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| Agenda item | 6.3 |
| Report no | PLN/034/19 |

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 9 April 2019

Report Title: 18/02963/FUL - Land SE Of Woodlands, 14 - 16 Arabella, Tain

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 Applicant: JRM Contracting per Blueprint Architecture

Description of development: Erection of vehicle maintenance building, associated parking and formation of access

Ward: 7 – Tain and Easter Ross

Category: Local

Reasons Referred to Committee: 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.

2. Recommendation

2.1 Members are asked to agree the recommendation to grant as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks consent for the erection of vehicle maintenance building, formation of a new access and installation of parking area. The building itself would have a footprint of 371sqm with a low pitched roof at just over 6m at its highest point, incorporating 3No. garage bays, engine area, office and reception/waiting area. 17No. parking spaces and 8No. MOT parking bays are proposed towards the site's boundary with the public road. The garage would be owned and operated by Arabella Garage who currently occupy a site elsewhere in the village (around 300m to the south east of the application site) however now require larger premises.
- 3.2 No pre-application advice was sought prior to the submission of the application.
- 3.3 There is no infrastructure on site at present.
- 3.4 There are no supporting documents alongside the application.
- 3.5 **Variations:** The site layout has been amended to take account of Transport Planning comments.

4. SITE DESCRIPTION

- 4.1 The site comprises flat agricultural land extending to 0.22 hectares on the eastern side of the public road at Arabella. There are existing large farm buildings immediately to the north west of the site, with the area to the south east remaining open. Development on the west side of the public road is residential in nature.

5. PLANNING HISTORY

- 5.1 No planning history.

6. PUBLIC PARTICIPATION

- 6.1 Advertised : Unknown Neighbour / Schedule 3 – 27.07.2018
Representation deadline : 10.08.2018
Timeous representations : 6
Late representations : 0
- 6.2 Material considerations raised are summarised as follows:
- Road safety concerns – additional traffic onto an already busy road
 - Adverse noise impacts
 - Possible air pollution
 - The existing garage is an eyesore due to scrap cars in the forecourt – the new garage will make this worse
 - Disproportionate for a residential area
 - Visual Impact

Non-material considerations are summarised as follows:

- Objectors have previously been advised that this land could not be built on

- Loss of view

6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

7. CONSULTATIONS

7.1 **Kilmuir and Logie Easter Community Council:** The CC outline that it has **no objections** however would ask that consideration is given to the concerns raised by individuals with regards to possible noise issues from the proposed site.

7.2 **THC Environmental Health:** No objections. Site visit and noise monitoring undertaken. Understand that the proposed premises may be larger than applicants' existing premises but it should not result in a greater level of activity. The main purpose of the development is to reduce the level of external activities. The proposed site is adjacent to a busy road. Traffic was consistent during the monitoring period. Noise from the existing garage is not audible over vehicle passes and would only be heard during gaps in the traffic. Noisy activities from the garage are not particularly frequent either so it is unlikely that noise would be intrusive even when audible. The applicant has been advised that should there be an occasional need for a period of noisier work, the doors should be kept closed.

Daytime noise standards are expressed as a 1 hour LAeq. Satisfied that the instances of noise from the garage will not be frequent enough to have any significant impact on current noise levels. No further objections to the application, however, it is recommended that the following conditions be attached to any consent: -

- Operations associated with this development for which noise is audible at the curtilage of the nearest noise sensitive property shall be restricted to between 8am and 6pm Monday to Friday unless otherwise approved in writing by the Planning Authority.
- No operations shall take place at any time on a Sunday or Christmas Day, New Year's Day, 2nd January or Good Friday Bank Holidays (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended)), unless otherwise approved in writing by the Planning Authority.
- Within the permitted operating period, the operating noise Rating level must not exceed the Background noise level by more than 5dB(A) including any characteristics penalty. Terms and measurements to be in accordance with BS 4142: 2014 Methods for Rating Industrial and Commercial Sound.
- Noise arising from the playing of amplified music such as the radio shall be inaudible at the curtilage of any noise sensitive property.

- Any lighting shall be positioned and controlled so as to prevent any direct illumination, glare or light spillage out-with the site boundary.

There is unlikely to be any significant impact with regard to air quality however, should any incident arise with fumes or odour these can be investigated in terms of the Statutory Nuisance provisions of the Environmental Protection Act 1990.

