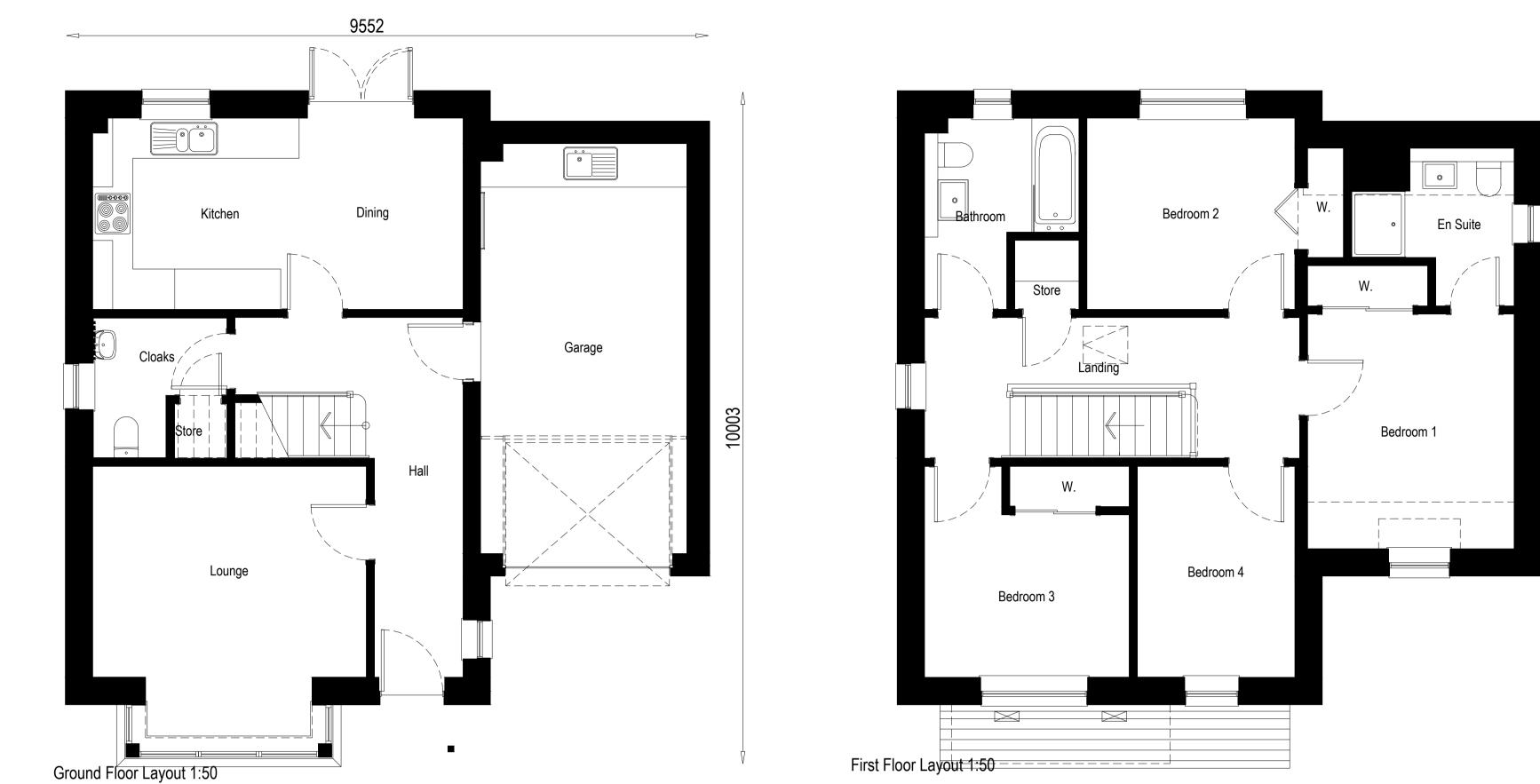


First Floor Layout 1:50







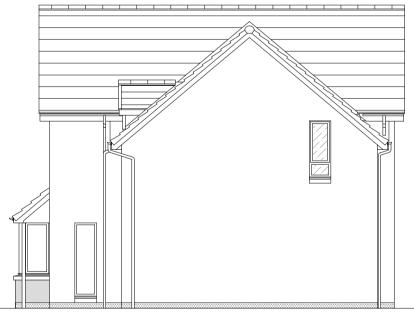




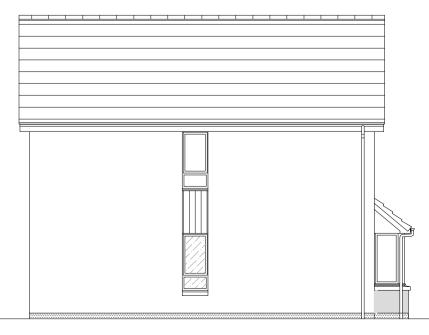
Front Elevation 1:100



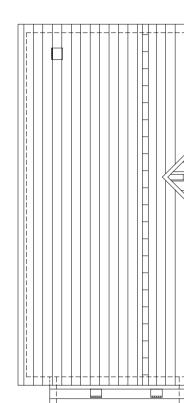
Rear Elevation 1:100

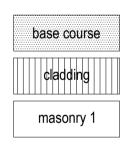


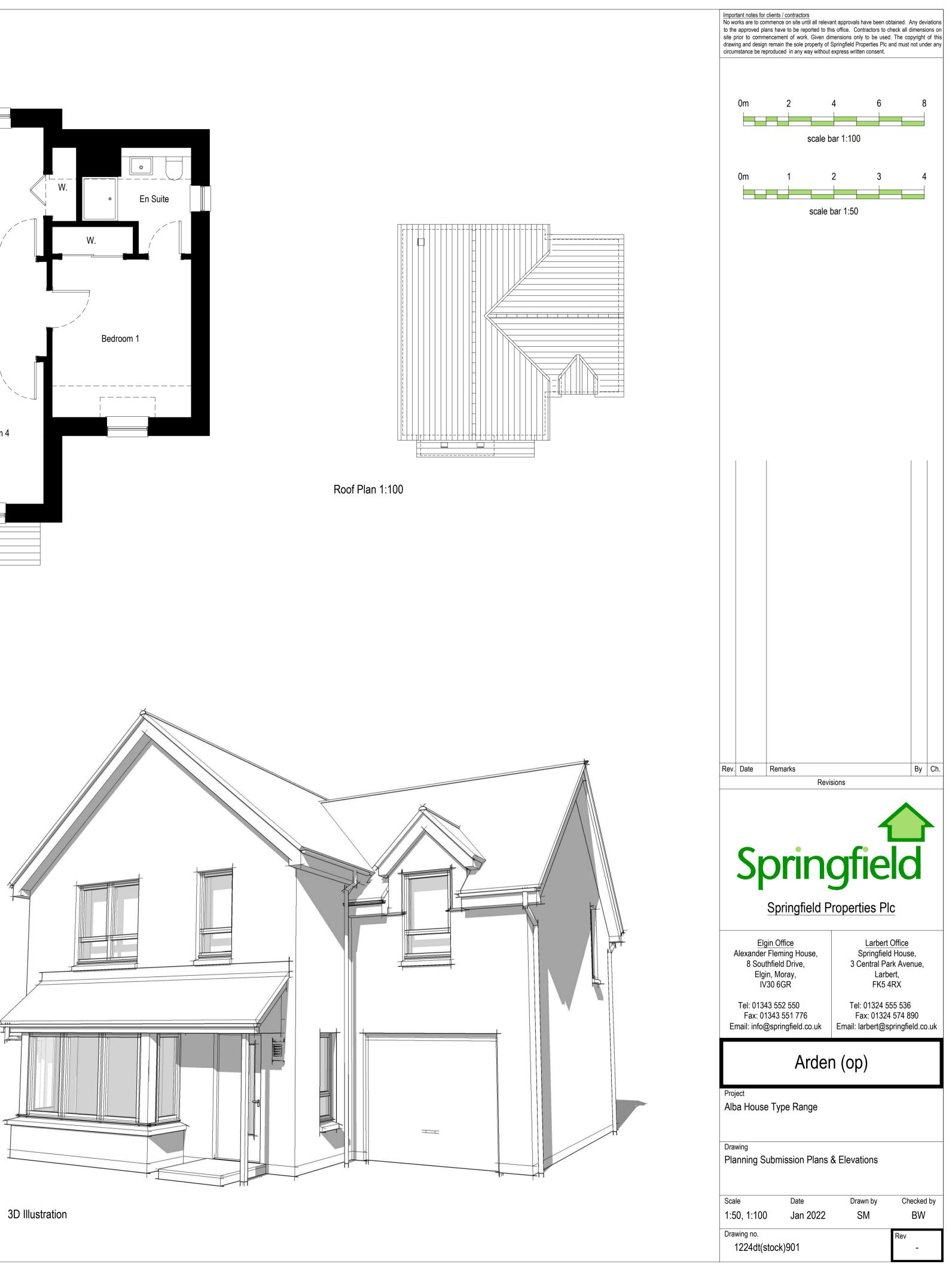
Side Elevation 1:100

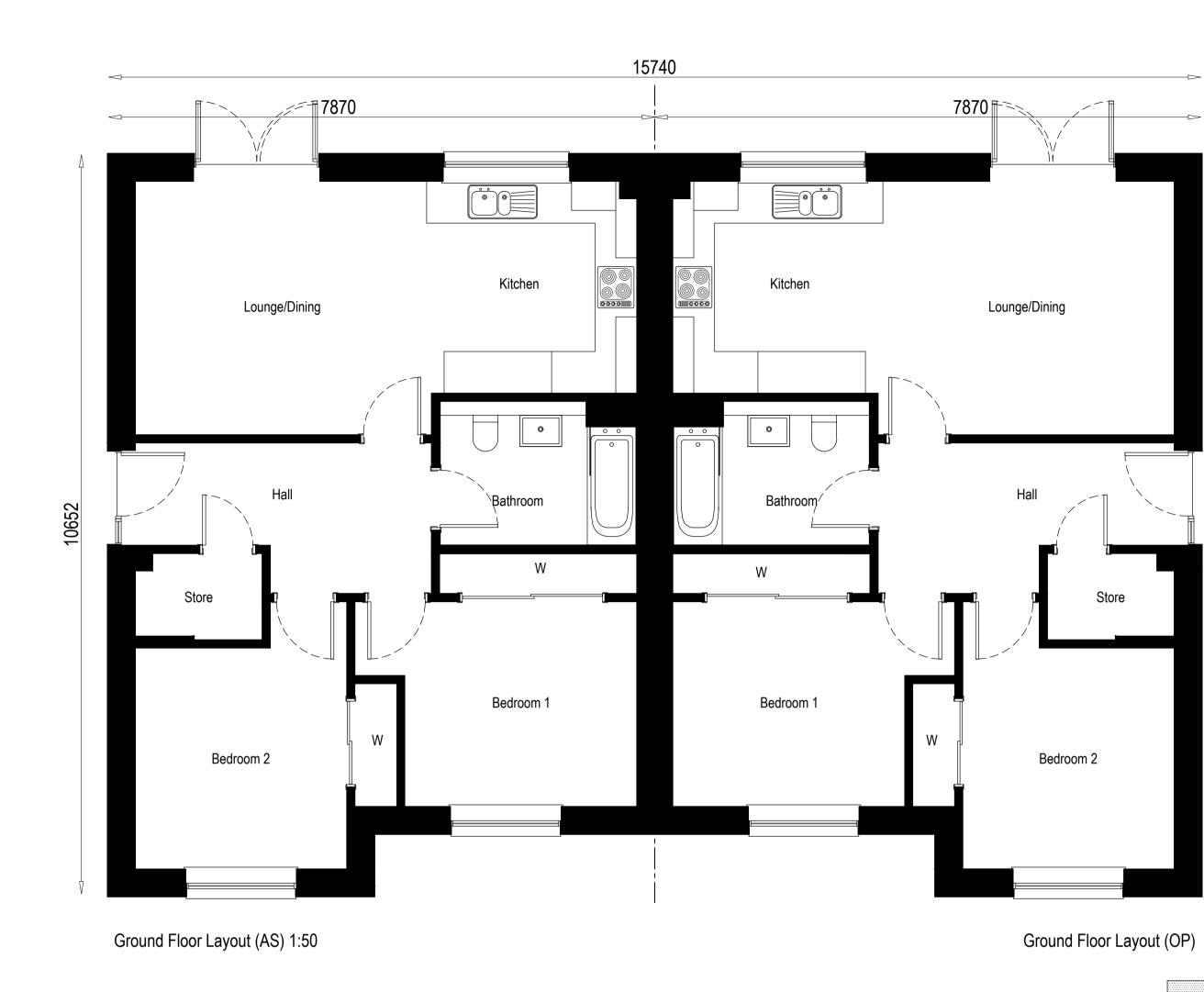


