

**THE HIGHLAND COUNCIL**

**INVERNESS, NAIRN, BADENOCH & STRATHSPEY  
PLANNING APPLICATIONS COMMITTEE – 9 JUNE 2009**

|             |  |
|-------------|--|
| Agenda Item |  |
| Report No   |  |

**08/00430/FULIN**

**Erection of 37 houses (10 affordable) on Land Adjacent To Fire Station, East End,  
Beauly**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

This is an application for 37 houses on land adjacent to the Fire Station in Beauly. 27 of these houses will be private and 10 will be affordable. The site is allocated in the Local Plan as an expansion site for future housing. The application is brought to Committee due to the number of objections.

**Applicant:** Aigas Construction Ltd, c/o Colin Armstrong Associates, Lyle House, Pavilion 1, Fairways Business Park, Inverness, IV2 6AA

**Recommendation:** GRANT planning permission.

**Ward:** 13 – Aird and Loch Ness

**1. PROPOSAL**

1.1 This is a small development of 37 houses consisting of 27 two, three and four bedroom private houses and 10 affordable two and three bed houses and flats. The site is bounded to the north and west by open fields, to the south by a burn and the houses of Croyard Drive and to the east by Beauly Fire Station. The fields adjacent to the application site to the west are also zoned in the Local Plan as part of the future expansion of Beauly. The site is low lying, but reasonably flat and drainage of the site has been an issue in this area. Access is past the fire station from the A862.

**2. PLANNING HISTORY**

2.1 One previous application was made on the same site by the applicant, (07/01057/FULIN), but was subsequently withdrawn when a new layout was submitted.

**3. PUBLIC PARTICIPATION**

3.1 The application was advertised under Section 34 of the Act and 14 letters of objection were received covering the following points:

- The field is prone to flooding;

- Maintenance of the burn;
- Layout;
- Location of affordable housing;
- Property values;
- Tenants of housing association homes;
- Access road could be dangerous during a call-out at the Fire Station;
- Road construction to future housing land;
- Over-development of the site as the whole area zoned is for 60 and this is roughly half the area with 37 houses;
- Lack of a masterplan for the whole zoned area of land;
- Overdevelopment of land in Beaully;
- Proposal will do little to address the issue of affordable housing in Beaully;
- Siting of construction equipment during construction;
- Conditions to control dust, noise, landscaping, security of the site;
- Pressure on the village infrastructure including parking in the village;
- Volume of traffic on the A862 ;
- Adverse environmental and visual impact on the landscape.

3.2 Copies of all letters of representation have been placed in the Members' Lounge for inspection prior to the Committee meeting. The originals are available for inspection in the case file.

#### **4. CONSULTATIONS**

4.1 **Community Council:** Drainage of the site must be resolved.

4.2 **Roads (TECS):** No objections but indicate that drainage issues must be resolved.

4.3 **Scottish Water:** No objections

4.4 **SEPA:** Flooding/drainage objections resolved.

#### **5. POLICY**

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

##### **Highland Structure Plan, 2001**

- G2 – Design for Sustainability

##### **Inverness Local Plan, March 2006**

- Beaully 7: 11
- E: Expansion

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP), NPPG's and Planning Advice Notes (PAN)

- SPP1 – The Planning System
- SPP3 – Planning for Homes

- PAN 38 – Housing Land
- PAN 40 – Development Control

## **6. PLANNING APPRAISAL**

### **6.1 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.

6.2 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

### **6.3 Policy**

This site is allocated in the Inverness Local Plan as part of a wider expansion site for Beauly. The Local Plan has an indicative capacity for the whole of the site of 60 units and although this application is for a slightly higher density, the proposed layout fits well in the site and is therefore considered acceptable. SPP3: Planning for Homes indicates that a planning authority will seek to allocate “a generous supply of land to meet identified housing requirements across all tenures, including affordable housing, and related policy objectives.” “Planning authorities should promote the efficient use of land and buildings. In principle this means directing the majority of new development towards sites within existing settlements to make effective use of existing infrastructure and service capacity, and reduce energy consumption, while ensuring the creation of quality residential environments.”

### **6.3 The field is prone to flooding**

Flood risk and drainage for this site have been the subjects of much discussion between the applicant and SEPA over the last year. The applicant has satisfied SEPA on flood risk by demonstrating the likely flood levels and flow path for the adjacent burn, while also agreeing to the establishment of minimum house floor levels. The current proposal to address surface water drainage is expected to deal with localised ponding on the site, which some representations have referred to as flooding, and is now considered acceptable to SEPA and TECS.

### **6.4 Maintenance of the burn**

Responsibility for the maintenance of the burn lies with adjoining landowners to the burn. As such a percentage liability will simply be transferred to each of the adjoining houses and flats. This will be part of an agreement between the landowner and prospective purchasers/tenants.