- 7.3 **THC Transport Planning:** No objections subject to amended plans showing a suitable private access footway crossing (dropped kerbs), visibility splays, proposals for waste collection and bike storage.
- 7.4 **THC Forestry Officer:** No objections subject to inclusion of landscaping. The site is located beside the B9175 within the settlement of Arabella. Most of the trees within the village are protected by the Arabella Tree Preservation Order, however there are no trees affected by this development. While no trees or hedging are affected by the proposed development, there is distinct lack of landscaping to help soften the development. The mature roadside trees and beech hedging are a prominent feature within Arabella and the Tree Preservation Order was served in recognition of this. It is recommended that a beech hedge is planted along the road frontage, but set back from the visibility splay. Larger standard sized trees could then be inter-planted within the hedge at 6 metre intervals and be allowed to grow on.
- 7.5 **Scottish Environmental Protection Agency (SEPA):** The application falls below the threshold for which advice would be provided.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

| | |
|----|--------------------------------------|
| 28 | Sustainable Design |
| 36 | Development in the Wider Countryside |
| 41 | Business and Industrial Land |
| 51 | Trees and Development |
| 56 | Travel |
| 66 | Surface Water Drainage |

8.2 Inner Moray Firth Local Development Plan 2015

No site specific policies

9. OTHER MATERIAL CONSIDERATIONS

9.1 Draft Development Plan

Not applicable

9.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable

9.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy June 2014

Highland Council Roads and Transport Guidelines for New Developments

10. PLANNING APPRAISAL

10.1 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.

10.2 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.

10.3 **Development Plan Policy Assessment**

The application concerns the erection of a new garage building and associated development and therefore requires to be assessed primarily against Policy 41 of the Highland-wide Local Development Plan with Policy 36 also requiring due consideration as result of the site's location within the wider countryside. Policy 41 aims to direct new commercial proposals to existing business/industry sites, for example Tain Industrial Estate, however it also outlines that there may be scope to support proposals on alternate locations where developers can demonstrate that their proposals cannot reasonably be accommodated on existing allocated industrial and business sites.

10.4 As such, supporting information was requested from the agent to outline what alternative sites were considered and specifically whether any sites within existing/allocated business locations were examined. To this end, the agent has highlighted difficulties with acquiring sites in industrial estate locations with a general lack of sites available within the locale. The agent has noted that alternate sites in Arabella were also considered however these raised access concerns. Instead, this site has been specifically selected due to good access availability, its proximity to the existing farm buildings and as it is a continuation of the more agricultural type buildings on this side of the road. The agent further notes that there are other business premises very nearby to the site and in this respect, the area selected is the more 'mixed use' area of Arabella where small businesses co-exist alongside housing. The current garage is located around 300m south-east of the existing site; where it is bounded in most directions by housing and has been operating without any complaints having been made to Environmental Health. The current site is however relatively small and the business has grown to the point where a larger facility is now required. The opportunity to allow for the relocation of an existing and established venture within Arabella, is considered positive with clear locational and operational advantages for the operator in doing so. Taking the above factors into account, it is considered that the principle of development is acceptable subject to an assessment of relevant material considerations, as detailed below.

10.5 **Siting and Design including Impact on Amenity**

As noted above, the proposed development would effectively represent a continuation of the existing built form on the eastern side of the public road at Arabella, maintaining the existing building line established by the large farm buildings adjacent to the site. In general siting terms, the principle of this approach is consistent with the requirements of Policy 36 which encourages new development to take account of any established pattern of development. As noted above, there are business uses within the locale, however in the main development is residential; in particular there is some housing located south west of the site (to the other side of the public road). Two houses in particular lie to the opposite side of the public road from the site.

10.6 In design terms, there are no concerns with regard to the appearance of the proposed building. It is noted that the existing premises have expanded over time and the business has outgrown its current home with vehicles and machinery now stored in the area between the existing building and the road. To this end, creation of the proposed purpose built facility allows greater scope for the business to be entirely contained and therefore maintaining a tidier appearance.

10.7 Given the proximity to a small number of houses, a key issue in the assessment of the application is ensuring the established amenity of these residential properties would not be adversely affected by the proposed development. To this end, the proposal has been subject to lengthy discussion with Environmental Health, with the Environmental Health Officer undertaking noise testing at the garage's existing premises to ascertain noise levels. This concluded that noise from the existing garage is not audible over vehicles on the B9175 and would only be heard during gaps in the traffic; noting that traffic was consistent during the monitoring period. In addition, noisy activities from the garage are not particularly frequent. As such, the EHO concludes that instances of noise from the garage will not be frequent enough to have any significant impact on current noise levels. Thus it can be reasonably concluded that the proposed development will not result in any detrimental impact on adjacent housing, and this is secured via a number of conditions.

10.8 During processing of the application, a revised site layout plan was received which shows the applicant would intend to plant a beech hedge along the boundary of the site which would be interspersed with larger trees. As well as aiding with overall visual impact, the hedge will help to further reduce any noise impact. A timescale for the planting of this hedge is secured via condition, so that this is undertaken in the first planting season following issue of consent (if granted).

Access

10.9 The site lies adjacent to the B9175 through Arabella which links Nigg Roundabout with Nigg Yard, and is subject to a 40mph limit. A new access would be created to serve the development and due to the long straight nature of the road, visibility is very good with the access being able to provide the required 120m visibility splays required by Transport Planning. The site layout has also been amended to take account of Transport Planning's consultation comments, in particular to allow for

the provision of dropped kerbs to enable continued pedestrian access across the frontage of the development. Overall it is considered that the proposal is in accordance with the Council's Roads Guidelines for New Developments.

