

**THE HIGHLAND COUNCIL**

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

<b>Agenda Item</b>	
<b>Report No</b>	

**09/00159/OUTIN**

**Erection of Church and Supporting Facilities, Wellside Road/Cullernie Road, Balloch**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

This is an outline application for the erection of a new church on land bounded by Wellside Road and Cullernie Road, Balloch. Although in outline only, the applicant's have provided indicative drawings of the design and layout. These show a sanctuary, connecting space and supporting accommodation for meeting rooms, kitchen and administration facilities. Eighty car parking spaces will be provided. The application is reported to Committee on the basis that 26 representations have been lodged, although 10 are in support.

**Applicant:** Culloden Baptist Church

**Recommendation:** **Grant outline planning permission subject to conditions**

**Ward:** 18 (Culloden and Ardersier)

**1. PROPOSAL**

- 1.1 The proposal is to erect a church together with supporting accommodation on an area of open ground off Wellside Road, Balloch. The application is in outline but an indicative layout and design details have been submitted.
- 1.2 The site lies within a generally residential area and is surrounded on all four sides by housing. It extends to approximately 1.0ha and is grassed over with an informal footpath linking Cullernie Road with Wellside Road. There is a marked change in levels on the site with a relatively steep slope running east to west across the site.
- 1.3 The indicative layout shows vehicular access from Wellside Road with the church on the north west corner of the site and parking on the north east. The building and car parking extend to just over half of the site area with the remainder being left as green space. The church itself covers 800 sq.m. representing around 8% of the site. The indicative layout shows that a pedestrian connection between Wellside Road and Cullernie Road will be maintained through the car park.
- 1.4 The indicative design shows the building divided into two main units, the sanctuary and supporting accommodation, with a connecting space. Finishes are shown as

white render, glazed panels and timber cladding. The roof is to be finished in eternit slate. The ridge height of the sanctuary is shown as 11.76m with the supporting accommodation just under 9.5m.

## **2. PLANNING HISTORY**

- 2.1 The site has an extensive planning history reaching back to 2002 when two applications were refused by Committee. The first (02/00536/OUTIN) was for a bowling green, pavilion and 24 flats. This was refused on the grounds of overdevelopment and the fact that the land was not allocated for housing in the former Inverness, Culloden and Ardersier Local Plan. The second application (02/00977/OUTIN) was for a bowling green, pavilion, 14 flats and 2 bungalows. This application was refused on the same grounds. In 2003, under 03/00352/OUTIN, outline planning permission was granted for a bowling green and pavilion. A fourth application in 2003 for a bowling green, pavilion and 12 bungalows was withdrawn.

## **3. PUBLIC PARTICIPATION**

- 3.1 The application was advertised in the local press under Section 34 of the Act. Twenty six letters of representation have been submitted, ten of which support the proposal.

- 3.2 The main concerns of the objectors can be summarised as follows.

- Increase in road traffic and consequent reduction in road/pedestrian safety.
- Restricted views from proposed junction
- Parking area will attract youths with potential for noise and nuisance
- Views will be lost
- Church activities through noise/number of cars potential to cause nuisance
- Potential for cars to park outwith the car park if church busy with consequent impact on surrounding streets
- Nuisance/loss of amenity due to construction activity
- Area was for recreational use
- No need for another church
- Potential use of car park by “boy racers”
- The ridge height of the church is too high
- Loss of privacy
- Query how proposal will benefit Wellside area
- Loss of green space
- Concerns over surface water disposal
- The need for a large area of car parking is driving proposal
- 80 car parking spaces unrealistic
- Area should be used as a park
- Area should be used for youth facilities
- Site not suitable for a church
- Site zoned for housing/amenity
- Lack of security fencing/lighting
- Potential subsidence issues

3.3 The letters of support make the following points.

- Churches can be a focal point of a community
- Help improve community facilities
- Field has been earmarked for development
- Site allows for a considerable area of grass
- Vehicular congestion unlikely
- Appropriate use for the land

3.4 Members are advised that all letters of representation are held within the casefile and may be inspected prior to the committee meeting within the Members Lounge.

