Agenda Item	6.3
Report No	PLS-07-24

#### **HIGHLAND COUNCIL**

**Committee:** South Planning Applications Committee

**Date:** 07 February 2024

**Report Title:** 23/03891/FUL: Springfield Properties PLC

Land at Beauly East

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

**Purpose/Executive Summary** 

**Description:** Erection of houses (amended layout to 20/03444/FUL and

20/03445/FUL reducing from 63 to 52 units)

Ward: 12 – Aird and Loch Ness

**Development category:** Local

Reason referred to Committee: More than 30 houses.

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

#### Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

#### 1. PROPOSED DEVELOPMENT

- 1.1 This application seeks to amend the layout granted under planning permission 20/03444/FUL and 20/03445/FUL thereby reducing the number of units from 63 to 52 units. Access into the site from the A862 is an existing access and already serves the local fire station. The general road layout is the same as previously granted with an internal loop road from the main road to the north.
- 1.2 There are fifteen different house styles across the whole site, but only seven within the area to be remixed and all tie together in terms of materials. It is proposed to use a palette of contemporary external materials and finishes. This would include the use of high-quality concrete smooth grey roof tiles, modern K-rend and drydash roughcast render wall finishes.
- 1.3 The proposed infrastructure arrangements are unchanged to that previously granted permission.
- 1.4 Pre Application Consultation: None
- 1.5 Supporting Information: None
- 1.6 Variations: None

#### 2. SITE DESCRIPTION

- 2.1 This site is located to the north end of Beauly and extends to some 2.1 hectares. It is relatively flat land accessed from the A862 passed the existing fire station. The site forms part of a wider housing allocation in the Development Plan with the intention that the access will be extended into the fields beyond and link on to Croyard Road.
- 2.2 To the north of the site, the boundary is well established with mature planting and post and wire fencing. The south of the site is the proposed road that will provide the link through the site. To the west is open fields and to the east a small parcel of land with a row of mature trees separating the site from the A862.
- 2.3 The affordable housing for this site is being constructed by Albyn and is under construction at present on the area of land immediately behind the fire station, to the south of the access road. This is being constructed under the 2008 (08/00430FULIN) planning permission.

### 3. PLANNING HISTORY

3.1	05.05.2008	07/01057/FULIN Erect 35 houses (10 affordable)	Withdrawn
3.2	29.07.2014	08/00430/FULIN Erection of 37 houses (10 affordable)	Planning Permission Granted
3.3	13.06.2019	19/02244/PAN Residential development and associated infrastructure	Closed

3.4	09.02.2023	20/03444/FUL Erection of 40 residential units (24 houses, 16 flats) and associated works	Planning Permission Granted
3.5	09.02.2023	20/03445/FUL Erection of 11 residential units (7 houses and 4 flats) and roads	Planning Permission Granted
3.6		23/05805/S75M Modification of Section 75 Agreement (20/03444/FUL) (24 houses, 16 flats) and 11 homes (7 houses and 4 flats) under reference 20/03445/FUL	Pending Consideration

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 development and Unknown Neighbour

Date Advertised: 08.09.2023

Representation deadline: 22.09.2023

Timeous representations: 0

Late representations: 0

4.2 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

- 5.1 **Beauly Community Council:** No response
- 5.2 **Transport Planning Team:** No objection to the change of house types and the application site boundary. All conditions related to roads and transport that were attached to the 20/03444/FUL original permission will need to be carried over to any new permission, as listed below.
  - Condition 12: A862 / access road junction road improvements,
  - Condition 13: Fire Station road markings.
  - Condition 15: A862 Culvert upgrade,
  - Condition 16: Waste management proposals,
  - Condition 17: Surface water drainage design,
  - Condition 19: Safer Routes to School, we recommend that 'The units shall not be occupied until' condition wording be changed to 'Prior to work commencing on site'
- 5.3 **Flood Team:** No objection to the change of house types. All conditions related to flood risk and drainage that were attached to the original permission will need to be carried over to any new permission.

5.4 **Development Plans Team:** The proposal is in overall conformity with the approved development plan. The proposal matches the boundary, supported land use and broadly, the indicative housing capacity, within the relevant area local development plan. It is also in conformity with the emerging area local development plan and not significantly contrary to the provisions of National Planning Framework 4. The site is relatively close to the centre of a main settlement which has a good range of facilities; i.e. it, arguably, meets the 20 minute neighbourhood test.

National Planning Framework 4 (NPF4) (2023): The Scottish Government adopted National Planning Framework 4 (NPF4) on 13 February 2023. The proposal triggers, in particular, consideration of policies 3 (Biodiversity), 5 (Soils), 14 (Design, quality and place), 15 (Local Living and 20-minute neighbourhoods), 16 (Quality homes), 20 (Blue and green infrastructure), and 21 (Play, recreation and sport). Most of these point in favour of the application although the irreversible loss of prime farmland should be recognised given NPF4 Policy 5's more explicit protection of such land and the proposed reduction in density (i.e. a less efficient use of scarce land).

The relevant emerging local development plan is under review and in March 2023 was submitted to Scottish Ministers for Examination. The outcome of the Examination is not expected until early 2024. Its contents are a material consideration in assessing planning applications, but it does not form part of the approved development plan for the purposes of s25 of the Act. The application site is allocated as site BE02 for housing.

Developer Contributions: The Developer Contributions Supplementary Guidance (DCSG) was adopted in November 2018. This guidance sets out the Council's approach to mitigating the impacts of development on services and infrastructure by seeking fair and realistic developer contributions to the delivery of such facilities. The DCSG at paragraph 1.16 requires all new full or S42 applications to be assessed afresh in terms of developer contributions even if an existing permission exists. Paragraph 1.17 includes a "where necessary" caveat to this reassessment.

#### 6. DEVELOPMENT PLAN POLICY

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan.
- 6.2 The following policies are relevant to the assessment of the application.

## 6.3 National Planning Framework 4 (2023):

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 16 - Quality Homes

Policy 18 - Infrastructure First

Policy 20 - Blue and Green Infrastructure

Policy 22 - Flood Risk and Water Management

#### 6.4 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 31 Developer Contributions
- 32 Affordable Housing
- 34 Settlement Development Areas
- 56 Travel
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

## 6.5 Inner Moray Firth Local Development Plan 2015

Policy 2 Delivering Development BE1 Beauly East

#### 6.6 Inner Moray Firth proposed Local Development Plan

BE02 East Wellhouse

#### 6.7 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (November 2018) Flood Risk & Drainage Impact Assessment (Jan 2013) Public Art Strategy (March 2013) Sustainable Design Guide (Jan 2013)

#### 7. OTHER MATERIAL POLICY CONSIDERATIONS

## 7.1 Scottish Government Planning Policy and Guidance

**Designing Streets and Creating Places** 

#### 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) siting and design
  - c) access and infrastructure

d) any other material considerations

## Development plan/other planning policy

- 8.4 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions where possible.
- 8.5 Policy 14 of the NPF4 (Design, Quality and Place) states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale and proposal will be supported where they meet the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.
- 8.6 The site lies within the Settlement Development Area of Beauly as identified in the Inner Moray Firth Local Development Plan, which sets out the managed expansion of the west side of the town to provide over 400 new homes. The application site lies within allocation BE1 Beauly East that has an indicative capacity of 238 homes. The application site, in turn, links into BE2 which is a mixed-use allocation with an indicative capacity of 185 houses plus business and community uses.
- 8.7 Policy 2 of the IMFLDP supports development on allocated sites where the necessary infrastructure either exists or will be provided. In this case the proposed amount of housing will make a sizeable contribution toward supply requirements in larger settlements, utilising a sustainable allocated site within a settlement identified for expansion which can take advantage of both existing and planned infrastructure. The principle of development is therefore established.
- 8.8 Planning permission has been granted for a total of 63 residential units (20/03444/FUL, 20/03445/FUL and 08/00430/FULIN). Twelve of those granted under the initial permission (08/00430/FULIN) have been built as affordable homes and substantially provide the affordable housing element for the wider site. The layout of the remaining land was reconsidered and granted permission for 51 units under the more recent application 20/03444/FUL to the north of the main road through the site and 20/03445/FUL to the south. A s75 legal obligation was entered into in order to address the developer contribution requirements of the Development Plan.
- 8.9 The current application seeks to reduce the overall number of units from 63 to a total of 52 units. Providing that the development continues to be designed to make a positive contribution to the architectural and visual quality of Beauly and its sense of place, can provide opportunities for active travel, does not place undue pressure on existing infrastructure or adversely impact on individual and community residential amenity, then the proposal would accord with the Development Plan.

