

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
29 September 2015**

Agenda Item	7.4
Report No	PLS/072/15

**15/02787/FUL: Ark Estates
Former Balgate Sawmill, Kiltarlity, Inverness**

Report by Area Planning Manager - South

SUMMARY

Description : Phase 3 – erection of 20 residential units

Recommendation - GRANT

Ward : 13 Aird and Loch Ness

Development category : local

Pre-determination hearing : n/a

Reason referred to Committee: objection from Community Council.

1. PROPOSED DEVELOPMENT

1.1 The proposal seeks planning permission for Phase 3 of the residential development on the former Balgate Sawmill site at Kiltarlity. The current phase involves the area to the north of the development site, involving plots set either side of the main access road. The layout proposes 16 semi-detached, 3 bedroom properties and one fourplex comprising 4 one bedroom units.

The original layout envisaged detached properties for plots on the north boundary and a mix of semi-detached and terraced houses on the remainder. The majority of units constructed to date have been in the form of semi-detached houses or terraces. The current proposal amends the layout to semi-detached houses. The units are single storey but with accommodation within the roof space to provide two bedrooms. The finishes and materials proposed are similar to those used on the existing completed phases.

The plots are accessed from the road layout as originally set out in the masterplan and each house will have two off street parking spaces.

1.2 Formal pre- application consultation was not required for this local category of development.

- 1.3 The site is served by an existing road layout which will be extended to serve this phase of development. The main access to the site is taken from the completed access which was formed for the earlier phases and adjoins the main road serving Kiltarlity to the east. SuDS facilities were resolved on consideration of the original application.
- 1.4 A Design and Access Statement is included with the application submission.
- 1.5 **Variations:** there have been no variations to the application since submission.

2. SITE DESCRIPTION

- 2.1 The site is situated to the north of Pine Road and comprises part of the former Balgate Sawmill site. Planning permission has previously been granted for a phased residential development of the site and phase 1 (24 units) is now nearing completion. Phase 2 has not commenced on site and involves 17 units in a mix of semi-detached and terraced properties. The application site involves the majority of the remaining land and is situated to the north and east of the existing residential development.

The site is generally level and is bounded to the north by mature woodland. The properties on Pine Road are located to the south west of the application site boundary.

3. PLANNING HISTORY

- 3.1 Planning permission was originally granted for residential development of the site in 2008. Subsequent permissions have enabled changes to the house types and minor alterations to the layout. Specifically, the 2010 proposal introduced terraced houses and reduced the number of 4 bedroom detached houses originally intended for part of the current application site.

Relevant applications are:

06/01113/FULIN – housing development - Refused

08/00229/FULIN – residential development - Granted

10/01053/FUL – residential development - Granted

12/01798/FUL – 4 houses - Granted

12/01799/FUL – residential development - Granted

14/03006/FUL – phase 2 – residential development - Granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised : unknown neighbour

Representation deadline : 14 August 2015

Timeous representations : 1

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Loss of amenity due to noise nuisance during construction. The objector has identified that during construction of Phase 1 the noise levels were intolerable and the general disturbance and disruption unacceptable. It also resulted in a significant loss of privacy due to the close proximity of the construction site to existing houses. Noise monitors were installed and the objector is concerned that yet further disruption will be experienced during this next phase of development. It is also noted that the applicant frequently breached the condition relating to hours of operation.

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 **Kiltarlity Community Council:** object to the proposed change of house types which will result in an increased number of units and is contrary to the original agreed layout.

5.2 **Contaminated Land:** no objections but note previous contamination of the site and seek conditions to address remedial action for the site.

5.3 **Transport Planning Team:** no objections.

5.4 **Forestry Officer:** no objections but seeks additional details regarding landscaping and planting at boundary edges.

5.5 **Access Officer:** access to the adjacent woodland to be provided in accordance with the master plan.

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
31	Developer Contributions
32	Affordable Housing
34	Settlement Development Area
61	Landscape
66	Surface Water Drainage
75	Open Space

77 Public Access

6.2 Inner Moray Firth Local Development Plan 2015

Policy 2 Delivering Development

Policy 3 Other Settlements

KT1 Former Balgate Sawmill

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Sustainable Design Guide
- Developer Contributions
- Affordable Housing
- Managing waste in new developments
- Open Space
- Public Art Strategy

7.3 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 principle of residential development on this site is well established and accords with the policies of the development plan in that respect. The change of house type from the originally approved detached properties to semi-detached houses is considered acceptable and reflects the current market demand. Although it allows for the inclusion of the fourplex block of flats, the density is little altered as a result of the house type change.

The original proposal envisaged two storey, 4 bedroom detached houses whereas the current proposal is for essentially single storey houses in their outward appearance. The upper floor accommodation is contained within the roof space and will include rooflights thereby reducing the visual impact of the development.

It is considered that the proposed changes are acceptable and accord with the relevant up to date policies as set out in the development plan. Kiltarlity is classified as a Local Centre within the adopted Inner Moray Firth Local Development Plan and encouragement is given to appropriate developments within the settlement boundary. The altered house types will not adversely impact on existing residents and the layout ensures adequate off street parking and private garden area.

