THE HIGHLAND COUNCIL	Agenda Item	7.7	
SOUTH PLANNING APPLICATIONS COMMITTEE 30 September 2014	Report No	PLS/074/14	

14/02514/FUL : Upland Developments Ltd Woodside Village, Westhill, Inverness

Report by Area Planning Manager - South

SUMMARY

Description : Proposed erection of 16 flats and 2 commercial units (amended layout).

Recommendation - GRANT

Ward: 20 - Inverness South

Development category : Local

Pre-determination hearing : N/A

Reason referred to Committee : Objection from Community Council.

1. PROPOSED DEVELOPMENT

1.1 The proposal seeks full planning permission for an amended layout of the previously consented development at Woodside of Culloden - 11/04290/FUL - and involves the erection of four blocks to provide a total of 16 flats and two commercial units. The previous proposal involved a similar layout but during the course of preparatory work, the applicant sought to amend the access, parking arrangements, site levels and surface water drainage details which impacted on the overall layout resulting in the need for a new application.

The proposal involves the erection of four detached blocks to provide 16 x 2 bedroom flats and two retail/commercial units. In addition, the development provides parking facilities for both the flats and the adjacent retail units, landscaping, SUDS facilities and a stone 'dyke' boundary wall to the Tower Road elevation. Finishes include stone cladding and render to the walls with pitched tiled roofs. The site is prominent from both north and south and the layout has been designed to incorporate a stone wall along the Tower Road boundary with limited communal garden space thereby providing a satisfactory layout from Tower Road given that this is the rear of the buildings. The area to the front of the buildings will be formed of paving, with parking and bin storage facilities located along the road frontage.

The existing SUDS basin is located to the west of the site whilst a new filter trench and storage tank will be located adjacent to the north boundary to provide SUDS and flood alleviation facilities.

The flats will each be delivered as affordable homes.

- 1.2 As a local category of development, no formal pre-application was required. There have however been a series of meetings with the applicant, Transport Planning and planning staff to address the various issues associated with the amended layout.
- 1.3 The site is accessed from Woodside Farm Drive and the adopted road which serves the existing retail and commercial units at Woodside. SUDS will be provided to serve the development and this is located within the north corner of the site. The previous consent proposed a SUDS basin which will now be replaced by a filter trench. This includes facilities for flood alleviation, particularly in respect of the Smithton Burn.
- 1.4 Supporting documentation includes a Flood Risk Assessment and drainage details.
- 1.5 **Variations**: amended landscape details; amended road layout details.

2. SITE DESCRIPTION

2.1 The site is situated at Westhill close to the Woodside of Culloden residential expansion area, to the south of Tower Road, and extends to approximately 0.5 ha. The site is opposite the existing commercial/retail outlets now well established at Westhill with ground levels below that of the existing service access road. The site is generally level sloping down towards Tower Road. The site was originally allocated and reserved for development of a public house/restaurant to serve the residential area but although planning permission was granted, this has never been developed.

3. PLANNING HISTORY

3.1 02/01034/OUTIN – residential development including commercial units and public house – Granted 2003
 03/01102/REMIN – residential development – Approved 2004
 04/01082/FULIN – public house and 4 shop units – Granted 2005
 11/04290/FUL – erection of 16 flats and 2 commercial units – Granted 2012

4. PUBLIC PARTICIPATION

4.1 Advertised : unknown neighbour. Representation deadline : 8 August 2014

Timeous representations : 5

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:
 - Concerns are raised regarding the provision of a turning head adjacent to the shops, play area and children's nursery on the grounds of public safety
 - Overdevelopment of the site in an already congested, developed area

- Conflict with cars and commercial vehicles
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Transport Planning Team**: the revised layout was required principally because of road related issues and involved relocation of the access to the site, site levels and gradients and parking to serve both the residential development and existing shops and commercial units at Westhill. As a result, Transport Planning have been involved in a significant number of discussions with the applicant pre-submission of this amended layout.

Transport Planning have now considered the submitted details and three issues gave cause for concern. These related to the turning head which is proposed at the west end of the existing access road serving the commercial units, the pedestrian crossing and the location of the cycle stands. Each of these has now been amended with the length of the turning head increased towards the north end, the area for the pedestrian crossing widened to improve visibility and the cycle stands relocated to be better positioned for use by customers to the commercial units.

The proposed new access road involves construction of a small section of feature wall opposite Block D (eastmost block) but this is not a retaining wall. As such Transport Planning has advised that this is not of concern.

- 5.2 **Landscape Officer**: original concerns regarding lack of landscaping addressed and revised plans submitted.
- 5.3 **Westhill Community Council** : **object** to the proposed development on the basis of the proposed road layout and turning circle in particular. This is because of the existing pre-school nursery which occupies the west most building of the existing commercial units at Westhill. The juxtaposition of the nursery and commercial vehicles turning in such close proximity to the footpath is a concern on public safety grounds. There are also concerns regarding detriment to public health from the potential for exhaust fumes both in relation to the existing nursery and the nearby children's outdoor play area.
- 5.4 **Flood Team**: concerns regarding the revised Flood Risk Assessment for the flood alleviation proposals which now involve filter trenches in place of the originally proposed attenuation pond. The applicant is seeking to resolve these matters and an update will be provided at Committee.

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
- 32 Affordable Housing
- 57 Natural, Built and Cultural Heritage
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 6.2 Inverness Local Plan (as continued in force) n/a
- 7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Inner Moray Firth Proposed Local Development Plan

7.2 Highland Council Supplementary Planning Policy Guidance

Flood Risk & Drainage Impact Assessment

Managing Waste in New Developments

Access to single houses and small housing developments

Sustainable Design Guide

Open Space

Developer Contributions

7.3 Scottish Government Planning Policy and Guidance SPP

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The proposal involves an amended layout to the one previously granted planning permission in 2012. The site was originally reserved to provide a community facility to serve the wider Westhill residential expansion area and planning permission was granted for a public house/restaurant. This use was not progressed and the applicant, in support of the previous proposal, had indicated that there was little commercial interest in developing such a facility. The current proposal, as before, seeks to develop the site for the provision of affordable homes. Given the predominantly residential character of the area and the fact that the area is well served by a range of existing commercial and retail facilities, the loss of the area to further residential use is not considered inappropriate. The proposal also makes provision for two further retail/commercial units within the ground floor of Block A thereby providing an opportunity to further enhance the range of facilities on site.

