

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE
– 21 MAY 2013**

Agenda Item	6.3
Report No	PLN/049/13

**13/00149/FUL : Lochalsh & Skye Housing Association/Highland Council
Former Dairy Site, The Square, Balmacara, Kyle**

Report by Area Planning Manager

SUMMARY

Description : Demolition of former Dairy. Erection of 4 semi detached houses and 4 flats with associated parking and upgrading of existing access road.

Recommendation - APPROVE

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Council Interest (joint applicant).

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the demolition of disused agricultural buildings (previously used in the 1970's as a Dairy), and their replacement with 8 residential units, to be built in three blocks running in a line from east to west across the site. The eastern block (identified as Plot 1) would consist of four flats, the middle and western blocks (Plots 2 and 3 respectively) would both consist of two semi-detached houses.
- 1.2 The applicant sought advice via their agent prior to the submission of the application as to whether the scheme might be considered as a non-material variation of a previous consent (07/01251/FULRC) for a similar housing development on the site granted by Committee in April 2009. Given the degree of change involved (as described in paragraph 8.3 below) the agent was advised that a new planning application would be necessary.
- 1.3 The site is accessed from the unclassified Balmacara to Plockton single track road. The access onto this public road used by the former dairy would be utilised by the proposed development, subject to some upgrading.
- 1.4 A site contamination survey was submitted in support of the application.

- 1.5 **Variations:** Additional and revised drawings showing proposed landscaping, flood alleviation bund and SUDs surface water drainage measures have been submitted since the application was first lodged.

2. **SITE DESCRIPTION**

- 2.1 The site is roughly rectangular in shape, and lies to the rear of a row of dwelling houses on the north eastern side of Balmacara Square. The site is generally flat, and has recently been cleared of all the disused buildings which were associated with the former Dairy. This site clearance took place by partial implementation of the previous consent 07/01251/FULRC, which included demolition of the former Dairy. An ad-hoc flood alleviation bund, formed to protect the houses adjacent to the site, is located to the northeast of the site, and will be re-formed and improved as part of the scheme.

3. **PLANNING HISTORY**

- 3.1 07/01251/FULRC. Demolition of former Dairy and erection of eight houses (Detail). Granted 13.05.2009.

4. **PUBLIC PARTICIPATION**

- 4.1 Advertised : Unknown Neighbour 14 Days. Expiry of advert 15.02.2013.
Representation deadline : 16.02.2013
Timeous representations : 0
Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
▪ N/A
- 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. Access to computers can be made available via Planning and Development Service offices.

5. **CONSULTATIONS**

- 5.1 **TECS Contaminated Land** : No objection, satisfied with conclusions of Contamination Report
- 5.2 **TECS Roads** : No response, but had responded to previous scheme - the relevant conditions relating to highway issues are also applicable to the current scheme.
- 5.3 **Forestry Officer** : No objection, subject to imposition of same conditions as previous scheme.
- 5.4 **Building Standards** : No response.
- 5.5 **Housing** : No response
- 5.6 **SEPA** : No objection, subject to condition requiring provision of flood alleviation bund as per submitted drawing.
- 5.7 **SNH** : No objection (consulted on basis of potential of disused buildings for bat

roosting)

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 42 - Previously Used Land
- 51 - Trees and Development
- 58 - Protected Species
- 64 - Flood Risk
- 66 - Surface Water Drainage

6.2 West Highlands & Islands Local Plan 2012

- 1 - Settlement Development Areas

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

N/A

7.2 Highland Council Supplementary Planning Policy Guidance

Affordable Housing (August 2008)
Flood Risk & Drainage Impact Assessment (March 2012)
Highland's Statutorily Protected Species (Draft - June 2011)
Open Space in New Residential Developments (May 2009)
Sustainable Design Guide (June 2011)
Trees, Woodlands and Development (September 2011)

7.3 Scottish Government Planning Policy and Guidance

N/A

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.

- 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.

8.3 **Development Plan Policy Assessment**

The Principle of Development

The application site falls within a defined Settlement Development Area, so Policy 1 of the West Highlands & Islands Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The West Highlands & Islands Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, and how they conform with existing and approved adjacent land uses. Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern. For the reasons set out below the scheme is considered to meet these policy requirements and to be acceptable in principle

Design, Layout & Landscape Impact

The previously approved scheme consisted of a semi-detached two storey block of two houses at the eastern end of the site, and two terraces of three houses running west of this – the middle terrace being one and a half storeys, and the end one being single storey. The report to Committee on this scheme commented that the design, while relatively contemporary, reflects many of the vernacular architectural details found in the area, and that by alternating between storey heights and combining various high quality cladding materials, the development would provide an interesting environment in which to live and was considered acceptable in terms of its design and layout. No adverse issues of neighbour amenity or on the setting of listed buildings within Balmacara Square were identified.

The current proposal increases the footprint of the eastern block to accommodate four flats rather than two houses, and shrinks the footprints of the two remaining blocks, which now accommodate two houses each, rather than three in the previous layout. This results in a slightly more compact scheme with a reduced land take and which leaves land at the western end of the site which could accommodate a small future extension of the development. Notwithstanding the changes to the scheme's layout, the basic building forms, together with the key design elements of varying storey heights and a mixture of high quality cladding materials have been retained in the revised blocks, which are of similar general appearance to those previously approved. However, one notable change is the substitution of velux-style rooflights in the middle block for the box dormers in the previous scheme. This is considered to improve the appearance of the proposals. Hard and soft landscaping details have been submitted, and these proposals are

considered acceptable.

On the basis of these considerations, the design, layout and landscape impact of the scheme are considered acceptable.

The master-planned, holistic nature of the development and its strong contemporary theme are key to the success of the design. Accordingly, certain permitted development rights should be removed to prevent these aspects of the scheme being eroded.

Affordable Housing

The applicant has provided a letter which states that **all eight units** shall be affordable rented houses, which shall be managed by Highland Council as part of their housing stock. The units shall be let and re-let in accordance with Scottish Secure Tenancy Agreements, and occupancy criteria shall be as set out in the Highland Housing Register Allocations Policy, as agreed between the Lochalsh & Skye Housing Association and Highland Council.

Protected Species

When the current application was first submitted the former Dairy buildings were still standing on the site. At least one of these buildings had the potential to be used by bats. Accordingly, the applicant was initially asked to undertake a specialist bat survey. However further information received from SNH indicated that the buildings actually had very little potential as a bat habitat and it was considered there was no requirement for a survey on this basis. The former Dairy buildings have subsequently been demolished under the terms of the extant 07/1251/FULRC consent.

Flood Risk & Surface Water Drainage

A revised drawing has been submitted which includes details of the Sustainable Urban Drainage measures proposed and a new flood alleviation bund within the scheme to replace the existing ad-hoc arrangement referred to above. SEPA were consulted on this aspect of the development, and have indicated that the proposed bund meets their requirements. No concerns were raised in relation to the proposed SUDs measures, and these are accordingly considered acceptable.

Trees

The Forestry Officer has recommended conditions to protect existing trees outwith the site along its south western boundary, and protect any trees which are not required to be felled. These conditions are agreed as being necessary. The Forestry Officer also suggested a condition relating to the submission of landscaping proposals, although these have subsequently been received and are considered acceptable.

Road Access

TECS Roads commented on the previous scheme, but have not done so on this occasion. Nevertheless, the conditions pertaining to road access for the previous scheme are also applicable to the current scheme.

Play Area Financial Contribution

The previous consent included a condition requiring the payment of a financial contribution from the applicant/developer to TEC Services to cover improvements

to the existing Balmacara Square play area. A suitable payment was agreed in relation to the previous consent and has been received. Accordingly, no such contribution is required in relation to the current proposal.

