

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
29 October 2013

Agenda Item	5.2
Report No	PLS/051/13

13/02461/FUL: Mr David MacLean
50A Lochalsh Road, Inverness

Report by Area Planning Manager – South

SUMMARY

Description: Erection of house on the site of a former joiner's workshop (demolished)

Recommendation: GRANT

Ward: 15 – Inverness Central

Development category: Local

Pre-determination hearing: n/a

Reason referred to Committee: 5 or more third party objections.

1. PROPOSAL

- 1.1 The proposal is for the erection of a 1¾ storey two-bedroomed hipped roof house, on a brownfield site on Lochalsh Road. The proposal includes a small area of garden ground to the rear, which is currently garden ground for 29 Abban Street (upper floor). There is no off street parking provision.
- 1.2 Informal pre-application advice was given prior to the submission of the application relating mainly to the principle of a residential use for the site.
- 1.3 The site had a former use as a joiner's workshop, as a result of which services may already be in place. It is proposed that the house would connect to the public water supply and foul drainage systems.
- 1.4 The original application, as submitted, included no garden/amenity ground, and identified the house as being built right up to the rear and side boundaries of the site. This was considered to be overdevelopment of the site and also raised concerns regarding the construction and future maintenance of the building, particularly as the rear elevation of the house would only be accessible via land which may well be outwith the future ownership of the householder. Following discussions with the Planning Authority, the plans were amended to increase the application site by including an area of neighbouring garden ground. This allows for an area of garden ground for bin storage, drying facilities and amenity use, as well as space for construction and maintenance purposes.

2. SITE DESCRIPTION

- 2.1 The application site is very modest in size and forms a gap site between the established 2 storey residential housing to the north and the rear parking area for 27 Abban Street to the south. It is thought that the site would originally have been garden ground associated with 27 Abban Street, however the planning history indicates that it was separated from No. 27 and was subsequently used to site a single storey workshop building. The known uses for the workshop are joinery and signwriting.

The workshop was demolished some years ago and the overgrown derelict site is now fenced off with temporary metal fencing. The site area has been increased during the determination period of this application to include a portion of land which is currently garden ground associated with 29 Abban Street. This is located to the rear of the proposed house. The site extends to the edge of the public footway to the east and is bounded by neighbouring gardens to the north and west, and a tarred parking area associated with 27 Abban Street to the south.

3. PLANNING HISTORY

- 3.1 03/00094/OUTIN – Erection of house, withdrawn 31.01.03
- 3.2 05/01313/OUTIN – Demolition of workshop and erection of new house in outline, Granted 03.04.06
- 3.3 09/00237/REMIN – Erection of dwelling, withdrawn, 24.06.09
- 3.4 10/04040/FUL – Erect 2 flats, Refused 08.03.11

4. PUBLIC PARTICIPATION

- 4.1 Advertised: n/a

Representation deadline: 27.07.13 and 06.10.13

Timeous representations: 9 letters from 6 separate addresses

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Impact on parking. Concerns raised relate to the lack of parking and identify that Lochalsh Road is already a very busy road and there is considerable pressure on parking in the evenings. In addition, speed restriction works have reduced available parking spaces in the neighbourhood and have 'stretched congestion to its limits.'
- Height of building is excessive.
- Overdevelopment of site.
- Loss of privacy to adjacent garden.
- Potential contamination due to a previous use as a signwriter's unit (*this can be addressed by a planning condition as recommended by TECS – Contaminated Land*).

- Concern that the house will be used as a House of Multiple Occupancy (HMO) (*The house has only 2 bedrooms and would therefore be too small to classify as an HMO. Furthermore the future ownership of a property is not a material planning consideration*).
- Impact on the daylight provision to neighbouring houses.

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 **Scottish Water:** No objections. Inverness Water Treatment Works currently has capacity to service this proposed development.

5.2 **TECS (Area Roads and Community Works Manager):** No objections/comments.

5.3 **TECS (Contaminated Land):** No objections but it is requested that a condition be added to any consent to ensure that no development commences before a scheme to deal with any potential contamination on the site (from its previous use as a signwriter's workshop) has been submitted to and agreed in writing by the Planning Authority.

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 and Place-Making |
| 42 | Previously used land |

6.2 Inverness Local Plan (March 2006) (as continued in force)

- | | |
|---|---------|
| H | Housing |
|---|---------|

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

n/a

7.2 Scottish Government Planning Policy and Guidance

SPP

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 application site is covered by the H: Housing policy in the Inverness Local Plan. This states that “The Council will safeguard the function and character of established residential areas and will encourage appropriate development”. Lochalsh Road is an established residential street, therefore a new house will not impact upon the function or character of the street.

Policy 42 of the Highland-wide Local Development Plan (HwLDP) states that “The Council will support development proposals that bring previously-used land back into beneficial use”. The workshop was demolished a number of years ago, since which time the site has been screened off by unattractive temporary metal fencing. It is something of an eyesore and in its current overgrown state it detracts from the amenity of the rest of the street.

Policy 28 of the HwLDP promotes the use of brownfield sites; sites which are accessible by public transport, cycling and walking as well as by car; those that do not negatively impact upon individual and residential amenity; and those that demonstrate sensitive siting and high quality design in keeping with local character.

