

THE HIGHLAND COUNCIL

INVERNESS, NAIRN, BADENOCH AND STRATHSPEY
PLANNING APPLICATIONS COMMITTEE – 11 AUGUST 2009

Agenda Item	
Report No	

09/00231/FULIN- Erection of 64 houses at Resaurie, Smithton, Inverness

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal seeks detailed planning permission for the erection of 64 Houses and associated roads and car parking.

Applicant: Barratt (North) Scotland Ltd

Recommendation: **GRANT** planning permission subject to conclusion of a Section 75 Agreement and obtaining any necessary bat licence

Ward : 18 (Culloden and Ardersier)

1. PROPOSAL

- 1.1 Detailed planning permission for the erection of 64 Houses at Resaurie, Smithton, Inverness. Vehicular access will be taken off the first phase of development by Barratts at Rowan Grove/Court/Way which leads onto Murray Road. There will be an emergency access onto Caulfield Road North to allow for emergency access only.
- 1.2 The application site is a brown field site located to the west of the first phase of the development carried out by Barratt Scotland at Rowan Grove/Court/Way.

2. PLANNING HISTORY

- 2.1 Detailed application for 47 houses and 60 flats (07/00542/FULIN) refused at December 2008 Planning Committee for the following reason:

The proposal did not respect the scale, form and density of surrounding development and would adversely impact on the character and amenity of the community and accordingly did not meet the requirements set out at paragraph 67 of SPP3.
- 2.2 An approval of Reserved Matters was granted for 68 Houses to the east of the application site per consent, 05/00353/REMIN, now known as Rowan

Grove/Court/Way.

3. **PUBLIC PARTICIPATION**

- 3.1 As the application is zoned in the Local Plan the application was not advertised. 30 Letters of Representation have been received from residents in the area
- 3.2 Members are advised that the letters of representation are available for inspection within the case file at Inverness Area Office and will be available within the Members Lounge before committee.
- 3.3 The main concerns of the objectors can be summarised as follows:
- **Flooding** - Increase flood risk to houses at Cranmore Drive, Smithton from flooding of Tower Brae Burn. All previous developments south and west of the burn and discharge of rain water into it has caused the burn to gather water more quickly than previously and it fills up to capacity in a very short time during any heavy prolonged rainfall
 - Object to the drainage assessment as it has not identified the area which do exhibit ponding, nor provided flow figures for those areas identified as being routed to Tower Brae Burn from the far end of the site. SEPA stated in November 2008 the applicant was to conduct flow monitoring over the winter to size on site attenuation and no attempt to do this so figures representing external waters, intended to be directed to Tower Brae Burn via man made ponds, are not included within the submitted calculations. A significant number of their recommendations do not appear to be addressed. Of the opinion the drainage assessment does not meet PAN 61 with no source control measures proposed, no source identification, and no SUDS proposal.
 - Property at Cornriggs at risk of excess water from the housing development
 - **Contaminated Land** – an initial phase 1 desk study has been carried out as well as a phase 2 borehole ground which highlighted widespread site contamination, including elements of arsenic and cadmium. Concern phase 2 is still incomplete as it was suspended in 2007. These pollutants are benign as they are buried underground and there is risk form air borne contamination when the site is turned up.
 - PAN 33 – paragraph 33 states planning authorities should require that applications include suitable remediation measures and if they do not, there are grounds for refusal. The applicant has not offered a remediation statement.
 - Paragraph 36 states the following
“A planning officer will need to consider, with specialist advice if necessary, whether the developer has adequately identified the sources of contamination and put forward a restoration scheme suitable for the proposed use that will ensure that all the receptors are adequately protected from contamination.”
 - **Subsidence** – This site was an unlicensed tip with extensive unconsolidated landfill activities and there is a risk due to large void spaces with buried vehicles and demolished building waste/rubble deep under the site.
 - **Road traffic safety** - Concern about the proposed vehicular access into the site from Rowan Grove creating a crossroads with 5 accesses and children play around this area. Concern about the gradient at the egress from the site

to Rowan Grove will be a blind rise. Traffic generation from development.

- **Density** – 64 houses viewed as overdevelopment and represents a city centre high density development (30 houses per hectare) with a detrimental impact on the quality of life of existing residents. Refer to previous refusal and this is a rural area with a historical low density planning restriction. Refusal refers to paragraph 67 of SPP3.
- **Amenity** – houses would overlook Cornriggs
- **Finishes** – no design statement to justify, with white fascias, white window surrounds, white roof gutter trays, exterior harling finish at odds with the existing timber frame finishings of existing houses.
- **European Protected Species** – previous bat survey was deficient with no regard to the baseline survey criteria as provided by Bat Conservation Trust. The applicant has not commissioned a new survey for the application but intends to carry this out prior to the start of works but this is contrary to the criteria laid down. Contrary to SNH Environmental Assessment Handbook “Environmental Impact Assessment”. SNH has recommended surveys be carried out prior to consideration of any planning application.
- **Wildlife** – The ponds contain an essential amphibian and eco-structure and they are not being retained and replaced with man made retention ponds, contrary to SEPA’s Habitat Enhancement Initiative on ponds, pools and lochans.

4. **CONSULTATIONS**

4.1 TEC Services (Roads): They are seeking the following requirements:

- A management and maintenance scheme for any roads, footpaths or parking spaces which are not to be adopted as part of the public road network and for all areas of open space including the Sustainable Urban Drainage System (SUDS) which are not explicitly shown on the submitted plans as forming part of private garden areas, shall be submitted for approval of the Planning Authority in consultation with TEC services prior to commencement of any works. Road Construction Consent is required.
- Street lighting shall be provided by the developer at his expense.
- Any street name plate shall be bi-lingual, displaying both Gaelic and English and shall be provided and erected by the developer at his expense.
- On-street parking will occur by the occupiers of houses 01, 02, 08 and 21 and this would not be acceptable and should be discouraged. The applicant must therefore provide details of measures that he will take to discourage on-street parking by residents of these properties.
- The applicants are providing a verge approximating to 2.0metres wide along the edge of Caulfield Road North Adjacent to the site boundary. In the interest of road safety a verge width of 2.5metres should be provided to allow for future improved provision for pedestrians and cyclists as Caulfield Road North is part of the National Cycle Network and it is also being increasingly used by pedestrians.