8.4 **Material Considerations**

N/A

8.5 **Other Considerations – not material**

N/A

8.6 **Matters to be secured by Section 75 Agreement**

N/A

9. **CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application, which proposes relatively minor changes to a previously approved scheme. 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. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Approved** subject to the following conditions and reasons;

1. The development hereby approved shall be implemented in accordance with the submitted scheme for the provision of on-site affordable housing (which must meet the definition of affordable housing outlined in The Highland Council's Affordable Housing Supplementary Planning Guidance dated August 2008 (as amended, revoked or replaced; with or without modification)).

Reason : To ensure that affordable housing is provided as part of the development, in order to reflect the need for the affordable housing within the area, which has been established through the Council's Affordable Housing Supplementary Planning Guidance

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) and Article 3 and Classes 1, 2 and 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), and with the exception of a single garden shed not exceeding 4 square metres in area, no extensions or outbuildings shall be erected within the curtilage of the dwelling houses hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason : In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

3. All measures to mitigate flooding, as shown on the approved plans, shall be constructed in full and brought into use prior to the first occupation of the development. Thereafter, these measures shall be maintained in perpetuity.

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

4. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development

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

5. The pedestrian and vehicular access through the application site, linking the rear of the existing house to the north and west respectively with the public road shall remain accessible and free from obstruction throughout the construction phase of the development, and thereafter maintained in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason : In order to safeguard public access both during and after the construction phase of the development.

6. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason : In order to ensure that the approved landscaping works are properly undertaken on site.

7. No trees within the application site shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason : In order to identify tree constraints and establish the developable area of the site.

8. No development, site excavation or groundwork shall commence until all trees lying outwith the footprint of the houses, access roads and parking areas hereby approved have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with

BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason : In order to ensure the protection of retained trees, which are important amenity assets, during construction.

9. Notwithstanding the details and plans submitted with the application, and prior to the commencement of development, full details (inc. scale drawings) of any proposed retaining structures shall be submitted to, and approved in writing by, the Planning Authority in consultation with TECS Roads. Thereafter, development shall progress in accordance with these approved details, unless otherwise agreed in writing by the Planning Authority.

Reason : In the interests of road and public safety.

10. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. 192/pl/002a shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason : In order to ensure that the level of off-street parking is adequate.

11. Notwithstanding the details and plans submitted with the application, and prior to the commencement of development, full details (inc. scale drawings) of the proposed road realignment amendments (inc. widening) for the section of access road lying between the public road and Plot 3, shall be submitted to, and approved in writing by, the Planning Authority in consultation with TECS Roads. Thereafter, development shall progress in accordance with these approved details, unless otherwise agreed in writing by the Planning Authority.

Reason : To ensure compliant access geometry is achieved; in the interests of road safety.

12. The junction of the upgraded access road shall be formed in accordance with the Council's Roads Drawing SDB2 prior to the commencement of all other development, with the bellmouth area surfaced in dense bitumen macadam for a distance of 6m back from the existing carriageway edge and visibility splays of 2.5m x 90m in each direction formed from the centre line of the proposed access. Prior to all other work starting on site, these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason : To ensure compliant access geometry is achieved; in the interests of road safety.

13. The access serving this site shall be a road over which the public has a right of access in terms of the Roads (Scotland) Act 1984 and shall be constructed to adoptive standards in consultation with the Council's TECS Roads, to the satisfaction of the Planning Authority.

Reason : In order to ensure that provision is made for a service "road"

commensurate with the scale of the overall development and having regard to the status of the proposed access as a residential service road.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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

FOOTNOTE TO APPLICANT

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.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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 (p.198), 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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & 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.

Bilingual Signage

In line with the Council's Gaelic Language Plan and policies, you are encouraged to consider the use of both Gaelic and English on signage within this development (both internal and external signs). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means

that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

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 or more information.

Signature:	Dafydd Jones
Designation:	Area Planning Manager North
Author:	Graham Sharp
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – 192/PL/001 Location Plan Plan 2 – 192/PL/002 A Site Layout Plan Plan 3 - 192/PL/003 Whole Scheme Principal Elevation Plan 4 - 101/P003 Previous Whole Scheme Principal Elevation & Site Layout Plan Plan 5 – 192/P/101 Floor Plan Plan 6 – 192/P/201 Floor Plan Plan 7 - 192/P/103 Floor Plan Plan 8 - 192/P/104 Floor Plan Plan 9 - 192/P/301 Floor Plan

Plan 10 -192/P/102 Elevation

Plan 11 -192/P/202 Elevation

Plan 12 -192/P/302 Elevation

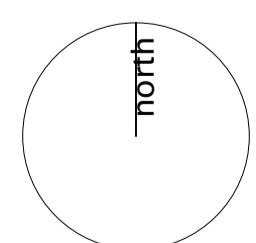
Plan 13 -192/PL/003 Site Levels

Plan 14 -192/PL/004 Landscaping Plan

Plan 15 -192/PL/005 Landscaping Plan

Plan 16- KWA/07246/004D RevD Flood Bund & SUDs Details

Plan 17 - KWA/07246/101A Road & Drainage Layout



do not scale drawing, if in doubt seek clarification from architect

revisions & notes

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RURAL DESIGN ARCHITECTS

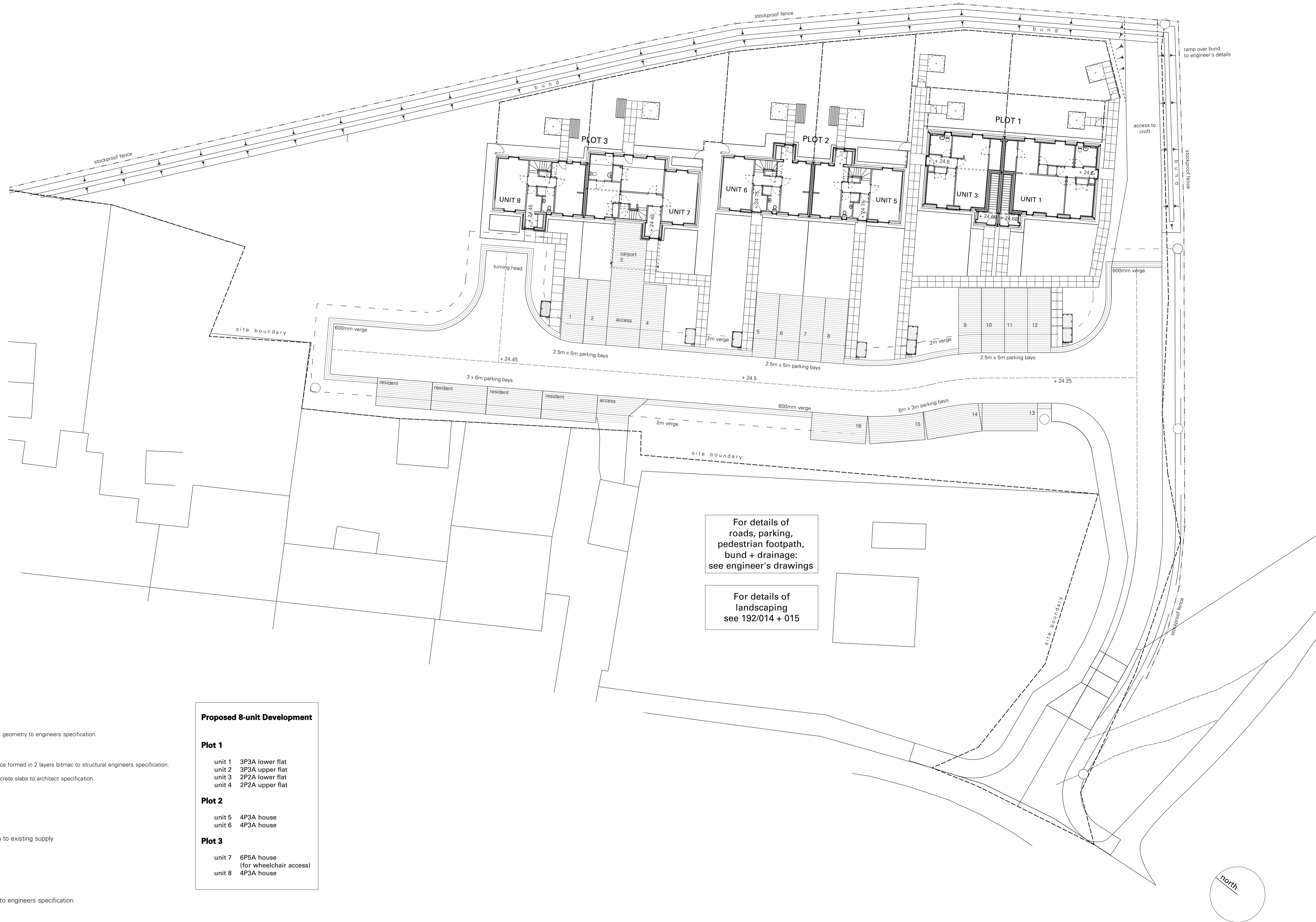
Client
Lochalsh + Skye Housing Association

