

Agenda Item	6.2
Report No	PLS/04/26

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 3<sup>rd</sup> December 2025

**Report Title:** 24/00970/FUL: Henderson Group Ltd  
Land 65M West of Dunvegan, 35 Clachnaharry Road, Inverness

**Report By:** Area Planning Manager South

### Purpose/Executive Summary

**Description:** Erection of 12No flats with associated roads, parking, services and landscaping

**Ward:** 13 - Inverness West

**Development category:** Local

**Reason referred to Committee:** Objections from 5 or more households

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 Planning permission is sought for the erection of 12 flats on an area of open ground which extends to 0.562 ha in the Clachnaharry Road area of Inverness.
- 1.2 The buildings would be placed on the western side of the site, fronting onto a new access road to the east leading from Scorguie Road northwards to meet the boundary with the former Clachnaharry care home. The application site also includes part of the existing access/parking spaces within curtilage of the former care home. This access provides a separate access point to the public road, north of 41 Clachnaharry Road.
- 1.3 The proposal comprises of 3No. detached 2 storey blocks with each block consisting of four two-bedroom flats. The building footprints are 20.4m x 8.7m x 8.8m. The 38° dual pitch roofs are to be covered in dark grey tiles, and the walls finished in a mix of white dry dash and featured areas of reconstituted stone.
- 1.4 Sections through the site show that the proposed flats will be sited on a lower ground level compared to the houses on the southwest boundary at Swanston Avenue. The flats will be orientated on a southeast- northwest axis.
- 1.5 Parking spaces are to be provided to the front (east) of the flats. A 2m high retaining wall is proposed on the east boundary of the site where it meets the rear access lane serving the houses at No. 23-33 Clachnaharry Road.
- 1.6 Foul water drainage will be by means of connection to the public sewer in Scorguie Road. Surface water soakaway drainage cannot be undertaken within the site due to the ground conditions. Accordingly, the developer proposes a connection to an existing Scottish Water surface water sewer on Scorguie Road via a (SuDS) storage tank.
- 1.7 The Site Layout Plan (Drawing 4916-01-003 REV E) identifies the applicant's land ownership, which includes an area of wooded land to the north of the proposed housing; however, this does not form part of the application site. Within this area, an indicative footpath routing is shown, leading from the end of the new access road northwards towards a viewpoint.
- 1.8 Pre-Application Consultation: None
- 1.9 Supporting Information:
  - Design Statement 15.03.2024
  - Drainage Impact Assessment July 2024
  - Drainage Layout Plan 22.07.2025
  - Kerb Layout Plan 22.07.2025
  - Ecological Assessment Report 15.03.2024
  - Planning Statement 15.03.2024
  - Tree Report 15.03.2024
  - Arboricultural Impact Assessment and Method Statement 09.07.2024
  - Drainage Impact Assessment & Soils Investigation Report 09.07.2024
  - Soft Landscape Works – 5-year maintenance regime 09.07.2024

- Supporting Statement 16.07.2025
- Supplementary Transport Statement 09.07.2024
- Response to Transport Planning Comments 23.07.2025

- 1.10 Following the submission of the proposal, discussion with the Housing Service has indicated that further re-development of the former Clachnaharry care home site to 20No. residential units is being considered, if the current application (24/00970/FUL) is granted planning permission. It should be noted that such re-development would require a separate planning application which would be considered, without prejudice, on its own individual merits.
- 1.11 The total of 32No. units – the current application 24/00970/FUL, and indicative numbers for the redevelopment of the former Clachnaharry care home - would be included in the Council's Strategic Housing Investment Plan (SHIP) for mainstream affordable housing. These may be considered for SSEN legacy houses, if the shortage of mainstream units is resolved from other sites. The legacy housing arrangement is that the houses would transfer to social housing for rent at the end of its requirement for worker housing in approximately 3-5 years time.
- 1.12 The agent has indicated that they intend to proceed with Road Construction Consent and Scottish Water technical approvals, if permission is granted (24/00970/FUL). It should be noted that these would be required for any future application for the re-development of the former Clachnaharry care home site, as all roads and service connections for it are understood to be within the application site (24/00970/FUL).
- 1.13 The agent has outlined that the advantages of developing the wider site – the current application 24/00970/FUL, and indicative numbers for the redevelopment of the former Clachnaharry care home - in this way would be that:
- the ruined former care home building would be redeveloped avoiding it being a further attraction for vandals, antisocial behaviour and a safety concern.
  - removes an unsafe road access junction onto Clachnaharry Road from use.
  - delivers 32 affordable homes for social rent.
  - opens up the amenity value of the site for access to the wider woodland area and viewpoint and scenic walk from Scorguie and the park to Clachnaharry, pub and canal walks.
  - determination of the current application for 12 units assists in the swift delivery of the entire site if permission is granted.
- 1.14 Variations: 11.09.2024 and 22.07.2025 Drainage Layout Plan  
22.07.2025 Kerb Layout Plan  
09.07.2024 Road Drainage Site Section, Retaining Wall Section, Footpath Construction Detail, Site Layout Plan, Elevations Cycle Store, Landscaping Plan, Tree Constraints Plan, Tree Protection Plan

## **2. SITE DESCRIPTION**

- 2.1 The site is on a north-south linear axis, located between residential properties on the west boundary at No.2 Scorguie Road and 2-8 Swanston Avenue (even numbers only), and on the east boundary 23-33 Clachnaharry Road (odd numbers only).
- 2.2 The site was a remnant of a former residential development site and has lain in an unkempt state for many years with no formal access to the site.
- 2.3 The site generally slopes from northwest to southeast, with an overall change in levels of around 9m. Submitted sectional and site plans demonstrate how the land steps down from Swanston Avenue to Clachnaharry Road.
- 2.4 The central part of the site is open ground, with the northern area consisting of larger mature trees and woodland. This area includes a section of the proposed access road leading to the boundary with the former Clachnaharry care home.
- 2.5 The southwest boundary of the site bounds onto the rear gardens and fences of houses on Swanston Avenue. To the northeast boundary the site looks down to the rear access lane for the houses on Clachnaharry Road.
- 2.6 There is a Tree Preservation Order (Swanston Avenue) No.138 (IN/14/F/65) for the woodland on the northwest boundary of the site and the proposed access runs through the easternmost part of the Tree Preservation Order area.

## **3. PLANNING HISTORY**

- 3.1 01.12.2020            20/00202/FUL - Change of use from care home    Permission  
                                 to self-catering holiday apartments (tourist   granted  
                                 accommodation) at 41A Clachnaharry Road,  
                                 Inverness

## **4. PUBLIC PARTICIPATION**

- 4.1    Advertised: Schedule 3  
         Date Advertised: 29.03.2024 and 19.07.2024  
         Representation deadline: 12.04.2024 and 02.08.2024  
  
         Timeous representations:    21 objections and 10 in support  
  
         Late representations:            0
- 4.2    Material considerations raised are summarised as follows:
  - a) Design
  - b) Amenity and privacy
  - c) Overdevelopment
  - d) Drainage and Flooding
  - e) Ecology
  - f) Trees
  - g) Green network

- h) Retaining wall
- i) Road safety
- j) Parking
- k) Water pressure
- l) Additional social housing

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Muirtown Community Council:** No response

5.2 **Development Plans:** No objections. In line the Reporter's Recommendations the majority of the site is now shown as green network in the IMFLDP2.

The principle of development on site should be assessed against the following policies:

### **National Planning Framework 4 2023**

**Policy 20 (Blue and green infrastructure)** intends to protect and enhance blue and green infrastructure and their networks.

- Part (a) only supports development proposals that result in fragmentation or net loss of existing blue and green infrastructure where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.
- Part (b) supports development proposals for incorporating new or enhanced blue and/or green infrastructure.

### **Highland-wide Local Development Plan 2012**

- Policy 74 Green Networks – requires green networks to be protected and enhanced. There is supplementary guidance related to this policy.

### **Inner Moray Firth Local Development Plan (IMFLDP) 2**

- Reporter's recommended modifications have been incorporated into the plan.

**Policy 5 Green Networks** – explains that development proposals within or close to an identified Green Network will be assessed as to the extent to which they:

- Safeguard, enhance or extend that Green Network;
- Affect the physical, visual and habitat connectivity (either adversely or positively) of that Network; and
- Offer any mitigation which assists the safeguarding, enhancement or extension of that Green Network, including the physical, visual or habitat connectivity effects.

5.3 **Transport Planning:** 22.04.2024, 11.06.2024, 18.07.2024, 16.07.2025 and 18.08.2025.

The development includes a new access road from Scorguie Road, which will also serve the former Clachnaharry Care Home (now with permission for short-term let

use). The existing access to the care home from Clachnaharry Road is substandard and proposed for closure to vehicular traffic.

Two previous responses were provided by Transport Planning (dated 22/04/2024 and 18/07/2024), which raised a number of issues. Most of these have now been addressed by the applicant, and we do not intend to revisit matters that have been resolved or are more appropriately dealt with at the Road Construction Consent (RCC) stage.

### **Access**

The proposed new access is designed as a bell mouth from Scorguie Road. To keep vehicle speeds low and maintain continuity of the pedestrian footway the access should be designed as a vehicle cross over. The applicant is required to provide an updated site layout drawing showing details of the vehicle crossover.

The Transport Planning Team is satisfied that the junction spacing surrounding the new access is acceptable. The vehicle access to No.23 – No. 31 Clachnaharry Road can be classed as a driveway access so only 15m separation is required. Even if it is classed as a minor junction the spacing is 23m so only just below the 25m minimum requirement.

As shown on the Road Layout Drawing, the new access has a dimensioned visibility splay of X to be 2.4m and Y to be 43m. The Transport Planning Team are satisfied that this visibility splay satisfies the requirements specified in Designing Streets.

We are satisfied that the applicant has now addressed the key drainage-related concerns raised in our previous response. We therefore withdraw our objection, subject to the following conditions:

### **Final Drainage Design**

- Prior to commencement of development, the applicant shall submit a final surface water drainage design for the written approval of the Planning Authority, in consultation with Transport Planning and Flood Risk Management.
- This shall include written confirmation from Scottish Water that they accept the proposed overflow connection.
- The design shall also demonstrate how uplift risk to the geocellular storage system will be mitigated.

All previously recommended conditions remain applicable, including:

- Closure of the existing Clachnaharry Road access to vehicles
- Submission and approval of a Construction Traffic Management Plan (CTMP)
- Provision of waste/recycling storage and cycle parking
- Technical approval and certification for the retaining wall

### **Kerbing and Filter Drain Interface**

The applicant confirms that 100mm gaps will be left between joints in the upstand kerb on the north side of the access road, allowing surface water to enter the filter strip and filter drain. This arrangement is now reflected in both the kerb layout (3883:108B) and drainage layout (3883:105D).

Road gullies have been removed along the access road, with a pair retained only near the junction with the existing road to intercept runoff. This resolves the previous inconsistency between the kerb and drainage layouts.

While the use of kerb gaps is not explicitly referenced in the Roads and Transport Guidelines for New Developments (RTGND), it aligns with Sustainable Urban Drainage Systems (SUDS) principles. We consider this approach acceptable in principle, subject to detailed design and approval at RCC stage to ensure effective performance, ease of maintenance, and compliance with drainage standards.

### **Surface Water Discharge to Scottish Water Sewer**

The applicant confirms that the proposed connection is to an existing surface water sewer, not a combined sewer. They intend to submit a Technical Audit application to Scottish Water post-planning, with the outcome to be included in the RCC submission.

While this clarification is noted, we recommend that a condition be applied requiring written confirmation from Scottish Water prior to commencement of development.

### **Geocellular Storage – Groundwater Risk**

The applicant proposes to surround the underground geocellular storage system with an impermeable geomembrane to prevent groundwater ingress. This addresses our concern regarding potential reduction in storage capacity due to groundwater infiltration.

However, no information has been provided on how the system will be protected from uplift due to groundwater pressure. In fact, an impermeable membrane may increase buoyancy if groundwater levels rise, potentially lifting the storage structure. This is a recognised failure mode in SUDS design.

We recommend that the applicant provide further detail on how uplift forces will be mitigated — for example, through backfill design, ballast, or structural restraint — to ensure the long-term stability of the system.

Further detail is required on groundwater management and the structural design of the system.

## **5.4 Flood Risk Management Team: No objection.**

### **Drainage**

i). The Drainage Impact Assessment (DIA) provided (Housing Development, Clachnaharry Road Inverness. DIA Issue 1. HGA. March 2024), sets out the drainage proposals. At this stage it is anticipated that surface water drainage will be discharged via infiltration.

ii). In-curtilage drainage will be privately owned and maintained. The road and associated drainage will be put forward for vesting by The Highland Council. Road drainage will be to a filter drain and geocellular infiltration tank with a high-level overflow to the existing Scottish Water surface water system. A conservative infiltration rate has been used and the option to discharge at a controlled rate to the Scottish Water Network remains an option. We are therefore content that a suitable drainage solution exists. This is subject to the Council's Transport Planning Team being content with the road drainage proposals.

5.5 **Historic Environment Team – Archaeology:** No objections

5.6 **Access Officer:** No objections.

The Reporter on IMFLDP2 concluded that the site had the scope to provide physical, visual and habitat connections between the adjacent greenspaces.

A single path up to a viewpoint does not really offer much of an enhancement or extension to the physical connectivity to the Green Network or a connection between local greenspaces. However, the land beyond, which may offer habitat and landscape connections, is steep and wooded. Delivering or enabling the extension of a path through it would be technically challenging and require the co-operation of a third party. It would be unreasonable to ask anything more of the applicant other than greater detail on the path specifications and a detailed commitment, in something like a landscape management plan, to maintaining that path.

5.7 **Forestry Officer: Objects.** Responses of 11.06.2024 and 06.08.2025

An updated consultation response (06.08.2025) to the original response (11.06.2024) - updated Tree Constraints Plan, a Tree Protection Plan, an Arboricultural Impact Assessment/ Method Statement and a document titled Applicant Response to HC Forestry Team.

