

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE –
25 June 2013

Agenda Item	5.8
Report No	PLS/040/13

13/01297/FUL: Highland Housing Alliance, The Highland Council and Caledonian Housing Association
Site 2B, Westercraigs, Inverness

Report by Head of Planning and Building Standards

SUMMARY

Description: This application relates to the construction of 94 houses and associated infrastructure. The proposed development is affordable housing of mixed tenure with a combination of semi-detached, terraced and flatted units.

Recommendation: GRANT Planning Permission

Ward: 14 – Inverness West

Development category: Major Development

Pre-determination hearing: None

Reason referred to Committee: Council interest in land

1. PROPOSED DEVELOPMENT

- 1.1 This application for planning permission is for the development of 94 houses, the associated roads, drainage infrastructure and landscaping. The development is a mixed tenure proposal comprising council housing, housing association housing and housing for mid-market rental using the National Housing Model which enables the tenant to purchase the property after a tenancy of 5 years. 48 of the proposed 94 units will be available using this model.
- 1.2 The development comprises a combination of flatted, semi-detached and terraced housing. The majority of the development is two storeys in height. The exception to this are two flatted blocks (Plots 59-70 and 71-82) to the northeast edge of the site that are three storeys in height. All housing will have with tiled pitched roofs and be finished in a combination of render and timber cladding panels.
- 1.3 The application is supported by plans, design and access statement and an assessment of flood risk/drainage.

2. SITE DESCRIPTION

- 2.1 The site forms part of the former Craig Dunain Hospital. It is an area of ground once used for recreational purposes when the hospital was in use and now used for storage for soils taken from adjacent ground. It is identified as Site 2B within the Westercraigs Master Plan approved under planning permission 03/00676/OUTIN. The site slopes gently from northwest to southeast.
- 2.2 The site fronts the main access road through Westercraigs. Mature trees sit at the head of a steep incline on the northwest edge of the site. The site is bound on the northeast edge by the grounds of the former NHS Estate buildings. On the southwest edge is an avenue of mature trees and access road to private property further uphill. Beyond this access and trees is Robertson Homes Site 2A housing site. On the opposite side of the road to the southeast is the north wing of the main Craig Dunain Hospital listed building and the associated service buildings.
- 2.3 The site has an active drainage culvert running across the site from southwest to northeast. This collects water that is collected within a drainage ditch that runs parallel to the private access on the southwest of the site. Access to the development can be achieved either via Leachkin Road or the Estate Road from the A82(T) beside the Crematorium.

3. PLANNING HISTORY

- 3.1 09.08.2005 – Outline planning permission granted for 550 houses (limited to 420 prior to completion of SDR) (03/00676/OUTIN).
- 3.2 26.04.2006 – Reserved Matters approved for 52 houses (05/00645/REMIN).
- 3.3 24.09.2008 – Outline planning permission granted for nursing home (08/00557/OUTIN).
- 3.4 14.05.2012 – Application received under S42 for non-compliance with conditions 1, 6 and 14 of outline planning permission 03/00676/OUTIN (12/01832/S42)

4. PUBLIC PARTICIPATION

- 4.1 Advertised: 26.04.2013

Representation deadline: 10.05.2013

Timeous representations : 2 (2 against)

Late representations : 0

- 4.2 Material considerations raised against the proposal can be summarised as follows:

- Site proposed is greenfield – brownfield should be used
- Increase in traffic
- Increased impact on services
- West drive not of acceptable condition

- Design and density not compatible with surroundings
- Effect on drainage
- General state of estate

4.3 All letters of representation are available for inspection via the Council's e-planning portal which can be accessed through the internet www.wam.highland.gov.uk/.

5. CONSULTATIONS

5.1 **Inverness West Community Council** does not object but does raise concerns regarding:

- construction traffic, particularly with regard to the condition of the West Drive;
- known problems with surface water drainage;
- the lack of suitable play space for younger children
- the level of factoring charges

5.1 **TEC Services – Roads and Transportation** have no objection. Initial concerns at pre-application stage with details of the road geometry have been resolved.

