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| Agenda Item | 6.4 |
| Report No | PLS/069/19 |

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 17 September 2019

Report Title: 19/02485/MSC: Barratt North Scotland
Land To North Of Torbreck, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Submission of matters specified in condition 2 (17/03541/S42) change of house types and layout of plots including the addition of 4 units

Ward: 15 – Inverness Ness-side

Development category: Local

Reason referred to Committee: Approval of Matters Specified in Conditions on Major Development and related to the modification of the layout on the wider site which a major development.

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.

Recommendation

Members are asked to agree the recommendation to **Approve** matters specified in conditions as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This submission seeks approval of Condition 2(b) and 2(d) of the matters specified in conditions attached to planning permission 17/03541/S42 granted on 29 June 2018 in respect of the Ness Castle development. The application seek to make modification to plot layouts and house types to allow the delivery of 4 additional houses, comprising 2 detached houses and 2 semi-detached houses, within Phase 2b of the development.
- 1.2 A separate application has been submitted in relation to the layout of plots and design of houses within the remainder of Phase 2b under reference 19/03054/MSC. This is subject to a separate report on the agenda of the committee.
- 1.3 The overall masterplanned development at Ness Castle comprises 804 homes and a new primary school split over 5 sequential residential phases. This application can not be determined until the determination of planning application 19/02949/S42 as it would allow further development within Phase 2 of the overall development but due to a change in phasing in the remainder of the development the overall number of units on the site will not increase.
- 1.5 This submission seeks approval of the following conditions:
- 2 (b) – siting, design and appearance of all buildings and other structures.
 - 2 (d) layout of the site in accordance with Designing Streets.
- 1.6 No formal pre-application advice has been provided to the applicant
- 1.7 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site is relatively level and sits in the location of plots 219-222 on a wider street which has planning permission under reference 17/01189/MSC. Phase 1 of the Ness Castle development is located to the north east and north west of the site. To the east of the site, land is reserved for a new primary school on land which is being gifted to the Council via the legal agreement on the planning permission in principle.
- 2.2 Phase 2 has been under construction since late 2017 with development to the north west of the application site complete. The development, and this application, has been guided by the original masterplan submitted with planning permission 04/00585/OUTIN.

3. PLANNING HISTORY

- 3.1 08.07.2011 04/00585/OUTIN - Residential development Permission including associated landscaping, access and infrastructure Granted

| | | | |
|------|------------|--|-----------------------|
| 3.2 | 02.11.2011 | 08/00070/FULIN - Residential development (189 houses) and associated works | Permission Granted |
| 3.3 | 08.06.2015 | 15/01144/FUL - Formation of additional section of distributor road | Permission Granted |
| 3.4 | 23.11.2015 | 15/03627/ADV - Consent for the proposed erection of signage | Permission Granted |
| 3.5 | 02.06.2017 | 17/01189/MSC - Matters specified in conditions 4a, 4b, 4c,4d, 4f, 4i, 5, 7, 9, 13,15 of planning permission in principle 04/00585/OUTIN - Erection of 137 no dwelling houses, Phase 2 at Ness Castle | Approved |
| 3.6 | 26.06.2018 | 17/03541/S42 - Section 42 Application for Non-compliance with Condition 1 of Planning Permission in Principle Application Ref No. 04/00585/PIP | Permission Granted |
| 3.7 | 04.10.2017 | 17/03721/MSC - Amend Condition 2, MSC Application 17/01189/MSC, Change of house types and layout of plots | Approved |
| 3.8 | 03.07.2018 | 18/02069/ADV - Advertisement of the following types : Box Sign, Hoarding, Flag | Permission Granted |
| 3.9 | 07.05.2019 | 19/01401/PAN - Development of a three stream primary school with nursery provision (Ness Castle Primary School) | Case Closed |
| 3.10 | | 19/01776/MSC - Matters specified in conditions 4a, 4b, 4c,4d, 4f, 4i, 5, 7, 9, 13,14, 18 and 19 of planning permission in principle 04/00585- Erection of 180 no dwelling houses, Phase 3 | Pending Consideration |
| 3.11 | | 19/02780/S42 - Section 42 Application for Non-compliance with Condition 1 of Planning Permission in Principle Application Ref No. 17/03541/S42 | Pending Consideration |
| 3.12 | | 19/03054/MSC - Phase 2 Ness Castle - matters specified in condition 2 (17/01189/MSC) Change of house types and layout of plots | Pending Consideration |
| 3.13 | | 19/03649/SCRE - Erection of new three stream primary school with nursery provision | Pending Consideration |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 21.06.2019

Representation deadline: 05.07.2019

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Transport Planning Team** do not object to the application. Clarification was sought on the size of parking areas to the front of the properties to ensure it met the Roads and Transportation Guidelines for New Developments. This has been provided by the applicant.