## **Siting and Design**

- 8.10 This site is located to the north end of Beauly and extends to an area of 2.1 hectares. It is relatively flat land accessed from the A862 just beyond the existing fire station. The site forms part of a larger housing allocation in the Development Plan with the intention that the access will be extended into the fields beyond and link onto Croyard Road. The area referred to in this application is primarily to the north of this road.
- 8.11 To the north of the site, the boundary is well established with mature trees and post and wire fencing. The south of the site is the proposed road that will provide the link through the site. To the west are open fields and to the east a small parcel of land with a row of mature trees separating the site from the A862.
- 8.12 This proposal is essentially a remix of the type of housing previously approved with the layout remaining largely the same.
- 8.13 In terms of the detail design of the houses, it is proposed to use a contemporary palette of external materials and finishes. This includes the use of high-quality concrete Quinn Rathmore grey roof tiles, smooth grey and white render wall finishes with a combination of dark grey or taupe weatherboarding feature cladding. There are variations of house and flat design which complement each other and are connected by the external materials and finishes palette. This provides interest and variety in the streetscape that is welcome.
- 8.14 In summary, the amended layout would appear to follow good place-making principles resulting in a development of varied homes, greenspaces and roads with active frontages and high quality landscaping ensuring the requirements of NPF4 Policies 14, 15 and 16 and HwLDP Policy 29 are addressed.

#### **Access and Infrastructure**

- 8.15 Flood risk and drainage has been an ongoing issue in this part of Beauly. The Flood Team were consulted on this application and has concluded that it has no objection to this application to change the house types, but that the conditions previously applied to previous planning permissions should continue with this application.
- 8.16 There is no change to the roads layout from that previously granted permission, but conditions relating to roads will continue to apply to this application.

#### Other material considerations

8.17 There are no other material considerations.

## **Non-material considerations**

8.18 There are no non-material planning considerations.

#### Matters to be secured by Legal Agreement / Upfront Payment

8.19 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) Modification to the existing S75 legal agreement to secure a commuted sum for the shortfall of one affordable house; and
- b) Updated education contributions to reflect current amounts.
- 8.20 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) and 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 This application is essentially a remix of the houses in the previous planning permissions granted in 2020 reducing the overall number of units from 63 to a total of 52 units but with an improved road layout that meets current policies. The improvements to the open spaces, areas for play and landscaping, high quality and varied design provide a good level of distinctive placemaking that can be supported.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

#### 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

#### 11. RECOMMENDATION

Action required before decision issued Y

Notification to Scottish Ministers

Conclusion of Section 75 Obligation Y

Revocation of previous permission N

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

1. 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.

**Reason**: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Prior to any site excavation or groundworks, all retained trees shall be protected against construction damage using protective barriers located as per the Tree Protection Plan (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers shall remain in place throughout the construction period and shall not be moved or removed without the prior written approval of the Planning Authority.

**Reason**: To ensure the protection of retained trees throughout the construction period.

3. A suitably qualified Arboricultural Consultant shall be employed by the applicant to ensure that the Approved Tree Protection Plans are implemented to the agreed standard. Stages requiring supervision are to be set out in an Arboricultural Supervision Statement for the written agreement of the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

**Reason**: To ensure the protection of retained trees throughout the construction period.

4. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, reservation 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. In order to protect the archaeological and historic interest of the site.

**Reason**: In order to protect the archaeological and historic interest of the site.

5. The units shall not be occupied until full details of all street lighting within the site have been submitted to and received the approval in writing of the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

**Reason**: In order to allow the Lighting Engineer to assess the proposed Lighting Scheme.

 No development shall commence until full details of all temporary surface water drainage measures designed to prevent flooding and contamination of existing watercourses during construction shall be submitted to and agreed in writing by the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

**Reason**: In order to prevent flooding and contamination of existing watercourses during construction.

- 7. No development, including any demolition works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during construction; and
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

For the avoidance of doubt, at no time shall the access between the Fire Station and the public road be obstructed.

**Reason**: To ensure that the site compounds are sensitively located and are adequately secured to prevent unauthorised entry.

- 8. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained:
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates:
  - iv. 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
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. 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.

9. No development shall commence until a scheme for the layout, design and construction of green spaces and play areas (including specifications, protection measures, boundary treatments and timescales for implementation) has 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**: In order to comply with the requirements of the Council's Open Space in New Residential Development supplementary planning guidance (adopted 20th May 2009) and to ensure that sufficient play equipment exists within the application site to serve future residents' needs.

No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and/or woodland and/or play areas and/or 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, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), has 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.

- 11. 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 8 and 9 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.

12. No development shall commence until an Access Management Plan has been submitted to and received the approval in writing of the Planning Authority. The approved Plan shall be implemented in full prior to the completion of development unless otherwise agreed in writing by the Planning Authority.

**Reason**: To ensure that an adequate level of access is timeously provided for the development; in the interests of amenity.

13. No development shall commence until full details of improvements to the access road from the A862 to the development site, including timescales for implementation, have been submitted to and received the approval in writing of, the Planning Authority. Thereafter the approved details shall be implemented in full and in accordance with the timescales contained therein.

**Reason**: In the interests of road safety, and that the works involved comply with applicable standards.

14. Details of road markings to be provided at the junction with the Fire Station to ensure cars cannot stop and block the route from the Fire Station at time of emergency shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority and shall be brought into use prior to any unit on the site being occupied.

**Reason**: In order to ensure emergency egress from the Fire Station is retained at all times.

15. The units shall not be occupied until visitor cycle parking (1 no. hooped type stand is provided, suitably sited near the main entrance to each of the flatted units) has been provided and maintained at all times thereafter.

**Reason**: In order to facilitate the use of a variety of modes of transport.

16. No development shall commence until a scheme to upgrade the culvert on the A862 has been submitted to and received the approval in writing of the Planning Authority in consultation with the Roads Authority. Thereafter, the approved scheme shall be implemented in full prior to occupation of the first unit.

**Reason**: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

17. The waste management proposals detailed in the Site Layout Waste Management Plan (drawing no. BE01\_WM\_01 REV C dated September 2020) hereby approved shall be implemented in full prior to occupation of the first unit unless otherwise agreed in writing with the Planning Authority.

**Reason**: To ensure that waste on the site is managed in a sustainable manner.

18. No development shall commence until final 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 Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

**Reason**: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

19. 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.

20. The units shall not be occupied until details of a 'safer route to school' have been submitted to, and received the approval in writing of, the Planning Authority. Thereafter, the approved details shall be implemented prior to occupation of the first house.

**Reason**: In the interests of pedestrian safety.

21. No unit shall be occupied until the embankment reinforcement works set out in Drawing BE01-Eng-102 have been implemented in full.

**Reason**: To ensure that flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

22. No development shall commence until details of the final design of the diversion network, including the offtake weirs and basin, have been submitted to and received the approval in writing of, the Planning Authority in consultation with the Flood Risk Management Team. All works shall be carried out in accordance with the approved details prior to the occupation of any new units.

**Reason**: To ensure that flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

#### **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.

#### **INFORMATIVES**

#### **Initiation and Completion Notices**

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

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

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

#### Flood Risk

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

#### **Scottish Water**

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

## **Septic Tanks and Soakaways**

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

## **Local Roads Authority Consent**

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

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

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

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

http://www.highland.gov.uk/info/20005/roads\_and\_pavements/101/permits\_for\_working\_on\_public\_roads/2

#### Mud and Debris on Road

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

## **Construction Hours and Noise-Generating Activities**

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

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

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

## **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot:

# https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Signature: David Mudie

Designation: Area Planning Manager - South

Author: Elaine Watt

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

Relevant Plans: Plan 1 - BE01\_RMXLP\_01 - Location Plan

Plan 2 - BE\_RMXSP\_01 - Site Layout Plan

Plan 3 - BE01\_RMXPL\_03 - Site Layout Plan Material Conditions

Plan 4 - BEAULY-ENG-PH2-005A - Site Layout Plan

Plan 5 - BE\_RMXPL\_04 - Vehicle Parking Plan

Plan 6 - 196SG(AS)303 - Services Layout

Plan 7 - 196SG(AS)301 REV A - General Arrangement Layout

Plan 8 - 196DG(AS)401 - Double Garage Elevation Plan

Plan 9 - 196SG(AS)401 - Single Garage Elevation Plan

Plan 10 - A-1090BW(AS)901 - Cullen

Plan 11 - A-1517dg(AS)901 - Nethy

Plan 12 - A-1603dt(AS)902 - Melford

Plan 13 - A-1653dt(as)901 - Kintore

Plan 14 - A-1668DG(AS)901 - Dunning

Plan 15 - A-1798dt(AS)901 - Kincraig

Plan 16 - A-1932CT(AS)901 - Culbin

Plan 17 - BE01\_WM\_01 REV C - Site Layout Waste Management Plan

Plan 18 - BE01-Eng-102 - Embankment Reinforcement Works

## 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 <sup>1</sup>	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools <sup>2</sup>									
Primary – Build Costs	Beauly Primary	£0	£0	£0	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs		£0	£0	£0	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Charleston Academy	£8,675	£4,916	£316,928	BCIS	Q2 2018	TOC	Apr/Oct	20
Secondary – Land Costs		£0	£0	£0	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	Charleston Community Campus	£1,588	£1,588	£63,520	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision <sup>3</sup>	12 units. (already under construction – substantially complete)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision <sup>4</sup>	0 units.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum <sup>5</sup>	£35,000 per affordable unit not delivered on/off site (only 1 unit)	N/A	N/A	£35,000	N/A	N/A		N/A	15 or 20 years
Agreement for Delivery Needed	Y/N. If delivery for affordable housing has not yet been agreed, enter Y and specify the date/timescale that the scheme for delivery is to be submitted for approval	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A