It is therefore considered that, in general terms, the principle of a house on this site can be supported by policy, as it would not have a negative impact on the established residential character of the area; it makes use of a brownfield site; and it is close to the town centre and can be easily accessed by all forms of transport. Furthermore, the applicant has endeavoured to take into account the style of the existing houses within the site in the proposed design, including a hipped roof and rendered finish.

The key site specific consideration relates to the fact that the site is very modest in size, is narrow and offers limited opportunity for a successful development proposal. The original drawings submitted with the application showed the footprint of the building taking up all but a 1m strip to the side and front of the site. This was judged to be overdevelopment of the site and the applicant was advised that the layout was not considered to meet the terms of the siting and amenity requirements set out in Policy 28 of the HwLDP. The proposal was, as a consequence, amended to increase the size of the site and to provide a section of garden ground (currently in the ownership of 29 Abban Street).

This amendment and increase in site area has improved the layout and resulted in an increase in the amenity of the proposed development. The alteration does not adversely affect the existing flatted property, and as a result, the amended layout is now considered, on balance, to be an acceptable development on what is brownfield land.

8.4 **Material Considerations**

Planning History: Outline planning permission was granted for a similarly sized house on the site in 2006. While this consent has now lapsed, it does establish a precedent for the development of the site for residential purposes, and there have been no significant changes to the relevant policies since this time. It should also be noted that the previous application did not include the additional area of garden ground and could therefore be seen to be poorer in amenity terms. A further application in 2010 for 2 flats on the site was refused on the grounds of its negative impact upon the amenity of the area due to its excessive scale and height (over 8 metres).

Contamination: There is potential for contamination of the site due to the site's previous use as a signwriter's workshop, however this can be covered by a planning condition.

Parking: TECS were consulted on the application and had no objections or comments to make on it. The site is located near to the town centre and is therefore well positioned to make use of all forms of public transport as well as walking and cycling. It is also fairly modest in size with 2 bedrooms, therefore is only likely to result in 1 or 2 additional cars. That said, the letters received from neighbouring properties do suggest that at the very local level parking is an issue of concern, and this needs to be factored into the determination of the application.

Residential amenity: As discussed in paragraph 8.3, the original proposal was considered to represent overdevelopment of the site and was therefore unacceptable in amenity terms. The amendments to the proposal have improved the situation, although the site remains very modest. The amendment to the site area involves the requisitioning of a piece of garden ground from 29 Abban Street (it is understood this is under the same ownership and is therefore likely to be possible, although ultimately this is a legal matter). This raises an additional matter of the acceptability of the reduction of garden ground for 29 Abban Street. No. 29 is divided into an upper and lower flat, with the garden split down the middle. This results in 2 long thin gardens. The proposal would take just under 7m in length of the garden belonging to the upper flat of 29 Abban Street into the ownership of the proposed house, leaving the flat with nearly 12m of garden to the rear wall of the flat (8m to the extension). The garden of the lower flat of 29 Abban Street would be unaffected. The use of the land would remain as garden ground, with only the ownership changing, and in terms of size, the proportions are considered to be acceptable for both the proposed house and the existing flat.

Privacy and Daylighting: The only upper floor windows proposed in the rear elevation are velux rooflights which provide light to the hallway and bathroom. All upper floor windows from habitable rooms (including bedrooms) are on the front elevation which overlooks the street. The owner of the lower flat of 29 Abban Street has objected to the proposal due to its impact upon the privacy of his garden which is adjacent to the portion of ground which will form the garden of the proposed house. There is a bathroom window and patio doors leading from the kitchen on the rear elevation. Full details of the rear boundary treatments have not yet been supplied, but appropriate fencing or walling which would ensure privacy between the 2 gardens could be secured by planning condition. Furthermore, the inclusion of garden ground allows for planting along the rear boundary which would help to soften the rear elevation and improve privacy.

A number of objection letters refer to the potential for the reduction of daylight to their properties as a result of the development. Having considered the application site in relation to the sun's path (east to west) it would appear that the main impact of the loss of morning sun will be on the property's own rear garden and a small portion of the remaining garden of 29 Abban Street. The front garden of 50 Lochalsh Road will lose some midday sun; and the shadow cast by the house in the early evening will mainly affect the public road, although it is possible that the ground floor windows of the houses opposite (nos. 45-51) will lose some evening sun as a consequence of the development. No single property is likely to experience a level of daylighting reduction which would be considered to be unacceptable within a built up residential area such as this.

Design and Materials: The design has attempted to take into consideration the prevalent design features of the adjacent houses on Lochalsh Road, with the inclusion of a hipped roof and rendered finish. Full details of the colour of render will be required prior to the commencement of any development to ensure that it is appropriate in the context of the existing properties. The proposed house is 5.5m high which is 2.5m lower than the adjacent houses to the north and slightly lower than the flat roofed extension to 27 Abban Street to the south. It is not, therefore, considered to be in any way excessive in scale in comparison to surrounding buildings.

8.5 Other Considerations – not material

None.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

- 9.1 There is no doubt that the site provides limited scope for development due to its constrained proportions. Although a previous permission for a house was granted permission, this has not been implemented and the site remains in an unkempt state and contributes little to the overall amenity of the area. A key consideration in the assessment of the proposal has been to ensure that existing residential amenity is not diminished by the development.

