

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
18 June 2013**

Agenda Item	6.4
Report No	PLN/061/13

**13/00580/FUL: The Highland Council
Former yard, Clyde Street, Invergordon**

Report by Area Planning Manager

SUMMARY

Description : Erection of 12 flats with related parking and landscaping

Recommendation - GRANT

Ward : 07 – Cromarty Firth

Development category : Local

Pre-determination hearing : No Hearing required

Reason referred to Committee : Council interest and five or more objections.

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application comprises the erection of 12 one and two bedroom flats in five blocks along the southern and eastern boundaries of the site. These include four two storey blocks of flats (8 two-bedroom units) arranged in a staggered row along the B817 frontage, with a semi-detached block (4 one-bedroom units) facing Shore Road to the east.
- 1.2 It is proposed to retain the existing hedge and wide grass verge around the south side of the site to retain the set back from the B817 and soften the development from this aspect. Additional landscaping/tree planting is proposed to reinforce this together with defined garden areas and additional landscaping around the west and east boundaries and around the communal car parking courtyard to the north.
- 1.3 The units are proposed to be finished with timber on principal elevations (back and front) and white render on gable walls. The roofs are proposed to be finished in anthracite coloured flat concrete roof tiles. Roof mounted solar panels are proposed on south and west facing elevations.
- 1.4 Formal pre-application advice in relation to local developments was given to the applicants on 11 September 2012 (12/02860/PREAPP) providing advice on policy, design and siting and other issues to be taken into account in submitting a planning application. The application has been supported by a Design and Access Statement; a SuDS and Flooding Statement; a Scottish Water Development Impact Assessment; a tree report and a sun path study.

- 1.5 Vehicle access to the site is proposed from Clyde Street to the immediate north. A small car parking area to accommodate nine cars is proposed to the western end of the site, just before the formal turning head at the end of Clyde Street. A further nine spaces are shown within the communal courtyard between the built development and Clyde Street. In addition Clyde Street will be marginally re-aligned southwards and three parking bays are proposed to be formed on the north side of this street to replace any displaced on street car parking associated with the existing three houses (which all also have vehicle access points and off-street car parking).
- 1.6 Connection to the public water and waste water networks is proposed. Surface water drainage is proposed to be dealt with within a SuDS compliant system to an infiltration trench.

2. SITE DESCRIPTION

- 2.1 The site is located at the western edge of Invergordon town centre, lying between the west end of Clyde Street and the B817 public road. It was historically used as a coal yard and briefly used as a car park in the 1990s before falling into dis-use.

3. PLANNING HISTORY

- 3.1 12/02860/PREAPP Pre-application advice given on proposed residential development 11.09.2012.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Schedule 3 and Unknown Neighbour
Representation deadline : 22 March 2013

Timeous representations : 5

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Height of development inappropriate in relation to properties adjacent – single storey development would be preferred;
- Increase in traffic on Clyde Street will give rise to noise, danger, impact on privacy and difficulty for existing residents to park near their properties – it would be better to have the car park at the eastern end of the development to avoid traffic driving past existing properties;
- Increase in pedestrian traffic using the lane to the east of 7 Clyde Street will invade privacy;
- Construction noise and nuisance during building works but may affect adjacent older properties through vibrations;
- Construction traffic will impede access and egress for existing residents;
- Loss of privacy to adjoining properties through close proximity of proposed properties and overlooking windows;
- Loss of views and blocking of sunlight due to height of proposed development;

- Concern over possibility of the development housing a mix of households where there will be conflict over old, young and disabled people living so close to one another;
- With road widening, this will encourage parking by rig and shore base workers adding to existing congestion;
- The proposal for residential use in such close proximity to the Port may restrict operations at the Port where the Cromarty Firth Port Authority (CFPA) has recently developed plans to invest over £20m in further developing the Service Base;
- The development does not appear to have been designed having regard to activities at the Port and this may result in the new residents complaining about noise and disturbance;
- The CFPA has received numerous complaints from residents and Councillors regarding vehicle parking in this area and has on a number of occasions approached Council officials and Councillors with a view to purchasing or leasing the application site for overflow car parking. Redevelopment for housing would restrict the Port's ability to expand into this area. As nearby land is identified for industrial uses in the emerging Inner Moray Firth Local Development Plan and the site is close to the commercial town centre, those uses suggest that residential use is not the most appropriate use of the site;
- The Highland wide Local Development Plan and Ross and Cromarty East Local Plan both contain strong policies supporting development of the Service Base. This application could prejudice such vision.
- The emerging Inner Moray Firth Local Development Plan Main Issues Report should carry weight as a material consideration and this does not allocate the site for housing.
- The CFPA consider that approval of the application would lead to complaints from residents being disturbed by the Service Base's activities which operate on a 24 hour, 7 day a week basis, with the potential for the Base's activities being restricted and limit the Base's future expansion plans.
- The CFPA requests that a site visit is carried out prior to determining the application and that they are provided with an opportunity to address Members should the application proceed to Committee.

