

THE HIGHLAND COUNCIL

**CITY OF INVERNESS AND AREA
PLANNING APPLICATIONS COMMITTEE –24 JULY 2006**

Agenda Item	
Report No	

06/00092/FULIN – Residential Development comprising 40 units, Rosebank, Croy, Inverness

Report by Inverness Area Planning and Building Standards Manager

SUMMARY

Committee is invited to determine an application in detail for a residential development comprising 40 units at Rosebank, Croy with regard to the development plan and to all other material considerations as set out in this report.

Letters of representation have been received.

The recommendation is to approve.

1. PROPOSAL

- 1.1 An application seeking detailed planning permission for a residential development comprising 40 units at land to the north of Croy has been submitted by Scotia Homes Ltd.

2. SITE DETAILS AND BACKGROUND

- 2.1 The application site extends to approximately 19 hectares and is located to the northwest of the existing settlement of Croy. The site is bounded to the north by an existing single track road which provides access to the recently completed airport junction with the A96. Immediately opposite the site and to the south are open fields currently used for agricultural purposes. The main village of Croy is located to the east of the site, and Croy Primary School is in close proximity.
- 2.2 The site is gently undulating but with the ground rising southwards. The road edge is defined by mature Oak trees and a dry stone rubble wall. The west of the site currently comprises redundant poultry sheds which may be considered as a brown field opportunity.
- 2.3 It is proposed to develop the site to accommodate 40 residential units in a mix of detached and semi detached properties. The development site will incorporate the existing poultry sheds which will be demolished and cleared. To the east and adjacent to the existing built area of Croy, land will be reserved for future development, and is not directly included within the application site.
- 2.4 The layout of the housing is essentially linear in recognition of the site boundaries. A new vehicular access is formed which loops through the site providing access to the two rows of houses located to the west and rear of the site. Those houses located to the east and immediately adjacent to the existing public road will be accessed by single private driveways.

- 2.5 It is proposed to retain the existing stone boundary wall where appropriate and to incorporate this into the boundaries of the proposed houses. A significant area of landscaping is included to the northwest of the site and this too will accommodate the proposed SUDS pond. To the east the land reserved for community or commercial development, whilst defined by the proposed new access road, will also include an area of landscaping.
- 2.6 A toddlers play area is provided and this is located to the rear of the site whilst the boundary to the public road will also be landscaped.
- 2.7 In recognition of the fact that the land to the south is allocated for potential future expansion of Croy, the proposed new access roads are designed to enable future links through.
- 2.8 The design of the houses is restricted to a mix of single and 1½ storey and the requisite 25% affordable allocation is provided throughout the site as an integrated layout. The majority of affordable homes will comprise semi detached properties.
- 2.9 Finishes include render to walls, natural stone base course and fixed tiled roofs. The majority of house will also include integral garages.

3. PUBLIC PARTICIPATION

- 3.1 The application was advertised in the local press in terms of Section 34 of the Act. No letters of representation have been received from local residents. However letters of representation have been received from both Croy Primary School Travel Team and Croy Community Council.
- 3.2 Croy Primary School Travel Team: Concerns are raised with regard to the integration of the development with the existing settlement at Croy. Particular importance is placed upon the need to ensure that there is a safe route for children attending Croy Primary School. In this regard a footpath should be provided to connect the development with that of the existing village. There are further concerns that the proposed development is isolated from the main village of Croy and children may be prevented from integrating if good and safe access is not available. There are also concerns with regard to the increased vehicular traffic that will result from the development and the potential for accidents as a result. Concern has been expressed that the site does not readily link in with Croy and the request for a pedestrian crossing adjacent to the existing shop and the Primary School has been made. Members are advised that the developers have undertaken to provide full funding for a zebra crossing.

4. CONSULTATIONS

- 4.1 Area Roads and Community Works Manager: There are no objections to the proposal and the layout is considered generally acceptable. The alterations to the public road are considered acceptable and it is noted that a footpath provides access from the site to the main village of Croy and thus the Croy Primary School. The layout of the development should ensure that the length of driveways should be no less than 11.5 metres,
- 4.2 TEC Services – Contaminated Land: It is noted that part of the site involves development of the existing disused poultry breeding unit. It is possible that the site is contaminated and an assessment of the potential contamination will be required before development commences on the site.