The revised layout does not alter the principle of development previously granted but addresses technical issues that have arisen during the subsequent more detailed site surveys. In particular, in order to achieve the necessary gradient to the access road serving the flats, the junction has had to be relocated further to the east. This reconfiguration, together with consequential changes to the siting of the individual blocks, site levels and infrastructure, were considered sufficiently material as to require a further application.

The resultant layout does however present an acceptable solution and meets the objectives of the Development Plan in delivering affordable homes.

8.4 Material Considerations

The site presents two key challenges. Firstly, in order to tie into the existing road network serving the area, the proposed development requires careful configuration of site levels in order to achieve appropriate gradients and car parking for the flats. This has involved a great deal of discussion with Transport Planning and there can be no doubt that the particular site constraints have proven difficult to overcome in order to secure a suitable and acceptable gradient for the access road, off street parking for the flats and sufficient parking facilities to serve the existing shops. This has been achieved by reducing site levels and adjusting the position of the individual blocks. This has had the benefit of lowering the height of the blocks within the site. Off street parking is similar to that in the approved scheme for both the flats and existing commercial units.

The second issue relates to surface water drainage. The original proposal involved an attenuation pond. Because the layout has changed, the resultant reconfiguration meant that the attenuation pond could no longer be accommodated. This has been replaced with two filter trenches. Given the previous history of flooding within the area and the fact that the culverted burn dissects the south east of the site, it has been essential to ensure that the revised drainage facilities are appropriate for the site. The Flood Team has checked the proposed amendments to the originally agreed flood risk attenuation and has raised some concerns regarding the adequacy of the filter trench and position of the stone dyke which is to act as a physical 'hold back' in times of severe flooding. At the time of finalising the report, these matters had not been fully resolved but it is anticipated that with minor adjustments these can be resolved to the satisfaction of the Flood Team. An update will be provided at Committee.

The comments of the objectors and Community Council are noted. None raise specific concerns relating to the principle of the development. The main issue involves the proposed turning head which is to be located to the west of the existing access road serving the commercial units. There is concern that it will bring commercial vehicles in close proximity to a pre-school nursery and a footpath which provides access to a nearby play park. This perceived conflict can however be addressed by installing a railing enclosure around the boundary of the turning head which will serve to provide both visual and physical segregation between the footpath and roadway. This should address public safety concerns and ensures that there can be no overhang of vehicles onto the footway.

The concerns expressed by Transport Planning concerning the pedestrian crossing have been addressed, the area being widened out to improve visibility.

8.5 **Other Considerations – not material**

None

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. The revised layout is considered an acceptable amendment of the original proposal which was granted planning permission. The development of the site for affordable homes is agreed in principle. The provision of landscaping and a stone wall on the Tower Road boundary will ensure that the visual impact along this section of the road is commensurate with the general character of the area and retains an element of green space in this location which will tie into the adjacent areas.

The concerns regarding the turning head can be satisfactorily addressed by the inclusion of a suitable fence and this can be dealt with by condition.

It is therefore 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 No

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

1. The flats and commercial units for which planning permission is hereby approved shall not be occupied unless the surface water drainage associated with the development including areas of hardstanding and the access roads and parking areas, 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.

2. No development shall commence on site unless the proposed flood attenuation measures (Flood Risk Assessment) have been submitted to and agreed in writing by the Planning Authority in consultation with SEPA. None of the flats or commercial units shall be occupied unless the flood mitigation measures identified in the agreed Flood Risk Assessment have been implemented in accordance with the approved Flood Risk Assessment to the satisfaction of the Planning Authority from whom written confirmation that works have been completed satisfactorily shall be received prior to occupation of any of the units for which planning permission is hereby granted.

Reason : In the interests of public health and to ensure adequate measures for the prevention of flooding are provided.

3. None of the flats or commercial units hereby granted planning permission shall be occupied unless the vehicular access to the site has been located, designed, constructed and completed in accordance with the approved drawings to the satisfaction of the Planning Authority.

Reason : In the interests of road safety.

4. All building material, plant and equipment shall be stored within the boundaries of the application site throughout the construction period, the details of which shall be submitted to and agreed in writing with the Planning Authority before development commences on site.

Reason : In order to ensure there are no obstructions on the public highway.

5. None of the flats or commercial units hereby granted planning permission shall be occupied unless the boundary fences and hedges to the entire site and including the erection of the stone wall has been constructed and completed to the satisfaction of the Planning Authority.

Reason : In the interests of visual amenity and to ensure the flood attenuation is completed prior to occupation of any part of the development.

6. None of the flats or commercial units hereby granted planning permission shall be occupied unless provision for the storage of three bins per unit has been made, the details of which shall be submitted to and agreed in writing by the Planning Authority before development commences on site.

Reason : In the interests of residential amenity and to accord with the Council's standards on waste collection.

7. None of the flats or commercial units hereby granted planning permission shall be occupied unless secure covered cycle storage has been provided for each unit, the details of which shall be submitted to and agreed in writing by the Planning Authority before development commences on site.

Reason: In the interest of ensuring appropriate cycle storage facilities.

8. No development shall commence on the construction of the flats or commercial units hereby granted planning permission unless the improvements to the turning head are constructed, demarcated and completed to the satisfaction of the Planning Authority. For the avoidance of doubt, this will include the provision of a safety barrier along the south and west boundary of the turning head, the details of which shall be submitted to and agreed in writing by the Planning Authority before development commences on site.

Reason: In the interests of public safety.

9. For the avoidance of doubt, there shall be no subdivision of the amenity area to form private garden ground, nor erection of any further fences or boundary enclosures other than as detailed on the approved drawings, all to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

10. The use of the two commercial units shall be restricted to Classes 1 and 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification).

Reason: In order to ensure that the use is appropriate in the context of the upper floor flats and residential area in general.

11. The residential units for which planning permission is hereby granted shall be Affordable Housing as defined in The Highland Council's Developer Contributions Planning Guidance dated March 2013 (as amended, revoked or replaced; with or without modification) to the satisfaction of the Planning Authority.

Reason: In order to comply with the Council's policy on the provision of affordable housing.

- 13. No development shall commence until details of a scheme of hard and soft landscaping works including the area of the SUDS facilities and the area abutting Tower Road, have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;

- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works including the Suds area and land abutting Tower Road.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species

Reason: In the interests of visual amenity.

