

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
20 May 2014**

Agenda Item	5.12
Report No	PLS/043/14

**14/00661/FUL : Highland Housing Alliance  
7 Balvonie Green, Inverness**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description :** Erection of 6 houses

**Recommendation - GRANT**

**Ward :** 20 – Inverness South

**Development category :** Local

**Pre-determination hearing :** N/A

**Reason referred to Committee :** 5 or more objections from members of the public.

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is for the erection of 6 houses, consisting of a single two-storey terraced block of 2 villas and 4 cottage flats. The villas will comprise 3 bedrooms and the cottage flats 2 bedrooms.

The site is located within the Highland Housing Fair Expo development which was substantially completed in 2010 as a showcase development for innovative architecture, design, and place-making.

The development is being provided as part of the National Housing Trust Initiative which provides homes available to rent at below market value for a period of between 5 and 10 years, depending on circumstances. The applicant has stated that this proposal reflects their current housing requirements which are based on present market demand.

The building is of a contemporary design, featuring a staggered front building line facing onto the existing central grassed public open space area. The building is proposed to be finished with grey painted larch timber cladding and smooth grey interlocking roof tiles. The windows and doors will be of timber construction.

- 1.2 Informal pre-application discussions were held with the Council.

1.3 There is an existing site access. Drainage arrangements will tie in with the existing SUDS and drainage infrastructure serving the larger development. Water supply will be via a connection to the existing public network.

1.4 The applicant has submitted a Design and Sustainability Statement and supporting information in relation to drainage and roads infrastructure.

1.5 **Variations:** 1: Boundary fencing details amended.

## **2. SITE DESCRIPTION**

2.1 The site is an area of relatively flat undeveloped land, located centrally within the Housing Expo development. It lies immediately to the north west of the existing grassed open space area known as the Village Green and is the last remaining undeveloped plot.

## **3. PLANNING HISTORY**

3.1 06/01135/OUTIN: Outline application for Highland Housing Fair incorporating residential development and temporary exhibition facilities. Granted May 2007;  
07/00557/REMIN: Masterplan for phased development of Highland Housing Fair site including infrastructure. Granted February 2008;  
07/00783/REMIN: Erect 3 terraced houses and carports. Granted March 2008;  
07/00791/FULIN: Service infrastructure for Phase 1 Highland Housing Fair. Granted March 2008.

## **4. PUBLIC PARTICIPATION**

4.1 Advertised : Unknown Neighbour. Advert expired 21.03.14  
Representation deadline : 21.03.14

Timeous representations : 13 representations; 12 from 10 households and 1 from the Balvonie Residents Association.

Late representations : None.

4.2 Material considerations raised are summarised as follows:

- Design and scale of proposal out of keeping with remaining development;
- Adverse impact on traffic generation and parking provision.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## **5. CONSULTATIONS**

5.1 **Transport Planning:** No objections.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

## 6.1 **Highland-wide Local Development Plan 2012**

28 Sustainable Design

29 Design Quality and Place-Making

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Draft Development Plan**

Not applicable.

### 7.2 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide, Adopted January 2013

### 7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy, February 2010

Designing Streets, 2010

Creating Places, June 2013

## 8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 **Development Plan Policy Assessment**

The proposed development is supported by Policy 28 of the Highland-wide Local Development Plan (HwLDP) in that it can be adequately demonstrated that it is compatible with public service provision; is accessible by public transport, cycling and walking as well as car; does not impact on individual and community residential amenity; demonstrates sensitive siting, and high quality design in keeping with local character and making use of appropriate materials; and contributes to the economic and social development of the community.

The proposal is also supported by Policy 29 provided the development is designed to make a positive contribution to the architectural and visual quality of the place in which it is located. Furthermore, the design and layout should focus on the quality of places and living environments for pedestrians rather than movement of vehicles. The proposals should have regard to the pattern of development in the area, and be an integral part of the settlement within which it is located.

#### **8.4 Material Considerations**

The key considerations in determining this proposal is whether the design and scale of development is appropriate for this site, and whether the proposal would unacceptably impact on amenity.

The Housing Expo development within which this proposal is located features a broad mix of contemporary and innovative design styles and housing tenures spread over a total of 27 separate plots. The original masterplan and design guide set out how development of the plots should take place. These included creating a street character of linked buildings and routes, with a strong emphasis on pedestrian movement over the requirements of the car; location of building lines and eaves heights; and the orientation and relationships between buildings. Plots were limited to a maximum of 4 houses or 6 flats, and whilst most were single houses, the remaining plots featured semi-detached, pairs, or 3 house terraces.