- 2 passing places should be provided by the applicant on Caulfield Road North adjacent to the site boundary. One should be located at the emergency access and the other on the outside of the bend opposite house units 35 and 38, the details of which can be and included in the Road Construction Consent application.

4.2 **Surface water drainage** measures must also be provided in accordance with Sustainable Urban Drainage System measures. The Sustainable Urban Drainage System (SUDS) must be capable of attenuating post development flows so that discharges to watercourses do not exceed Greenfield run-off in all events up to 1 in 200 years return period. Discharges to any watercourse should not exceed present natural flows to that watercourse. i.e. no diversions should take place. Two SUDS basins are proposed to the southeast of houses 23 to 29 and these are being provided as catchments for the water courses in this area.

4.3 It is considered appropriate to require more detailed SUDS and watercourse control design after any consent has been granted and prior to construction work commencing on site. Support SEPA's call for an appropriate planning condition. Information provided to date by the developer confirms that SUDS and flow control measures are feasible, but further detailed work is required to prove the effectiveness of measures proposed. In particular, there will need to be careful consideration to the artificial control of the flows in the watercourses, to ensure replication of the existing flow regime to the Tower Burn. SEPA's comments raises the difficult issue of dealing with the runoff from "undeveloped" areas of the completed site. This is something that needs to be specifically reviewed for each development:

- In some sites, the flow from these remaining greenfield areas does not need to be considered because the storm runoff continues at approximately the same rates and in the same general direction (possibly into the ground) as it did before development, so the pre-development regime is not significantly altered.
- For other sites, the runoff is captured by the roads and becomes part of the stormwater treated by SUDS. However, the flow times of runoff from hard and soft surfaces vary significantly and peak flows from hard surfaces may have passed before soft surface flows enter the system. The system may not require re-designing to accommodate this water, but this will need to be proved by calculation.
- On flat sites, particularly those with little or no soil infiltration, the soft surface area flow will probably be so slow that discharges to the road surface will only be a problem in the greater-than-design (1 in 30 years) storm. Therefore, the runoff can be treated as part of the excess water that is considered in the 1 in 200 years storm sensitivity test.

The situation at Resaurie should therefore be assessed when detailed drainage design is being done.

- 4.4 **SEPA** - The purpose of a drainage strategy is to demonstrate that drainage won't conflict with the principle of development i.e. that pre-development conditions could successfully be mimicked or improved both on-site and off-site, whilst a detailed drainage design (including final sizing of attenuation facilities, pipe run designs etc.) is undertaken at a later stage; usually following planning permission. Previously stated did not object to the previous planning application but recommended that a condition be applied relating to surface water drainage to ensure that more detailed information is provided at the detailed design stage. This is regarded to be common practice and sustain this position. The quantitative aspect of drainage strategies is generally a matter for the Local Authority to consider in their capacity as the flood prevention authority.
- 4.5 With regards to the inflows onto the site from elsewhere have previously been informed by the applicant that flows will be monitored during the winter period after which appropriately sized attenuation facilities will be designed to prevent increased flood risk elsewhere. This proposal had been recognised by both Highland Council's TEC Services and SEPA as a reasonable approach given the degree of uncertainty with regards estimating flows currently discharged by the existing culvert. Understand that this work has not yet been undertaken but still of the understanding that flow monitoring will be undertaken prior to finalising the detailed drainage design.
- 4.6 The outflow rate from the proposed detention basin will be restricted by a flow control device to ensure that flooding will not be increased elsewhere. The proposed detention basin could offer betterment on the existing drainage situation provided that it's appropriately sized and outflow-controlled. Allowable discharge rates into the Tower Brae Burn should be agreed with Highland Council as the flood prevention authority prior to undertaking the detailed drainage design.
- 4.7 Note the calculated pre-development and proposed post-development runoff rates for the individual components of the SUDS system but reiterate the fact that these calculations should be reviewed as part of the detailed drainage design. Runoff contributions from the 'undeveloped post-development area' are not accounted for. This omission does not affect the principle of development but will have to be rectified at the detailed drainage design stage.
- 4.8 The purpose of the recommendations and general comments made by SEPA on the previous application for this site in its letter dated 17 November 2008 was to assist with the detailed drainage design and where applicable remain as such.
- 4.9 Land contamination has been investigated on site. If land contamination is found to be a significant issue then the detailed drainage design will also have to take this into consideration. This is usually achieved by lining the SUDS features in any areas where contaminants could be mobilised.
- 4..10 **Contaminated Land (TECS)** – studies are ongoing about the extent of

contamination on the site although there is an existing building on the east boundary. Views have not changed since the last application in that historic use as a works may have resulted in land contamination. An investigation of the site has been undertaken and further works are recommended, by way of an assessment of potential contamination issues, to provide evidence that the site is suitable for its proposed use. Such an assessment should be consistent with the approach to land contamination contained within the contaminated land regime as reflected in PAN33 with the British Standard for investigation of potentially contaminated sites, BS 10175:2001 and recommend the wording in condition 18 below.