14. No development shall commence on site until an Access Management Plan has been submitted to and agreed in writing by the Planning Authority and thereafter implemented in accordance with the approved plan.

Reason: In order to provide access through and beyond the site.

15. None of the flats or commercial units hereby granted planning permission shall be occupied unless the access road, footways and footpath to Tower Road have been constructed, demarcated and completed to the satisfaction of the Planning Authority.

Reason: In the interests of public safety.

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.259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Local Roads Authority Consent

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

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

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

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationfo rmsforroadoccupation.htm

Mud & Debris on Road

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

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

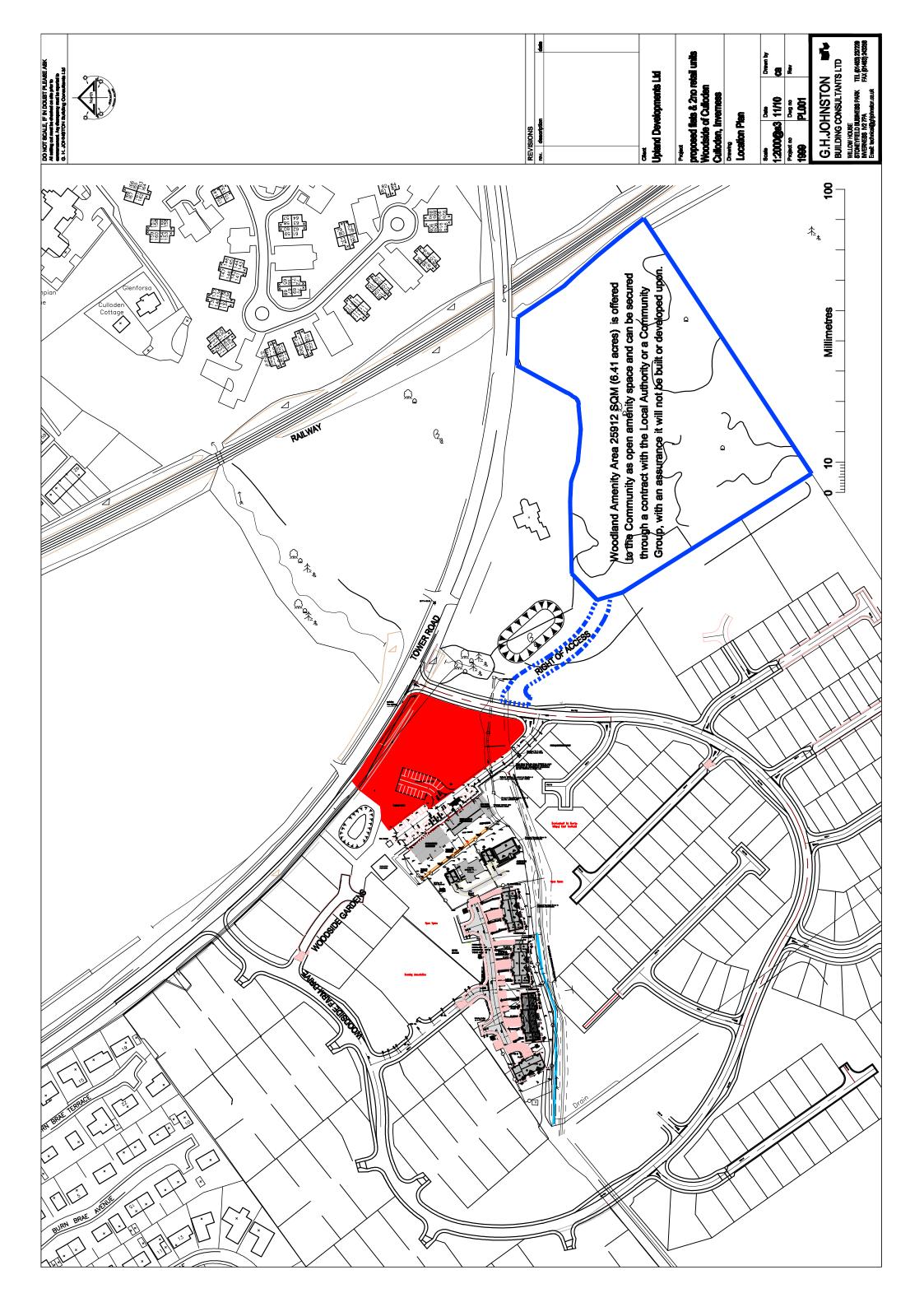
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

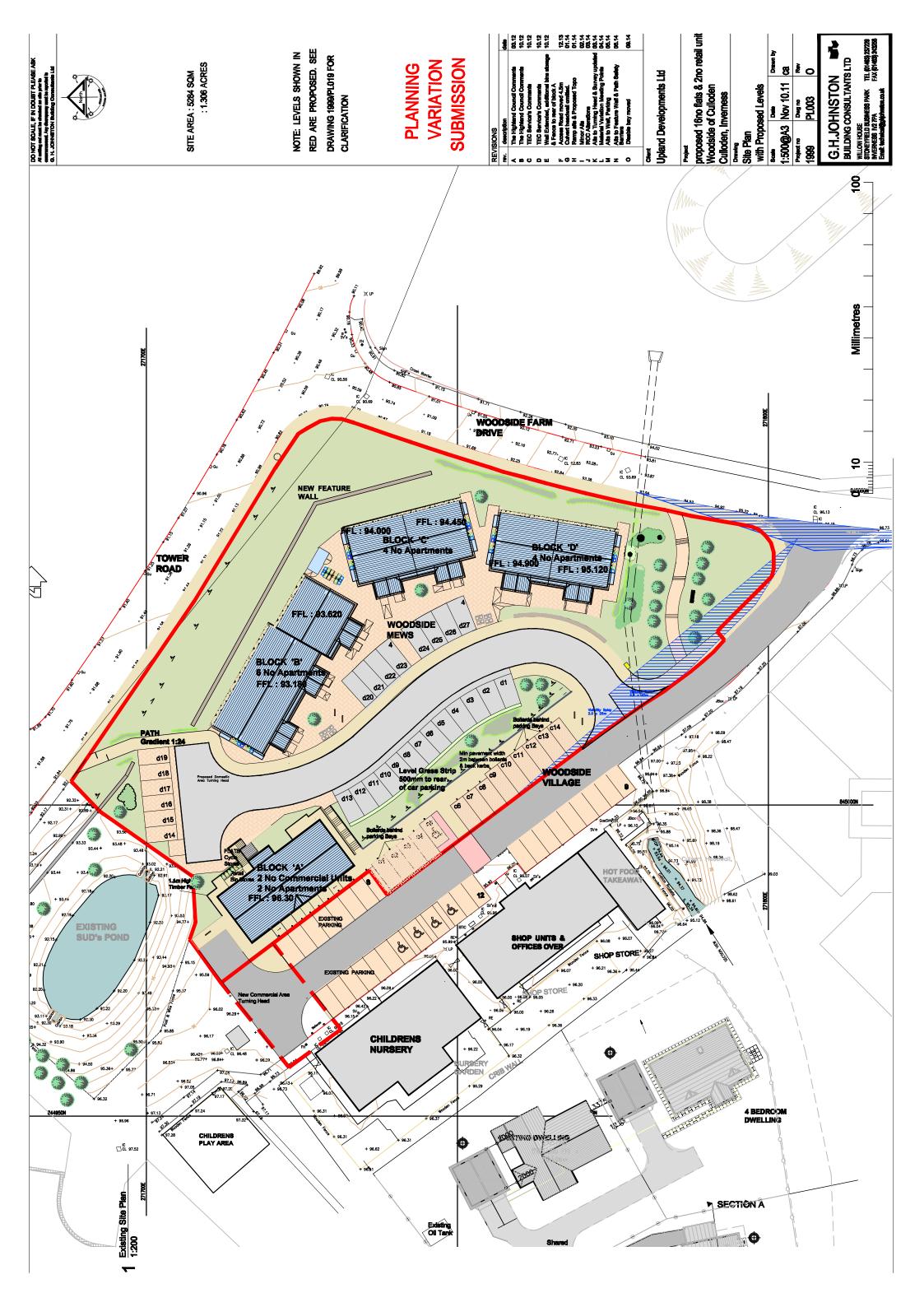
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information. **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 Building.Standards@highland.gov.uk or on 01349 886606.