5.2 **TEC Services – Contaminated Land Unit** advise that the site/ part of this site has a historic use as a gasworks and hospital, which may have resulted in land contamination. This can be addressed by condition.

5.3 **TEC Services – Flood Team** advise that it has reviewed all the information submitted relating to the drainage design and flood storage and confirms that it is satisfied with the proposals. A condition relating to maintenance of onsite drainage is requested.

5.4 **Scottish Water** advises that both Inverness Water Treatment Works and Allanfean Waste Water Treatment Works has capacity to service the development.

It advises that a totally separate drainage system will be required with the surface water discharging to a suitable outlet and that it requires a sustainable urban drainage system (SuDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

6.1 Highland Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality and Place-Making
Policy 31	Developer Contributions
Policy 32	Affordable Housing
Policy 51	Trees and Development
Policy 59	Other Important Species

Policy 61	Landscape
Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage

6.2 **Inverness Local Plan 2006 (as continued in force April 2012)**

Policy 8 Regeneration Action Area (Craig Dunain)

7. **OTHER MATERIAL CONSIDERATIONS**

Supplementary Planning Policy Guidance

7.1 Developer Contributions Supplementary Guidance

7.2 Managing Waste in New Developments Supplementary Guidance

7.3 Flood Risk and Drainage Impact Assessment Supplementary Guidance

Scottish Government Planning Policy and Guidance

7.4 Scottish Planning Policy (SPP)

PAN 69 Flooding

PAN 78 Inclusive design

PAN 56 Planning for Noise

PAN 75 Planning for Transport

PAN 63 Waste Management

PAN 79 Water and Drainage

PAN 61 Planning and Sustainable Urban Drainage Systems

PAN 77 Designing Safer 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.

8.2 The determining issues are:

- do the proposals accord with the development plan?
- if the proposals do comply with the development plan are there any material consideration that indicate that they should not be granted?
- if the proposals do not comply with the development plan are there any material consideration that indicate that they should be granted?

8.3 To address the determining issues, the Committee must take into consideration:

- a) whether the principle of development is acceptable in policy terms;
- b) the design and layout of the development;
- c) the impact on drainage and flooding;

- d) the impact upon existing transport infrastructure;
- e) contaminated land; and
- f) other matters raised in representations not considered above.

Policy

- 8.4 As is evident from the history noted above, the site is not new to housing development. The site has had the benefit of planning permission for housing since August 2005. Indeed, Robertson Homes has already commenced housing development on this site albeit that only one house has been erected so far. Recognising the potential of this site, the current application has been submitted by the three organisations to increase the number and range of affordable housing within this part of Inverness.
- 8.5 Subject to accordance with the more detailed subject policies, which will be considered in more detail below, the development should be capable of compliance with the development plan.

Design and Layout

- 8.6 With an increase in numbers from the consented scheme, the proposal is clearly an intensification of use of this site. However, despite this the layout of Site 2B still largely reflects, certainly to the front, the pattern of development on Site 2A which as a concept was always expected to be a mirror image. A key component of this is for houses to face the main thoroughfare with most having off-street parking within front gardens. A similar curved wall entrance feature is proposed.
- 8.7 In terms of detailed design, the style of housing is a different to the Robertson Homes private homes on the neighbouring Site 2A and more consistent with housing on Site 4 which sits below the New Craigs Hospital. With the exception of the flatted blocks, the bulk and massing of the development is compatible with the surrounding development. While finishing materials have changed the design retains the proportions of the housing in Site 2A. It is not considered on the whole to be incompatible with the type of surrounding buildings which includes the listed building.
- 8.8 The flatted blocks are of slightly different character but will be set back into the site and will therefore not be as prominent. There is an opportunity when redeveloping the former Estate buildings to embrace this scale of building but until that time the buildings will be screened to a degree by mature trees.
- 8.9 The layout has taken cognisance of the previously agreed set back distances from trees. This will avoid overshadowing and encroachment onto roots. There will be a requirement for some ground re-profiling however this will not affect roots and is not considered significant.
- 8.10 A landscaping plan has been submitted. This provides for appropriate planting within the site where opportunities are available. It was however, given the context that this site sits within, envisaged that there would not be large areas of open space required within the development. Significant areas of open space lie directly

to the northwest and the development makes provision to connect the development to this. The current application is generally consistent with the existing planning permission.