4.3 The 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 (Transport): No objections

- Improvements to the public road and footpath shall be carried out to satisfaction of TECS and no properties shall be occupied until all adoptable roads and footways have been substantially completed to TECS satisfaction;
- Details of landscaping and earthworks adjacent to B817 shall be agreed with TECS prior to this work commencing;

- A total of 18 car parking spaces shall be provided and available for use prior to occupation of flats;
- Cycle parking of 2 secure enclosed cycle storage facilities per flat shall be provided, plus 2 visitor cycle parking rack for all 12 flats;
- A Traffic Management Plan for the construction period shall be provided by the developer to be approved by TECS prior to construction commencing, which shall include no parking of vehicles or site staff parking on Clyde Street, Shore Street or B817 (including verges and footways);
- Design of lighting for car park and access roads shall be approved by TECS before installation commences;
- Facilities for storage and collection of waste shall be provided in accordance with the Council's Supplementary planning Guidance;
- Developer contribution towards improvements in local public transport services required;
- Open Space provision should comply with Supplementary Guidance and either play area provided or contribution made;
- Measures shall be put in place to ensure surrounding roads maintained in good condition throughout construction period to be agreed with TECS in advance;
- Road Construction Consent required.

In response to the roads issues raised by local residents in their representations, the Principal Roads Engineer makes the following comments:

- The main concern from existing residents appears to be increase in traffic, however this will be addressed by various improvements proposed to the road as part of the development. Once these are made, then it is considered that the road will be suitable for the volumes of traffic expected;
- The concerns made about the widened road leading to an increase in its use for parking by workers at the Service Base are not substantiated. The road layout has been designed to make the street more residential in nature thereby discouraging use by Service Base workers. The congestion on surrounding streets is not a matter that can be addressed as part of this planning application;
- A concern has been raised that increased traffic will make it more difficult for existing residents to get parked. In response, it is noted that the new development is proposed to be provided with parking in accordance with TECS Guidelines. It is possible that some visitors to the new development may be tempted to park on Clyde Street rather than in the designated parking areas within the new development. It is suggested that the applicant considers giving existing residents permission to use parking bays within the development when bays on Clyde Street are full;
- With regard to concerns over disruption during the construction period TECS has recommended a condition requiring the developer to implement a Traffic Management Plan which will ensure that access to properties on Clyde Street is not obstructed and recommend that this plan includes suitable arrangements for liaison with local residents.

5.2 **TECS (Environmental Health) :** No objections

- The information provided by the applicant's agent demonstrates that provided the windows are kept closed there should be sufficient noise attenuation to meet required standards;
- Currently the majority of complaints received about noise relate to rigs and other visiting vessels. In that respect the proposed flats are not much closer to these sources than existing properties so it is unlikely that the flats would have any more of an impact on those uses than existing houses. The flats will be closer to some of the activities in the existing Service Base so would have more of an impact on those parts of the site than existing houses and could restrict or influence future development of that part of the Service Base to which they are closest;
- If openable windows are provided but not usable because of high noise levels it could be considered a material interference of the enjoyment and use of the occupant's property and the noise could constitute a nuisance even although mitigation measures are available;
- It is noted that all bedroom windows face away from the Service Base therefore it is unlikely that noise levels will constitute a nuisance should an occupant wish to leave a window open. However all living rooms face the Base and it is possible that internal noise levels during the day and evening might constitute a statutory nuisance with the window open. It is suggested that this may be resolved with a design and layout that prevents any openable windows facing the Base or ensuring that living room windows are not openable;
- Reference to PAN 1/2011 which notes that it is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Where satisfactory levels with open windows are not achievable, practical mitigation solutions should be explored including mechanical ventilation, to ensure windows can be closed to provide improved sound reduction;
- There is also an issue of noise affecting external amenity areas and it is recommended that fencing is introduced to act as a noise barrier. Aside from the Service Base, the gardens will also be very close to a busy road. This is likely to mask much of the daytime noise from the Service base but it will add to overall noise levels at the flats. This Service has no powers to deal with traffic noise.