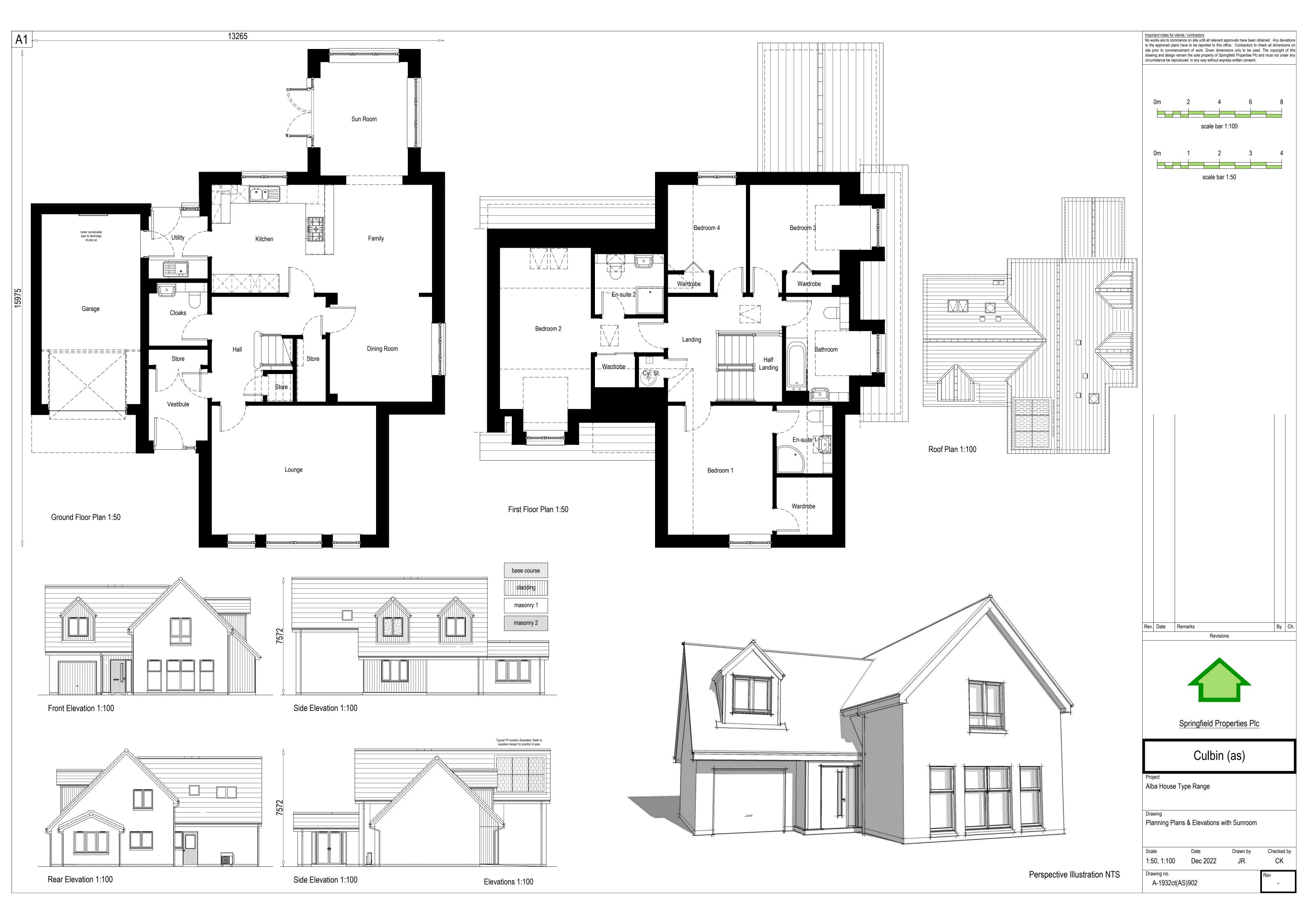
<sup>&</sup>lt;sup>1</sup> If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

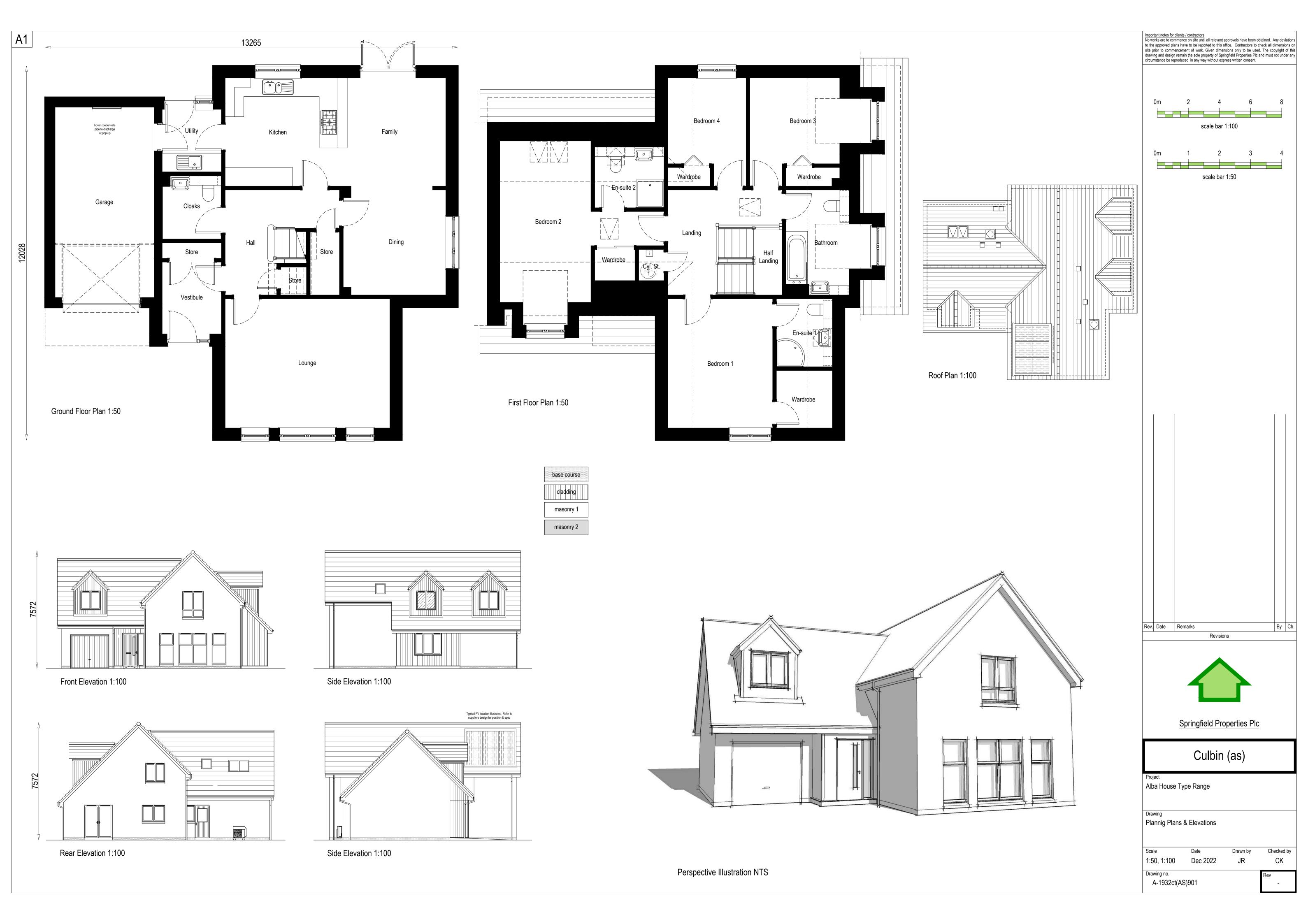
<sup>&</sup>lt;sup>2</sup> Indicate whether or not 1 bed houses/flats are exempt