5.2 **THC Forestry Officer** has no comment to make on the application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

1 – Completing the Unconstrained City Expansion Areas

28 - Sustainable Design

29 - Design Quality and Place-making

30 – Physical Constraints

34 - Settlement Development Areas

51 - Trees and Development

55 – Peat and Soils

56 - Travel

57 - Natural, Built and Cultural Heritage

58 - Protected Species

59 – Other important Species

60 – Other Importance Habitats

61 – Landscape

63 – Water Environment

64 - Flood Risk

65 - Waste Water Treatment

66 - Surface Water Drainage

74 – Green Networks

75 – Open Space

77 – Public Access

78 – Long Distance Routes

6.2 **Inner Moray Firth Local Development Plan 2015**

Policy 2 – Delivering Development

Allocation IN35 – Ness Castle (804 Homes)

6.5 **Highland Council Supplementary Planning Policy Guidance**

Construction Environmental Management Process for Large Scale Projects (August 2010)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Ness Development Brief (2006)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

National Planning Framework 3 (The Scottish Government, June 2014)

Creating Places (The Scottish Government, June 2013)

Designing Streets (The Scottish Government, 2011)

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.

Determining Issues

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

Planning Considerations

8.3 The principle of the development has been established through the previous permission. This submission seeks to approve matters specified in conditions of the planning permission in principle. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continue to comply with development plan policy, the provisions of the conditions attached to the planning permission in principle and take into consideration any other material considerations.

Development plan/other planning policy

- 8.4 Development Plan policy has changed since the time of determination of the original planning permission in principle application. The Highland Structure Plan (2001) is no longer in force and the Inverness Local Plan (2006) in relation to this site and the policy provisions have been superseded by the contents of the Highland-wide Local Development Plan (2012). The Inner Moray Firth Local Development Plan (2015) has also been adopted.
- 8.5 However, Development Plan policy has not changed since the determination of the application for non-compliance with conditions (ref: 17/03541/S42). Therefore subject to detail set out later in this report the submission for the approval of matters specified in conditions accords with the provisions of the Development Plan.
- 8.6 The remainder of this report will consider the submissions made in relation to the relevant conditions attached to the planning permission in principle and assess its compatibility with the Development Plan.

Design and Layout (Conditions 2b and 2d)

- 8.7 The houses proposed, in terms of their elevational treatment, are in keeping with the other houses which have been developed by the applicant on the wider site. The scheme comprises of two storey houses, finished in white dry dash render, fyfestone and leading edge riven finished concrete roof tiles.
- 8.8 In contrast to the previously approved scheme, the houses proposed have hipped roofs. The applicant has requested this change due to modifications to their wider house type range across their brand. Overall, while the roof type is not common to Inverness, or indeed Highland, it does fit relatively well with the houses proposed for the site and does not appear out of scale with the remainder of the buildings. As this is the case in this isolated location within the development it can be supported.
- 8.9 Each plot is considered to have sufficient amenity space around the property and following clarification from the applicant it is clear that there is sufficient parking in line with the Council's Road and Transportation Guidelines.
- 8.10 There have been no changes to the road layout from the layout granted under planning permission 17/01189/MSA in the immediate vicinity of this application to accommodate these additional units. Within the wider site there have however been modifications, the most obvious change is to the south of the application site where two short streets have been introduced at right angles to the main street within the site. The acceptability of this is considered under a separate application in front of the committee (Ref: 19/03054/MSA).

Other material considerations

- 8.11 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 8.12 The proposed development is required to meet the provisions of the Legal Agreement attached to the Planning Permission in Principle (17/03541/S42). This requires modification to address the changes to phasing of the wider development as proposed by planning application 19/02485/MSC.
- 8.13 As this application increases the number of affordable units within this Phase by four units an additional affordable housing unit will require to be provided. Rather than providing one affordable house in this part of the scheme the applicant will provide the additional unit within the next phase of development. This will meet with the terms of the legal agreement.

9. CONCLUSION

- 9.1 The proposed modification to the layout of the scheme which includes the addition of four houses is considered to be at a reasonable density and does not bring this part of the scheme into conflict with the original masterplan or onsite constraints.
- 9.2 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above, it is recommended that matters specified in conditions 2(b) and 2(d) be **Approved**

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

The development to which these matters specified in conditions relate must commence no later than TWO YEARS from the date on this decision notice.

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.

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 (paragraph 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.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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: <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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and 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.