4.11 **Scottish Water** – no objections

4.12 **Scottish Natural Heritage** – SNH received a letter from the developer informing of the proposals to retain and create wildlife habitat within the proposed development site. Support the proposal to retain open water features. Also welcome the proposal to carry out additional tree and shrub planting within the site to maintain habitat connectivity, encourage wildlife and provide foraging opportunities for bats. In terms of the tree and shrub species to be planted, those suggested by the consultant are all suitable. Planting should take place at an early stage in order that trees and shrubs have time to establish. Prior to felling of trees or lopping of branches SNH recommends that they are checked for their potential as bat roosts. Should bats be encountered during the works then all work must stop immediately and SNH contacted for further advice on how to proceed.

4.13 Satisfied with the amphibian survey and no evidence of the great crested newt was found.

4.14 **Housing and Property** – No objections but would like to know the location of affordable houses. Would prefer 2 clusters of eight rather than 16 units together.

5. **POLICY**

5.1 The following policies are relevant to the assessment of the proposal.

Highland Structure Plan

- G1 – Conformity with Strategy
- G2 – Design for Sustainability
- G4 – Community benefit and commitment

Inverness Local Plan

- GP1 – Design Principles
- GP3 – Designed Sustainable Construction
- Policy 97 (V) land identified for residential purposes at this location.

5.2 The proposal also requires to be assessed against the following relevant

Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes PAN.

- SPP1 – The Planning System
- SPP3 – Planning for Housing
- PAN 61 – Planning and Sustainable Urban Drainage Systems
- PAN 33 – Contaminated Land

6. **SUPPORTING INFORMATION FROM APPLICANT**

6.1 Members are advised that the statement of support included with the application is available for inspection within the case file at Inverness area office and will be available within the Members Lounge before committee.

6.2 In response to the letters of objection would respond as follows

- **Emergency Access Point** - this was a requirement specifically requested by TECS Roads to comply with their Roads Standards. The bollard arrangement will be of a lockable type with the emergency services/council being the sole key holders.
- **Caulfield Road North** - There is no requirement to alter/extend this road as agreed with Roads Department.
- **Views/Loss of Light** - The detailed cross sections/site plan show that privacy distances have been met. Loss of views is not a material planning consideration.
- **Wildlife** - the current site is an eyesore. With its development, including planned open space provision and the current adjoining area, wildlife will continue to inhabit the environment.
- **Density** - The mix/number have been driven by a real need for 1 bed/2 bed starter homes within the Inverness area at an affordable price to not only Affordable Housing providers, but the private market. These properties by their very nature have small footprints. Thus the density is appropriate.
- **Road Safety/Obstruction** - There is no requirement to alter/extend any roads in the area as agreed with Roads Department. As agreed the road design has been set out to comply with Council Roads Standards, to which an RCC will be submitted.
- **Roads and Access Issues** - The proposed access to the site on the North-East boundary was designed during the Resaurie Phase 1 development and was always intended to act as the Phase 2 access road. Highland Council TEC Services have reviewed the proposed roads layout and have made no comment. With regards the comment that a “blind rise’ will occur, this would not be allowed under the Highland Council Roads Guidelines and W.A. Fairhurst & Partners

would design the roads accordingly to ensure this would not occur.

6.3

- **Surface Water/Drainage** - The surface water drainage is currently under discussion with SEPA/Roads/Planning. In general terms the drainage of the site will be considerably improved. Contaminated water currently works its way into the adjoining water course. By the implementation of a managed drainage scheme and the de-contamination of the site, it will allow clean water to be disposed of by controlled discharge.
- **Drainage and Site Specific Issues** - With regards SEPA's letter of 17th November 2008, all the required design information, sufficient to demonstrate that the drainage proposals are suitable, are presented in the Drainage Impact Assessment (DIA) report submitted with the planning information. This includes all drainage design calculations for the total development area. It is incorrect to suggest that the SEPA recommendations have not been fully considered. Following the resubmission of the proposals, SEPA have subsequently given their approval for the revised layout in terms of water quality, with a condition required for the 'off-site' drainage designs requested on any planning approval, as with the first layout submission.
- With regards the area/ run-off values, it is incorrect to state that a shallow sealing membrane is to be installed across the site. This was never specified by W.A. Fairhurst & Partners. It is however specified that the drainage systems, for both on and off-site drainage, are to be sealed systems, not the site itself. With regards the specified run-off flow values, in particular, adding the total un-built green spaces runoff areas to the constructed hard-standing run-off areas, this is technically incorrect. The theoretical discharge flows will be greatly reduced by natural infiltration from the green spaces (as there is no membrane to be installed anywhere in the site) and will reach Tower Brae Burn many hours after the run-off from the hard-standing areas has been treated and safely discharged.
- In terms of historical flooding to the immediate area in the recent past, W.A. Fairhurst & Partners have had it confirmed by Highland Council TEC Services that this flooding was as a direct result of the road culvert in Tower Brae Burn becoming blocked with debris. This culvert has now been completely replaced to minimise the risk of debris blockage.
- The Micro-drainage design calculations submitted within the DIA details a 'flood risk' in the output. This is simply the terminology used by the design package to indicate that the proposed storage structure is being fully utilised. The submitted micro-drainage calculations of the proposed drainage system demonstrates that there is no risk of flooding during a 1 in 200 year storm event.
- With regards the flow monitoring for the 'off-site' drainage, this will commence as soon as any Planning Permission has been granted for

the development. These works are to be a condition of the planning consent, at the request of SEPA and TEC Services. These monitoring works will have to be undertaken to fully design out the SUDS strategy for the 'off-site' drainage and submitted for approval to both statutory authorities, prior to any works proceeding on site.