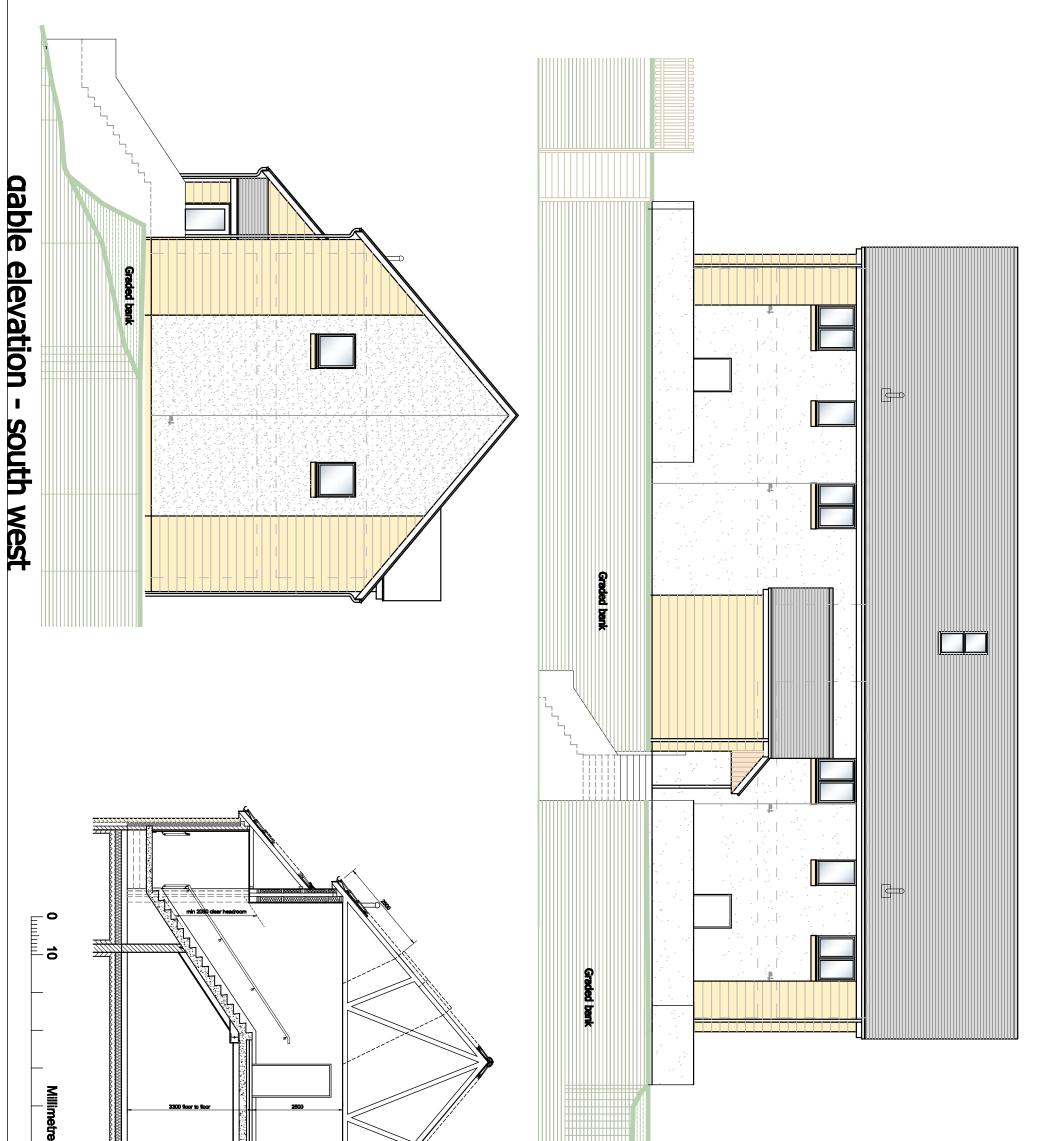
Signature:	Allan J Todd
Designation:	Area Planning Manager - South
Author:	Nicola Drummond
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Elevation Plan
	Plan 2 –Location Plan
	Plan 3 –Site Plan
	Plan 4 – Landscaping Plan
	Plan 5 – Drainage Plan
	Plan 6 – Floor Plans