The submitted proposal retains many of the features envisaged in the original masterplan and design guide. It comprises a single terraced block, facing onto the central public open space area, is 2 storeys in height, and is of a contemporary appearance in terms of design and external finishes. Car parking is located within a designated area to the rear of the plot and the proposed rear boundary treatment of a full 1.8 metre high vertical slatted timber fence has been amended to provide a design more in keeping with the area, whilst still affording occupiers a degree of privacy.

Transport Planning has advised that they have no objection to the proposal.

#### **8.5 Other Considerations – not material**

A number of matters were raised by objectors, including that the development does not meet the requirements of the original masterplan/design guide for a block of 3 terraced houses and the current proposal is therefore overdevelopment. Planning permission was granted for the 3 houses in 2008 however this did not come to fruition due to financial reasons with the original developers declaring the project unviable at that time. The current proposal is, however, a full planning application and as such has to be assessed on its own merits. The previous history is therefore not a material consideration in the determination of this application. The scale, design and massing of the proposal is considered to be acceptable within the context of this location.

Comments made in relation to adequate provision of high density development/low cost housing having already been provided on the site, are also not a material planning consideration. Concerns over property values and loss of view are not material planning considerations.

#### **8.6 Matters to be secured by Section 75 Agreement**

Not applicable.

## 9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

**Action required before decision issued** N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

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

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason** : In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development; in the interests of amenity.

2. No development or works shall commence until a detailed specification for all proposed external surfacing materials (including samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details and shall be completed prior to the first occupation of the development.

**Reason** : In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development; in the interests of amenity.

3. All surface water and foul water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

**Reason** : To ensure that all drainage infrastructure is provided timeously in the interests of environmental protection and public health.

## REASON FOR DECISION

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

## **TIME LIMITS**

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

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

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

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

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

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Local Roads Authority Consent**

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

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

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

Application forms and guidance notes for access-related consents can be downloaded from:  
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

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

Signature: Allan J Todd  
Designation: Area Planning Manager – South  
Author: John Kelly  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Site Layout and Location Plan  
Plan 2 – Floor Plans and Elevations Plan  
Plan 3 – Boundary Fence Details Plan

