#### THE HIGHLAND COUNCIL

# SOUTH PLANNING APPLICATIONS COMMITTEE Report No PLS/035/15

Agenda

6.5

19 May 2015

15/00405/FUL: O'Brien Properties Ltd 71 Glenurquhart Road, Inverness

**Report by Area Planning Manager - South** 

#### **SUMMARY**

**Description:** Erection of 8 flats (2 x two storey blocks) with associated access and

infrastructure.

**Recommendation: GRANT** 

Ward: 14 – Inverness West

**Development category:** Local

Reason referred to Committee: Five or more objections

#### 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of 2 two-storey blocks of flats within a long standing gap site on Glenurquhart Road. Each block will consist of 4 two-bedroomed units resulting in 8 units in total. Eleven parking spaces are proposed as well as covered bike storage.
- 1.2 Formal pre-application advice was given on the proposal which supported the principle of the development but stressed the importance of protecting the amenity of neighbouring properties through sensitive design, orientation and window positioning.
- 1.3 Access to the site will be taken from the A82 (T) road, with drainage to the public systems.
- 1.4 **Variations**: Substantial amendments have been made to the overall layout; the orientation of the buildings; positioning of windows; boundary treatments; location of bin storage areas; and division of garden ground. All neighbours/contributors were notified of the changes and given further opportunity to comment.

#### 2. SITE DESCRIPTION

2.1 Historically the site contained a house and outbuildings; however these have now been demolished. The site is long and relatively narrow, bounded on 3 sides by existing houses (some of which have been developed within the backland of the original houses) and by the public road to the west. The site has been vacant for a number of years and is now overgrown and untidy. Current boundary treatments include timber fencing, stone walling and a partly collapsed dry-stane dyke fronting the road. It sits within a predominantly residential part of Glenurquhart Road, characterised by a variety of housing styles and sizes.

#### 3. PLANNING HISTORY

3.1 03/00215/OUTIN – Demolition of existing house and outbuildings and erection of 12 flats with car parking. Refused.

04/00162/FULIN – Demolition of existing house and outbuildings and erection of 8 flats with car parking. Withdrawn.

04/00990/OUTIN – Demolition of existing house and outbuildings and erection of 4 flats and 3 houses with car parking. Granted with conditions.

06/00491/FULIN – Erection of 8 2-bedroomed flats and 3 semi-detached houses. Refused.

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: n/a

Representation deadline: 05.03.15

Timeous representations: 10 letters of representation from 9 households

Late representations: 3 letters of representation from 2 households

Renotification following amendments - deadline: 01.05.15

Timeous representations: 3 letters of representation from 3 households

Late representations: 0

Material considerations raised are summarised as follows:

- Two-storey blocks are too high as buildings to rear are bungalows
- Windows overlook neighbouring properties
- 8 flats is an overdevelopment of the site
- Positioning of water main
- Extra traffic onto Glenurquhart Road which is already very busy
- Insufficient parking
- Overshadowing of neighbouring properties
- Lack of detail regarding boundary treatments
- Bin collection point will encourage people to leave bins there permanently
- Site currently overgrown and anti-social
- 4.2 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

Access to computers can be made available via Planning and Development Service offices.

#### 5. CONSULTATIONS

- 5.1 **Transport Planning:** Do not object to the application subject to conditions relating to SUDS and cycle parking
- 5.2 **Planning Gains Negotiator:** Does not object subject to a minimum of 25% of the units being affordable and the provision of a public art contribution. No requirement for contribution for open space or education due to existing provision.
- 5.3 **Ballifeary Community Council:** Do not object but raise concerns relating to the positioning of windows and impact on privacy of neighbouring properties and density (both original and amended layouts).
- 5.4 **Transport Scotland:** Do not object subject to conditions relating to the site access junction with the trunk road.
- 5.5 Scottish Water: Do not object. There is capacity in the waste water treatment works and the water treatment works to service the development. It is possible that the proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of application Scottish Water will provide advice that will require to be implemented by the developer to protect existing apparatus.

