

THE HIGHLAND COUNCIL

**PLANNING APPLICATIONS COMMITTEE –
5 August 2014**

Agenda Item	6.10
Report No	PLN/058/14

**14/02283/FUL: Compass Construction per Bracewell Stirling
38 Fleming Way, Invergordon, IV18 0LU**

Report by Area Planning Manager

SUMMARY

Description: Formation of temporary site compound for the contractor during construction of work on adjacent development (13/04495/FUL) The site compound will house welfare cabins, parking and storage of materials.

Recommendation - GRANT

Ward: 07 – Cromarty Firth

Development category: Local

Pre-determination hearing: n/a

Reason referred to Committee: 5 objections from separate households.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the formation of a temporary site compound during construction of work consented under planning reference 13/04495/FUL (erection of 6 units). The site compound will house two portable cabins measuring 10m x 3m x 3m to provide canteen, toilets, office and meeting space. A steel storage container also measuring 10m x 3m x 3m is also proposed. The remainder of the site would be utilised for parking and storage of materials. Consent is sought for a temporary period until January 2015.
- 1.2 Informal pre-application advice was provided to the applicant in May 2014, to indicate that a formal planning application should be lodged.
- 1.3 The site is serviced at present thereby allowing the contractor temporary connections for water supply and drainage.
- 1.4 A supporting statement has been submitted in support of the application.
- 1.5 **Variations:** No variations have been made to the proposal since it was lodged.

2. SITE DESCRIPTION

- 2.1 The site forms a flat grassed area bounded by Heras fencing extending to 500m², lying adjacent to the recently completed house at No 40 Fleming Way. There is an existing dropped kerb to the south west corner of the site. A public path runs adjacent to the south of the site, leading to dwellings at Caberfeidh Drive.

3. PLANNING HISTORY

- 3.1 Relevant to this application:

13/04495/FUL: Erection of 6 No houses consisting of 4 No, 1 bed cottage flats, a semi-detached 2 bed bungalow & a semi-detached 3 bed bungalow. Also propose to amend 2 No. housetypes on the adjacent site approved under the previous application 08/00324 REMRC - Approved at Committee in March 2014.

08/00623/FULRC: Formation of fifteen serviced house plots – Approved 06.03.2009

Various permissions relating to development of individual plots at Fleming Way (2008 – 2010)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Schedule 3 development – 27.06.2014

Representation deadline : 11.07.2014

Timeous representations : 5 from 5 households

Late representations : 0

- 4.2 Material planning considerations raised relative to this application are summarised as follows:

- The development will result in a noisy and disruptive development within the vicinity of homes at Fleming Way;
- No.36 in particular will be located between 2 building sites with resulting impact of construction traffic passing;
- Parking problems as the site will not accommodate parking in addition to welfare and storage;
- The planning application is misleading in that the proposed compound does not lie directly adjacent to the development consented under 13/04495/FUL. The area of the application site is actually within the established residential area.
- Approval from Scottish Water must be sought to avoid contamination of the SUDS area

Associated material planning considerations are summarised as follows:

- Planning conditions attached to 13/04495/FUL are not being adhered to (with respect to the roads not being cleaned and construction work taking place outwith the consented hours of construction);
- Individual developers were not permitted to store construction materials outwith their plots.
-

- 4.3 A number of issues which are non-material are also raised within representations as follows:
- Plots at Fleming Way were originally intended to be sold on an individual basis however the development is now proceeding on a larger scale with the resultant increase in construction impact;
 - Using an unsold plot for the development as proposed will put off perspective buyers and may result in the site being sold for 'social' housing.

These issues cannot be considered as part of the current planning application.

- 4.4 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

None.

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

34 Settlement Development Areas

6.2 Ross and Cromarty East Local Plan 2007 (As Continued As Force)

Housing Allocation 10 (former Golf Course)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Inner Moray Firth Local Development Plan – Proposed Plan (2014)

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.3 Scottish Government Planning Policy and Guidance

Not applicable

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 site lies within the Invergordon Settlement Development Area therefore the proposal must be assessed principally against Policy 34 of the Highland-wide Local Development Plan. This outlines that proposals will be judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses and the effect on any natural, built and cultural heritage feature. In this instance it is therefore relevant to assess how the proposal conforms with existing and approved adjacent land uses.