#### **4. CONSULTATIONS**

4.1 **Balloch Community Council** – believe that the development will have the potential to benefit the whole of the Balloch community. Wish the following to be taken into account:

- Where possible reduce building height
- Church should be for benefit of whole community and not just church members
- Cullernie Road must have pedestrian and vehicular access maintained
- Need traffic management plan

4.2 **Area Roads and Community Works Manager** – No objections subject to maintaining visibility splays and improvements to bellmouth.

4.3 **Scottish Water** – No objections.

4.4 **Director of Planning (Archaeology)** – No objections subject to an archaeological evaluation.

4.5 **Director of Planning (Policy Section)** – Site allocated for mix of housing and community/open space uses. Development Plan supportive of principle of part development of this site. Support application subject to balance of site being given over to open space use.

4.6 **Access Officer** – No objection subject to a footpath at least 1.5m wide being incorporated into the proposal.

#### **5. POLICY**

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

##### **Highland Structure Plan 2001**

- G2 – Design for Sustainability
- S1 – Service and Facilities

##### **Local Plan**

- General Policies (GP) – 1, 3, 14

- Policy 2.104 - 1.0 ha of land at Upper Cullernie is allocated for a mix of housing and community/open space: 0.5 ha for low density dwellings; and 0.5 ha for community/open space, which could comprise a bowling green and play facilities

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
- SPP17 – Planning for Transport
- NPPG 5 – Archaeology and Planning
- PAN 40 – Development Control
- PAN 61 – Planning and Sustainable Urban Drainage Systems
- PAN 75 - Planning for Transport
- PAN 84 - Reducing Carbon Emissions in new development

## **6. SUPPORTING STATEMENT FROM APPLICANT**

- 6.1
- Proposed use sensitive to the area and the user group will primarily be local families.
  - Unlikely space would be used for anti-social behaviour
  - Local residents and families welcomed
  - Site earmarked for development and 92% would be retained as car parking and open space
  - Building designed to ensure no properties overlooked – no windows on elevations on Cullernie Road and Cullernie Place
  - Supporting accommodation would comprise coffee/social area and kitchen; meeting rooms and administration rooms with a lesser hall. Coffee shop not open to general public.
  - Will investigate surface material to discourage “boy racers”
  - Prefer open feeling for site, hence lack of barriers
  - Roads department been consulted in relation to traffic issues
  - Church has been built on lowest part of site to minimise impact
  - Project will comply with SUDS
  - Do not agree proposal will result in more anti-social behaviour

## **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 is allocated for a mix of 50% housing and 50% community/open space uses with bowling green and play areas suggested for the latter. The Local Plan is therefore supportive of development on the site. The allocation allows for community uses and a church is recognised as such a use. The present proposal takes up approximately half the site in terms of built development. It is considered, therefore, that the proposal complies with the Local Plan and that the principle of development is acceptable. Members will also note the advice from the Policy Section in this regard.

### 7.4 Layout and Design

The application is in outline and, strictly speaking, only the principle of development should be considered. However, the applicant's have submitted indicative drawings showing both a layout and a possible design. Overall these are considered acceptable. The church complex is located on the lowest part of the site with the car parking immediately adjacent to the main access. This is a logical layout. The remainder of the site will be retained as open space and a pedestrian link between Wellside Road and Cullernie Road is included. Parking for 80 vehicles is also included and this is considered acceptable by the Area Roads and Community Works Manager.

7.5 The indicative design shows a relatively compact building of around 800 sq.m in area covering 8% of the total site. For comparison, Inshes Church is 700 sq.m on a site of around 0.6ha (11.6%), and Crown Church is just over 1000 sq.m. on a 1600 sq.m site (62.5%). The building itself is finished in render, timber and glass, which are acceptable in this location. The main areas of glass are on the sanctuary itself and are on the south west and north east elevations. The nearest residential property is 40m away with significant boundary trees. Any potential for overlooking is therefore minimised.

7.6 The key issue is the height of the building. Churches are important community buildings and there is an argument that, in architectural terms, they should "make a statement" such as the various churches along the River Ness. However, in this instance, the site is in a residential setting where buildings are generally of a domestic scale and a more intimate building may be more appropriate. The highest part of the building, the ridge height of the sanctuary is 11.76m. The surrounding houses vary in height but those identified on the submitted cross section are approximately 7m high. Clearly there is a subjective element to this issue, but overall, it is considered that the height is acceptable.