#### 6. DEVELOPMENT PLAN

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    |
| 29 | Design Quality and Place Making |
| 32 | Affordable Housing              |
| 42 | Previously Used Land            |

#### 6.2 Inverness Local Plan 2006

39 Districts/Neighbourhoods

H Housing

#### 7. OTHER MATERIAL CONSIDERATIONS

#### 7.1 **Draft Development Plan**

Inner Moray Firth Proposed Local Development Plan

#### 7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

#### 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 proposal is for a previously developed gap site within a residential part of Inverness. It will result in the redevelopment of brownfield land, bringing a derelict and unkempt site back into productive use with subsequent environmental benefit. The principle of the site's redevelopment can therefore be supported through current Council policies, notably Policy 39 of the Inverness Local Plan which encourages the redevelopment of vacant land within the older core areas and Policy 34 of the Highland-wide Local Development Plan which supports proposals within the Settlement Development Area provided the requirements of Policy 28: Sustainable Design and other relevant policies are met.

#### 8.4 Material Considerations

**Site History:** The planning history for the site demonstrates that a number of proposals have been refused in the past, mainly due to over-development of the site. The most recent refusal was for 8 flats and 3 semi-detached houses in 2006. An application was, however, granted in 2004 for 4 flats and 3 semi-detached houses.

**Pattern of Development:** The pattern of development in this part of Glenurquhart Road is characterised by a strong building line of housing along the street frontage with very long rear gardens. The length of these gardens has historically led to their sub-division to provide additional 'backland' housing.

This proposal is for 8 flats within 2 two-storey blocks. Glenurquhart Road consists of a variety of house styles and heights, and the site in question sits directly adjacent to a 2 storey house to the north and a part 1½ / part 1¾ storey house to the south. The 'backland' houses to the rear of the adjacent plots are predominantly single storey. The site faces onto Glenurquhart Road with the proposed building directly facing the graveyard.

A number of the letters of representation have raised concerns about the height of the rear block of flats in comparison to the lower surrounding buildings. The proposed 2 block building formation allows for the desired number of units to be realised while keeping the footprints to a minimum. This allows for adequate space for access and parking; sufficient open/amenity space; facilities for drying/bin and cycle storage; and reasonable distances between the buildings and boundaries and neighbouring properties. The rear block is undoubtedly higher than surrounding properties which does have the potential to raise issues about overlooking and loss of privacy which would be unacceptable.

**Impact on residential amenity:** Generally speaking, in built up areas, it is difficult to develop houses higher than one storey in the back garden ground of existing houses without negatively impacting upon the privacy of either the original house or adjacent houses. Windows of habitable rooms are typically located on principal elevations and it can be difficult to avoid them facing the original house / garden or adjacent houses.

However, this proposal does not seek to develop the rear garden ground of an existing property. The original house has already been demolished therefore this proposal is for the entire redevelopment of a brownfield gap site. The emphasis here, therefore, is on the protection of the privacy of the adjacent properties to the side and back, rather than any existing on-site property. This allows for more flexibility in relation to orientation and window placement, as the upper floor windows of habitable rooms can all be directed into the site itself rather than towards neighbouring houses or gardens.

The issue of overlooking was raised by a number of neighbours in their letters of representation. The majority of these were received in relation to the original layout which was superseded by the layout currently under consideration.

The original layout showed the rear part of the front block orientated towards the north. This meant that the upper living room windows of the 2 flats looked directly over the rear garden of 69a Glenurquhart Road. There were also 2 upper floor side windows located on the rear block which would have overlooked the properties to both sides. Following discussions with the applicant, amended drawings were submitted which reoriented the rear part of the front block to face east, allowing the upper floor living room windows to look directly into the site and the communal car park rather than over existing properties. There are still 2 upper floor windows in the front block facing north and 2 facing south but these are bedrooms and kitchens, not habitable rooms. The side windows on the rear block have been removed altogether. The proposed layout maintains good separation between the rear of the building and the existing houses on Ballifeary Road which are located to the rear and sit well back from the development.

There can be no doubt that the third party comments submitted raised valid points regarding the impact on the privacy of existing properties, however it is considered that the post-submission amendments to the layout have satisfactorily addressed these concerns.

Access and Parking: The access has been designed in accordance with the requirements of Transport Scotland and is considered acceptable. Sufficient car parking spaces have been provided given the type and location of the flats, and a planning condition will ensure that covered cycle storage will be provided in an appropriate location. Bin storage points serve each flat, with an additional bin collection point at the front of the site. Some concern was raised that bins may be left at the front of the site permanently, which would be unsightly, however an easily accessible collection point is a requirement of Transport Planning, as the bin lorry will not uplift from the individual flats.