On balance, and taking into account the fact that the site had a previous commercial use, it is considered that the layout and scope of the current proposal can be accommodated on site without an unacceptable adverse affect on either the streetscene in general or the amenity of the immediately adjacent residents. The limitations of the site have dictated the design and scale of building proposed. The proportions of the building are considered acceptable and although it is not possible to provide any off street parking, TECS have not raised any concerns in connection with the proposal.

Given that the development will remove an unsightly brownfield site in an otherwise residential area, it is considered that policy support can be given to the development subject to the conditions as set out in the report.

10. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

Reason: n/a

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

1. The house for which planning permission is hereby approved shall not be occupied unless the surface water drainage associated with the development including areas of hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDS. There shall be no COMMENCEMENT of this development until such details are submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that the site is properly and adequately drained.

2. The house shall not be occupied unless the method by which foul drainage is to be provided on site has been implemented and completed to the satisfaction of the Planning Authority.

Reason: In the interests of public health.

3. No development shall commence on site until it has been demonstrated to the satisfaction of the Planning Authority that the developer has full legal control over all land within the red line boundary of the application, and, that on completion of the development or occupation of the premises, whichever is the sooner, appropriate boundary treatments have been erected to divide the gardens as shown in the approved drawings.

Reason: In order to ensure that the land is developed as approved.

4. No development shall commence until details of boundary enclosures have been submitted for the written approval of the Planning Authority. For the avoidance of doubt, these should be designed to ensure the privacy of adjacent gardens.

Reason: In order to ensure the boundary treatments are appropriate.

5. No development shall commence until a fully detailed scheme of landscaping for the site, including a scheme of maintenance, has been submitted to and received the approval in writing of the Planning Authority. All planting thereby approved shall be undertaken in the first planting season following completion of the development and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately screened.

6. All building material, plant and equipment shall be stored within the boundaries of the application site throughout the construction period, except as authorised by TECS under separate consents.

Reason: To ensure that there are no obstructions to the public highway other than those authorised by the Council.

7. No development or work shall commence until full details of the wall render colour have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In the interests of visual amenity.

8. 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 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.

9. Notwithstanding the provisions of Article 3 and Classes 1-6 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), no development of a type identified in the aforementioned classes shall take place within the curtilage of the house hereby approved without planning permission being granted on application 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.

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.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

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

Conditions: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

Permitted Development Rights: Please note that certain permitted development rights have been removed from the land in question, as explained in the conditions above. This means that certain developments, for which 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.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

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.

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.

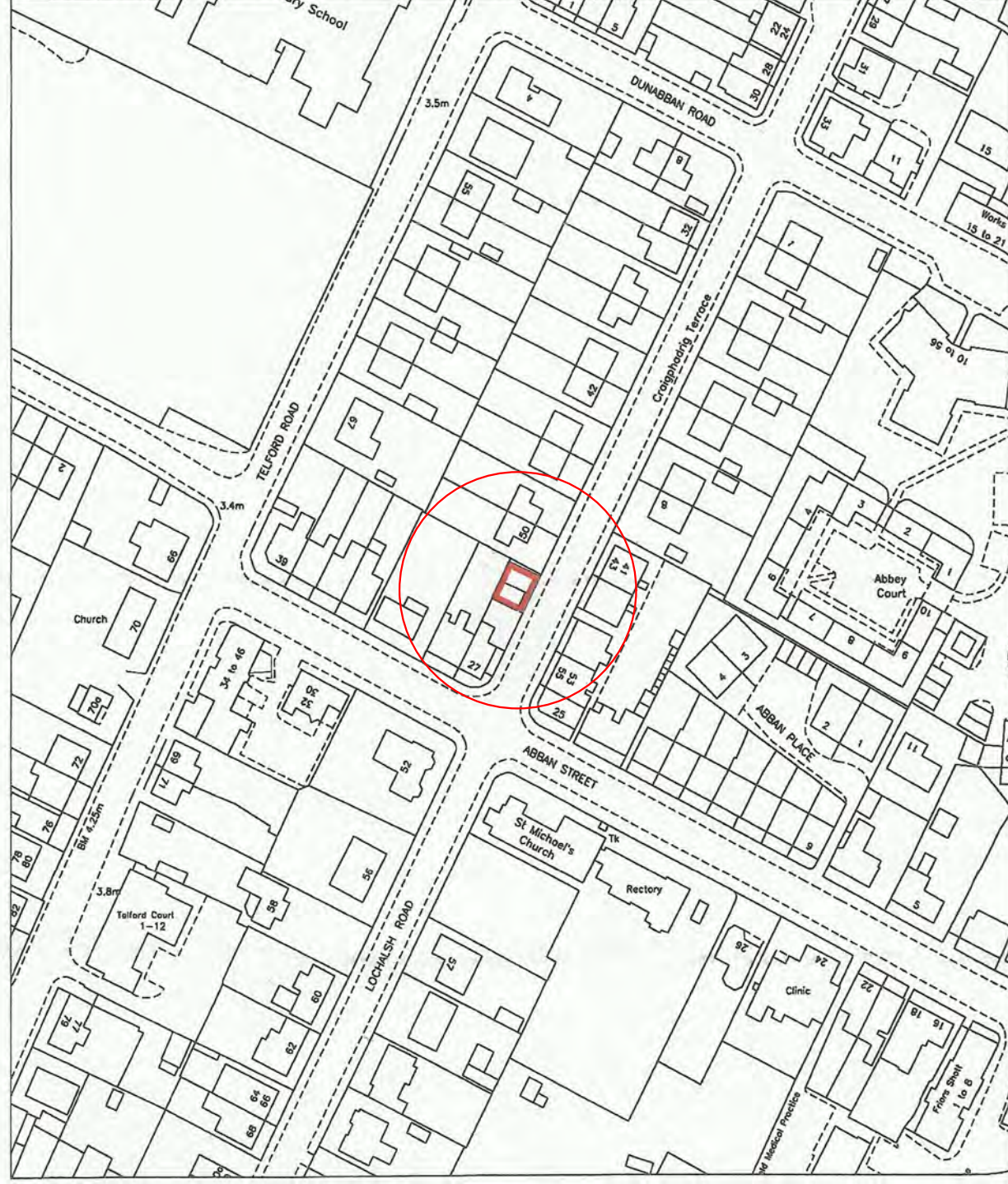
Signature: Allan J Todd
Designation: Area Planning Manager – South
Case Officer: Christine Macleod
Background Papers: Highland-wide Local Development Plan, Inverness Local Plan
Relevant Plans: Plan 1: Location Plan
Plan 2: Block Plan
Plan 3: Ground Floor Plan
Plan 4: First Floor Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr & Mrs Clark	45 Lochalsh Road, Inverness	18.07.13	Against
Mrs W Milne	43 Lochalsh Road, Inverness	22.07.13	Against
Mrs S McKinney	31 Abban Street, Inverness	20.07.13	Against
Mr D Smillie	35 Abban Street, Inverness	17.07.13	Against
Mr C Macleod	49 Lochalsh Road, Inverness	26.08.13	Against
Mr & Mrs Clark	45 Lochalsh Road, Inverness	26.09.13	Against
Mr D Smillie	35 Abban Street, Inverness	26.09.13	Against
Mrs S McKinney	31 Abban Street, Inverness	29.09.13	Against
Mr A MacCuish	30 Ruthven Road, Inverness	30.09.13	Against