5.3 **TECS (Contaminated Land) :** No objections. Further to receiving a validation report regarding the stockpiled area on site, it is considered that the previously requested planning condition regarding potential land contamination has been satisfied and no further comment is offered.

5.3 **Development Plans :** No objections.

- The site lies within site reference 11 as shown on the Invergordon inset map in the Ross & Cromarty East Local Plan. The plan explains that the allocation is a 0.7 hectare site with a capacity for 6-8 units. The requirements state that the site is suitable for sheltered housing or flatted accommodation. The current application is for 12 flats with related parking and landscaping. Consistent with the development plan, the application is for

flatted accommodation. Supporting information accompanying the application explains that all the flats are being developed for affordable purposes, a number of which will be designed for wheelchair users and the elderly. Whilst the number of flats proposed at 12 units exceeds the site capacity of 6-8 units stated in the local plan if the site layout demonstrates adequate open space, retention and enhancement of existing landscape and commensurate parking and turning space for cars and service vehicles then this may be acceptable. Furthermore the application is for small affordable housing units with one or two bedrooms.

- The CFPA consider that the Inner Moray Firth Local Development Plan Main Issues Report should carry weight as a material consideration, however this is not the case. As the first formal stage of Local Development Plan preparation, and the first time the plan has been consulted upon, it carries no weight as a material consideration in the determination of a planning application. Therefore the allocation of the site for housing in the adopted Local Plan stands and the principle of housing is acceptable on the site. Nevertheless the application must also be consistent with relevant policies of the Highland wide Local Development Plan (HwLDP); including Policy 28 Sustainable Design. In particular there are concerns regarding the compatibility of the proposed housing development with the adjacent port. The site lies directly adjacent to the main vehicular entrance to the port, where a significant number of vehicles, the majority of which are HGVs, enter the port through the day and night. Whilst the site is allocated for housing in the adopted Local Plan it is understood that since the time of publication of the Local Plan in 2007, operations at the port have been expanded and intensified and several further phases are currently underway. In this vein the CFPA are correct to state that this expansion is consistent with the vision of the HwLDP. However any potential impact upon operations of the port must be balanced against the need for affordable housing and any potential mitigation measures that could limit the impact upon the amenity of future residents and the continued operation of the Port.
- The submission from the CFPA states that the Inner Moray Firth Local Development Plan Main Issues Report (IMFLDP MIR) identifies the site as non-preferred open space. Whilst the IMFLDP MIR is not a material planning consideration it is worth noting that this is incorrect – the site is in fact shown as not preferred for any particular use, rather it is shown as ‘white land’ within the settlement development area. Within such areas there is a presumption for development subject to a number of factors, including meeting amenity, access, and design etc. requirements. Areas of land close to the boundaries of the site are shown as preferred areas of open space. The reason the site is not shown as being preferred for housing in the Main Issues Report (i.e. the allocation is not carried forward from the existing Local Plan) is that there is a move away from allocating sites with capacity for less than 10 units and thus focusing on identifying areas of major change in the Plan.

5.4 Invergordon Community Council: No objections

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 Development
29	Design Quality and Place Making
30	Physical Constraints
31	Developer Contributions
32	Affordable Housing
34	Settlement Development Areas
42	Previously Used Land
56	Travel
66	Surface Water Drainage
75	Open Space

6.2 Ross & Cromarty East Local Plan (as continued in force)

11	Invergordon (allocated for housing)
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7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide

Affordable Housing

Open Space in New Residential Development

7.3 Scottish Government Planning Policy and Guidance

SPP

PAN 1/2011 : Planning and Noise

8. PLANNING APPRAISAL

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

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**

Policy 28 (Sustainable Development) of the Highland wide Local Development Plan aims to ensure that development is sustainable and lists the criterion against which the proposal shall be assessed. The applicable criteria in this case are compatibility with public service provision; accessibility; maximising energy efficiency; addressing any physical constraints; making use of brownfield sites; impact on individual and community residential amenity; demonstrating sensitive siting and high quality design; promotion of varied, lively and well-used environments; accommodating the needs of all sectors of the community, including people with disabilities; and contributing to the economic and social development of the community.