Our previous comments were based on the Site Layout Plans (4916-01-002 rev B and 4916-01- 003 rev B) on which tree data had been overlaid. The new Tree Protection Plan does not differ significantly from the previously submitted Site Layout Plans (Rev B) so the level of tree removals and adverse impact on tree roots is no better than as described in our previous consultation response:

“The Site Layout Plan (4916-01-003 rev B) shows proposed removal of category ‘U’ trees T5934, T5935, T5936 & T5937. These are dead elms and a dead elder, and their removal could be accepted with suitable replacement planting. Trees T5906, T5907, T5908, T5933, T5940, and T5941, and tree group G3 are proposed for removal to accommodate the development. These are four category ‘B’ trees, two category ‘C’ trees and one category ‘C’ tree group.

The proposed housing layout and in particular the bin store also impacts on the root protection area of T5931.

The proposed access road requires cut and fill which would affect the RPAs [Root Protection Areas] of T5905, T5932, G1 and G2, as well as T6 and T8, which are outwith the site in other ownership.”

We now note that in addition, T5938 and T5939 would need to be removed to accommodate a geocellular storage as part of the site drainage.

There is now information in the Arboricultural Method Statement (AMS) on how the applicant proposes to work within RPAs of several trees and the percentage of RPA affected ranges from 3% - 16%. The British Standard definition of Root protection Area is - Layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the trees viability, and where the protection of the roots and soil structure is treated as a priority. The proposed construction in RPAs of protected trees remains a significant concern.



The AMS makes no note of the proposed footpath, verge and drainage associated with the construction of the proposed road through the TPO woodland, and there is no reference to cut and fill required to form the road.

As previously noted, the proposed footpath and majority of the woodland are outwith the red-line, so a separate application would be required for the path.

It is suggested in the Applicant Response to THC Forestry Team Comments dated 11.06.24 that only 4 trees are to be removed from the TPO, but this does not include part of group G1 and T5917 (previously removed). The Response goes on to note that the character of the existing woodland will be respected and retained. However, we cannot see how that is possible whilst driving a new road through it.

There is a Landscape Plan which proposes woodland and individual tree planting which could be accepted.

The contents of the Applicant Response to THC Forestry Team Comments dated 11.06.24 are noted, but it does not adequately address the policy concerns, so it does not change our position. We are highly concerned by the proposal to extend the proposed access road past the flat development and through the TPO due to the adverse impact this would have on existing TPO trees and their roots, as well as effectively severing the woodland. As it does not relate at all to the affordable housing proposal, it would be best removed from this application. It could then be included as part of any separate and subsequent application to redevelop the former care home.

The proposals do not accord with NPF4 Policy 6 b) ii as the development proposals would result in adverse impacts on native individual trees of high biodiversity value and the proposals do not accord with NPF4 Policy 6b) iii, as they would result in severing woodland habitats without appropriate mitigation measures.

The proposals do not accord with NPF4 Policy 6 c) as they do not demonstrate what significant and clearly defined additional public benefits are associated with the proposals and they do not provide an equivalent area of compensatory tree planting.

We maintain our objection to the application.

5.8 **Contaminated Land:** No objections

5.9 **Scottish Water:** No objections

**Water Capacity Assessment** - There is currently sufficient capacity in the Inverness Water Treatment Works. Further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

**Waste Water Capacity Assessment** - There is currently sufficient capacity for a foul only connection in the Allanfearn Waste Water Treatment works the proposal. Further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

We are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly

**Surface Water** - Scottish Water have confirmed that there should be no issue with connecting the Surface Water drainage to the Surface Water sewer, providing

suitable attenuation / SuDS is planned. This would normally for part of the Technical Audit process. Specific connection points can also be reviewed / re-confirmed at this stage.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 National Planning Framework 4 (2023) (NPF4)**

Policy 1 - Tackling the Climate and Nature Crises  
Policy 2 - Climate Mitigation and Adaptation  
Policy 3 - Biodiversity  
Policy 4 - Natural Places  
Policy 6 - Forestry, Woodland and Trees  
Policy 12 - Zero Waste  
Policy 13 - Sustainable Transport  
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

### **6.2 Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design  
29 - Design Quality and Place-making  
30 - Physical Constraints  
31 - Developer Contributions  
32 - Affordable Housing  
34 - Settlement Development Areas  
51 - Trees and Development  
52 - Principle of Development in Woodland  
57 - Natural, Built and Cultural Heritage  
58 - Protected Species  
59 - Other important Species  
60 - Other Importance Habitats  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
74 - Green Networks  
75 - Open Space  
77 - Public Access

### **6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)**

This Plan's focus is on identifying specific site allocations but also includes a number of overarching 'general policies' which will apply to all developments.

#### **Policies**

Policy 1 Low Carbon Development - requires new build development to minimise carbon emissions.

Policy 2 Nature Protection, Preservation and Enhancement – requires local development to include measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development.

Policy 5 Green Networks - Development proposals within or close to an identified Green Network will be assessed as to the extent to which they:

- safeguard, enhance or extend that Green Network;
- affect the physical, visual and habitat connectivity (either adversely or positively) of that Network; and
- offer any mitigation which assists the safeguarding, enhancement or extension of that Green Network, including the physical, visual or habitat connectivity effects.

Policy 8 – Placemaking - The Council's ambition is for all future developments to create high quality successful places to live, work and relax which are energy, infrastructure and land-take efficient, whilst at the same time being rich in natural and cultural heritage through protection and enhancement.

Therefore all proposals must follow a site design-led approach, which must be demonstrated by outlining which Design Tool(s) have been utilised and why; how the scheme has evolved and the changes adopted as a result of using the Design Tool and feedback from the public consultation and/or consultees (if appropriate) within the Supporting Statement submitted as part of an application.

Development proposals of 4 or more dwellings and major non housing applications will be expected to submit a placemaking audit. The Council will prepare non-statutory planning guidance to support and deliver a tailored approach to the Six Qualities of Successful Places and advise on information to be included in placemaking audits.

Policy 9 Delivering Development and Infrastructure – explains that the Council will assess each development proposal in terms of its impact on each relevant infrastructure network and community facility capacity.

Policy 10 - Increasing Affordable Housing - in accordance with Highland wide Local Development Plan Policy 32, Affordable Housing and its related Developer Contributions Supplementary Guidance, the Council will expect developers to contribute towards the delivery of affordable housing within the Inner Moray Firth area. It requires no less than 35% affordable housing is provided within the City of Inverness Settlement Development Area.

Subject to this Plan's Placemaking Policy and within its Main Settlements, the Council will support affordable housing development at a higher net housing density than that existing on or adjoining a proposal site.

Policy 14 Transport – requires development proposals to demonstrate how they can maximise walking, wheeling, cycling and public transport as alternative travel options (to use of the private car) for people using the development.

Placemaking Priorities 17 - City-wide

- Support the regeneration of Inverness City Centre by directing footfall-generating uses there and by preventing an increase of out-of-town retail development.

- Celebrate the City centre as a core of living, working and leisure destinations for the Highland region.
- Deliver the City's housing needs in strategic expansion areas, shown on the Inverness Spatial Strategy Map, so that services and infrastructure can be effectively planned and delivered.
- Focus housing development within places that reduce the need to travel and where it is easy to walk, wheel, cycle or use public transport to reverse the trend of car-dependent suburban housing development.
- Bolster existing neighbourhood service centres and employment destinations by ensuring new development is conveniently located and well connected with them.
- Prioritise transport improvements that get more people walking, cycling and using public transport.
- Safeguard and enhance the green networks, including the city's green edge, that run through the City and those that surround it.

#### Placemaking Priorities 18 - West Inverness

- Safeguard the setting of the City in the west and southwest afforded by the wooded and farmed slopes by restricting development to the current built up areas of Westercraigs, Kinmylies and Scorguie.
- Support the completion of the Westercraigs City expansion area.
- Promote the regeneration of Muirtown and South Kessock into vibrant mixed use and distinctive neighbourhoods centred on new waterside destinations that fulfil green and blue network opportunities and serve locals and visitors to the City.
- Encourage the creation of more walkable communities by supporting infill development in existing neighbourhoods.
- Promote redevelopment of the former Torvean Golf Course as a new City destination with parks and open space and new leisure, retail and food and drink destinations that celebrate the Caledonian Canal.
- Extend and enhance infrastructure networks.
- Increase primary and secondary school capacity.
- Investment in infrastructure at Bught Park and the Northern Meeting Park to provide state of the art sports and leisure facilities that will drive environmental, cultural and economic regeneration of the City.
- Support the provision of an active travel route between Inverness and Beaulieu.

#### 6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)  
 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's Statutorily Protected Species (March 2013)  
 Managing Waste in New Developments (March 2013)  
 Open Space in New Residential Developments (Jan 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**

Designing Streets

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) social housing
- c) siting and design
- d) access
- e) drainage
- f) trees
- g) protected species
- h) any other material considerations

### **Development plan/other planning policy**

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan 2 (IMFLDP2), and all statutorily adopted supplementary guidance including Inverness East Development Brief.
- 8.5 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering 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.
- 8.6 NPF4 Policy 4 (Natural Places) only supports development proposals that are likely to have an adverse effect on species protected by legislation where the proposal meets the relevant statutory tests; Policy 5 (Soils) protects valued soils and prime agricultural land; and Policy 6 (Forestry, Woodland and Trees) aims to protect and

expand forests, woodland and trees and states that development proposals involving woodland loss will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government guidance on woodland removal. Policy 13 (Sustainable Transport) considers that active travel nodes and public transport use should be promoted and facilitated by all developments. Policies 18 (Infrastructure First), 20 (Blue and green infrastructure)), and 22 (Flood Risk and Water Management) relate to the development's infrastructure requirements, with Policy 18 encouraging an Infrastructure First approach to land use planning and placemaking, Policy 20 seeks to protect and enhance blue and green infrastructure networks and Policy 22 promotes the avoidance, as a first principle, of areas of known flood risk.

- 8.7 A number of NPF4 policies relate to the overarching principle of supporting development that achieves liveable places. Most pertinent are Policy 14 (Design, quality and place), Policy 15 (Local living and 20-minute neighbourhoods), and Policy 16 (Quality homes). These policies seek to promote and facilitate well designed developments that make successful places by taking a design-led approach and applying the Place Principle consistent with the six qualities of successful places. To that end, new residential neighbourhoods should seek to be compact and connected to facilities that allow residents to meet the majority of their daily needs within a reasonable distance of their home, while facilitating the delivery of affordable, sustainable, and high-quality homes across a mix of tenures. Part a) of Policy 16 specifically supports proposals for new homes on land allocated for housing within Local Development Plans.
- 8.8 Although the relevant general policies of the HwLDP remain an extant part of the Development Plan, as the newer document the application is required, in the first instance, to be considered against those of NPF4.
- 8.9 The proposed site sits within the Settlement Development Area of Inverness. It is an area of low-quality, unmanaged, open amenity ground, with tree cover mainly to its northern area, set between existing areas of established housing. Subject to appropriate siting, design, servicing and impact on trees, and adherence to all other relevant policies and technical considerations, the proposal would accord with the Development Plan.

### **Social Housing**

- 8.10 The Highland Housing Alliance (HHA) – who are not the applicant for the proposal but have an association with the applicant – is supportive of developing the site for housing. The site has been entered into the Social Housing Investment Programme for year 26/27 for Mid-Market Rent homes. HHA note that gap sites within Inverness that are readily developable in terms of access to infrastructure and services are extremely rare. Furthermore, they suggest that the site would help to address the demand for affordable housing provision in the area. It is noted that the IMFLDP2 Policy 10 Increasing Affordable Housing, requires no less than 35% affordable housing is provided within the City of Inverness Settlement Development Area.

## **Siting and Design**

- 8.11 The proposal is for 3No. blocks of flats positioned to the western side of the site. The overall dimensions of the site range from 28m width the southeast frontage onto Scorguie Road, extending to 48m at its widest point on the northwest boundary.
- 8.12 The site layout is dictated by the linear nature of the site, the (future) potential re-development of the care home site to the north, and the neighbouring houses to the east along Clachnaharry Road and to the west at Swanston Avenue.
- 8.13 The site slopes from northwest (21.0 m AOD) to southeast (8.1 m AOD). Due to the topography of the site and the existing established levels of the surrounding housing to the west at Swanston Avenue, the houses at No.6 and 8 Swanston Avenue are more elevated above the proposed houses, while No. 2-4 are at a similar height.
- 8.14 The existing housing at Swanston Avenue is generally single storey facing Swanston Avenue, and 2-storey to the east towards their gardens, and the application site. The proposed flats are 2-storeys.
- 8.15 The ground floor windows of the flats are at or below the foundation level of the houses at Swanston Avenue. The upper floors, which have bedrooms and bathrooms to their southwest (rear) facing towards Swanston Avenue, would sit above the existing garden fencing facing towards the existing houses' gardens.
- 8.16 The distance of the rear (southwest) elevation of the proposed flats to the mutual boundary with the houses on Swanston Avenue ranges from 6.2m at the closest (southern) point to 8.9m at the furthest (northern) point. At their closest points, the existing houses and proposed flats have a separation of more than 18m, ensuring privacy and amenity of each of the residents. This is considered to provide for an adequate and appropriate degree of visibility for residential development within an urban setting. Due to their acute offset from each other, there is no direct intervisibility between windows.
- 8.17 The 3-blocks of flats would step down the street from north to south, following the existing ground levels. The submitted sectional plans demonstrate that the outlook from the flats would be over the roof ridges of the houses on Clachnaharry Road, which are at least 40m to the east. Given the elevated ground level of the application site, and the minimum 40m separation, it is considered that the potential impact on individual or community residential amenity from the proposal on the existing houses on Clachnaharry Road is low.
- 8.18 The design of the proposed units has a simple rectangular plan form, with all units having a front door facing the street to the east. The upper flats have their entrance and stairwell in the central part of the principal elevation. The principal rooms of the lounge/dining room and kitchen are located on the front/northeast elevation with views across the canal and towards the Kessock Bridge.
- 8.19 The principal elevation is given visual variety, broken up by areas of projecting roof over the ground floor entrance porches, with vertical emphasis to doors and some

windows. The rear western elevation to Swanston Avenue is, by contrast, much plainer and simpler.