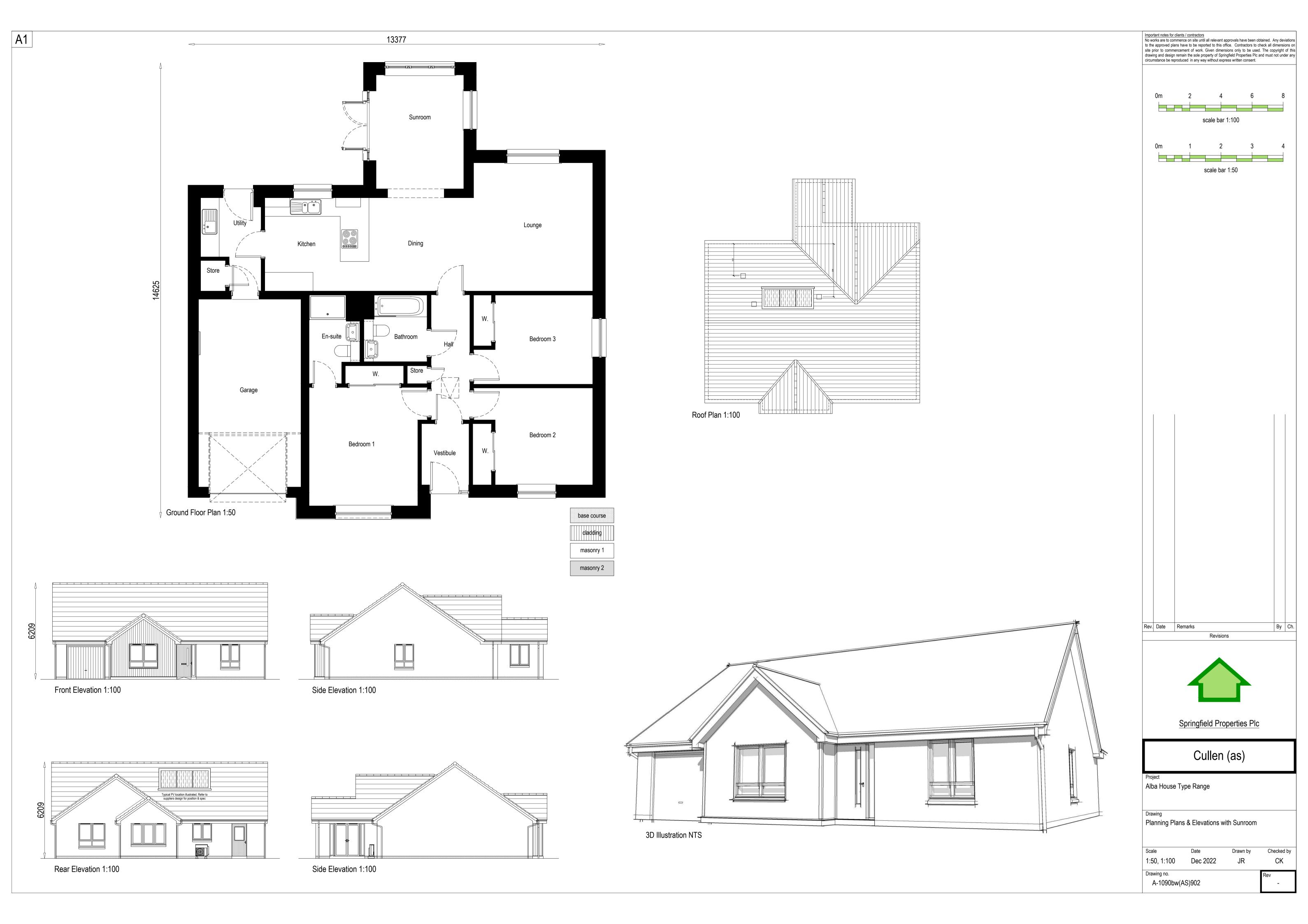
<sup>&</sup>lt;sup>3</sup> Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

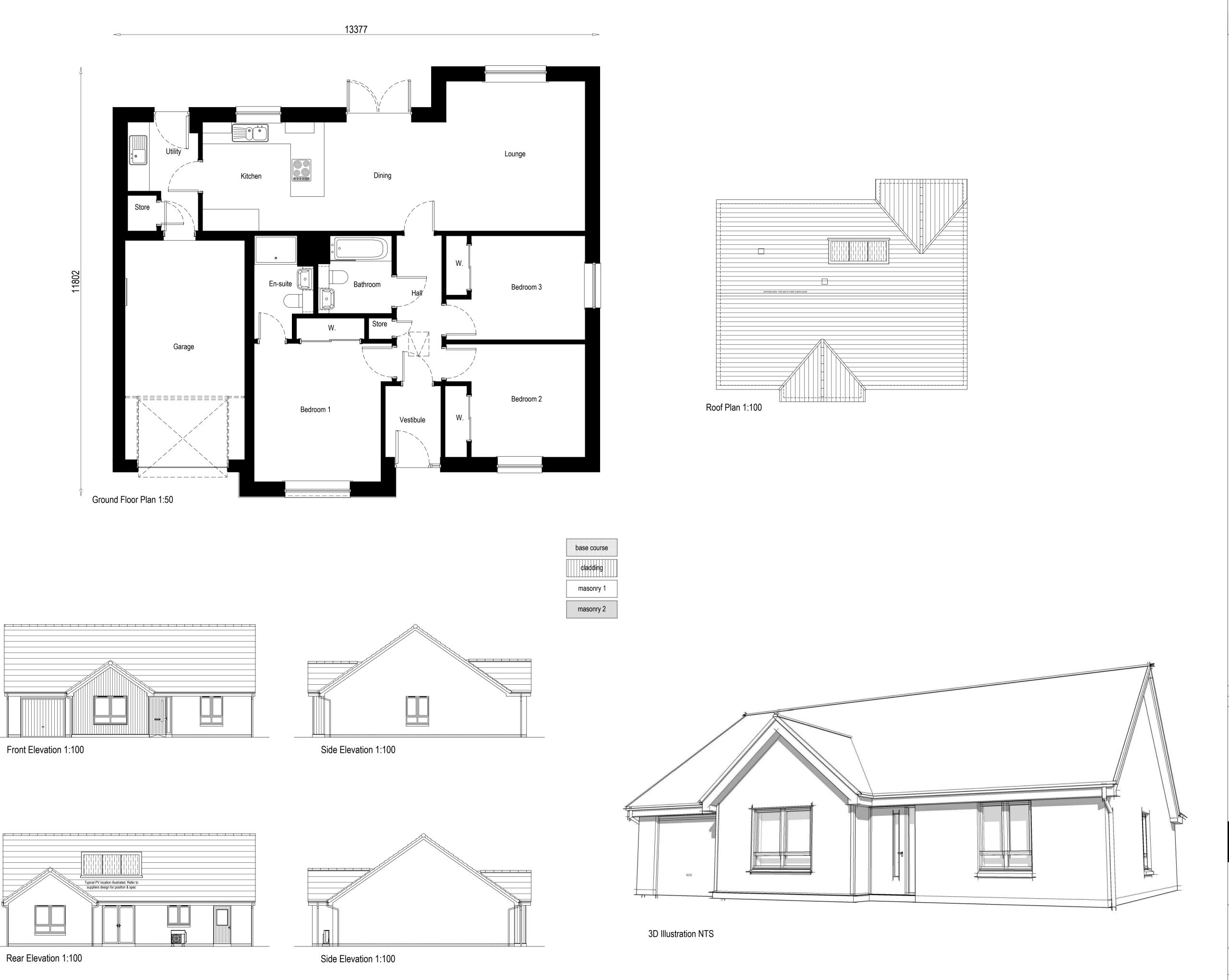
<sup>&</sup>lt;sup>4</sup> As above

<sup>&</sup>lt;sup>5</sup> Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)





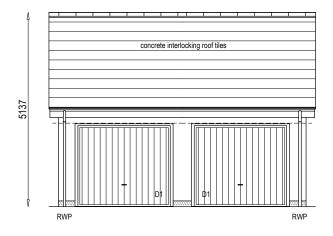


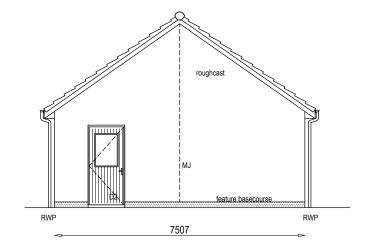


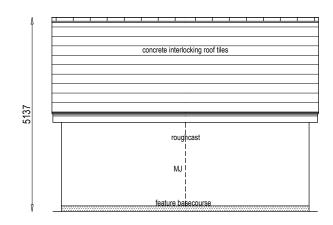
Important notes for clients / contractors
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent. scale bar 1:100 scale bar 1:50 Rev. Date Remarks By Ch. Revisions Springfield Properties Plc Cullen (as) Alba House Type Range Planning Plans & Elevations Checked by Drawn by 1:50, 1:100 Dec 2022 JR

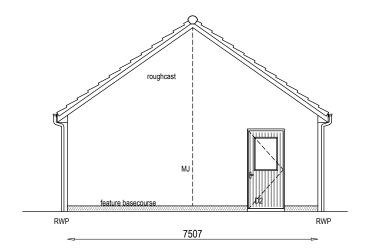
A-1090bw(AS)901

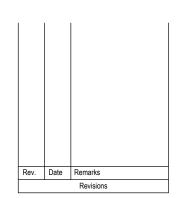
IMPORTANT NOTES FOR CLIENTS / CONTRACTORS.
The copyright of this drawing and design remain the sole property of Springfield Properties PIc and must not under any circumstance be reproduced in any way without express written consent. DO NOT SCALE. If in doubt, ask Site Manager or Architect.