**Design, materials and landscaping:** The design incorporates timber feature cladding and is comparable to other such flatted developments. Boundary treatments have been confirmed as 1.8m timber fencing to side and rear, and a feature dry-stane dyke will be constructed to the front. This will replicate the original boundary wall, of which some remnants remain, but will be designed as a focal point of high quality design, and as such will satisfy the public art contribution requirement. A planning condition will ensure that the site is properly landscaped and that there is an appropriate maintenance agreement in place for its upkeep.

**Affordable Housing:** A minimum of 25% of the units should be delivered as affordable in order to comply with Council policies. The delivery of this must be agreed by a mechanism which is acceptable to both parties prior to the release of any planning consent – usually a Section 75 or other legal agreement. The applicant is aware of this requirement.

#### 9. CONCLUSION

9.1 The proposal is consistent with current Council policies in that it will bring a previously used and unkempt gap site back into productive residential use. The key consideration in the determination of the application is therefore the impact of the development on the amenity of neighbouring properties. Through amendments to the original layout, the applicant has demonstrated that it is possible to develop the site without overlooking any of the adjacent properties to an unacceptable degree, and it is therefore considered that the application can be supported subject to an agreement with regard to the delivery of the affordable housing.

#### 10. RECOMMENDATION

| Action required before decision issued | Ν |
|--|---|
| Notification to Scottish Ministers     | Ν |
| Notification to Historic Scotland      | N |
| Conclusion of Section 75 Agreement     | Υ |
| Revocation of previous permission      | Ν |

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

1. No development shall commence until full details of all surface water drainage provision 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 shall be completed prior to the first occupation of any of the development.

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

2. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

**Reason:** To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished

3. Visibility splays shall be provided and maintained on each side of the access to the satisfaction of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 70 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

**Reason:** To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

4. The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

**Reason:** To ensure water run-off from the site does not enter the trunk road.

5. The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway.

**Reason:** To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

6. There shall be no drainage connections to the trunk road drainage system.

**Reason:** To ensure that the efficiency of the existing drainage network is not affected.

- 7. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of 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 a high standard of landscaping is achieved, appropriate to the location of the site.

- 8. No development, including any demolition works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during construction; and
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

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

9. No development or work shall commence 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:** To ensure that the development is sensitive to, and compatible with, its surroundings

10. The wheelie/kerbside recycling bin storage and collection areas shown on the approved plans shall be constructed and completed prior to the first occupation of the development and thereafter maintained in perpetuity.

**Reason:** To ensure that suitable provision is made for the storage of waste and recycling bins.

11. No development shall commence until full details of the boundary enclosures for the site have been submitted to and approved in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details and be completed before the first occupation of the development. For the avoidance of doubt the boundary to the front of the site shall be designed to form a focal point entrance to the site and will utilise high quality design and materials.

**Reason:** In the interests of visual amenity

12. No development shall commence until full details of the covered Sheffield type cycle storage facility, including location and design, have been submitted to and approved in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details and will be provided to the satisfaction of the Planning Authority before first occupation of the development..

Reason: In order to ensure sufficient, secure cycle parking is provided

#### **REASON FOR DECISION**

shall lapse.

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

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

#### FOOTNOTE TO APPLICANT

#### **Initiation and Completion Notices**

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

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

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

#### **Accordance with Approved Plans & Conditions**

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

#### Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

#### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855. It is possible that the proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of application Scottish Water will provide advice that will require to be implemented by the developer to protect existing apparatus.

#### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm

#### Mud & Debris on Road

Please note that it 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.

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 for more information.