Impact on drainage and flooding

- 8.11 The site is fully serviced. The development will utilise the public waste water system, which Scottish Water advises will have capacity. Surface water is designed to SuDS standards and should be capable of adoption by Scottish Water. The main SuDS infrastructure for this development is available.
- 8.12 There is an existing culvert running through the site which takes water from the hill via a channel on the southwest edge of the site and discharges into the network further down Leachkin Road. Given the age and condition of the existing culvert it is proposed to replace it on a like for like basis. The intention however is to upgrade the capacity of the culvert by incorporating a settling pond for water prior to entry to the pipe. While a like for like replacement is not the Flood Teams preferred solution, the addition of the settling pond should provide sufficient capacity in an extreme event. TEC Services Flood Team has no objection to this providing that there is a clear maintenance programme in place. This can be agreed through condition.
- 8.13 While the site is not known to flood, given the proximity to watercourses it may experience flooding. A representation has been received from a resident of the neighbouring Site 2A where there problems have been experienced with excess surface water within garden grounds. As the sites share similar topography and characteristics this may occur within this site unless appropriately mitigated. A condition relating to surface water drainage may be appropriate.

Impact on road infrastructure

- 8.14 TEC Services – Roads and Transportation has no objection to the proposal. A significant amount of mitigation to the wider road network has already been undertaken to accommodate the development at Westercraigs. The only outstanding aspect of that mitigation is the upgrade to the West Drive. Robertson Homes Ltd has applied to extend the number of completions within the scheme prior to its implementation. This will be considered under planning application 12/01832/S42 that will come to Committee separately in due course. If accepted, it is anticipated that at the very least a programme of maintenance will be required until completed. It should be noted that potholes have recently been filled. This hopefully resolves the objection raised in this respect at this moment in time.
- 8.15 Part of the issue with the West Drive is that this is the route that was agreed for construction traffic, rather than using Leachkin Road. At the time it was never anticipated that construction would still be on-going in 2013. However, it is still preferable to the use of Leachkin Road at this time.
- 8.16 The increase in traffic and activity was anticipated when the outline planning permission was granted. There will be no additional and unacceptable impact on the local road network.

Contaminated Land

- 8.17 The site, or at least part of this site, has a historic use which may have resulted in land contamination. Indeed, the original plan for housing development on this site identified an area to the far north corner where contamination may have existed. This area was subsequently taken out of the proposals for housing development. For this proposal the plan is to utilise this area as car parking. The Council's Contaminated Land Unit has no objection to the application subject to conditions.

Other material considerations raised

- 8.18 The Community Council raises a pertinent point regarding child play areas. As part of the wider Master Plan of the site it was envisaged that rather than provide individual play facilities within each housing development that a more strategic solution would be sought. Agreement on the level and location of provision has yet to be reached but will be one of the topics raised within the consideration of the application to vary the conditions of the original permission (12/01832/S42). In the context of this application however there may be scope for localised play facilities to be provided.
- 8.19 Two other matters have been raised in representations that are not material to this specific application. The first is the potential Impact on wider services which will be a matter for the service providers to consider. From the Council's perspective this proposal falls well within the 550 houses that have the benefit of outline planning permission and therefore these effects have been quantified. The second relates to the general condition of the Estate. On recent inspection it was not considered that the site was causing offence to amenity. However, in recognition that development is not progressing as quickly as once envisaged a watching brief will be maintained.