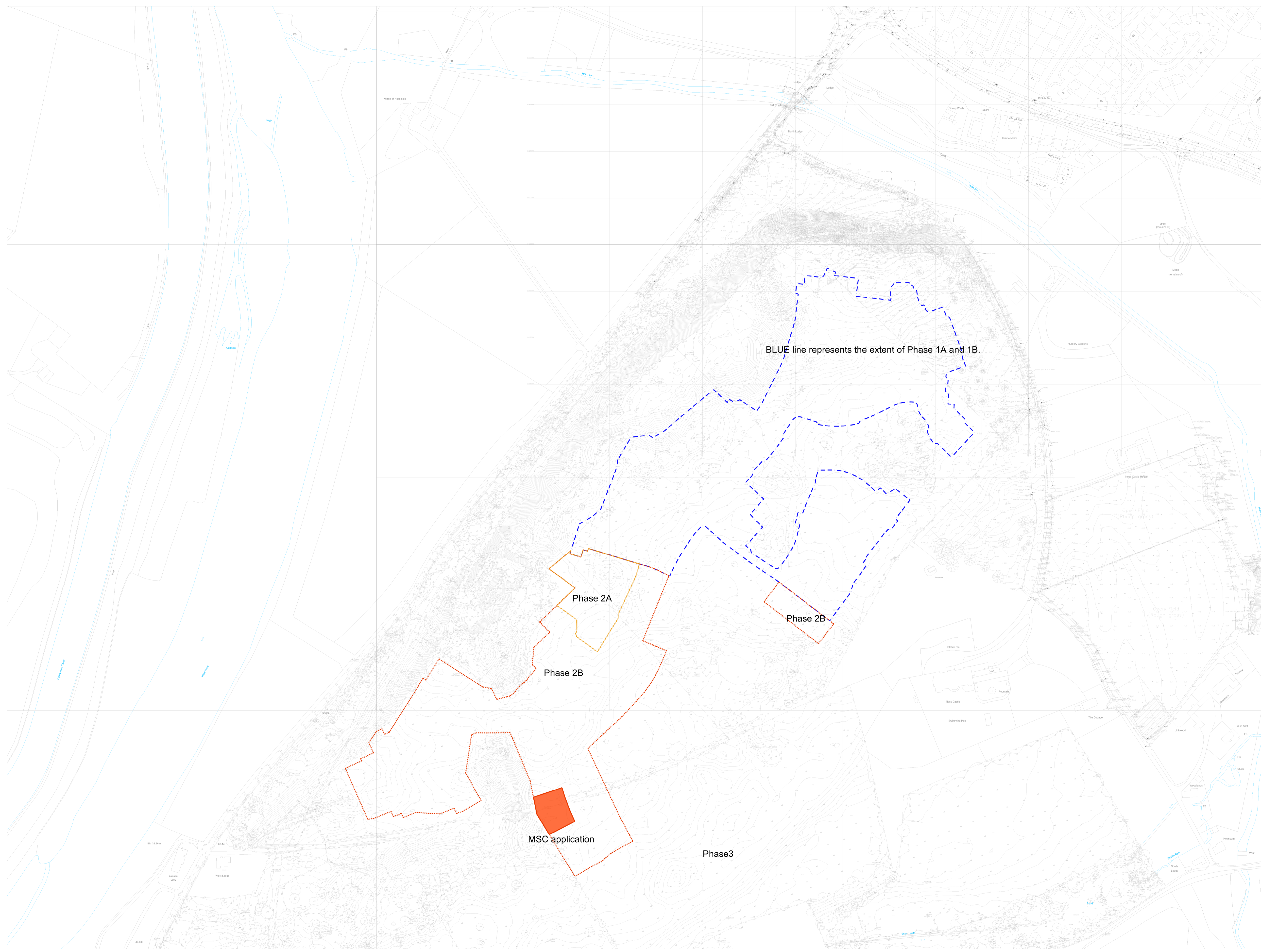
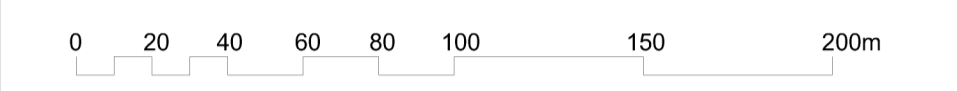
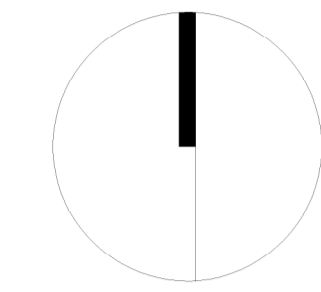
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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 for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 11515-P(2)011 Rev A – Site Layout Plan

Layout drawn over topographical survey



BLUE line represents the extent of Phase 1A and 1B.

Phase 2A

Phase 2B

Phase 2B

MSC application

Phase 3

PLANNING SUBMISSION

| Type | No | sq ft |
|------------|-----|-------|
| Ravensraig | 2 @ | 1011 |
| Durbar | 1 @ | 1289 |
| Cullen | 1 @ | 1449 |
| Totals | 4 | |

32.3m

PHASE 2A

PHASE 2B

PHASE 3

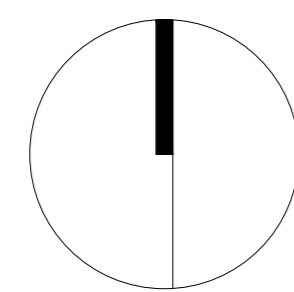
Indicative outline of single stream Primary School