**Building Regulations:** Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886606.

Signature: Allan J Todd

Designation: Area Planning Manager - South

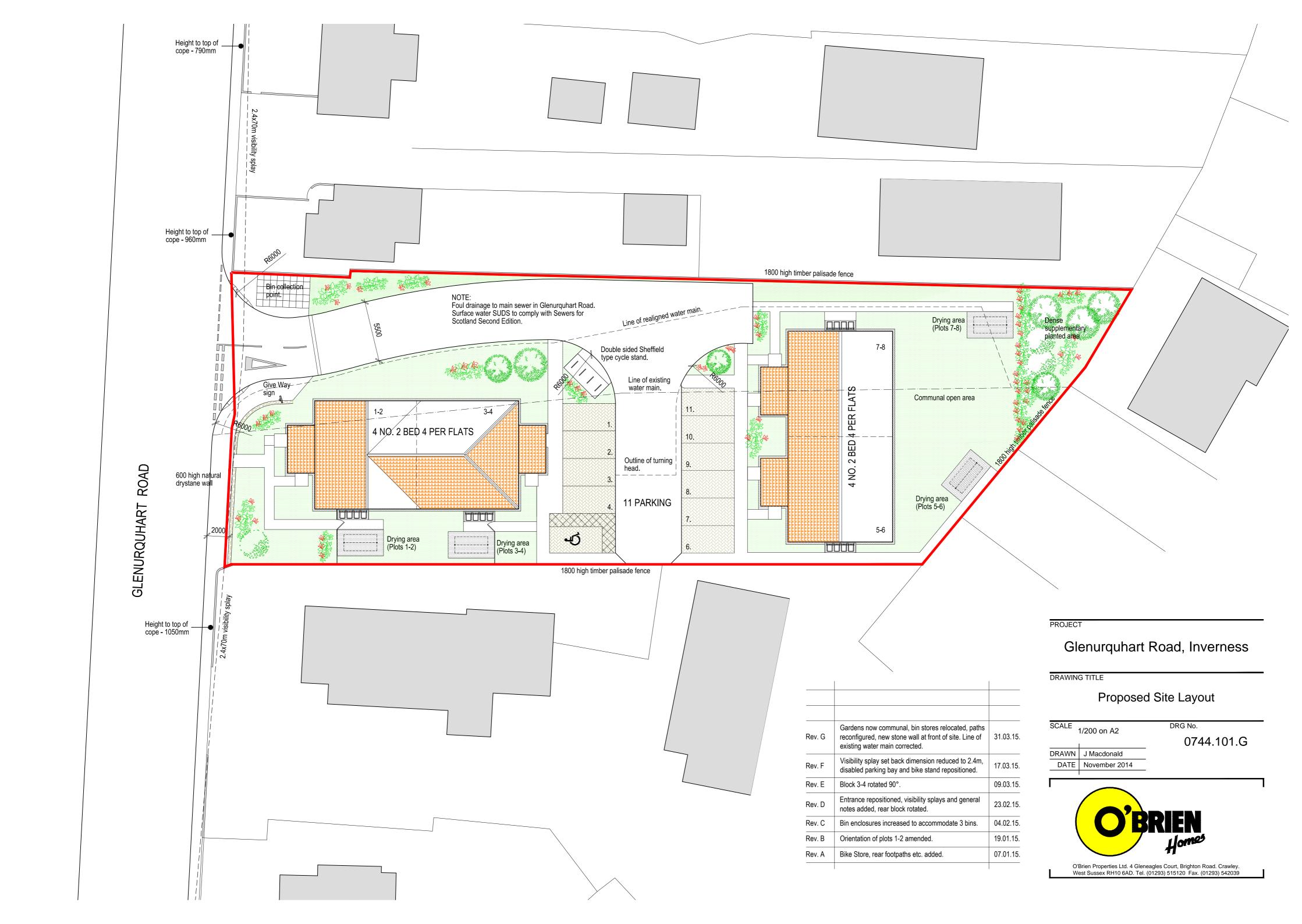
Author: Christine Macleod

