Agenda Item	9.3
Report No	PLS-47-22

#### HIGHLAND COUNCIL

Committee:	South Planning Applications Committee
Date:	23 June 2022
Report Title:	20/01547/FUL: The Highland Council
	Culcabock Child Guidance Centre, 11 Culcabock Avenue, Inverness, IV2 3RG
Report By:	Area Planning Manager – South

#### **Purpose/Executive Summary**

**Description:** Conversion of guidance centre into 3 flats and erection of 2 houses

Ward: 16 – Inverness Millburn

Development category: Local

**Reason referred to Committee:** Community Council objection and more than 5 objections

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 **GRANT** the application as set out in section 11 of the report.

# 1. PROPOSED DEVELOPMENT

- 1.1 This application is for the conversion of a former primary school into 3 flats and the erection of 2 detached houses. The proposal includes a new access, upgrading an existing access and the creation of 9 parking spaces.
- 1.2 The proposed development comprises of the following residential units:
  - Type A  $1\frac{1}{2}$  storey 3-bed detached house
  - Type  $B 1\frac{1}{2}$  storey 3-bed detached house

Conversion of guidance centre to 3 flats

- Type C 3-bed flat
- Type D 1-bed flat with mezzanine
- Type E 3-bed flat with study
- 1.3 The applicant utilised the Highland Council's Pre-Application Advice Service for Local Development (19/05209/PREAPP). The response outlined a number of concerns with the proposal. The key issues highlighted from the pre-application process were:
  - Preferred option would be for the retention and conversion of the existing building into 2 or 3 properties.
  - Some scope for limited residential development within the grounds of the building.
  - An adequate contrast in design should be taken forward, taking into consideration the scale and mass of the existing building and the surrounding properties within Culcabock.
- 1.4 The application is supported by the following:
  - Aboricultural Impact and Method Statement
  - Bat Survey
  - Design Statement
  - Landscape Arrangements and Tree Loss Mitigation
  - Tree Schedule
  - Tree Survey
  - Visual Information Photos
  - Visual Information Streetscape Image
- 1.5 Variations were made following validation of the application in response to the feedback received from the Planning Authority and consultees. The most substantial variation was the reduction from 3 houses (including 2 semi-detached) to 2 houses. The other variations include:
  - Amended Site Layout Plans
  - Amended Elevation Plans
  - Amended Landscaping Plans
  - Tree Mitigation Details

# 2. SITE DESCRIPTION

- 2.1 The proposed site is situated on the grounds of the current guidance centre (a former primary school) in the Culcabock area in the eastern part of Inverness. Culcabock was formally a hamlet that has been subsumed into Inverness through the growth of the city over the last century. The proposed site is located on the east side of Culcabock Avenue. Raigmore hospital is located approximately 200m to the north east of the proposed site, further north lies Inches Retail Park. Inverness Golf Club and course lies to the west of Culcabock Avenue.
- 2.2 The site is accessed from Culcabock Avenue from the Old Perth Road (B9006). Access to the site is directly from the road. There is no footpath to the eastern side of Culcabock Avenue. The existing site is split into three sections; a hardstanding area to the south of the existing building, the guidance centre, and the garden area to the north. The land to the south is currently hardstanding and appears to be utilised as a parking area. There are a number of trees dispersed across the site and to the east boundary. The site and existing building are partially bounded by a traditional stone wall. The eastern boundary is defined by a large hedge, running south to north.
- 2.3 The former school consists of a traditional, 1½ storey detached property dating back to 1894. The existing materials include stone (sandstone) wooden doors, timber frame sash and case windows and cast-iron rainwater goods. The building is a mix of styles with a church hall style structure facing Culcabock Avenue with an attached two storey house structure to the rear. In addition, a number of lean to structures and projections are present on the southern elevation with a further lean to structure at the main door to the northern elevation. The roof comprises of pitched roofs supporting slate covering, although some of the small single storey additions are single pitched. The structure of the roof has a number of gables with louvre vents and stone window openings. In this respect the building retains most of the character of the former school.
- 2.4 The surrounding area consists principally of residential uses with housing on either side of the road, mostly facing the road. There are some exceptions to the south end of Culcabock Avenue. The house types are a mix of 1 2 storey houses, these include both detached and semi-detached. To the east of the proposed site planning permission has been granted for a total of 24 residential units.
- 2.5 The former school is not a listed building and there are no natural, built or cultural heritage designations covering the site. Drakies House, a category B listed building, is located to the south end of Culcabock Avenue. There are sites of archaeological interest in the Highland Historic Environment Record within the vicinity of the site.
- 2.6 The site is not subject to fluvial flood risk but a small area in the north of the site is subject to pluvial flooding.

# 3. PLANNING HISTORY

3.1 07.02.2020 19/05209/PREAPP Erect 5no dwellings Advice issued

# 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 01.05.2020, 04.09.2020 and 01.04.22

Representation deadline: 15.04.2022

Timeous representations: 23 (22 Households) Objections and 1 General Comment

- 4.2 Material considerations raised are summarised as follows:
  - a) Contrary to Development Plan policy (including IN55 as it would lead to the intensification of the access from Old Perth Road and Policy 28 as it would be incompatible with public service provision of the road network);
  - b) Adverse impact on trees and loss of green space;
  - c) Adverse impact on historic environment;
  - d) Adverse impact on transport, road safety, access, parking, turning and increase in traffic (including footpath, safe routes to school, congestion and construction);
  - e) Adverse impact on residential amenity, including visual, daylight, privacy and noise;
  - f) Adverse impact on existing drainage network (including flooding);
  - g) Concerns raised in relation to the design and scale of the new houses, including overdevelopment (character of the houses and impact history and beauty of village height of type a 7.65m);
  - h) Adverse impact on habitat;
  - i) Plans incorrectly annotated; and
  - j) Concerns in relation to the neighbour notified procedure, lack of engagement and consultation with Scottish Water and Transport Planning (including NN and Site notice)
- 4.3 Non material considerations raised are summarised as follows:
  - a) No shortage of other land and developments in Inverness;
  - b) Inappropriate timing of the application during lockdown the community couldn't not meet to discuss the application;
  - c) The original building and grounds should be preserved for the local community benefit; and
  - d) Adverse impact on the potential sale of properties.
- 4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>.