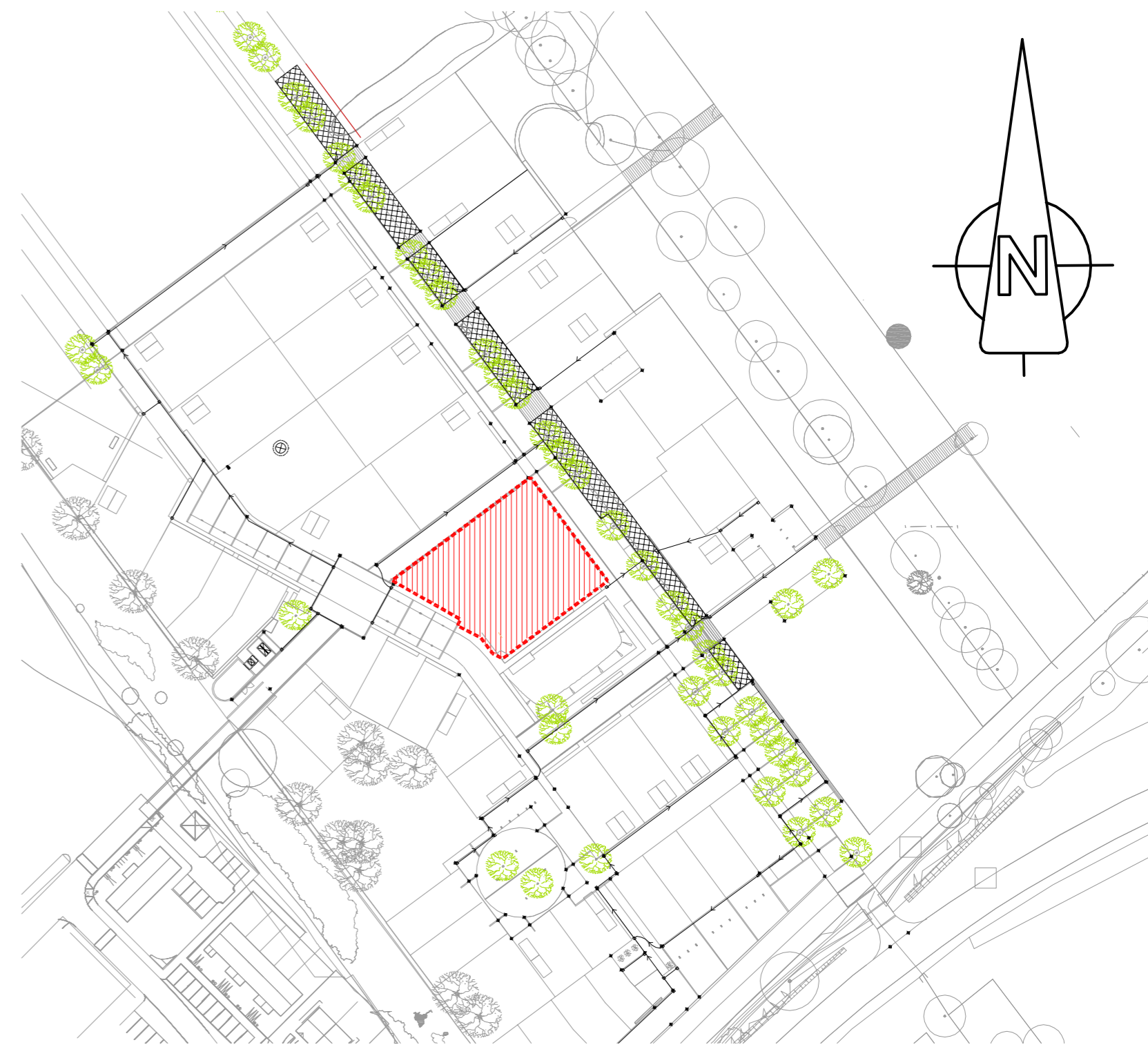


## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
L Macphee	7 Balvonie Green, Inverness	16/03/14	Against
R Jones	4 Balvonie Street, Inverness	16/03/14	Against
M Campbell	1 Balvonie Square, Inverness	17/03/14	Against
J Kowaliski	31 Balvonie Street, Inverness	17/03/14	Against
D Hopcroft	17 Balvonie Street, Inverness	17/03/14	Against
L Bruce (on behalf of Balvonie Residents' Association)	c/o 2 Balvonie Green, Inverness	17/03/14	Against
L Bruce	2 Balvonie Green, Inverness	19/03/14	Against
J Mallard	18 Greenwood Gardens, Inverness	19/03/14	Against
A Macgregor	5 Balvonie Green, Inverness	19/03/14	Against
S Gordon	1 Balvonie Terrace, Inverness	19/03/14	Against
E Campbell	20 Eastfield Avenue, Inverness	19/03/14	Against
M Drimmelen	2 Balvonie Green, Inverness	19/03/14	Against
T Stainton	17 Balvonie Street, Inverness	20/03/14	Against



SITE PLAN 1:200



LOCATION PLAN 1:1250

**House Types.**

- Type 10A - 1B 2P Flat (Ground)
- Type 10B - 1B 2P Flat (First)
- Type 10C - 3B 5P Villa
- Type 10D - 3B 5P Villa
- Type 10E - 1B 2P Flat (First)
- Type 10F - 1B 2P Flat (Ground)

- 900MM HIGH VERTICAL FENCING
- MIXED HEIGHT VERTICAL FENCING (REFER DWG P-DET-001)

SITE PERIMETER FENCES TO BE AS PER DWG P-DET-001. FENCES BETWEEN REAR GARDENS TO BE 900 HIGH UNLESS OTHERWISE NOTED LARCH BOARD AT GROUND LEVEL BETWEEN FRONT GARDENS.

300mm MOWING STRIP OF 19mm GRAVEL ON TERRAM WITH LARCH TIMBER BOARD EDGING

CONCRETE PATHS TO BE 1M WIDE. CONCRETE PLAT TO BE PROVIDED AT ACCESSIBLE ENTRANCE DOORS 1200X1200mm. PATH ACCESS TO ACCESSIBLE ENTRANCE TO BE 1 in 21 GRADIENT OR LESS WITH GROUND GRADED TO EITHER SIDE TO MEET FINISHED GROUND LEVELS. WHERE SLABS TO BE PROVIDED UNDER EACH BIN, 3 NO PER PROPERTY. FRONT AND REAR GARDENS TO BE LAID TO GRASS. HANDRAIL REQUIRED WHERE CHANGE IN LEVEL BETWEEN FFL & FGL GREATER THAN 600mm.

REV B	Fence details updated	22.04.14
REV A	Updated as per building design changes	13.02.14
REVISIONS		