9. CONCLUSION

- 9.1 The proposal, while representing an increase in housing numbers on this site, is of a scale and density that is considered compatible with the surroundings. It will make a significant contribution to the housing mix within this part of the City, building on the success of the earlier mixed tenure scheme within Site 4 situated below New Craigs.
- 9.2 The site benefits from existing infrastructure and it can be seen that technical matters relating to drainage, flooding and contaminated land have been considered by the applicant and suitable mitigation can be put in place.
- 9.3 While matters raised in relation to more general, wider, issues relating to the site have been raised these should not be considered to be of direct relevance to this particular proposal.

10. RECOMMENDATION

It is recommended the application be **Granted** subject to the following conditions:

1. No development or work shall commence on site 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 order to ensure a high quality design standard in the interest of visual amenity.

2. No development or work shall commence on site until a detailed specification for feature walls and boundary fencing has been submitted to, and approved in writing by, the Planning Authority. The plans shall detail the use of natural stone walling, where appropriate, and vertical timber boarded fencing in all other locations. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to ensure a high quality design standard in the interest of visual amenity.

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. No development shall commence on site until full details of all surface water drainage, including that within individual garden grounds, within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

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

5. No development shall commence until a Method Statement describing the proposed maintenance of the onsite drainage, including any manholes, trash screens and catchpit sumps should be submitted for approval by the Planning Authority.

Reason: To ensure that a proper maintenance regime is in place for all flood mitigation infrastructure in order to reduce the risk of flooding occurring both within

and outwith the application site.

6. Unless otherwise agreed in writing with the Planning Authority, all construction traffic shall enter and exit from the A82 using the Estate Road.

Reason: In the interest of amenity and road safety.

7. No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
 - i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment in line with Planning Advice Note 33 and the BS10175:2001, or any superseding guidance prevailing at the time of the assessment), the scope and method of which shall be submitted to and approved in writing by with the Planning Authority;
 - ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
 - iii. measures to deal with contamination during construction works;
 - iv. a means of monitoring any decontamination measures; and
 - v. a means of verifying the completion of any decontamination measures that may arise.

Thereafter, no development shall commence on site until written confirmation that the scheme has been implemented, completed and, if required, monitoring measurements are in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

8. The normal working hours within the site shall be Monday to Friday 0700 hours to 2000 hours and Saturdays between 0800 hours and 1300 hours, with no working being carried out on Sundays or public holidays except for safety reasons.

Reason: In order to protect the amenity of neighbouring occupiers.

9. No development shall commence on site until a scheme for protecting properties adjacent to the development site from construction-related dust has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented before any development commences and be maintained until development is complete.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

10. 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 established on site.

11. No development shall commence on site until a scheme for the maintenance, in perpetuity, of all on-site green spaces and/or woodland and/or sports facilities and/or play areas and/or other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

12. No trees within the application site, other than those which are specifically identified for removal on the approved plans, 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 ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

13. No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed prior to the commencement of the development and as a minimum retained until the completion of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

i. Ensuring that the approved Tree Protection Plan (23.05.2013 Rev B) and approved Arboricultural Method Statement (23.05.2013) are implemented to the agreed standard; and

ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

Reason: In order to safeguard trees to be retained and thereby protect the existing character of the site.

14. No development shall commence on site until the badger interest on the site is protected in accordance with a scheme for monitoring and mitigation that shall be submitted to and approved in writing by the Planning Authority. The scheme shall include the implementation of badger passes and associated fencing where identified. During construction operations appropriate measures shall be adopted to avoid disturbance to known areas of badger interest.

Reason: To safeguard Badger interest.

15. No development shall commence on site until details of the location, form and programme for delivery of a minimum of one fully-equipped play area within the application site. Thereafter, the play area shall be installed by, and at the expense of, the developer in line with these approved details.

Reason: In order to comply with the requirements of the Council's Open Space in New Residential Development supplementary planning guidance (adopted 20th May 2009) and to ensure that sufficient play equipment exists within the application site to serve future residents' needs.

Designation: Head of Planning and Building Standards

Author: David Mudie (01463) 702255

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

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Shirleyanne Mitchell	8 Foresters Way Inverness IV3 8LP	05.05.2013	Against
Peter Gilmour	Leachkin road Inverness IV3 8NN	17.04.2013	Against