# 5. CONSULTATIONS

- 5.1 **Culcabock and Drakies Community Council** objects to the application. It raises concerns in relation to adverse impacts on amenity, transport (including parking), design / scale / materials of the proposed new houses, landscaping and drainage infrastructure.
- 5.2 **Contaminated Land Team** do not object to the application. It requests that a planning condition be attached to any permission granted in relation to the fuel

storage (including ground oil storage tanks, connecting pipework and boiler room) and asbestos containing material. This is to ensure that the existing building is suitable for redevelopment and to ensure that any potential contamination is dealt with correctly.

- 5.3 **Flood Risk Management Team** do not object to the application or have any comments to make.
- 5.4 **Forestry Officer** objects to the application. It is noted that the site contains a number of relatively small, semi-mature cherry trees at the northern end and close to Culcabock Avenue where they are visually prominent. It is highlighted that there appears to be naturally regenerated juvenile ash, sycamore and elder at the southern end of the site and the advice is that these trees should be removed as they would damage the existing building. Outwith the site to the east there are semi-mature mixed broadleaves that have broad crowns that overhand the site by around 6 metres. The Forestry Officer acknowledges that the applicant submitted a Tree Constraints Plan, that showed some of the trees proposed to be removed are category 'C' or 'U' which could be accepted. However, he has significant concerns in relation to the removal of category 'A' tree 5798, is proposed to be removed along with category 'B' tree 5795. In addition, a category 'A' tree (T1) in the neighbour's garden to the north is not adequately protected from proposed development. The advice is that the development to the southern end of the site is acceptable. Subsequent to the revised scheme being submitted, the Forestry Officer notes that one of the higher quality trees (5795) requires to be removed but others (5796, 5797) and 5798) could now be retained.
- 5.5 **Historic Environment Team** do not object to the application. It has set out that there is potential for buried archaeological remains to survive within the areas proposed for new-build housing. It requests a condition should be attached to protect the archaeological and historic interest of the site.
- 5.6 **Transport Planning Team** do not object to the application. Initial concerns were raised in relation to layout, materials, drainage and roadside access to the bins, but these have been resolved. In terms of the materials for the proposed access, it requests that the details are secured by condition and should be finished in a hard surface (such as permeable block paving) full details can be secured through planning conditions. A Construction Traffic Management Plan (CTMP) will be required due to the scale and location of the development this should be secured through planning conditions.
- 5.7 **Scottish Water** do not object to the application. It requests the applicant to engage with Scottish Water through their Pre-Development Enquiry. The proposed development would be fed via Inverness Water Treatment Works but are unable to confirm capacity. It confirms that there is sufficient capacity for foul only connection in the Allanfearn Waste Water Treatment works to service the development.

# 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
- 31 Developer Contributions
- 32 Affordable Housing
- 34 Settlement Development Areas
- 42 Previously Used Land
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

# 6.2 Inner Moray Firth Local Development Plan 2015

# Policy 2 – Delivering Development

The site is located within the Inverness Settlement Development Area. The site is neither allocated for development nor safeguarded from development.

# 6.5 Highland Council Supplementary Planning Policy Guidance

Construction Environmental Management Process for Large Scale Projects (August 2010) Developer Contributions (March 2018) 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) Public Art Strategy (March 2013) Standards for Archaeological Work (March 2012) Sustainable Design Guide (Jan 2013) Trees, Woodlands and Development (Jan 2013) Inshes and Raigmore Development Brief (Jan 2015)

# 7. OTHER MATERIAL POLICY CONSIDERATIONS

# 7.1 Inner Moray Firth Local Development Plan 2

The review of the IMFLDP is currently at Proposed Plan stage. The Proposed Plan is a material consideration in the assessment of the application and can be afforded weight as it represents the settled view of the Council. However, it may be subject to change following consultation or through the Examination process. The site is not included as an allocated site within the Proposed Plan nor is it safeguarded from development.

# 7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (Scottish Government 2014) National Planning Framework 3 (Scottish Government 2014) Designing Streets (Scottish Government 2010) Creating Places (Scottish Government 2013) PAN 61 – Sustainable Urban Drainage Systems PAN 67 – Housing Quality PAN 2/2011 – Planning and Noise

# 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 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.

# **Planning Considerations**

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy;
  - b) design, layout and landscaping;
  - c) roads, access and parking;
  - d) impact on water environment (including flooding and drainage);
  - e) impact on residential amenity;
  - f) impact on natural heritage; and
  - g) any other material considerations

# Development plan/other planning policy

8.4 Development plan policy is set out in the Highland-wide Local Development Plan, the Inner Moray Firth Local Development Plan and statutorily adopted supplementary guidance. The development site lies within the Settlement Development Area of Inverness, approximately 1.5km from the city centre. The site is not identified for development, nor is it safeguarded from development. Any proposal on the site will be required to demonstrate how it accords with the tests contained within Policy 34 of the Highland-wide Local Development Plan.