Appendix – Letters of Representation

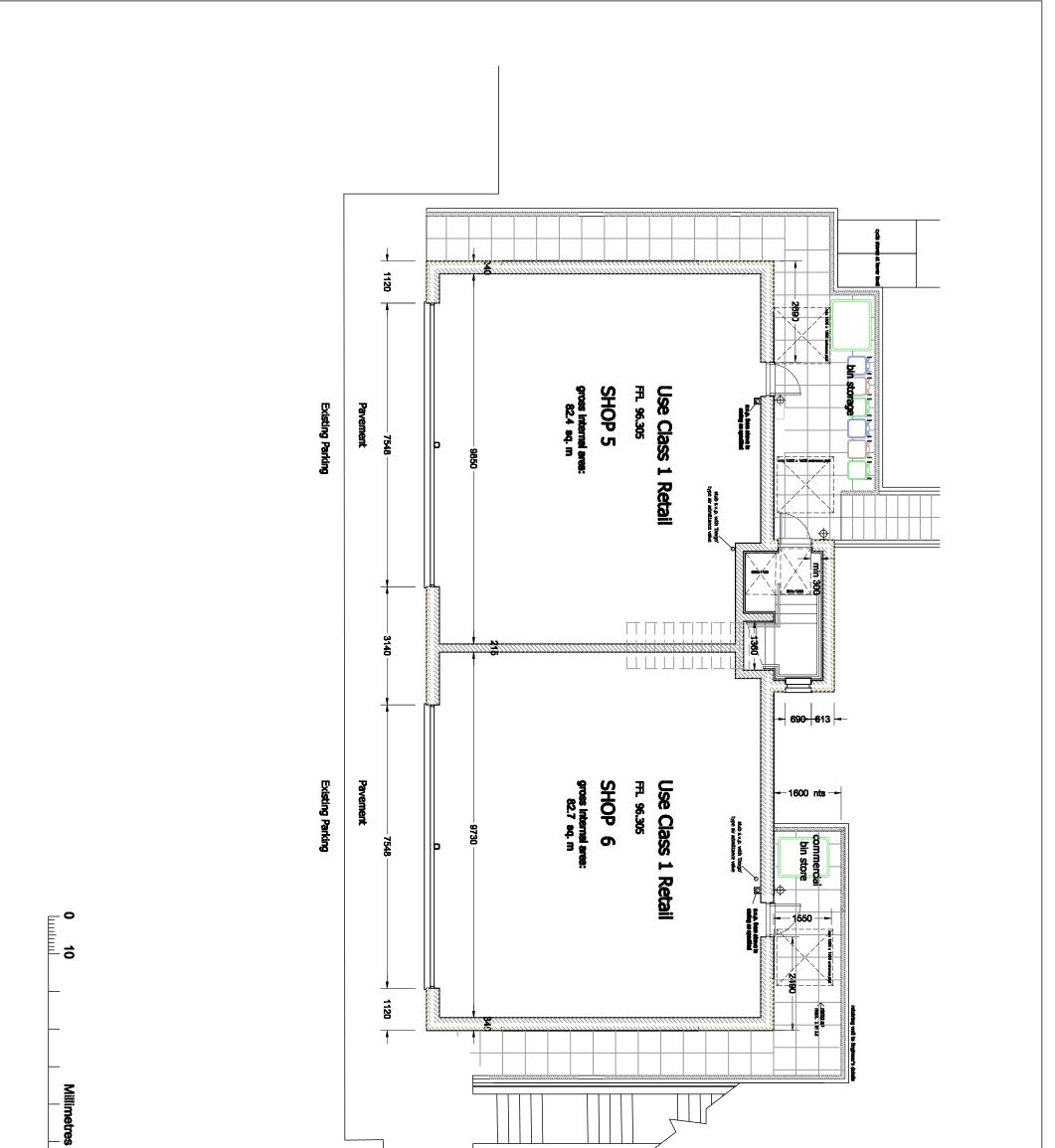
Name	Address	Date Received	For/Against
Mrs Amanda Wynd	22 Woodside Farm Drive, Westhill, Inverness, IV2 5TD	21.07.14	Against
Mr Robert Wynd	18 Woodside Farm Drive, Westhill, Inverness, IV2 5TD	22.07.14	Against
Ms Christine Fletcher	71 Millerton Avenue, Inverness, IV3 8RY	22.07.14	Against
Mrs Heather MacRae	17 Westhill Drive, Westhill, Inverness, IV2 5TL	24.07.14	Against
Dr Amanda MacNeil	14 Gean Place, Westhill, Inverness, IV2 5TB	25.07.14	Against