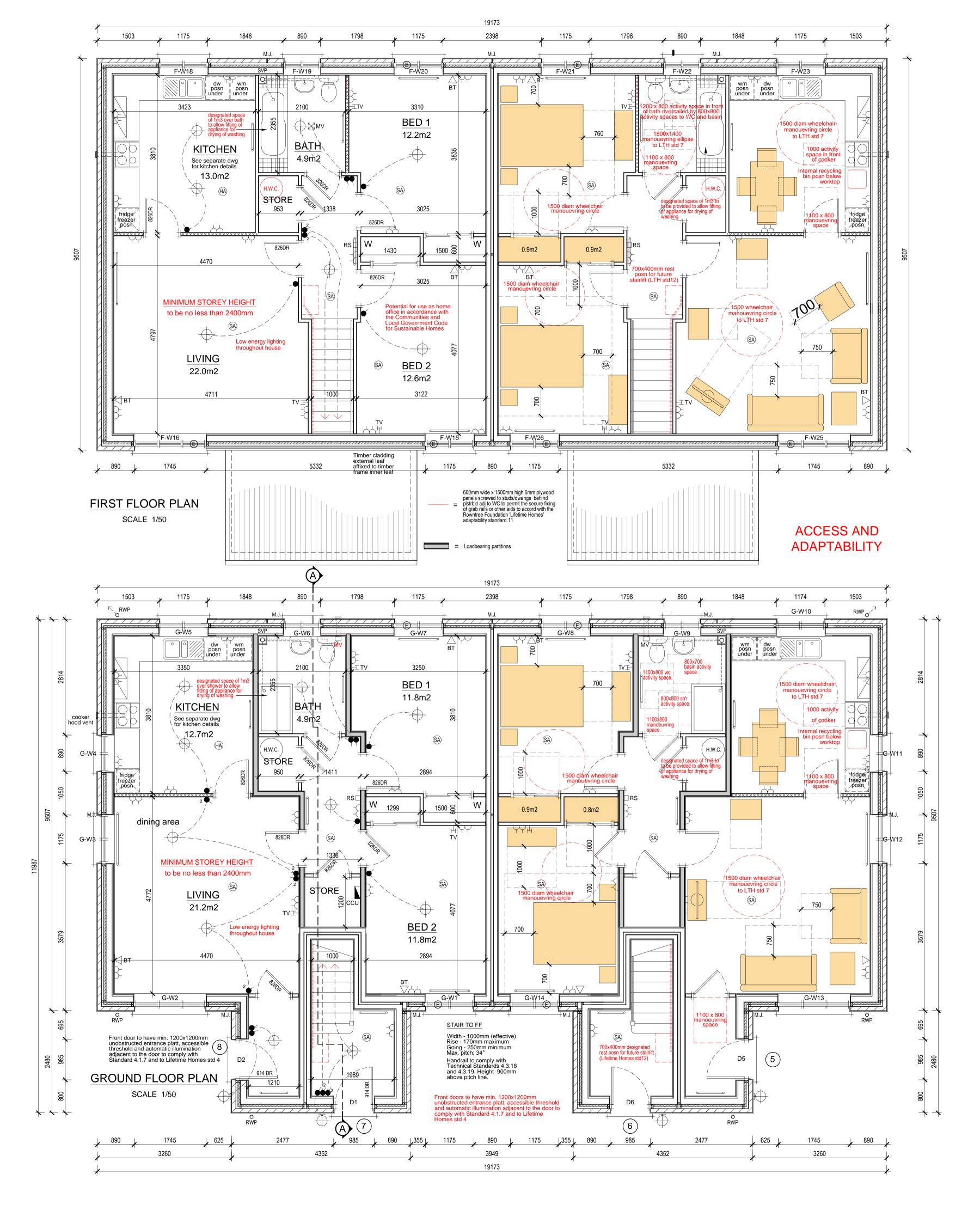
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 07.101 G – Site layout

Plan 2 - 0744.102-02 B - Floor / elevation Plan 3 - 0744.102-01 C - Floor / elevation