Scale Date Drawn Status
 1:2000 Jan 12 MM **Planning**

Project
New housing at Balmacara Square, Lochalsh

Drawing Title
 Location plan

Dwg No.
192/pl/001



General Notes

Roads and Parking Areas

Adopted Road and Parking Surfacing, design and geometry to engineers specification.

Pedestrian Footpaths

1200mm wide pedestrian footpath at site entrance formed in 2 layers bitmac to structural engineers specification.

Access paths to houses to be 1200x600mm concrete slabs to architect specification.

Water Supply

Mains Water Supply

Electricity Supply

16kva single phase underground connection to existing supply

Foul Drainage

Foul drainage via mains sewer

Rainwater

Rainwater outfall to stream to south of site to engineers specification

Proposed 8-unit Development

Plot 1

- unit 1 3P3A lower flat
- unit 2 3P3A upper flat
- unit 3 2P2A lower flat
- unit 4 2P2A upper flat

Plot 2

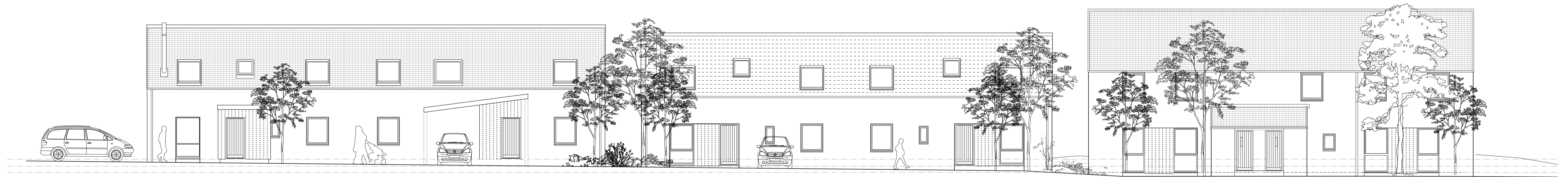
- unit 5 4P3A house
- unit 6 4P3A house

Plot 3

- unit 7 6P5A house
(for wheelchair access)
- unit 8 4P3A house

For details of roads, parking, pedestrian footpath, bund + drainage: see engineer's drawings

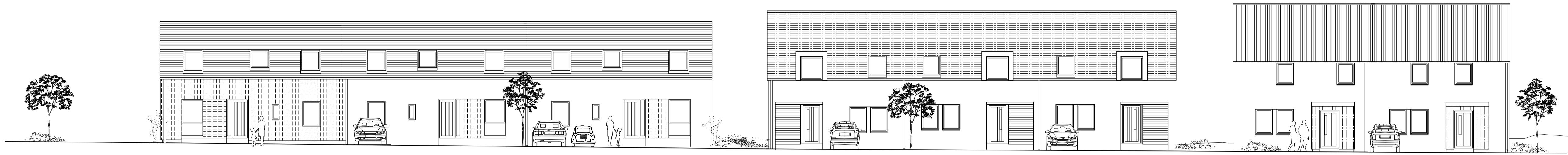
For details of landscaping see 192/014 + 015