- 4.3 Archaeology: The application lies in a wider area where significant archaeological remains are recorded and on that basis a programme of archaeological work for the preservation and recording of any archaeological features will be required.
- 4.4 Scottish Natural Heritage: There are no objections to the proposal.
- 4.5 SEPA: There are no objections to the proposal and it is noted that the proposed surface water drainage facilities are acceptable and appropriate. Care will be required with the demolition of the existing buildings and account must be had for the existing stream which is located to the north boundary of the site.
- 4.6 Scottish Water: There are no objections to the proposal and they have advised that the current sewer network has adequate capacity to accommodate the development. An extension to the existing water mains will be required and it is anticipated that a water supply will be made available from the public water networks.
- 4.7 Croy Community Council: There are no specific objections to the proposal although concerns are made with regard to the distance between the new development and that of the existing Croy village. In particular, there are concerns expressed with regard to the public footpath which is intended to link the proposed development to the existing network of footpaths within Croy. The narrowness of the road at the Croy junction is noted. Further concerns with regard to the increase in traffic and the possibility of danger to pedestrians. The Community Council have asked that proper account be taken of introducing speed limits and that part of the layout should incorporate home zones.
- 4.8 THC – Policy: It is recognised that the site is allocated for development. However, there is a need for a comprehensive scheme which will include proper pedestrian connections to the village centre, structural planting to define the western edge of the village and a safeguard of business, community and commercial potential uses of part of the site.
- 4.9 Access Officer: The existing access track at the northeast boundary of the site should be retained as this provides access to Tornagrain and offers a potential for off road walking within the area.
- 4.10 Forestry Officer – notes that the existing mature oak trees which line the existing road will be felled as a result of the development and considers they provide an important amenity to the entrance to the village. It may be possible to retain several of the trees and none should be felled until and unless this option is explored.

5. APPLICANT'S STATEMENT

- 5.1 The applicant has responded to two of the concerns raised by the consultees and minor amendments to the layout have been made as a result. With regard to the specific concerns raised by the Croy Primary School Travel Team, the applicants have further researched the issue of the footpath links and, in consultation with TEC have ensured that a 2 metre wide footpath will be provided to link Croy to the new development. In addition, the developer has indicated that he will finance the provision of a pedestrian crossing between Croy shop and the Primary School.

6. POLICY

- 6.1 The Approved Highland Structure Plan sets out the expectations of the Council with

regard to planning for development within the Highland Council Area. The general policies cover a range of issues relating to sustainable development and are considered vital to the implementation of the Plans's strategic themes. The general strategic policies reflect the need to integrate community, economic and environmental interests and stressed the importance of development which benefits local communities. Development will be assessed against each strategic policy and, in particular, reference is made to Policy G2 Design for Sustainability. This policy established that proposed developments will be assessed on the extent to which they meet a number of stated criteria, including making use of brownfield sites, the impact on individual community and residential amenity, are accessible by public transport, and impact on the natural habitat. Proposals should also contribute to the economic and social development of the community.

- 6.2 Policy G4 – Community Benefits and Commitment – indicates that the Council will expect development to benefit the local communities and to contribute to the wellbeing of the Highlands.

Strategic Housing Policy is also relevant in respect of the proposal and indicates that quality housing is fundamental to social and individual wellbeing and to creating and maintaining balanced communities. Adequate provision of housing is a prerequisite of economic growth but must be provided in a way which minimises the impact on the environment.

- 6.4 Policy H5 – Affordable Housing – indicates that the Council will secure an appropriate contribution towards affordable housing.

- 6.5 The Adopted Inverness Local Plan at Policy G31 sets out Design Principles. These essentially require that developments should fit well with their surroundings and strengthen and add value to places. Particular emphasis is placed on the issues of providing housing for people, enriching the existing built environment and to work with the landscape.