7.7 A further issue in relation to the height is the impact on the views from the properties on Wellside Road. These sit at a higher level than the site and have views north to the Firth. Whilst there is no right to a view it is a material planning consideration. There is no doubt that there will be a loss of outlook to these properties but the sanctuary is 20m long on a site 120m wide and the properties are some 80m away. A substantial proportion of the view will, therefore, remain. Members are also respectfully reminded that this is an application in outline and

that the detailed proposals are indicative only at this stage.

#### 7.8 Impact on Amenity

The proposal will result in the loss of an area of green open space which will clearly be a loss to the community. However, the land has been allocated for development for several years and a substantial area will remain as open space. There will also be an increase in traffic, motor vehicle noise and general movement of people at certain times over and above that which exists at present. From this perspective there will also be a loss of amenity. There is no objective method to measure loss of amenity and individuals will have their own views on the matter. Nevertheless, given that the land is allocated for development, the major use will be on a Sunday morning only and that the use will be beneficial to the community it is considered that, on balance, the loss is acceptable.

#### 7.9 Other Material Issues

The objectors have raised a number of issues in relation to the proposal. Many expressed concern over the increase in road traffic, the impact on pedestrian safety and the impact of parking in the surrounding streets. Whilst these are material considerations, the Area Roads and Community Works Manager has no objections to the development and confirms that it complies with the Council's standards. The question of need is not a material planning consideration and anti-social behaviour issues would be dealt with by other agencies. Several issues have been dealt with above and others, for example, impact of construction activity, surface water disposal and security/lighting issues can be covered by conditions.

### 8. CONCLUSION

- 8.1 This is an application in outline only and the Council is considering the merits of the principle of development. Nevertheless, the applicant's have chosen to submit indicative proposals and it is competent for the Committee to consider these. In regards to the principle of development, the site is allocated for development in the Local Plan, including community uses, and it is contended that the proposal is acceptable. In addition, there are no technical objections to the development and the indicative scheme shows that a development can be achieved. In these circumstances, the recommendation is to approve.

### RECOMMENDATION

**Grant outline planning permission, subject to the following conditions.**

1. That a further application shall be submitted to the local Planning Authority, together with the requisite detailed plans to include:-

a) Plans, sections and elevations of the proposed building, and colour and type of materials to be used externally on walls and roof;

b) Detailed layout of the site as a whole, site levels existing and proposed, including

provision for car parking, details of accesses and details of all fences, walls and hedges;

c) Landscaping proposals including existing trees to be maintained and proposed tree and shrub planting to be carried out.

These are RESERVED MATTERS to this Outline Application and no work on the site shall commence until the written approval of the Highland Council, as Planning Authority has been given.

Reason: Permission is hereby granted in outline only.

2. 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: In the interests of public health and on the basis of current advice from Scottish Water.

3. Prior to the commencement of development, detailed proposals for the surface water drainage of the site shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Scottish Environment Protection Agency and all drainage arrangements thereby approved shall be completed prior to occupation of the development.

Reason: In order to ensure that the site is properly and adequately drained.

4. The church and supporting uses hereby approved shall not be brought into use unless the method by which foul drainage is to be provided on site has been implemented and completed to the satisfaction of the Planning Authority.

Reason: In the interests of public health.

5. 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 08:00 and 19:00 Monday to Friday, between 08:00 and 13:00 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.

7. Delivery of construction materials to the site shall be between the hours of 08:00–18:00 Monday to Friday, 08:00–13:00 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.

8. As part of the submission of Reserved Matters the applicants shall submit a fully detailed scheme of landscaping for the site. This should include boundary treatments. All

planting thereby approved shall be undertaken in the first planting season following completion of the development and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five 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.

Reason: In the interests of amenity and in order to ensure that the development is adequately screened.

9. As part of the submission of Reserved Matters the applicants shall submit details of the lighting system designed for the entire site which shall be submitted to and require the approval in writing of the Planning Authority. This shall be designed to limit urban sky glow and light spillage onto surrounding areas. The approved details shall thereafter be implemented prior to any part of the development being brought into use or as agreed in writing by the Planning Authority.

Reason: In the interests of amenity and in order to avoid light pollution.