The application proposes to redevelop a redundant brownfield site and contaminated land issues have been resolved. This ensures compliance with Policies 30 and 42 (Physical Constraints and Previously Used Land). The application is for 12 affordable housing units (including provision for elderly and disabled persons) on land allocated for housing, close by the services and facilities of Invergordon town centre. This ensures compliance with Policy 32 (Affordable Housing).

The flats have been designed to be very energy efficient and incorporate whole house ventilation and heat recovery systems, solar panels, south facing lounges for passive solar gain, and high standards of insulation. The design is a clean simple contemporary design and the units have been set back from existing houses to reduce any possible problems of overlooking or impact on sun and day lighting. The layout incorporates private and public open space areas, commensurate car parking and attention to detail of finished hard surfaces. It is therefore considered that there will be no material impact on community or residential amenity and accordingly the proposal complies with Policy 28 and Policy 29 (Design Quality and Place Making).

Policy 34 (Settlement Development Areas) of the Highland wide Local Development Plan supports appropriate development within Settlement Development Areas. The application lies within an area specifically allocated for housing use within Invergordon Settlement Development Area and therefore complies with this policy.

8.4 **Material Considerations**

Consultation with TECS (Transport; Environmental Health; and Contaminated Land) has confirmed no objections in principle, however various detailed comments have been made which are listed at 5.1 – 5.3 above.

8.5 **Contaminated Land**

The Contaminated Land Officer initially requested a condition requiring submission of a scheme to deal with potential contamination on site, due to its historic use as a coal yard, however further to correspondence with the applicant's agents this matter has now been resolved and no condition is now required.

8.6 Traffic

The Principal Roads Engineer has been involved in discussions with the agent since pre-application stage and this has helped shape the application. There are no objections however a number of relatively standard conditions are recommended. Adequate car parking provision has been demonstrated and works to widen Clyde Street and provide dedicated car parking bays for existing properties will improve access for existing residents. Preparation of a traffic management plan will ensure that proper account is taken of the access and parking requirements of existing residents during the construction period.

8.7 Noise

It is acknowledged by the Environmental Health Officer that noise is a recognised issue in this location due to the proximity of the site to the Cromarty Firth Port Authority Service Base. In order to address this issue the proposed flats have been designed with a whole house ventilation and heat recovery system and high specification sound insulated windows. This will ensure that with windows closed there will be no noise nuisance to residents. In addition, the flats have been designed with the bedrooms on the quieter north side of the development to shield them from the direct noise from the Service Base. Sections of close board timber fencing are proposed to reinforce the hedging and landscaping along the southern boundary, to provide mitigation against noise within private gardens.

Discussions have been held with the applicant, agent and Environmental Health Officer to consider what other options there are to ensure that noise nuisance is mitigated. Reconfiguring the units to ensure all living areas and bedrooms are facing away from the Port would result in a much poorer 'blank' elevation towards the B817 and would lose the passive solar gain and sunny southern aspect making the units less energy efficient and creating a much poorer living environment. Installing fixed glazing to the south facing living areas would create conflict with Building Regulations, with regard to fire escape openings and window cleaning – and would remove the designed patio doors and juliet balcony elements, again resulting in a poorer living environment. Thus the principles of PAN 1/2011 have been investigated with regard to redesign and it is considered that the submitted plans present the optimum solution in the circumstances.

The Environmental Health Officer confirms that most of the Service Base and the site of the proposed new berth development to the west of the existing Port will be as near or nearer to existing houses than the current application site. Therefore the development of this site for housing will not further prejudice the activities for the majority of the Port and will certainly not prejudice the expansion plans currently being pursued. Only the area immediately opposite the site will be affected and currently some of that area is used for car parking.

In addition, as the Highland Council is the applicant and the flats will be let out, the Housing Development Manager has confirmed that the situation can be managed to ensure that tenants are aware of potential noise issues if windows are open and trained in the use of the ventilation system to mitigate any noise issues. Tenants will be free to choose whether they wish to move to this accommodation and can be rehoused if necessary. The developer has agreed to increase the sections of close

board fencing forming the boundaries to the private gardens facing the B817 to provide areas within those gardens where any noise from the Service Base will be to some extent be reduced.