The site lies within an existing plot at Fleming Way which is allocated for housing development in the Ross and Cromarty Local Plan. Planning consent for 15 serviced plots was granted in 2009. Over recent years, a significant proportion of these plots have been sold off by Highland Housing Alliance and developed on an individual basis and are now occupied. Committee will recall that planning consent for the erection of 6 dwellings (comprising a mix of flats and semi-detached houses) within the remaining section of the allocation was granted on 25th March 2014. Construction is now underway and at present the compound is located on one of the plots within the construction site however space is limited and once all plots are under construction there will not be sufficient space to accommodate the full compound and parking.

Impact on Amenity

The supporting statement accompanying the application notes that Plot 6 which remains undeveloped (also owned by the Highland Housing Alliance) was identified as a potential area for the compound. In particular the plot is within close proximity to the construction site and is currently serviced, allowing the contractor temporary connections for water supply and drainage. In response to the objections, the agent notes that having a designated compound will make any disturbance to neighbours easier to manage. In particular it allows for deliveries to be managed and vehicles to be parked off the road. It was intended that these measures will help limit the disturbance to the residents.

With regards non-compliance of conditions attached to planning consent ref. 13/04495/FUL, whilst not relevant to the assessment of this application, the agent has responded to advise that the road has been kept tidy and clear of mud. The construction site is split into 2 areas separated by the public road therefore the contractor has put in place plans to deal with the movement between the 2 sites from a safety aspect and from limiting the disturbance to the residents who use the road. This plan will extend to include plot 6 if the site compound is relocated.

In assessing the application it is considered that construction noise and disturbance will not increase as a result of relocation of the compound. The agent has demonstrated that the application site is the only available area for relocation

of the compound within the ownership of the applicant. It is anticipated that construction will be completed by the end of the year. On this basis it is considered appropriate to grant consent for a temporary period until the end of January 2015.

8.4 **Material Considerations**

Detailed above.

8.5 **Other Considerations – not material**

A number of non-material issues have been raised by objectors and are outlined in Section 4.3.

8.6 **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.

10. **RECOMMENDATION**

Action required before decision issued N

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

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 30th January 2015 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)).

Reason: To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

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.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Accordance with Approved Plans & Conditions