- With regards the statement that an aquifer may be present on site, W.A. Fairhurst & Partners would suggest these facts are unfounded as there is no evidence of an aquifer present both from on site inspections or within the site investigation studies. The development will result in only the shallow sub-soils being affected, any aquifer would be at a depth that the development works would not affect.
- The main points of the various objections submitted are that the drainage design does not reflect the conditions found on site and are insufficient in its detail. W.A. Fairhurst & Partners would refute this. Have undertaken significant studies into the existing site drainage models and, in conjunction with the site investigation studies, designed a scheme that reflects the requirements in terms of both water quality and quantity. The information provided in the DIA report is in sufficient detail to demonstrate that the drainage philosophy works and is in compliance with all relevant technical standards and statutory authority recommendations.
- Fairhurst's Technical Director met with TECS Area Roads personnel to discuss the SUDS proposals and can confirm satisfaction with the proposals and design calculation submitted within the DIA. TECS concurred with SEPA's requirements that a planning condition be applied to any approval that further detailed studies and designs are required to both the on-site and off-site surface water infrastructure. It is also agreed that the information provided to date by W.A. Fairhurst & Partners confirms that the proposals are feasible and satisfactory drainage arrangements can be provided for the development, subject to further detailed studies, to satisfy any planning condition.

6.4

- **Contamination/ Waste Tip/ Insufficient Site Testing/Info on soil contents** - Extensive investigation on the site in consultation with the contaminated land unit of TECS has set the strategy for the next stage of investigation if the application is successful. The final remediation strategy until this time cannot be finalised. Agreeable to suspensive condition that no further works carried out until TECS satisfied with contaminated land strategy. Have to satisfy strict NHBC requirements on contamination also, thus raising the bar on providing a clean site. If approved, will allow the site and the adjoining area to benefit.
- **Issue 1 - a phase 2 site investigation highlighted widespread contamination including arsenic and cadmium.** The risk to human health from soil contaminant levels were assessed using the UK framework (Environment Agency CLEA model and reports CLR7-CLR10). This model is employed to derive standard guidelines values

(SGV's). These values are used to assess whether a particular contaminant MAY pose a significant risk to human health from chronic long term exposure. A summary of the contaminants recorded above the UK SGV's during the site investigation included the following:

- Cadmium - there are very minor exceedences at 2 localised areas. This cannot be considered as gross widespread contamination of cadmium at the site.
- Hydrocarbons - there are very minor exceedences and do not reflect gross contamination at the site.
- Arsenic - No arsenic concentrations were recorded anywhere at the site above the SGV value of 20mg/kg.

- Based on the above, the site investigation did not highlight widespread contamination of arsenic and cadmium at the site. In addition, the recorded hydrocarbon fractions are not considered to represent gross contamination. Standard remediation techniques, such as providing a 'clean' cover of soil, can be applied at the site to mitigate these low level contaminants.

- ***Issue 2 - site investigation incomplete, suspended in 2007.*** The first phase of the site investigation report was carried out in accessible areas of the site. The requirement for a further investigation and the scope of works required, including areas not previously accessible, was agreed with Highland Council TECS between October and December 2007. This work is scheduled for completion once the site clearance works, including demolition of the existing building on site, are complete and following consideration of the planning application by the Council. Phase 2 site investigation will incorporate all previous comments received by TECS and take account of the revised development plan. A detailed ground investigation strategy will be submitted to TECS for approval prior to any further works being undertaken.

- ***Issue 3 - Contaminants covered at present, there may be risk from air borne contamination when the site is "turfed up".*** The human health risk assessment undertaken for the site is based on the UK framework for humans as end users of the site. Therefore, it takes account of LONG TERM EXPOSURE (over a period of a lifetime) to contaminants by various routes including, ingestion of home grown vegetables grown in contaminated soils, indoor and outdoor inhalation and ingestion of soils and dusts and dermal contact.

- The recorded levels of contaminants above the long term exposure SGV's are all very minor and would not be considered as posing a chronic toxicity risk over a long exposure period. Therefore, the recorded contaminants would not pose an acute toxicity risk from SHORT TERM exposure during site works. In addition, a human health risk assessment model i.e. SNIFFER, specifically for Scotland does not take account of risk posed by dusts due to the high moisture content of soils in Scotland. As a highly conservative approach, further site

controls during any earthworks can be implemented to prevent soils and dusts becoming air borne e.g. damping down.

- **Issue 4 - residents were advised by Dr Luke that the phase 2 has highlighted a wide range of contamination on site.** All previous correspondence, negotiations and reviews of the submitted information to date has been conducted in consultation with the TECS Contaminated Land Unit.
- All assessments have been undertaken in line with the UK framework. Following submission of the revised risk assessment, on completion of the phase 2 site investigation, TECS will undertake a formal review of the factual information in order to ensure all investigations have been carried out adequately and any recommendations are considered appropriate to the site.
- The full assessment of the nature, extent and type of contamination on site is yet to be completed for the reasons stated in issue 2 above. Therefore, final conclusions/recommendations on the nature, extent and type of contamination at the site cannot be fully determined at the present time.
- **Issue 5 - TECS had informed the applicant that they were to decontaminate large areas of the site - why was this not made public.**

A remediation strategy cannot be formulated until the phase 2 site investigation and revised risk assessment work is complete. The low level contamination encountered during the phase 1 site investigation indicates that a 'clean' cover system may be required in garden and soft landscaped areas. However, large scale 'decontamination' is not considered necessary at this stage, based on the available information.

- 6.5 **Affordable Housing** - Cairn Housing Association has been discussing the development with Barratts in terms of the particular house types and proposed tenure split of the affordable units and has confirmed their acceptability.

