

THE HIGHLAND COUNCIL

**INVERNESS, NAIRN, BADENOCH AND STRATHSPEY
PLANNING APPLICATIONS COMMITTEE – 9th June 2009**

Agenda Item	
Report No	

**08/00559/OUTIN - Residential and business development on land To
South West Of House Of Beauly, Station Road, Beauly**

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal involves a change of use to form a mixed residential development including mainstream residential, home-working units, Class 4 offices and affordable housing. The application is reported to Committee as it can be viewed (and was advertised) as a potential departure

Applicant: Mr Gordon Simpson

Recommendation: grant outline planning permission.

Ward number: 13 - Aird And Loch Ness

The proposal will be determined by means of a departure hearing.

1. PROPOSAL

1.1 The proposal involves the change of use to form a mixed residential development including mainstream residential, home-working units , Class 4 offices and affordable housing on land to southwest of House of Beauly, Station Road, Beauly. As an application in outline, there are no further details regarding layout.

2. PLANNING HISTORY

2.1 An application for outline planning permission was withdrawn for 12 flats and 15 houses (07/00101/OUTIN)

3. PUBLIC PARTICIPATION

3.1 The application was advertised as a potential departure from the development plan and 3 letters of representation have been received.

3.2 Members are advised that the letters of representation are available for inspection within the case file at Inverness Area Office and will be available within the Members lounge before committee.

3.3 The main concerns of the objectors may be summarised as follows:

- The proposed application is in conflict with the Local Plan as it allocates the area for business/tourist use
- Substantial housing is taking place in and around Beaulieu with Scotia's recent development to the north of this site. 2 other developments in the area and ample land/space available for housing purposes in other parts of the village or on the outskirts so no need for this site to be released.
- Made in Scotland bought site to expand and develop the business as a tourist facility and visitor attraction and in the knowledge of the allocation of the application site for business use.
- Resident of 15 Priory Place wants to know about any 2 storey structure
- Network Rail seek the requirements set out in condition 12 below
- Adequate soundproofing should be made of the development

4. **CONSULTATIONS**

4.1 **Community Council:** No objections

4.2 **TEC Services (Roads):** No objections. Understood that stormwater from this land was to be treated in the Scotia Homes development SUDS. It is noted that to achieve sewer gradients suitable for leading water to the Scotia system, some land raising is required in the site, and there may be a need to ensure there is no detriment to the House of Beaulieu property from general surface runoff and/or "moving" any ponded water off the site on to that property.

4.3 **Forestry Officer:** The main trees are the sapling to mature broadleaves which lie on the eastern side of the site, close to the A862 which are covered by a Tree Preservation Order. This row is dominated by mature oaks 18 metre in height and will require root protection areas of 10 metre radii. To give these trees adequate room so there is no future conflict between the trees and the proposed development, there should be no building within 20metres of these trees.

4.4 **Scottish Water** - No objections

4.5 **SEPA** - No objections to the Drainage Impact Assessment. Note the surface water is to be directed to an existing retention basin.

5. **POLICY**

5.1 The following policies are relevant to the assessment of the proposal.

Highland Structure Plan

- G1 – Conformity with Strategy

Inverness Local Plan

- GP1 – Design Principles

- GP3 – Designed Sustainable Construction
- Section 7 (Beaully) Policy 4 - Business

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes PAN.

- SPP1 – The Planning System
- PAN 61 – Planning and Sustainable Urban Drainage Systems

6. SUPPORTING INFORMATION FROM APPLICANT

6.1 The applicants are willing to enter into a Section 75 Agreement if necessary.

6.2 Had intended there should be no loss of business area as this application site is 1.4 Ha and a site proposed at the east end would have been for 1.9 Ha (application 08/00558/OUTIN). The “home-working” units mean dwellings incorporating an office space to allow the residents to work from home and /or be self-employed. The “Class 4 Business Use is as defined by the 1997 Use Class Order. The buildings have not been designed as yet.

6.3 Members are advised that the statement of support included with the application is available for inspection within the case file at Inverness area office and will be available within the Members lounge before committee.

7. PLANNING APPRAISAL

7.1 **Determining issues** - 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.

7.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

7.3 **Policy** – The site lies within the settlement boundary of Beaully and Local Plan Policy 4 allocates the site for business/tourist use. Members may be aware that an outline application (08/00558/OUTIN) had also been submitted for a site to the northeast of Beaully, which would have provided further land for business use extending to 1.9Ha. However, there is a requirement to provide a turning lane into the site which would require the removal of trees safeguarded by the road-side Tree Preservation Order. As a result, this proposal cannot be supported and the applicant is to withdraw the application.