Drainage

10.10 The site layout plan includes provision for the installation of a surface water soakaway to deal with surface water from the proposed building; this has been sized appropriately following site investigations and full details are requested by condition. This matter will also be further examined as part of the Building Warrant process.

10.11 Other Considerations – not material

Many of the objectors have noted that they have been informed previously that this land would never be allowed to be developed. It is not clear who informed the parties of this however there is no restriction on development in this area in development plans terms. As noted in this report, the site forms a natural extension of the village. The loss of a view is also noted in objections however this is not a material planning consideration.

10.12 Matters to be secured by Section 75 Agreement

None.

11. CONCLUSION

11.1 It is considered that through the submission of additional information, the applicant has been able to demonstrate compliance with Policy 41 of the Highland-wide Local Development Plan, in that a location outwith an allocated Business and Industrial site is, in this instance, justified. Furthermore, the site represents a natural expansion to the village and allows the business to retain its local presence. Whilst the concerns of objectors are noted with regard to impact on amenity, it is not considered that the proposed development would generate any significantly detrimental impacts. 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.

12. IMPLICATIONS

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

13. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

2. No development shall commence until full details of any external lighting have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt any lighting shall be positioned and controlled so as to prevent any direct illumination, glare or light spillage outwith the site boundary. The development shall thereafter progress in accordance with the approved details.

Reason: To safeguard the amenity of residential properties adjacent to the site.

3. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. M665-PL01 Rev D shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

3. Operations associated with this development for which noise is audible at the curtilage of the nearest noise sensitive property shall be restricted to between 8am and 6pm Monday to Friday unless otherwise approved in writing by the Planning Authority. Notwithstanding the above, no operations shall take place at any time on a Sunday or Christmas Day, New Year's Day, 2nd January or Good Friday Bank Holidays (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended)), unless otherwise approved in writing by the Planning Authority.

Reason: In order to safeguard the amenity of neighbouring properties and occupants

4. Within the permitted operating period, the operating noise Rating level must not exceed the Background noise level by more than 5dB(A) including any characteristics penalty (Terms and measurements to be in accordance with BS

4142: 2014 Methods for Rating Industrial and Commercial Sound or any updated Standard). In addition, noise arising from the playing of amplified music such as the radio shall be inaudible at the curtilage of any noise sensitive property.

Reason: In order to safeguard the amenity of neighbouring properties and occupants

5. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the 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 the approved landscaping works are properly undertaken on site.

6. For the avoidance of doubt, any machinery related to the development hereby approved shall be contained within the building hereby approved and any parking of vehicles shall be within the delineated parking bays annotated on approved plan ref: M665-PL01 Rev D unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

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

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

Mud and Debris on Road

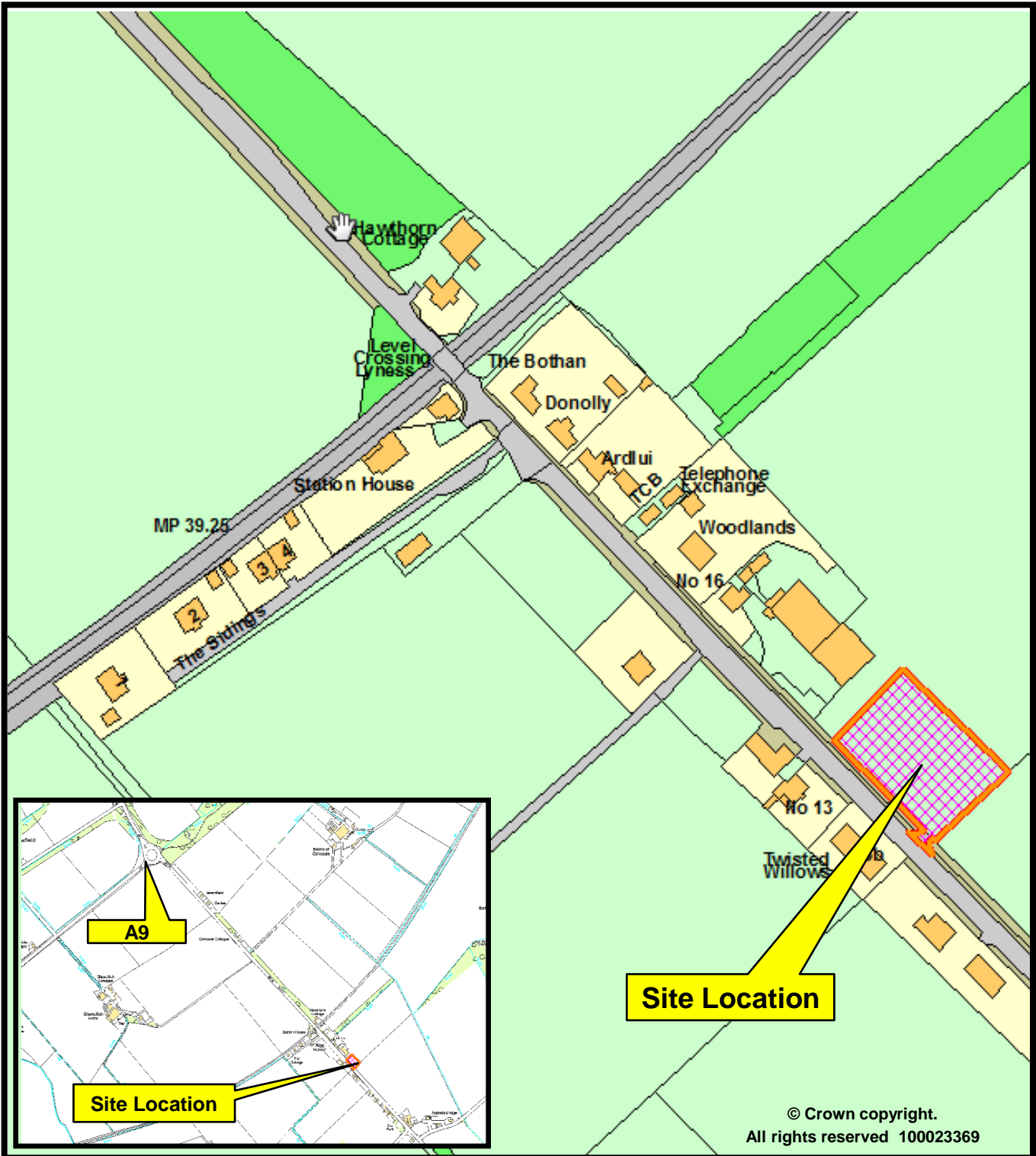
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Designation: Acting Head of Development Management – Highland