Side Elevation 1:100

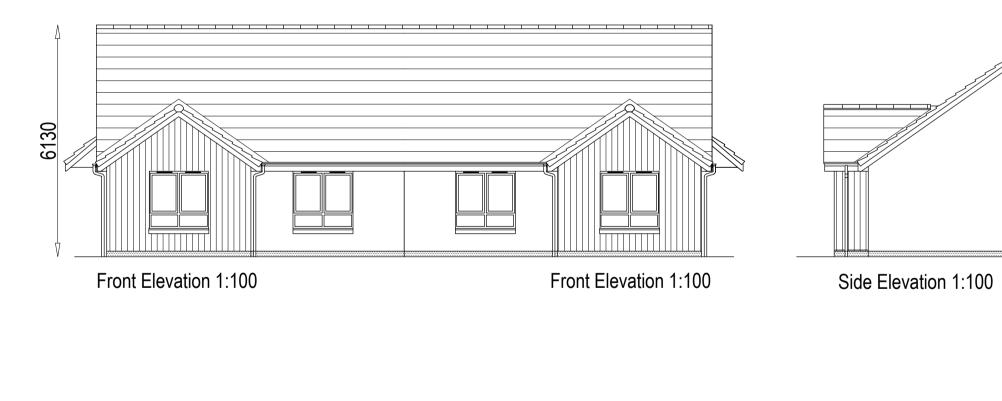


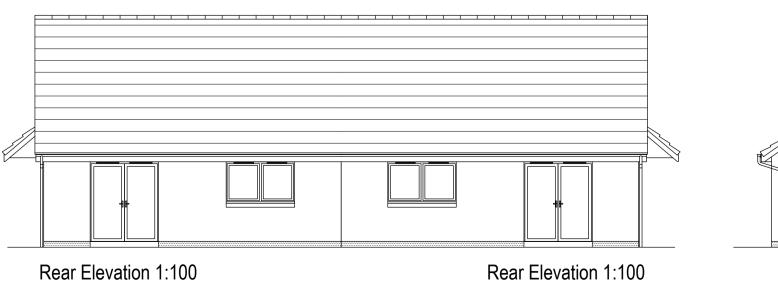


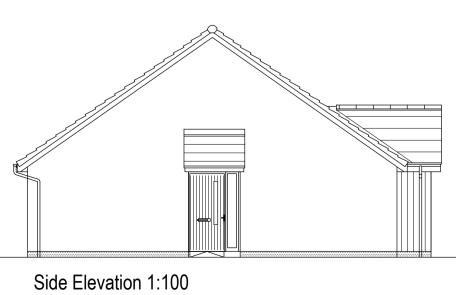


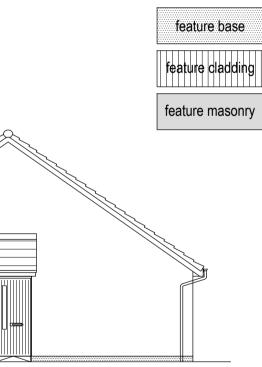


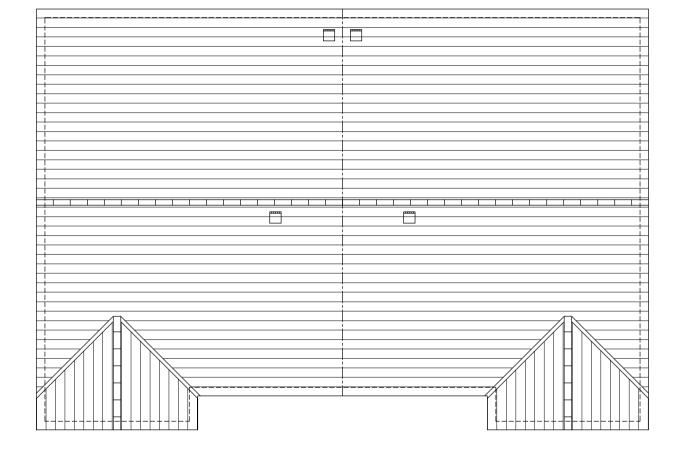
A1



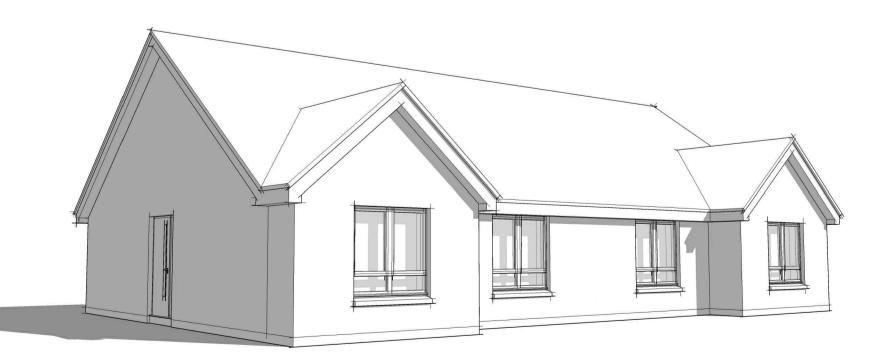




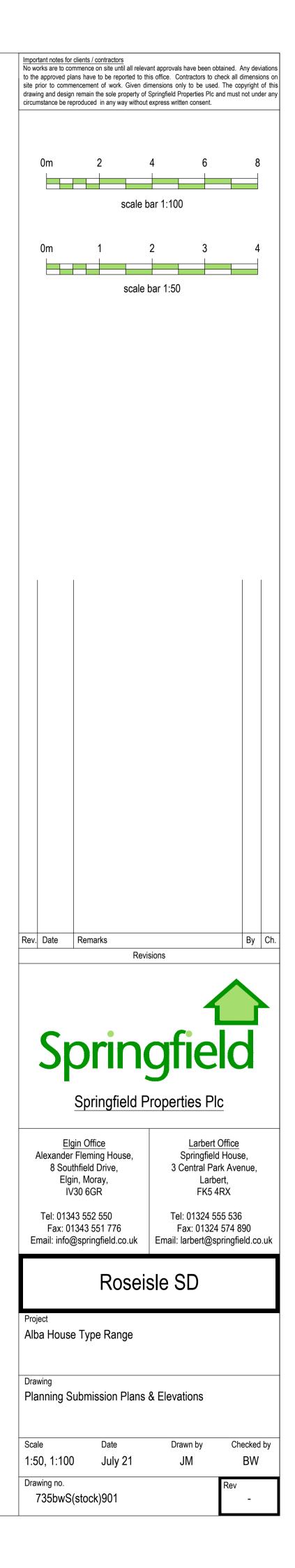




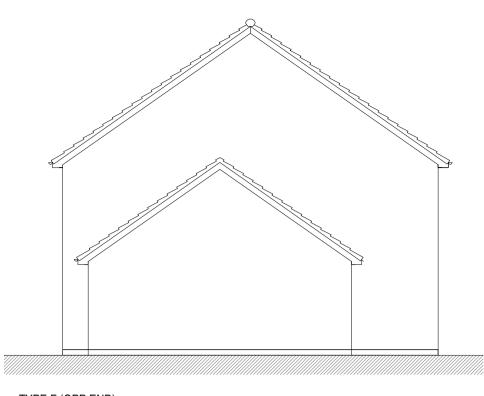
Roof Layout 1:100