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	4018 22/8/2003	INV3736
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	
	1/1250	
NH6545NE NH6645NW	Survey Scale	
	1/1250	

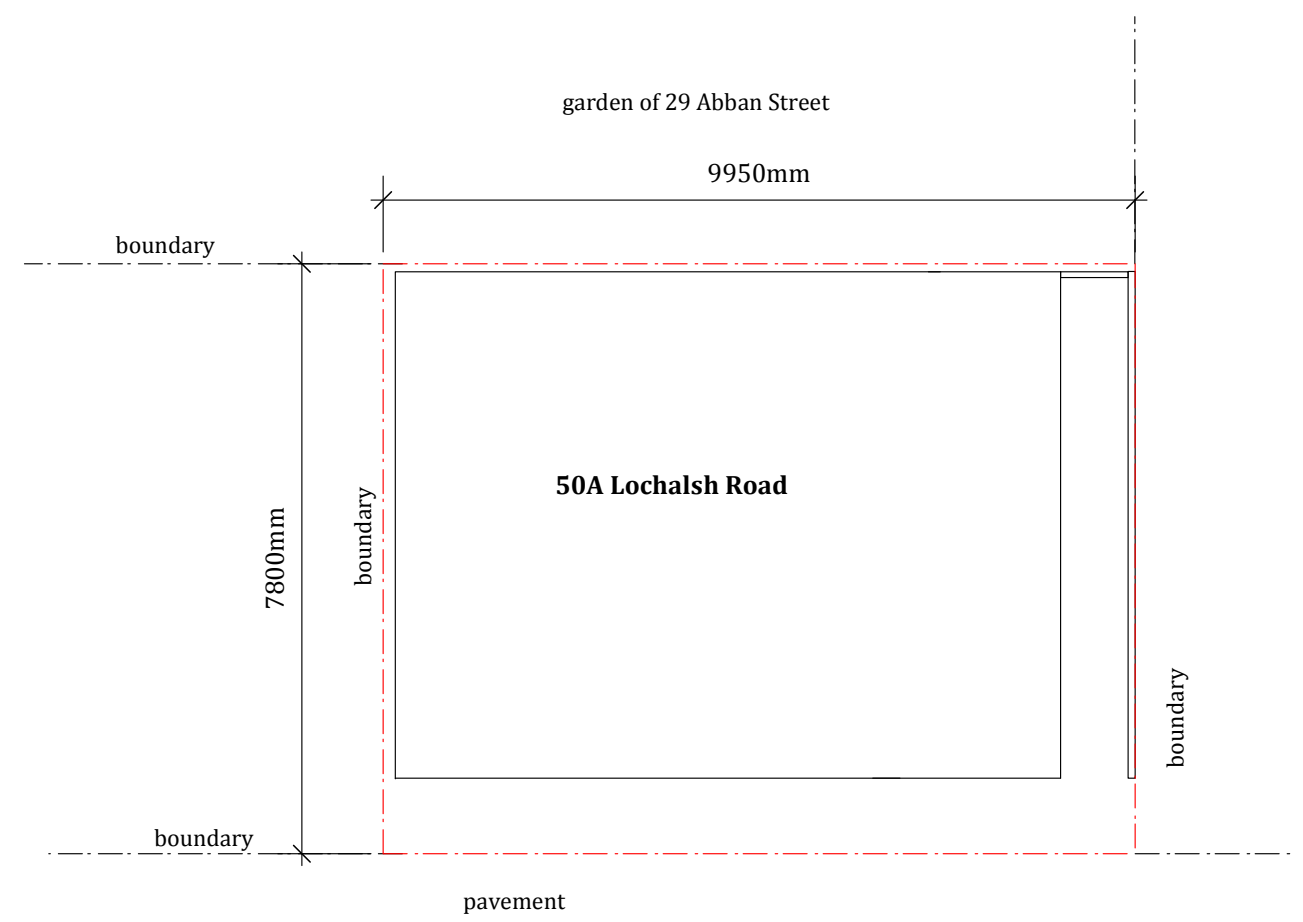
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PRC

No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings.