Author: Gillian Pearson

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

Relevant Plans: Plan 1 – Location/Site Layout/Floor and Elevation Plan M665-PL01
Rev D



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The Highland Council
Comhairle na Gàidhealtachd

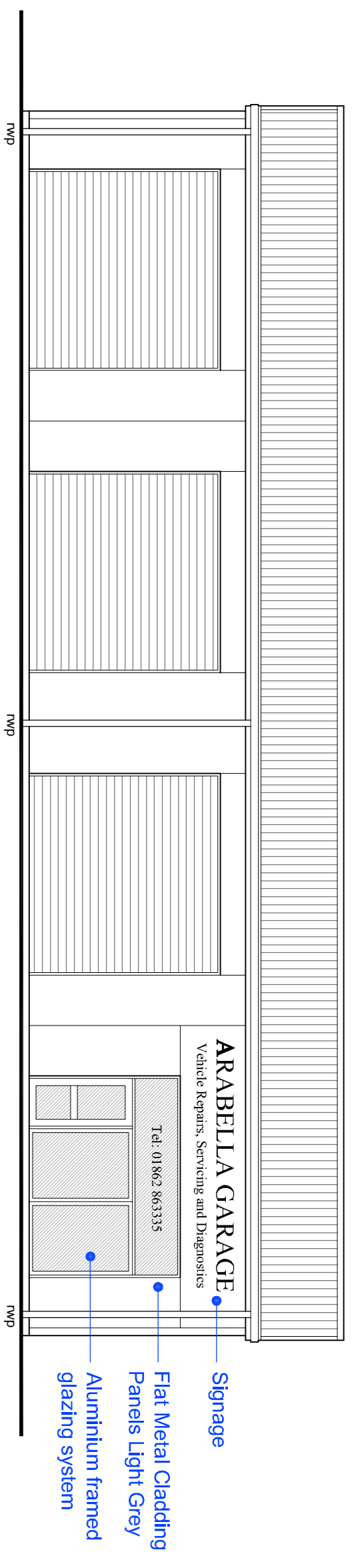
Development & Infrastructure Service

18/02963/FUL

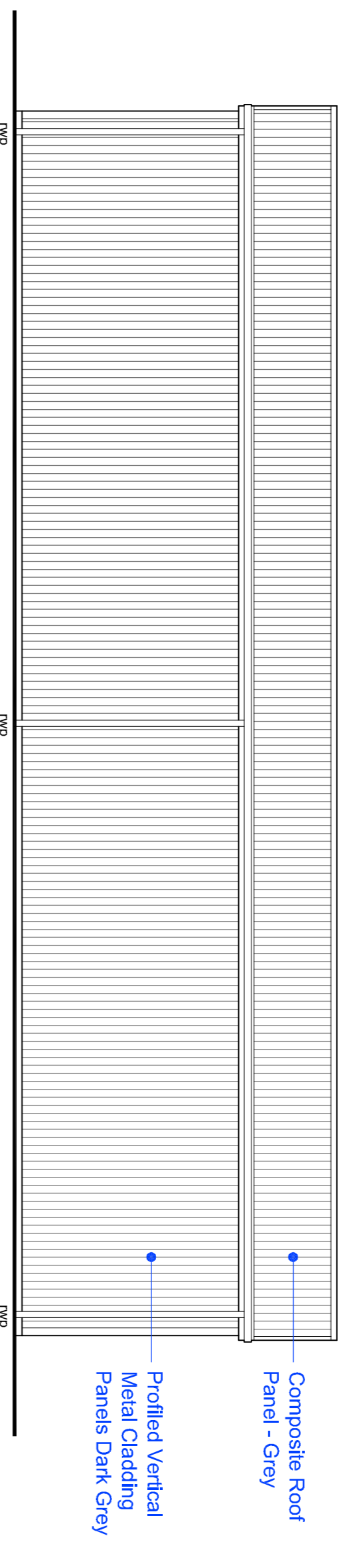
Erection of vehicle maintenance building, associated parking and formation of access at Land SE of Woodlands, Arabella, Tain.