- 7.4 The key issue in the assessment of this proposal relates to the extent to which the proposal accords with policy and the existing land use designation. The site is adjacent to the existing Made in Scotland site and the former Simpson's horticultural outlet now relocated to the east of Beauly. The current proposal seeks to vary the allocated use of the site by introducing an element of housing, including affordable homes, but retains an opportunity for business use both as dedicated units and by introducing homeworking units. In this way, the site retains a business use, albeit limited, and enables residential use within close proximity of an existing established residential area. The proposal is not therefore considered to represent a significant departure from policy and appropriate conditions will ensure business use is retained on part of the site.
- 7.5 Impact on Amenity – This is largely a residential use so any impact on adjacent houses can be held within normally acceptable limits. The introduction of further housing within this area is considered acceptable. The provision of Class 4 Business units will be incorporated within the layout and will secure appropriate levels of amenity for existing and proposed housing.
- 7.6 Infrastructure - Care will be necessary to ensure these works do not have an impact on the trees on this roadside frontage, which are covered by a Tree Preservation Order. In terms of surface water the Drainage Impact Assessment & SUDS Strategy submitted for the site is acceptable to TECS Area Roads and SEPA.

8. CONCLUSION

- 8.1 The removal of this land for solely business and tourist related use is considered acceptable. The proposal includes both Class 4 Business units and introduces homeworking units thus providing opportunities for Class 4 business type uses to establish within the area all in accordance with the policy. The current proposal, whilst not fully in strict accordance with the land use designation, provides an acceptable development adjoining an existing residential area.

RECOMMENDATION

GRANT outline planning permission subject to the following conditions:

1. A further application shall be made to the Planning Authority within 3 years of the date of this permission for the approval of reserved matters and no works shall be commenced on any part of the site until the permission of the Planning Authority has been granted in writing for such proposal. Reserved matters shall include the siting, design and external appearance of all buildings, the means of access thereto, and proposals for the landscaping of the site which includes the design and appearance of boundary enclosures.

Reason: Since the application is in outline only and these are reserved matters.

2. No reserved matters or other details shall be approved unless an overall layout plan for the site has been submitted to and approved in writing by the Planning Authority. Such overall layout plan shall show:-

i) the layout will indicate the location of the business units including parking facilities. For the avoidance of doubt, this land shall be reserved for business use purposes unless the express consent of the planning authority is otherwise obtained.

ii) the disposition of all proposed land uses within the site, including the provision of play and public open spaces, and related landscaping, roads, footways and cycleways, water and drainage infrastructure;

iii) the proposed phasing of all aspects of the development; and

iv) the proposed density of residential development in each individual phase.

Reason: In order to ensure that the site is developed in a properly planned and phased manner.

3. The houses hereby approved shall not exceed 2 storeys in height and shall be of a design to reflect the character of the existing houses in the area with a special emphasis on a steep roof pitch with minimum overhangs, narrow gable and vertical fenestration.

Reason: In the interests of visual amenity.

4. No less than 25% of the total number of residential units for which planning permission is hereby approved will be designated as "Affordable Homes" as defined in the Council's Affordable Homes Policy, unless otherwise agreed in writing with the Planning Authority. For the avoidance of doubt, no work will commence on site until and unless details of the means by which the "Affordable Homes" are to be provided have been submitted to and agreed in writing to the satisfaction of the Planning Authority.

Reason: In the interests of complying with Council Policy.

5. The units designed as affordable housing will be completed as part of the overall development, and prior to occupation of the last of the houses for which planning permission is hereby approved, unless otherwise approved by the Planning Authority. For the avoidance of doubt, the area reserved for affordable housing will, in the event of failure to develop by occupation of the last of the houses comprised within the remainder of the development, be laid out and landscaped for access by the public and thereafter maintained and included within the approved scheme of maintenance for the entire site, all to the satisfaction of the Planning Authority.

Reason: In the interests of the proper development of the site.

6. No works shall start on site until a construction method statement is submitted

for the prior written approval of the Planning Authority. This shall include inter alia the proposed location of the works compound, the means of screening the site, the phasing of development and mitigation measures in terms of dust and noise for adjacent premises.

Reason: In the interests of residential amenity.

7. Construction work associated with the development hereby approved, for which noise is audible at the boundary of the site, shall only be carried out between 0800hours and 1900 hours Monday to Friday, between 0800 hours and 1300 hours on Saturdays and at no time on a Sunday or public holidays.

Reason: To minimise the risk of noise nuisance given the close proximity of the existing houses.

8. Delivery of construction materials to the site shall be between the hours of 8.00 am – 6.00 pm Monday-Friday, 8.00 am – 1.00 pm on Saturdays and at no time on Sundays or public holidays.