Block Plan. 1:100

Location Plan. 1:1250

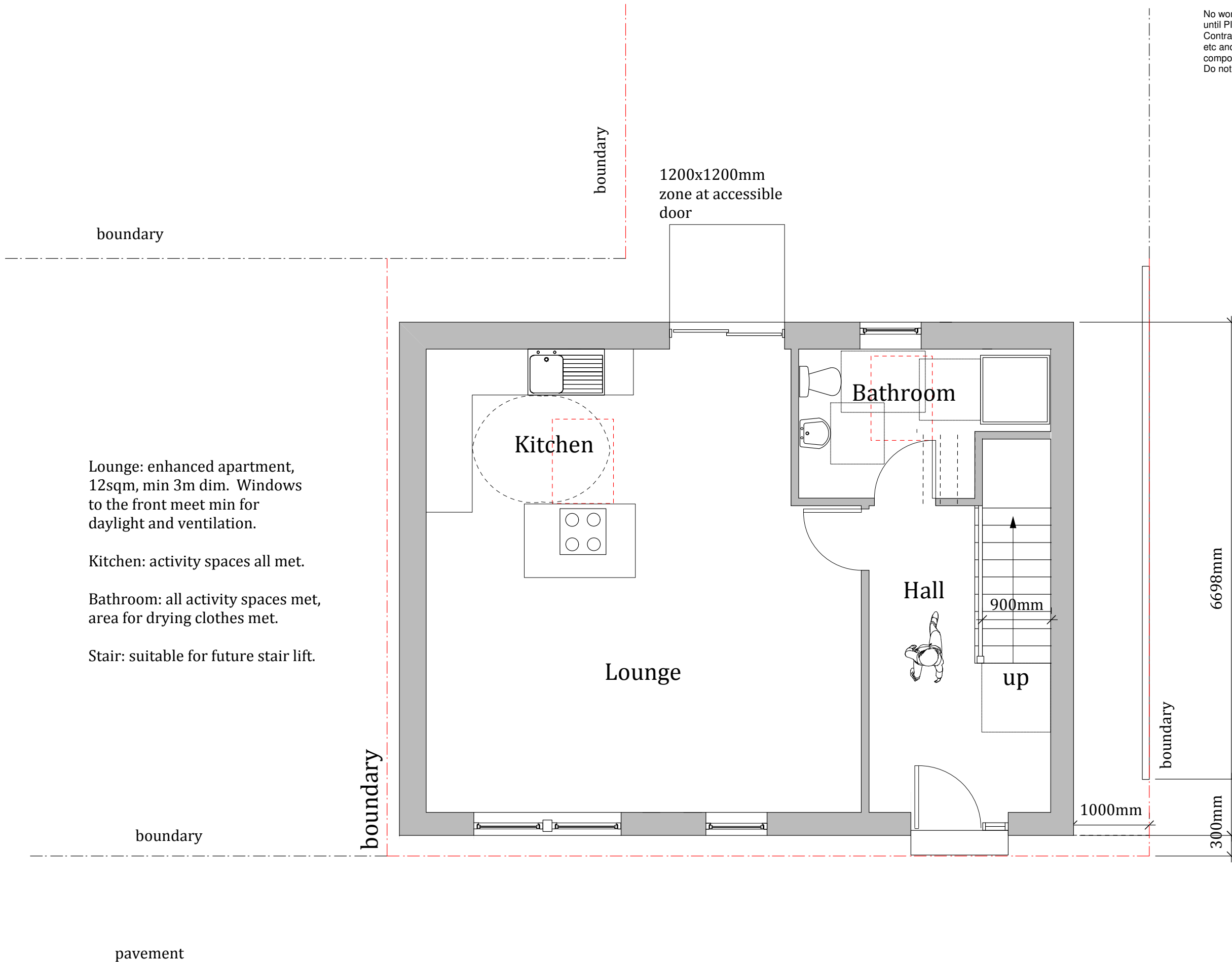
Proposed Dwelling at
50A Lochalsh Road
Inverness

June 2013
Drwg. 1/4 scale. 1:100
Rev :



IH Designs (Moray)
 12 Councillors Walk, Forres IV36 1HA
 Tel ; 01309 674368
 Email : ian54holmes@hotmail.co.uk
 Web : www.ihdesignsmoray.co.uk

No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings.



Lounge: enhanced apartment, 12sqm, min 3m dim. Windows to the front meet min for daylight and ventilation.

Kitchen: activity spaces all met.

Bathroom: all activity spaces met, area for drying clothes met.

Stair: suitable for future stair lift.