March 2019

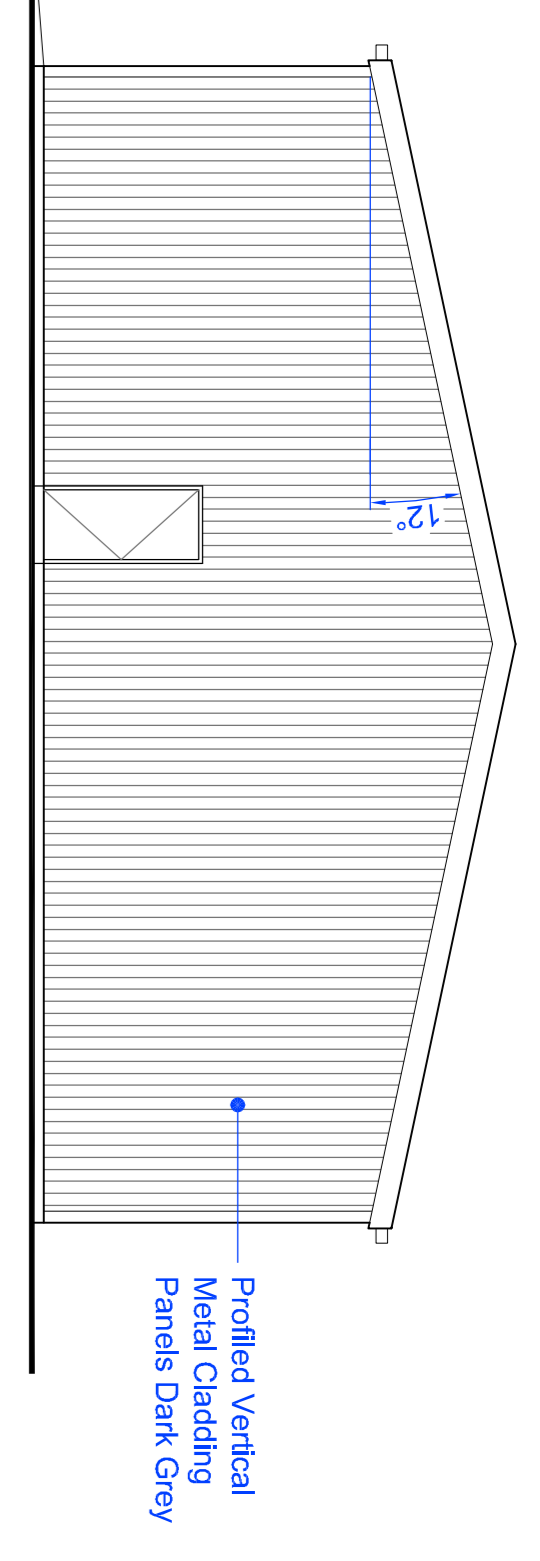




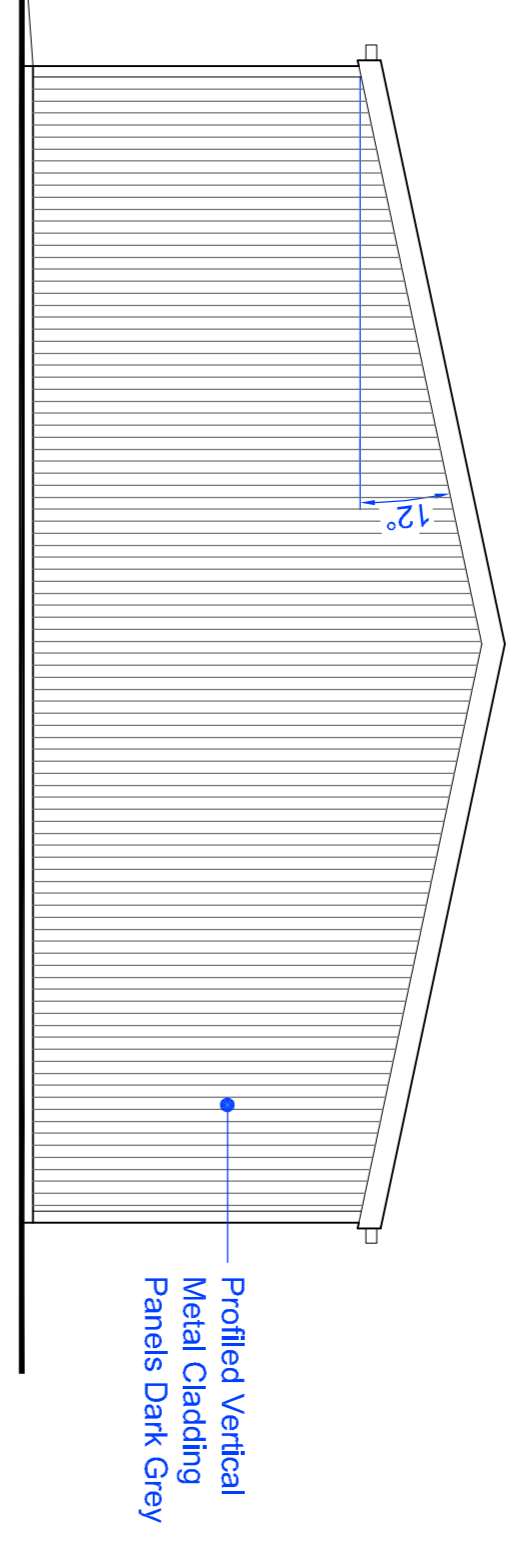