POSSIBLE PEDESTRIAN LINK TO SCHOOL

PEDESTRIAN CONNECTION

PEDESTRIAN CONNECTION

GAS SUDS

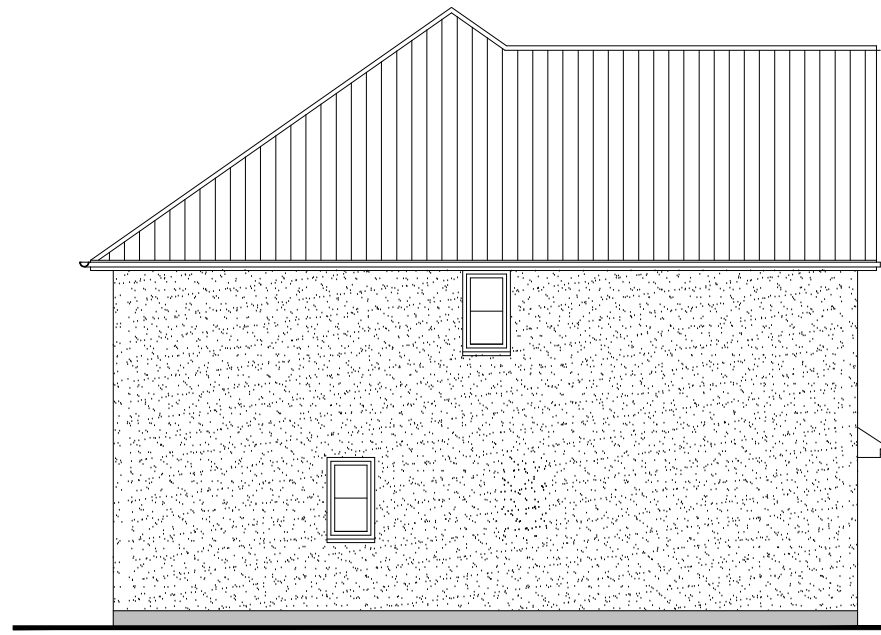


F Denotes houses with Feature Anstone





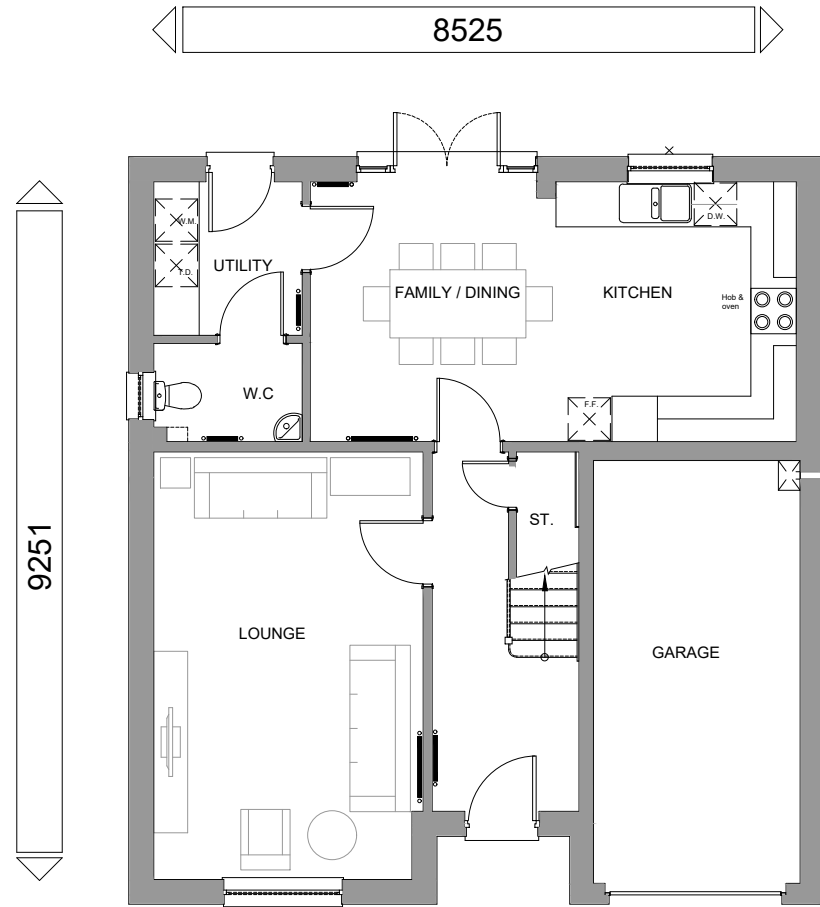
FRONT ELEVATION



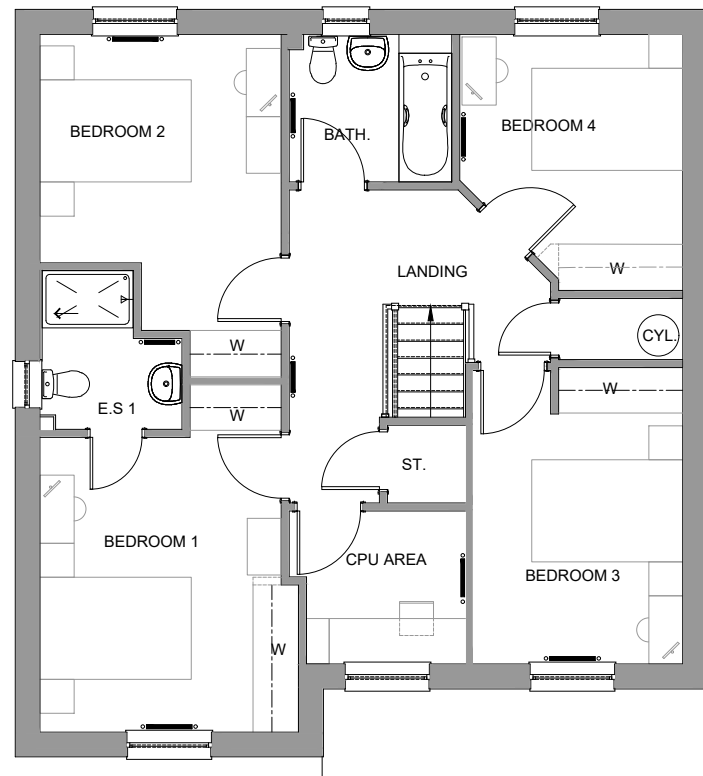
SIDE ELEVATION



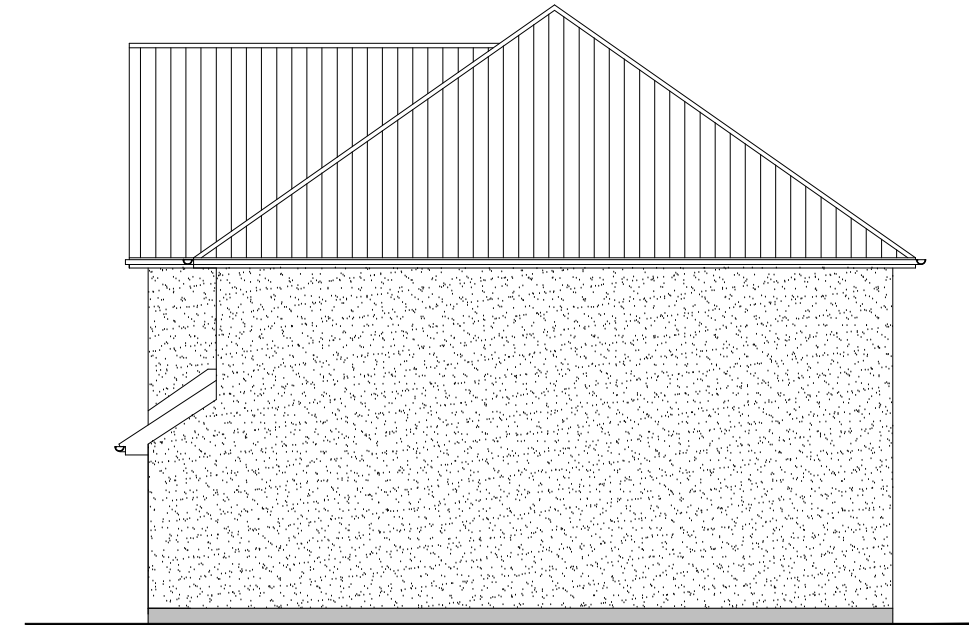
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

TOTAL FLOOR AREA : CULLEN - 134.65 m² / 1449.6 sqft

Sales Name: **CULLEN-18**
 House Type Code: **BCJU 017D**
 Spec: **EMBASSY** Drawing No: **2017/S/CU/01**
 Drawn: **GDT** Checked: **AB** Scale: **1:100@A3** Date: **NOV 2016**

WARNING TO HOUSE-PURCHASERS.
 Buyers are warned that this is a working drawing and the contents of this drawing may be subject to change during the progress of the build process. The layout, fixtures or features shown may vary in respect of individual properties. Whilst we make every effort to ensure our drawings are up to date there may be an unavoidable delay in updating these due to changes in regulations and/or re-planning. Purchasers are advised to check with the Sales Adviser whether any alterations have been made to this drawing. The contents of this drawing do not constitute a contract, part of any contract or warranty unless specifically incorporated into the contract. They should not be relied upon for the purpose of entering into a contract to purchase any property.