Proposed Dwelling at
50A Lochalsh Road
Inverness

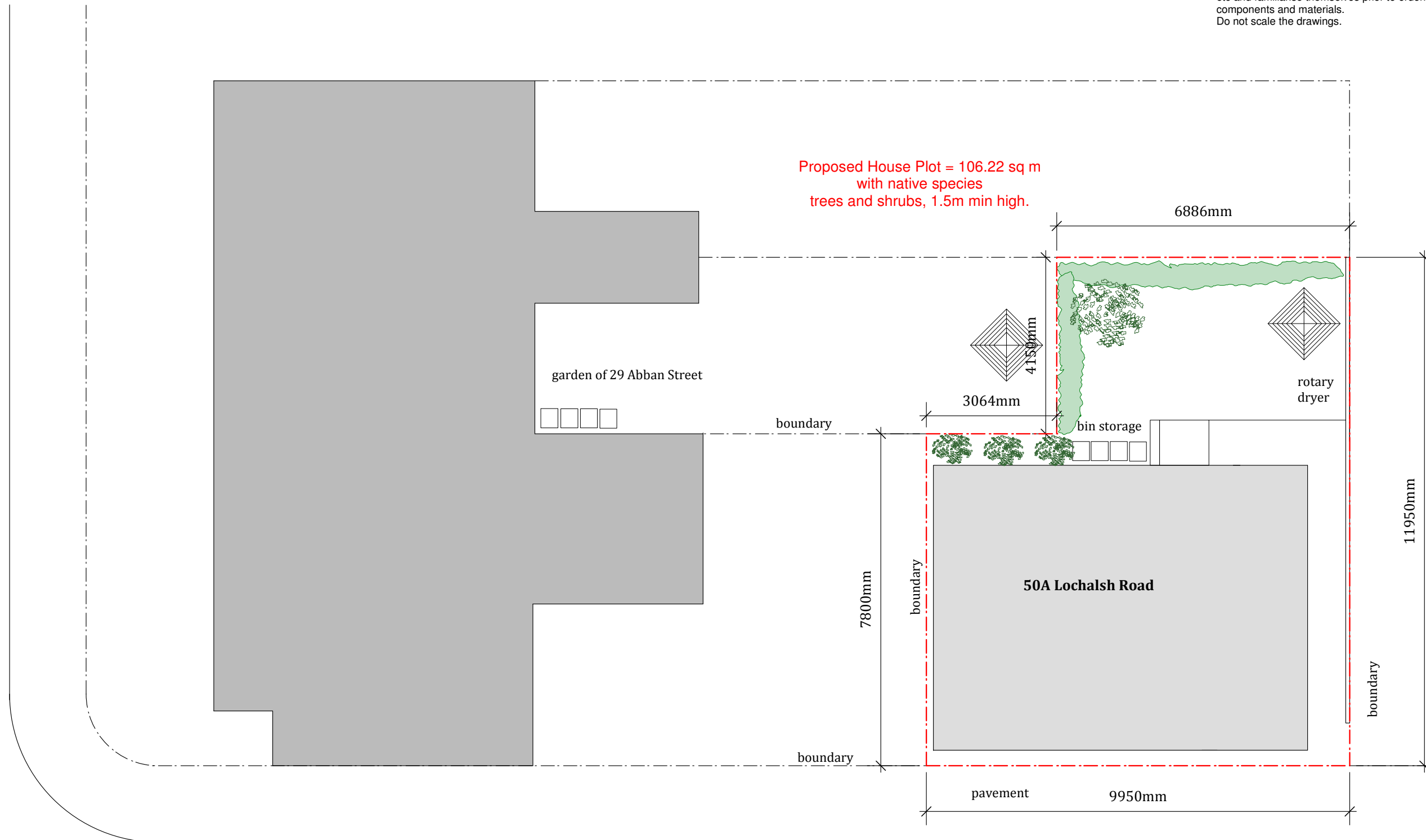
June 2013
Drwg. 1/2 scale. 1:50
Rev : A



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Proposed Ground Floor Plan. 1:50

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Block Plan. 1:100

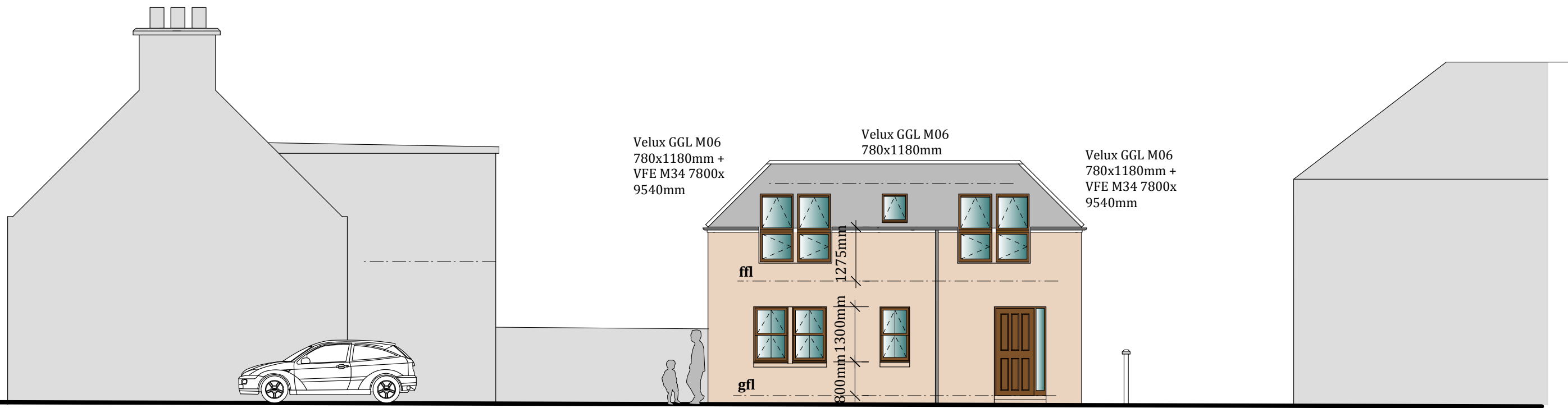
Proposed Dwelling at
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Drwg. 1/4 scale. 1:100
Rev : A