Springfield Properties PLC

Elgin, Larbert. Scotland.

Double Garage(AS)

2014 House Type Range 2014 Building Regulations,

Drawing Elevations

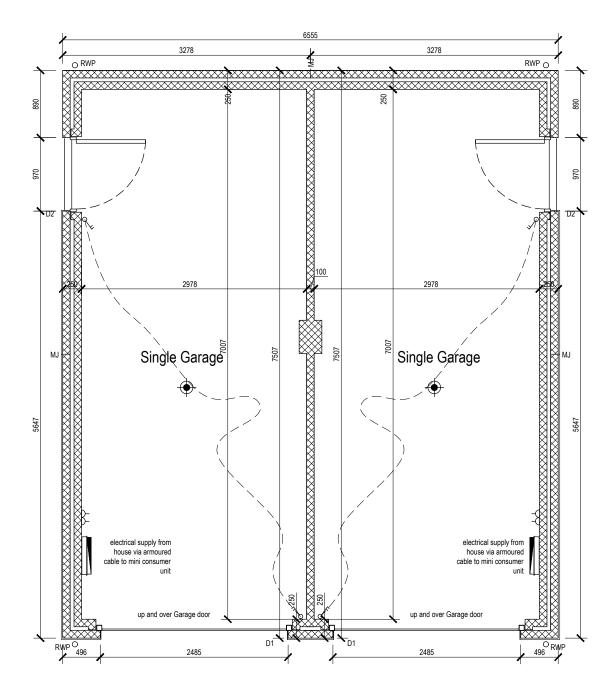
Scale Date Drawn by 1:100 Nov 2022 SM

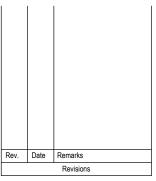
Drawing no. 196dg(AS)401

#### KEY TO DRAWING SYMBOLS

	Gas boiler
	Air source heat pump - location will be site & plot specific. Refer
	to site plan & Site Manager/Site Sales.  Hydrobox
	External tap
+	·
M	Ground located gas meter unibox
(-+)	Hot water cylinder
	Photovoltaic panel transformer position
	Consumer unit & electricity meter
\0\\0\\0\\0\\0\\0\\0\\0\\0\\0\\0\\0\\0\	One / Two / Three way switch
<del>\</del>	Pendant light fitting
	External light fitting with PIR sensor
<b>O O</b>	Downlight fitting / Downlight fitting with aqua-seal
<u> </u>	Batten light fitting
<del>\$ \$ \$ \$</del>	4x spotlight fitting
	Double socket (or USB double socket) at low level
	Double socket (or USB double socket) at high level / above a worktop
#0	Combined TV/Sky/BT point
-#1-	TV point
◁	Mains telecom entry point / Consumer Splice Point (CSP)
되	Telecom point
ы	Shaver position
2	Multi-gang switch unit
•	Single socket position switched from multi-gang
-0	Fused spur position switched at appliance / isolator
□/•	30a switch cooker control unit / Spur point for 30a supply.
	30a switch cooker control unit / Spur point for 30a supply.  Room thermostat / Central heating programmer
	Room thermostat / Central heating programmer
	Room thermostat / Central heating programmer
<u> </u>	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button  Kitchen wall unit down light.
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button  Kitchen wall unit down light.  Integrated Heating Unit
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button  Kitchen wall unit down light.  Integrated Heating Unit  Blanked double socket box with duct to network station per detail.  Double socket box with brush plate connect to blank box.  Optical network terminal (ONT) + battery back-up unit (BBU) with
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button  Kitchen wall unit down light.  Integrated Heating Unit  Blanked double socket box with duct to network station per detail.  Double socket box with brush plate connect to blank box.
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button  Kitchen wall unit down light.  Integrated Heating Unit  Blanked double socket box with duct to network station per detail.  Double socket box with brush plate connect to blank box.  Optical network terminal (ONT) + battery back-up unit (BBU) with shelf above for router per detail.
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button  Kitchen wall unit down light.  Integrated Heating Unit  Blanked double socket box with duct to network station per detail.  Double socket box with brush plate connect to blank box.  Optical network terminal (ONT) + battery back-up unit (BBU) with shelf above for router per detail.
	Room thermostat / Central heating programmer  Isolator switch  Ceiling mounted extract fan position  Wall mounted extract fan position  Smoke detector - Ionisation / Optical  Heat detector with mains supply & battery back-up  Carbon monoxide detector / Carbon dioxide detector  Shower position  Door bell sounder  Door bell push button  Kitchen wall unit down light.  Integrated Heating Unit  Blanked double socket box with duct to network station per detail.  Double socket box with brush plate connect to blank box.  Optical network terminal (ONT) + battery back-up unit (BBU) with shelf above for router per detail.

IMPORTANT NOTES FOR CLIENTS / CONTRACTORS.
The copyright of this drawing and design remain the sole property of Springfield Properties Pic and must not under any circumstance be reproduced in any way without express written consent. DO NOT SCALE. If in doubt, ask Site Manager or Architect.







Springfield Properties PLC

Elgin, Larbert. Scotland.