PLANNING DRAWINGS

Rev: **B**
 Description: **Refer to Data Sheet**

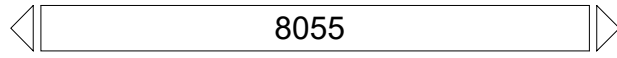
Date: **Nov 18**



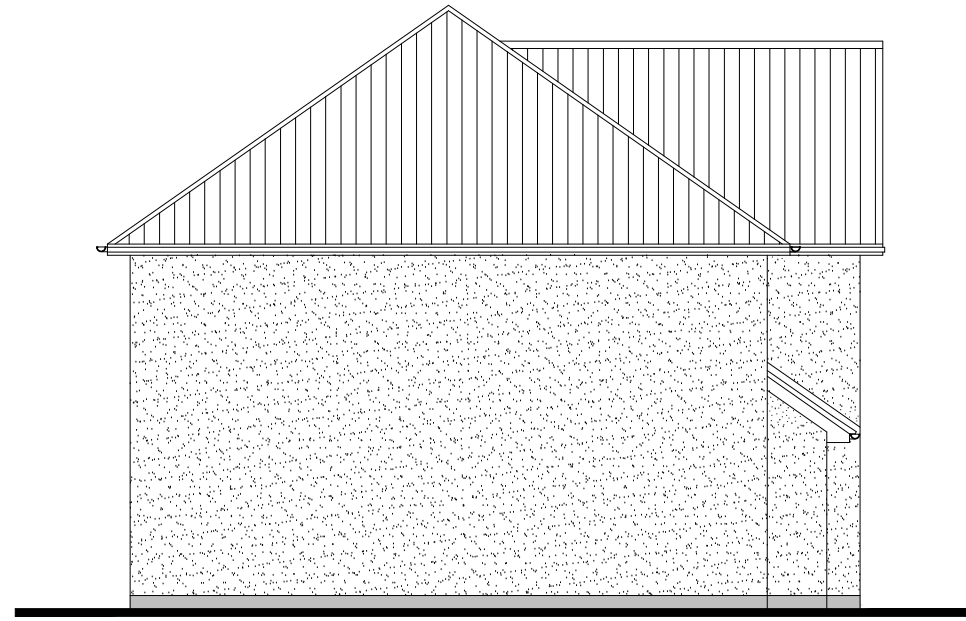
Thermal Spec:
BLUE (det)