- 8.5 The HwLDP sets out the spatial strategy for Inverness and redevelopment and enhancement of sites is preferred. The proposed development site is located close to the Inshes / Raigmore regeneration sites where greenfield releases may be acceptable around the city. The HwLDP acknowledges the need for the continued delivery of land to meet the demand for development within the city and wider Inverness Housing Market.
- 8.6 The matter of access in relation to the proposal is considered elsewhere in this report but it is a fundamental issue due to existing congestion issues on Old Perth Road, especially at peak times. The developer requirement of the adjacent site (to the east boundary) IN55 requires no intensification of access off Old Perth Road. Although, taking access from Old Perth Road itself may lead to moderate intensification of use of that junction, it is not considered to be a significant increase given the number of residential units proposed and the existing use of the Culcabock Child Guidance Centre.
- 8.7 The Inshes and Raigmore Development Brief (IRDB) is a statutory part of the Development Plan. Whilst mainly addressing the land options closer to Inshes Retail and Business Park it also covers the delivery of the Inshes junction improvements. In doing so it contains the Council's options for the junction improvements. Although these improvements would not significantly affect Culcabock Avenue, the improvements would likely alleviate some of the congestion issues. The Inshes junction improvements are part of the Council's capital programme and as such the road improvements are recognised as a priority.
- 8.8 Policy 34 (Settlement Development Areas) sets out that proposals should be judged against the provisions of Policy 28 (Sustainable Development), the compatibility of uses with adjacent land uses and the effect on natural, built and cultural heritage features. The type of development promoted through this application can be supported if on-site and off-site constraints are addressed and the development is not judged to be significantly detrimental in terms of the aforementioned criteria or if material considerations justify permission being granted.

#### Design, Layout and Landscaping

- 8.9 The area is characterised by high density residential housing on either side of Culcabock Avenue. The housing is a mix of single, 1½, 1¾, 2 storey housing. The closest commercial property is a filling station located at the northern side of Culcabock Avenue, but this is accessed via Old Perth Road. The applicant has submitted a design statement and confirmed that the works to convert the existing building to three flats will be carried out using sympathetic materials that will retain the existing character of the building. The retention and conversion of the existing building will assist in maintaining the character of the area.
- 8.10 To the south of the site house Type A is proposed. This is a 3-bed house 1½ storey detached house with front projection. The proposed house has a height to ridge of 7.5m. The front of the proposed house includes a small projection and a box dormer window to the first floor to accommodate a bathroom. The proposed parking for 2 vehicles is located to the rear of the house on the area of parking which is currently part of the car park for the guidance centre. The proposed new house to the north of

the site consists of house Type B which is the 3-bed  $1\frac{1}{2}$  storey house. The proposed house has a maximum height to ridge of 7.2m. It has a flat roof projection with a small overhang to the front elevation. The proposal includes two in-curtilage parking spaces. Following discussions with the applicant the scale and design of the housing at the northern site of the site has been reduced from 2 semi-detached houses to a single house. This has been done to mitigate visual, traffic and tree impacts.

- 8.11 The proposed houses will provide new housing of a modern style to the area. The proposed materials will be a mix of contemporary and traditional materials that will reflect the character of this part of Inverness, including slate roofs, white render, vertical timber cladding and aluminium clad windows and doors. The proposal includes large glazing to the rear elevations that are west/southwest facing to maximise daylight. Both houses are set back 6m from the roadside. It is considered that the separation distance from the road and the properties to the west side of Culcabock Avenue is sufficient. This separation ensures that there are no adverse sun / day light effects arising from the proposed development. It is considered that the proposed layout of the new housing has been well considered with the houses positioned rationally within the plots. It is therefore considered that the proposed design and layout of the proposed development does not raise any significant concerns and, in design terms, can be supported.
- 8.12 The retention and conversion of the existing building to 3 residential flats is welcomed as it retains a building which, while not listed, is important to the history and character of the area. The principal change is the proposed removal of the external store, toilet and lobby area that presents as a leg on the southern elevation. It is not clear if this part of the building is an original feature or an extension that was subsequently built. Either way the removal will enhance the streetscape and the building with the full southern elevation more visible. The external fabric of the building will be restored replacing slates where required, reinstatement of timber sash and case windows, timber doors and any traditional architectural details such as chimneys and cast iron rainwater goods.
- 8.13 It is considered that the proposed development fits with the existing pattern of development and would not appear incongruous. Furthermore, it is considered that the proposed scale and density of the proposed development is acceptable, it is integrated within the site with adequate amenity space and would therefore not result in overdevelopment of the site.
- 8.14 As the site has several trees it is required to be assessed against Policy 51 (Trees and Development) of the HwLDP. This sets out that the council will support development which promotes significant protection of existing hedges, trees and woodland on and around development sites. In this case a total of 12 trees were surveyed along with a further tree (T1) which lies in the neighbouring garden to the north of the site boundary. The tree species include Ash, Cherry, Elm, Holly and Sycamore. The survey notes that the trees to the eastern boundary are generally of poor quality and were assessed to be in a state of decline. There are 2 elms that have been recommended for removal regardless of the planning decision, and a few trees were ivy infested, as is the boundary wall. The cherry trees (5794 and 5795) may be saved and frame the drive with parking to the north, screened by the wall. Through reduction of the number of units on the site the amended proposal will ensure the protection of tree 5795, however it will still require the removal of the other

cherry tree 5794. The survey found that tree 5794 was showing signs of low vigour and the removal is therefore not considered to be a significant loss. Tree 5798 is the most prominent tree on site, a sycamore. It is considered that this tree is in good condition, however it is beginning to effect the adjacent building. It is considered that through appropriate management it should remain able to be retained alongside the existing building.