7. **PLANNING APPRAISAL**

- 7.1 **Determining issues** - 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.
- 7.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

- 7.3 Policy - The Local Plan identifies the site for residential purposes in terms of Policy 97 (V) with no restriction on the number of residential units to be approved on the site. In terms of density/ capacity there is guidance in the Local Plan on what is considered to be high density (see attachment). The previous application had a density of 55 houses per hectare but this reduces to 33 houses per hectare with this application. Given the high density in the first phase of the development (25 houses per hectare) and high density development within Smithton the density for this site is compatible. The development is being targeted at providing 1 and 2 bedroom properties. Consideration has to be given to Local Plan Policy GP1 and Design Principles and whether this proposal works with the landscape. In terms of affordable housing the 25% provision of 16 units will be accommodated by means of on-site provision.
- 7.4 SPP3 refers to infill sites within existing settlements often making a useful contribution to the supply of housing land. This is a brownfield site and in a suburban location. The development respects the scale, form and density of the surroundings and enhances the character and amenity of the community. Although at a higher density, it is not over-development of the site and reflects existing development in the surrounding area. It is allocated for residential use in the Local Plan.
- 7.5 Design and Layout - Since the submission of the last application the number of units has been reduced from 107 to 64 and consist of only 2 storey houses. 3 storey flats have been deleted from the scheme. The new layout shows the houses set back further from the southwest boundary with the gable ends of houses facing these properties. Previously, there had been a row of 10 houses whose rear elevations faced onto 2 houses at Tigh Airidh, and The Limit. A further set back has been introduced on the space between 2 houses at Wellgrove and Barnview to allow public open space. At its closest point, there will be 21.5 metres between Tigh Airidh and the nearest new house and 30 metres between Barnview and the nearest new house. A SUDS detention basin has been introduced on the south boundary of land next to Tigh Airidh. A wildlife corridor has been introduced on the southeast boundary with nos 43-64 Rowan Grove.
- 7.5 In terms of the distance from the rear (northwest) elevation of houses and the edge of Caulfield Road North, these range from between 18.5 to 22.5 metres at plots 30-34, and 30 metres and 8.5 metres for the 1 block (Units 35 and 38) of fourplexes facing Ashville. For Cornriggs, there are 2 blocks of fourplexes which range from 8 to 9 metres (Units 39, 42, 43 and 46). It meets the guideline set by the Building Research Establishment whereby a minimum 18 metre distance for privacy should be established between windows of habitable rooms that are parallel to each other although it should be noted this

is for situations whereby there is rear elevation of one property overlooking the rear elevation of another. In this situation the rear elevations of the new houses are overlooking the front elevation of Cornriggs and Ashville.

- 7.6 Impact on Amenity - The site is presently used as lockup garages on the east boundary of the site while the remainder of the site has had a variety of uses and is overgrown. Redevelopment of this brownfield site would help to enhance the amenity of the area as a whole. There are existing trees within the site close to the lockup garages on the east boundary but these are of little amenity value and are not worthy of safeguarding.
- 7.7 Infrastructure - In terms of surface water the applicant has submitted a Drainage Impact Assessment (DIA) which has been scrutinised in detail by the relevant consultees of SEPA and TECS Area Roads. Both are satisfied that the applicant has complied with PAN 61.
- 7.8 As with the previous submission, the principle of the proposed SUDS system has been approved, with finer detail to be agreed with these parties as required by condition. Since the last submission a SUDS detention basin has now been introduced on the south boundary. The philosophy remains the same in that the run-off from surface water from development (post-development run-off) would be no worse than that of the site before development (pre-development run-off). The DIA includes figures for these projections. Both SEPA and TECS Area Roads are satisfied with the philosophy. As can be seen from their comments above they have no objections in principle but wish to see more detailed information at the detailed design stage. This is recognised as common practice. Flows will be monitored by the applicant during the winter period after which appropriately sized attenuation facilities will be designed to prevent increased flood risk elsewhere. This is recognised by both TECS Area Roads and SEPA as a reasonable approach, given the degree of uncertainty regarding estimating flows currently discharged by the existing culvert from Phase 1 of the development.
- 7.9 The applicant advises the proposed SUDS system takes account of surface water presently entering the site in the form of an existing culvert which runs underneath the railway line located to the southeast of the development as well as controlled discharge from the SUDS serving the first phase of Barratts development. There is no visible outlet from the existing pond within the site but it is thought it has an outlet to the Tower Brae Burn. The aim is that any surplus surface water would drain to that same burn. However, the main aim is to intercept surface water arising from the development and attenuate this on site by means of SUDS detention basin, filter drains on the southeast boundary with nos 43-64 Rowan Grove, and other methods such as porous paving, filter trenches and tank sewers as shown on the SUDS layout plan. This will accommodate run-off from the houses, shared road surfaces & car parking courts, roads and footpaths. The total collected run-off will require attenuation and involve some form of treatment to meet SEPA's requirements before it can be released into the burn.