- 8.20 The external materials are modern and unremarkable, with a dry dash wall finish with small areas of feature stone, and a concrete tile roof. This is similar to the modern housing at Swanston Avenue to the east.
- 8.21 In comparison to the neighbouring houses, the flats would have relatively modest amenity space. However, a reduced degree of amenity space within a higher density flatted development in a built-up area is expected, compared to that typically found in houses.
- 8.22 Notwithstanding this, a large buffer area of public open space / amenity area has been retained to the eastern edge of the site to provide an adequate offset from neighbouring houses ensuring that the proposal maintains a 'green' corridor for wildlife. This would also serve as an area of amenity for flat occupants and people passing through the site. Furthermore, there is open amenity space to the north of the proposed flats.
- 8.23 Overall, it is considered that the density and siting of the flats on the site, their design treatment and material finishes are generally acceptable and accord with NPF4 policies 14 (Design, Quality and place), Policy 15 (Local living and 20-minute neighbourhoods), and Policy 16 (Quality homes).

### **Access**

- 8.24 The site would be accessed from Scorguie Road, uphill and to the north of the existing service access serving the rear of houses on Clachnaharry Road. The new access point would require the removal of a group of Lodgepole / Shore pines. These are non-native species, and their removal is considered appropriate to open-up the access into the site.
- 8.25 Representations refer to the adequacy of the visibility sightlines at this proposed junction, suggesting a blind summit at the Scorguie Road/Swanston Avenue intersection to the west. Transport Planning have advised that the proposed access would have satisfactory sightlines and would be acceptable in terms of meeting the required technical standards.
- 8.26 The new access road is of variable width of between 5 and 6 metres, with a pavement. This size would allow vehicles to pass each other safely and enter and exit onto Scorguie Road, accommodating traffic without detriment to residents in the area.
- 8.27 Representations suggest that this new access point may become the preferred access route to the former Clachnaharry care home site (for a further development). This would require a separate planning application which would be considered, without prejudice, on its own individual merits.
- 8.28 It should be noted that the (now lapsed) permission (20/00202/FUL) to change the care home to self-catering holiday apartments used the original, steep, no passing places, single track access for the care home onto Clachnaharry Road. This original



access was considered to have been acceptable in relation to (20/00202/FUL) as it was an established access arrangement. However, Transport Planning have indicated that, without prejudice, it is likely that it would be considered to be sub-standard for any future vehicular access to the former care home site.

- 8.29 Notwithstanding this, it should be noted that this existing access point to Clachnaharry Road is within the planning application (24/00970/FUL) site boundary, and that the proposal retains this access for pedestrian and active travel access. In order to restrict potential vehicle access through the site from Scorguie Road to Clachnaharry Road, a barrier is considered to be appropriate. This can be controlled by condition.
- 8.30 Representations suggest that there is inadequate parking provision at the flats. 18No spaces, plus a disabled space are proposed in front of the flats, thus meeting the Council's technical standards. The access road has been designed to accommodate refuse vehicles with a turning head at its northern end.

### **Drainage**

- 8.31 Foul water drainage will connect to the public sewer in Scorguie Road.
- 8.32 Surface water drainage will connect to a separate surface water sewer in Scorguie Road. In response to Transport Planning's most recent comments the agent has addressed the outstanding issues:
- Kerbing and filter drain - Surface water will enter the filter strip and filter drain via gaps in the upstand kerb on the north side of the access road as shown on Drawings 3883:105D Drainage Layout and 3883:108B Kerb Layout. Any reference to road gullies has been removed along the full length of the access road. A pair of gullies have been retained close to the existing road to prevent run off from the new road to the existing.
  - Scottish Water Approval - This follows the granting of planning permission after which time the applicant will submit an application for sewer Technical Audit to Scottish Water. There is no combined sewer in Scorguie Road, and the proposal is to connect to an existing surface water sewer. Scottish Water has confirmed that it is technically feasible to connect surface water from the site into the surface water sewer.
  - Geocellular Storage - An impermeable geomembrane surround will be provided to prevent ground water ingress to the geocellular storage.

### **Trees**

- 8.33 NPF4 Policy 6 b) (Forestry, Woodland and Trees) notes that "Development proposals will not be supported where they will result in: ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value... iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy."
- 8.34 Additionally, Policy 6 c) (Forestry, Woodland and Trees) identifies that "Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant

Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered”.

- 8.35 HwLDP Policy 51 (Trees and Development) supports development which “...promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development”.
- 8.36 HwLDP policy 74 Green Networks requires green networks to be protected and enhanced.
- 8.37 IMFLDP2 Policy 5 (Green Networks) notes that development proposals within or close to an identified Green Network will be assessed as to the extent to which they:
- Safeguard, enhance or extend that Green Network;
  - Affect the physical, visual and habitat connectivity (either adversely or positively) of that Network; and
  - Offer any mitigation which assists the safeguarding, enhancement or extension of that Green Network, including the physical, visual or habitat connectivity effects.
- 8.38 The site lies within an area of low-quality, unmanaged ground, which has remained undeveloped since the construction of housing on its western boundary in the 1970's/1980's, having been used for deposition of building rubble, and currently used as an informal open space. There is no formal path through the site.
- 8.39 Within the site there is a small group of mixed conifers and broadleaves at the southern boundary, close to Scorguie Road, and mature mixed broadleaf and conifer woodland to the northern boundary, around the former Clachnaharry care home. The main central / southern area of the site where the flats are proposed to be built is open, rough ground which was flailed in 2020; at the same time trees were removed from beside Scorguie Road to provide an informal site access.
- 8.40 The Swanston Avenue Tree Preservation Order (HC138) was subsequently confirmed over an area to the northern part of the application site and to the west (rear) of the former Clachnaharry care home. The position of the flats would be outwith the TPO, however the access route through to the former Clachnaharry care home would go through the southeastern part of the TPO.
- 8.41 In addition, outwith but adjacent to the TPO, there are some large, and visually significant beech, ash and lime trees immediately to the east of the site in the gardens of 31 – 39 Clachnaharry Road.
- 8.42 The applicant proposes planting groups of native trees and hedging to provide some screening and biodiversity enhancements for new and existing habitat along the eastern boundary of the site. The northwest boundary will be enhanced and safeguarded by native tree planting.
- 8.43 The proposed housing footprint occupies the central / southern half of this low-quality, unmanaged open space, allocated as a Green Network. Leading from this area to the north would be a new 5m wide access road and footpath towards the

former Clachnaharry care home. These would provide a formalised access to this open space within the Green Network. In particular, although outwith the application site, it is noted that a further informal path leads from this access into the woodland to the north and west of the former care home, ending at the northern viewpoint. Although the proposal will develop this open space, it is considered that it will also help to enhance and extend the Green Network qualities of the wider site, with access to the woodland, but without adversely affecting the connectivity of the wider network.

- 8.44 The tree cover on the site is mainly on its northern half, and constitutes a mix of smaller self-seeded deciduous, and larger deciduous towards the boundary of the site with the former care home. The Forestry Officer has advised that the residential element of the proposal – the construction of flats – is acceptable as it is principally in open ground, subject to it being demonstrated that no development / construction is within the RPAs of adjacent trees.
- 8.45 The Forestry officer has suggested that the proposals do not accord with the following policy of NPF4:
- Policy 6 b) ii as it would result in adverse impacts on native individual trees of high biodiversity value;
  - Policy 6b) iii as it would result in severing woodland habitats without appropriate mitigation measures; and
  - Policy 6 c) (Forestry, Woodland and Trees) as it does not demonstrate significant and clearly defined additional public benefits and an area of compensatory planting
- 8.46 The application site does include the southeastern part of the Swanston Avenue TPO. The proposed access north from the flats towards the former Clachnaharry care home is located within this area, and the development of this access would necessitate the removal of most of the trees in this part of the TPO area, thereby not according with these aspects of NPF4, having an adverse impact on these trees (6(b(ii))), and severing the woodland habitat (6b(iii)).
- 8.47 The Development Plan, including NPF4, must be considered in the round. While there is clear in principle support for tree retention, this is not unqualified and has to be balanced with other factors including technical standards of access, and redevelopment of land.
- 8.48 Most of the development proposal – the actual flats and the access road to them -is proposed on already degraded open ground. The former Clachnaharry care home has an existing access to Clachnaharry Road, but this is significantly below modern technical standards, and any redevelopment of the care home site would require a new access, as the opportunity for forming a modernised/upgraded access point from Clachnaharry Road is considerably impeded by the existing buildings/walling and land ownership at this junction. Therefore, the only realistic access point to service the former care home would be through the application site with an extended access past the proposed 12No.flats. This would impact on the TPO, with trees in the southeastern part of it being felled, thereby severing the habitat as identified by policy 6(b)(iii).

- 8.49 On balance, while regrettable, the loss of some trees from this part of the Swanson Avenue TPO area would safeguard the future redevelopment of the former care home site, with significant and clearly defined additional public benefits - as identified by NPF4 Policy 6 c) (Forestry, Woodland and Trees) - relating to the redevelopment of a derelict building, and the closing-off of its access to Clachnaharry Road, which would improve both pedestrian and road safety. It is considered that although there will be a limited loss of trees in the TPO area, the main part of the TPO would remain unaffected by the proposal.
- 8.50 Some limited mitigation to the loss of the trees within this part of the TPO would be provided within the application site by new compensatory planting, thus going some way to meeting the mitigation requirement of NPF4 policy 6b) (iii).

### Protected Species

- 8.51 Representations suggest that the proposal will have an impact on the habitat of protected species. An ecological assessment of the site was undertaken by A9 Consult Ltd in February and May 2023:
- **Badger:** A potential badger sett was located on site, with no signs of current use. A camera trap was installed here but no badger occupancy was detected. Preconstruction survey of this potential sett and a search for other setts is proposed prior to the removal of this potential sett. A second sett, not currently in use, was located outside the site boundary. This is outwith disturbance distance for badger from the works and so will not be impacted upon. Badgers are currently utilising the site for foraging and commuting. To ensure that these aspects are maintained, a Badger Protection Plan is recommended and will include measures to protect badgers during construction and during the occupancy of the development.
  - **Bats:** A Preliminary Roost Assessment for bats was carried out on trees on site and just outside the boundary. A total of 2 trees were located on site containing Potential Roost Features for bats, with moderate potential for roosting bats. Checks on these trees in May 2023 led to the removal of one of the trees, as the potential features were no longer present. Activity surveys were carried out in May 2023 on the remaining tree, but no roosting bats were utilising this tree and therefore it can be felled.
  - **Pine marten:** No signs of pine marten were located during the survey, and so it should be concluded that the development will not impact upon this species.
  - **Red squirrel:** Three red squirrel dreys were located off site, but within 50m of the works. If noisy works are to take place within this distance and the dreys are used for breeding, a NatureScot license for disturbance of red squirrels will be required, which also requires the composition of a red squirrel Species Protection Plan. Survey for presence of red squirrels are proposed.
  - **Birds:** No major removal of important habitats is to occur on this site and so impacts on birds will be minimal. Mitigation is proposed to protect breeding birds from works during the breeding season (April to July).

The conclusion reached from the ecological assessment of the site is that no habitat for protected species exists within the application site and therefore there will be no detrimental impact on protected species.

### **Other material considerations**

- 8.52 There are no other material considerations.

### **Non-material considerations**

- 8.53 The issue of water pressure is not a material planning consideration. The provision of water to the site is a matter for the developer and Scottish Water to agree.

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

- 8.54 A s75 agreement will be required to secure the delivery of affordable housing within the development. Within Inverness a minimum of 35% of the site, which is 5 units would be required - as per the Council's Developer Contributions Supplementary Guidance (2018), this is to be rounded up from 4.2 units.

## **9. CONCLUSION**

- 9.1 The proposal is for the development of land for 12No. residential units, with an access road and servicing. The site is located between areas of established housing.
- 9.2 The site is located within the settlement development area of Inverness, although is not specially allocated by the IMFLDP for housing. It is considered that the site can accommodate housing without a significant or detrimental impact on the established residential amenity and privacy of housing at Swanston Avenue and Clachnaharry Road.
- 9.3 The location, layout and design of the housing is considered to be acceptable, maintaining the established individual and community residential amenity of neighbouring properties and the wider area.
- 9.4 The development of 12no. residential units would help to address the demand for affordable housing provision in the area, with 5no. units to be affordable.
- 9.5 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 N

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).

2. No development or work shall commence until a detailed specification for all proposed external 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 the interests of visual amenity

3. No development shall commence until details of a scheme of hard and soft landscaping works (demonstrating biodiversity enhancement) shall have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

- i. A plan showing existing landscaping features and vegetation to be retained;
- ii. The position, height, materials and design, of any existing or proposed walls, fences and gates;
- iii. All soft landscaping and planting works to conserve, restore and enhance biodiversity levels, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- iv. 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 the interests of visual amenity

4. Any details pursuant to condition 3 above shall include a detailed Landscape Plan and Maintenance Programme. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, 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.

5. No development shall commence until the submission of a Tree Planting Plan and Maintenance Programme to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

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

6. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

**Reason:** As no details have been provided, and to clarify the terms of the permission.

7. No development shall commence until the submission of a Construction Method Statement for the approval in writing of 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.

**Reason:** As no details have been provided, and to clarify the terms of the permission.

8. No development shall commence until the submission of a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The CTMP shall include:
- Predicted volume and type of construction traffic
  - Traffic management proposals
  - Site compound and parking arrangements
  - Measures to protect the public road from mud and debris
  - Pre- and post-construction video surveys of Scorguie Road
  - Agreement to remediate any extraordinary wear and tear

For the avoidance of doubt, all construction traffic for the development shall access the site from Scorguie Road only.