- 8.15 The Tree Constraints Plan showed 13 trees on site, including 3 trees just outwith the site on the south-eastern side and one outwith the site to the north. The initial proposal would have seen the loss of 8 trees, two of which would be category 'U' trees. The removal of the 'U' trees was accepted. While some of the trees proposed to be removed are category 'C' or 'U' and could be accepted, the Forestry Officer was most concerned over the proposed loss of the best trees on site, category 'A' tree (5798), along with a category 'B' tree (5795). In addition, there is a category 'A' tree (T1) in the neighbour's garden to the north of the site that could not be adequately protected from proposed development. As such the loss of the 8 trees was considered to be too significant to support. A solution was sought, and the applicant submitted a reduced scheme.
- 8.16 The amended proposal shows the following trees being retained and protected from the proposed development: Category A T1 (apple), Category B 5795 (wild cherry), Category B 5797 (ash) and Category A 5798 (sycamore). The Forestry Officer has suggested that the Category B 5795 (wild cherry) tree is removed as the roots cannot be adequately protected. Providing the retained trees have sufficient protection in place, which would need to be BS 5837:2012 default specification with exclusion zones, with compensatory heavy-standard size planting to the south and eastern boundaries of the site then the Forestry Officer can support the application. This can be secured through planning conditions.
- 8.17 The applicant has submitted a new planting scheme, confirming that the large mature hedge to the east boundary of the site will be retained. The hedge will be enhanced by the introduction of new smaller hedgerows running east to west across the site, this will also provide clear boundaries between each property. To compensate for the loss of the trees on site it is proposed that 16 trees and large shrubs will be strategically planted to compensate the proposed tree loss. The planting scheme also includes planting along the frontage of the site to soften the impact development from Culcabock Avenue. Submission of a detailed landscaping plan will be secured through a planning condition to ensure any landscaping is well considered.

#### **Roads, Access and Parking**

8.18 The proposed access to the development is via Culcabock Avenue, the house to the north has its own private arrangement. In terms of the flats and the proposed house to the south of the site, these will be accessed via the existing vehicular access with parking provided within the existing hardstanding area. The proposed accesses will be upgraded to the appropriate standards, and this can be secured through planning conditions. Representations have been received in relation to the impact the proposed development would have on the existing strained transport network and road safety. Initially, Transport Planning had some concerns in relation to technical matters. Amended plans were requested and once received, Transport Planning withdrew its objection. Although the applicant has not provided any transport

surveys, it is not anticipated that the proposal would significantly increase vehicle movement. Furthermore, the use of the existing building would be less intense than its current / former office/business use. This would reduce traffic movement from when the development is first occupied. There is, like any other development, an expected increase in traffic movement during construction works. This will be shortterm and can be mitigated through a Construction Traffic Management Plan that can be secured through planning conditions.

- 8.19 As the proposed houses and flats all have adequate parking and turning within the site there should be no impact on access turning or road safety. Culcabock Avenue is a narrow street and although there is no footpath on the eastern side where the development site lies, this is the case for the existing houses that do not benefit from off-street parking. As a result, it is not considered that the proposed development would lead to road safety concerns.
- 8.20 As noted in para 8.7, Phase 2 of the Inshes and Raigmore Development Brief is for upgrading the road network. This is expected to relieve congestion and accommodate further future development.

#### Impact on Water Environment (including flooding and drainage)

8.21 It is proposed that the development be connected to the existing public water supply and wastewater network. Scottish Water did not object to the proposal advising that its drainage network has sufficient capacity. As a result of third party concerns regarding this statement, Scottish Water was contacted again whereby it reconfirmed that there is capacity in its drainage network. The Council's Flood Risk Management Team did not raise any concerns in relation to the proposed development. It is proposed that surface water will be via a Sustainable Drainage System (SuDS), designed in accordance with The SuDS Manual (CIRCA C753) and, where appropriate, Sewers for Scotland Manual 4<sup>th</sup> Edition.

#### Impact on Residential Amenity

- 8.22 Representations raised concerns in relation to the loss of sunlight/daylight in terms of the properties directly across from the proposed development. House type B, benefits from existing screening, including bushes and a drystone wall. Part of the wall will be removed to create the vehicular access and trees to the north eastern corner of the site will be removed. The removal of these trees will allow more sunlight/daylight to Culcabock Avenue. The proposed compensatory planting can be appropriately managed to ensure it is not a significant issue going forward. The applicant submitted a sunlight/daylight plan which demonstrates there is not likely to be any adverse effects to the properties on Culcabock Avenue beyond that already experienced.
- 8.23 It is considered that house type A is positioned a sufficient distance from the neighbouring properties to avoid adverse loss of sunlight/daylight. As demonstrated through the applicant's sun path diagrams, there is no additional loss of daylight or sunlight to the neighbouring properties.

8.24 It is considered that the proposed development would not result in impacts on privacy as a result of overlooking nor would it lead to any other adverse impact on the neighbouring properties.

#### Impact on Natural Environment

- 8.25 Policy 58 of the HwLDP identifies that there is a responsibility on all developers to safeguard protected and other important species from harm during any development activities since to harm or kill a protected species may constitute a criminal offence. As the site has potential for bats to be utilising the existing buildings and the trees within the site an ecological survey was requested. The preliminary survey found that the trees within the site do not offer any significant suitability for roosting bats.
- 8.26 The initial preliminary survey (November 2020) identified signs of historic use by bats. The survey found that there was evidence of bats using the existing building in two separate locations and within a smaller roof void in the east of the building. At the time of the preliminary survey, it was anticipated that two active roost locations would be present during the summer months. The findings found the extensive droppings to be consistent with brown long-eared bats. A dead long-eared bat was found which confirmed that roots are present with the two roof voids. However, due for the potential for the building to support bats both during the winter hibernation period and summer activity period, further surveys were undertaken. This included further hibernation surveys and bat activity surveys in 2021. It is considered that the second survey was undertaken in acceptable conditions which resulted in very little activity recorded in proximity of the existing building. The survey set out that there was no use of the building by bats recorded.
- 8.27 Although, there was very little evidence of bats using the building a third survey was recommended. This was carried out in optimal conditions (July 2021), which again confirmed very little bat activity present in proximity to the building. In addition, no evidence of bats using the building during the winter months was recorded. Based on these results, it appears that the buildings are not presently being used by bats and as such there is no need for a European Protected Species License to be obtained. However, should work not commence within 12 to 18 months from the date of survey (July 2021) then an updated survey would be required prior to works commencing, secured through an appropriate planning condition and an informative regarding all protected species is added in the event that bats or other species are discovered during the course of the works.