**Bracewell Stirling CONSULTING**

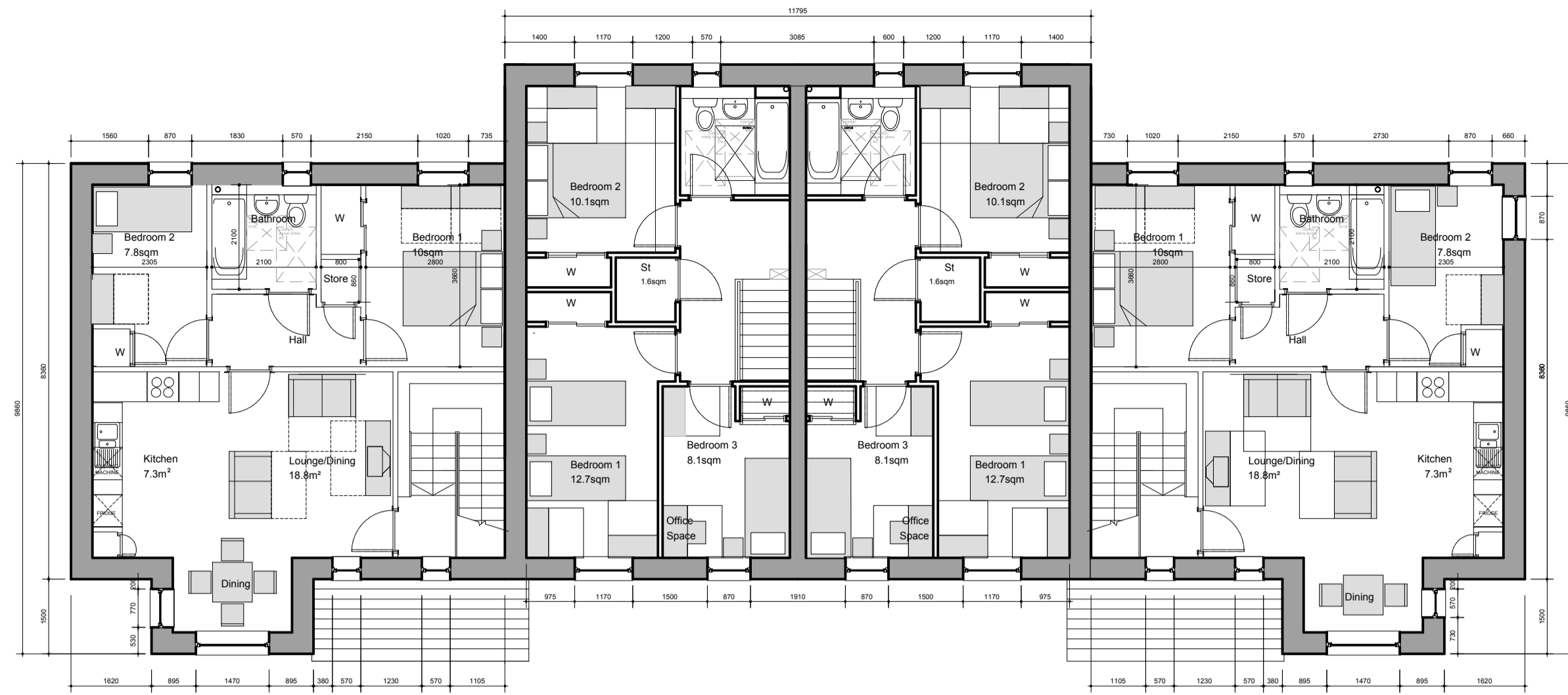
5 NESS BANK, INVERNESS, IV2 4SF  
 TEL: 01463 233760 FAX: 01463 233785  
 38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF  
 TEL: 01259 750301 FAX: 01259 752365