In summary, it is noted that the development site is no closer than existing houses to the majority of the Service Base or to the area proposed for the berth expansion. Development of this site for residential use will therefore be no more prejudicial to activity within the Port than established residential use. Whilst it is acknowledged that the site is directly opposite the main Service Base entrance, the Council (as Environmental Health Authority) has no powers to deal with traffic noise. Nonetheless the mitigation measures incorporated within the design, referred to above, will also help lessen the impact of such noise.

8.8 Representations

Invergordon Community Council has confirmed no objections to the application. Five third party representations have been received and the issues raised are summarised at 4.2 above. Concerns relating to policy, traffic, noise and nuisance have been addressed at paras. 8.3 – 8.7 and within the consultation responses from TECS(Transport) and Development Plans. With regard to concerns over the height of the development relative to adjoining properties and to impact on sun and day lighting, the applicant's agent has prepared a cross section drawing showing the relationship with the cottages on Clyde Street and with the flats at Ross Court to the east. This demonstrates that the development is more compatible with the height and massing of the flats at Ross Court although is 620mm higher to ridge level.

The applicant's agent has been asked whether the finished floor levels of the flats nearest to Clyde Street can be reduced, however he has received confirmation from the consulting engineers that there is no scope for compromise because of the need to design for storm floods (as detailed within the Scottish Water Development Impact Assessment). The flats are considerably higher than the traditional row of cottages on Clyde Street (approximately 3m higher to ridge) and because of that they have been designed to lie along the southern and eastern boundaries of the site leaving an open courtyard next to Clyde Street and existing development to the north. The gable of the nearest unit is approximately 16m from the closest house at 7 Clyde Street. A degree of over-shadowing must be accepted within any built up area however sunlight diagrams have been prepared by the applicant's agent which demonstrate that there is little over-shadowing for most of the year. It is therefore considered that the scale and siting of the proposed units is acceptable within the context of existing established development close by the B817 distributor road which separates the town from the Service Base.

The CFPA has asked that they are given an opportunity to address Committee and also for a site inspection. In response, it is only under the Hearings procedure that the opportunity is afforded to the applicant and third parties to address Committee. It is the view of the Planning & Development Service that this report in conjunction with the Committee presentation will provide sufficient information for Members to consider the application without the need for a site inspection however it is for Members to consider whether a site visit is appropriate. The full text of the CFPA objection can be viewed online with all other representations www.wam.highland.gov.uk/wam

8.9 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 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. A number of conditions are recommended to address traffic and landscape issues, detailed finishes and developer contributions.

10. RECOMMENDATION

Action required before decision issued No

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. All of the residential units hereby approved shall constitute affordable housing as defined by The Highland Council's Supplementary Planning Guidance: Affordable Housing (August 2008).

Reason : To ensure that the approved units are used for the purposes of providing affordable housing, in line with the local plan allocation and the Council's supplementary planning guidance on affordable housing.

2. No development shall commence on site until exact details of all finishing materials, including all wall finishes and roofing materials, including any colour to be applied, have been submitted for the consideration and written approval of the Planning Authority. Thereafter only agreed finishes and materials shall be used in the development.

Reason : To ensure that the materials are appropriate to the character of the surrounding area.

3. No development shall commence on site until a landscaping plan has been submitted for the consideration and written approval of the Planning Authority. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted, and shall ensure:- (a) completion of the scheme during the planting season next following the completion of the buildings, or such other date as may be agreed in writing with the Planning Authority and (b) the maintenance of the landscaped areas for a period of five years or until established, which ever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. Details of landscaping and earthworks adjacent to the B817 shall require to be agreed in consultation with the Roads Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

4. No development shall commence until a Traffic Management Plan has been provided by the developer and approved by the Roads Authority. This shall include the following elements:
 - i) No parking of site vehicles or site staff parking to be permitted on Clyde Street, Shore Road or the B817 (including verges and footways);
 - ii) Measures to ensure that construction deliveries do not obstruct Clyde Street or Shore Road;
 - iii) Proposals for liaison with the residents of Clyde Street to ensure that their parking and access is not obstructed.

Thereafter the approved Traffic Management Plan shall be implemented by the developer during the course of all site and construction works.

Reason: In the interests of road safety and to ensure that the established amenity of existing householders is safeguarded.