#### Other material considerations

8.28 Third party concerns were raised in relation to the neighbour notification and public consultation process. As the time the application was submitted the Council was not currently operating on the basis of business as usual. Having said that, the Council continued to have a statutory duty to determine applications that were submitted during this period to continue to support the Highland economy which the Scottish Government has advised us to do. It is however important that in coming to a view on determining applications that we continue to take full account of all of the views expressed by consultees, community councils and the wider public. In the case of this application the community council notified the Council that the application did not

appear on the weekly list. The Council investigated the community council's concern and found that there was as issue with the application not appearing on the weekly list. To resolve the matter the Council undertook the neighbour notification and publication process again to meet all statutory requirements.

#### Matters to be secured by Section 75 Agreement/Upfront Payment

- 8.29 In order to mitigate the impact of the development on infrastructure and services the Council seeks developer contributions in the form of an upfront payments prior to planning permission being issued. Developer contributions are sought towards the following:
  - a) Enhancement to secondary education capacity in the City of Inverness, in the first instance toward a major school extension at Millburn Academy;
  - b) Contribution toward land to deliver secondary education capacity in the City of Inverness;
  - c) Enhancement of community facilities in the east of Inverness, in the first instance toward sports facilities at Inverness Campus;
  - d) Contribution toward the delivery of increased capacity on the road network, in the first instance toward delivery of Inshes Corridor and East Link Road.
- 8.30 As the proposed development is for five residential units, it will require to deliver affordable housing. As the applicant is The Highland Council, the scheme for delivery of this can be secured by condition. If however, the Council dispose of the site without satisfying the provision of the condition a legal agreement may be required to secure the provision.
- 8.31 The applicant has agreed to pay the developer contributions upfront. Once the developer contributions have been paid planning permission and be released.

#### 9. CONCLUSION

- 9.1 The proposal for the creation of 3 flats and the erection of two houses has been considered in detail under this application. The site is within Inverness Settlement Development Area, where there is a presumption for development within such areas subject to compliance with all other relevant policies of the Development Plan. It is considered that the developer has resolved the constraints on site and subject to addressing a number of matters by condition, the proposal will help deliver high-quality homes that will make a positive contribution to the area.
- 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: The development will include sustainable technologies and the provision for electric vehicle charging in each plot.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

#### 11. RECOMMENDATION

#### Action required before decision issued Y

Upfront payment Y

**Subject to the above actions,** it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and 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**: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

2. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines.

**Reason**: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

3. 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.

**Reason**: In order to ensure the safety and free flow of traffic on the public road.

4. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for 3 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

**Reason**: In order to facilitate the use of a variety of modes of transport.

5. No development shall commence until a Waste Management Strategy has been submitted to and approved in writing by the Planning Authority. This shall detail an approach to sustainable waste management in the operation of all aspects of development; identify bin collection points and bin stores (and include design of the bin stores as appropriate at 1:20 scale plans); identify routes for waste collection vehicles and any required infrastructure in each phase or sub-phase. Thereafter the strategy shall be implemented in line with the timescales contained therein.

**Reason:** In the interests of amenity, to manage waste and prevent pollution.

- 6. No development shall commence until a scheme has been submitted detailing the provision electric vehicle charging points. The scheme shall include:
  - i. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicle within the curtilage of each house where the house has in-curtilage car parking provision;
  - ii. a timescale for implementation for infrastructure within a timescale for implementation for infrastructure within each phase or sub phase; and
  - iii. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

**Reason:** To facilitate the move toward the reduction in reliance of petrol and diesel cars.

7. No development or work (including site clearance) shall commence 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 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.

8. No development shall commence until full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) has been submitted to and approved in writing by the Planning Authority. This shall include full modelling of the drainage networks and demonstrate that discharge will be limited to pre-development rates for a range of return period storms.

Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the fist occupation of the development.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment, and prevent pollution.

- 9. No development shall commence until details of a scheme of hard and soft landscaping works 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.

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 order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

- 10. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:
  - i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;
  - ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and

proposed verification plan to ensure that the site is fit for the uses proposed;

- iii. measures to deal with contamination during construction works;
- iv. in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- v. in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

Thereafter, no development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

**Reason:** In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

11. With effect from the date of this permission, no trees other than those specifically agreed are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

12. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Proposed Tree Protection and Removal Plan (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

**Reason:** To ensure the protection of retained trees through the construction period.

13. Where development has not commenced within 10 months of the date of this permission, no development shall commence until an updated bat survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an area of the existing buildings within the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

14. A suitable qualified Arboricultural consultant must be employed by the applicant to produce an updated Arboricultural Method Statement (AMS) which details how the trees on site are to be protected and also to ensure that the Approved Tree Protection Plans are implemented to the agreed standard. Stages requiring supervision are to be set out in a supervision schedule in the AMS for the written agreement of the Planning Authority and certificates of compliance for each stage are to be submitted for approval.

**Reason:** To ensure the protection of retained trees throughout the construction period.

15. Prior to the first occupation of each house within the development car parking spaces and cycle parking spaces (inclusive of communal cycle parking facilities as appropriate) shall be provided in line with the standards contained within The Highland Council's Road and Transportation Guidelines. Thereafter, all car parking and cycle parking spaces shall be maintained for this use in perpetuity.

**Reason:** To ensure that appropriate levels of car and cycle parking are available.

- 16. No development shall commence on site until a scheme for the provision of on-site affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Developer Contributions Supplementary Guidance 2018 (as amended, revoked or replaced; with or without modification)) as part of the development hereby approved has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include:
  - a. the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 100% of the total number of housing units proposed within the application site;
  - b. the timing of the construction of the affordable housing; and
  - c. the arrangements for the management of the affordable housing.

Thereafter, the affordable housing shall be provided in accordance with the approved scheme.

Reason: To ensure that affordable housing is provided as part of the development, in accordance with the development applied for and the need for affordable housing within the area, which has been established through the Council's Developer Contributions Supplementary Guidance.

#### **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

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.