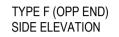


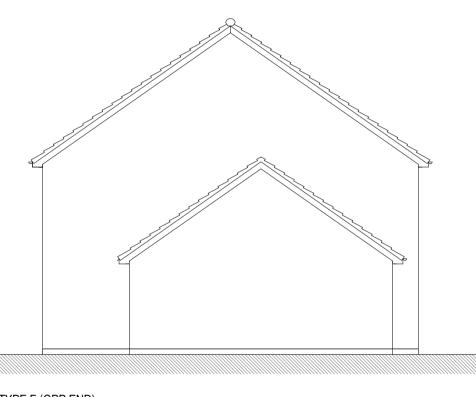
3D Illustration NTS



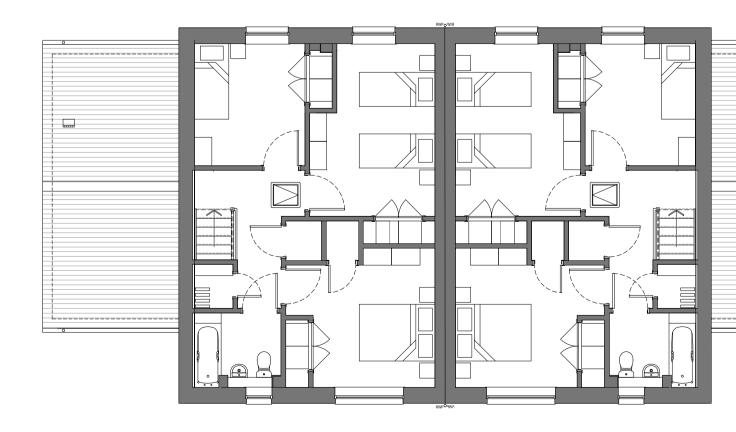




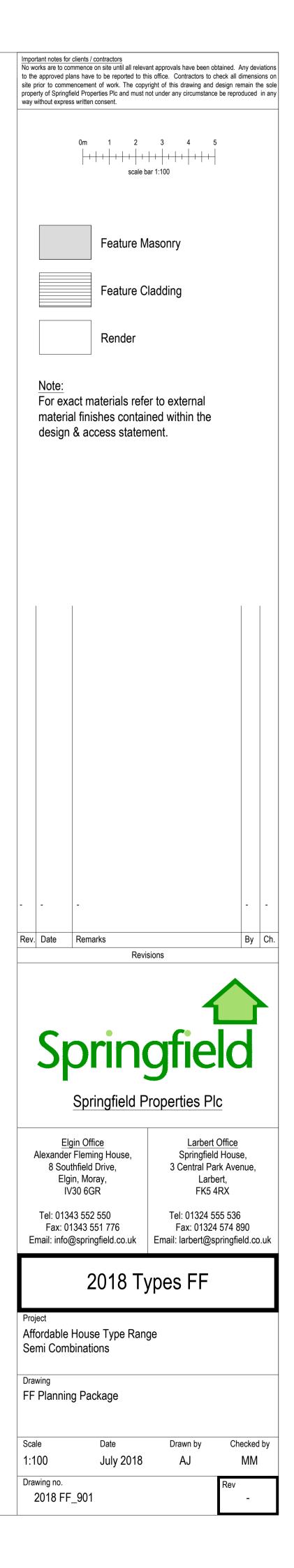




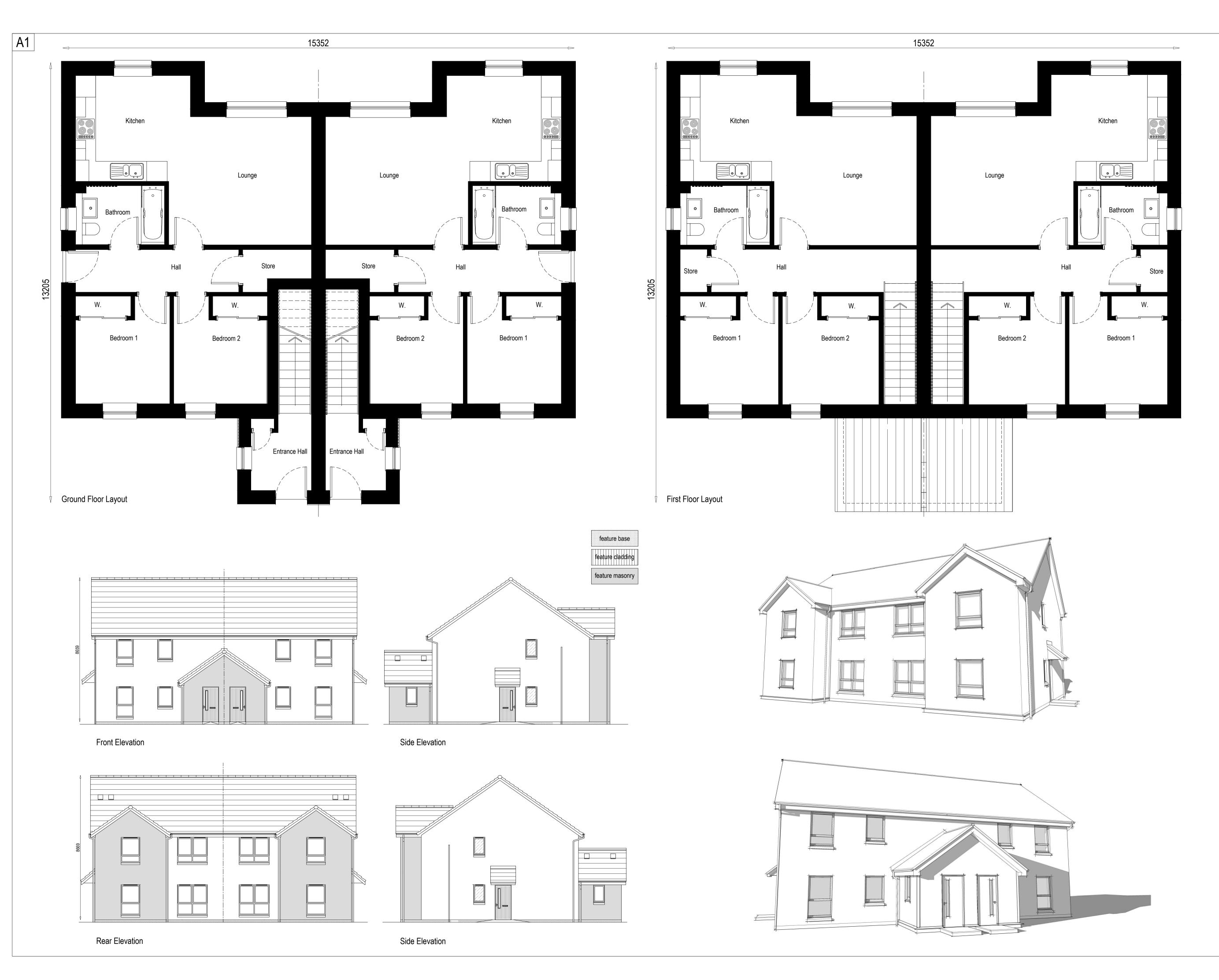
TYPE F (OPP END) SIDE ELEVATION

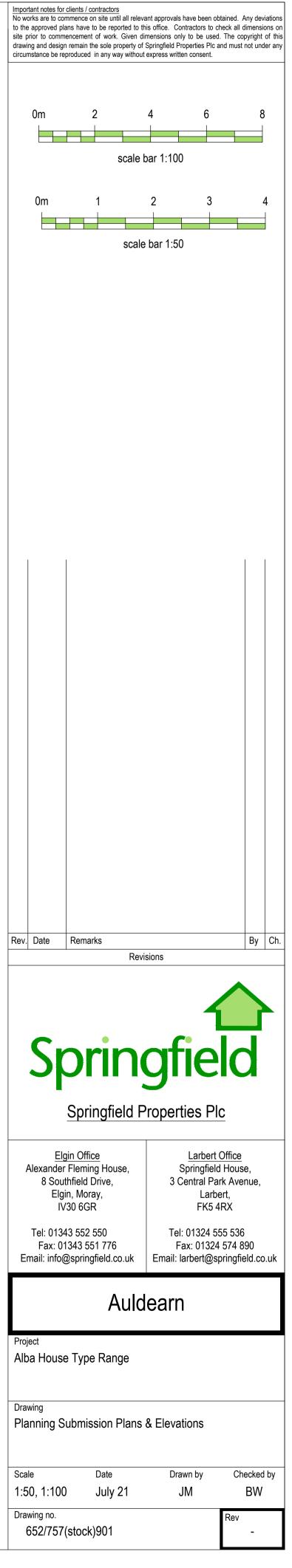


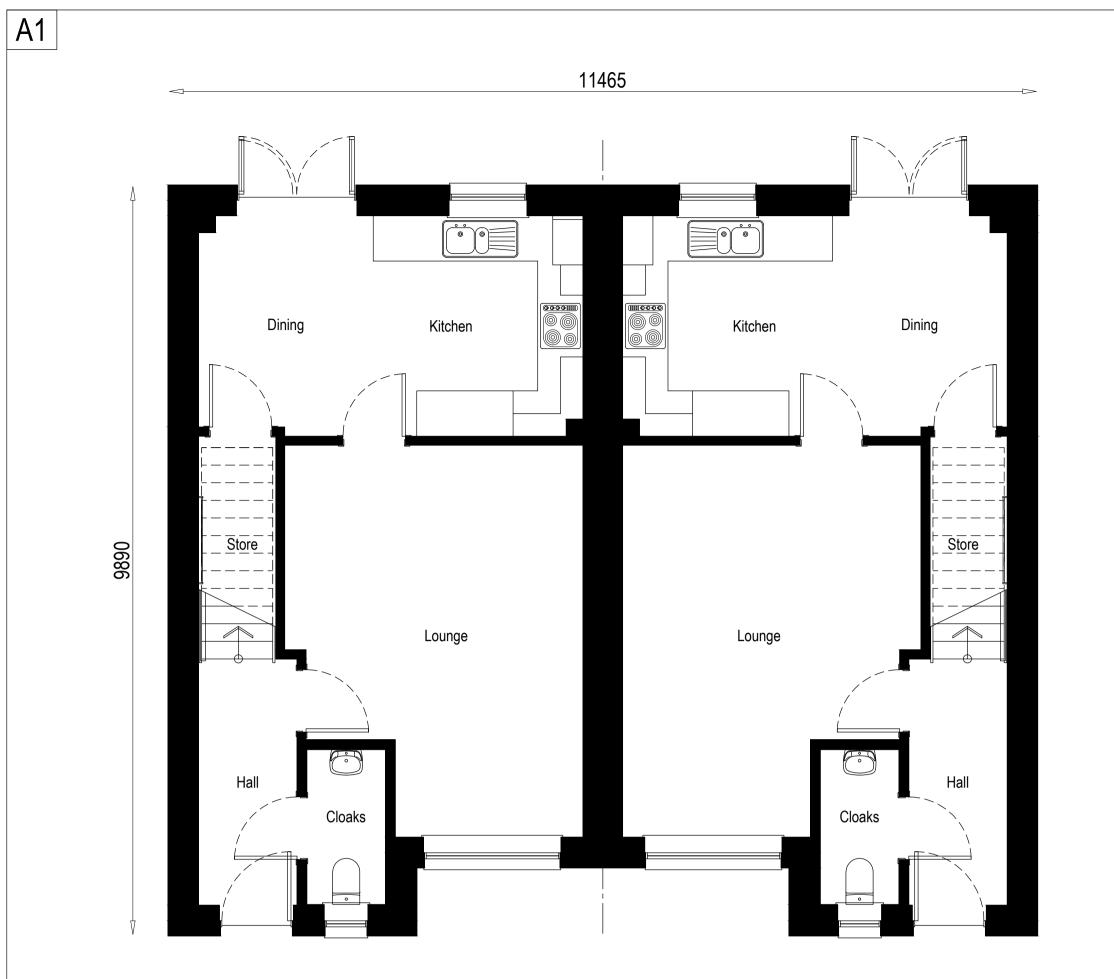
TYPE F (AS) FIRST FLOOR PLAN TYPE F (OPP)