- 6.5 **Location of affordable housing**  
The affordable housing has been located in the south east corner of the site where they will have the least impact on existing houses. There are no houses on the land immediately to the south of the flats. The gable end of one of the semi-detached houses will be 12 metres from two existing flats in Abbots Place. Four affordable flats are located away from the boundaries of the site to minimise any impact on existing houses. This is considered acceptable.
- 6.6 **Access road could be dangerous during a call-out at the Fire Station**  
The applicant has offered to put road markings at the junction with the Fire Station to ensure cars cannot stop and block the route from the Fire Station. This can be covered by condition.
- 6.7 **Road construction to future housing land**  
The applicant has agreed to sign a Section 75 agreement to transfer the solum of the distributor road to the Council at nil cost. This will ensure that any developer can build the roads to enable development at sites beyond the application site.
- 6.8 **Layout and over-development of the site as the whole area zoned is for 60 and this is roughly half the area with 37 houses**  
The proposed layout fits well in the site. Plot ratios are generally around 22% which is considered to be good. The Local Plan site capacities are indicative and it is for developers to produce good layouts that accommodate all necessary infrastructure. If these two items are addressed satisfactorily, then a slightly higher housing density can be considered acceptable as in this case.
- 6.9 **Lack of a masterplan for the whole zoned area of land**  
The applicant has indicated that he consulted with the Council's Policy Section regarding a masterplan and was advised that this site was considered large enough to be a standalone development and therefore would not require a masterplan.
- 6.10 **Overdevelopment of land in Beaulieu**  
The Planning Authority has a statutory obligation to zone sufficient land for future housing through Local Plans. Land in Beaulieu was zoned as part of the Inverness Local Plan, which went through full public consultation and public inquiry. As has been indicated above, this site is within this zoned land and must therefore be considered acceptable.
- 6.11 **Proposal will do little to address the issue of affordable housing in Beaulieu**  
The applicant is required, through Council policy, to provide 25% affordable housing on this site and he has agreed to sign a Section 75 Agreement to this effect. The Council is committed to supplying affordable housing within communities across the Highlands and the Council's Housing Manager has indicated he has no objection to this application.
- 6.12 **Volume of traffic on the A862**  
The Council's TEC Services department have examined this application in

relation to roads and layout and are satisfied with the proposal.

**6.13 Adverse environmental and visual impact on the landscape**

It is accepted that this application will alter the rural nature of the existing land and therefore this might be considered to the detriment of adjacent householders. However, SPP3 is clear that the new housing should be directed to existing settlements and these sites should be identified in Development Plans. The government is committed to the provision of new housing and it is therefore considered that the housing allocations and national policy outweigh the localised environmental and visual impact in this circumstance.

6.14 Other matters raised are addressed through planning conditions below or are not material planning considerations.

**7. CONCLUSION**

7.1 This application is supported by policy in that it has been allocated for development for some time.

**RECOMMENDATION**

It is recommended the application be **GRANTED** subject to the following conditions and a S75 Agreement being concluded prior to release of the permission to cover the number and types of affordable housing units, costs and meeting housing for varying needs standards and the transfer of the solum of the distributor road, at nil cost, to the Council:

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 construction work shall commence on site until evidence is exhibited to the Planning Authority that agreement has been reached by the applicant with Scottish Water for the provision of a water scheme to serve this development.

Reason: Required in the interests of public health and on the basis of current advice from Scottish Water.

3. No house shall be occupied unless the method by which foul drainage is to be provided on site has been implemented and completed to the satisfaction of the Planning Authority.

Reason: In the interests of public health.

4. The houses for which planning permission is hereby granted shall not be occupied unless the surface water associated with the development including areas of

hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDS. There shall be no COMMENCEMENT of this development until such details are submitted to and approved in writing by the Planning Authority.

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

5. The minimum finished floor level for this development shall be 500mm above the 1 in 200 year modelled flood level as identified in the Flood Risk Assessment (Gunn MacPhee, July 2008)

Reason: In order to ensure that the site is protected from flood risk.

6. That on completion of, or the substantial completion of, the development for which planning permission is hereby granted, all roads and footpaths will be constructed and completed to enable road construction consent and full public access to the satisfaction of the Planning Authority.

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

7. All roads, including footpaths and cycleway, shall require road construction consent before works commence and all such works, including the provision of car parking shall require to conform to the Council's Road Construction Design manual.

Reason: In the interest of public safety.

8. Details of road markings to be provided at the junction with the Fire Station to ensure cars cannot stop and block the route from the Fire Station at time of emergency shall be submitted to and approved in writing by the Planning Authority and shall be brought into use prior to any house on the site being occupied.