#### INFORMATIVES

#### **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: <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/info/20005/roads\_and\_pavements/101/permits\_for\_wor king\_on\_public\_roads/2

#### Mud and 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 <u>env.health@highland.gov.uk</u> for more information.

#### Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <a href="https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species">https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species</a>

Signature:	David Mudie
Designation:	Area Planning Manager – South
Author:	Claire Farmer – Planner
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	
Plan 1	- 9631-PL(04)003 REV A Proposed Elevation Plan A and B
Plan 2	- 9631-PL(04)004 REV A Proposed Elevation Plan C and D
Plan 3	- 9631-PL(90)001 REV F Proposed Site Layout Plan
Plan 4	- 9361-PL(04)001 REV B Elevation Plan House Type A
Plan 5	- 9361-PL(20)001 REV B Floor/Elevation Plan House Type A
Plan 6	- 9361-PL(00)003 REV A Proposed Ground Floor Plan
Plan 7	- 9361-PL(00)004 REV A Proposed First Floor Plan
Plan 8	- 9361-PL(04)002 REV A Elevations House Type B
Plan 9	- 9361-PL(20)002 REV A Floor/Elevation Plan House Type B
Plan 10	- 9631-L(00)001 REV A Location Plan

#### Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS			REQUIRED FOR LEGAL AGREMEENTS ONLY				ONLY	
Туре	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked <sup>1</sup>	Base Date <sup>*2</sup>	Payment Trigger* <sup>3</sup>	Accounting Dates* <sup>4</sup>	Clawback Period* <sup>5</sup>
Schools <sup>2</sup>									
Secondary – Build Costs	Millburn - Major Extensions/NewSchool	£3833.50	£2064.27	£11,795.54	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Land Costs	Millburn	£91	£51	£286	No		TOC/CC	Apr/Oct	20
Road Improvements	East Link and Inshes Corridor	£2734	£2734	£16,404	BCIS		TOC/CC	Apr/Oct	20

\*1 Adjust total to take account of flat exemptions

\*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

\*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

\*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

\*5 Clawback – 15 years for Major development; 20 years for Local development

<sup>&</sup>lt;sup>1</sup> If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

<sup>&</sup>lt;sup>2</sup> Indicate whether or not 1 bed houses/flats are exempt



Elevation A - Proposed



Elevation B - Proposed

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Elevation C - Proposed

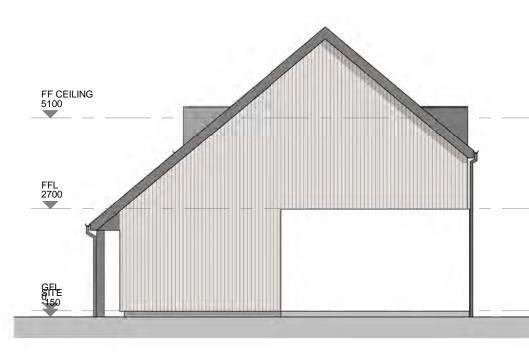


Elevation D - Proposed

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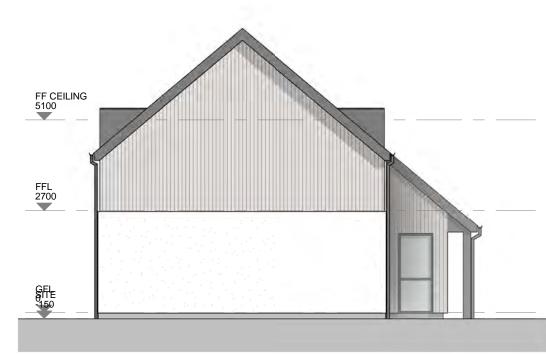


**Elevation A** 1 : 100









**Elevation D** 1:100

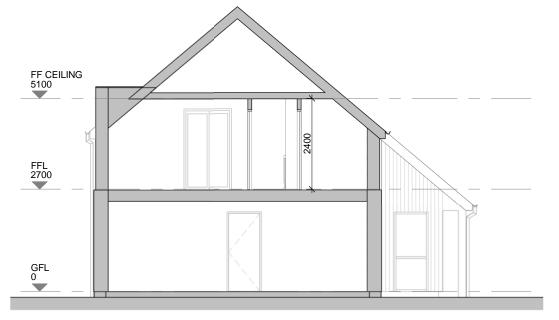
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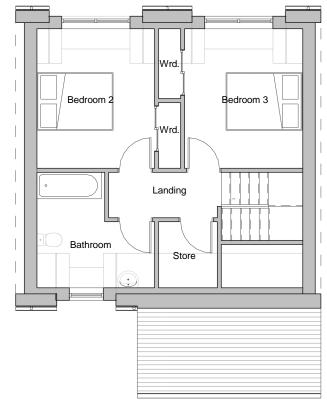
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Ground Floor Plan