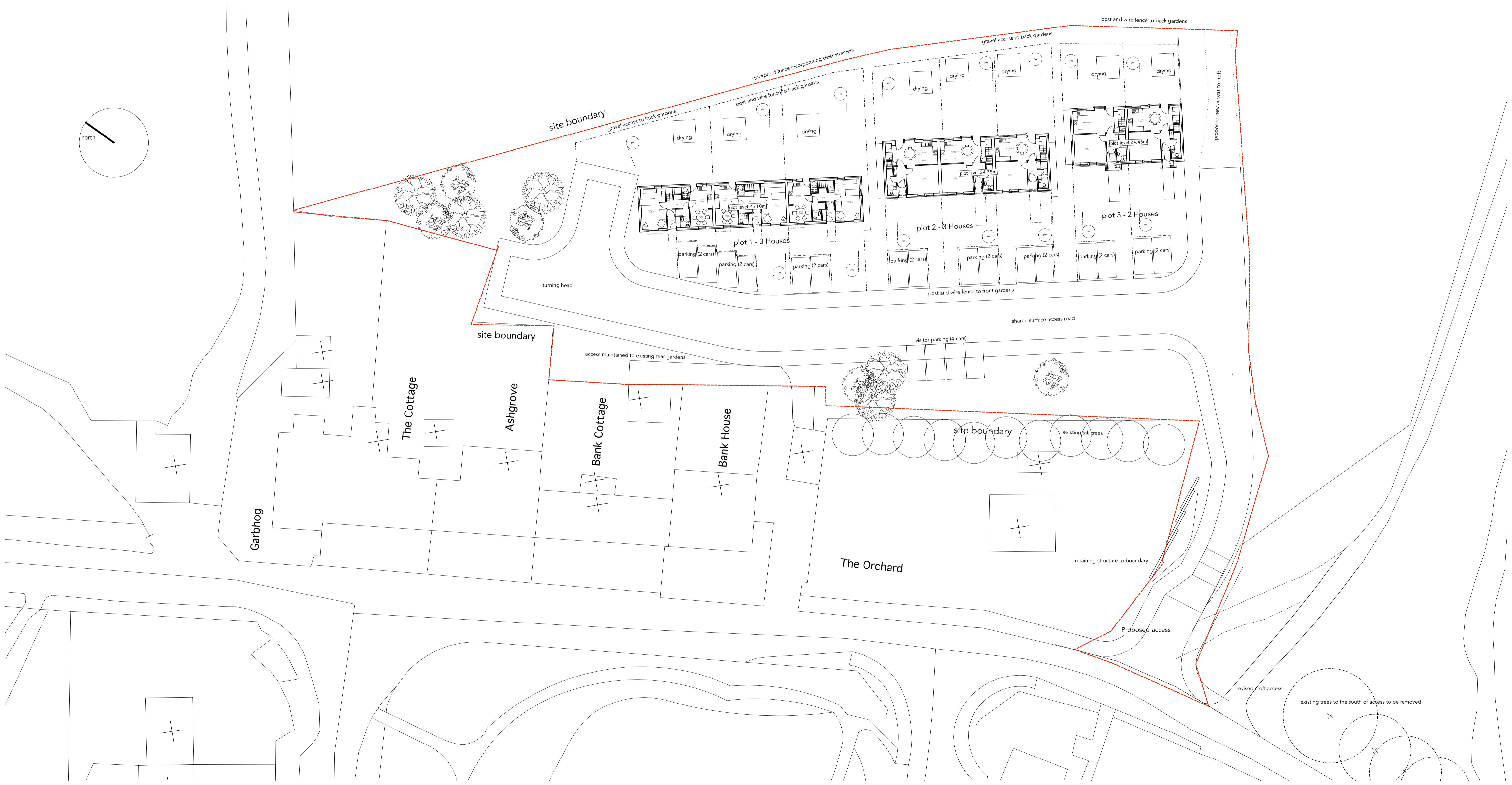
Plot 3 1x4P3A house
1x6P5A house

Plot 2 2x4P3A house

Plot 1 4 flats:
2x2P2A
2x3P3A



Proposed Terrace Elevation 1.125



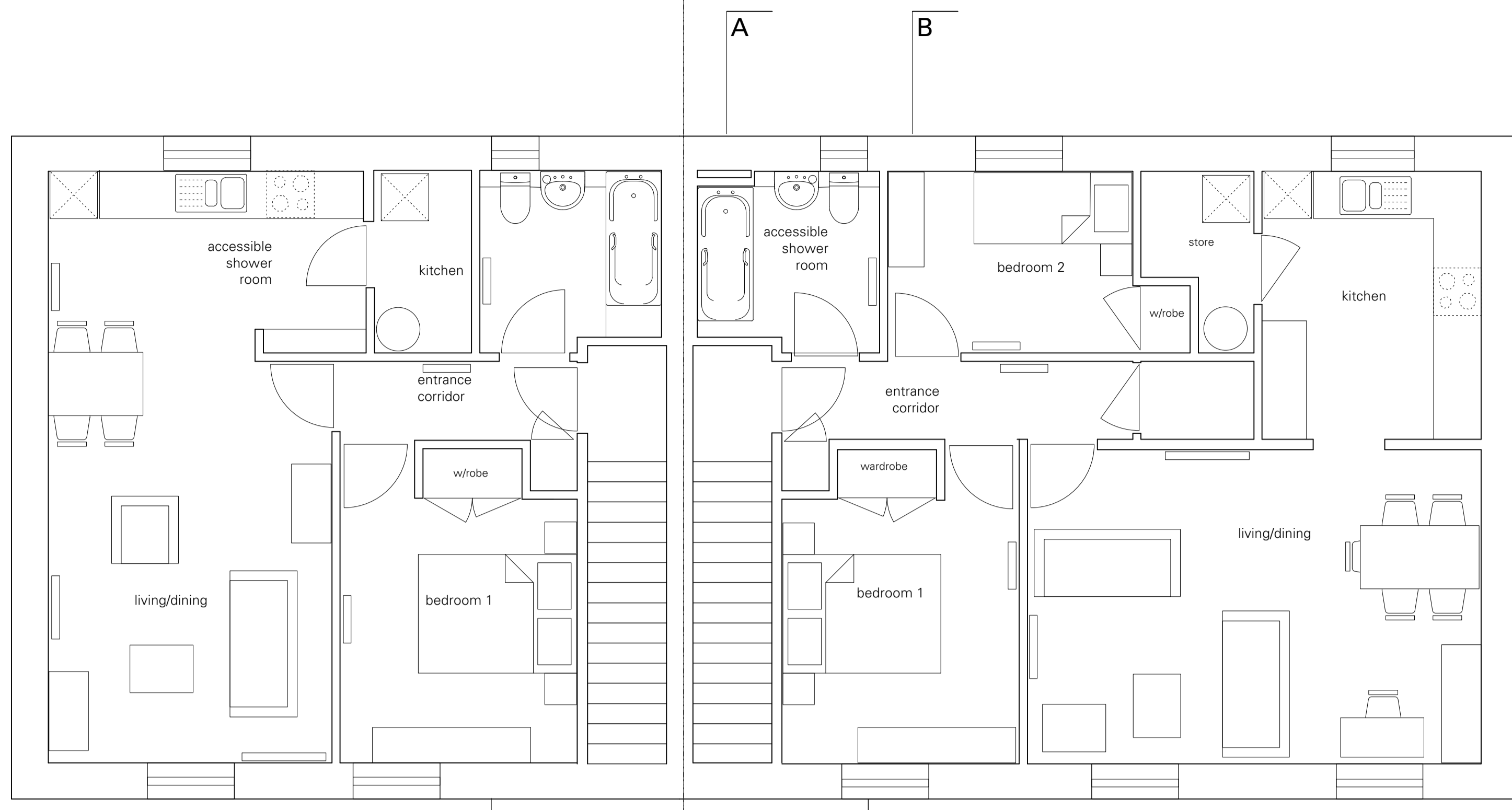
do not scale drawing, if in doubt seek clarification from architect

revisions & notes
 revision AA - site boundary amended - road access adjusted - AD 30 nov 07