South West Elevation (scale 1:100)



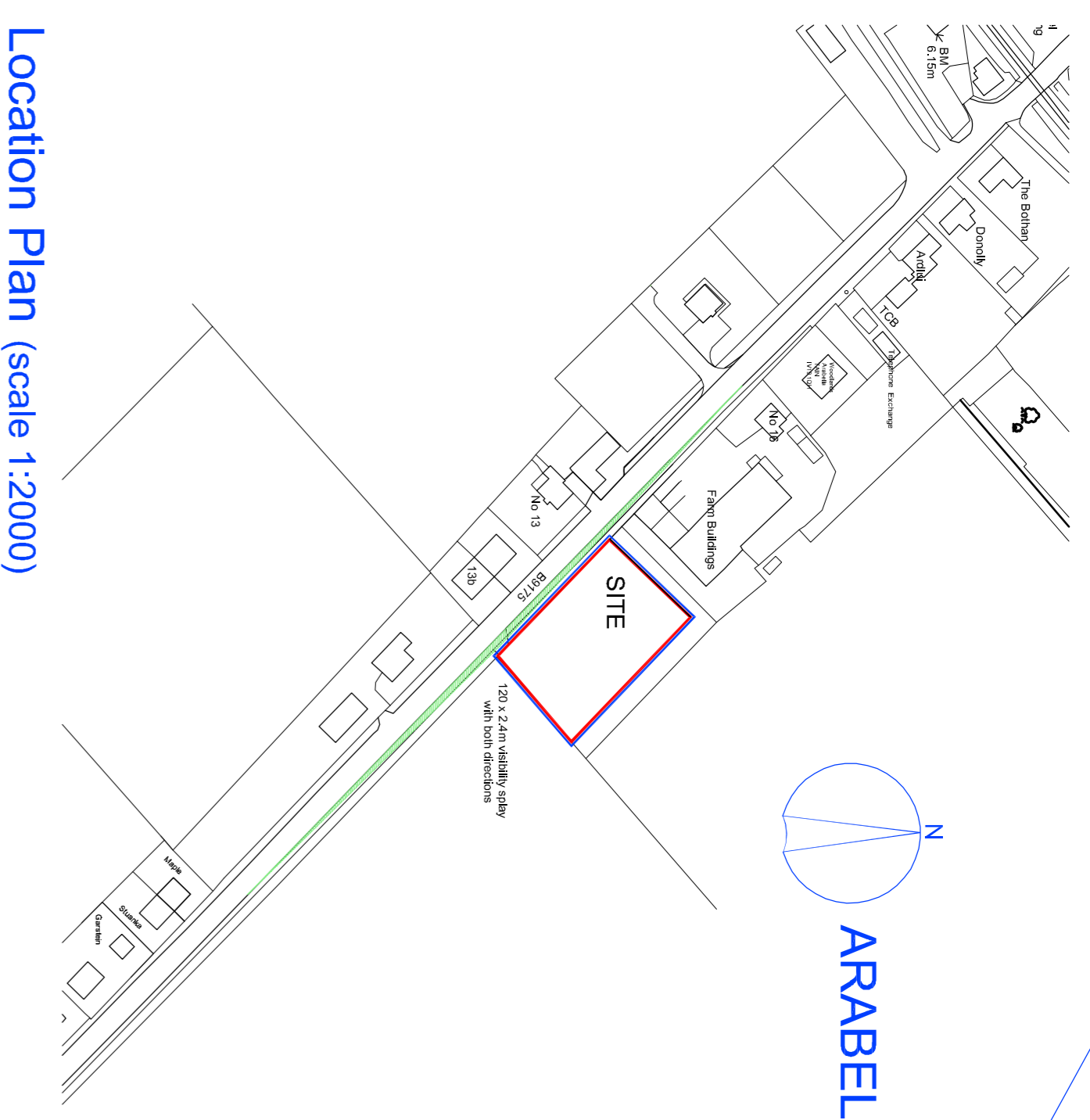
North East Elevation (scale 1:100)