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

Mud & Debris on Road

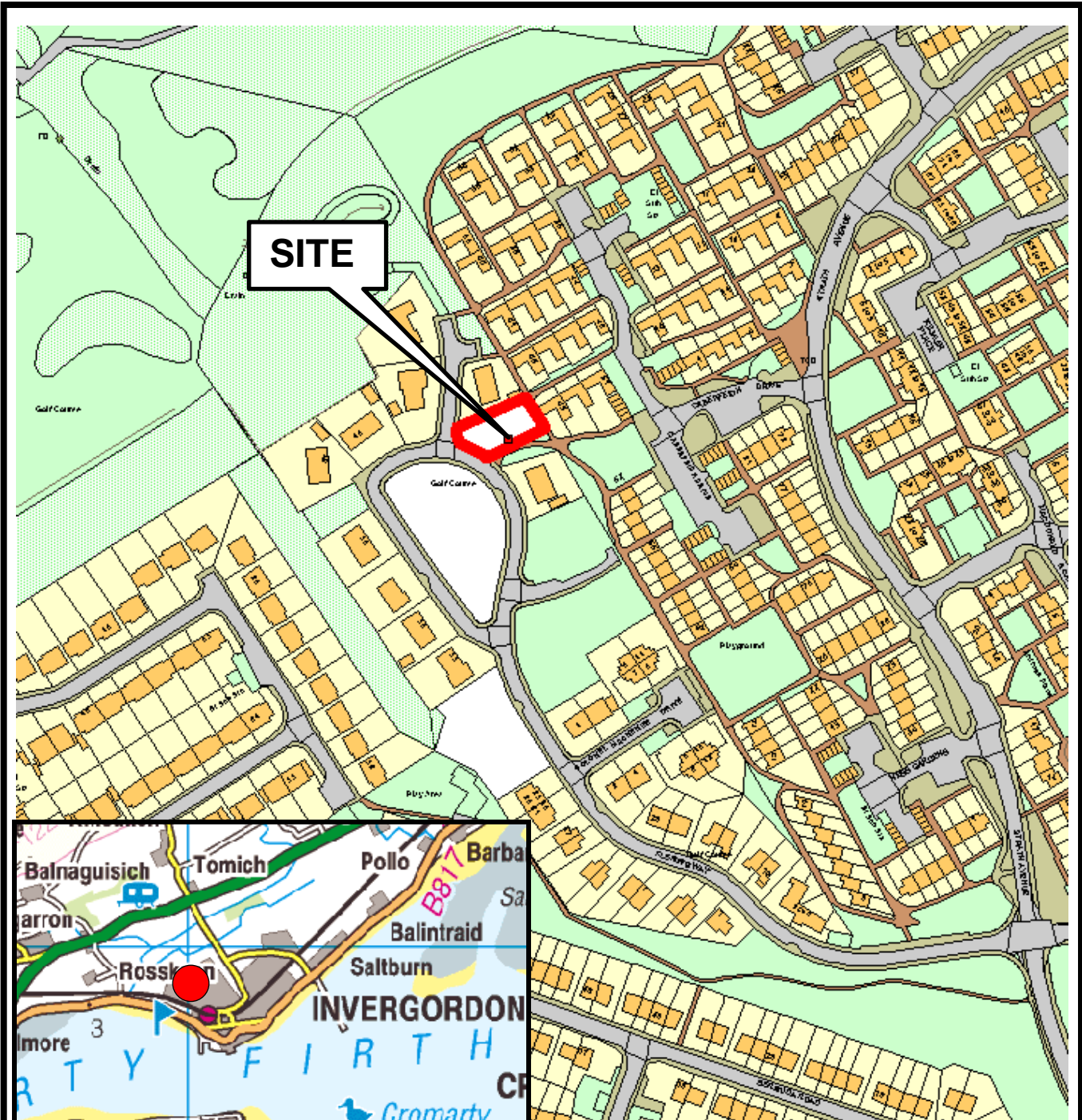
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Gillian Webster
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan
 Plan 2 – Location Plan (3948 P20-101)
 Plan 3 – Site Layout Plan (3948 P02-100)

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr & Mrs Scott & Stephanie Wilde	36 Fleming Way Invergordon IV18 0LU	09.07.2014	Against
Mr & Mrs A Gurney	42 Fleming Way Invergordon IV18 0LU	09.07.2014	Against
Mrs Michelle Stefaniak-bews	37 Fleming way Invergordon Ross-shire Iv18 0lu	10.07.2014	Against
Ms Joan MacKay	48 Fleming Way Invergordon IV18 0LU	23.06.2014	Against
Miss Lisa Butcher	39 Fleming Way Invergordon Highland IV18 0LU	10.07.2014	Against



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The Highland Council
Comhairle na Gàidhealtachd