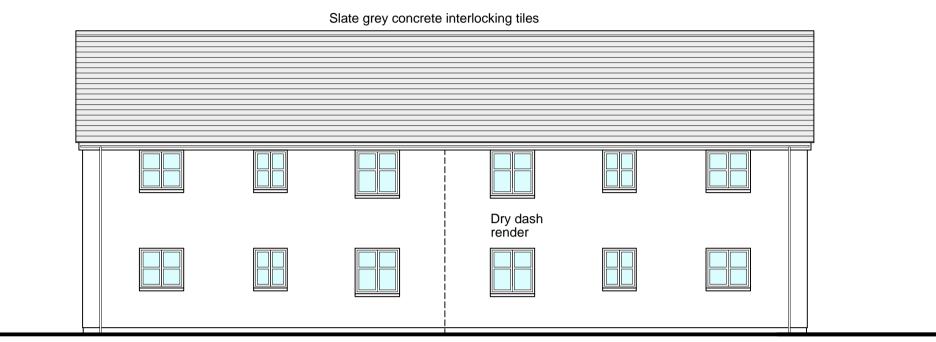
Plan 4 - 0744.103 - Location Plan



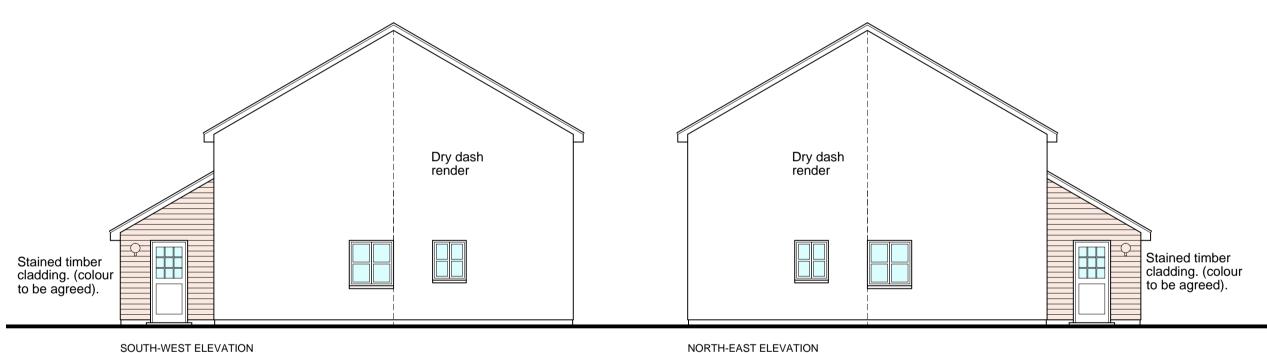




NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION



| Rev. B | Ground floor external Kitchen doors omitted. | 31.03.15. |
|--------|--|-----------|
| Rev. A | Living Room first floor window removed.      | 03.03.15. |
|        |  |           |