Front Elevation 1:100



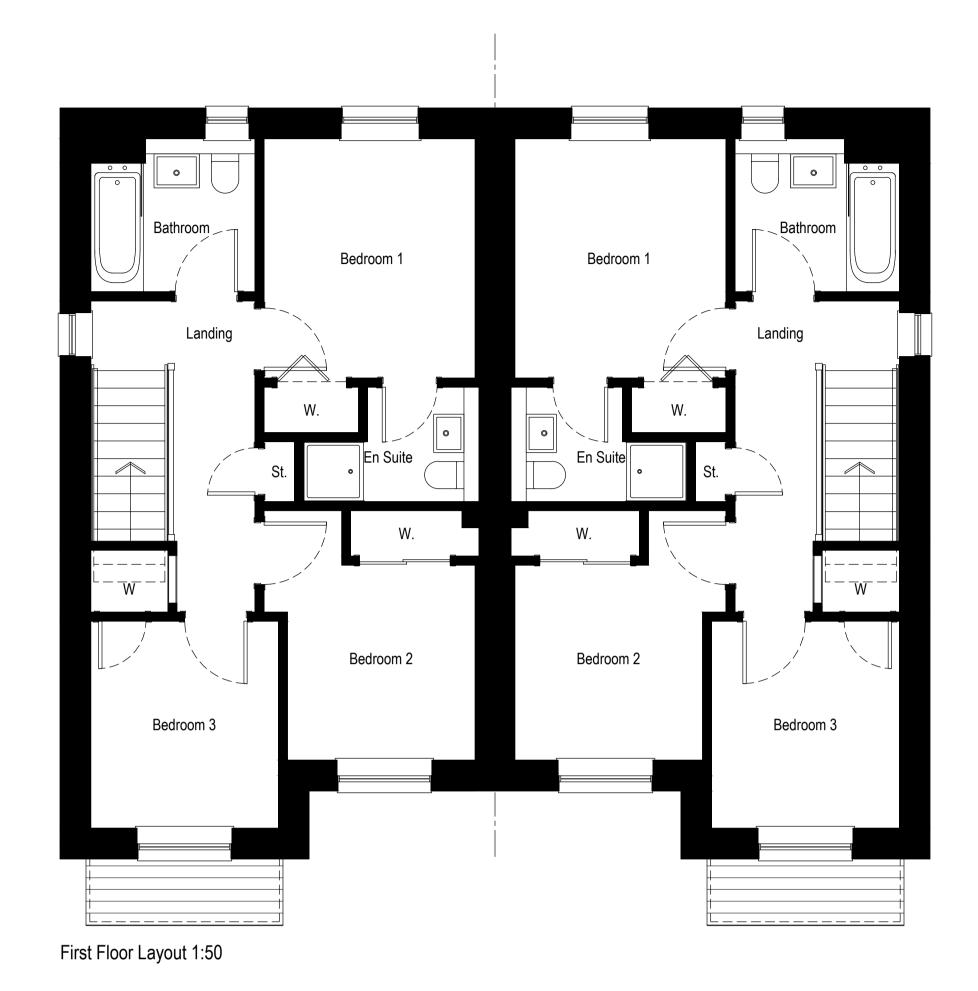
Rear Elevation 1:100

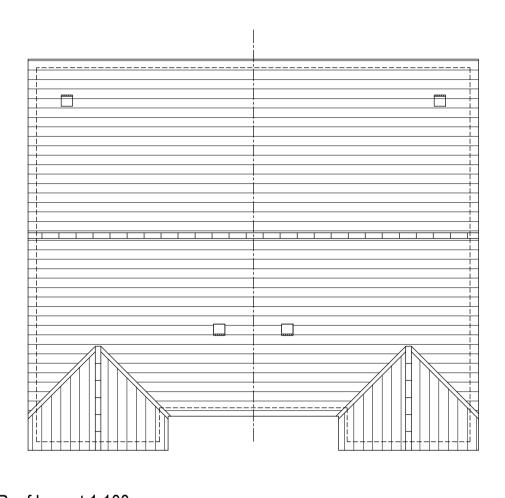
feature masonry

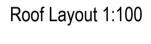
Side Elevation 1:100



Side Elevation 1:100





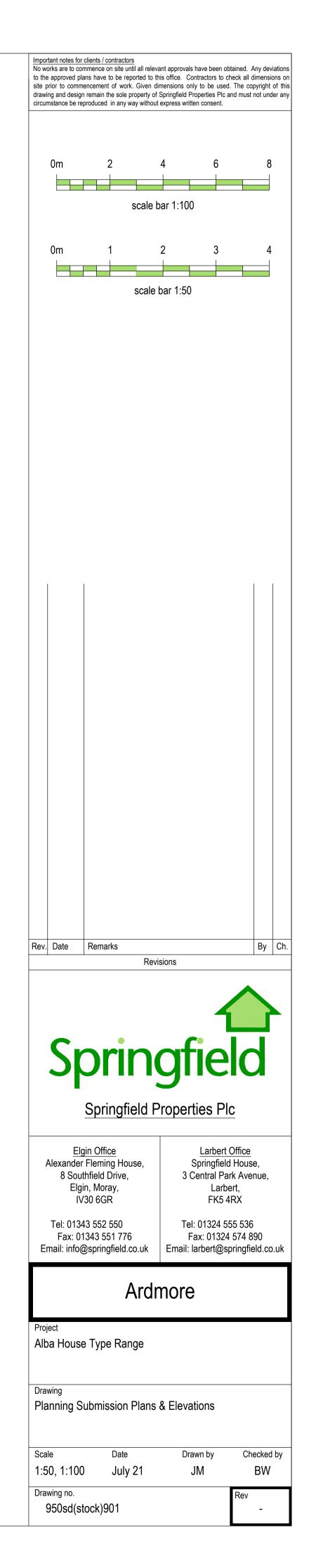


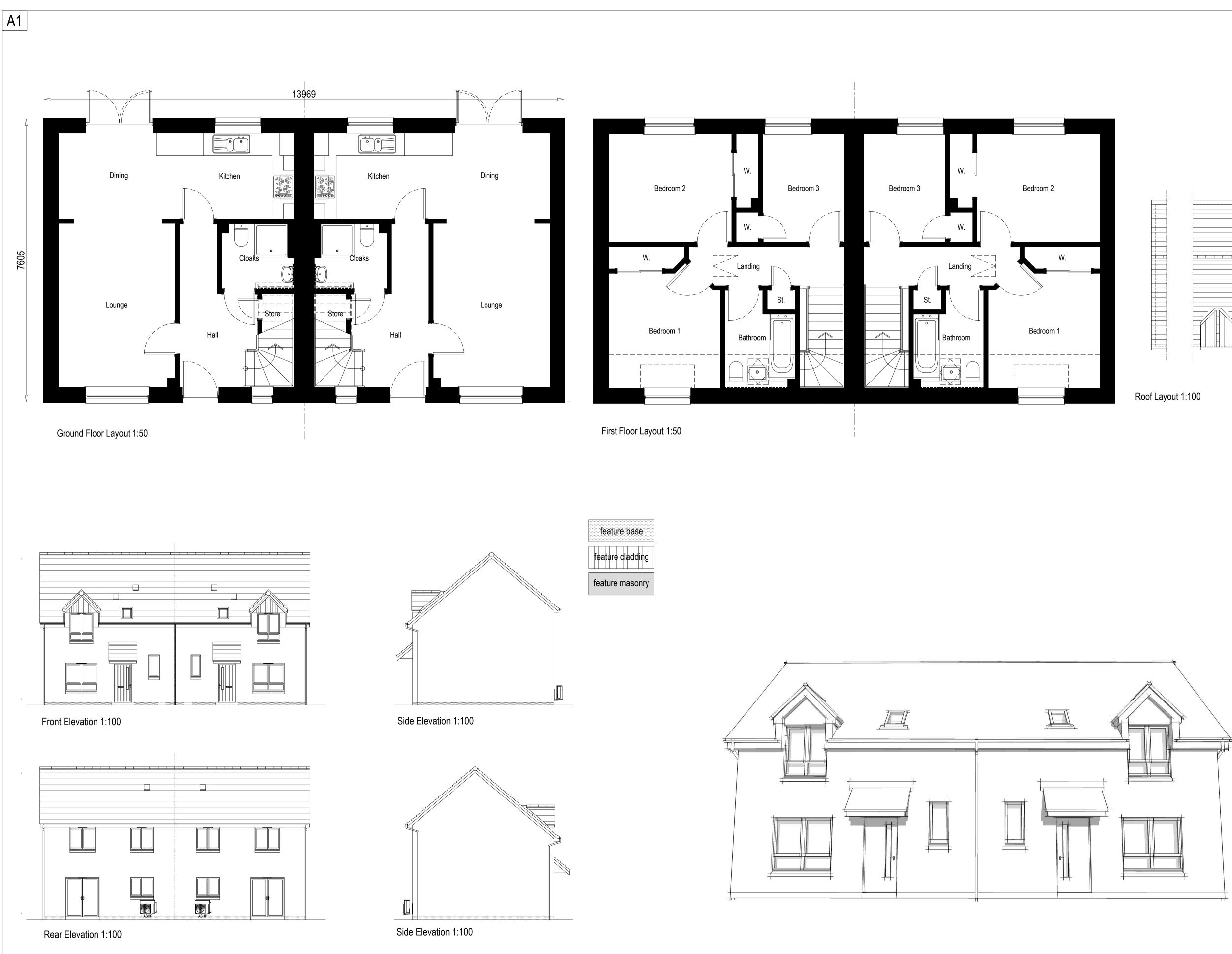
feature base



Perspective Illustration NTS

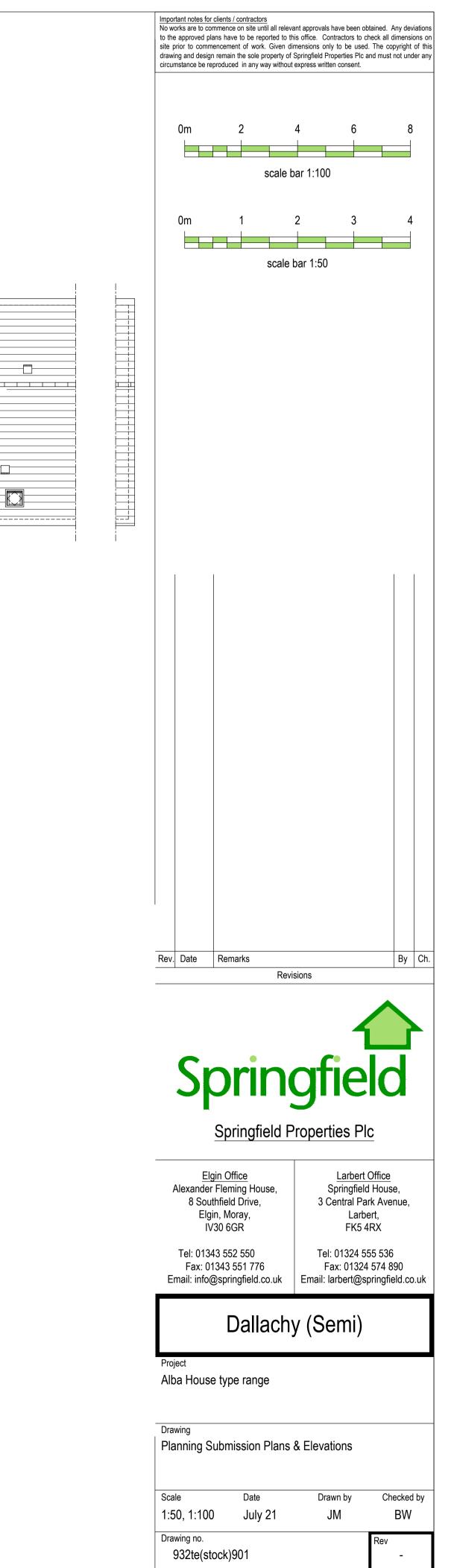
Ś

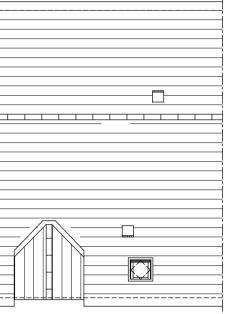


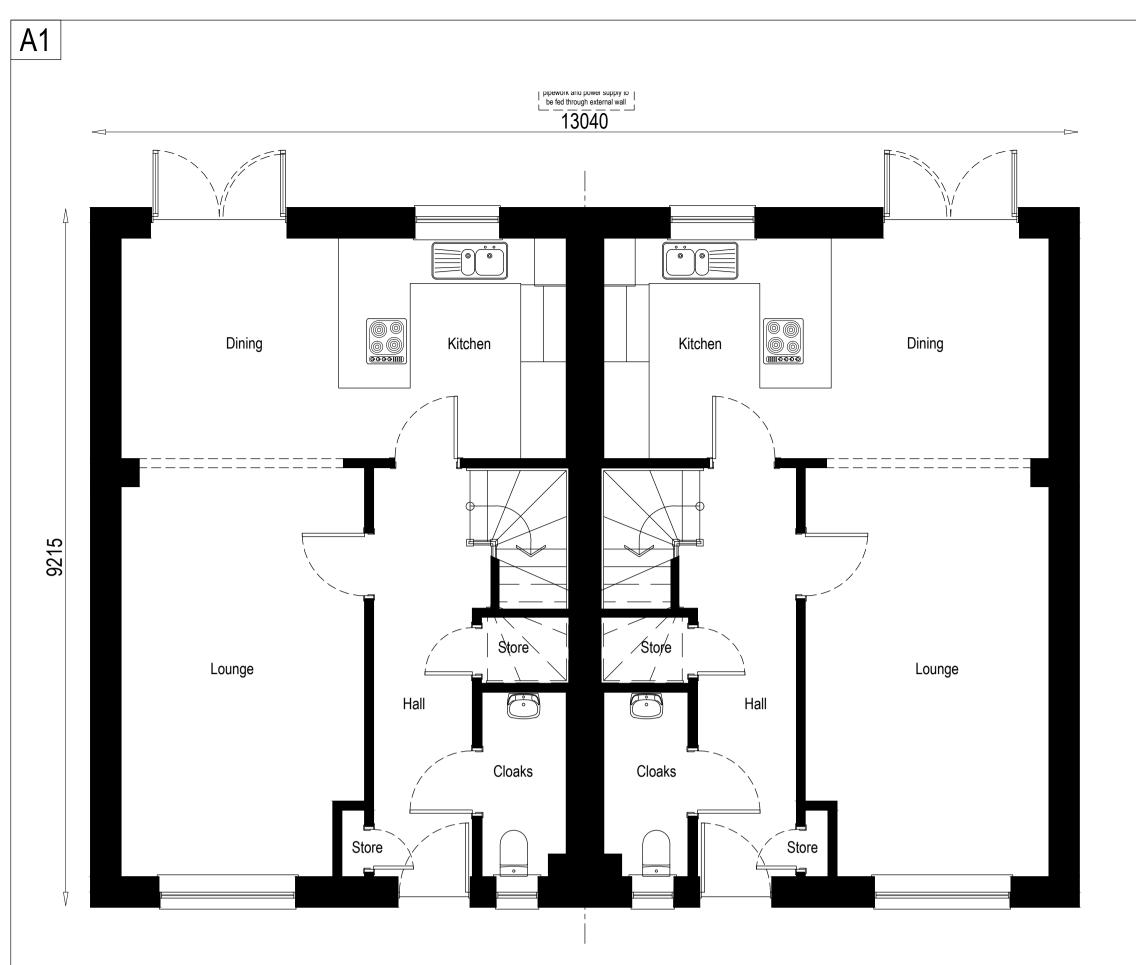


Elevations 1:100

Perspective Illustration NTS

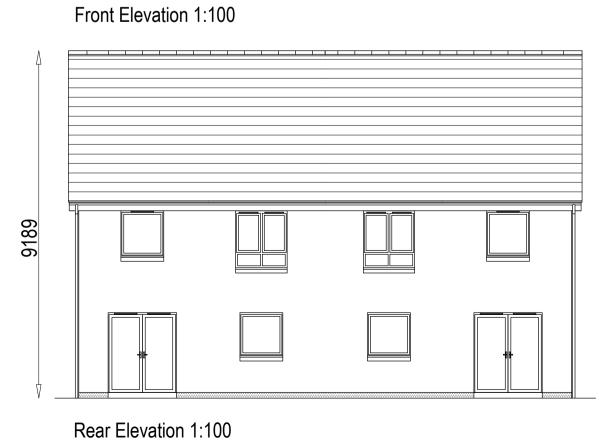


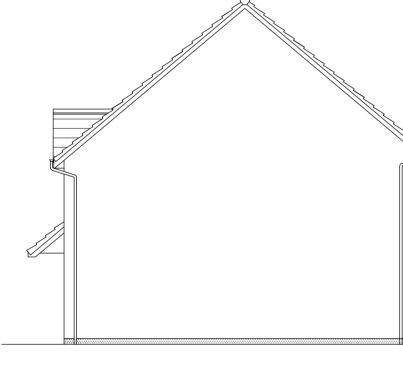




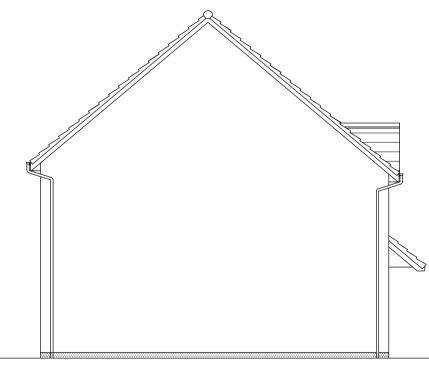