5. No development shall commence until a Scheme for the safeguarding of the existing road infrastructure surrounding the site has been provided by the developer and approved by the Roads Authority. This shall include the following elements:
 - i) A photographic survey shall be undertaken by the developer prior to construction commencing to record the road condition. A hard and soft copy of the survey shall be provided to the Roads Authority for approval prior to construction commencing.
 - ii) Any damage to Council roads caused during the construction period which can reasonably be attributed to construction traffic shall be repaired by the developer to a standard and within a timescale approved by the Roads Authority.
 - iii) Throughout the construction period, a weekly road safety inspection of Clyde Street and Shore Road shall be undertaken by the developer. Any road safety defects identified which can reasonably be attributed to construction traffic shall be repaired by the developer to a standard and within a timescale approved by the Roads Authority. Records of these inspections, including defect locations and dates of repairs shall be retained and made available to the Roads Authority on request.
 - iv) Following completion of construction, a further road condition survey shall be undertaken by the developer in conjunction with the Roads Authority to identify any damage to the road which has occurred during the construction period. All damage identified in this survey which can reasonably be attributed to construction traffic shall be repaired by the developer to a standard and within a timescale approved by the Roads Authority.

Thereafter the approved Scheme shall be implemented by the developer during the course of all site and construction works.

Reason: In the interests of road safety and to ensure that existing infrastructure is safeguarded.

6. No development shall commence until a Road Construction Consent is in place for the road improvement works on Clyde Street. The road and footpath improvement works shall be agreed with, and carried out to the satisfaction of, the Roads Authority. Prior to first occupation of any part of the development all adoptable roads and footways shall be substantially completed to a standard safe for their use by the general public and to the satisfaction of the Roads Authority. For the avoidance of doubt, details of these works such as the proposed surface treatment shown on the approved plans are not necessarily acceptable and may need to be revised.

Reason: In the interests of road safety and to ensure that the established amenity of existing and future householders is safeguarded.

7. The 18 car parking spaces to serve the new development, together with the 3 spaces for existing houses, shown on approved plan D301 Rev E, shall be provided and made available for use prior to first occupation of any part of the development and retained for this purpose in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking of cars, so they do not have to park on the public road.

8. No development shall commence until full details of a visitor bicycle racking system for a minimum of 2 bicycles has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

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

9. Prior to first occupation of any part of the development and prior to installation of any lighting, the design of the lighting system shall be submitted for the approval of the Roads Authority and thereafter installed in accordance with the approved scheme.

Reason: In the interests of road and pedestrian safety.

10. No development shall commence until details of developer contributions towards public transport improvements and open space/play provision, in accordance with the Council's Supplementary Guidance on Developer Contributions and Open Space, have been submitted to and approved in writing with the Planning Authority. Thereafter the contributions shall be made as agreed.

Reason: In order to secure commensurate improvements to public transport and open space provision.

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.

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.

Schedule 3 Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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.

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.

Local Roads Authority Consent

In addition to planning permission, you will 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.

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.