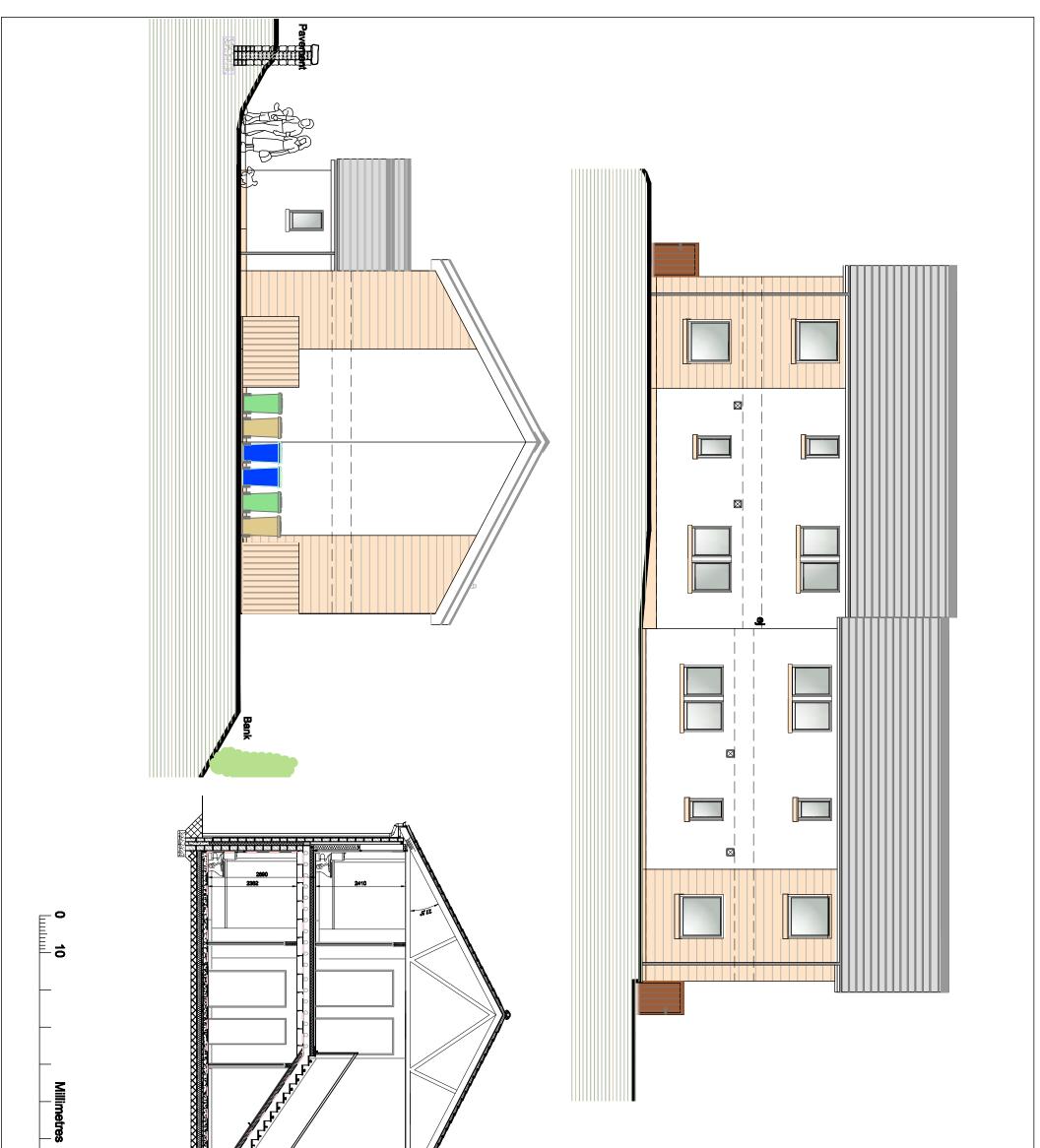




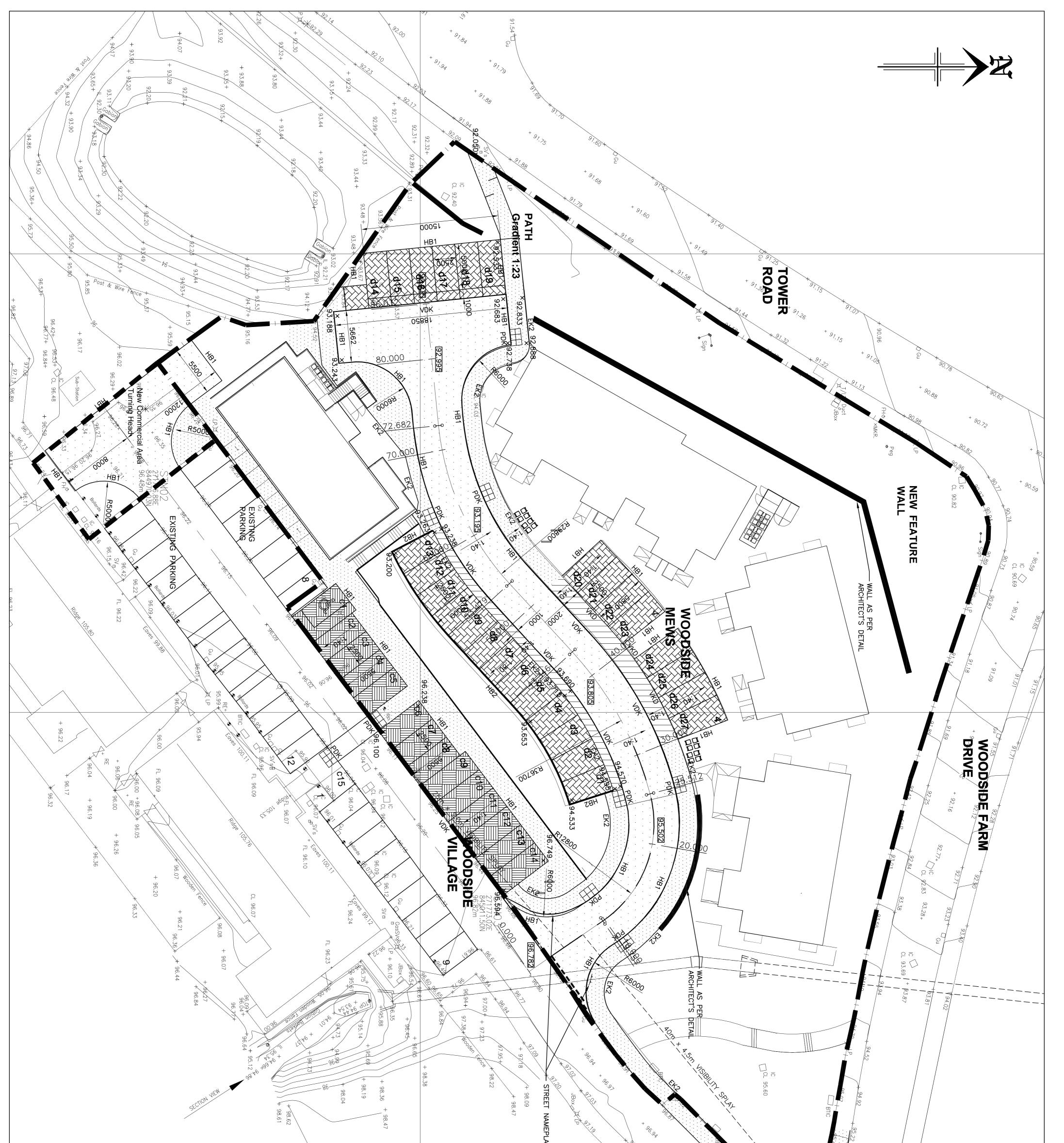
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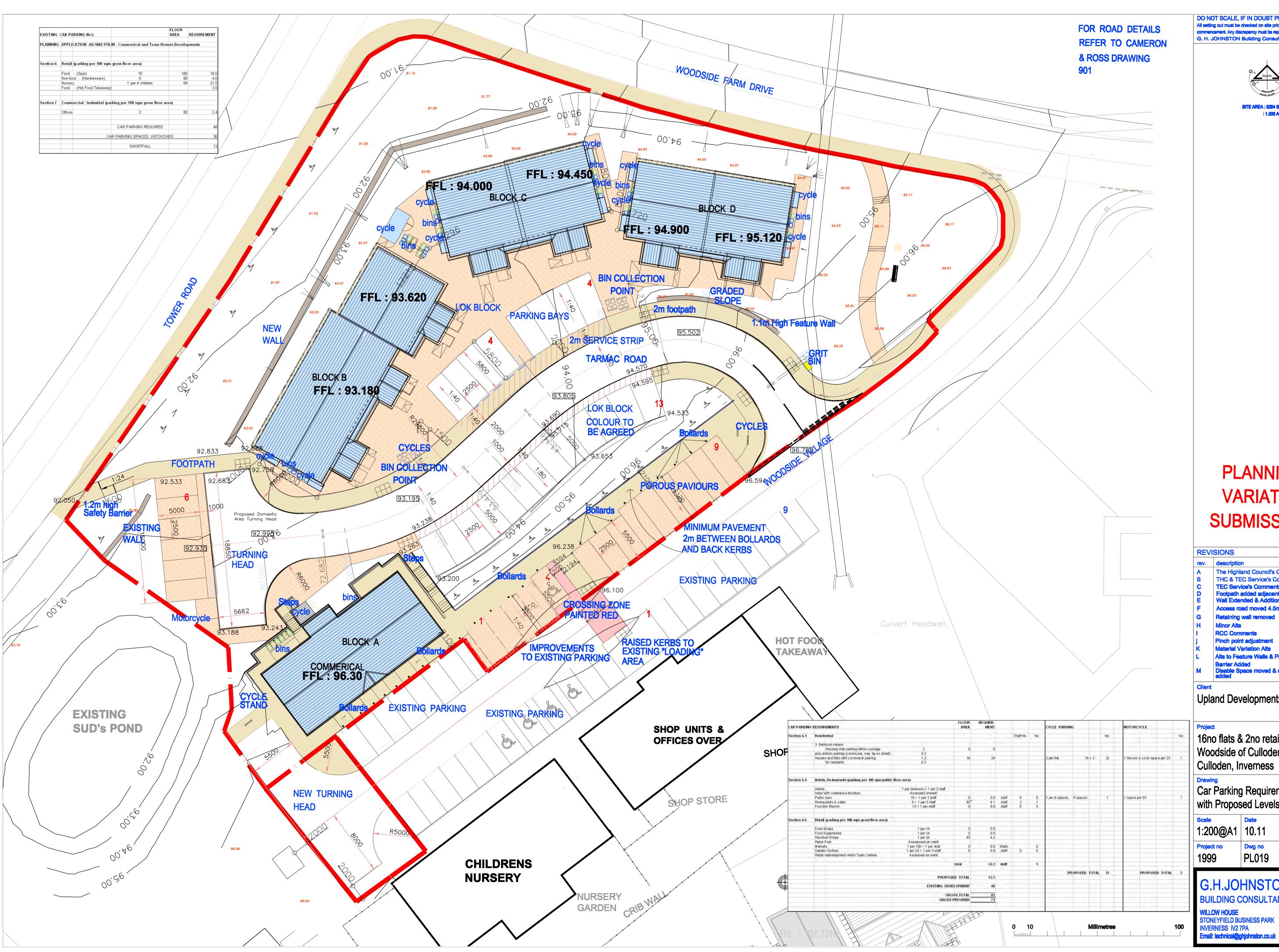
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DO NOT SCALE, IF IN DOUBT PLEASE ASK All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