- 6.6 GP4 – Affordable Housing is also relevant and indicates that new developments will comprise a minimum 25% proportion of affordable homes.

- 6.7 The Inverness Local Plan identifies Croy as a key village and indicates that appropriate expansion will be encouraged. The application site is itself identified as a development opportunity for which a capacity for 25 houses is identified. Members are advised however that the application site also incorporates the existing disused poultry units, a brownfield site which, together with the allocated area, comprises the application site.

- 6.8 In addition, the Local Plan identifies the land to the south of the application site as appropriate for future development and in accordance with the terms of the Local Plan policy, the applicants have submitted a Development Brief which not only addresses the proposed development on the existing application site but indicates the future potential for the remaining area. In particular, appropriate links are provided to indicate that the wider development expansion area can be integrated within the existing village.

- 6.9 SPP3 encourages appropriate residential development areas and indicates that Local Plan should identify areas suitable for expansion. The policy also indicates that affordable housing should be provided within the context of new developments. In addition, reference is made to density and the fact that a choice of residential environment must be provided and that new developments should accord with the

requirement of providing sustainable development and appropriate amenity facilities.

7. PLANNING APPRAISAL

- 7.1 The proposal seeks detailed planning permission for the development of a site to the northwest of Croy and in order to provide 40 houses. The proposal, which generally accords with the Development Plan, requires detailed assessment of the following key issues
- 7.2 **Policy.** In terms of policy, the proposal must be considered generally acceptable. The site is identified in the Adopted Local Plan as an appropriate location for expansion of the existing Croy settlement. Whilst the site identified for development restricts the capacity to a maximum of 25 houses, this current application also includes the adjacent disused poultry breeding sheds and these must be considered as a brownfield/windfall site. On that basis I am satisfied that the additional 15 units represents an appropriate density of development for the site.
- 7.3 In terms of the layout of the development, although it is essentially linear, this is dictated to by the site boundaries. The proposal envisages layout some three units deep with a central loop access road. As a result of the layout, the houses adjacent to the existing public road will have direct access onto that road. This will involve the culverting of the existing burn and removal of certain of the existing mature trees. Nevertheless it is the intention of the applicant to ensure trees will be retained where possible and the position of the access drives reflects this objective. In addition, the existing dry stone dyke will be reconfigured to define the front boundary of each of the proposed houses at the public road junction.
- 7.4 In terms of both the Structure Plan and National Policy, I consider the proposal acceptable. It represents an appropriate density of development and generally accords with the strategic objectives of the Structure Plan whilst recognising the aims and objectives of national policies.
- 7.5 In terms of policy and the requirement to provide affordable houses, the application seeks to “pepperpot” the 25% requisite affordable homes. In this way properties are located throughout the site and will be offered on the basis low cost ownership. It is anticipated that the majority of semi detached properties will comprise the affordable units but Members are advised that the design and layout of the proposed houses is identical to that of the remainder of the units.
- 7.6 **Amenity.** In terms of amenity the proposal must be considered generally acceptable. Account has been taken for the need to landscape the boundaries of the site, and a significant wedge of landscaping is proposed on the north west which will define the expansion area of Croy. The east boundary of the site will also include an area of amenity/landscaping whilst the southern edge of the proposed access road will also be landscaped. Members are advised that the land to the south of that is reserved for commercial or community development but at this stage no proposal has been provided.
- 7.7 In addition, a toddlers’ play area is provided and this is centrally within the development.
- 7.8 **Infrastructure.** In terms of infrastructure the proposal is considered to be generally acceptable. The road layout has been designed in accordance with TEC Services requirements and, most significantly, a footpath link has been provided from the new development through the main village of Croy. This has been achieved by the

reconfiguration of existing public roads, particularly at its junction with Dalcroy Road.