- 7.10 TECS Area Roads wish to see the fenceline on Caulfield Road North set back by a minimum of 2.5 metres to allow for future improved provision for pedestrians and cyclists. Caulfield Road North is part of the National Cycleway Network and the Local Plan identifies it as a cycle route. After discussion, the applicant is willing to meet such a request and this can be added as a further condition. On Caulfield Road North Area Roads has suggested the formation of 2 passing places with one located at the emergency exit and the other further to the south opposite Ashville (this passing place would be funded by the Council).
- 7.11 Contaminated Land -There is a history of past uses of the site which required the preparation of a contaminated land study and discussions have been ongoing with TECS Services on this issue. From the applicant's statement above it is clear that the level of contamination is low (paragraph 6.3 above). There are low levels of cadmium, hydrocarbons and arsenic and the consultant does not view this as widespread contamination. A condition that no work starts on the site until such time as this has been completed to the satisfaction of TEC Services is recommended. This is in line with the recommendation in PAN 33 which states that "where there is potentially only slight contamination, planning permission may be granted on condition that development will not be permitted to start until a site investigation and assessment has been carried out and that the development itself will incorporate measures shown in the assessment to be necessary. "
- 7.12 In terms of the roads layout, TECS Area Roads is satisfied with the parking provision. In terms of street lighting on Caulfield Road North the applicant is unwilling to make provision for this as they are of the opinion they have committed to extensive planning gain through the clean up of the site and the provision of affordable housing. After discussion with Area Roads this would require a 2 metre strip adjacent to Caulfield Road North and this would seem unreasonable.
- 7.13 European Protected Species - After an approach from residents, Scottish Natural Heritage were consulted on the application but do not object. They recommended a survey be carried out prior to determination of the application to confirm the existence of Bats and the Great Crested Newt. This has been undertaken by the applicants and it has confirmed neither is resident on the site. All that remains to be determined is whether there are bats within the industrial building on site and the trees surrounding it. A condition will be applied to ensure that works take place to determine their existence or otherwise but if subsequently found as work progresses, no works can continue until SNH is satisfied with the mitigation measures and any licence from the Scottish Government is obtained as necessary.
- 7.14 Issues Raised by Objectors -
Flooding and surface water –The flooding that arose was as a direct result of the road culvert in Tower Brae Burn becoming blocked with debris. This culvert has now been completely replaced to minimise the risk of debris blockage. The SUDS proposals have been discussed at length with TECS Area Roads and SEPA. There is sufficient information to endorse the philosophy but as is

the normal procedure with planning applications further details will require to be submitted at the next stage and before any work progresses on site.

Subsidence – As a brownfield site, the redevelopment will rectify this problem as part of the ground preparation works.

Road traffic safety – TECS Area Roads have confirmed that the proposed vehicular access into the site from Rowan Grove is the best option in terms of road traffic safety as the only other option would be from Caulfield Road North which is sub-standard in width and would be unable to accommodate the traffic generated from this development. The design of the gradient of the internal access road where it meets Rowan Grove will need to be amended to the Council's Road standards to avoid a blind rise. In terms of traffic generation Area Roads is not looking for any improvements and a crossing was installed with Phase 1.

Density – The density is not excessive and marks a considerable reduction relative to the previous submission. It is now reasonable, given the scale of the units to be provided, and is not over-development. With the first phase constructed to the east of the site and the market aimed for, there is no planning reason to insist on a much lower density in terms of the layout and visual amenity. There is a considerable set back from the house on the southwest boundary of the site and the omission of the 3 storey flats means the development will be less visually intrusive.

Amenity – The houses facing onto Caulfield Road North will overlook the front elevation of Cornriggs but there is 18 metres from elevation to elevation as recommended by the Building Research Establishment. The trees within the site are not of high amenity value and there is no benefit to retaining them.

Finishes – In the terms of the legislation at the time of the submission of this application there would have been no requirement to submit a design statement for this scale of development. The materials and finishes reflect those used in the first phase and are acceptable. The provision of 2 storey houses is reasonable and was approved in Phase 1.

European Protected Species – The bat survey carried out is acceptable to SNH. It has identified bats forage within the area and a new survey has not been considered necessary.

Pond Wildlife – As a brownfield site the ponds were created artificially and SEPA's Habitat Enhancement Initiative is a handbook which provides guidance on good practice in the protection, management and creation of ponds and pools in Scotland. In this situation, a new habitat will be created as the existing ponds have no conservation value and were unintentionally formed as a result of a commercial use of the property.

Contaminated Land - In respect to the contaminated land within the site, investigation has started in consultation with the Contaminated Land Section of TECS. There is an existing building which requires demolition before further investigation is carried out. The normal condition in relation to contaminated land will be used. In terms of flooding and surface water drainage the applicant has investigated this and devised a scheme to the satisfaction of Area Roads and SEPA.

8. **CONCLUSION**

8.1 The site is allocated for residential development in the Local Plan and no

specific limit has been placed on the number of residential units on this site. The density is at the higher end of the spectrum but the layout is such that it will not have a significant detrimental effect on the established residential amenity of surrounding properties. Two storey houses were used in the first phase of the development and this height would be acceptable in this second phase, given the layout is such that these houses would not be out of keeping with development in the surrounding area to the east and north. While members were of the opinion the last application did not respect the scale, form and density this new proposal is now acceptable on all grounds and represents a marked improvement on the previous submission. In the interests of consistency, the conditions below are recommended.

RECOMMENDATION

Subject to the issue of a licence for the bats by the Scottish Government should this prove necessary and to prior conclusion of a Section 75 Agreement to secure delivery of the affordable housing element, **GRANT** planning permission subject to the following conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

2. No development shall take place unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme of landscaping for the entire site, and which scheme shall include details of the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. For the avoidance of doubt, this shall include for any measures which still fall to be implemented from the Phase 1 development.

Reason: In the interests of preserving the amenity of the area.

3. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which die, are removed or become diseased or damaged within a period of 5 years from the date of completion of the development or occupation of the last of the houses, shall be replaced in the next planting season with others of a similar size and species to the satisfaction of the Planning Authority.

Reason: In the interests of preserving the amenity of the area.

4. The amenity areas as detailed on the approved drawing A3952/P10 (or any drawing which may subsequently be approved superseding it) shall be laid out in accordance with the approved scheme of landscaping prior to the occupation of the first of the houses hereby approved unless otherwise agreed in writing with the

Planning Authority.

Reason: In the interests of preserving the amenity of the area.

5. None of the houses hereby granted planning permission shall be occupied unless the general access road and associated roadworks as indicated on the approved drawing have been constructed, demarcated and completed to full Road Construction Consent standard all to the satisfaction of the Planning Authority unless otherwise agreed in writing. For the avoidance of doubt, on occupation of the last of the houses to be completed, the internal road network, including ancillary facilities, will be completed to full Roads Construction Consent standard.

Reason: In order to ensure all roads are completed to road construction consent standard.