Ground Floor Layout 1:50



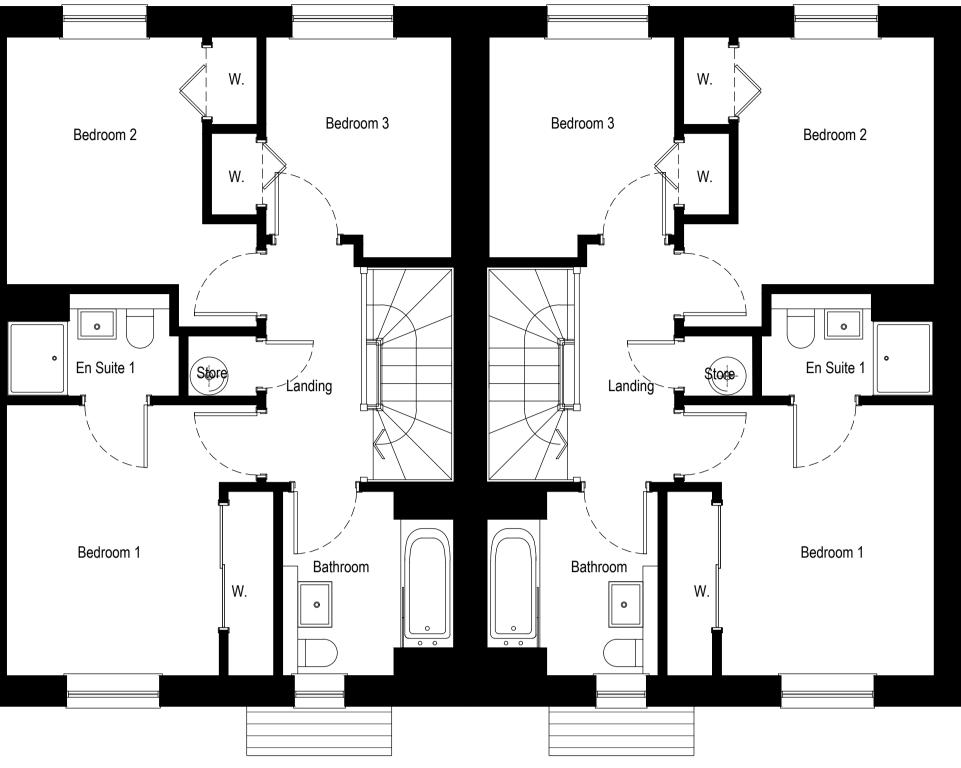


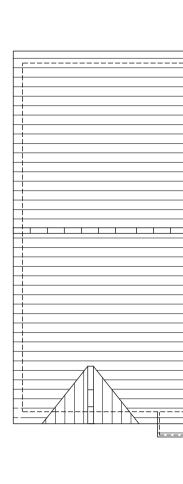






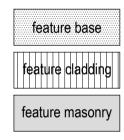
Side Elevation 1:100





Roof Layout 1:100

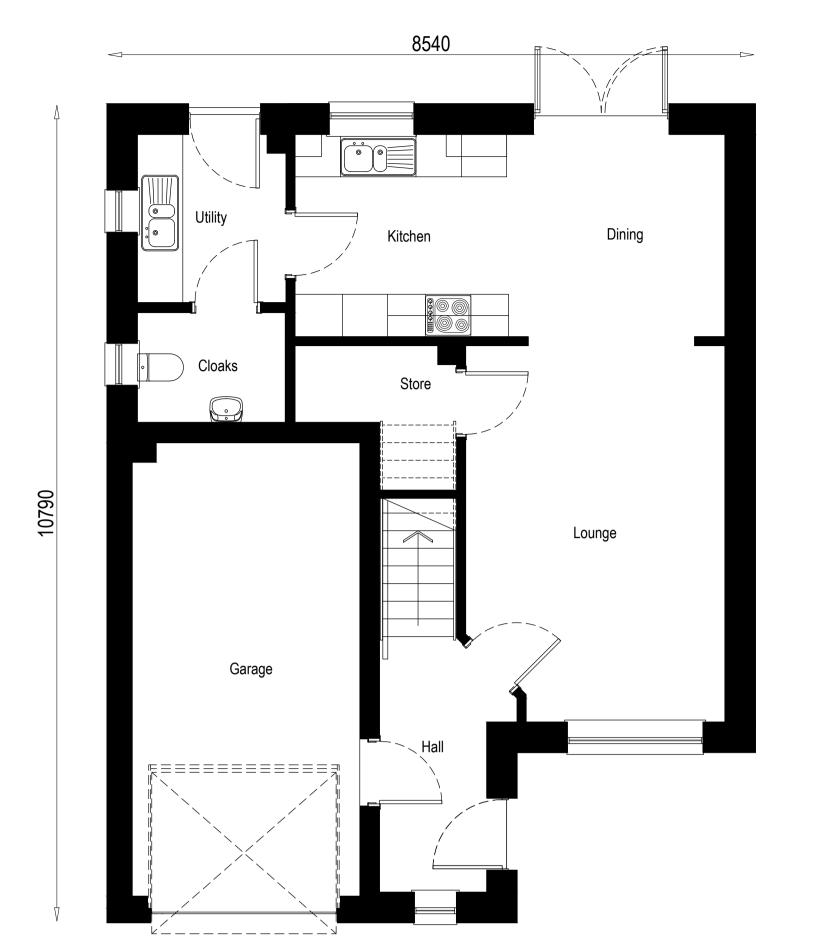
First Floor Layout 1:50





3d Illustration

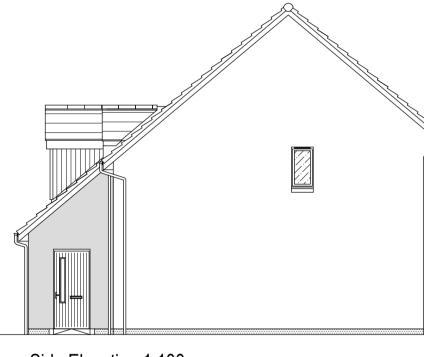




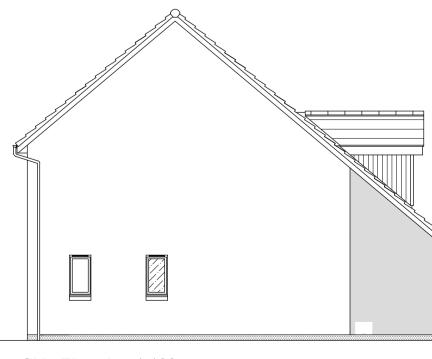


Front Elevation 1:100



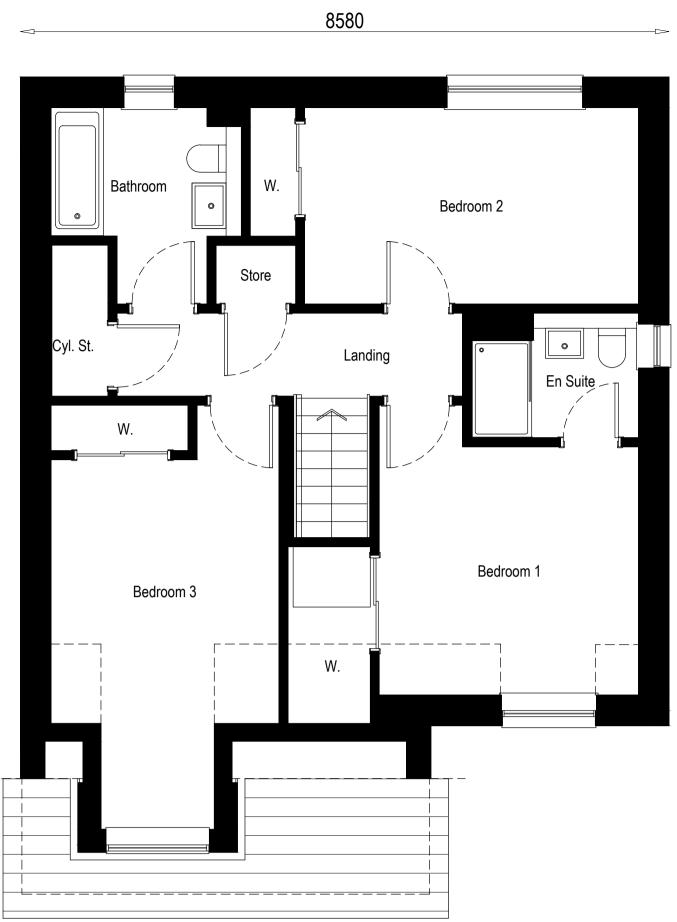


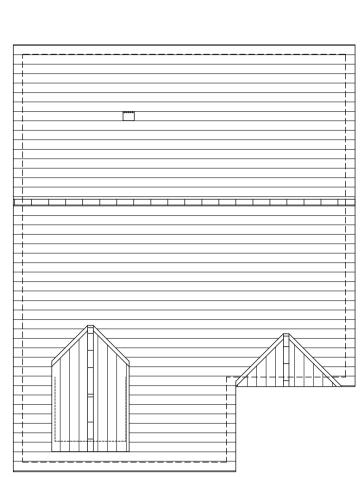
Side Elevation 1:100



Side Elevation 1:100

A1

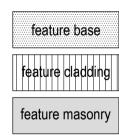


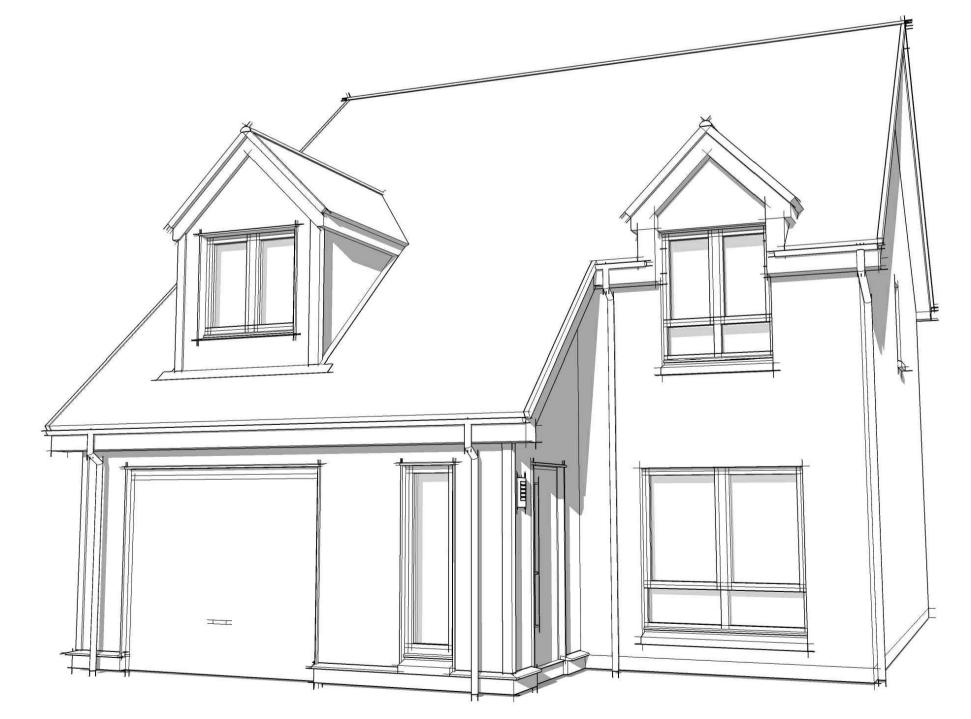


Roof Layout 1:50

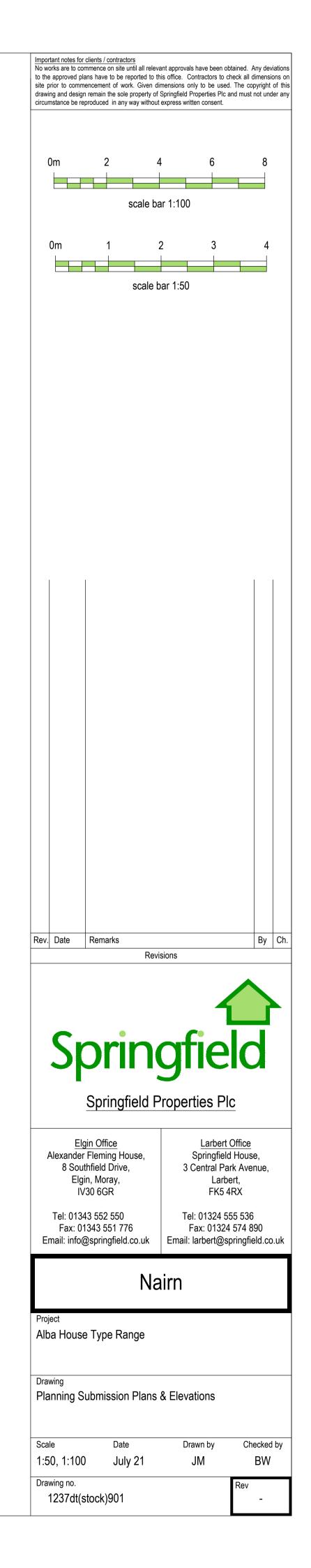