**6 New Dwellings at  
 Balvonie Green, Inverness  
 HIGHLAND HOUSING ALLIANCE**

Site layout Plan  
 Location Plan

SCALE	DATE	BY
AS SHOWN	OCT 2013 PLANNING	AMacR
DWG NO	REV	DWG SIZE
3964 / P-02-001	B	A2

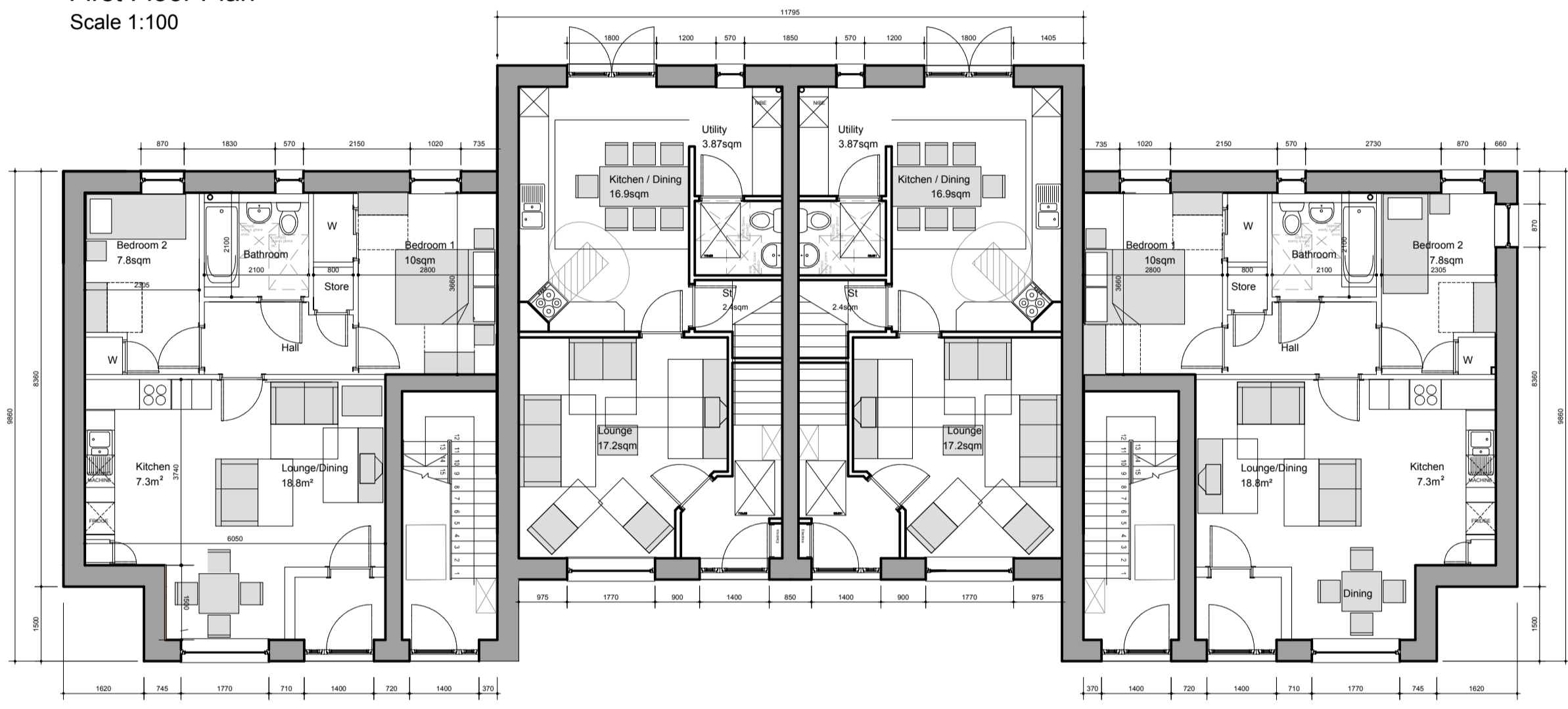
DWG NO 3964 / P-02-001 REV B



10B - 2 B/3P Ground Floor Apartment  
75m<sup>2</sup> (inc stairs)

10E - 2B/3P Ground Floor Apartment  
75m<sup>2</sup> (inc stairs)