## Double Garage(AS)

Proje

2014 House Type Range 2014 Building Regulations,

Drawing
Services Layout

 Scale
 Date
 Drawn by

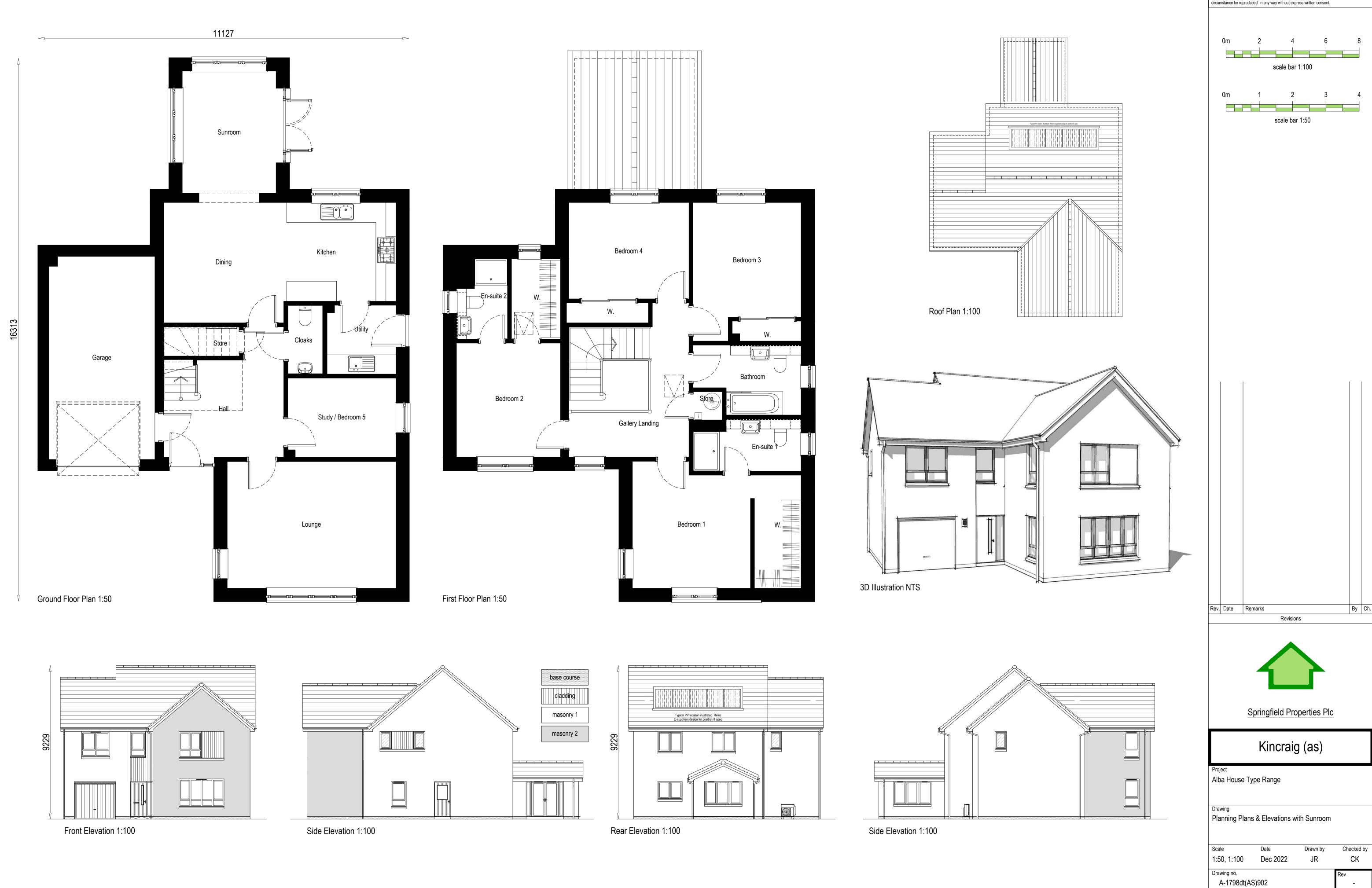
 1:50
 Nov 2022
 SM

Drawing no. 196dg(AS)303

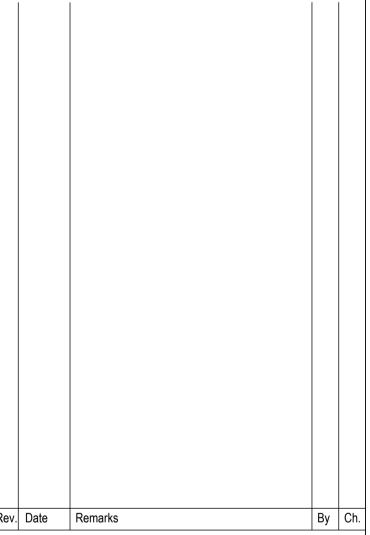
Rev -



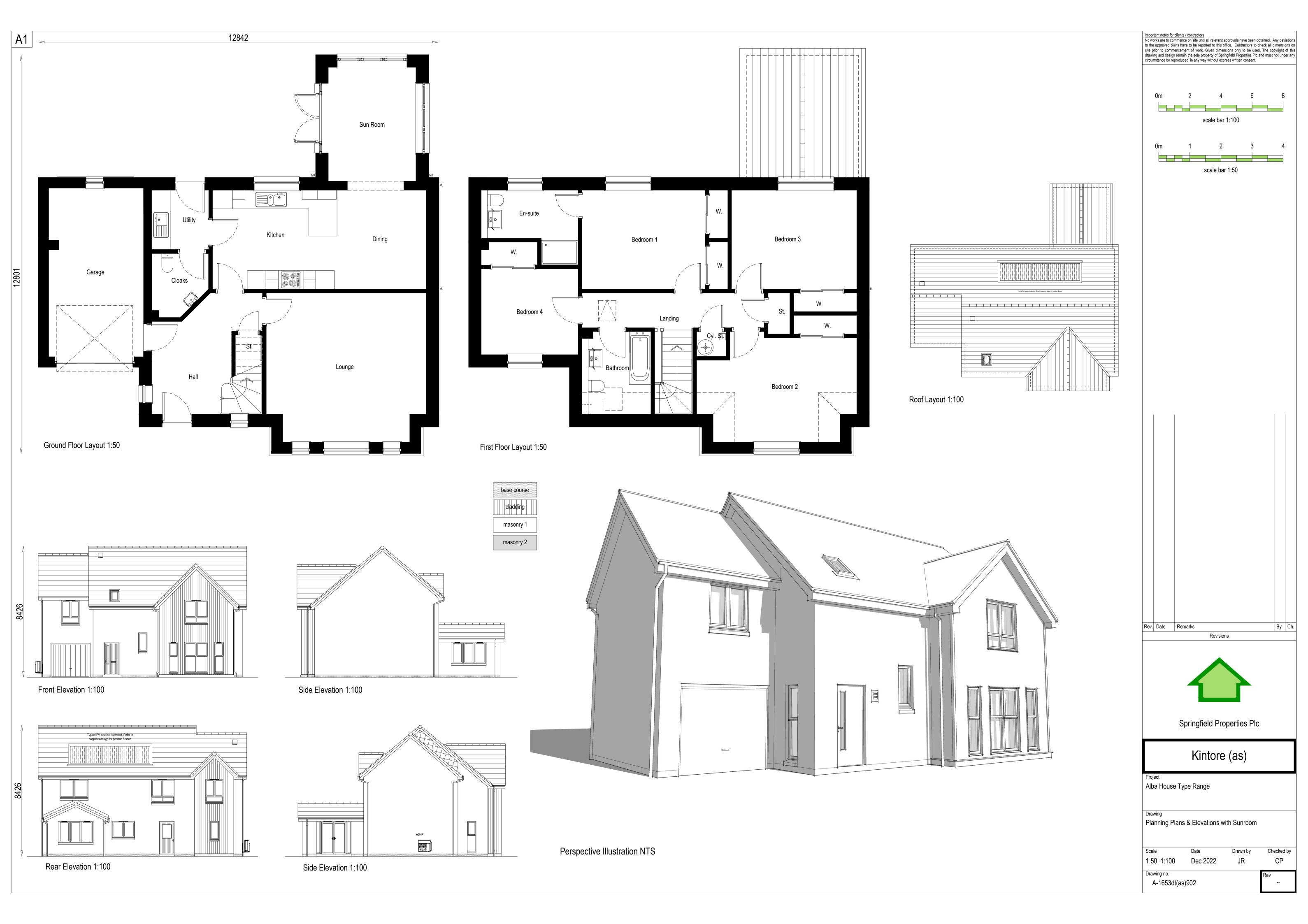




Important notes for clients / contractors
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.

