The Highland Council

South Planning Applications Committee 10 November 2015

Agenda Item	7.9
Report No	PLS/085/15

15/02423/FUL: The Highland Council Land South of Golf View Terrace, Torvean Inverness

Report by Head of Planning and Building Standards

Summary

Description: Earthworks/Enabling Works including scrape/modelling of the site, removal of topsoil for use in forming adjacent new golf course, stockpiling, SUDS basin, and culvert

Recommendation: Grant Planning Permission

Wards: 14 - Inverness West

Development category: Major

Pre-determination hearing: None

Reason referred to Committee: Major Application

1.0 Proposed Development

- 1.1 This application relates to the delivery of enabling works to facilitate the construction of 160 homes and the reconfigured Torvean Golf Course, at Torvean, Inverness. The works proposed include:
 - Re-profiling of site to form base for housing development;
 - Re-profiling of site to form base landscaping for golf course;
 - Formation of Sustainable Drainage System (SuDS) Basin;
 - Replacement / Upgrade of culvert; and
 - Formation of 4 stockpiles of ground.
- 1.2 The works are described in more detail below:
 - Re-Profiling of the site to form base for housing development

This will involve the striping of topsoil from the site for use in the reconfiguration of Torvean Golf Course. The current ground levels are 32.5m in the north west corner sloping down to 20m in the south east corner. The proposed levels are 35m in the north west corner sloping down to 22m in the

south east corner. To achieve these levels fill materials will be brought into the site. Once earthworks are complete the site will be capped with a 100mm layer of a Type 1 granular mix.

Re-profiling of the site to form base landscaping for golf course

This will involve using the topsoil from the housing site to facilitate the creation of the landscaping on the reconfigured Torvean Golf Course which has planning permission.

Replacement / Upgrade of culvert

There is a culvert, known as the Torvean ditch which is located to the east and west of the site. There is no clear evidence of it going through the site. It is proposed that a new culvert pipe of 450mm is put in place to join the east and west Torvean Ditch. The development also proposed a new culvert to direct the flow of surface water around the wester and southern boundaries where it will link into the drainage of the reconfigured Torvean Golf Course.

• Formation of Sustainable Drainage System (SuDS) Basin

The SuDS Basin will serve the proposed housing development. It will be located between the proposed access road and the Torvean ditch.

Formation of 4 stockpiles of ground

Stockpiles of ground, not used in the formation of Torvean Golf Course but for re-use within the housing site, will be located in the north eastern corner of the site. In total it is proposed that 10,181m³ of material will be stockpiled. The stockpiles are all located to the east of the existing housing at Golf View Road. The stockpiles are described as follows:

- Stockpile 1 approximately 552m³ of ground stockpiled up to 1.9m above existing ground levels;
- Stockpile 2 approximately 3302m³ of ground stockpiled up to 1.4m above existing ground levels;
- Stockpile 3 approximately 3601m³ of ground stockpiled up to 2.5m above existing ground levels;
- Stockpile 4 approximately 2726m³ of ground stockpiled up to 3.3m above existing ground levels.
- 1.3 The access the site is proposed from General Booth Road. This will be shared with the reconfigured Torvean Golf Course. The access to the site already has the benefit of planning permission.
- 1.4 Information submitted in support of the application includes:
 - Drainage Impact Assessment
 - Flood Risk Assessment

- Geo-environmental and Geotechnical Interpretative Report
- Transport Assessment
- Pre-Application Consultation report