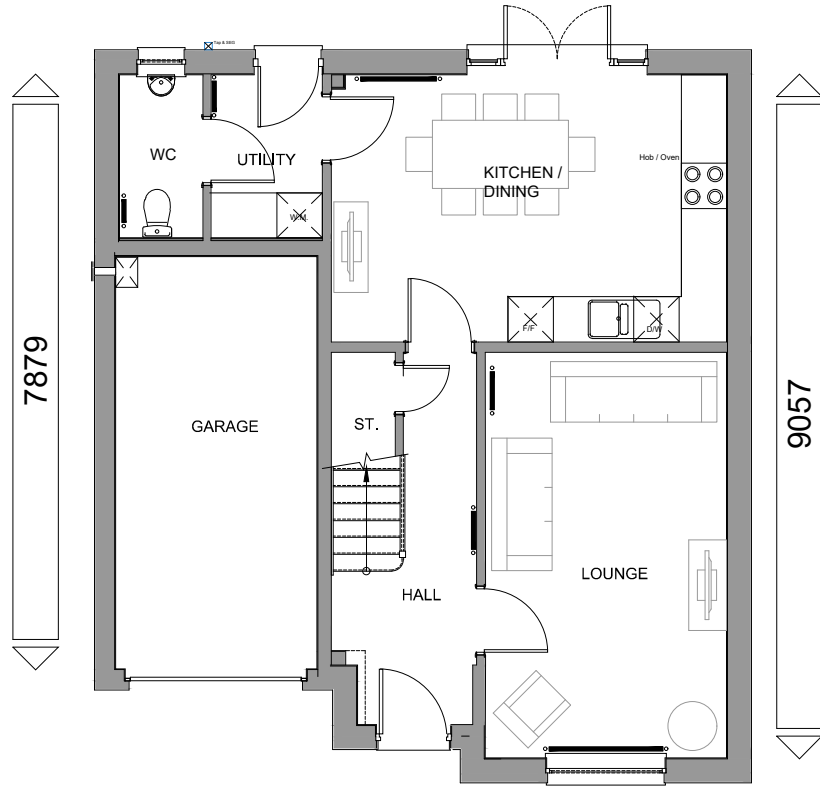
FRONT ELEVATION



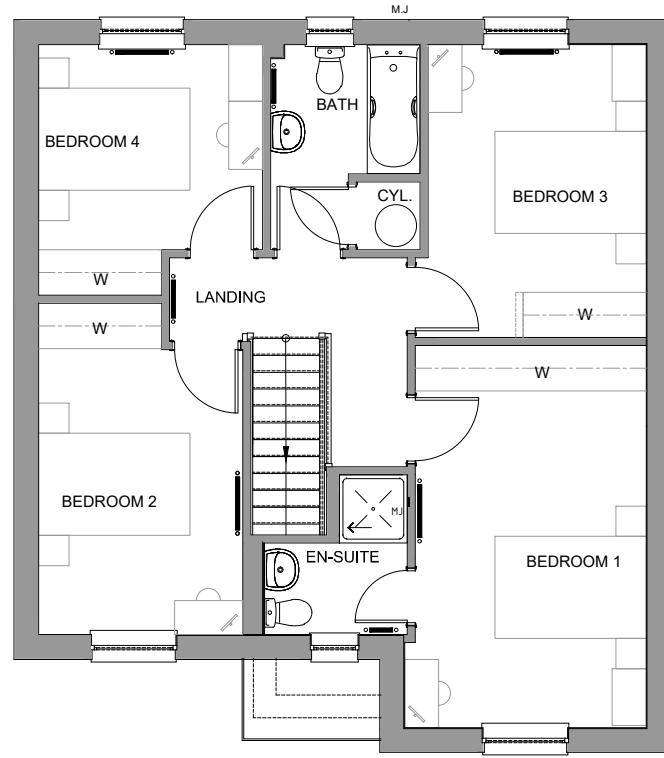
REAR ELEVATION



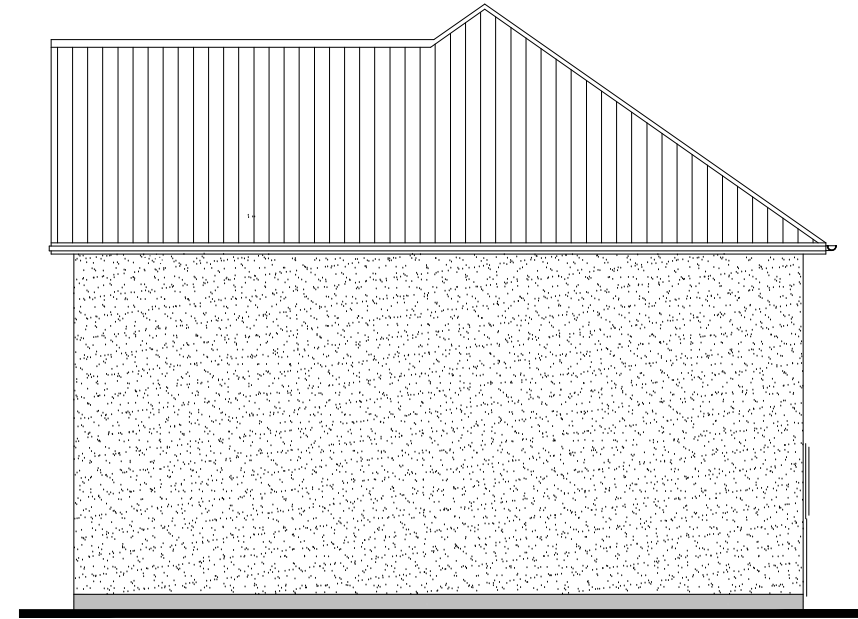
SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

TOTAL FLOOR AREA : 119.63 sqm / 1289.68 sqft

Sales Name: **DUNBAR-18**

House Type Code: **BDUB 017D**

Spec: **EMBASSY** Drawing No: **2017/DUB/01**

Drawn: **GDT** Checked: **AB** Scale: **1:100@A3** Date: **Jan 17**

WARNING TO HOUSE-PURCHASERS:

Buyers are warned that this is a working drawing and the contents of this drawing may be subject to change during the progress of the build process. The layout, form, content and dimensions specified are included for general guidance only. The finishes or features shown may alter in respect of individual properties. Whilst we make every effort to ensure our drawings are up to date there may be an unavoidable delay in updating these due to changes in the market. The drawings are provided as a guide only and the purchaser should verify with the Advertiser whether any alterations have been made to this drawing. The contents of this drawing do not constitute a contract, part of any contract or warranty unless specifically incorporated into the contract. They should not be relied upon for the purposes of entering into a contract to purchase any property.

PLANNING DRAWINGS

Rev: **G**
Description: **Refer to Data Sheet**

Date: **Nov 18**



BARRATT
DEVELOPMENTS PLC

Thermal Spec:

BLUE (det)

External Finishes

| Material | Palette - 01 | Palette - 03 |
|--------------|---|---|
| | STONE BASECOURSE | STONE BASECOURSE + STONE FEATURES |
| | (A) | (B) |
| Render | Esno white Chip on snowcrete render | Esno white Chip on snowcrete render |
| Roof tiles | Russell "Morey" interlocking roof slate, colour Slate | Russell "Morey" interlocking roof slate, colour Slate |
| Stone | Fyfestone, Elite Tumbled Cotterstone Grey (CS1) | Fyfestone, Elite Tumbled Cotterstone Grey (CS1) |
| Window sills | Fyfestone, Cotterstone Grey | Fyfestone, Cotterstone Grey |
| Windows | White uPVC | White uPVC |
| Soffits | White uPVC | White uPVC |
| RW goods | Black uPVC | Black uPVC |
| Front door | Black uPVC | Black uPVC |
| Back door | Black uPVC | Black uPVC |
| Garage door | Black uPVC | Black uPVC |