10. Before the buildings hereby permitted are first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Planning Authority and Roads Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Roads Authority in the interest of highway safety.

11. Prior to the commencement of development the details of the maintenance regime for the areas of open space, including verges, shall be submitted to, and agreed in writing, by the Planning Authority and thereafter so maintained. For the avoidance of doubt, these areas will include those reserved for SUDS.

Reason – in the interests of preserving the amenity of the area.

12. Before development is commenced, a scheme shall be submitted to and approved in writing by the Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method Statement shall include, inter alia, details of:

- parking of vehicles of site personnel and visitors
- storage of plant and materials
- dust management controls
- measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities
- siting and design of temporary buildings
- scheme for security fencing/hoardings,
- details of disposal of waste arising from the construction programme. The burning of waste on the site at any time is specifically precluded.

Thereafter the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity

13. The applicants shall comply with the guidance contained in BS5228: Part 1 1997 – Noise and Vibration Control on Construction and Open Sites or any subsequent replacement guidance.

Reason: In the interests of residential amenity and in order to avoid disturbance and nuisance.

14. Measures shall be taken at all times to suppress dust arising from activities at the site. In the event of any dust nuisance arising off site, the developer shall immediately implement appropriate remedial action in accordance with details which shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Environmental Health Authority prior to any action being taken.

Reason: In the interests of amenity and in order to avoid dust nuisance.

15. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to, and require the approval in writing of, the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation

Reason: To protect the archaeological and historic interest of the site.

16. Visibility sightlines at the access junction with Wellside Road of 4.5m x 70m shall be provided prior to the commencement of development and shall be maintained thereafter in perpetuity.

Reason: In the interests of road safety.

17. No development shall commence on site until details of the proposed access junction with Wellside Road have been submitted to, and agreed in writing by, the Planning Authority in consultation with the Roads Authority. The alterations so agreed shall be designed, constructed, demarcated and completed to the satisfaction of the Planning Authority and Roads Authority.

Reason: In the interests of road safety.

18. Before the use commences a waste management scheme shall be submitted to and approved in writing by the Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage, together with arrangements for refuse disposal. All refuse shall be properly contained within the approved facility and shall not be stored or deposited elsewhere unless previously agreed in writing by the Planning Authority.

Reason: To protect the amenity of occupiers of nearby residential properties.

19. As part of the submission of Reserved Matters, a plan shall be submitted to, and agreed in writing by, the Planning Authority showing the location and design of a pedestrian footpath through the site to connect Wellside Road with Cullernie Road. This shall be a minimum of 1.5m wide. The development shall not come into use until the footpath is constructed and open to the public.

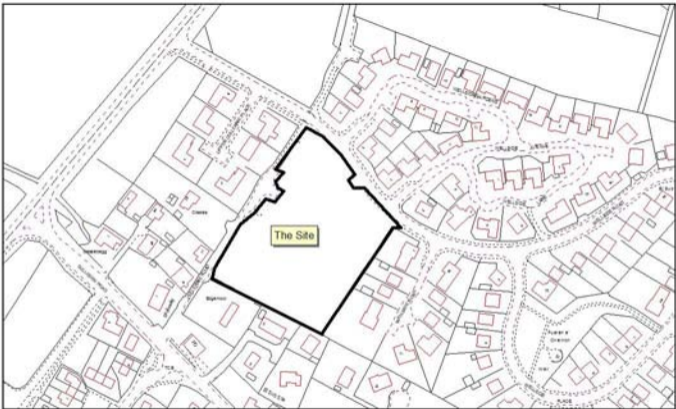
Reason: In the interests of maintaining public access.

20. The submitted site layout drawing and design are taken to be indicative only and is not hereby approved.

Reason: For the avoidance of doubt and to clarify the terms of the permission hereby granted.

Signature:

Designation:	Area Planning and Building Standards Manager
Author:	J. Harbison. Principal Planner
Background Papers:	Approved Highland Structure Plan; adopted Inverness Local Plan and this case file



**09/00159/OUTIN - Site Bounded by Wellside Road and Culternie Road, Balloch, Inverness  
Erection of Church and Supporting Facilities**

SUPPLIED BY THE HIGHLAND COUNCIL

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