2.0 Site Description

- 2.1 The site is currently agricultural land used for grazing. Residential development is located to the north of the site, the existing Torvean Golf Course is located to the east of the site and the land to the south and west of the site is, at present, predominantly in agricultural use. The re-configured Torvean Golf Course, will wrap around the west, south and east of the site. The site slopes from approximately 32.5m in the north west to approximately 20m is the south east.
- 2.2 The watercourse known as the Torvean Ditch is present at either side of the site and runs through an un-piped underground culvert. It is understood that this discharges into a soakaway adjacent to the Caledonian Canal.
- 2.3 There are no natural or cultural heritage designations covering the site.
- 2.4 The development site is not covered by any international, national, regional or local landscape designations. The site lies within the *Rolling Farmland and Woodland* Landscape Character Type (LCTs) identified in the Inverness District Landscape Character Assessment (LCA) (SNH, 1999).
- 2.5 Within the application boundary, there are no sites of archaeological interest recorded in the Highland Historic Environment Record. However, investigations associated with this project and the Inverness West Link are ongoing.
- 2.6 Tomnahurich Cemetery, to the east of the proposed development, is listed in the National Inventory of Historic Gardens and Designed Landscapes. No listed buildings are located within the application boundary or are likely to be affected by the development.

3.0 PLANNING HISTORY/BACKGROUND

3.1	10.11.2015	Erection of 160 homes (15/02422/PIP Application to be determined at SPAC on 10 November 2015).
	02.11.2015	Proposal of Application Notice for Residential Development of 160 new houses (15/01283/PAN)
	02.11.2015	Proposal of Application Notice for Groundworks associated with new housing & golf course (15/01286/PAN)

4.0 PUBLIC PARTICIPATION

4.1 Advertised: 10 July 2015 in the Inverness Courier.

Representation deadline: 24 July 2015

Timeous representations against: 2

Comments: 2
Representations in support: 0
Non-timeous representations 0
against:

- 4.2 The following issues have been raised in objection to the application:
 - Potential impact on boundary treatments of existing properties;
 - Scale, height and volume of the stockpiles;
 - Construction impact including construction traffic and amenity;
 - Traffic Impact on Golf View Road;
 - Impact on flood risk.
- 4.3 A list of all those who made representation is provided in Appendix 1 of this report. All letters of representation can be viewed via the Council's e-planning portal http://wam.highland.gov.uk.

5.0 CONSULTATIONS

- 5.1 <u>Ballifeary Community Council</u>: No response received.
- 5.2 <u>Inverness West Community Council</u>: No response received
- 5.3 <u>Muirtown Community Council</u>: No response received
- 5.4 <u>Transport Planning Team</u> has not objected to the application. Conditions are sought to secure the details of drainage around the stockpiles, dust suppression, construction traffic management, final details of road construction, and protection of the Great Glen Way.
- 5.5 <u>Historic Environment Team</u> has not objected to the application. A condition is sought to secure a programme of work for the evaluation, preservation and recording of any archaeological and historic features on the site.
- 5.6 <u>Access Officer</u> has not objected to the application. A condition is sought to secure an Outdoor Access Management Plan.
- 5.7 <u>Flood Team</u> has not objected to the application. Conditions are sought to secure the final design of the culvert, final design of the SuDS, maintenance of the drainage system, and accommodation of flow rates of the drainage system to accommodate climate change.
- 5.9 Scottish Water has not responded to the application.
- 5.10 <u>Scottish Environment Protection Agency (SEPA)</u> has not objected to the application. SEPA have requested conditions related to watercourse engineering works, surface water drainage, foul drainage, pollution prevention and environmental management.
- 5.11 <u>Transport Scotland (Trunk Roads and Bus Operations)</u> has not objected to the application.

6.0 Development Plan Policy

6.1 The following policies are relevant to the assessment of the application:

Highland-wide Local Development Plan (April 2012)

- 6.2 Policy 1 Completing the Unconstrained City Expansion Areas
 - Policy 28 Sustainable Design
 - Policy 29 Design Quality and Place-making
 - Policy 34 Settlement Development Areas
 - Policy 56 Travel
 - Policy 55 Peats and Soils
 - Policy 57 Natural, Built and Cultural Heritage
 - Policy 58 Protected Species
 - Policy 59 Other Important Species
 - Policy 60 Other Important Habitats
 - Policy 61 Landscape
 - Policy 64 Flood Risk
 - Policy 66 Surface Water Drainage
 - Policy 74 Green Networks
 - Policy 75 Open Space
 - Policy 77 Public Access
 - Policy 78 Long Distance Routes

Inner Moray Firth Local Development Plan (July 2015)

6.3 Allocation IN24 - Torvean and Ness-side (Northern Part) - Mixed Use (Homes, Business, Retail, Tourism, and Community).