First Floor Plan  
Scale 1:100



10A - 2B/3P Ground Floor Apartment  
60m<sup>2</sup>

10C - 3B/5P Villa  
100m<sup>2</sup>

10D - 3B/5P Villa  
100m<sup>2</sup>

10F - 2B/3P Ground Floor Apartment  
60m<sup>2</sup>

Ground Floor Plan  
Scale 1:100

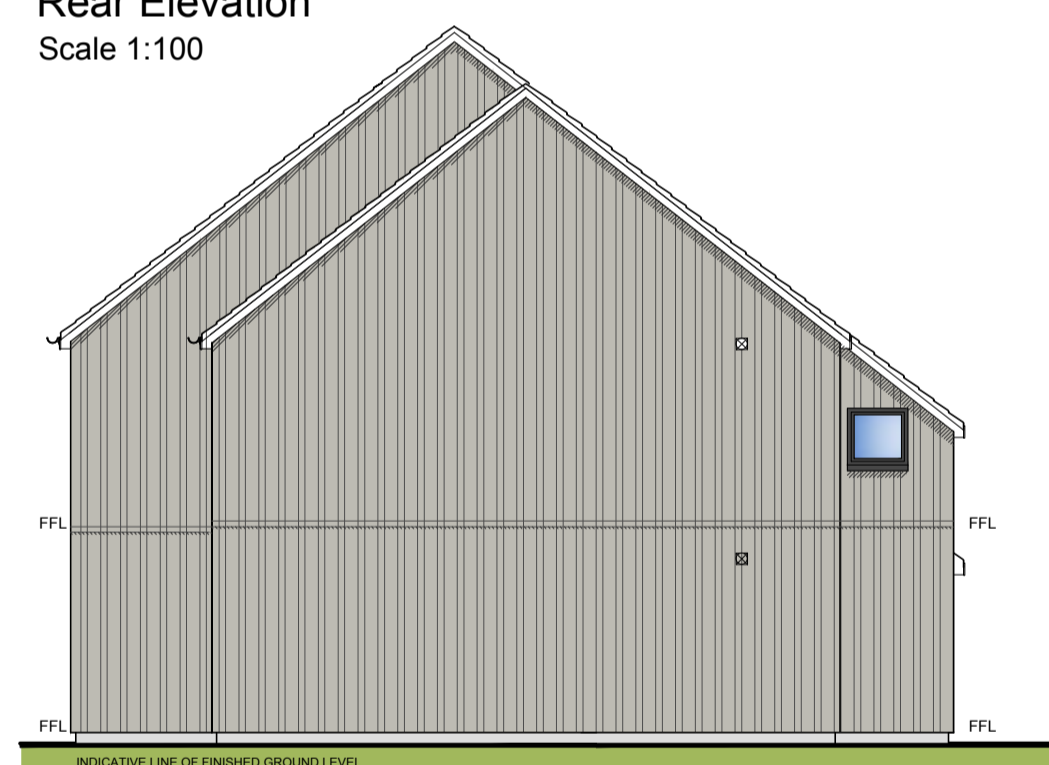


Front Elevation  
Scale 1:100

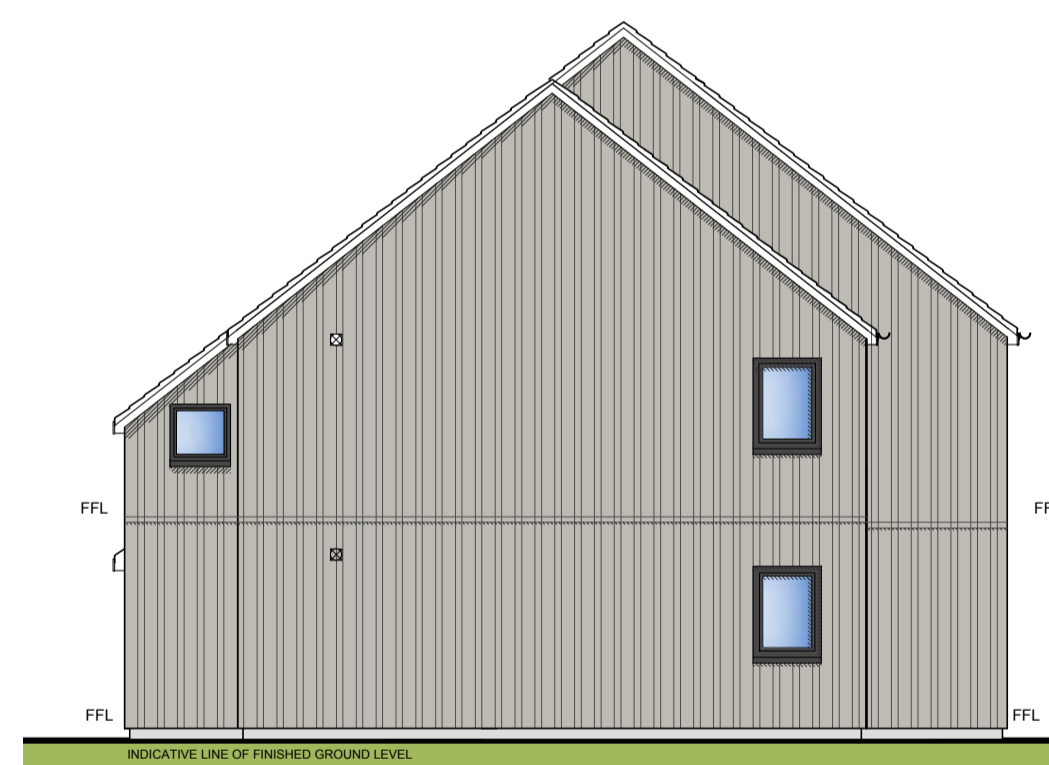
ROOF FINISH TO BE MARLEY MODERN  
ROOF TILE WITH PROPRIETARY GUY  
RIDGE AND VERGE  
BLACK COLOURED MARLEY OR SIMILAR  
APPROVED DEEP FLOW GUTTERS  
TIMBER SOFFIT, FASCIA AND  
VERGE BOARD  
TIMBER WINDOWS & DOORS ONLY  
TIMBER CLADDING TO BE - SCOT LARCH  
INDICATIVE LINE OF FINISHED GROUND LEVEL