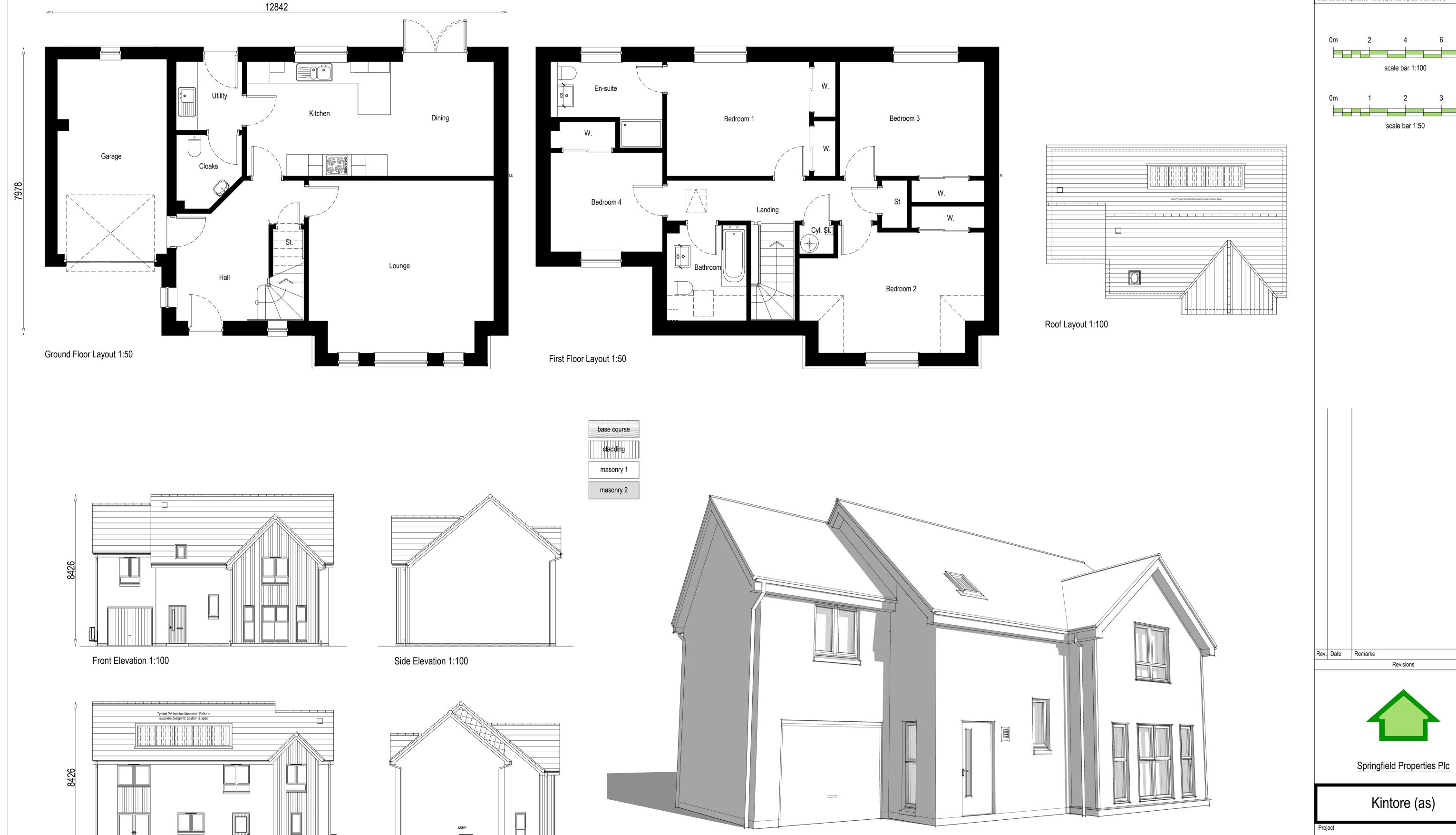






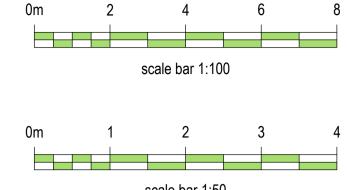
Rear Elevation 1:100

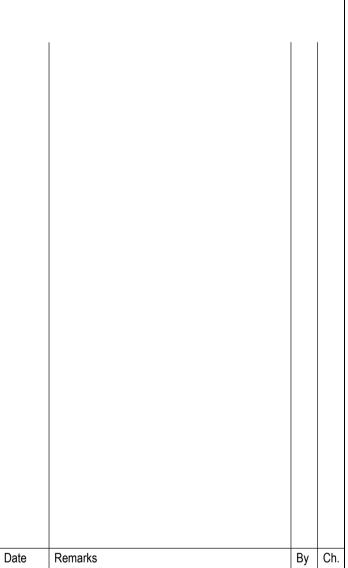
Side Elevation 1:100



Perspective Illustration

Important notes for clients / contractors
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.