Reason: To minimise the risk of noise nuisance given the close proximity of the existing houses.

9. The development for which planning permission is hereby approved shall not be occupied unless the surface water associated with the development including areas of hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDS. In the event of any change to the submitted design, no work will commence on site unless and until such details are submitted to and approved in writing by the Planning Authority and thereafter so installed.

Reason – In order to ensure the proper drainage of the site.

10. No construction work shall commence on site until evidence is exhibited to the Planning Authority that agreement has been reached by the applicant with Scottish Water for the provision of a water scheme to serve this development.

Reason: Required in the interests of public health and on the basis of current advice from Scottish Water.

11. The application for approval of reserved matters shall be accompanied by a Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837, 2005, Trees in Relation to Construction – Recommendations, identifying:

- the details and positions of the Tree Protection Barriers identified separately where required for different phases of construction work .
- the details and positions of Construction Exclusion Zones.
- the details and positions of the underground service runs
- the details of any special engineering required to accommodate the protection of retained trees
- the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the

principles of “No-Dig” construction.

- the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant on site.
- the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- the details of the method to be employed for the stationing, use and removal of site cabins within any RPA.
- the timing of the various phases of the works or development in the context of the tree protection measures

all to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity and to safeguard trees covered by the Tree Preservation Order

12. In terms of the safeguarding of trees on the southeast boundary the layout submitted with the approval of reserved matters shall ensure compliance with the following aspects:

- There is no development within the 20 metre strip of roadside trees on the southeast boundary of the site.
- The crown spread and root areas of trees on the east side of the site are to be protected with Heras type fencing located 10m from the stock fence on the west side of the trees. The protective fencing to be erected for the inspection and written approval of the Planning Authority prior to site works commencing. This area should then be regarded as a construction exclusion zone so there is to be no excavation, passage of machinery, storage of materials or fires within the fenced area.
- No trees to be uprooted, lopped, topped, felled or damaged without prior written consent from the Planning Authority

Reason: In the interests of visual amenity and to safeguard trees covered by the Tree Preservation Order

13. No works shall start on site until a fully detailed scheme of landscaping for the site, including a scheme of maintenance, shall be submitted to and require the approval of the Planning Authority. Unless otherwise approved in writing with the Planning Authority, all planting hereby approved shall be undertaken in the first planting season following start of the works on site and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species. For the avoidance of doubt Cupressocyparis Leylandii and Chamaecyparis Lawsoniana should not be planted as a boundary.

Reason: In the interests of visual amenity

14. In submission of the approval of reserved matters it shall take into account the requirements of Network Rail:

- All foul and surface water shall be diverted away from the railway
- Any work which limits access to Network Rail land requires their approval
- Security of the railway boundary requires to be maintained at all times
- The materials contained within the yard shall be stored and processed in a way which prevents over spilling onto Network Rail land and not pose excessive risk to fire hazard. If hazardous materials are likely to be sited on the land then Network Rail shall be contacted by the applicant.
- A 1.8 m trespass-proof fence shall be provided
- Any trees/shrubs to be planted adjacent to the railway boundary shall be located at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species shall not be planted adjacent to the railway boundary and the landscaping scheme should be agreed with Network Rail.
- Where new lighting is to be erected adjacent to the railway this shall avoid the potential for train drivers to be dazzled. The location and colour of lights must not give rise to confusion with signalling arrangements on the railway.
- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, and shall be carried out in a "fail-safe" manner such that in the event of mishandling, collapse or failure, no material or plant are capable of falling within 3 metre of the nearest rail of the adjacent railway line.
- Prior to works starting on site, method statements shall be submitted to Network Rail. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict these works to periods when the railway is closed to rail traffic. This shall include any temporary works compounds located adjacent to the railway line.
- All changes in ground levels and the laying of foundations carried out in the vicinity of Network Rail land, buildings or structures shall be designed and carried out such that there is no interference with their integrity.
- Any building shall be located a minimum of 2 metres from the boundary with Network Rail land to allow for the construction and maintenance of buildings.

Reason: In the interests of rail traffic safety.

15. Notwithstanding the provisions of Class 4 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the approval hereby granted relates to part of the development of the site for Business Use.

Reason: In order to compliance with the aims of the Inverness Local Plan to allocate land for business use.

Signature:

Designation:

Area Planning & Building Standards Manager

Author:

Keith Gibson. Principal Planner

Background Papers:

This casefile

Highland Structure Plan, March 2001

Inverness Local Plan, March 2006



**08/00559/OUTIN - Residential and Business Development
Land to South West of House of Beaulieu, Station Road, Beaulieu**

SUPPLIED BY THE HIGHLAND COUNCIL

Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Highland Council 100023369.