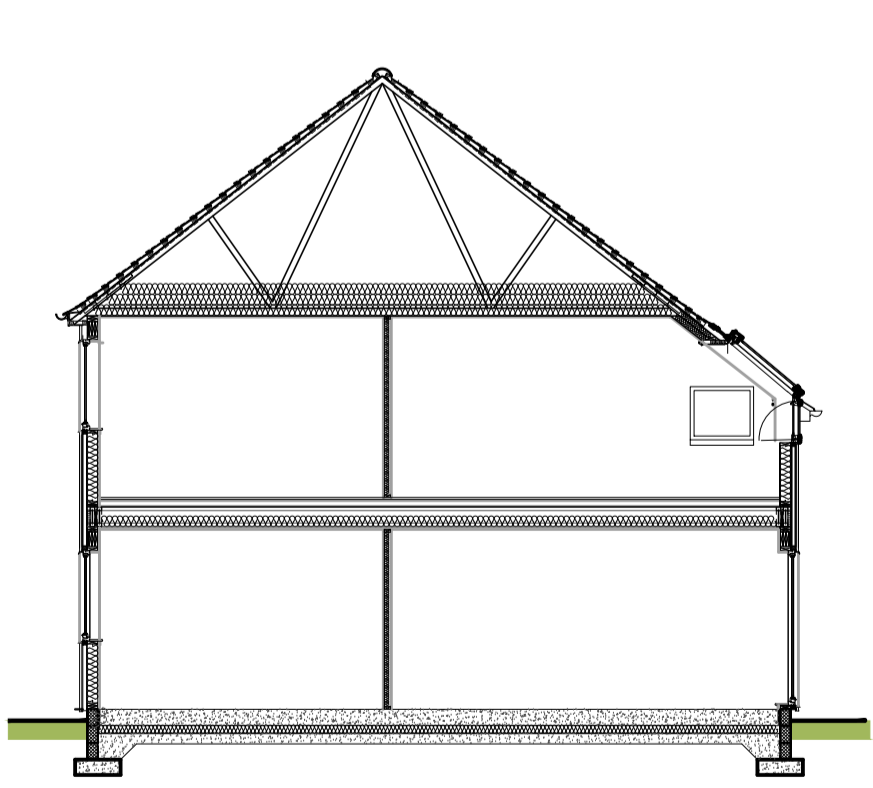
Rear Elevation  
Scale 1:100



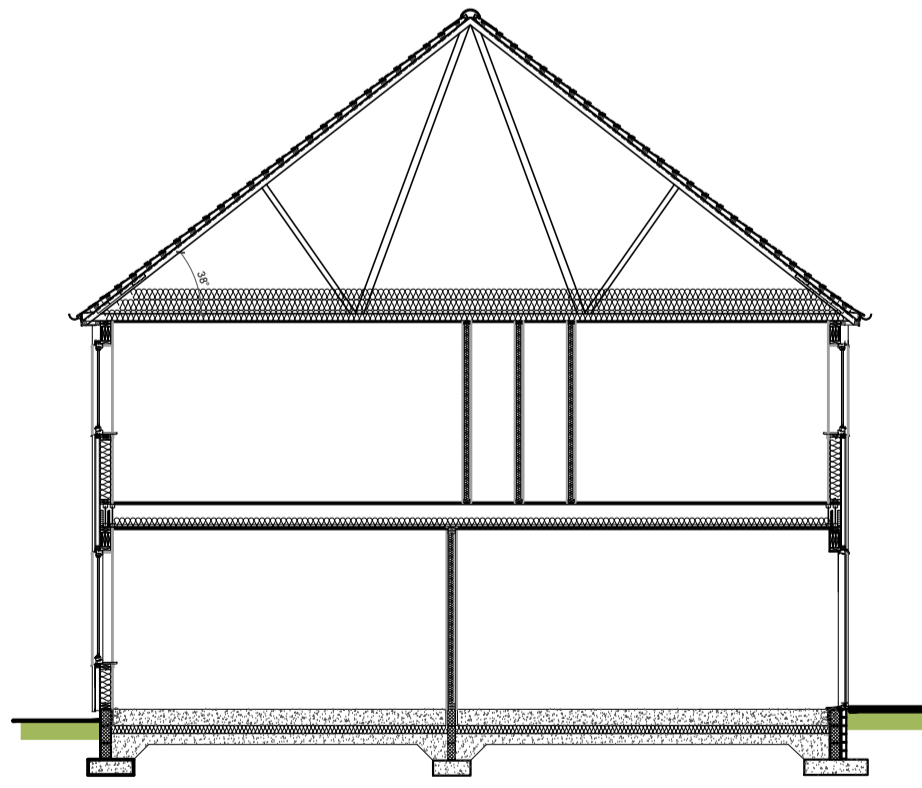
Side Elevation  
Scale 1:100



Side Elevation  
Scale 1:100



Section thru Cottage Flats  
Scale 1:100



Section thru Villa  
Scale 1:100

REV E	Plans and elevations updated. Sections added	13.02.14
REV D	Design reviewed following discussions with planning	12.02.14
REV C	Tiles updated	13.01.14
REV B	External finishes revised.	09.01.14
REV A	Amended to include planning / client comments	09.12.13
REVISIONS		

**Bracewell Stirling CONSULTING**

● 5 NESS BANK, INVERNESS, IV2 4SF  
TEL: 01463 233760 FAX: 01463 233785  
○ 38 WALKER TERRACE, TILLCOUNTRY, FK13 6EF  
TEL: 01259 750301 FAX: 01259 752365