<u>Inverness Local Plan (Adopted 2006, As Continued in Force 2012)</u>

The provisions of the Inverness Local Plan have been superseded in relation to this application by the adoption of the Inner Moray Firth Local Plan.

Flood Risk and Drainage Impact Assessment: Supplementary Guidance (January 2013)

This Supplementary Guidance reflects the principles set out in Policy 64 Flood Risk and Policy 66 Surface Water Drainage of the Highland-wide Local Development Plan. In addition it also reflects further advice and guidance provided by SEPA and other bodies related to flooding and drainage.

<u>Highland Historic Environment Strategy: Supplementary Guidance (March 2013)</u>

6.6 This Supplementary Guidance reflects the cultural heritage principles of Policy 57 Natural, Built and Cultural Heritage of the Highland-wide Local Development Plan. It contains a series of Strategic Aims to ensure the protection and enhancement of the built and cultural heritage of Highland.

Physical Constraints: Supplementary Guidance (March 2013)

6.7 This Supplementary Guidance sets out what The Highland Council consider to be physical constraints to development reflecting Policy 30 Physical Constraints of the Highland-wide Local Development Plan.

Torvean and Ness-side Development Brief (November 2013)

6.8 This Development Brief was statutorily adopted as Supplementary Guidance to Policy 8 Ness-side and Charleston of the Highland-wide Local Development Plan. The Development Brief sets out a framework for the development of this area following analysis of the areas constraints and opportunities based around a shared vision for the area.

7.0 Other Material Planning Policy

Scottish Government Planning Policy and Guidance

- 7.1 National Planning Framework 2
 - Scottish Planning Policy
 - Designing Places
 - Creating Places
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 69 Planning and Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 1/2011 Planning and Archaeology

8.0 Planning Appraisal

8.1 Section 25 and of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 The determining issues are:
 - do the proposals accord with the development plan?
 - if they do accord, are there any compelling reasons for not approving them?
 - if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

- 8.3 Development Plan policy as set out in the Highland-wide Local Development Plan, Inner Moray Firth Local Development Plan and the Torvean and Ness-side Development Brief with regard to the allocation of this site for development is clear. This development will facilitate and enable works to deliver the land allocations. The key issue therefore is whether the scheme submitted provides an acceptable level of development and addressed the requirements set out within the development plan. In order to address the determining issues, the Committee must consider:
 - a) Impact on amenity
 - b) Recreational access;
 - c) Flood risk, drainage, and water;
 - d) any other material considerations.

Amenity Impact

- 8.4 The development of the site primarily comprises of earthworks to form a housing site. The consideration of matters related to the amenity impact of the housing development is considered in the Report to this committee considering that application. Here the amenity concerns, expressed in representations, are related to the scale of the stockpiles in proximity of residential development, the potential for dust and the increase in transport activity.
- 8.5 The stockpiles 1-3 are located no closer than 3m from the boundary of properties. Stockpile 4 is approximately 45m from the nearest property boundary. The boundary treatments of the adjacent properties are a mix of post and wire fencing, hedging / shrubs, wooden fencing and walls. These vary in height between approximately 0.9m and 1.8m and provide differing levels of screening of the stockpiles. It is proposed that stockpiles will have sloping edges and have a flat top. The scale and nature of the stockpiles, will undoubtedly have a visual impact. However it is not considered that they will have a significantly detrimental impact on the amenity of the residences in closest proximity subject to appropriate mitigation in terms of finishing of the stockpiles. In addition, these stockpiles will be temporary in nature. A condition will be attached to the consent to limit the time that the stockpiles can remain in place. It is considered that 3 years from the date of the permission is an appropriate timescale. If the stockpiles are required to remain in place beyond this time, then a further planning application will be required.
- 8.6 The finish of the stockpiles will be key to both the suppression of dust and reducing the visual impact of the stockpiles. Again, this can be secured by condition. In addition a dust suppression plan will be required for the period in which any finish to the stockpiles is establishing, and for the capped area on which the housing is proposed until the time that the site is developed.
- 8.7 The access to the site will be from General Booth Road, utilising the road which is to be constructed for the Torvean Golf Course. This section of road already has consent. No further roads will be constructed within the site as part of this consent. Representations have raised concerns as to the impact of an construction traffic