- 7.9 SUDS facilities are provided within the site and these are located to the west within the amenity area. The existing trees which define the public road edge will be retained where possible. Members are advised that the bulk of mature trees are actually located outwith the development site. Nevertheless, it will be essential to ensure that only those trees essential for development are removed and that the remainder are retained and afforded the appropriate protection during construction.
- 7.10 **Public Participation.** In terms of the comments of both the Community Council and the Croy Primary School Travel Team, I am satisfied that the revisions to the proposal have generally addressed the concerns raised. The concerns regarding the integration of the development into the Croy area are wider issues and Members are advised that as the land is identified within the Adopted Local Plan for development purposes the principle of the proposal in relation to its integration within the village has essential been explored at Local Plan stage. Nevertheless, the applicants have indicated that they have sought to ensure that the development does not become isolated from the main part of the village and have provided footpath linkages through the village. Similarly, the applicants have indicated that they are prepared to provide a financial contribution towards the provision of a dedicated pedestrian crossing between the shop and the Primary School.
- 7.11 It is understood that this crossing would take the form of a zebra crossing and that the developer will fund the project.
- 7.12 **Conclusion.** In conclusion, I consider the proposal to be a generally acceptable development for the Croy area. There can be no doubt that the introduction of a further 40- houses will result in a significant increase in the potential population of Croy. Nevertheless attention is again drawn to the fact that the site is identified as suitable for expansion purposes and represents an acceptable layout. It will be essential to ensure that the site is suitably landscaped, particularly at the western edge which will define the new boundary of Croy. The applicants have indicated that a significant area is retained for this purpose and I am satisfied that this will provide the visual barrier necessary.
- 7.13 Members will be aware that no letters of representation have been received from local residents and this is significant in that it would suggest that the development is generally welcomed by the community and will provide an opportunity for an appropriate expansion
- 7.14 Accordingly, the application is recommended for approval subject to appropriate conditions on the basis that the appropriate financial contribution is provided with regard to the provision of the pedestrian crossing as described.

RECOMMENDATION

Approve planning permission for the erection of 40 houses and associated landscaping subject to the following conditions and on the basis of a satisfactory prior conclusion of the appropriate legal agreement to secure the financial contribution towards a pedestrian crossing or provision of the appropriate funding

1. that no work in connection with the implementation of the planning permission for which consent is hereby approved shall commence on site unless details of the means by which the affordable housing is to be provided together with a timetable

for delivery has been submitted to and agreed in writing to the satisfaction of the planning authority. For the avoidance of doubt, affordable housing will be provided at a ratio of 25% of the total of each phase.

Reason - in order to ensure that the appropriate amount of affordable housing is provided timeously.

2. Should the area designated for affordable housing fail to be developed timeously, the entire site will be grassed and maintained as if it comprised part of the area of designated open space all at the expense of the applicant/developer and to the satisfaction of the planning authority

Reason – in order to ensure the area is maintained to the satisfaction of the planning authority

3. that no work will commence on site unless a detailed schedule of landscaping has been submitted to and agreed in writing by the planning authority. For the avoidance of doubt, the scheme will indicate species, plant size and densities. Native species should dominate planting regimes and all planting will be undertaken in a phased scheme to the satisfaction of the planning authority and in any event fully completed within the first planting season following substantial completion of the phased development. Any plant failures during the ensuing five years will be replaced in kind during the next available planting season. For the avoidance of doubt, none of the trees at the road edge shall be felled or removed until and unless the approved schedule of planting is agreed. Very effort will be made to retain the trees as appropriate.

Reason – in the interests of visual amenity

4. None of the houses will be occupied unless a 1 metre high stone wall (dyke) has been constructed and erected along the entire public road frontage all to the satisfaction of the planning authority.

Reason – in the interests of the amenity of the area

5. no work will commence on site unless a scheme for the maintenance in perpetuity of all open space and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water has been submitted to and agreed in writing by the planning authority. All such approved maintenance schemes approved by the Council shall thereafter require to be a legal obligation on all those parties owning title to the said ground.