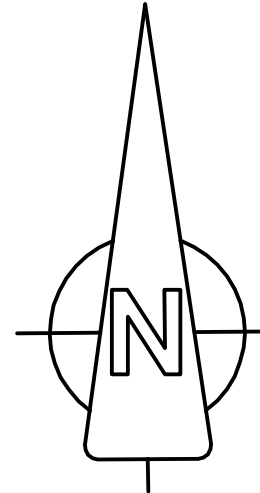
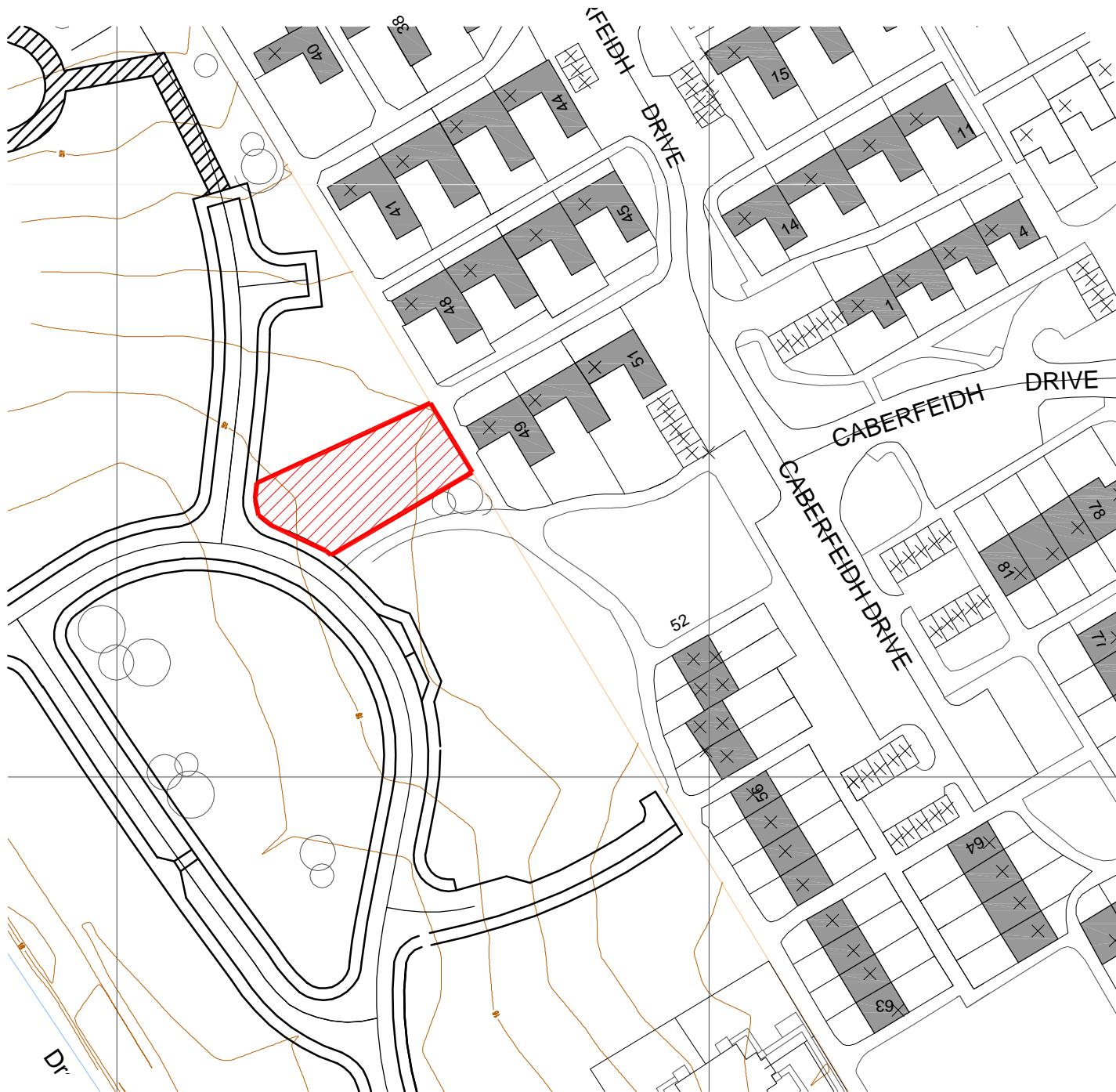
Planning & Development Service

Plan 1
14/02283/FUL

Formation of temporary site compound for the contractor during construction of work on adjacent development (13/04495/FUL)

5 August 2014





REVISIONS

Bracewell Stirling CONSULTING

- 5 NESS BANK, INVERNESS, IV2 4SF
TEL: 01463 233760 FAX: 01463 233785
- 38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF
TEL: 01259 750301 FAX: 01259 752365