First Floor Plan

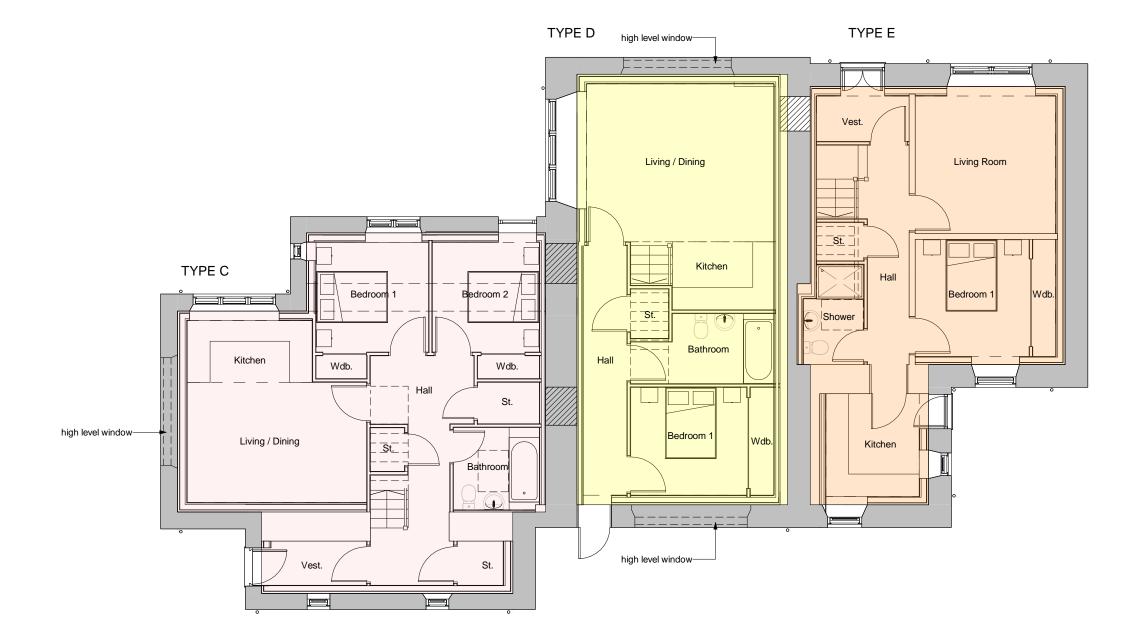


**Section B** 1 : 100

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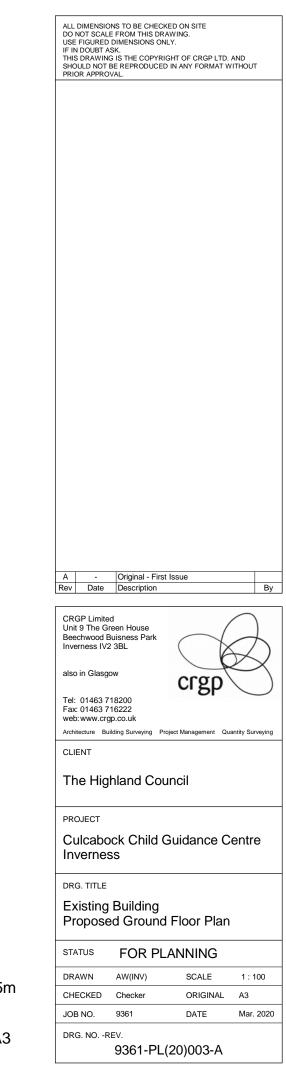
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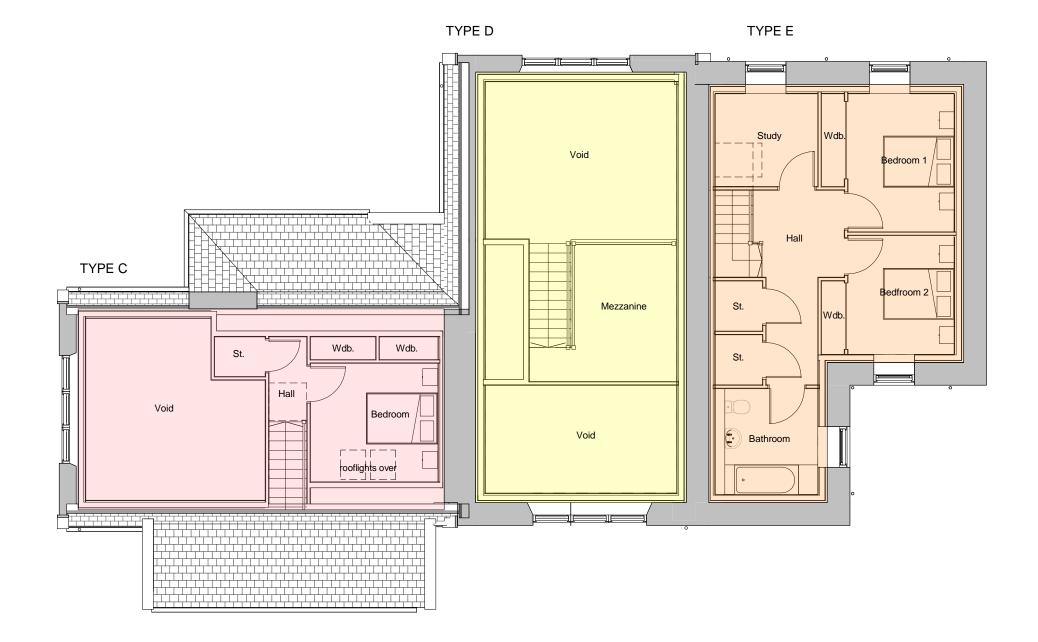
3m 4m 5m



Proposed Ground Floor Plan

0m 1m 2m 3m 4m 5m 

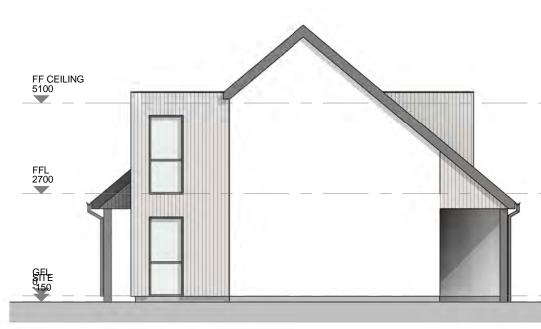




# Proposed First Floor Plan

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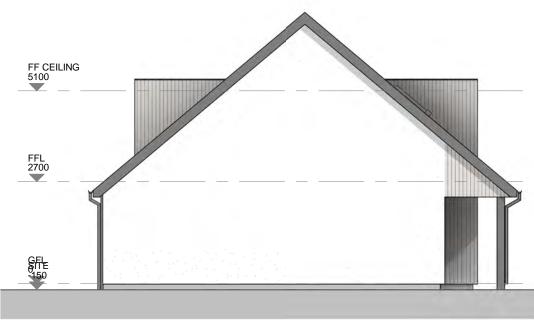