Reason – in order to preserve the amenity of the area

6. that no development shall commence on site unless details of the method by which surface water drainage have been submitted to and agreed in writing to the satisfaction of the planning authority in consultation with SEPA and thereafter the approved scheme shall be installed and completed to a timetable to be agreed by the planning authority

Reason – in the interests of public health and the proper management of surface water

7. that none of the proposed houses will be occupied unless the method by which all surface water drainage is to be accommodated on site has been constructed and completed to the satisfaction of the planning authority and in accordance with

SEPA's guidance on SUDS and thereafter maintained to the satisfaction of the planning authority. For the avoidance of doubt, the area designated for SUDS purposes will be maintained as part of the agreement relating to the areas of open space.

Reason – in the interests of public health

8. that on completion of, or the substantial completion of the development for which planning permission is hereby approved, all roads and footpaths will be constructed and completed to road construction consent standard to the satisfaction of the planning authority

Reason – in the interests of road and public safety

9. for the avoidance of doubt, each house plot will provide two off street parking spaces to the satisfaction of the planning authority

Reason – in the interests of public safety

10. no fires or burning of rubbish shall be allowed on site at any time

Reason – in the interests of the amenity of the area

11. the individual house plots shall be maintained in a neat and tidy condition and any litter, debris or waste materials shall be disposed of in a proper manner all to the satisfaction of the planning authority.

Reason – in the interests of the amenity of the area

12. the burning of timber or any other combustible materials on site is prohibited at all times

Reason – to avoid pollution of the environment

13. 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 this planning permission

Reason – in order to protect the environment and amenity of residents.

14. that no development on any of the house plots will commence on site unless the zebra crossing is installed, constructed and completed to the satisfaction of the planning authority and is fully operational

Reason – in the interests of public safety

15. that no development on any of the houses shall commence on site unless the footpath is formed adjacent to Dalcroy Road to the satisfaction of the planning authority and to a standard for approval under RCC criteria. A further connecting footpath shall be provided through the area of amenity pen space in order to provide a continuous footpath link to the B9006 all to the satisfaction of the planning authority.

Reason – in the interests of public safety

16. 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 requirements of the Development Brief for the site and the Council's Road Construction Design manual.

Reason – in the interests of public safety and the free flow of traffic

17. Prior to commencement of development, a programme of work for the preservation and recording of archaeological features affected by development, including a timetable for investigation, shall be submitted and require the approval of the Planning Authority. Development in any single development phase shall not commence until the Council is satisfied that preservation and recording is complete

Reason – in order to ensure the proper recording of archaeological finds.

18. that the development of the site shall proceed in a phased manner to the satisfaction of the planning authority.

Reason – in the interests of the amenity of the area

19. Prior to 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 the interests of public health

20. that the normal hours that the hours of operation in connection with the construction of the house and any associated building works will be restricted to 0700 – 2000 hours Monday to Friday and 0800 – 1300 hours on Saturday with no working on Sunday and public holidays.

Reason – in the interests of protecting the amenity of adjacent residents

21. that the development of individual house plots shall not exceed a site cover of 25% unless otherwise agreed by the planning authority. For the avoidance of doubt, a minimum of 2 metres shall be maintained between the side boundaries of each plot and rear gardens shall be no less than 9 metres in depth

Reason – in the interests of residential amenity

22. that for the avoidance of doubt, development of individual plots shall ensure that all relevant building materials can be stored on site and that sufficient space is maintained to enable access from front to rear by vehicles and plant.

Reason – in order to ensure the proper development of the site.