entering the site via Golf View Road. This has not been considered by the applicant in bringing forward this proposal and it is envisaged all access will be via the access from General Booth Road. A condition can be attached to the consent to secure the access route.

8.8 The earthworks, access road and SuDS pond associated with the development are likely to commence in 2016 subject to planning permission being granted. Concerns have been raised as to the impact of construction on residential amenity. Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance, which is then tackled via the Council's Environmental Health services under Section 60 of the Control of Pollution Act 1974 which can set restrictions in terms of hours of operation, plant and equipment used and noise levels etc. Should the application be granted, an informative will be set out to invite the developer discuss the construction noise with relevant Council officers. In addition prior to commencement of development a Construction Environment Management Document will require to be submitted and approved by the Planning Authority to ensure the impacts of the construction on the environment are appropriately managed.

Recreational Impacts

8.9 There are core paths which cross the site and the Great Glen Way runs through the north of the site. These will be affected during the construction period. However, it is considered that through an appropriate level of management and, where appropriate, signed diversions access can be managed. An outdoor access management plan will be secured by condition. In addition a condition ensuring the Great Glen Way is not adversely is proposed.

Flood risk, drainage, and water

- 8.10 The application has been supported by a Flood Risk Assessment and Drainage Impact Assessment. These take into consideration the changes to the site as a result of the development of the development and of the Inverness West Link. Neither The Highland Council's Flood Team nor SEPA have not objected. SEPA accept that the development, including the re-profiling of ground levels to form the development site and the SUDS basin, will not result in an increase in flood risk elsewhere, beyond the wider golf course site where increases in flooding are to be accepted as part of the redevelopment works to enable the wider development brief for the area.
- 8.11 The development will include a sustainable drainage system (SuDS). The SuDS basin and filter trench forms part this application, further infrastructure will be required in due course as part of the proposed housing development. of a separate application for the earthworks for the development. Based on the information provided this is considered an appropriate size to accommodate the anticipated level of surface water run off from the proposed housing site.
- 8.12 The use of a new culvert joining the east and west Torvean Ditch is proposed. SEPA is content with the proposals as they now include a sufficient level of infrastructure to accommodate flows. A further drainage ditch is proposed on the

western and southern boundaries of the site to take surface water flows. SEPA are content that this will link into the wider network of drainage and irrigation to be formed as part of the Torvean Golf Club.

8.13 SEPA and Transport Planning have raised some concerns as the location of the stockpiles of ground close to the SuDS basin. This is due to potential impacts on water quality in the SuDS basin due to drainage from the stockpiles. It is considered that through the implementation of an appropriate pollution prevention plan containing a sufficient level of mitigation, the risks to water quality can be managed and mitigated.