 revision AB - road turning head adjusted - housing units reconfigured to suit - AD 27 mar 09

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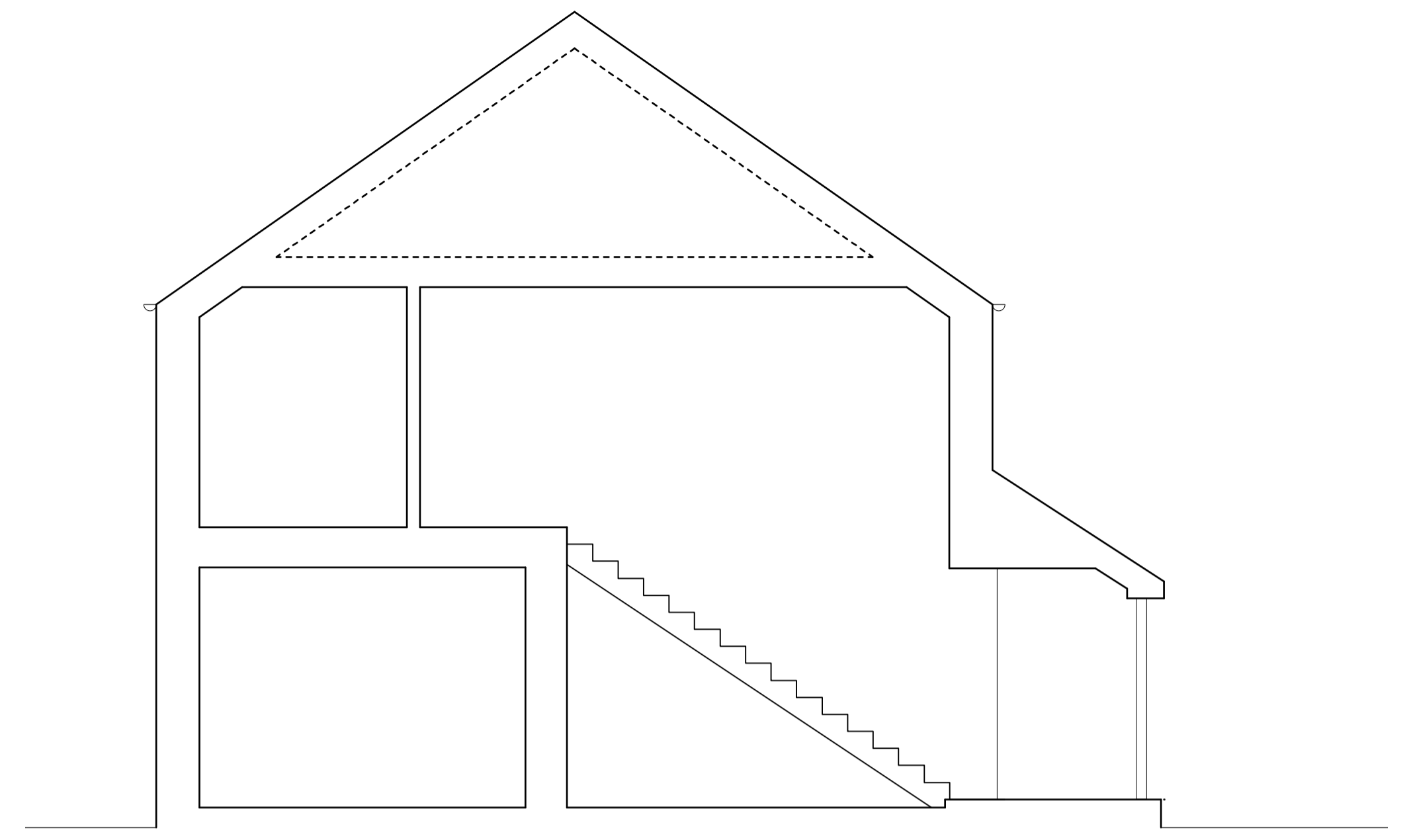
Client Lochalsh and Skye Housing Association	Project Proposed Housing Development at Balmacara Square, Lochalsh
Dwg No 101/P003	Status Planning
Scale 1:250 +	Date Mar 2009
Drawn AD	Drawn AD