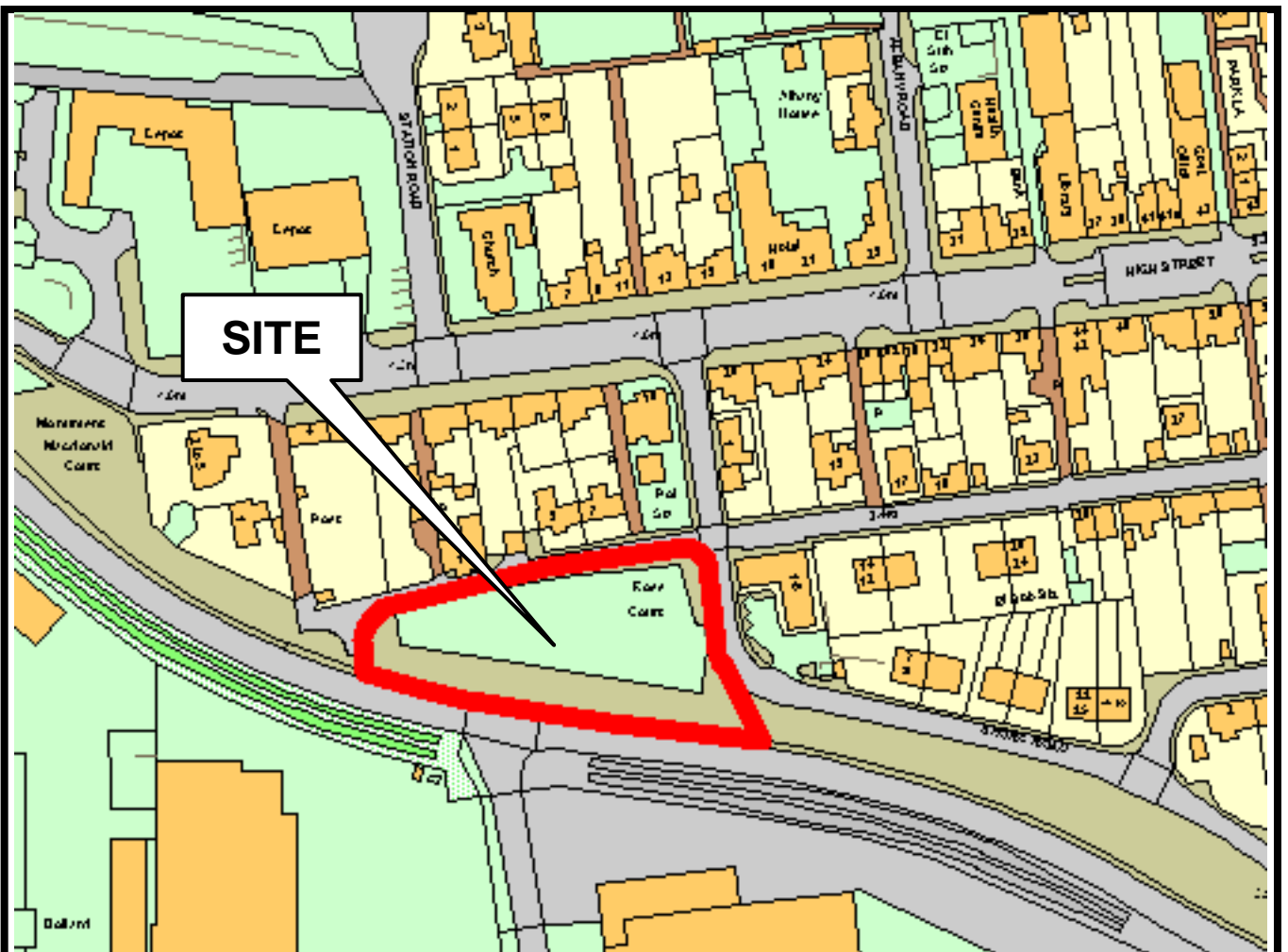
Flood Risk

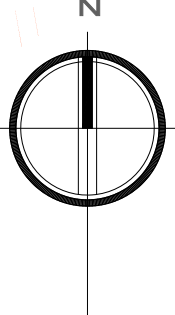
It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.













Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Layout Plan
Plan 3 – Elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Allan Lipp	7 Clyde Street, Invergordon IV18 0DU	10.03.2013	Against
Gilbert Michie	12 High Street, Invergordon IV18 0ET	11.03.2013	Against
John Ross	Fircones, Tullich-Muir, Delny IV18 0LJ	13.03.2013	Against
Simon Stokes	1 Clyde Street, Invergordon IV18 0DU	19.03.2013	Against
Burgess, Paul & Williamsons on behalf of Cromarty Firth Port Authority	Union Plaza, 1 Union Wynd, Aberdeen, AB10 1DQ	14.03.2013	Against





-  679 3 EXISTING TREE TO BE REMOVED
-  665 3 EXISTING TREE TO BE RETAINED
-  NEW PLANTED TREE
-  SHRUBS
-  EXISTING HEDGE
-  NEW HEDGE TO MATCH EXISTING
-  1.95-2.4 M HIGH TYPE A SCREEN FENCE
-  1.8 M HIGH TYPE B TIMBER FENCE
-  0.6 M HIGH TIMBER FENCE
-  TIMBER PLANTER
-  BICYCLE PARKING
-  POST AND WIRE 1M HIGH FENCE

Project Housing at Clyde Street, Invergordon, for H. Council
Subject Detail Design Site Plan