Other Material Considerations

8.14 None.

9.0 Conclusion

- 9.1 The development proposed will facilitate the construction of Torvean Golf Course which has detailed planning permission and the delivery of an allocated housing site. There are likely to be some short term impacts arising as a result of this development during the construction period and until the time that the site is developed for housing. It is considered that these impacts can be mitigated through the application of appropriate conditions.
- 9.2 All relevant matters have been taken into account when appraising these matters specified in conditions. It is considered that overall the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10.0 Recommendation

- 10.1 It is recommended the planning application be **granted planning permission** subject to the following conditions and reasons:
- No development or works shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA, SNH and TECS). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:
 - i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
 - ii. Change control procedures to manage/action changes from the approved

SM, CEMD and Construction Environmental Management Plans;

- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Habitat and Species Protection;
 - b. Pollution Prevention and Control;
 - c. Dust Management;
 - d. Noise and Vibration Mitigation;
 - e. Site Waste Management;
 - f. Surface and Ground Water Management;
 - i. Drainage and sediment management measures from all construction areas including access track improvements; and
 - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
 - g. Water Course Management;
 - h. Emergency Response Plans;
 - Measures to be taken when stockpiling soils to control runoff from the stripped ground and
 - ii. Methods of removing stockpiles and measures to be taken to protect local watercourses from run-off;
 - i. Other relevant environmental management as may be relevant to the development.
- iv. Post-construction restoration and reinstatement of temporary working areas and, compounds;
- v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment.

2. No development or work shall commence until a detailed specification for all proposed landscaping and capping of the stockpiles 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 the interests of residential amenity.

- 3. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
 - All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
 - Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
 - iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
 - iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access during the construction phase of the development.

4. The Great Glen Way Long Distance Footpath running to the north of the site shall remain accessible and free from obstruction throughout the construction phase of the development.

Reason: In order to safeguard public access during the construction phase of the development.

5. No development or work (incl. site clearance) shall commence within each Phase, or sub-Phase, until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

6. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete. For the avoidance of doubt no construction traffic may access the site via Golf View Road.

Reason: In the interests of road safety.

7. No development shall commence until full details of surface water drainage provision within the development (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the final occupation of the relevant phase or sub-phase. For the avoidance of doubt the development must be designed to accommodate the level of flows anticipated from the development and a 20% allowance for increase in flows due to climate change and shall ensure there is sufficient storage capacity in the basin to accommodate potential flooding from the East Torvean Ditch or pluvial ponding within the adjacent development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment and reduce the risk of flooding.

8. Before the first occupation of the development, a scheme for the maintenance in perpetuity of all elements of the surface water drainage system, including the perimeter overflow channel on the south and west boundaries of the site, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In order to ensure that surface water drainage infrastructure is carefully managed.

- 9. No development shall commence until a scheme for the working of all stockpiles has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA. Thereafter, the scheme shall be implemented as approved. The scheme shall make provision for:
 - i. Methods of construction of the stockpiles and removal of material from the stockpiles;
 - ii. A description of the volume and type of minerals to be stored in each stockpile;
 - iii. A site plan and section drawings showing the exact location and extent of each stock pile area:
 - iv. Overburden (peat, soil and rock) handling and management;

- v. Drainage infrastructure; and
- vi. A programme for the re-instatement, restoration and aftercare of each stockpile once it is no longer required.

Reason: To ensure that a scheme is in place to control the use of stockpiles to minimise the level of visual intrusion and any adverse impacts as a result of the development.

10. Planning permission for the stockpiles identified on approved drawing ref: 101677-215 is hereby granted for a temporary period only and shall cease to have effect on 10 November 2018 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under Condition 9 of this permission.

Reason: In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

Designation: Head of Planning and Building Standards

Drawing No.