### PROJECT

## Glenurquhart Road, Inverness

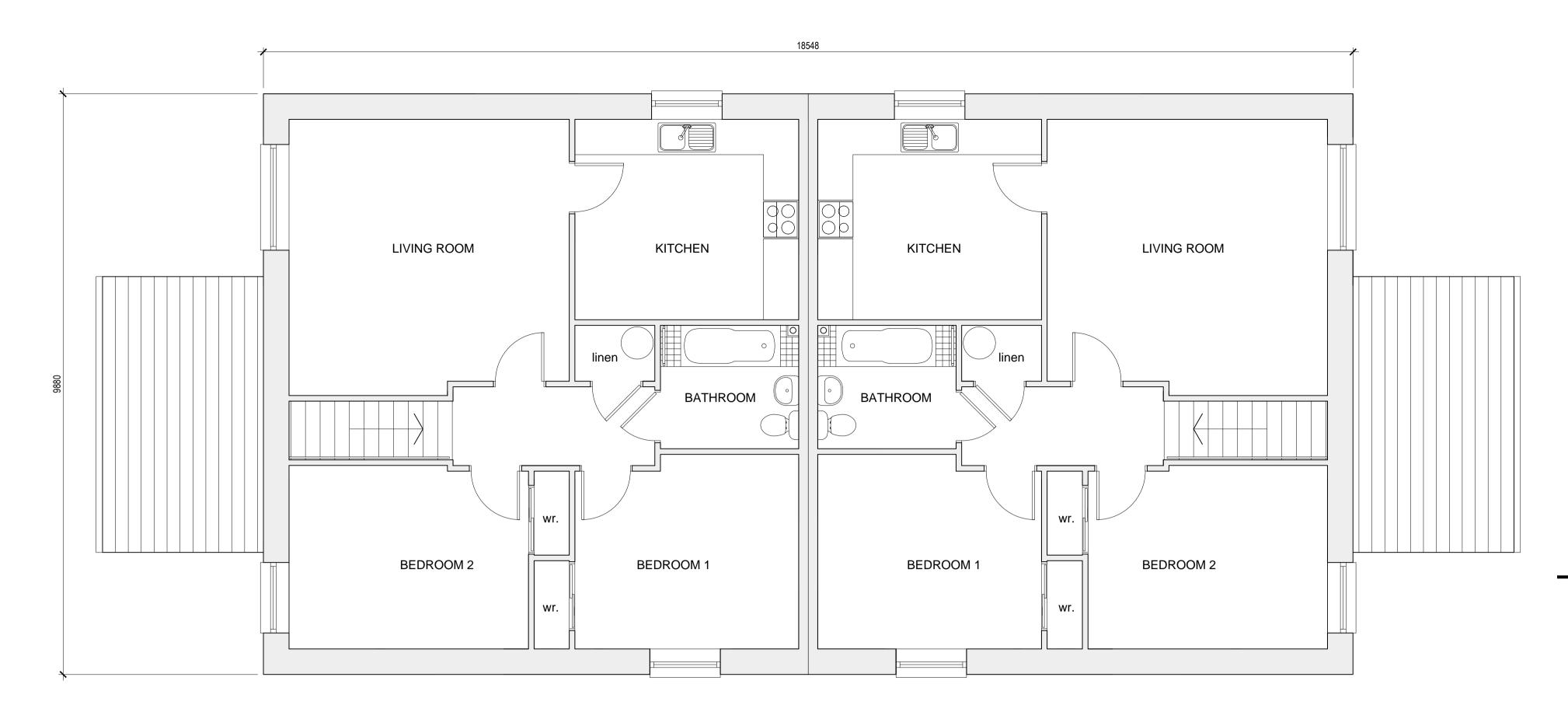
## DRAWING TITLE

# 2 Bedroom, 4 Person Apartments PLOTS 5-8

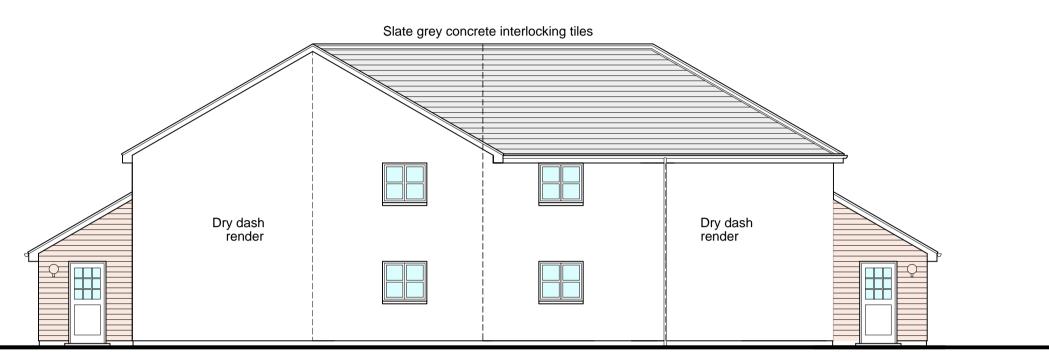
| 1/50, 1/100<br>on A1 | DRG No.       |
|----------------------|---------------|
| JMD                  | 0744.102-02.B |
| JANUARY 2015         | _             |
|                      | JMD           |