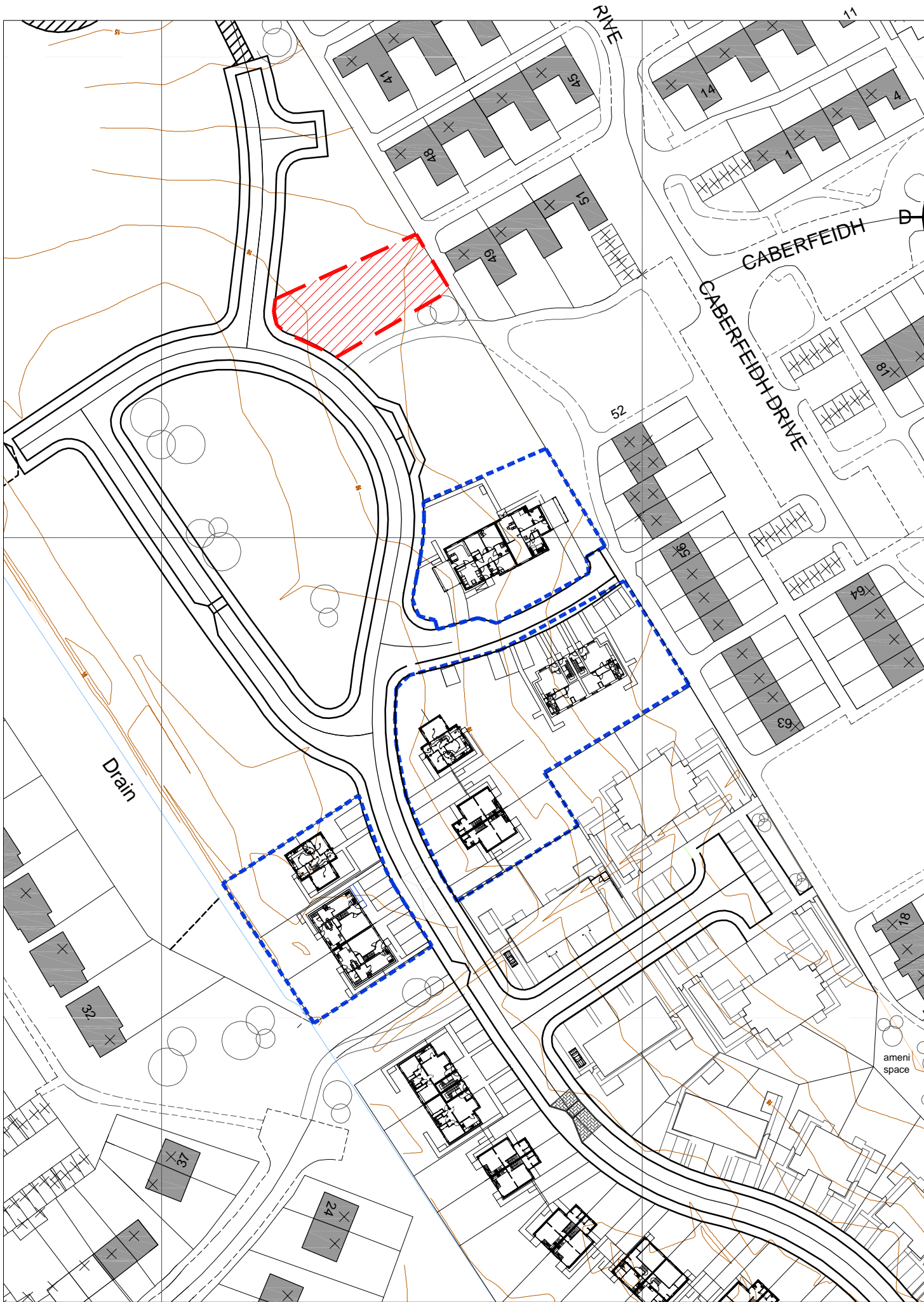
Temporary Site Compound
 Plot 6, Fleming Way, Invergordon
 Compass Construction