Author: Simon Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

AL(0)005 Location Plan

AL101677/215 Stockpile Layout

AL101677/210 B Proposed Field Drain Replacement

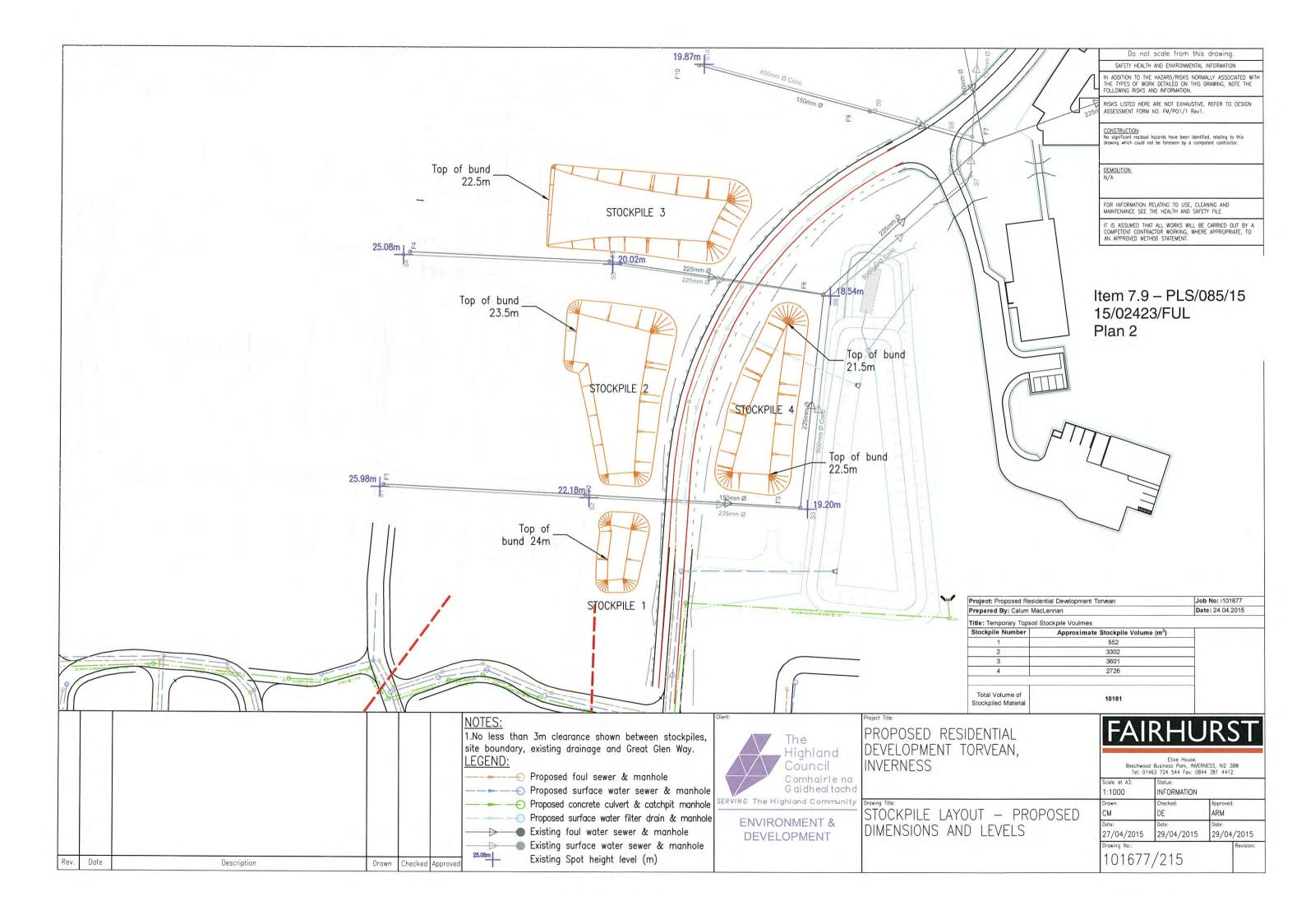
AL101677/120 C Preliminary SUDS Basin Location

Title

AL101677/128 Proposed Site Levels (Sheet 1)
AL101677/128 Proposed Site Levels (Sheet 2)

AL101677/2002 Existing Ground Levels









Proposed Concrete Catchpit Manhole 1200mmØ

Item 7.9 - PLS/085/15



PROPOSED RESIDENTIAL DEVELOPMENT

Scale at A1:	Status:	
1:500	PLANNING	
Drawn:	Checked:	Approved:
MR	BR	DE
Date:	Date:	Dote:
21/07/2014	21/07/2014	21/07/2014