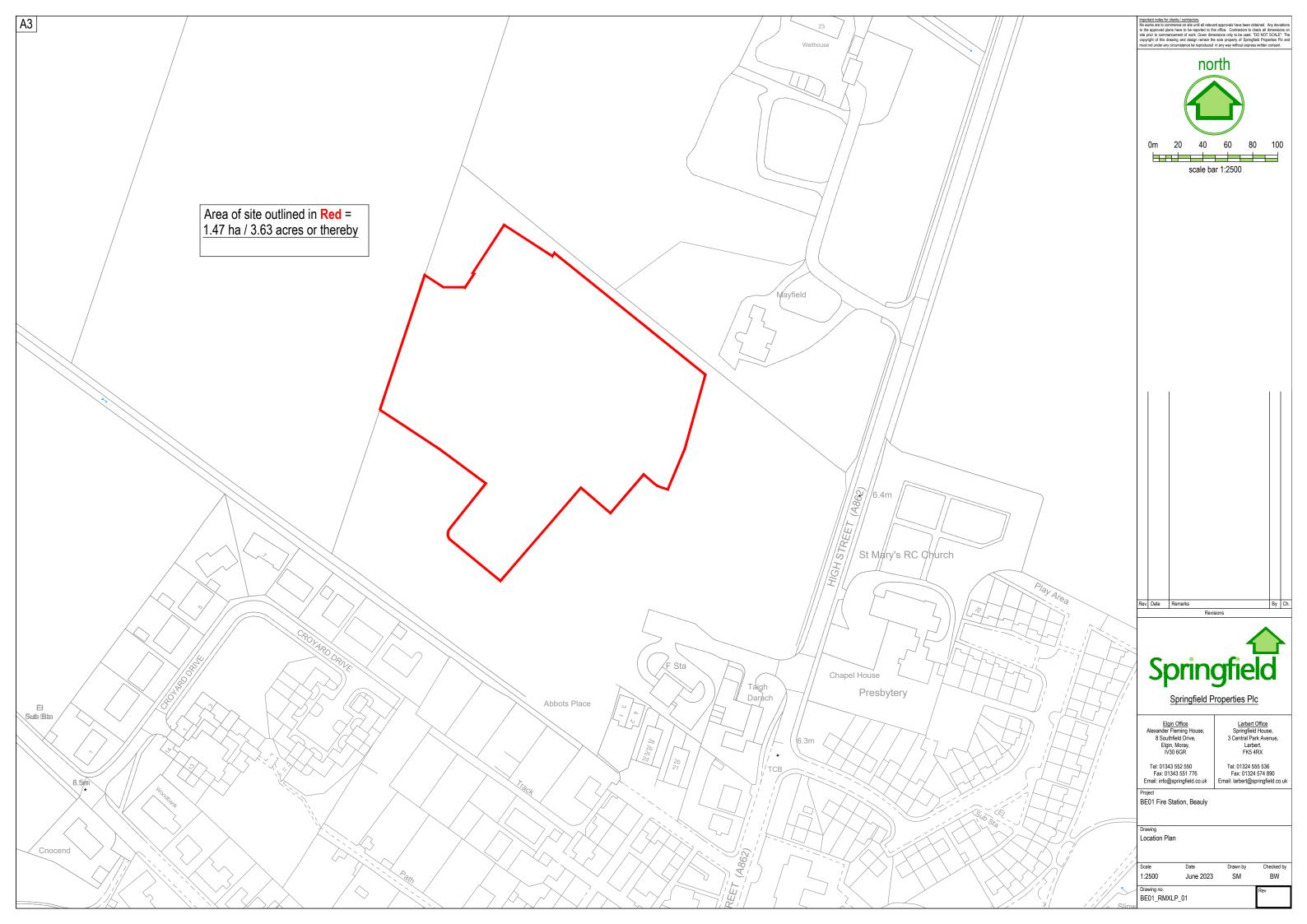


Alba House Type Range

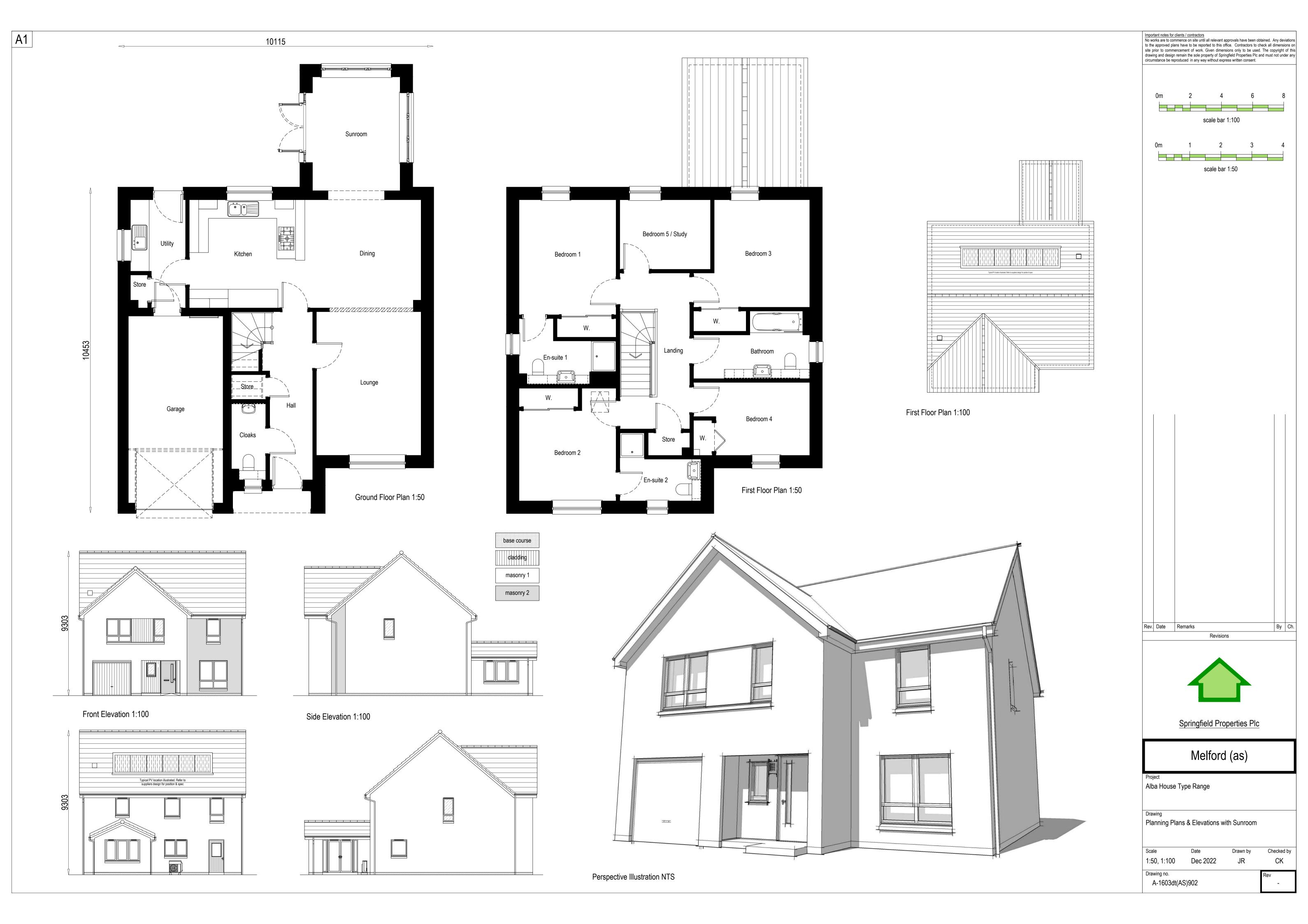
Drawing
Planning Plans & Elevations

1:50, 1:100 Dec 2022 A-1653dt(as)901

Checked by



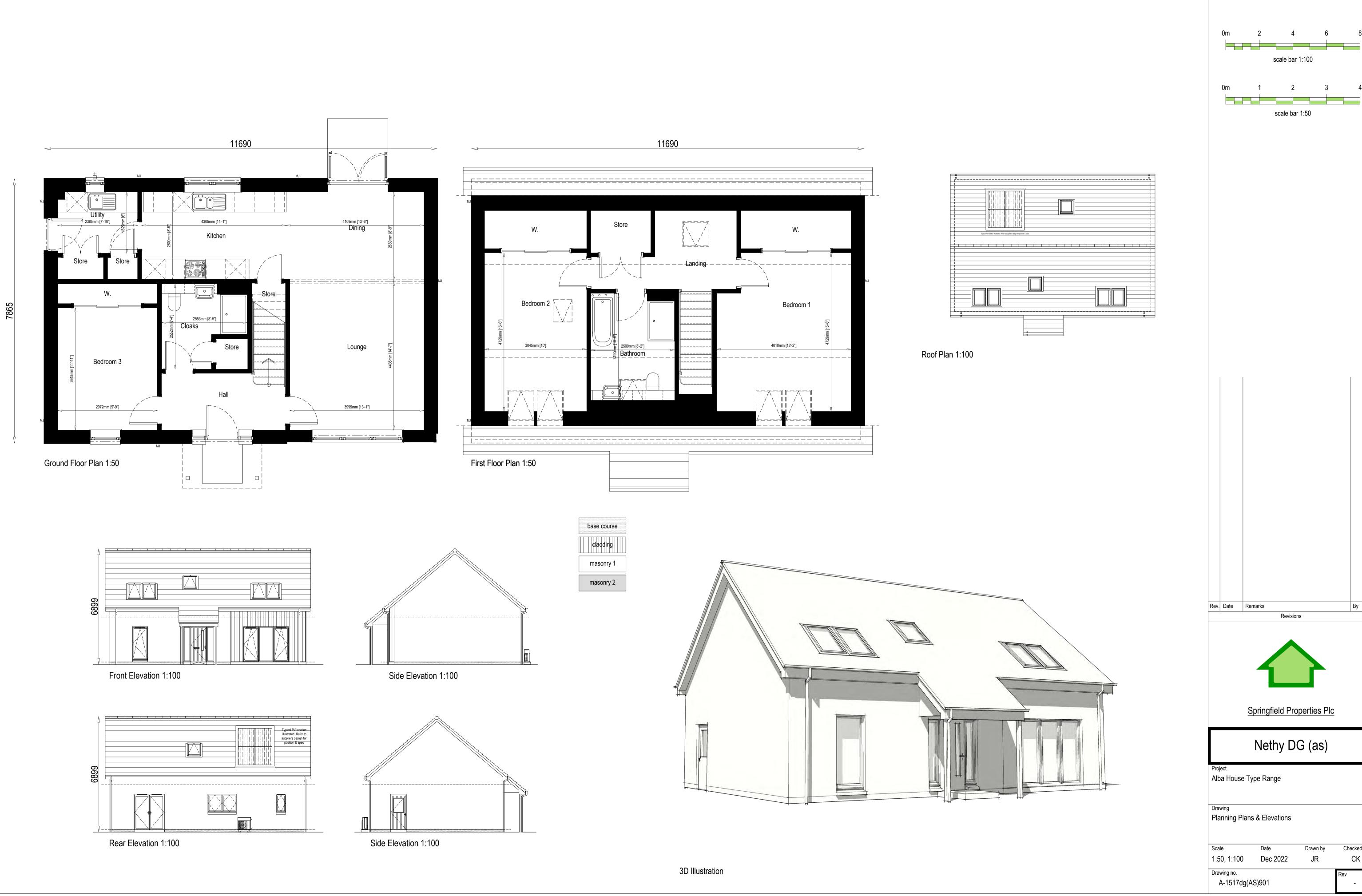




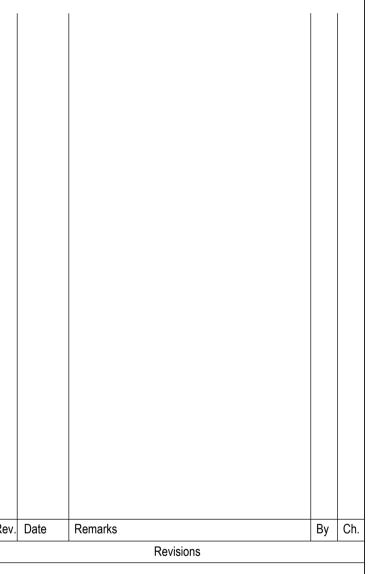


Important notes for clients / contractors
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.

By Ch.



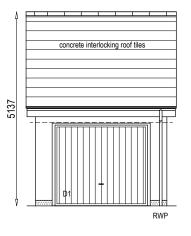
Important notes for clients / contractors
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.

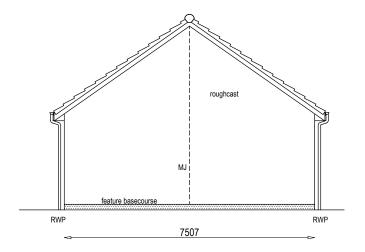


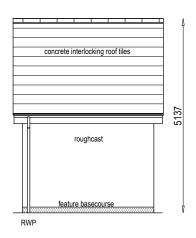
Checked by

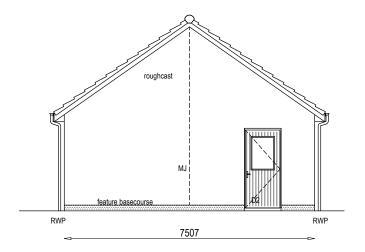


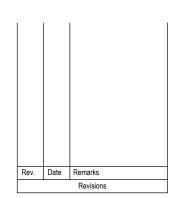
IMPORTANT NOTES FOR CLIENTS / CONTRACTORS.
The copyright of this drawing and design remain the sole property of Springfield Properties PIc and must not under any circumstance be reproduced in any way without express written consent. DO NOT SCALE. If in doubt, ask Site Manager or Architect.













Springfield Properties PLC

Elgin, Larbert. Scotland.

Single Garage(AS)

2014 House Type Range 2014 Building Regulations,

Drawing Elevations

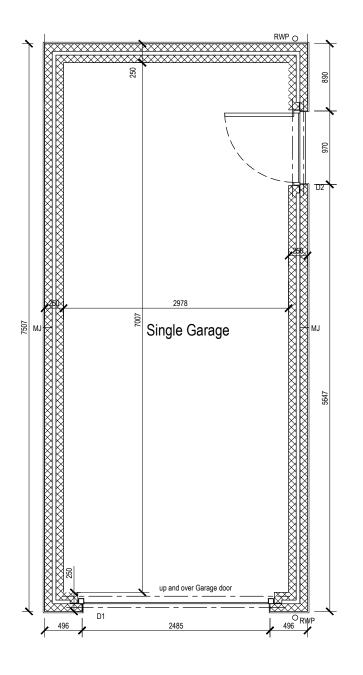
 Scale
 Date
 Drawn by

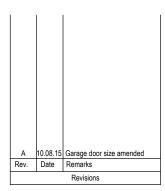
 1:100
 Apr 2015
 ST

Drawing no. 196sg(AS)401

Rev -

IMPORTANT NOTES FOR CLIENTS / CONTRACTORS.
The copyright of this drawing and design remain the sole property of Springfield Properties PIc and must not under any circumstance be reproduced in any way without express written consent. DO NOT SCALE. If in doubt, ask Site Manager or Architect.







Springfield Properties PLC

Elgin, Larbert. Scotland.

Single Garage(AS)

Pro

2014 House Type Range 2014 Building Regulations,

Drawing

General Arrangement Layout

Scale	Date	Drawn by
1:50	Apr 2015	ST

Drawing no. 196sg(AS)301 Rev A