8.4 Material Considerations

The objections raised by the Community Council are noted. It is understood that their concerns relate specifically to the change in house type and resultant minor adjustments of the previously approved layout. However, no specific issues are raised with regard to the reduction in size of the proposed houses or their location in respect of the masterplan for the site. The change in house types, whilst removing the opportunity for larger detached properties, is not considered inappropriate and is in keeping with the surrounding properties, both those within the site and generally within the vicinity. There are no privacy or amenity issues raised as a result of the changes and although the concerns of the Community Council are a material consideration, the changes as proposed are not considered to undermine the original concept of developing the site for residential purposes.

There are no other consultee comments which cannot be adequately addressed by appropriate conditions, more specifically those relating to road details, contaminated land and access through the site to the woodland in the north.

The concerns regarding the noise and disturbance during construction are noted and the relevant informative will be included to advise the developer of the need to adhere to these restrictions and take account of the amenity of existing residents.

8.5 Other Considerations – not material

None

8.6 Matters to be secured by Section 75 Agreement

S75 is not required.

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

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

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 on site unless full details of all temporary surface water drainage measures designed to prevent flooding and contamination of existing watercourses during construction are submitted to and agreed in writing by the Planning Authority and thereafter so implemented.

Reason: In the interests of public health.

2. No development shall commence on site unless a fully detailed scheme of landscaping for the site to include facilities within the areas of open space for community use, including a scheme of long term maintenance, is submitted to and agreed in writing by the Planning Authority. This shall include peripheral and boundary planting together with appropriate screening to the proposed development from the existing residents. All planting thereby approved shall be undertaken in the first planting season following completion of the development or as otherwise required by the Planning Authority 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/occupation 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 residential amenity.

3. No development shall commence on site unless the details by which the long term maintenance of the areas of open space, including verges, has been submitted to and agreed in writing to the satisfaction of the Planning Authority and thereafter so maintained. For the avoidance of doubt, these areas shall include those reserved for SUDS purposes.

Reason: In the interests of amenity.

4. No development shall commence on site unless details of the peripheral boundary enclosures are submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of amenity.

5. On completion of, or the substantial completion of, the development for which planning permission is hereby granted, all roads, parking facilities, footpaths and cycle paths shall be constructed and completed to the satisfaction of the Roads Authority and to enable road construction consent, to the satisfaction of the Planning Authority.

Reason: In the interests of public safety.

6. No development shall commence until details of the lighting system designed for the site have been submitted to and approved in writing by the Planning Authority in order to limit urban sky glow and light spillage onto surrounding areas. The approved details shall thereafter be implemented prior to any part of the development being brought into use or as agreed in writing by the Planning Authority.

Reason: In the interests of amenity and in order to avoid light pollution.

7. No development shall commence on site unless details of the proposed location of the site compound, storage of equipment and associated facilities has been submitted to and agreed in writing by the Planning Authority.

Reason: In the interest of residential amenity.

8. None of the houses/units for which planning permission is hereby granted shall 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 drained.

9. No development shall commence on site unless details of the proposed area of amenity open space, including play areas, together with details of play equipment, have been submitted to and agreed in writing by the Planning Authority, and these shall thereafter be maintained as if they comprised part of the open space, all to the satisfaction of the Planning Authority. For the avoidance of doubt the area shall be as defined on the approved drawings.

Reason: In order to ensure the proper provision of play equipment.

10. For the avoidance of doubt, the play area and areas of open space, and footpaths providing access through and outwith the site, shall be laid out and completed to the satisfaction of the Planning Authority and in accordance with the approved layout before occupation of the first of the houses hereby granted planning permission and thereafter maintained in accordance with the approved schedule of maintenance.

Reason: In order to ensure the timeous provision of open space/play areas.

11. No development shall commence on site unless an Access Plan has been submitted to and agreed in writing by the Planning Authority to indicate how the proposed footpath network will connect into the existing core path network and this shall thereafter be implemented prior to occupation of the first house for which permission is hereby granted planning permission.

Reason: In the interests of public safety.

12. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:
- a) 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), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice;
 - b) 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;
 - c) measures to deal with contamination during construction works;
 - d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
 - e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: In the interests of public health.

13. No development shall commence on site until details of refuse and recycling facilities for each unit have been submitted to and agreed in writing by the Planning Authority and thereafter provided on occupation of any of the units hereby granted planning permission.

Reason: In the interests of public health.

14. No development shall commence on the fourplex until details of secure cycle storage to accommodate 2 cycles for each flat have been submitted to and agreed in writing by the Planning Authority and thereafter provided in accordance with the agreed scheme prior to first occupation of the flats.

Reason: In order to ensure the provision of cycle facilities.

15. No development shall commence on site until site levels have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt there shall be no building up of the existing site levels on plots located to the south of the site and adjacent to the main access.

Reason: In the interests of the visual amenity of the site and the amenity of adjacent residents.

REASON FOR DECISION

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

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse

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.198), 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.

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 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.

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.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Author: Nicola Drummond
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Elevation Plans (3)
Plan 4 – Floor Plans (3)