6. No development shall take place unless a management and maintenance scheme for any roads, footpaths or parking spaces which are not to be adopted as part of the public road network and for all areas of open space including the Sustainable Urban Drainage System (SUDS) which are not explicitly shown on the submitted plans as forming part of private garden areas, shall be submitted for approval of the Planning Authority.

Reason: In the interests of road traffic safety.

7. Unless otherwise approved in writing with the Planning Authority, no works shall start on site until a revised site plan is submitted to avoid on-street parking by the occupiers of houses at plots 01, 02, 08 and 21.

Reason: In the interests of road traffic safety and to discourage on-street parking.

8. No development shall take place unless details of the proposed street lighting are submitted to and agreed in writing to the satisfaction of the Planning Authority. For the avoidance of doubt, the street lighting will be designed to minimise light emission skywards.

Reason: In order to avoid unnecessary light spill skywards.

9. No development shall take place unless there has been submitted and approved in writing by the Planning Authority a detailed scheme of the site and plot boundary enclosures.

Reason: In the interests of visual amenity.

10. The surface water disposal arrangements will be constructed and completed in accordance with the agreed method of drainage (SUDS), the details of which shall be submitted to and agreed in writing by the Planning Authority prior to the start of any work on site and thereafter completed in their entirety prior to the occupation of any of the houses for which planning permission is hereby granted permission, all to the satisfaction of the Planning Authority.

Reason: In the interests of public safety and amenity.

11. A detailed Drainage Design should be submitted to and approved by the Planning Authority in consultation with SEPA prior to development commencing. Post-development runoff from the site should not exceed the pre-development runoff rates for all return periods up to and including the 1 in 200 year storm event. The Drainage Design should include a sensitivity test showing that no built development or critical infrastructure would be affected by flooding during a 1 in 200 year storm event to satisfy SPP7 requirements.

Reason: In the interests of public safety and amenity.

12. No development shall take place unless details of the traffic calming measures for the entire site are submitted to and agreed in writing to the satisfaction of the Planning Authority and thereafter completed in accordance with Road Construction Consent standard.

Reason: In the interests of public safety and the free flow of traffic.

13. No development shall take place unless a management plan for the maintenance of all areas of amenity/open space including the area reserved for SUDS, has been submitted to and agreed in writing with the Planning Authority. For the avoidance of doubt, the management plan will provide specific details for the long term care and maintenance of the amenity/open space areas and the mechanism for achieving this together with the appropriate contract arrangement with the appropriate maintenance company. Thereafter, the management plan will be implemented in its entirety to the satisfaction of the Planning Authority. For the avoidance of doubt, this shall include for any measures which still fall to be implemented from the Phase 1 development.

Reason: In the interests of ensuring the proper management of the areas of open space.

14. No less than 25% of the total number of residential units for which planning permission is hereby granted will be designated as "Affordable Homes" in accordance with Scottish Government guidelines, unless otherwise agreed in writing with the Planning Authority. For the avoidance of doubt, no work will commence on site until and unless details of the means by which the "Affordable Homes" are to be provided and have been submitted to and agreed in writing to the satisfaction of the Planning Authority.

Reason: In the interests of complying with Council Policy.

15. The units designed as affordable housing will be completed as part of the overall development, and prior to occupation of the last of the houses for which planning permission is hereby approved, unless otherwise approved by the Planning Authority. For the avoidance of doubt, the area reserved for affordable housing will, in the event of failure to develop by occupation of the last of the houses comprised within the remainder of the development, be laid out and landscaped for access by the public and thereafter maintained and included within

the approved scheme of maintenance for the entire site, all to the satisfaction of the Planning Authority.

Reason: In the interests of the proper development of the site.

16. No development shall take place unless details of an equipped play area (which will include no less than 5 pieces of play equipment) will be submitted to and approved in writing to the satisfaction of the Planning Authority and thereafter provided prior to the occupation of the thirtieth of the houses to be constructed (which may include the completion of the affordable housing). For the avoidance of doubt, the management of the play area will be included within the approved scheme of open space maintenance for the entire area.

Reason: In the interests of complying with Council Policy.

17. Unless otherwise approved in writing with the Planning Authority, no works shall start on site until a scheme to deal with potential contamination on site is submitted for the approval in writing of the Planning Authority, and the approved scheme shall be implemented thereafter in full to the satisfaction of the Planning Authority.

The scheme, which may be undertaken on a phased and progressive basis, shall contain details of proposals to deal with potential contamination and shall include:-

- (a) An assessment of the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk. The scope and method of this assessment shall be agreed in advance with the Planning Authority in consultation with the Council's Contaminated Land Unit and shall be undertaken in accordance with PAN 33(2000) and BS10175:2001.
- (b) A Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for the use(s) proposed. This shall include a method statement, programme of works, proposed verification plan and proposals for the ongoing monitoring of the condition of the site.
- (c) A Validation Report (should remedial action be required) by a competent person who will validate and verify the completion of works to a satisfactory standard as agreed with the Planning Authority in consultation with the Council's Contaminated Land Unit.

Written confirmation from the Planning Authority that the approved scheme has been satisfactorily implemented and completed, and that, if appropriate, monitoring measures are satisfactorily in place, shall be required by the developer before any development hereby approved commences on site.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and to ensure remedial works are carried out to the agreed protocol.

18. No development shall take place unless details of the emergency barrier/bollards onto Caulfield Road North are submitted for the prior written approval of the Planning Authority and the barrier shall be installed prior to occupation of the first house or flat. It shall be so designed to allow for access by emergency vehicles only and not by normal vehicular traffic which shall take access

from Murray Road at all times.

Reason: In the interests of road traffic and pedestrian safety and in recognition of the need to allow emergency access for fire engines and other emergency vehicles.