**Reason:** In the interests of road traffic and pedestrian safety.

9. No development shall commence until the submission of full details of any external lighting to be used within the site and/or along its boundaries and/or access for the approval in writing of the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

**Reason:** As no details have been provided, and to clarify the terms of the permission.

10. No development shall commence until submission of written and plan details of the layout, design and construction of green spaces for the development, all for the approval in writing of the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

**Reason:** In order to secure high-quality open spaces in compliance with Council Supplementary Planning Guidelines.

11. No development shall commence until the submission of a scheme for the approval in writing of the Planning Authority for the maintenance, in perpetuity, of all on-site green spaces 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, estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water). 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.

12. Prior to the commencement of development, the developer shall provide details of measures to permanently close off the existing vehicular access (and retain pedestrian and cycle access) to the former Clachnaharry Care Home from Clachnaharry Road, for the approval in writing of the Planning Authority in consultation with the Roads Authority. The agreed details shall thereafter be undertaken prior to the occupation of the first flat and maintained thereafter in perpetuity.

**Reason:** In the interests of road traffic safety.

13. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. 4916-01-002 REV E shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

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

14. Prior to the first occupation of the development hereby approved, the cycle store detailed on approved plan ref. 4916-01-200 shall be completed in full and made available for use. Thereafter, all cycle parking spaces shall be maintained for this use in perpetuity.

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

15. No development shall commence until the developer shall have submitted written and plan details of a final scheme for all surface water drainage provision within the application site (which shall 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) for the approval in writing of the Planning Authority in consultation with the Roads Authority and Flood Risk Management team. 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. For the avoidance of doubt, this shall include written confirmation from Scottish Water that they accept the proposed overflow connection and details of the design to demonstrate how uplift risk to the geocellular storage system shall be mitigated.

**Reason:** As no details have been provided and to ensure that the site is satisfactorily drained.

16. No development shall commence until the developer shall have provided details of technical approval and certification for the retaining wall for the approval in writing of the Planning Authority in consultation with the Roads Authority. The development shall thereafter be undertaken in accordance with the agreed details.

**Reason:** In the interests of pedestrian and road traffic safety.

17. No development shall commence until the developer shall have submitted written and plan details of the bin stores within the development for the approval in writing of the Planning Authority, including their location, size and external material finishes. The bin stores shall be completed and available for use prior to the first occupation of any flat.

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

18. No development shall commence until the submission of written and plan details of a scheme for the provision of electric car charging points within the development for the approval in writing of the Planning Authority. 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.

19. Prior to the commencement of development, the developer shall have submitted a scheme of public art provision within the development, in accordance with the Public Art Strategy supplementary guidance. For the avoidance of doubt, this shall equate to 1% of the capital construction costs unless otherwise approved in writing by the Planning Authority; and the timing for such provision.

20. Prior to the commencement of development, the developer shall submit a badger protection plan for the approval in writing of the Planning Authority. The plan shall include measures to protect badgers during construction works, and subsequently once the flats are occupied. The development shall thereafter be undertaken in accordance with the approved plan.

**Reason:** In order to protect the natural heritage interests of the site.

21. On-site provision for public art shall be made in accordance with the Supplementary Guidance for Public Art Strategy, the location and design of which shall be approved in writing by the Planning Authority. This shall equate to 1% of the capital construction costs unless otherwise approved in writing the Planning Authority. The timing for such provision shall be approved in writing by the Planning Authority prior to the first occupation of the development.

**Reason:** To accord with the Supplementary Guidance on Developer Contributions and the Public Art Strategy.

## **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.

### **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](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 is 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](mailto: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, such as red squirrels, 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: Bob Robertson

Designation: (Acting) Planning Manager- South

Author: Keith Gibson

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

Relevant Plans:

- Plan 1 - 4916-01-001 Location Plan
- Plan 2 - 4916-01-002 REV E Site Layout Plan
- Plan 3 - 4916-01-003 REV E Site Layout Plan
- Plan 4 - 4916-01-300 REV B Site Section Plan
- Plan 5 - 3883:105 REV D Drainage Layout Plan
- Plan 6 - 4916-01-101 REV A Elevations - PLT 1-4
- Plan 7 - 4916-01-106 REV A Elevations - PLT 5-12
- Plan 8 - 4916-01-305 Elevations
- Plan 9 - 4916-01-301 Section Plan
- Plan 10 - 4916-01-100 Floor Plans - PLT 1-4 2B4P Cottage Flats
- Plan 11 - 4916-01-105 Floor Plans - PLT 5-12 2B4P Cottage Flats

## Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked <sup>1</sup>	Base Date* <sup>2</sup>	Payment Trigger* <sup>3</sup>	Accounting Dates* <sup>4</sup>	Clawback Period* <sup>5</sup>
<b>Schools<sup>2</sup></b>									
Secondary – Build Costs	Charleston Academy	£0.00	£4915.00	£58980.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
<b>Affordable Housing</b>									
On-site provision <sup>3</sup>	5 units.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*<sup>1</sup> Adjust total to take account of flat exemptions

\*<sup>2</sup> Base Date – Set out in Supplementary Guidance on Developer Contributions

\*<sup>3</sup> TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

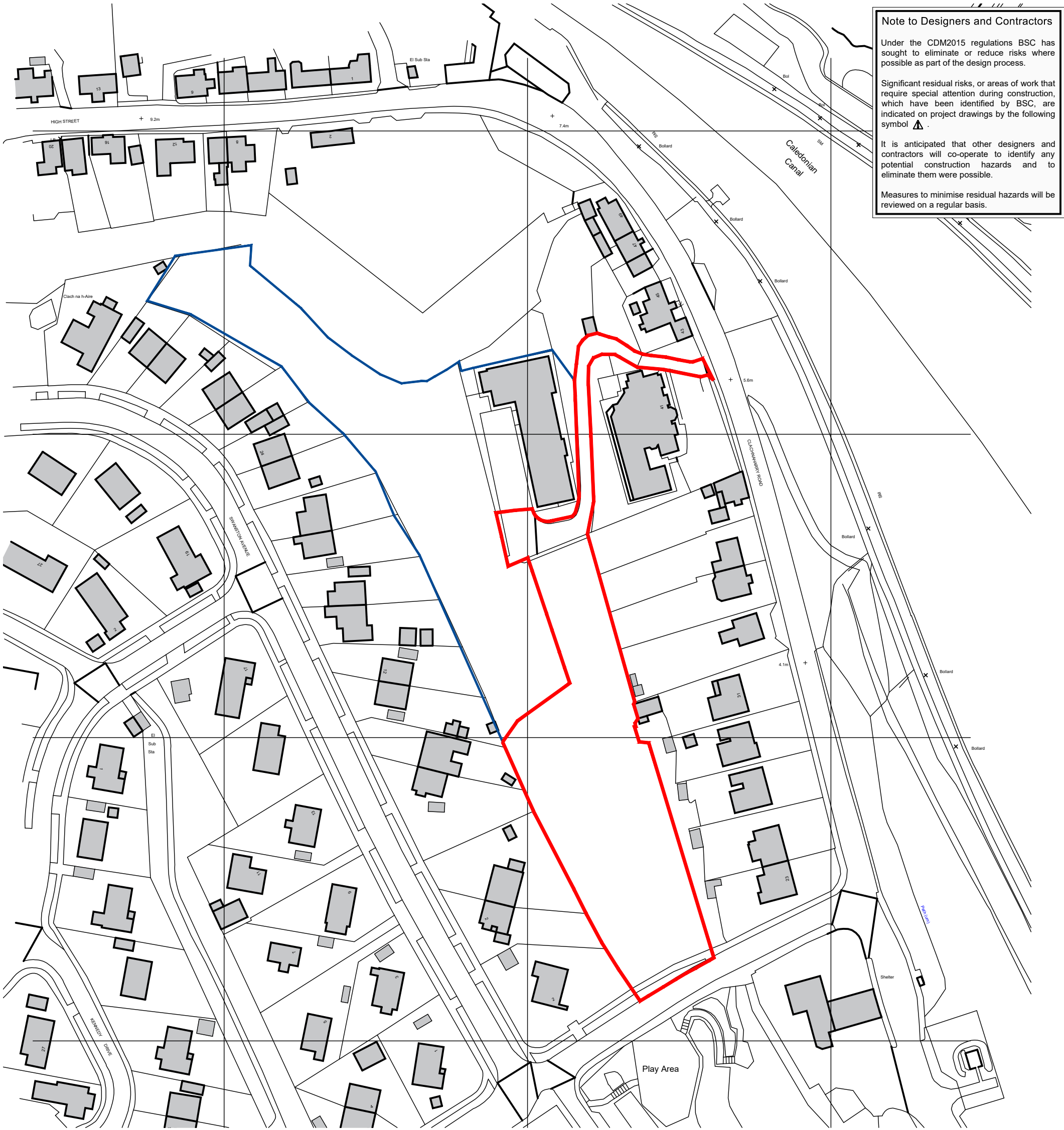
\*<sup>4</sup> Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

\*<sup>5</sup> Clawback – 15 years for Major development; 20 years for Local development

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

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





**Note to Designers and Contractors**

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Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol .

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them where possible.

Measures to minimise residual hazards will be reviewed on a regular basis.

- Key:
-  Ownership boundary
  -  Application boundary

REV	DATE	DESCRIPTION	DRN
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**Bracewell Stirling** CONSULTING

38 WALKER TERRACE, TILlicouLTRY, FK13 6EF01259 750301

5 NESS BANK, INVERNESS, IV2 4SF01463 233760

15 LOCHSIDE STREET, OBAN, PA34 4HP01631 359054

41 CLACHNAHARRY RD, INVERNESS

AFFORDABLE HOUSING

HENDERSON GROUP

LOCATION PLAN

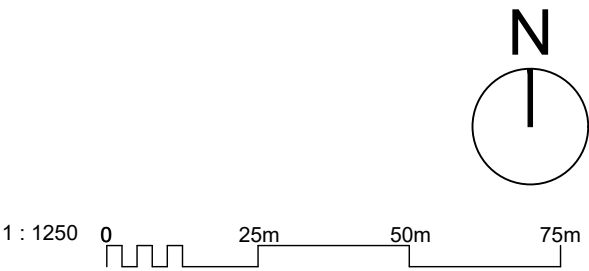
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SCALE:1 : 1250DRAWN:LM

PAPER SIZE:A3DATE:Mar 2024

DWG No.4916-01-001

REV.







Housing Mix		
Plots 1-12	2B4P Cottage Flat	12
Total		12 Units
Parking		
Plots 1 - 12	1.5 common bay	19
Total		19 Spaces

- Key:
- Ownership boundary

Application boundary

1500mm high timber screen fence

Retaining wall

Proposed hedging

Proposed roadway

Proposed footpaths

Lock-block pavours

Gravel
- Communal gardens

Amenity space

Proposed shrub mix

TPO Extents

Existing Trees

Proposed Trees

A

ASHP position

Bin stance area

Cycle Store

Y Poles to Drying Areas

## Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicouLTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

41 CLACHNAHARRY RD, INVERNESS  
AFFORDABLE HOUSING  
HENDERSON GROUP

SITE LAYOUT PLAN - 1-500@A3

STATUS: **PLANNING**

SCALE:	1 : 500	DRAWN:	LM
PAPER SIZE:	A3	DATE:	Jul 2024
DWG No.	4916-01-002	REV.	E



~~Measures to minimise residual hazards will be reviewed on a regular basis.~~

 Gravel

100

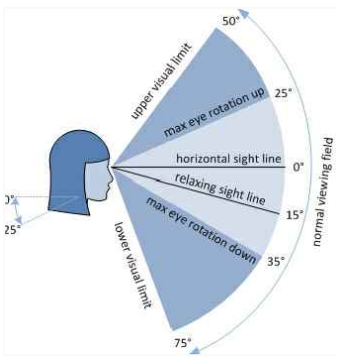
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5 NESS BANK, INVERNESS, IV2 4SF	01463 23376
15 LOCHSIDE STREET, OBAN, PA34 4HP	01631 35905

SITE LAYOUT PLAN - 1-500@A1

PAPER SIZE:	A1	DATE:	Jul 2024
DWG No.		REV	

DWG No. 4916-01-003 REV. E





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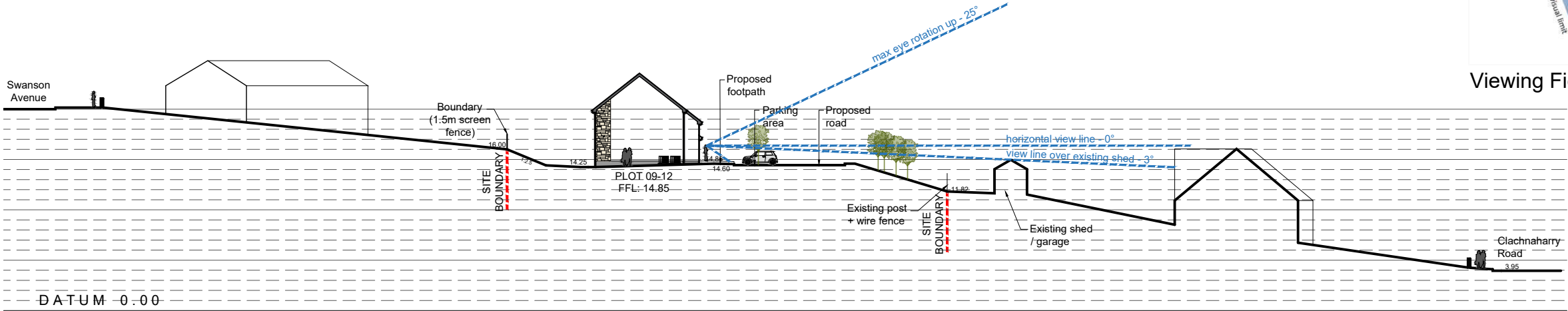
Note to Designers and Contractors

Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

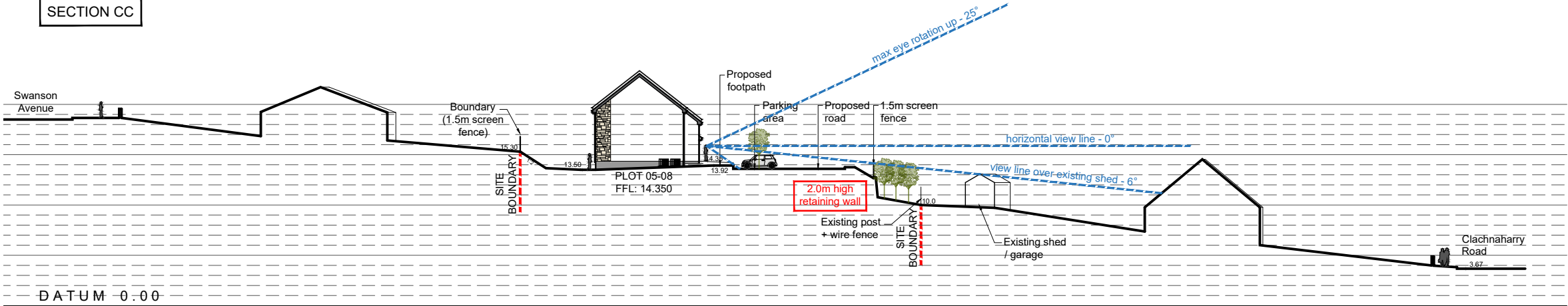
Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol

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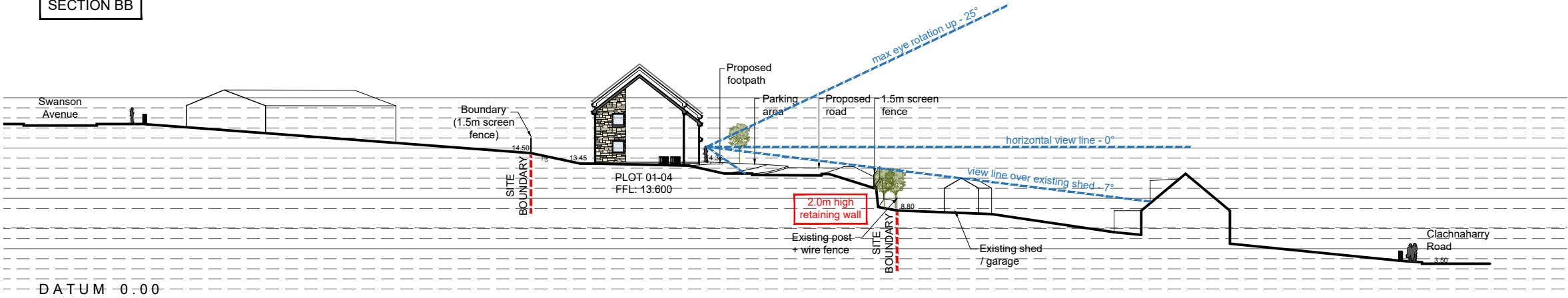
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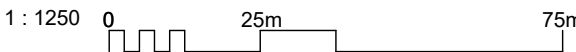
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SECTION AA



Site Layout Plan Scale 1:1250



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A	10.04.24	ADDITIONAL SECTIONS ADDED.	DRN
REV	DATE	DESCRIPTION	DRN

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicouLTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

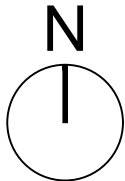
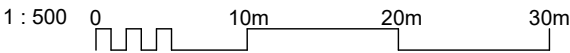
41 CLACHNAHARRY RD, INVERNESS  
AFFORDABLE HOUSING  
HENDERSON GROUP

SITE SECTIONS

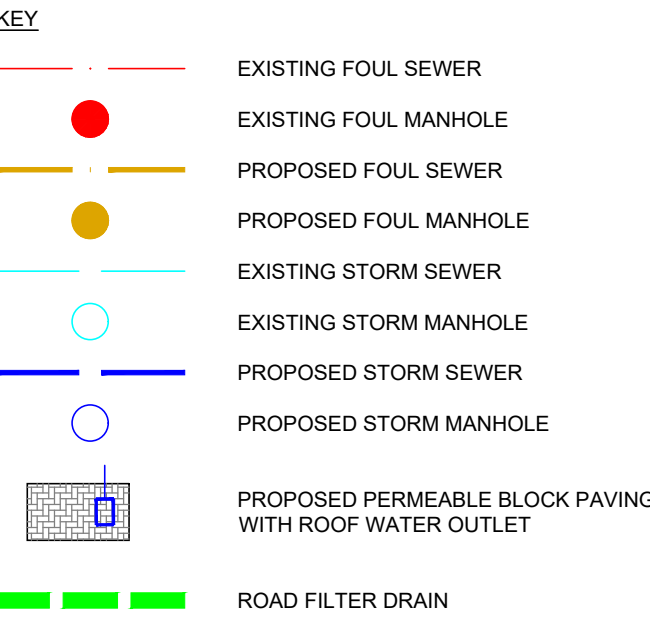
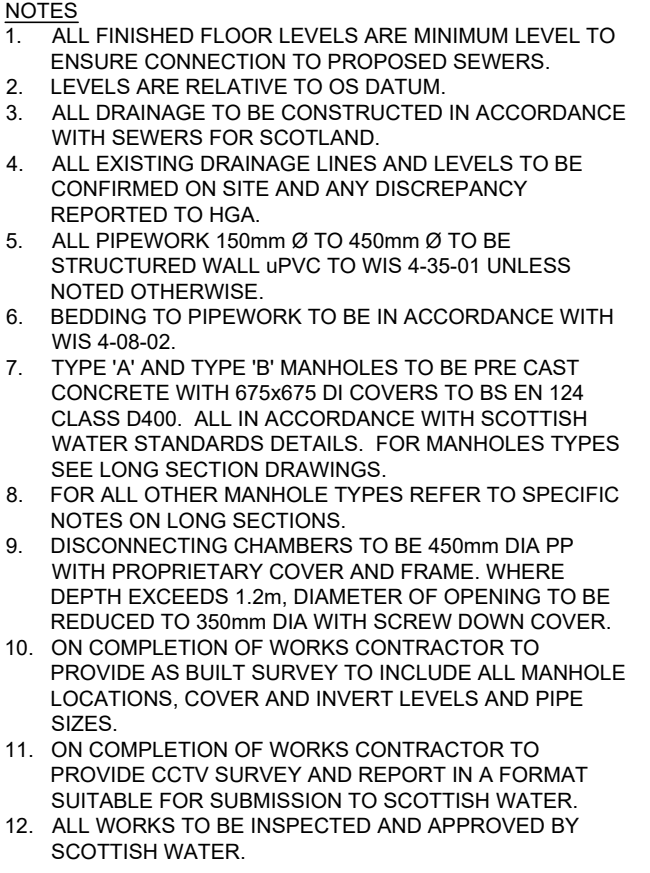
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PAPER SIZE:	A3	DATE:	May 2024

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Revisions		Date	Dwn.
A	FILTER DRAIN EXTENDED AND GULLIES ADDED.	14.06.24	PJ
B	GEOCELLULAR STORAGE REVISED. FILTER DRAIN DETAIL ADDED.	04.07.24	PJ
C	VERGE AND FILTER DRAIN REVISED.	11.09.24	PJ
D	ROAD GULLIES REMOVED.	18.07.25	PJ

APPROVAL  
DRAWING

THE HIGHLAND COUNCIL

CLACHNAHARRY ROAD  
INVERNESS

## DRAINAGE LAYOUT

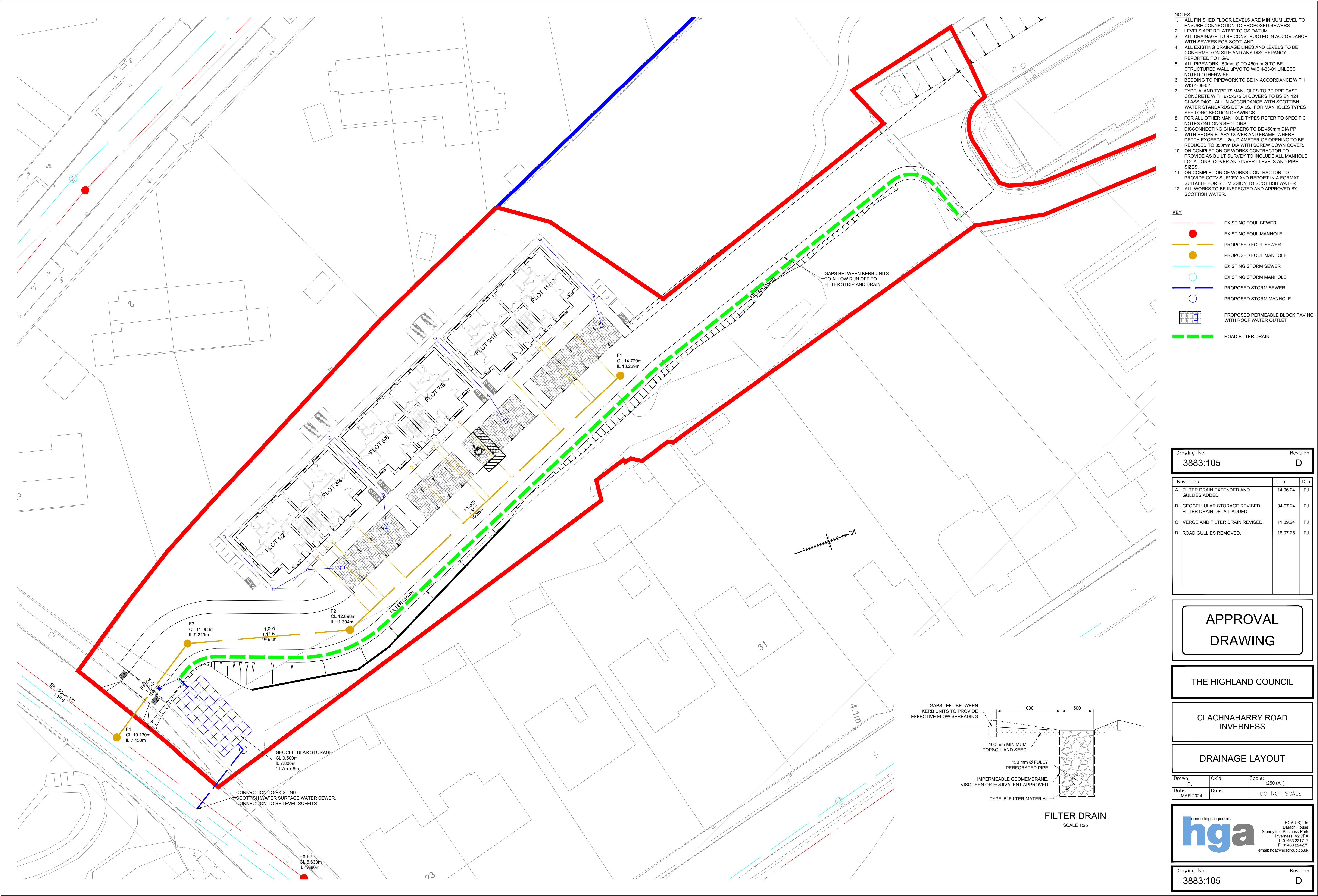
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Date: MAR 2024	Date:	DO NOT SCALE

**hga** consulting engineers

HGA(UK) Ltd  
Darach House  
Stoneyfield Business Park  
Inverness IV2 7PA  
T: 01463 221717  
F: 01463 224275  
email: [hga@hgagroup.co.uk](mailto:hga@hgagroup.co.uk)

Drawing No.	Revision
3883:105	D





Drawing No.	Revision
3883:105	D

Revisions	Date	Drn.
A FILTER DRAIN EXTENDED AND GULLIES ADDED.	14.06.24	PJ
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D ROAD GULLIES REMOVED.	18.07.25	PJ

APPROVAL  
DRAWING

THE HIGHLAND COUNCIL

CLACHNAHARRY ROAD  
INVERNESS

DRAINAGE LAYOUT

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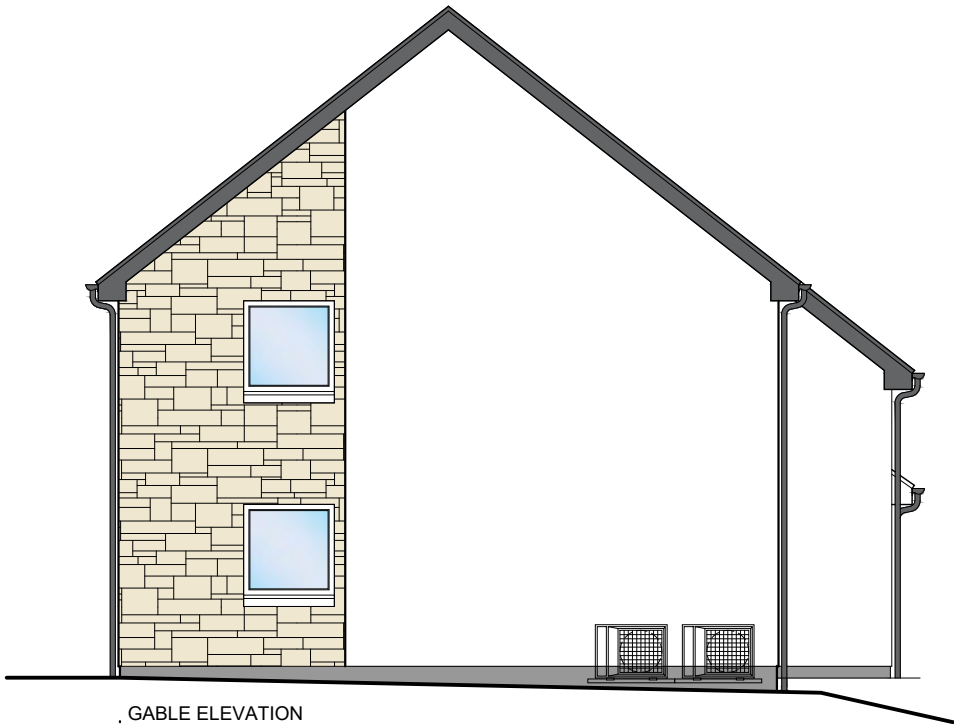
consulting engineers  
**hga**  
HGA(UK) Ltd  
Darach House  
Stoneyfield Business Park  
Inverness IV2 7PA  
T: 01463 221717  
F: 01463 224275  
email: hga@hgagroup.co.uk