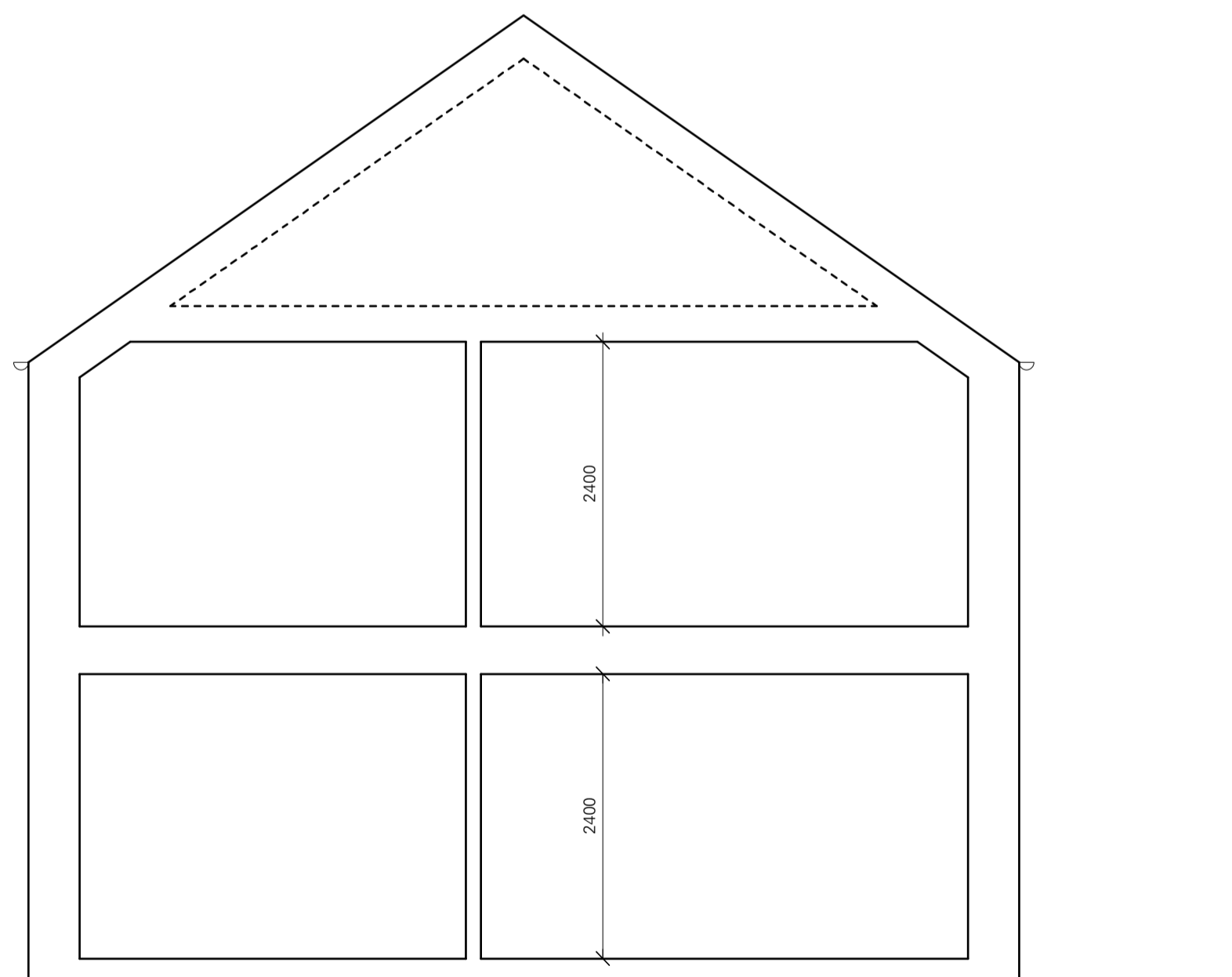
2P2A

3P3A

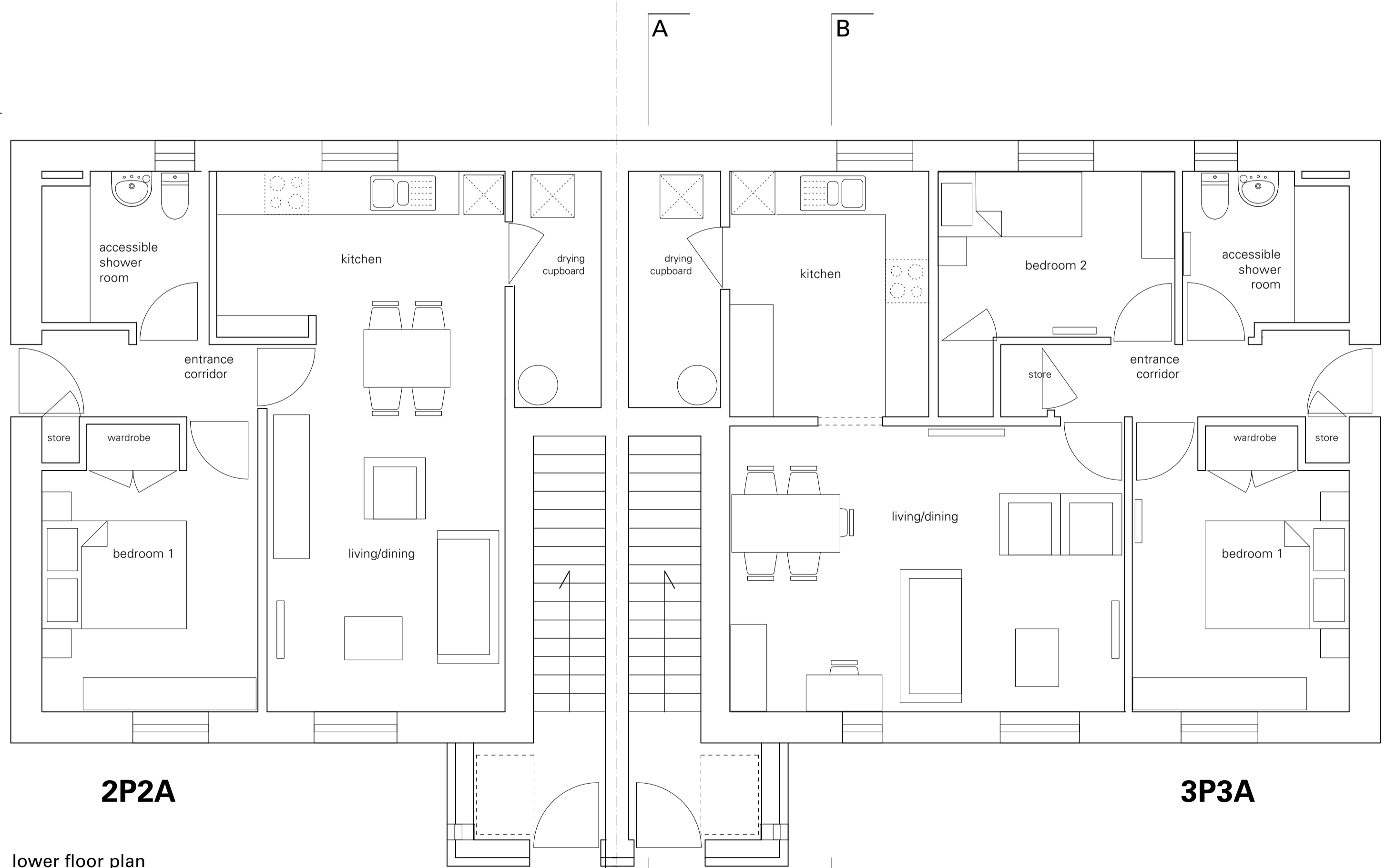
upper floor plan



section A



section B



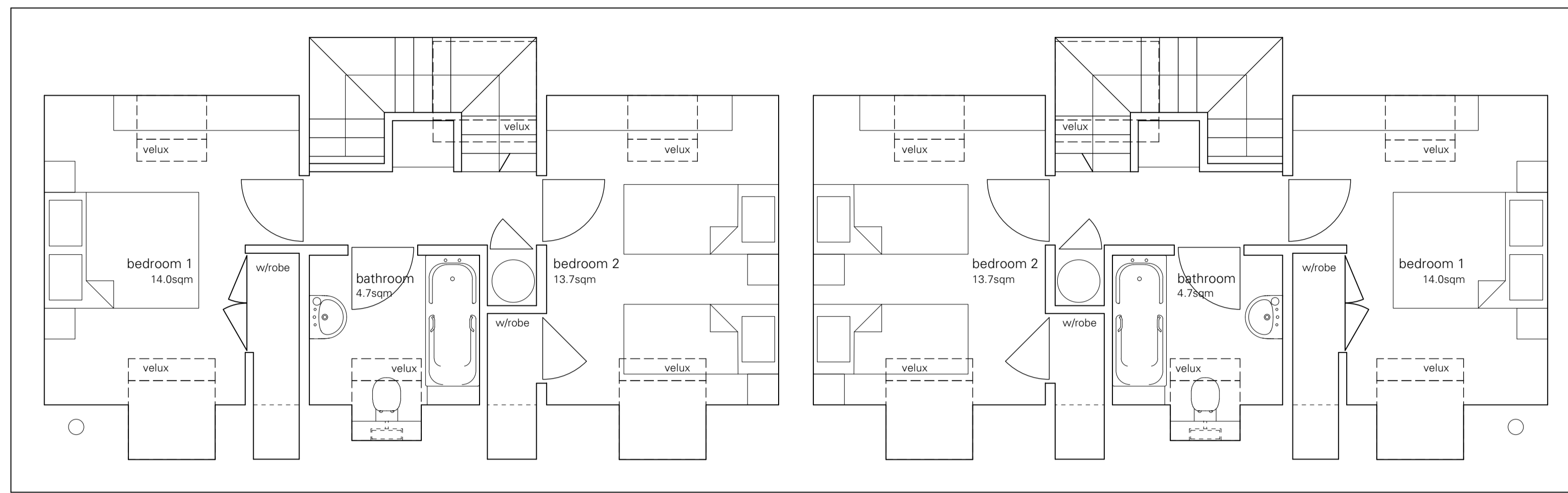
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3P3A