19. Unless otherwise approved in writing by the Planning Authority or in case of an emergency, construction activity on the site shall be restricted to 07.00 hours till 18.00 hours, Monday to Friday, 08.00 hours till 13.00 hours on Saturday and no work carried out on Sunday or public holidays.

Reason: In the interests of residential amenity.

20. Prior to the start of development, a construction method statement shall be submitted for the prior written approval of the Planning Authority. This shall include inter alia the proposed location of the works compound, the means of screening the site, the phasing of development and mitigation measures in terms of dust and noise for adjacent premises.

Reason: In the interests of residential amenity.

21. Unless otherwise approved in writing with the Planning Authority, all construction traffic shall take access from the existing access leading to Rowan Grove/ Way/ Court from Murray Road and not from Caulfield Road North.

Reason: In the interests of residential amenity.

22. None of the houses which have a rear boundary onto Caulfield Road North shall provide any means of access, either pedestrian or vehicular, to that road without the express consent of the Planning Authority.

Reason: In the interests of road traffic safety

23. Unless otherwise approved in writing with the Planning Authority, no works shall start on site until an application has been submitted for the details of the proposed works adjacent to the south boundary and the culvert for Phase 1 to accommodate attenuation for the surface/ground water from this direction to the satisfaction of the Planning Authority in consultation with SEPA.

Reason: In the interests of amenity and to ensure water surface/ground water from outwith the application site is dealt with in terms of SUDS principles.

24. On the north boundary with Caulfield Road North a strip of 2.5 metres measured back from the edge of the public road shall be reserved for pedestrians and cyclists. No works shall start on site until a revised site layout plan is submitted showing the footpath/cyclepath and, if practicable, associated grass verge and 2 passing places one of which will be located at the emergency exit and the other close to the property Ashville. These works shall be carried out prior to occupation of the first property in the development.

Reason: In the interests of road traffic safety and as Caulfield Road North is part of

the National Cycleway Network.

25. Prior to the felling of trees or lopping of branches or the demolition of the building on site they shall be checked for their potential as bat roosts. Should bats be encountered during the works then all work must stop immediately and SNH contacted for further advice on how to proceed and once their clearance is given works can then proceed.

Reason: To safeguard the bats which may be within the trees and/or the building in the interests of nature conservation and to comply with European Legislation on their protection.

Informative: For the avoidance of doubt it is expected that street name plates shall be bi-lingual in Gaelic as well as English.

Signature:

Designation:

Author:

Background Papers:

Area Planning & Building Standards Manager

Keith Gibson. Principal Planner.

This casefile

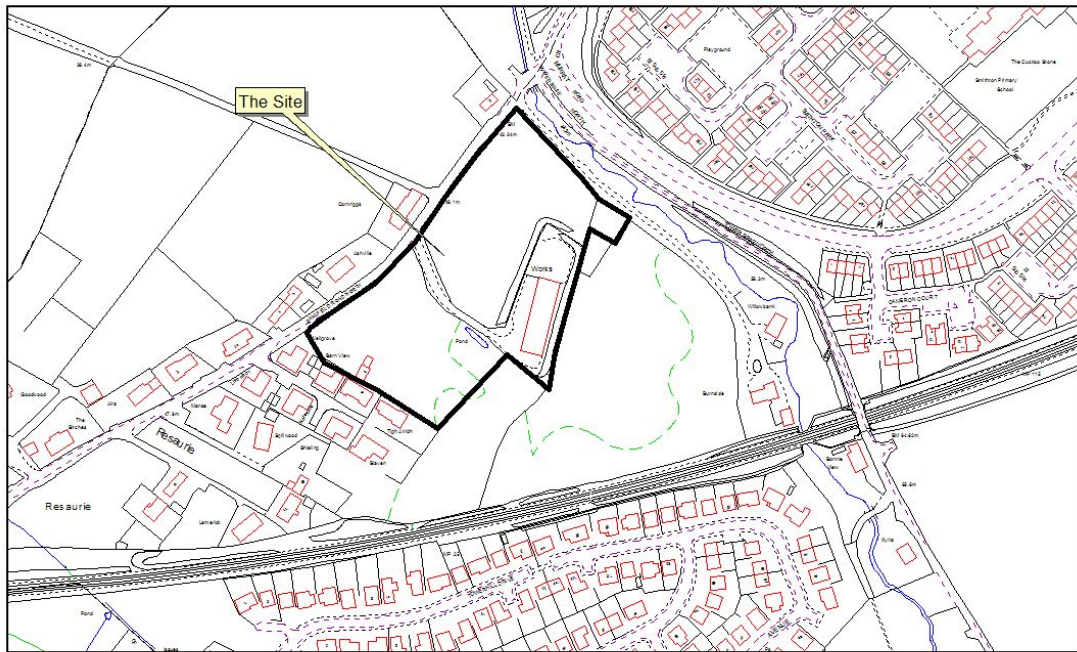
Highland Structure Plan, March 2001

Inverness Local Plan, March 2006

EXTRACT FROM INVERNESS LOCAL PLAN

DENSITY/CAPACITY

Average Net Residential Density	City/District/Neighbourhood	Local Centre/Key Village/Small Settlement
High	20/25-40 per ha.	10-15dw. per ha.
Medium	10-20/25per ha.	5-10dw. per ha.
Low	up to 10 per ha.	5dw. per ha.
Access Capacity/No. of Houses		
1,000 houses	Local distributor road	N/a
200-250 houses	Residential access	N/a
50 houses	Cul-de-sac/shared surface	Minor road



09/00231/FULIN - Land 50M South East of Corriggs, Resaurie, Inverness
 Erection of 64 Houses and Associated Roads, Car Parking and Below Ground Services

SUPPLIED BY THE HIGHLAND COUNCIL

Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Highland Council 10002369