First Floor Layout 1:50

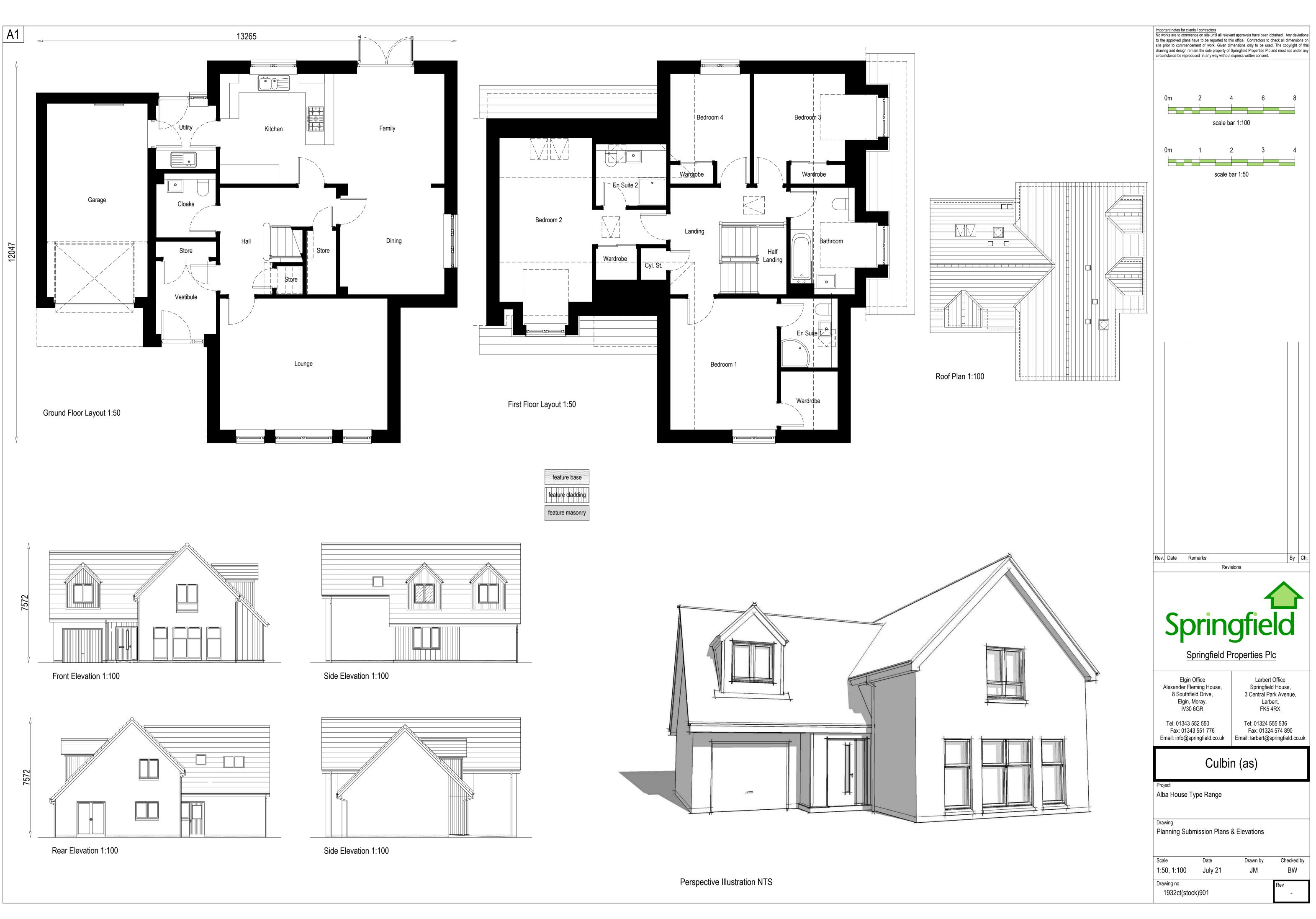
11130

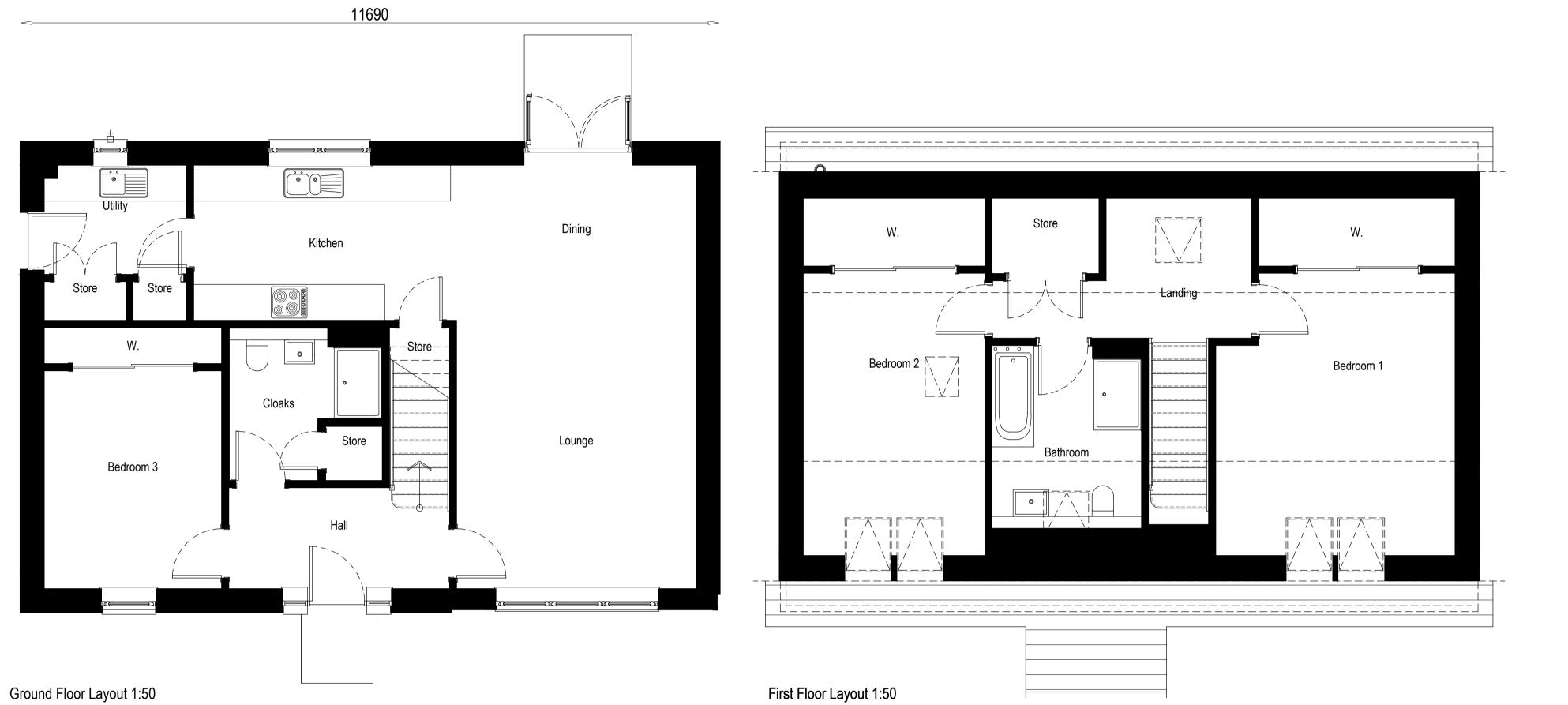




Perspective Illustration NTS



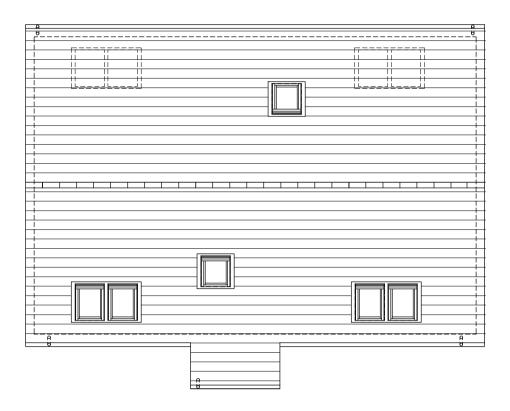




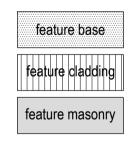


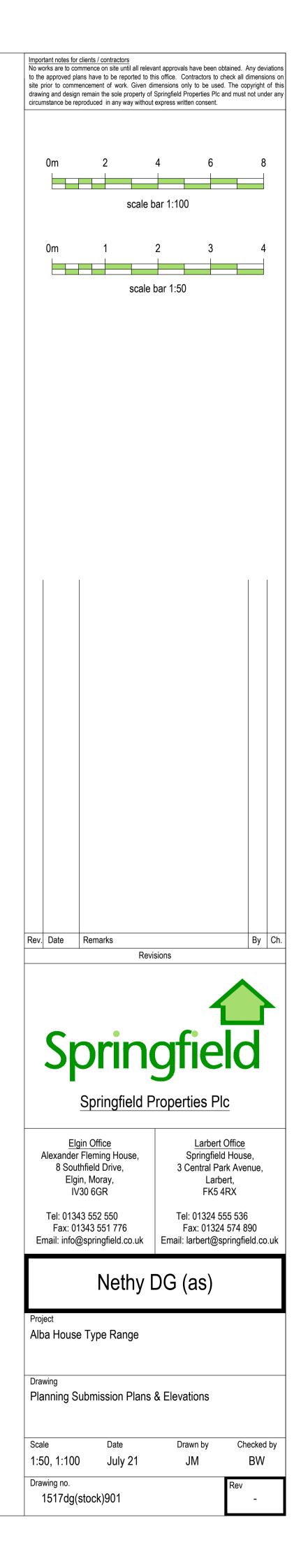
A1

7865

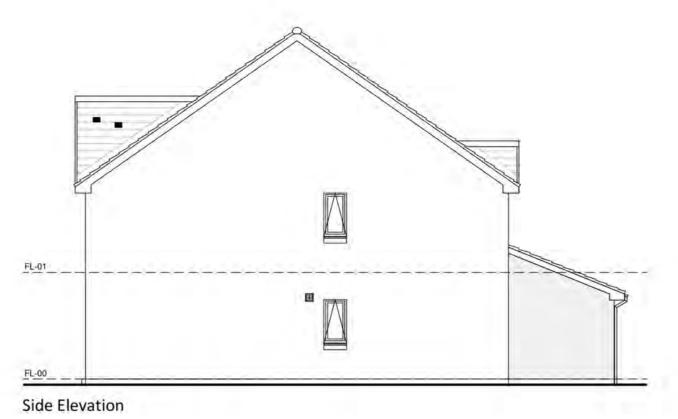


Roof Plan 1:100



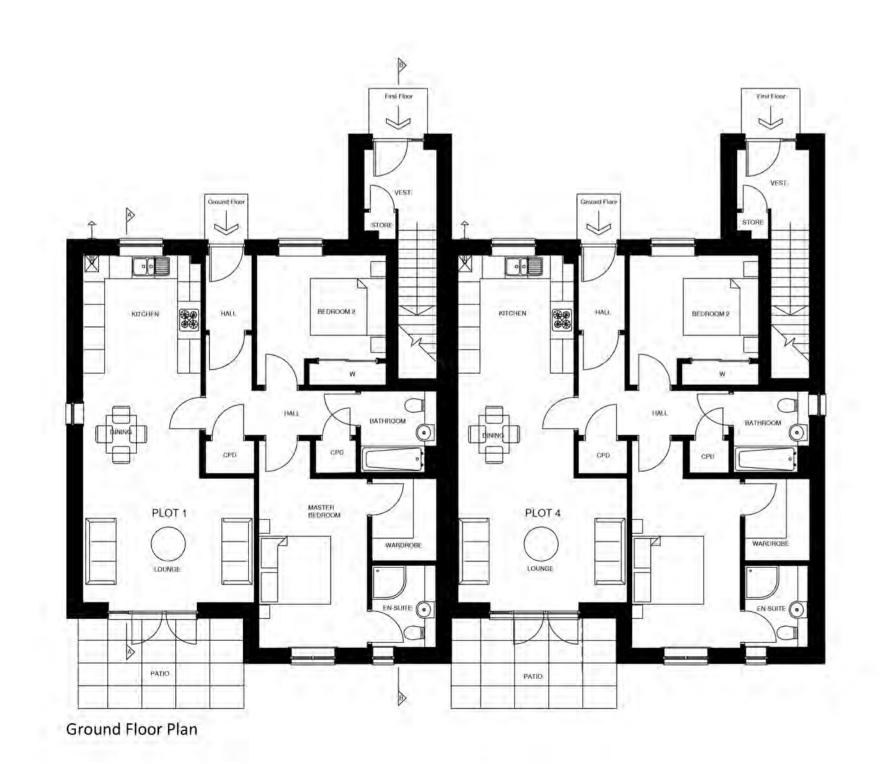






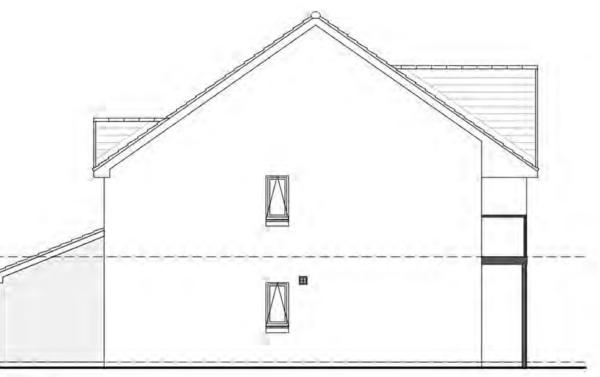


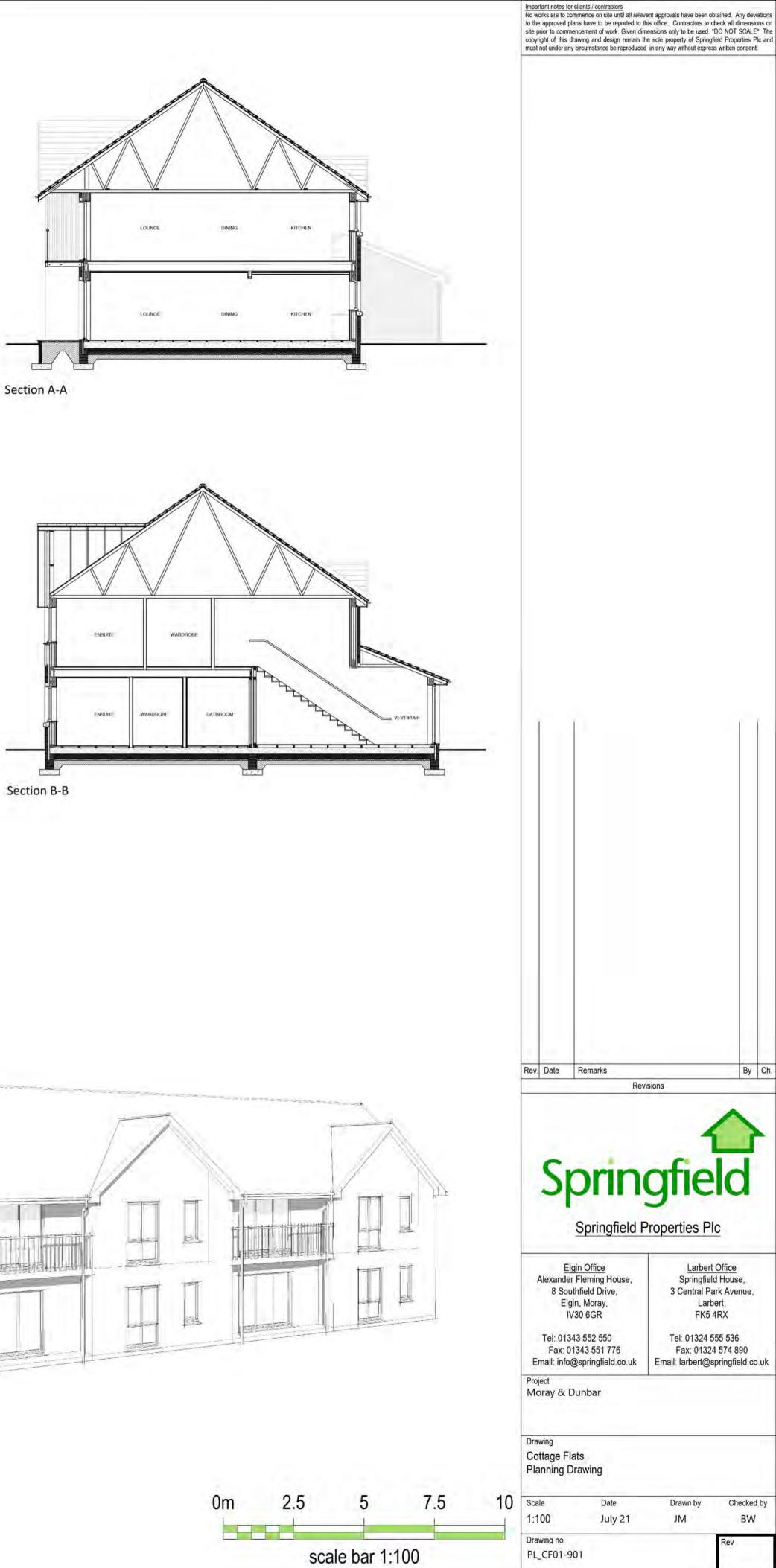


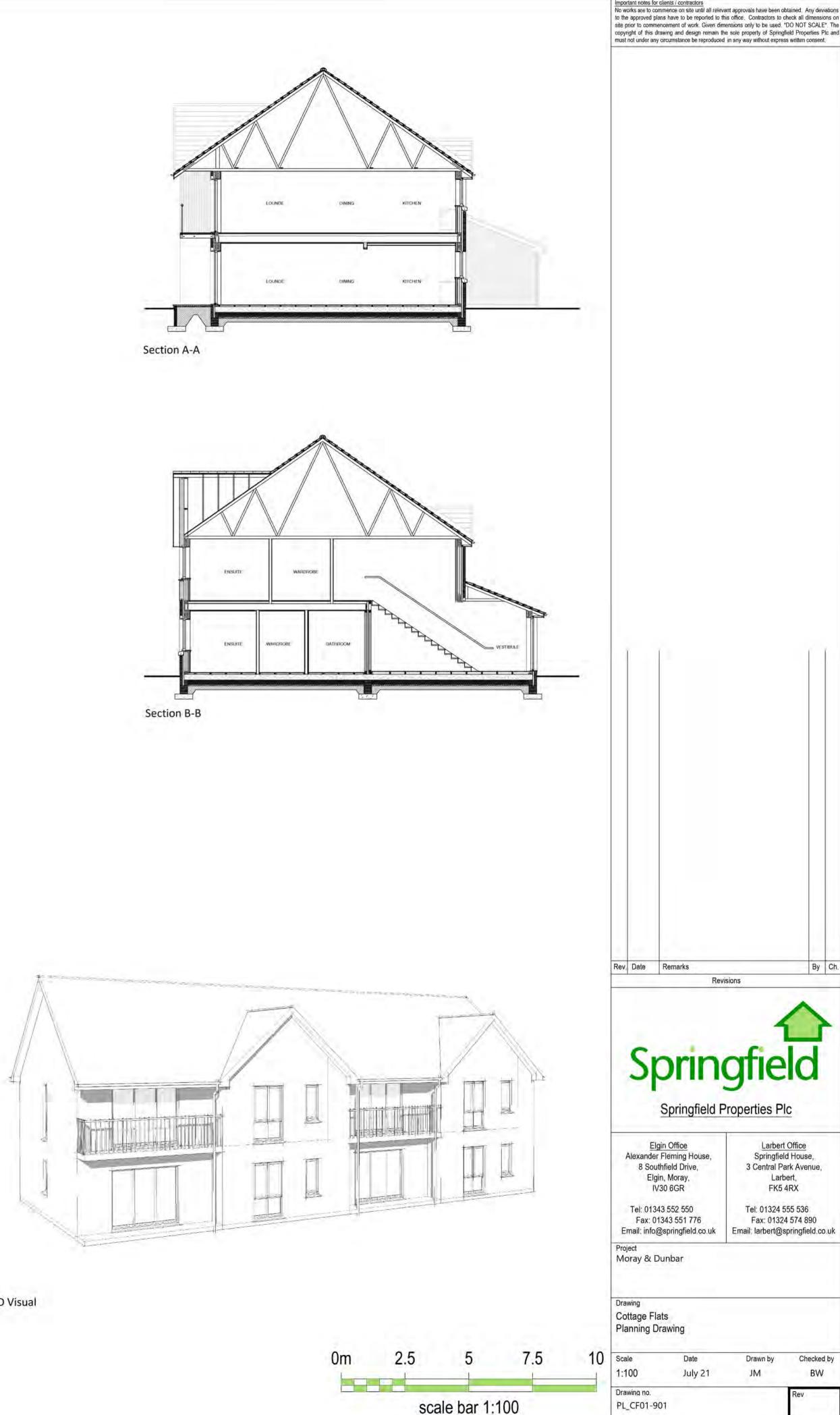




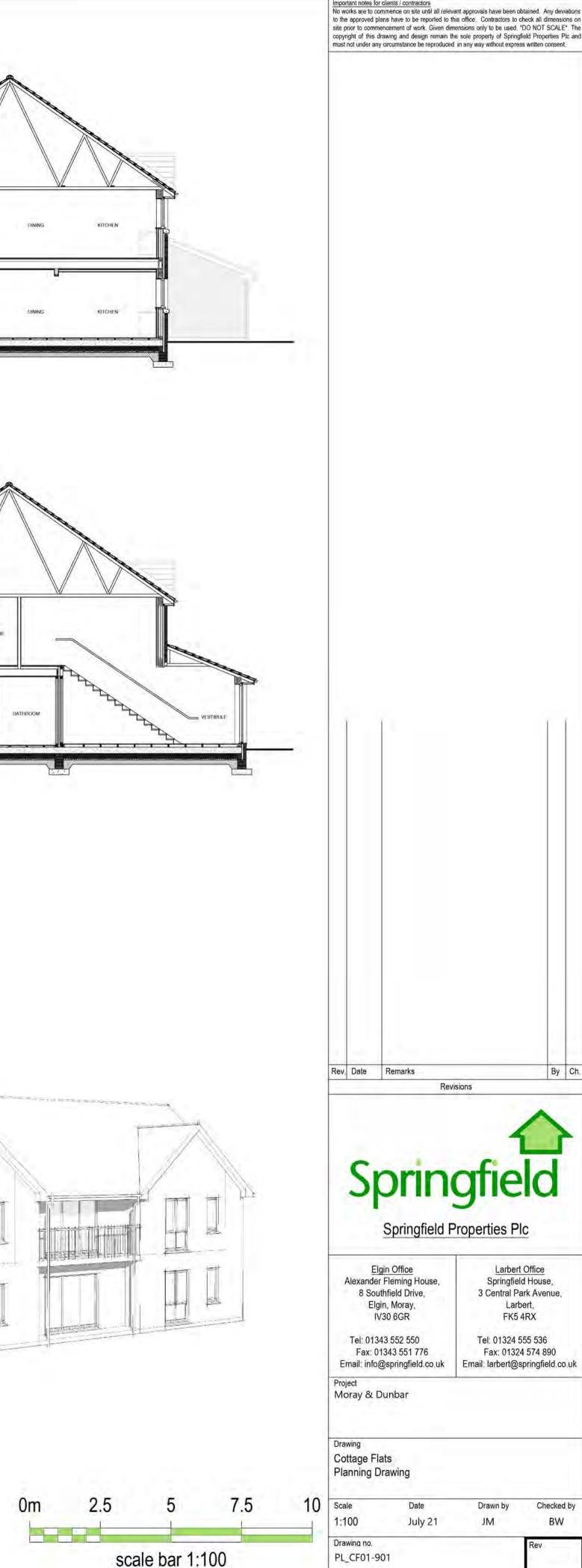
First Floor Plan

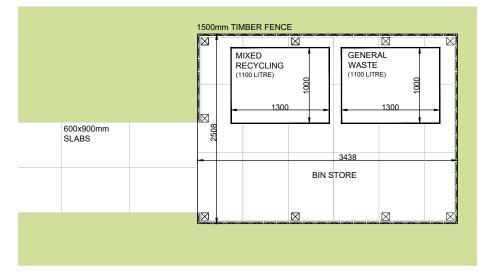






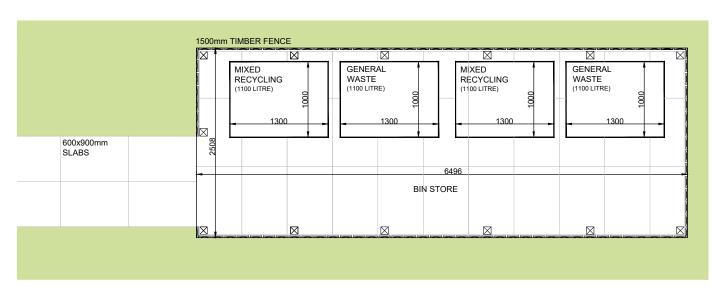