Drawing No.	Revision
3883:105	D

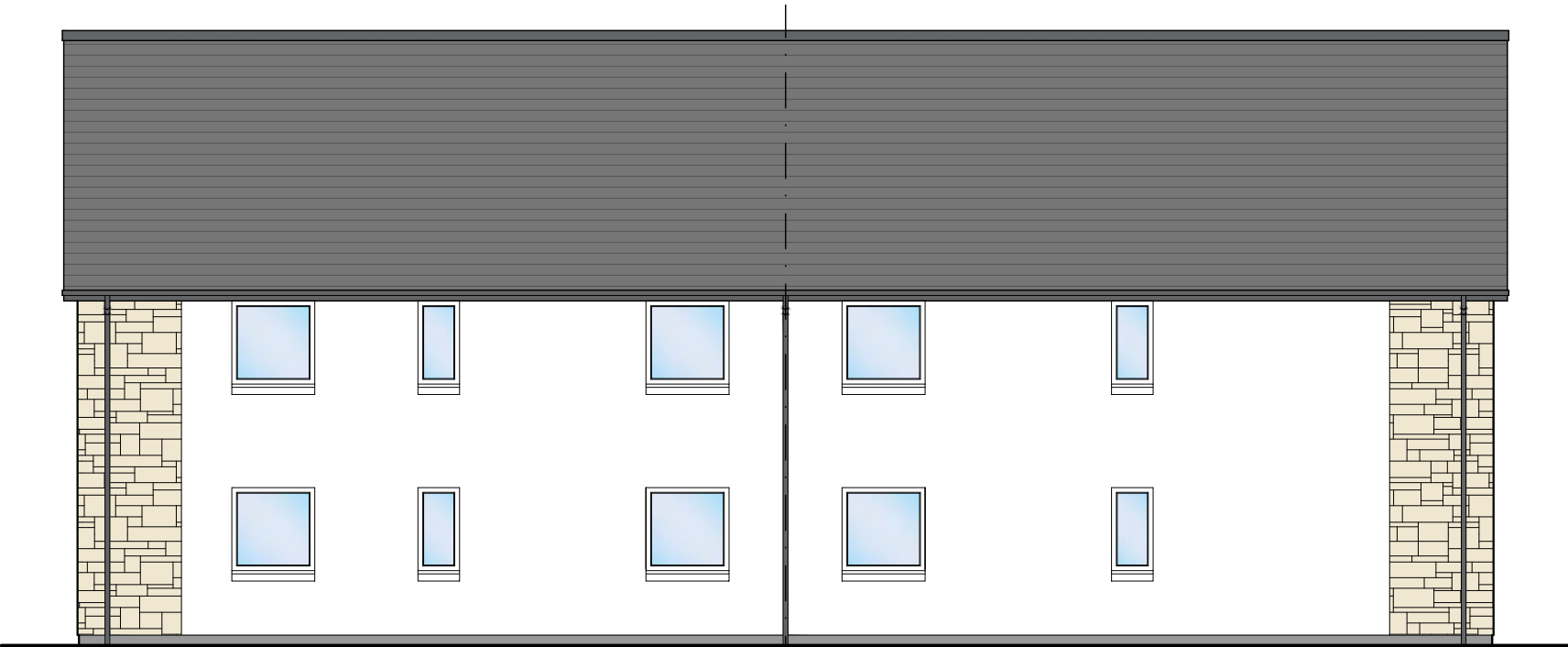




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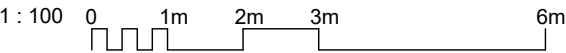


GABLE ELEVATION  
\*ACTIVE GABLE



REAR ELEVATION  
\*ACTIVE GABLE

PLOT NO.S  
1-4



A	12.04.24	ELEVATIONS UPDATED.	LM
REV	DATE	DESCRIPTION	DRN

**Bracewell Stirling** CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

41 CLACHNAHARRY RD, INVERNESS  
AFFORDABLE HOUSING  
HENDERSON GROUP

2B4P COTTAGE FLATS - ELEVATIONS (PLT 1-4)

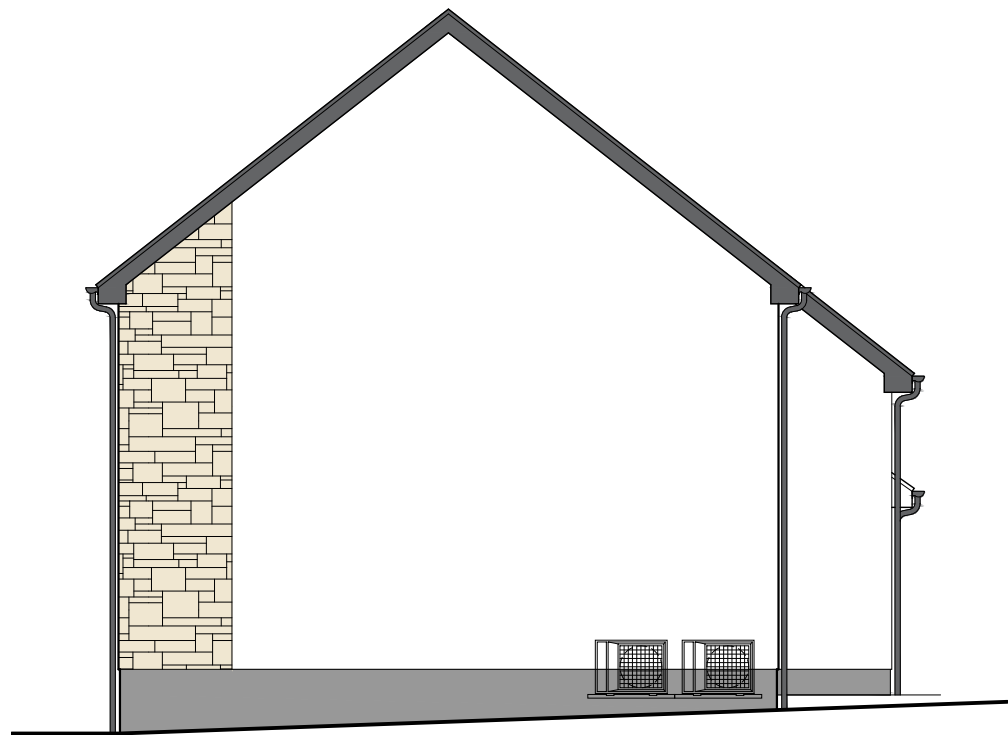
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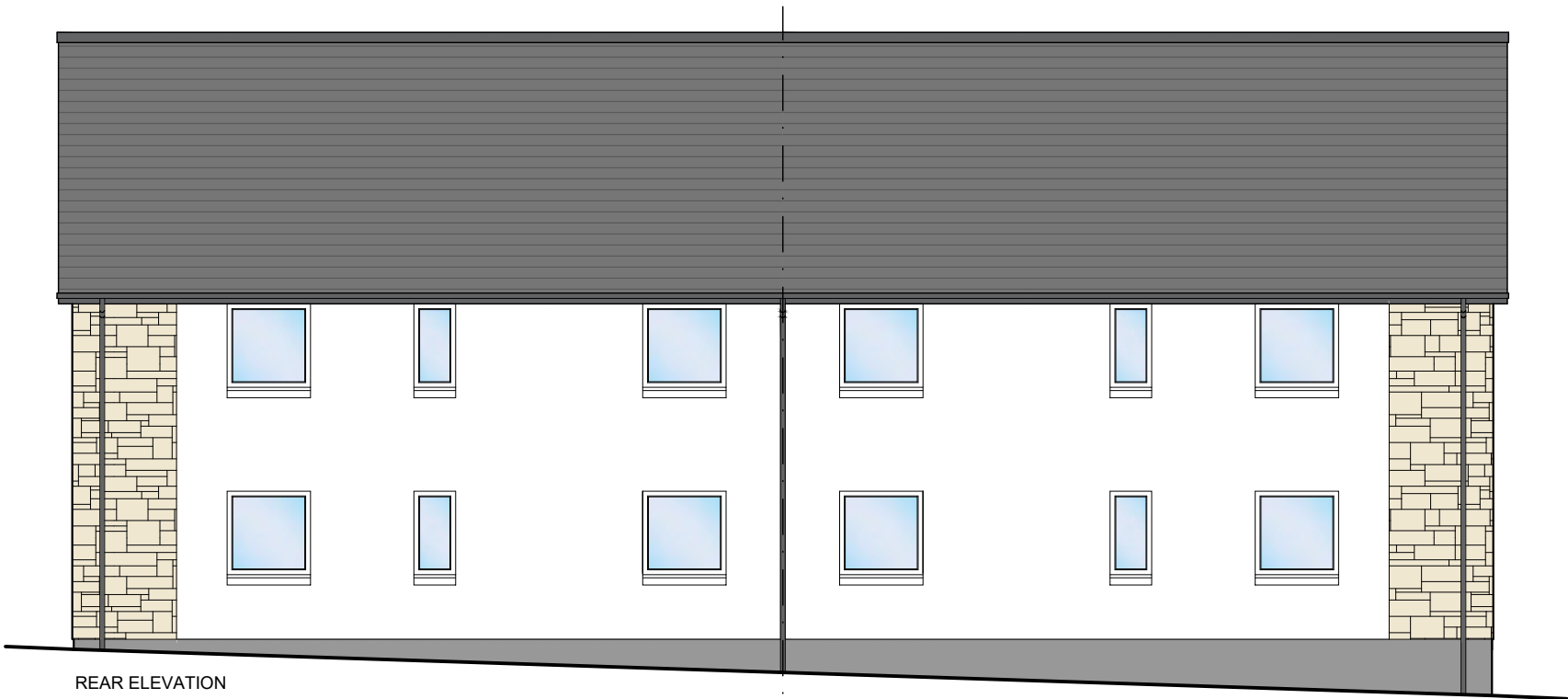
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FRONT ELEVATION

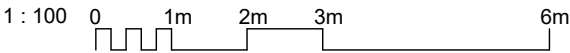


GABLE ELEVATION



REAR ELEVATION

PLOT NO.S  
5-12



A	12.04.24	ELEVATIONS UPDATED.	LM
REV	DATE	DESCRIPTION	DRN

**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOULTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

41 CLACHNAHARRY RD, INVERNESS  
AFFORDABLE HOUSING  
HENDERSON GROUP

2B4P COTTAGE FLATS - ELEVATIONS (PLT 5-12)


STATUS: **PLANNING**

SCALE:	1 : 100	DRAWN:	LM
PAPER SIZE:	A3	DATE:	Apr 2024

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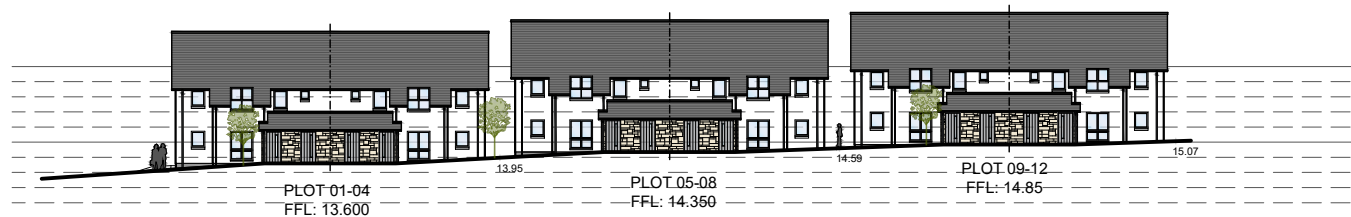
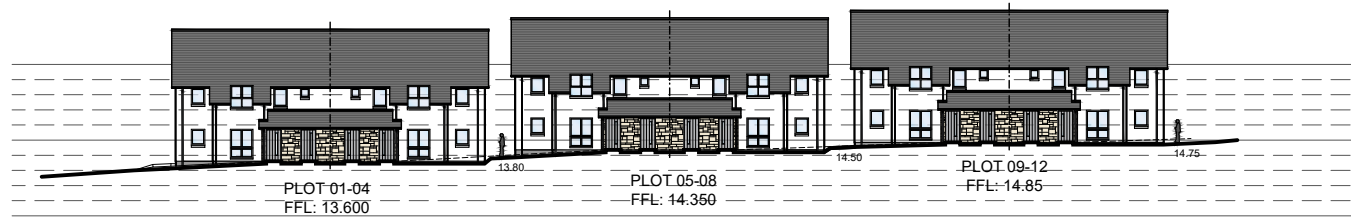
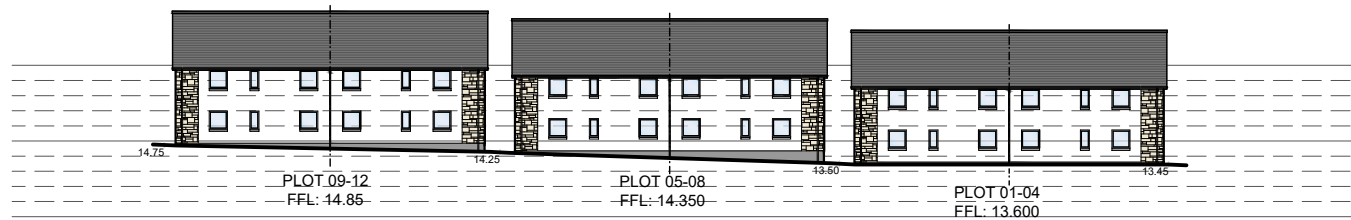
Note to Designers and Contractors

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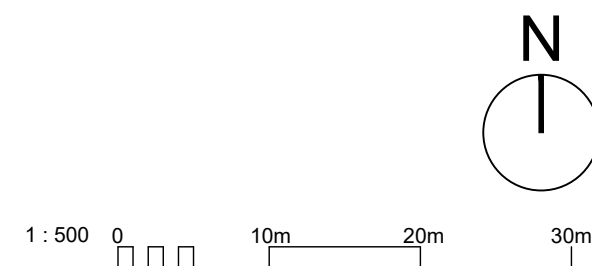
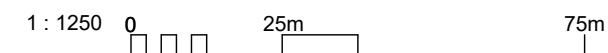
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Measures to minimise residual hazards will be reviewed on a regular basis.