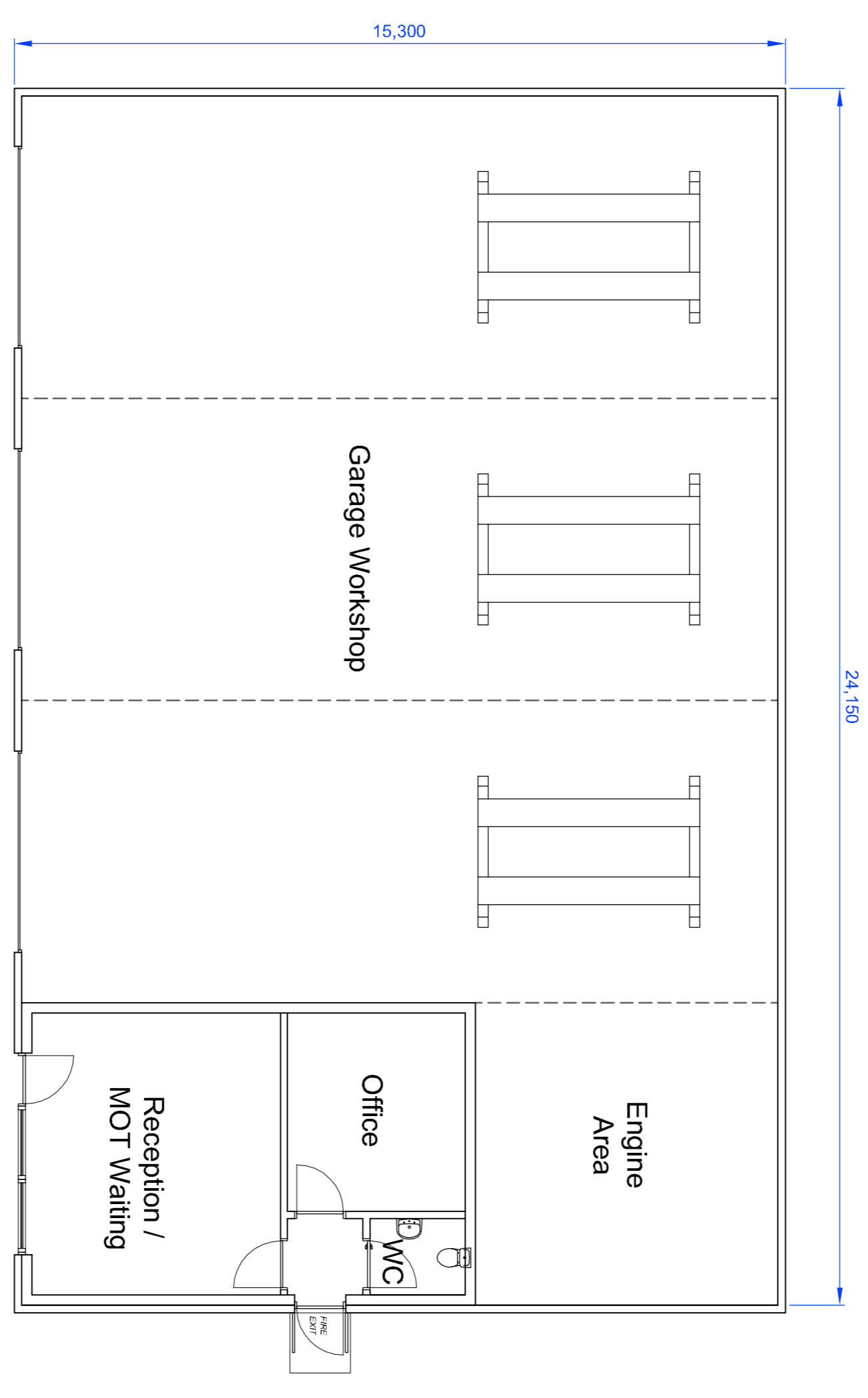
South East Elevation (scale 1:100)



North West Elevation (scale 1:100)



Location Plan (scale 1:2000)



Floor Plan (scale 1:100)

NEW PLANTING & LANDSCAPING

Landscaping Strip
 A beech hedge is to be contained within a double rabbit fence with composted bark mulch to suppress weed growth and maintain moisture. The hedge is to be planted using 40-50cm calli grow stock planted in a double staggered row at 5 plants per linear metre. Larger standard trees (3.5 - 4m) are to be planted within the hedge at 14m intervals to match adjacent mature tree spacing. Hedges to be beech or oak species.