**6 New Dwellings at  
Balvonie Green, Inverness  
HIGHLAND HOUSING ALLIANCE**

Floor Plans and Elevations

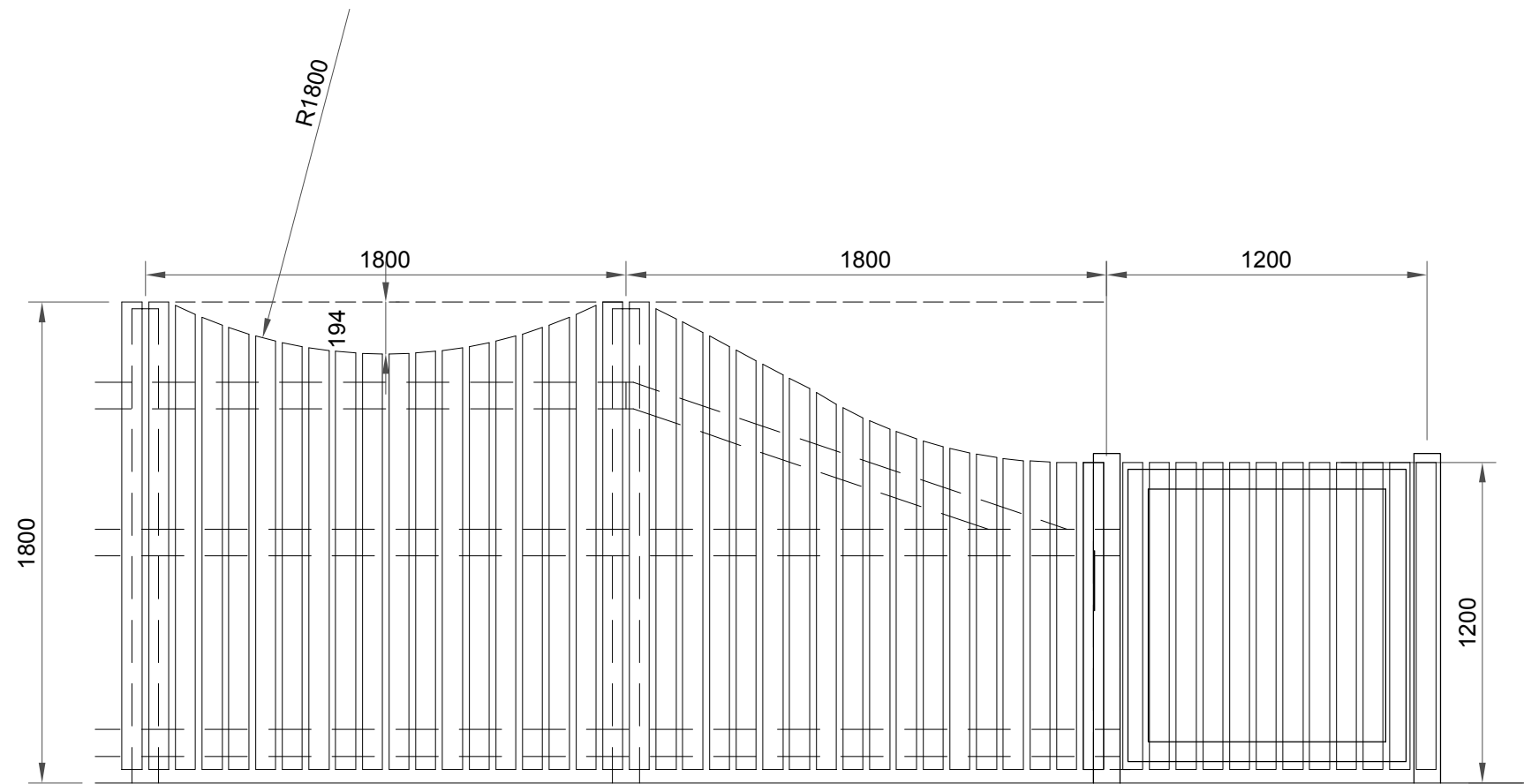
SCALE	1:100	DATE	Oct 13	BY	AMaCR
		PLANNING		DWG SIZE	A1

DWG NO	3964 / P-03-001	REV	E
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# Boundary Fence Details



Side Boundary fence (To street)



outside view of fence



Rear Boundary fence (To car parking area)

REVISIONS

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- 5 NESS BANK, INVERNESS, IV2 4SF  
TEL: 01463 233760 FAX: 01463 233785
- 38 WALKER TERRACE, TILlicouLTRY, FK13 6EF  
TEL: 01259 750301 FAX: 01259 752365

6 New Dwellings at  
Balvonie Green, Inverness  
HIGHLAND HOUSING ALLIANCE

**BOUNDARY FENCE DETAILS**

SCALE	N/A	DATE	April 14	BY	
		PLANNING		DWG SIZE	A3

DWG NO **2964 / P-DET-001** REV