Site Layout Plan Scale 1:1250



REV	DATE	DESCRIPTION	DRN
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## Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOULTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

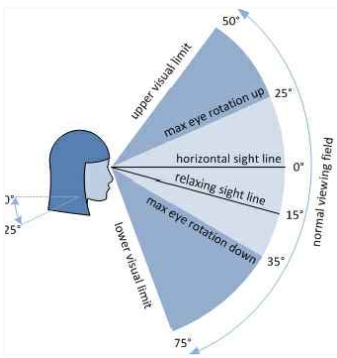
41 CLACHNAHARRY RD, INVERNESS  
AFFORDABLE HOUSING  
HENDERSON GROUP

### STREET ELEVATIONS

STATUS: **PLANNING**

SCALE:	1 : 500	DRAWN:	LM
PAPER SIZE:	A3	DATE:	Apr 2024

DWG No.	4916-01-305	REV.	
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Viewing Field Diagram

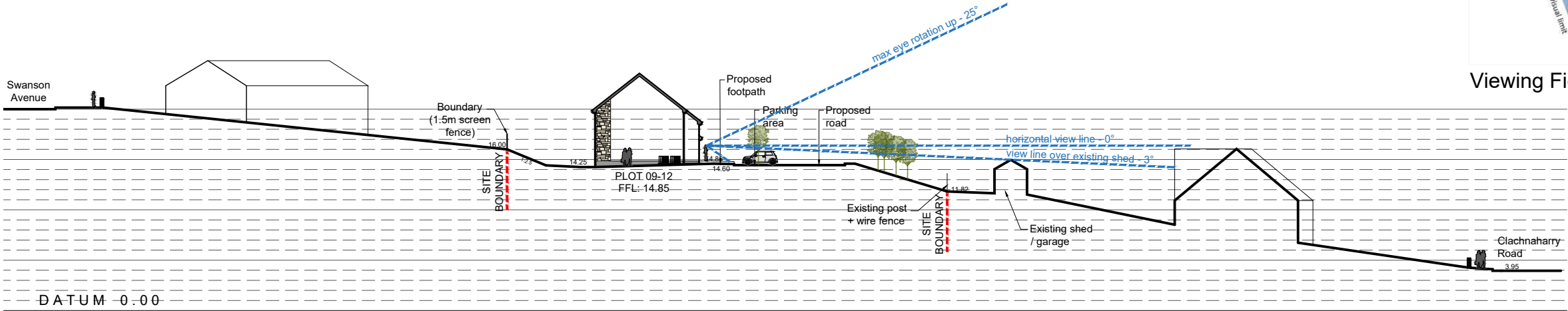
Note to Designers and Contractors

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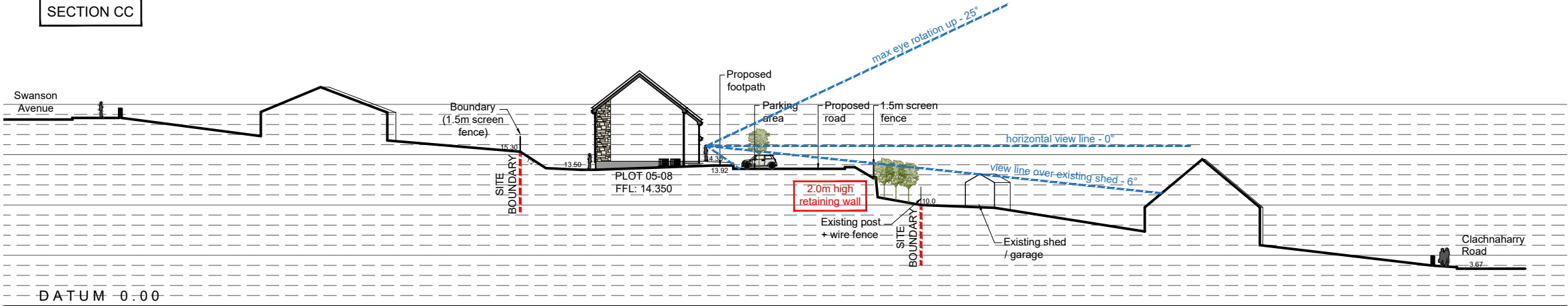
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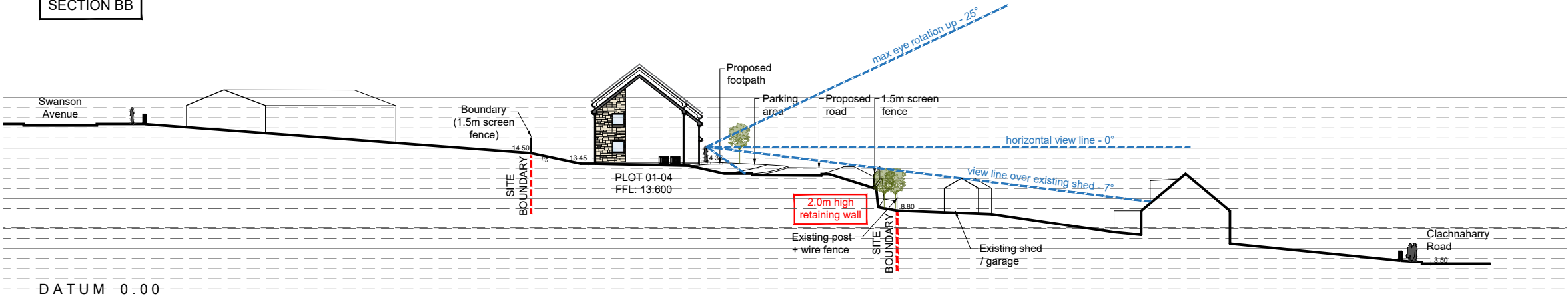
Measures to minimise residual hazards will be reviewed on a regular basis.



SECTION CC



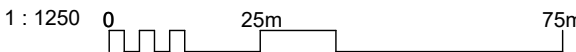
SECTION BB



SECTION AA



Site Layout Plan Scale 1:1250



B	03.05.24	LINE OF SIGHT INFO ADDED.	LM
A	10.04.24	ADDITIONAL SECTIONS ADDED.	DRN
REV	DATE	DESCRIPTION	

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicouLTRY, FK13 6EF 01259 750301  
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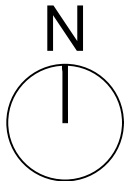
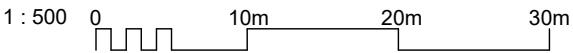
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AFFORDABLE HOUSING  
HENDERSON GROUP

SITE SECTIONS

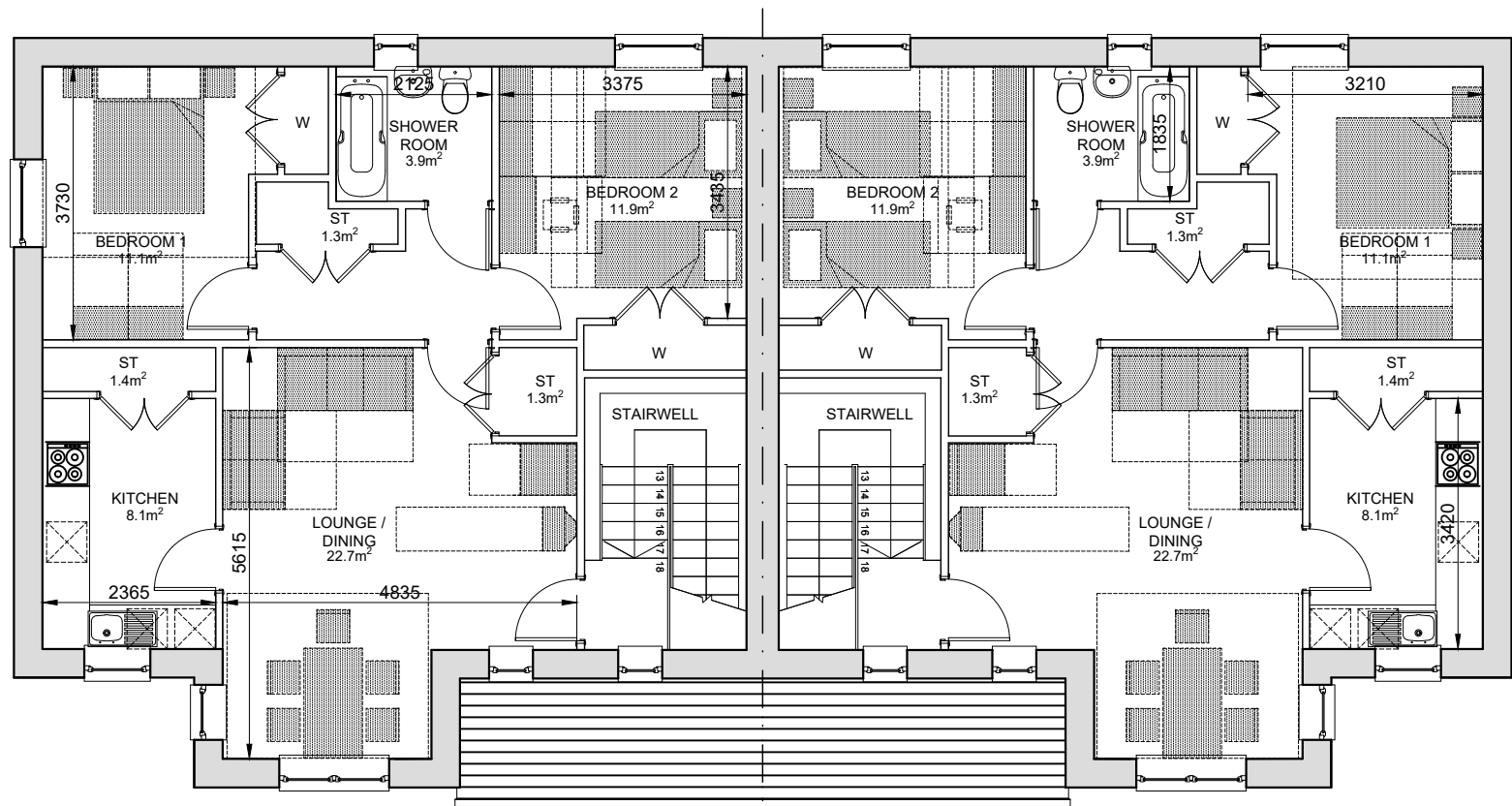
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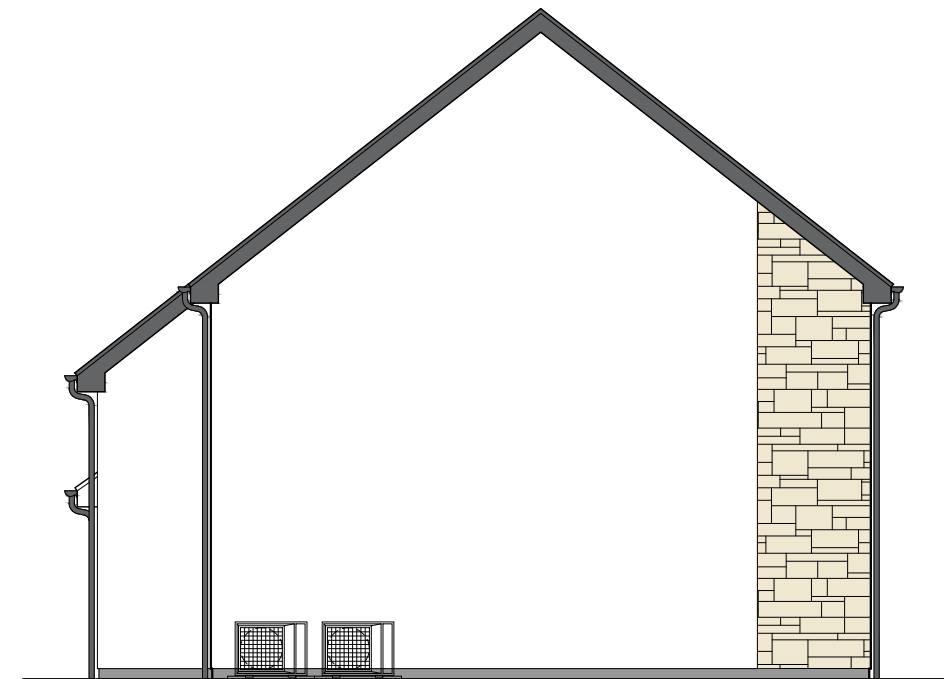
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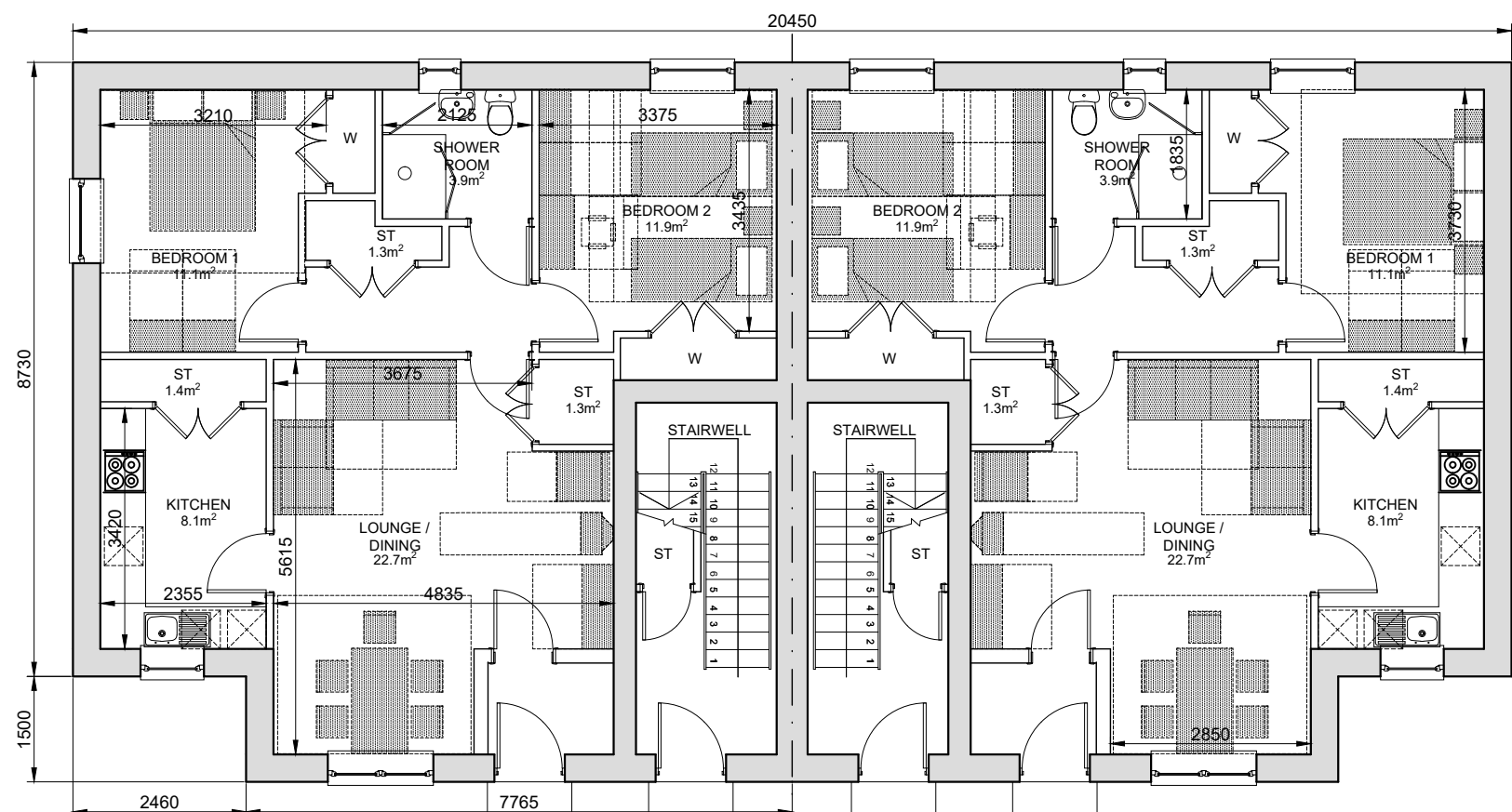