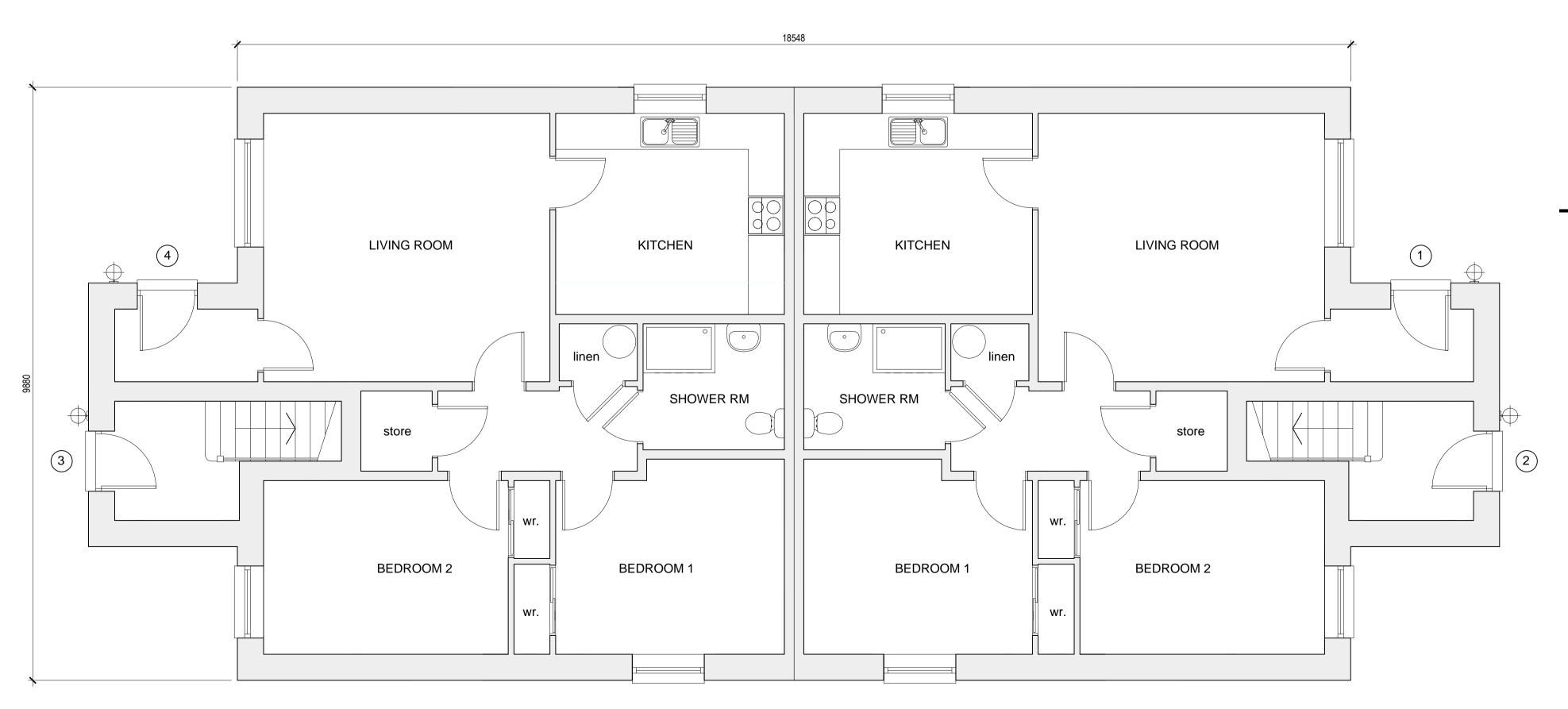
O'Brien Properties Ltd. 4 Gleneagles Court, Brighton Road. Crawley. West Sussex RH10 6AD. Telephone (01293) 515120 Fax. (01293) 542039



Dry dash render Dry dash render Stained timber cladding. (colour to be agreed). NORTH-EAST ELEVATION



SOUTH-WEST ELEVATION



Slate grey concrete interlocking tiles Slate grey concrete interlocking tiles

SOUTH-EAST ELEVATION

NORTH-WEST ELEVATION

| Rev. C | Ground floor external Kitchen doors omitted. | 31.03.15. |
|--------|--|-----------|
| Rev. B | Flats 3-4 rotated 90°.                       | 09.03.15. |
| Rev. A | Flat 3 layout reconfigured.                  | 03.03.15. |
|        |  |           |

### PROJECT

# Glenurquhart Road, Inverness

## DRAWING TITLE

## 2 Bedroom, 4 Person Apartments PLOTS 1-4

| SCALE , | 1/50, 1/100<br>on A1 | DRG No.       | • |
|---------|----------------------|---------------|---|
| DRAWN   | JMD                  | 0744.102-01.C |   |
| DATE    | JANUARY 2015         | _             |   |
|         |                      |               |   |



GROUND FLOOR PLAN 1.50

FIRST FLOOR PLAN 1.50



|           |                            | Homes           | O'Brian Properties Lld. 4 Glemeagles Court, Brighton Pload. Crawley West Sussex (R+10 640<br>Tedeprions (01283) 515120 Fav. (01283) 542339 |
|-----------|----------------------------|-----------------|--|
| DRAWN BY: | DATE: 06.01.2015           | 0744.103        |  |
| SCALE     | 1.1000                     | DRAWING NUMBER: |  |
| PROJECT:  | GLENURQUHART RD, INVERNESS | LOCATION PLAN   |  |