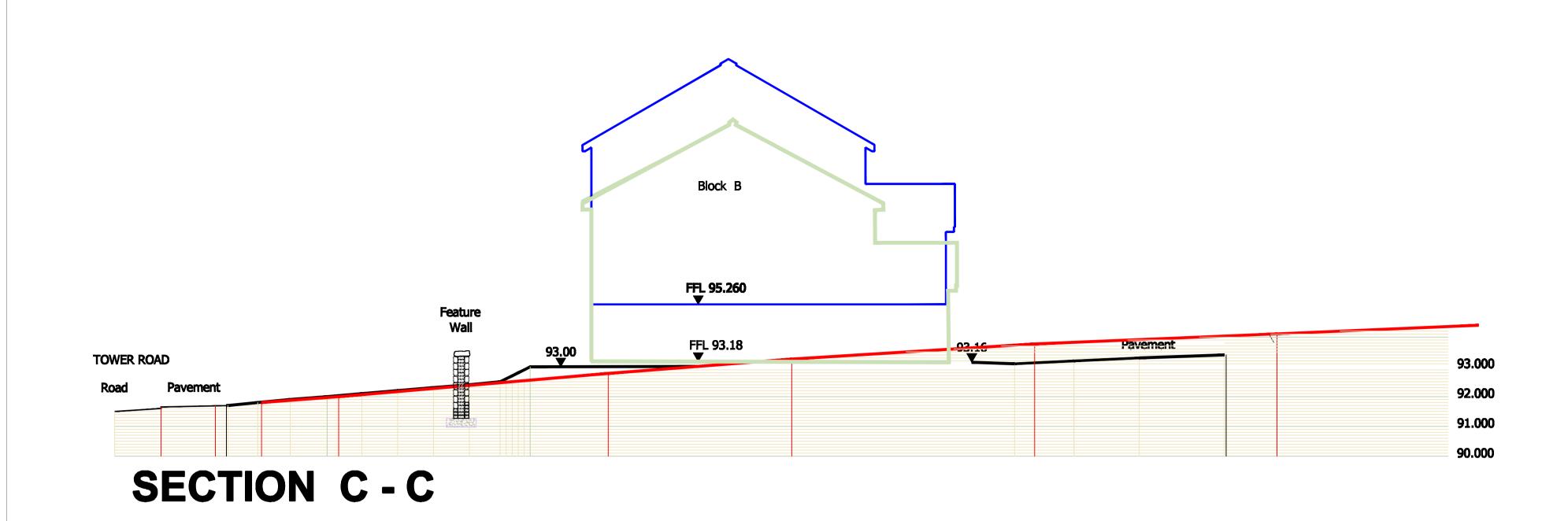
SITE AREA : 5284 SQM :1.306 ACRES

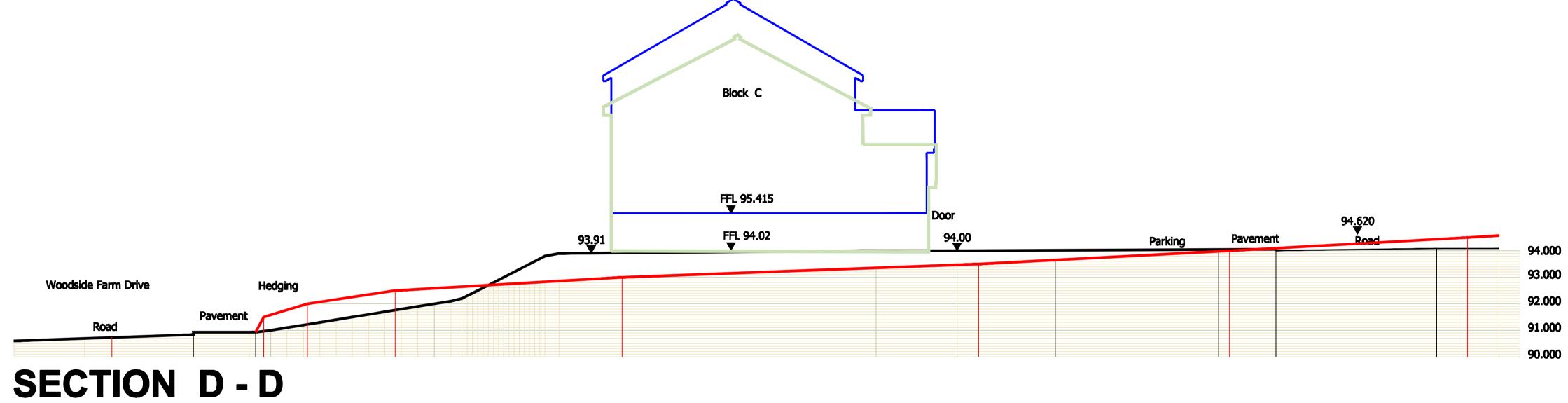
PLANNING VARIATION **SUBMISSION**

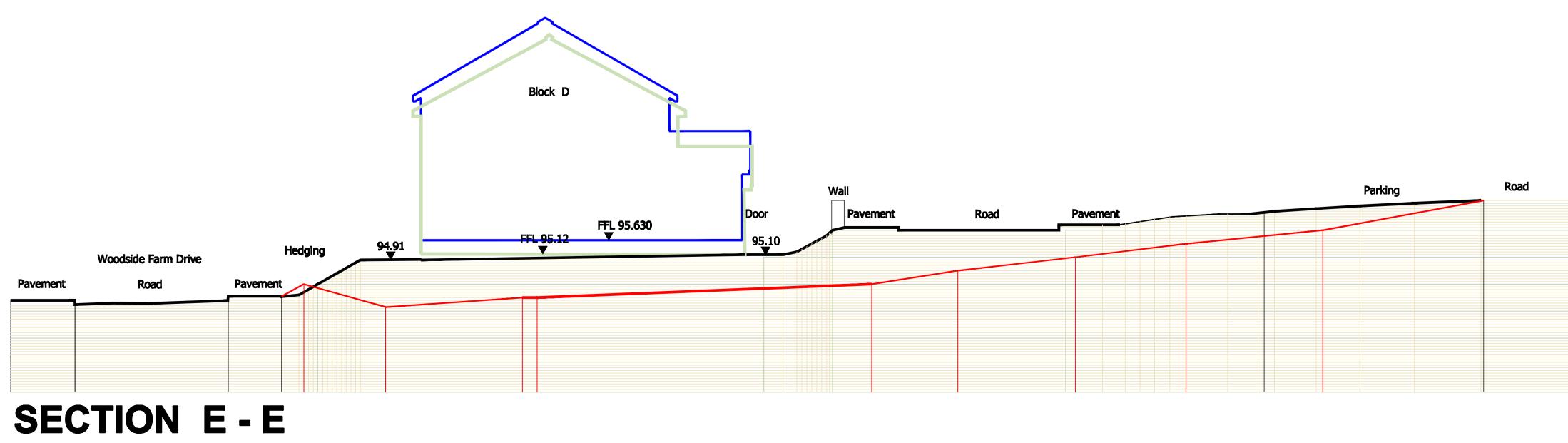
REVISIONS				
rev.	description	date		
Α	The Highland Council's Comments	10.12		
В	THC & TEC Service's Comments	10.12		
С	TEC Service's Comments	10.12		
D	Footpath added adjacent trific calming.	10.12		
E	Wall Extended & Additional bin Store	10.12		
F	Access road moved 4.5m	12.13		
G	Retaining wall removed	01.14		
н	Minor Alts	02.14		
1	RCC Comments	02.14		
j –	Pinch point adjustment	03.14		
K	Material Variation Alts	04.14		
L	Alts to Feature Walls & Path Safety	06.14		
Μ	Barrier Added Disable Space moved & cycle Space added	09.14		

Upland Developments Ltd

Project 16no flats & 2no retail units Woodside of Culloden Culloden, Inverness						
Drawing Car Parking with Propos						
scale 1:200@A1	Date 10.11	Drawn by Ca				
Project no 1999	Dwg no PL019	Rev M				
G.H.JOHNSTON BUILDING CONSULTANTS LTD WILLOW HOUSE STONEYFIELD BUSINESS PARK INVERNESS IV2 7PA TEL (01463) 237229 FAX (01463) 243258						

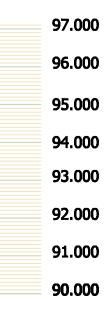






DO NOT SCALE, IF IN DOUBT PLEASE ASK All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd
KEY
Existing Ground Levels
Eplanning Submission 11/04290/FUL Levels & Buildings with a roof pitch of 30 degrees
Material Variation Submission Levels & Buildings with a roof pitch of 27.5 degrees

93.000 92.000 91.000 90.000



rev.	description	date
A B C D	Spot levels added to sections Planning Approved Levels Added Minor Alts Wall confirmed on Section E-E	Mar 14 Apr 14 06.14 09.14
Client Upla Project	and Developments Ltd	

Project 16 No flats & 2 Commerical Units Woodside of Culloden Culloden, Inverness						
Drawing Site Section	ns -Sheet 2					
scale 1:100@A1	Date 20.03.14	Drawn by Ca				
Project no 1999	Dwg no PL023	Rev D				
G.H.JOHNSTON BUILDING CONSULTANTS LTD WILLOW HOUSE STONEYFIELD BUSINESS PARK INVERNESS IV2 7PA Email: technical@ghjohnston.co.uk						