**Elevation A** 1:100

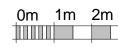




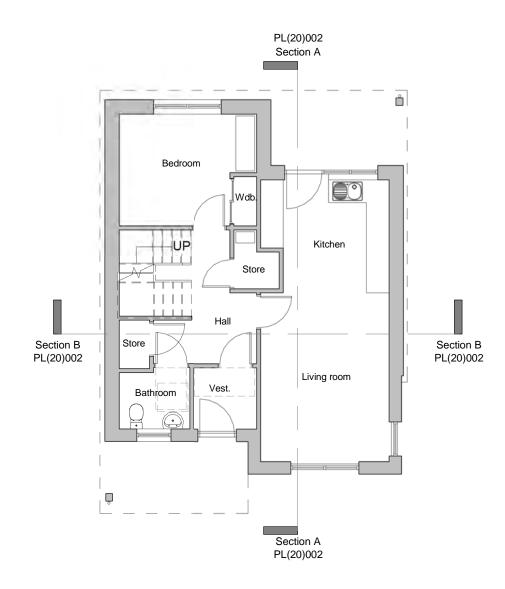
**Elevation B** 1:100

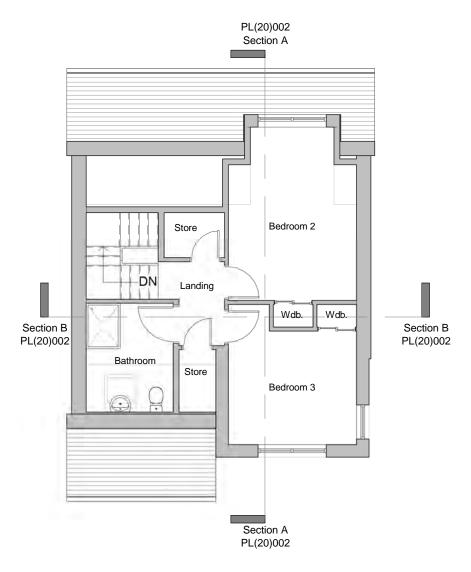


**Elevation D** 1:100



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# **Ground Floor Plan**

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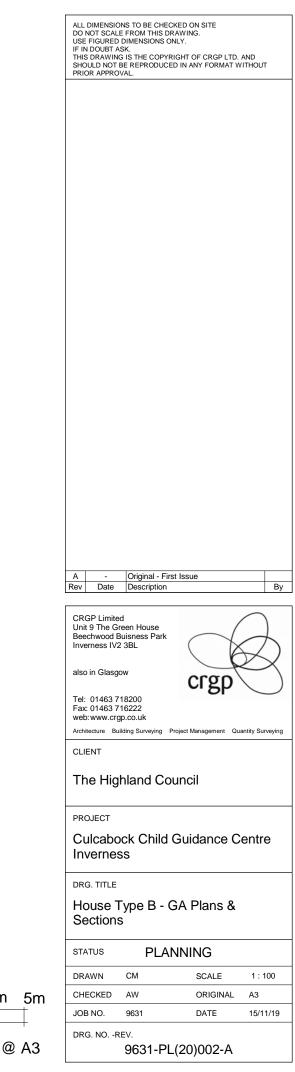


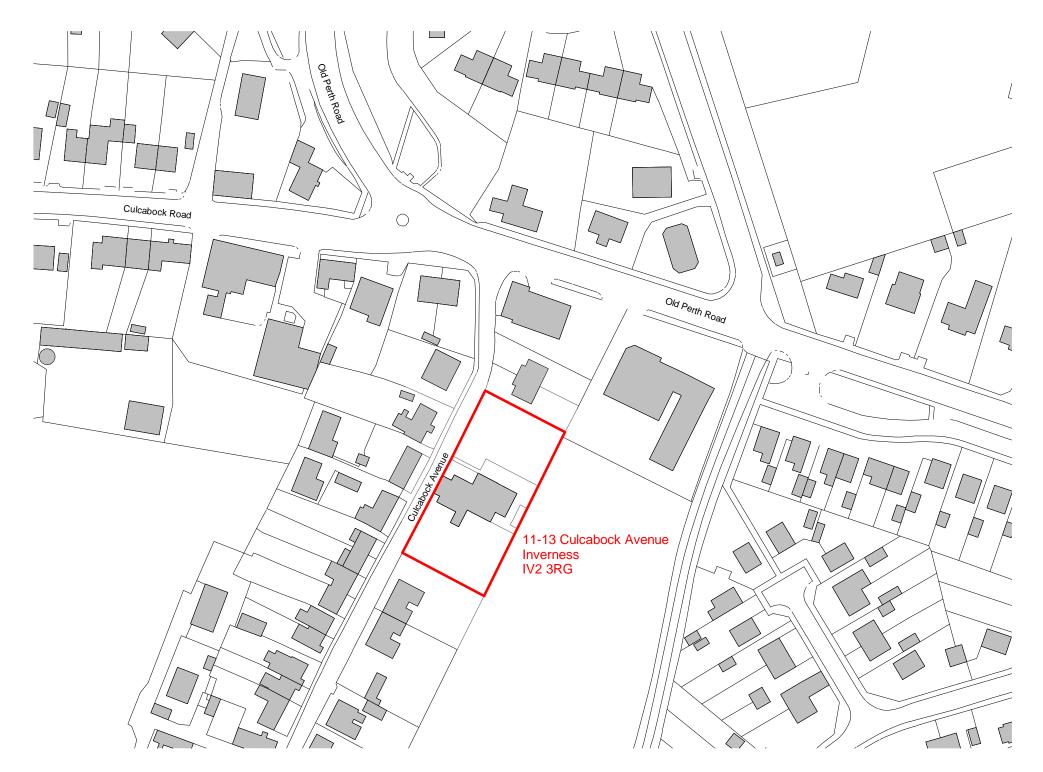


**First Floor Plan** 1:100



VISUAL SCALE 1:100 @ A3





#### Location Plan

1 : 1250

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