Reason: In the interests of public health & safety

9. The provision of two parking spaces within the curtilage of each house shall be made prior to its occupation and shall be maintained at all times thereafter.

Reason: In the interests of road safety.

10. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: In order to preserve the archaeological and historical interest of the site.

11. Construction work associated with the development hereby approved, for which noise is audible at the boundary of the site shall only be carried out between 08:00 and 19:00 Monday to Friday, between 08:00 and 13:00 on Saturdays and at no time on a Sunday or Public Holidays.

Reason: To minimise the risk of noise nuisance given the close proximity of the existing houses.

12. Delivery of construction materials to the site shall be between the hours of 08:00–18:00 Monday to Friday, 08:00–13:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason: To minimise the risk of noise nuisance given the close proximity of the existing houses.

13. A street lighting design, which shall minimise light spill on to adjacent areas and skywards, shall be submitted to and require the approval of the Planning Authority prior to the commencement of road construction.

Reason: In order to protect the amenity of the area.

14. Prior to the start of any work on site, full details of all temporary surface water drainage measures designed to prevent flooding and contamination of existing watercourses during construction shall be submitted to and agreed in writing by the Planning Authority and thereafter so implemented.

Reason: In order to ensure the proper provision of SUDS facilities.

15. No houses shall be occupied until off-site trunk sewer connections and potable water storage infrastructure has been completed to the satisfaction of the Planning Authority in consultation with Scottish Water.

Reason: In order to comply with Council policy.

16. 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 the proposed location of the works compound, the means of screening the site, how the site will be developed and mitigation measures in terms of dust and noise for adjacent premises.

Reason: In the interests of residential amenity.

17. The lengths of distributor road to be constructed within the different phases of the development shall be constructed to the standard required by the Planning Authority in consultation with the Roads Authority, and Road Construction Consent shall be obtained prior to any road works commencing on the site. The road being constructed shall at all times be terminated with a construction that is capable of being extended by any party so that ultimately the entire road will be suitable for adoption by the Roads Authority.

Reason: In order to ensure the whole site can be developed.

18. The applicant shall take all necessary measures to avoid nuisance to neighbouring residents caused by dust which arises from operations carried out in connection with the planning permission.

Reason: In order to protect the environment and amenity of residents.

19. Prior to the commencement of development, a fully detailed scheme of landscaping for the site, including a scheme of maintenance, shall be submitted to and require the approval in writing of the Planning Authority. This should pay particular attention to green buffers along north and east boundaries. All planting thereby approved shall be undertaken in the first planting season following commencement of the development and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the commencement of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

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

20. The play area and open space shown within the site shall be formed and equipped to the specification below attaching to this permission and available for use prior to the occupation of the twelfth house in the overall development, unless otherwise approved in writing by the Planning Authority, and that area shall not be used thereafter for any purpose other than as a play area and open space.

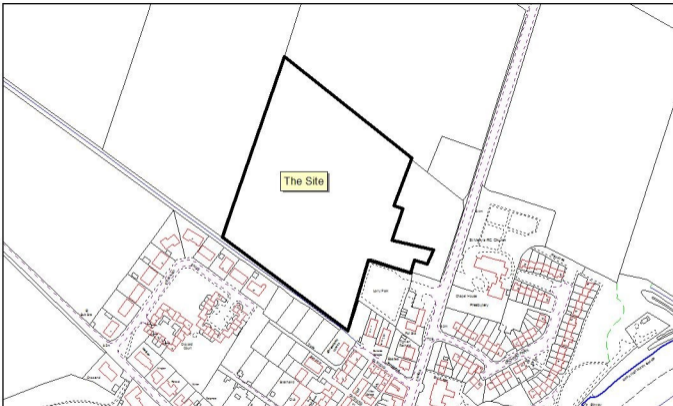
Reason: In order to secure a satisfactory level of provision associated with the development.

21. Prior to commencement of development, a phasing plan shall be submitted to and require the approval in writing of the Planning Authority. The phasing plan shall include details of how the land within the site shall be maintained in a tidy state until such time as it is to be built upon.

Reason: In order to ensure the amenity of the site

Signature:

Designation: Inverness, Nairn and Badenoch & Strathspey,  
Area Planning and Building Standards Manager  
Author: Elaine Watt. Planner  
Background Papers: Application file 08/00430/FULIN



**08/00430/FULIN - Erection of 37 Houses (10 Affordable)  
Land Adjacent to Fire Station, East End, Beauly**

**SUPPLIED BY THE HIGHLAND COUNCIL**

Reproduced from the Ordnance Survey, in keeping 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 10002308.