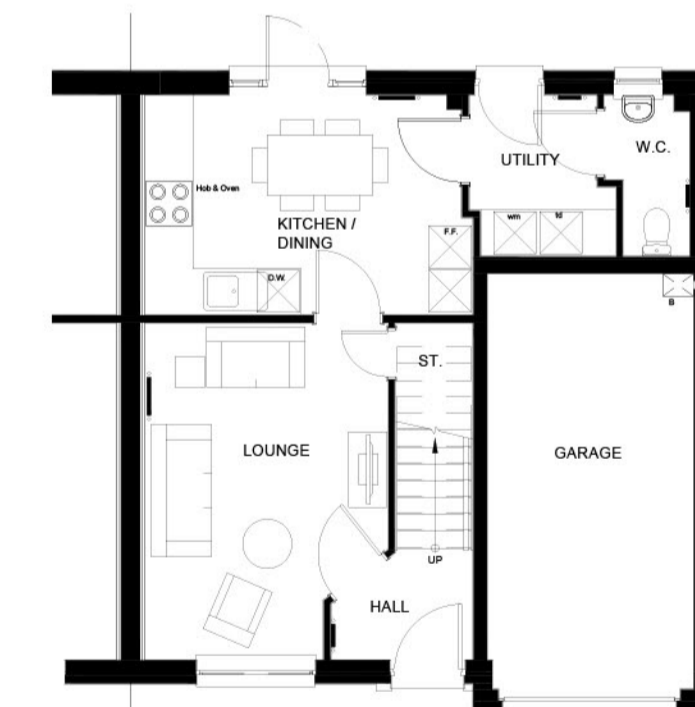
Palette A



First Floor Plan



Palette B



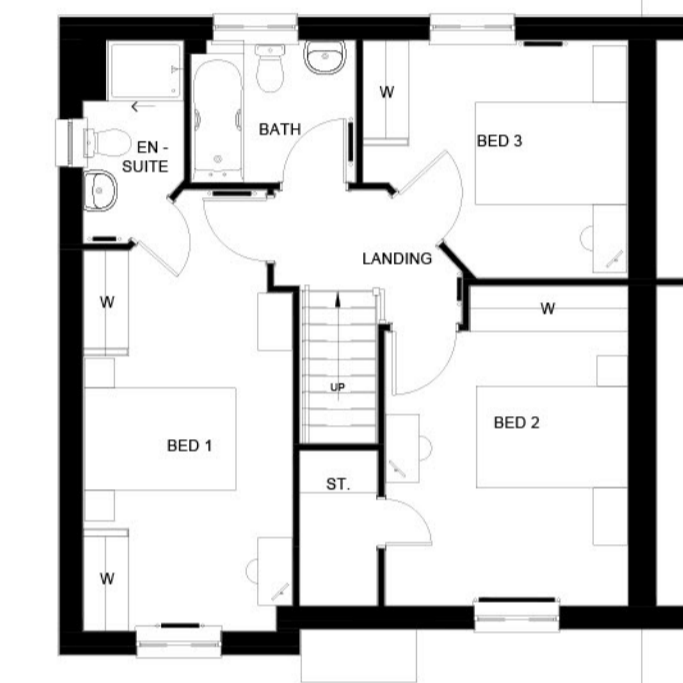
Ground Floor Plan

External Finishes

| Material | Palette - 01 | Palette - 03 |
|--------------|---|---|
| | STONE BASECOURSE | STONE BASECOURSE + STONE FEATURES |
| | (A) | (B) |
| Render | Esno white Chip on snowcrete render | Esno white Chip on snowcrete render |
| Roof tiles | Russell "Morey" interlocking roof slate, colour Slate | Russell "Morey" interlocking roof slate, colour Slate |
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| Windows | White uPVC | White uPVC |
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| RW goods | Black uPVC | Black uPVC |
| Front door | Black uPVC | Black uPVC |
| Back door | Black uPVC | Black uPVC |
| Garage door | Black uPVC | Black uPVC |



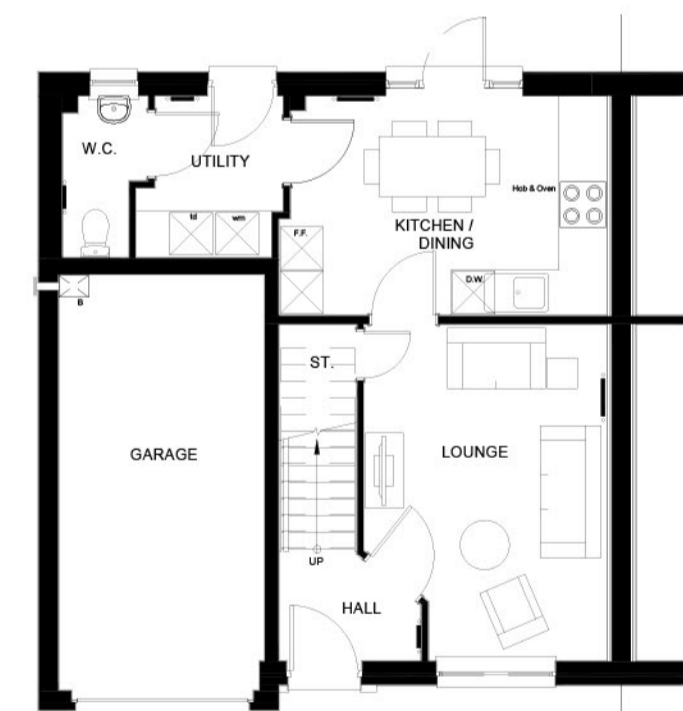
Palette A



First Floor Plan



Palette B



Ground Floor Plan