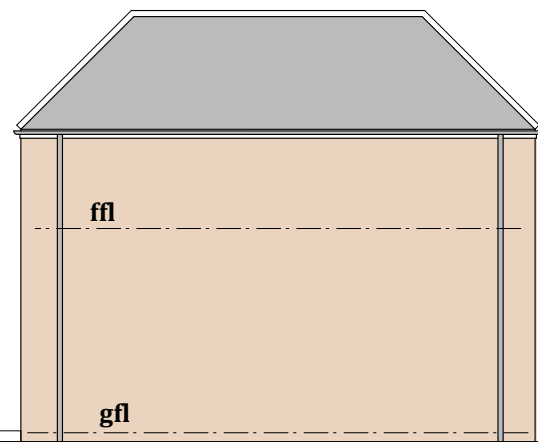


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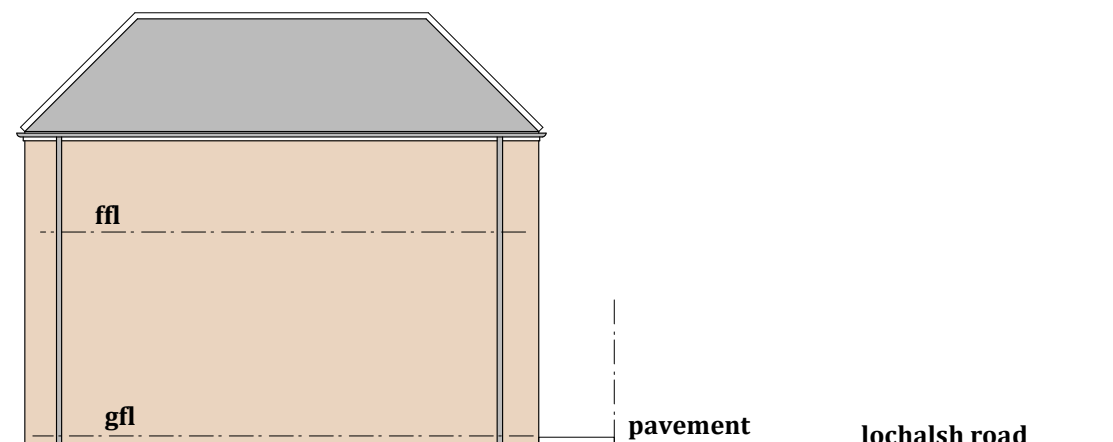


Proposed East Elevation to Lochalsh Road. 1:100



Proposed North Elevation. 1:100

Finishes.
 Roof; natural blue/grey on slopes and dark grey Sarnafil or equal.
 Walls and boundary wall, buff coloured render.
 Windows and door to be Upvc framed double glazed units.