3D Visual



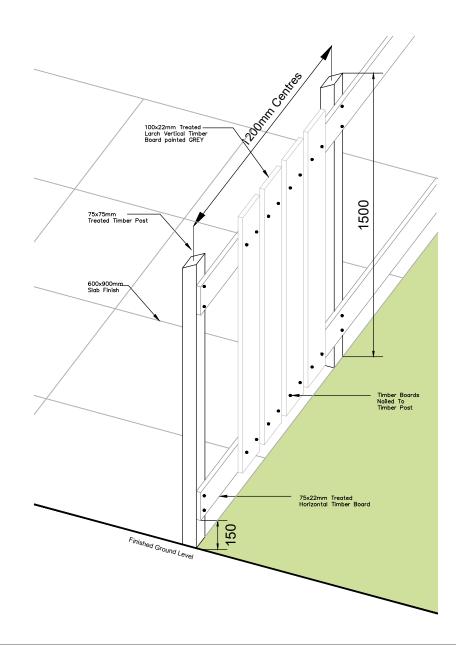


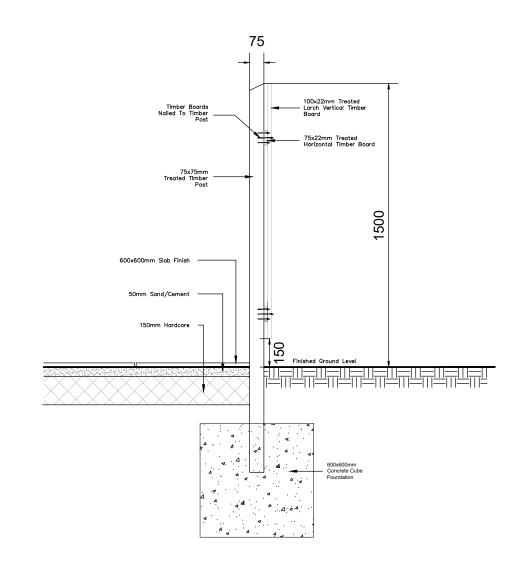
BIN STORE LAYOUT PLOTS 22-25, 26-29, 30-33,48-51, 52-55, 84-87

A3



BIN STORE LAYOUT PLOTS 59-66





Important roles for clients? contractors No works are to common on site will all relevant approvals have been obtained. Any deviations to the approved pians have to be reported to the office. Contractors to break all dimensions on site prior to commonment of work. Given dimensional only to be used. "Do NOT SCALE". The copyright of this drawing and design remain the sole property of Springfald Properties Pic and wasts not under any circumstance be proportioned in any way without segress written coment.			
copyright of this drawing and design remain the	e sole property of Sp	ringfield Properties Plc and	
Rev. Date Remarks Rev.	sions	By Ch.	
Springfield Properties Plc			
Elgin Office Alexander Fleming House, 8 Southfield Drive, Elgin, Moray, IV30 6GR Tel: 01343 552 550 Fax: 01343 551 776 Email: in@gspringfield.co.uk	Spring 3 Centra L FI Tel: 0132 Fax: 01	hert Office field House, Park Avenue, arbert, K5 4RX 14 555 536 324 574 890 @springfield.co.uk	
Project DR02 Drumnadrochit Externals Drawing Bin Store Details and Layout		Synmytteru.UU.UK	
Scale Date 1:50 / 1:20 16.07.2021 Drawing no. DR01_BINSTORE	Drawn by SM	Checked by BW Rev	