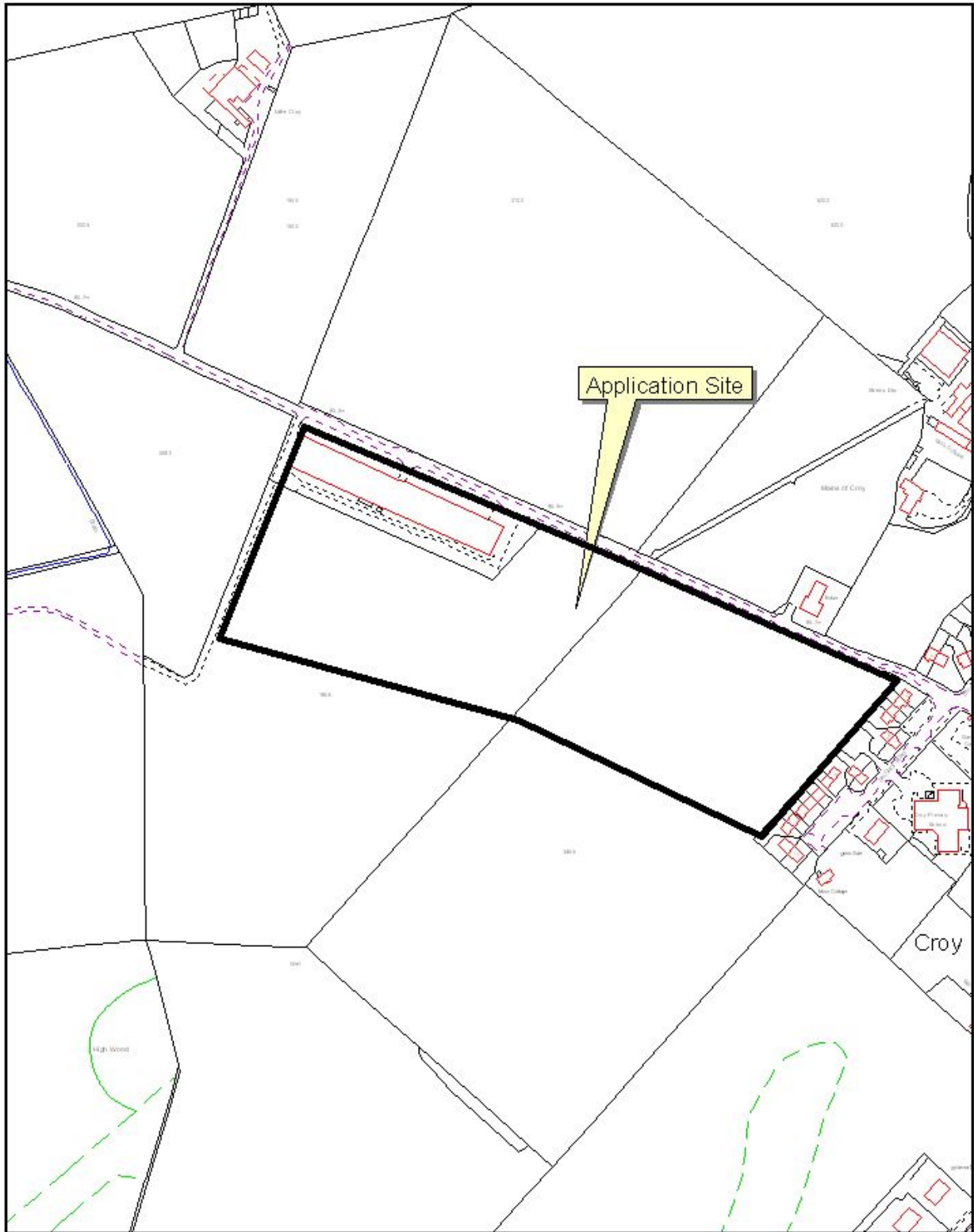
23. that prior to the start of work on site, details of the ground levels and the finished floor level of the proposed houses will be submitted and agreed in writing by the planning authority. For the avoidance of doubt, the ground levels will accord with the approved site layout and will insure that the house is set into the site with no visible underbuild, (unless otherwise agreed in writing by the planning authority) all to the satisfaction of the planning authority. Such details shall include details of the method by which retaining walls are to be constructed where necessary

Reason – in the interest of visual amenity

24. that no development shall commence on site unless the applicant has submitted details of the method by which retaining walls to the rear of the properties on the lower plots are to be constructed

Reason – in order to ensure the proper development of the site.

Signature:
Designation: Area Planning and Building Standards Officer
Author: Nicola Drummond
Date: 28 June 2006
Background Papers: This case file
Highland Structure Plan
Inverness Local Plan
SPP3
Local Councillor: Councillor Roddie Balfour



**06/00092/FULIN - Proposed Housing Development
Rosebank, Croy, Inverness**

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 100023369.