Proposed South Elevation. 1:100



Proposed West Elevation. 1:100

Proposed Dwelling at
 50A Lochalsh Road
 Inverness

June 2013

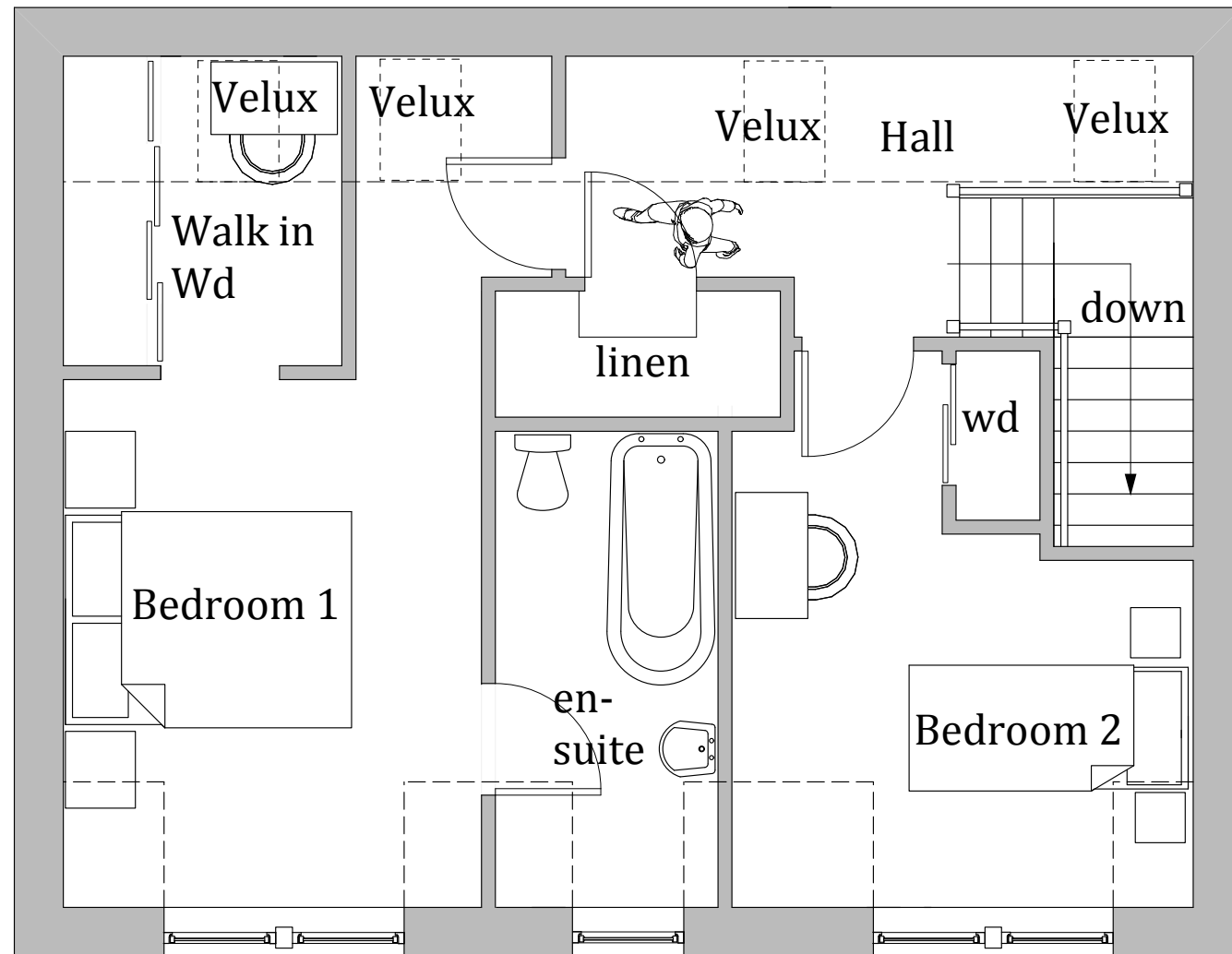
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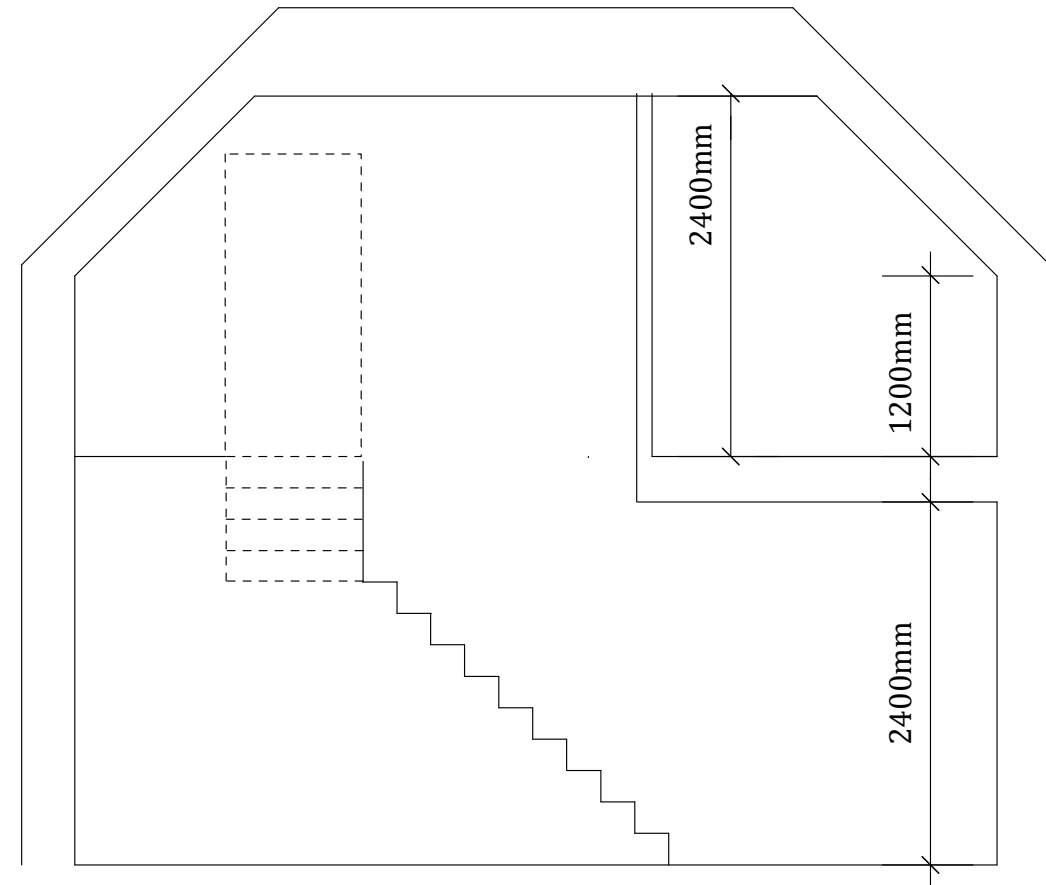
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Proposed First Floor Plan. 1:50



Proposed Section. 1:50

Proposed Dwelling at
50A Lochalsh Road
Inverness

June 2013

Drwg. 2/1 scale. 1:50
Rev :



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