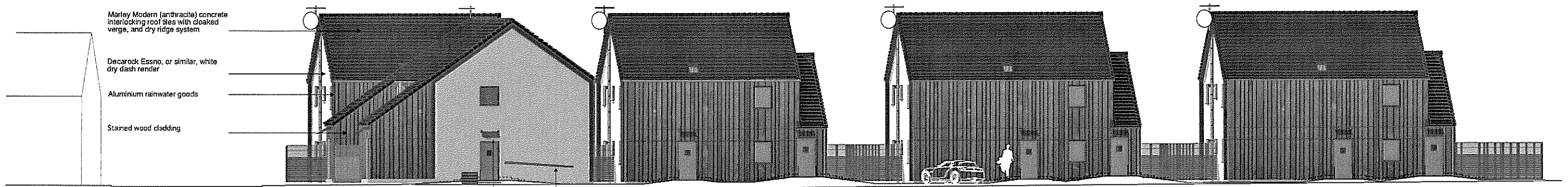
TBA **TREVOR BLACK ARCHITECTS**
 Tullymore, Hermitage Street
 Evanton IV16 9YG
 tel: 01349 853159
 mail@trevorblackarchitects.co.uk
 www.trevorblackarchitects.co.uk

scale	125@A1	date	May '13	drawn	trb
reference	1630	issue nr.	D301	revision	E
	E amend fences & various other details		tb 31.5.13		
	D more notes added		af 10.02.13		



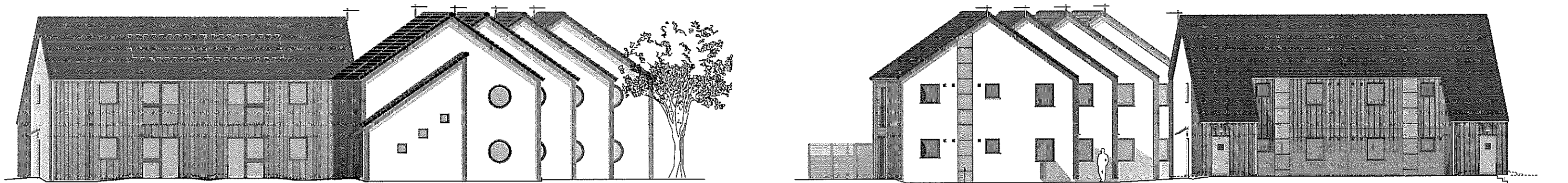
SOUTH ELEVATION

Juliet balconies with galv mesh balustrade panels and timber handrail
 High performance timber windows and doors
 Additional stepped DPC where ground is high



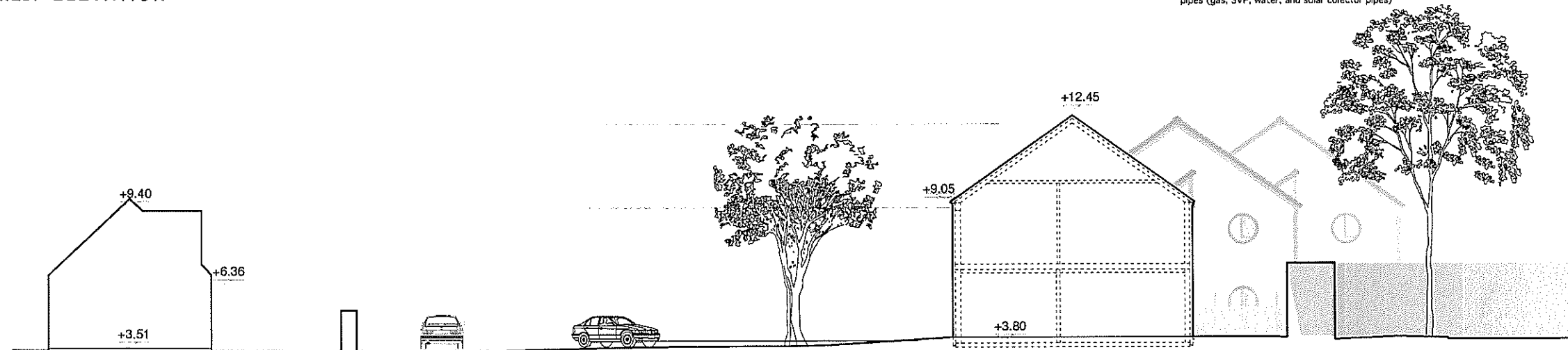
NORTH ELEVATION

door canopy : glass and aluminium
 metal handrail fixed to gable wall



WEST ELEVATION

EAST ELEVATION



SITE SECTION

Project Housing at Clyde Street, Invergordon, for H. Council

Subject Detail design Elevations

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DATE	DATE	BY
200VA3	jan'13	af
1630	D320	