FIRST FLOOR PLAN  
TWO BED FOUR PERSON FLAT  
FLOOR AREA 80.8m<sup>2</sup>



GABLE ELEVATION



ACTIVE GABLE GROUND  
FLOOR PLAN  
TWO BED FOUR PERSON FLAT  
FLOOR AREA 74.8m<sup>2</sup>

PLOT NO.S  
1-4

REV	DATE	DESCRIPTION	DRN
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## Bracewell Stirling CONSULTING

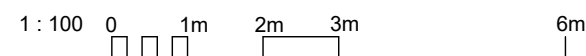
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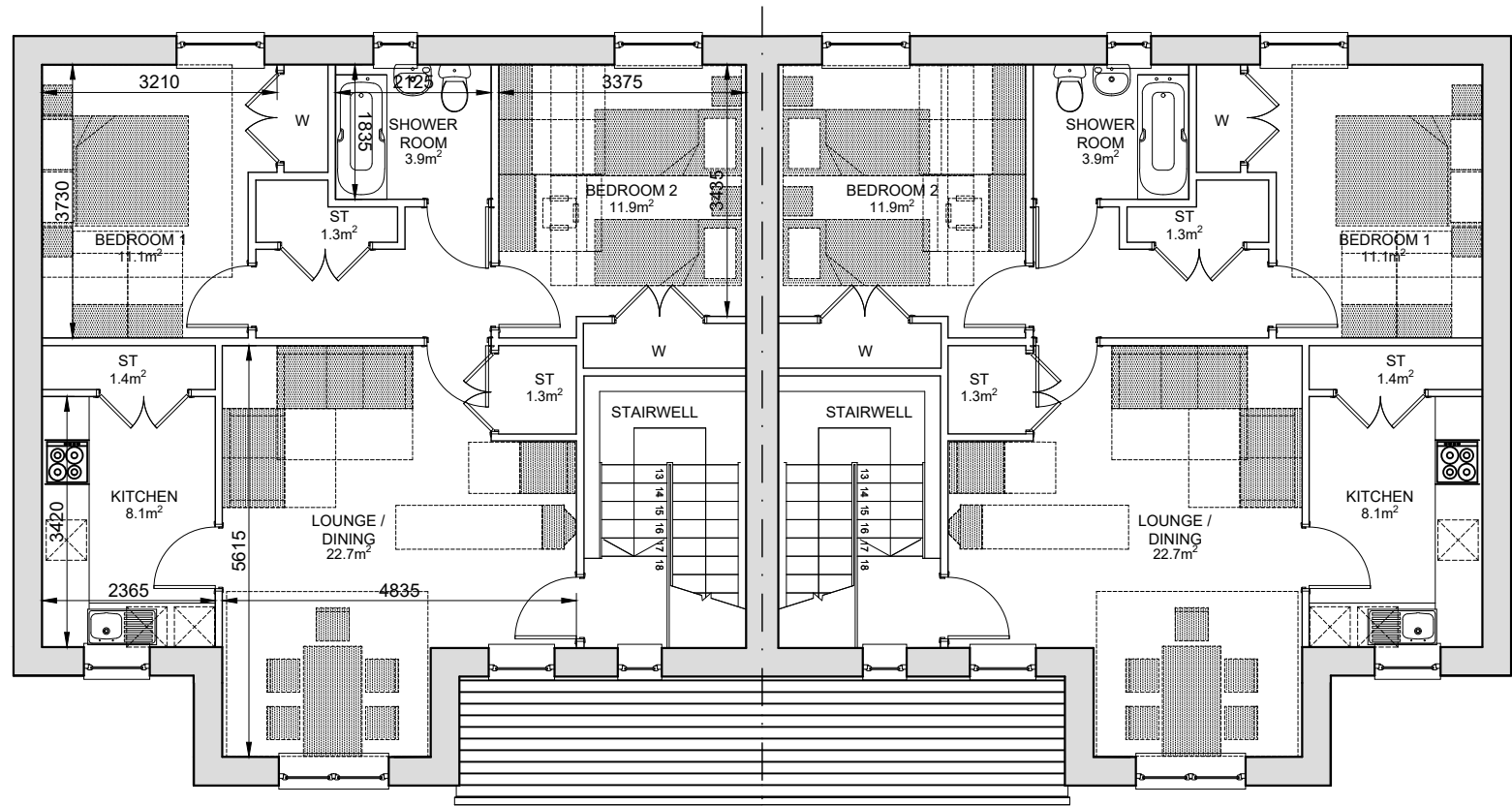
41 CLACHNAHARRY RD, INVERNESS  
AFFORDABLE HOUSING  
HENDERSON GROUP

2B4P COTTAGE FLATS - FLOOR PLANS  
(PLT 1-4)

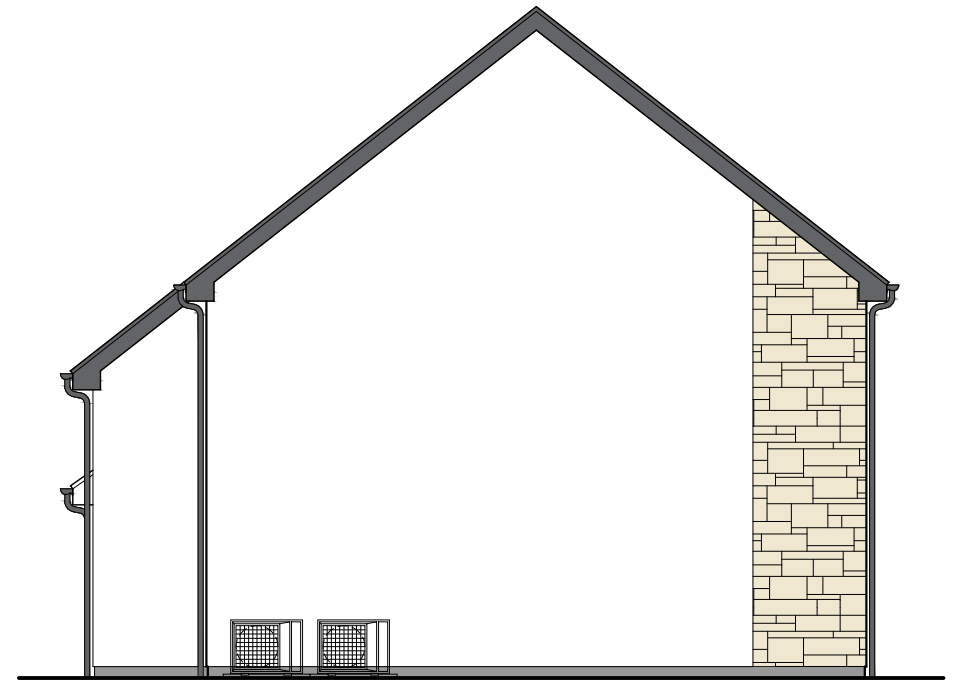
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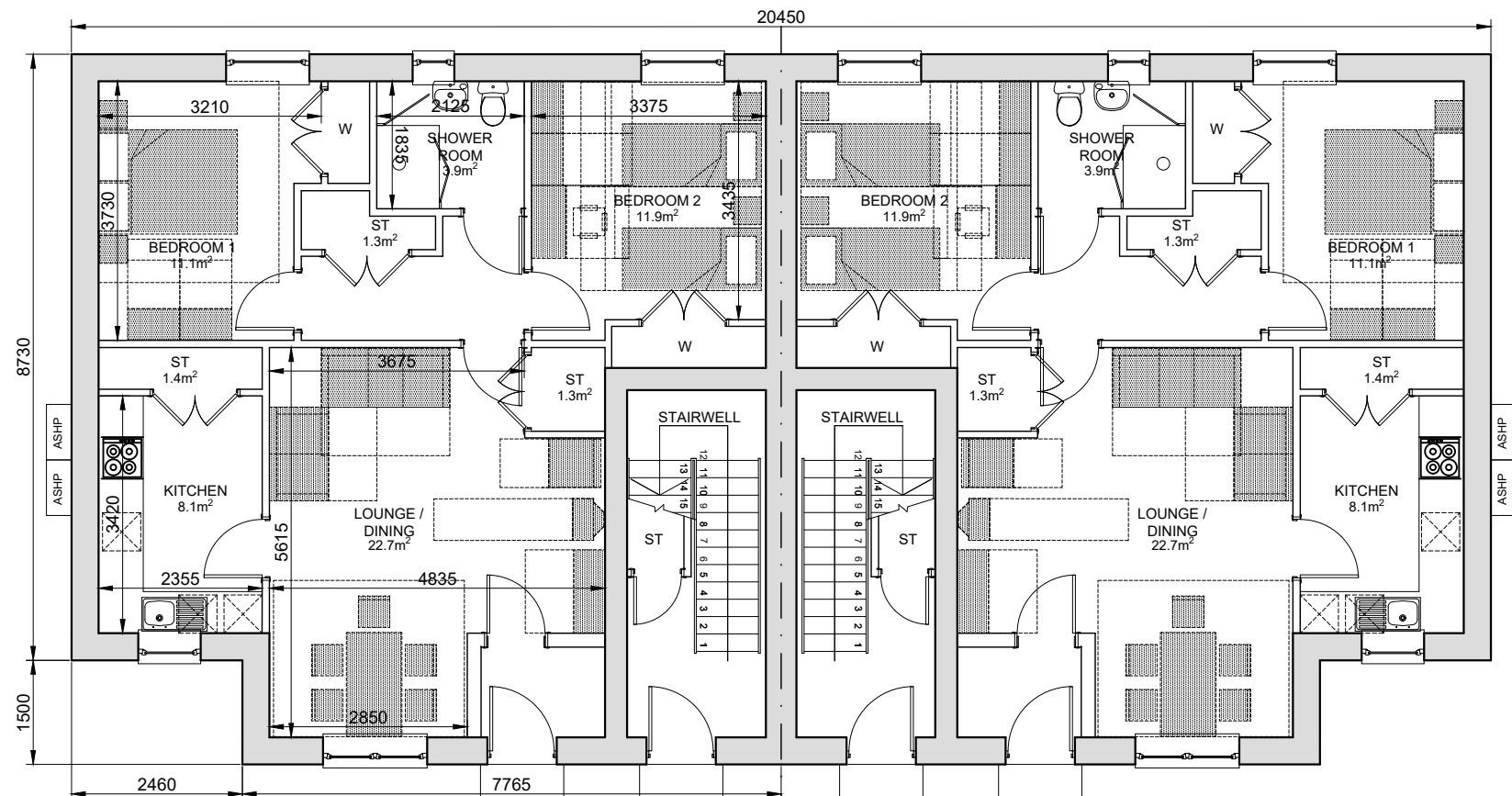




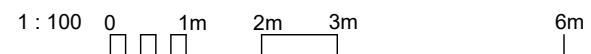
FIRST FLOOR PLAN  
TWO BED FOUR PERSON FLAT  
FLOOR AREA 80.8m<sup>2</sup>



GABLE ELEVATION



GROUND FLOOR PLAN  
TWO BED FOUR PERSON FLAT  
FLOOR AREA 74.8m<sup>2</sup>



REV	DATE	DESCRIPTION	DRN
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## Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

41 CLACHNAHARRY RD, INVERNESS  
AFFORDABLE HOUSING  
HENDERSON GROUP

2B4P COTTAGE FLATS - FLOOR PLANS  
(PLT 5-12)

STATUS: **PLANNING**

SCALE:	1 : 100	DRAWN:	LM
PAPER SIZE:	A3	DATE:	Mar 2024
DWG No.	4916-01-105	REV.	