Location Plan

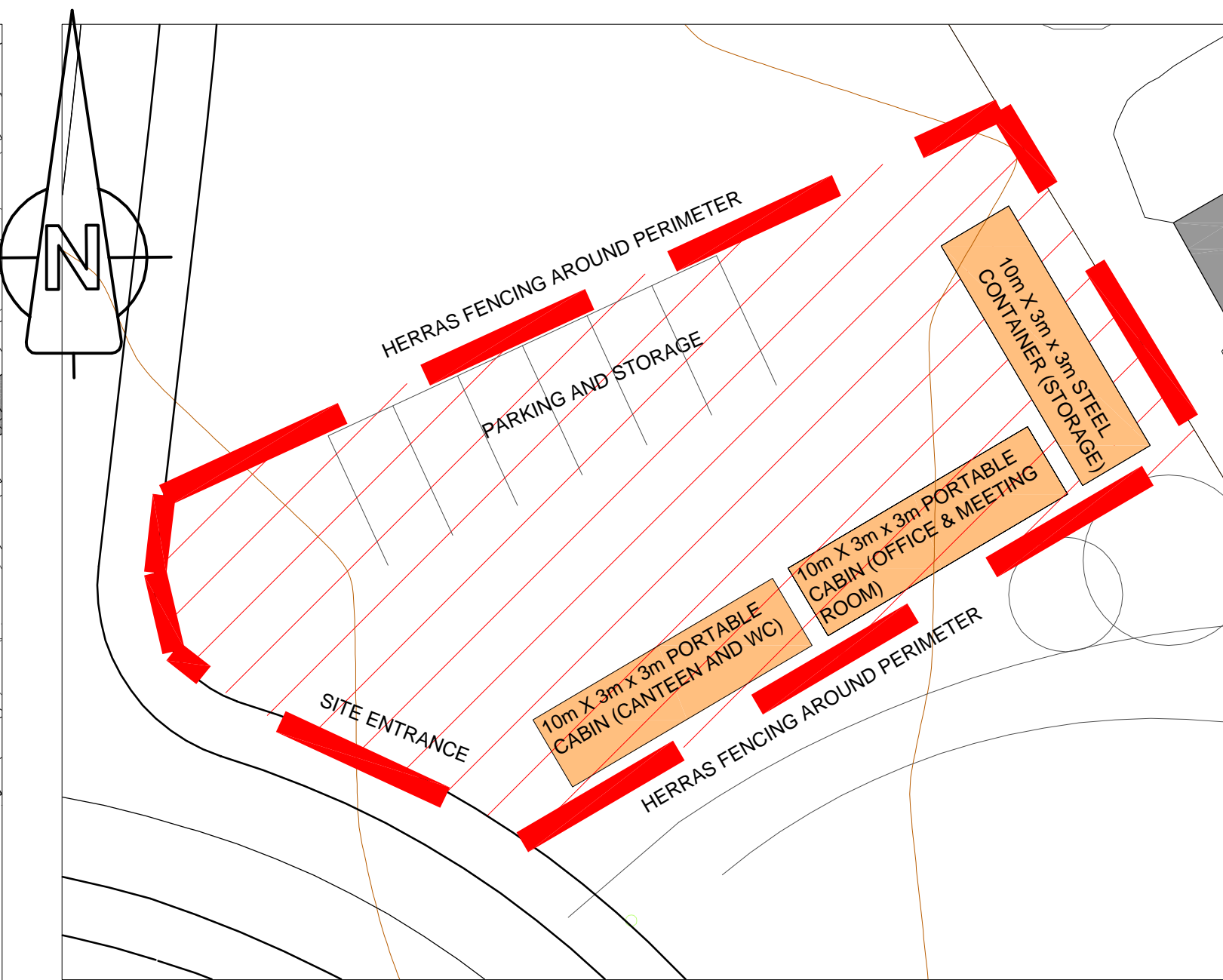
SCALE	1:1000	DATE	June 14	BY	SLS
		PLANNING		DWG SIZE	A4

DWG NO	3948	P02-101	REV	-
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LOCATION PLAN 1:1000



LOCATION PLAN 1:1000



SITE PLAN 1:200

The Areas outlined in red and blue are owned by Highland Housing Alliance (HHA). Compass Construction have been appointed by HHA to construct the 12 units as per application 13/04495. This application is for the temporary use of plot 6 (outlined in red) as a site compound during the construction phase.

REVISIONS

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- 5 NESS BANK, INVERNESS, IV2 4SF
TEL: 01463 233760 FAX: 01463 233785
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TEL: 01259 750301 FAX: 01259 752365

Temporary Site Compound
Plot 6, Fleming Way, Invergordon
Compass Construction

Site Plan / Location Plan

SCALE	As shown	DATE	June 14	BY	SS
			PLANNING	DWG SIZE	A3

DWG NO	3948	P/02-100	REV	-
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