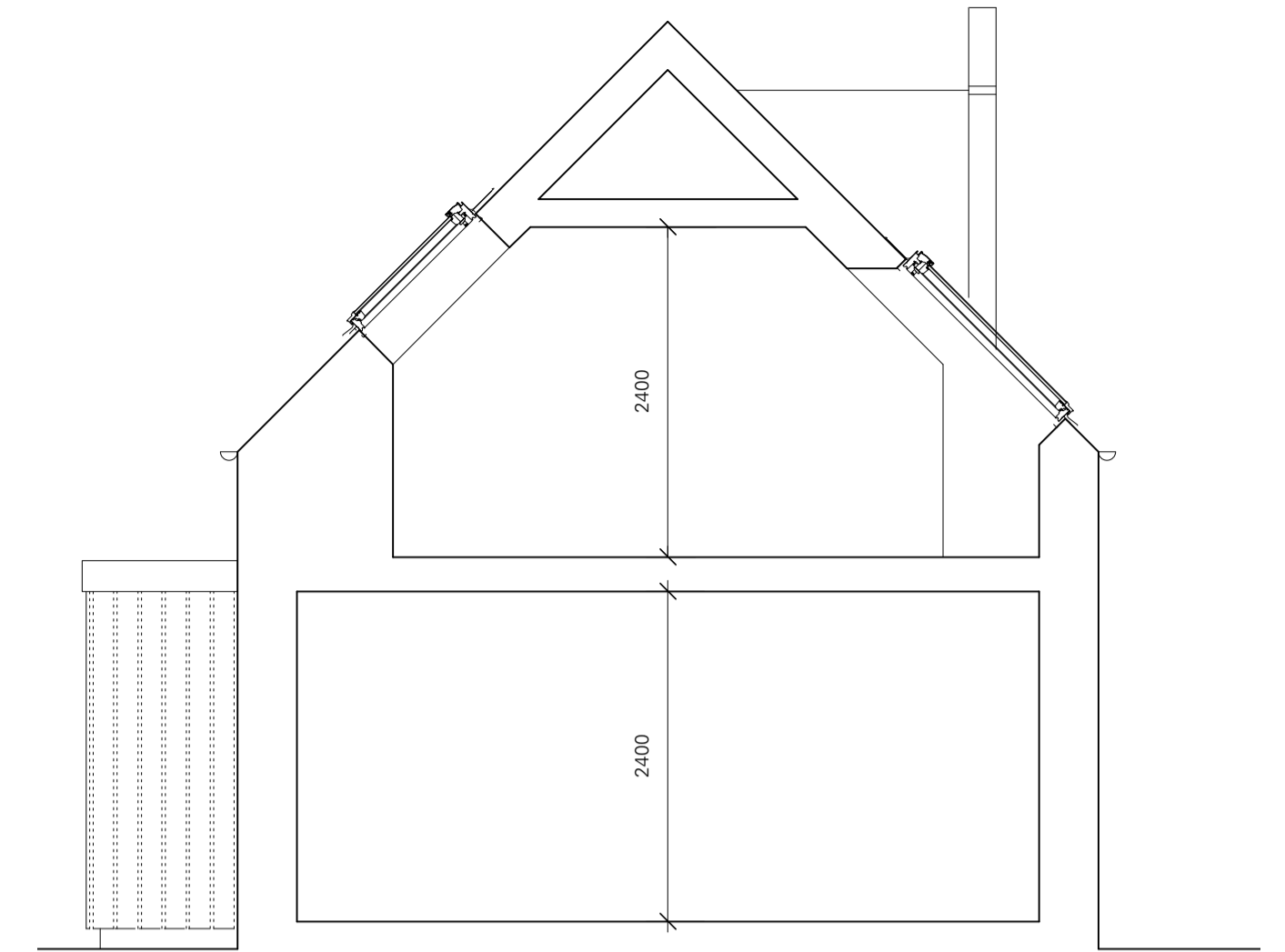
lower floor plan

C

D



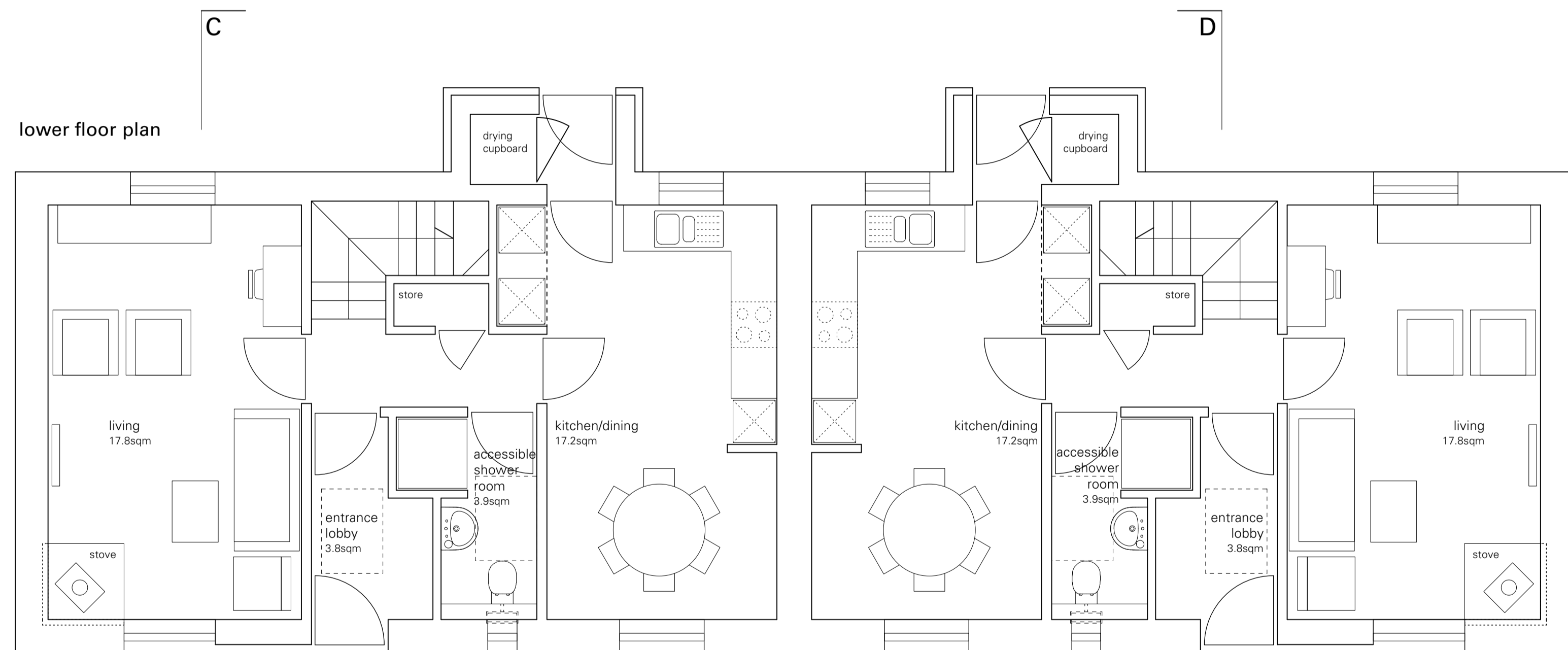
upper floor plan



section C

C

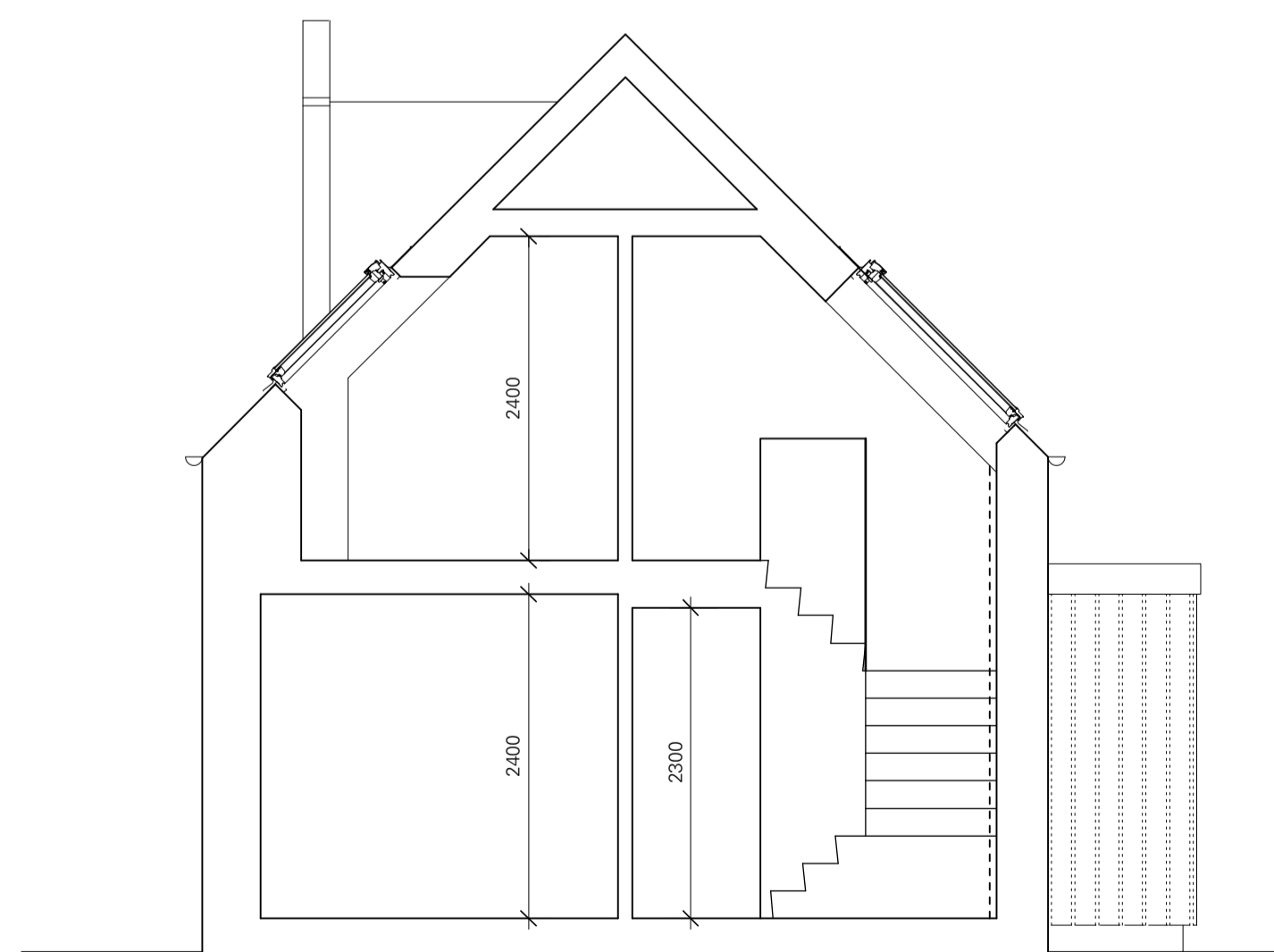
D



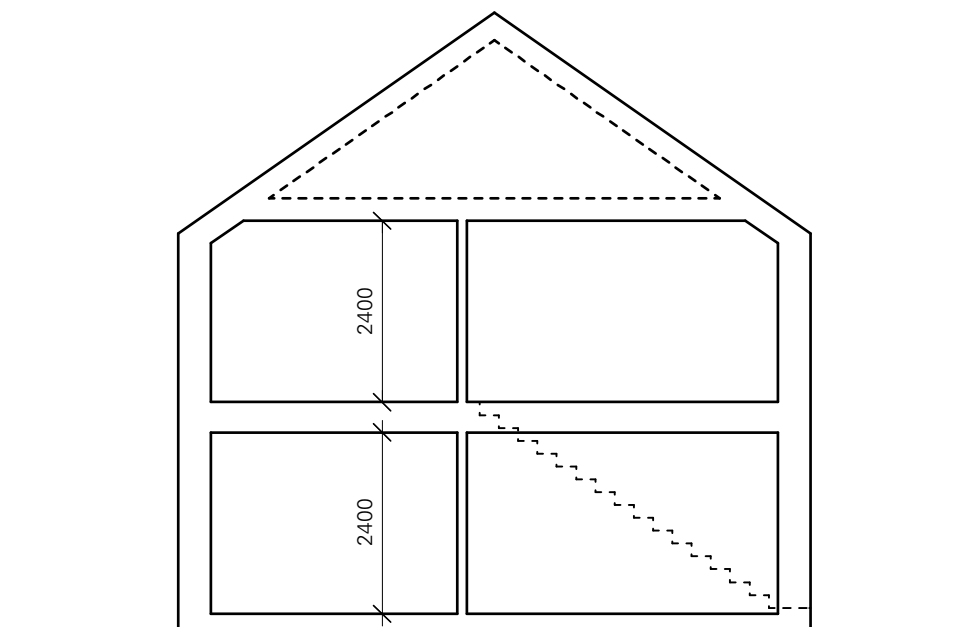
lower floor plan

4P3A

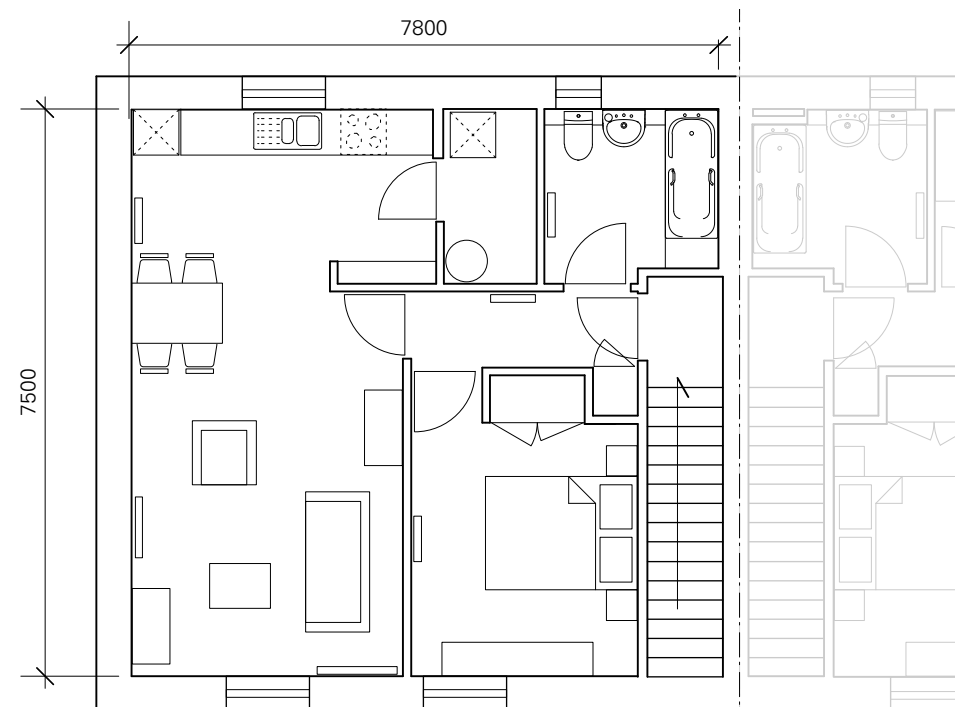
4P3A



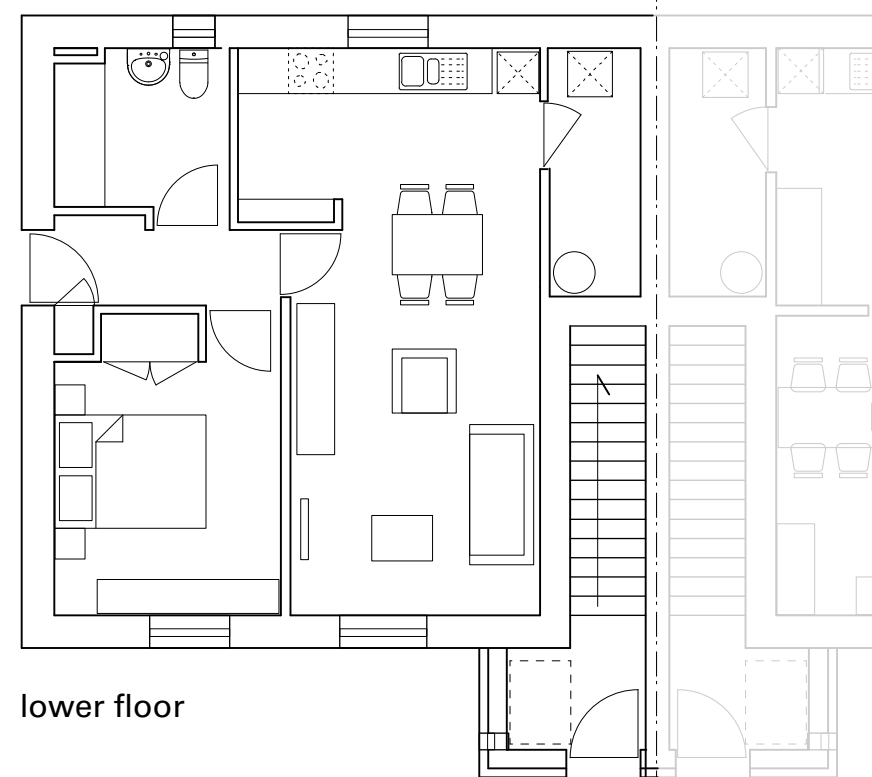
section D



general section



upper floor



lower floor

2P2A

Data:
2 Person 2 Apartment
Cottage Flat House Type
(Plot 1)

Total floor area upper flat
(including stair + entrance)
61.8 sq.m

Total floor area lower flat
52.5 sq.m

revisions & notes

do not scale drawing, if in doubt seek clarification from architect
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RURAL DESIGN ARCHITECTS

Client

Lochalsh + Skye Housing Association

Drg No.

192/p/103

Status

Planning

Project

Housing Development, Balmacara

Drawing Title

House type 2P2A

Scale

1.100

Date

Jan 13

Drawn

MM