Ground preparation:
 Tree planting positions are to be hand screened (500mm²) to remove surface vegetation. Planting positions to be cultivated to a minimum depth of 300mm and with tree planting compost (30%) being incorporated into the soil.

Tree planting positions:
 are to be hand screened (500mm²) to remove surface vegetation. Planting positions to be cultivated to a minimum depth of 300mm and with tree planting compost (30%) being incorporated into the soil.

Planting:
 All plants are to be 40-50cm calli grow nursery stock sourced from local provenance and planted as shown on drawing. 1 metre mulch mats are to be fitted around the base of each tree with the edges secured by turf. All planting to be carried out in first planting season.

Protection:
 All new trees to be protected against rabbit and vole damage using 0.6 metre Tubex shelters supported with a 0.9 metre timber stake. Where Roe deer or sheep are present, 1.5 metre shelters are required with heavier stakes.

SUPPORTING STATEMENT

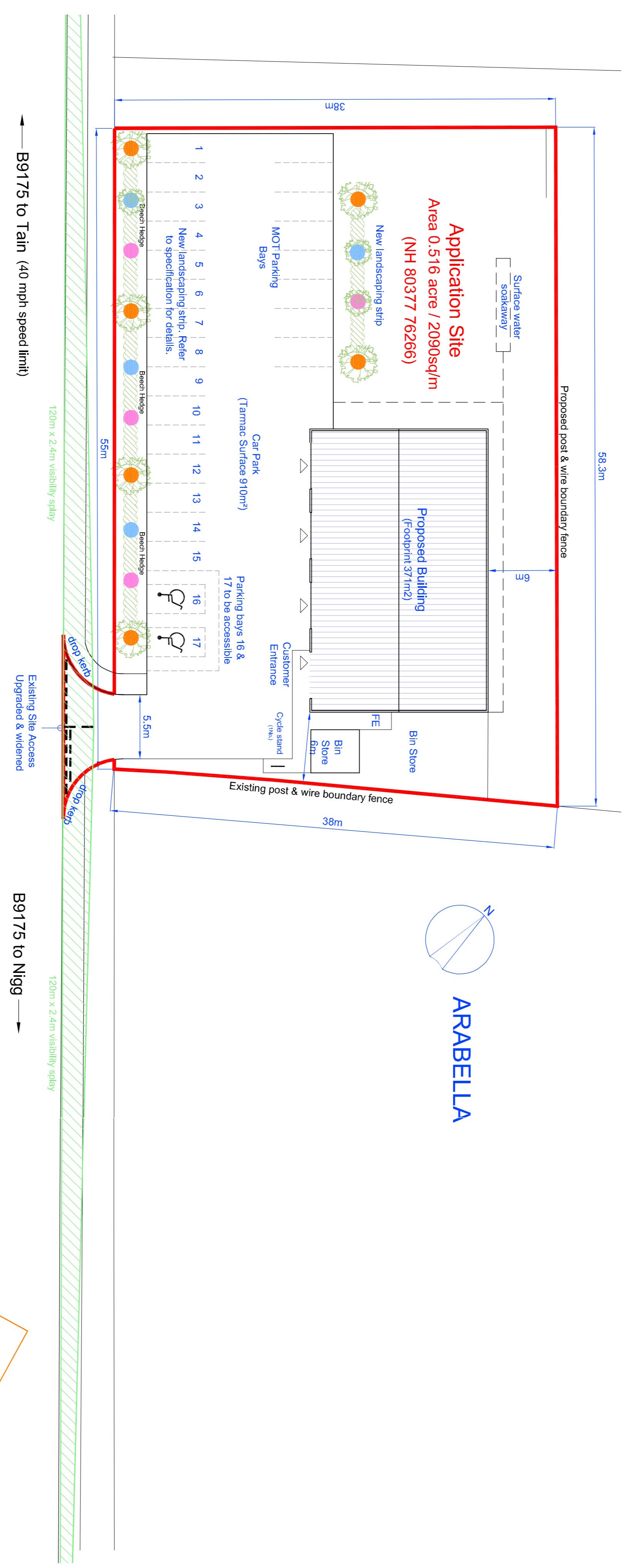
The applicant J R M Contracting proposes a new vehicle maintenance building at Arabella, Tain. The development also proposed a new area of parking and associated new vehicle access from the B9175.

The site is located beside the B9175 within the settlement of Arabella. The site is generally flat and the land is currently agricultural use.

To soften the development and ensure noise is audible within the site boundary a soft landscape strip comprising of trees and hedges is proposed along the roadside boundary in accordance with the New Planting and Landscaping specification.

LANDSCAPING PLAN:

- See separate notes below drawing:
- Oak (quantity 6)
- Birch (quantity 4)
- Rowan (quantity 4)
- Beech Hedge



Site Plan (scale 1:250)

PLANNING

blueprint architecture
 RIBA CHARTERED ARCHITECTS
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 MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client: J R M Contracting
Scale: Noted A1

Project: Erection of Vehicle Maintenance Building at Land SE of Woodlands, Arabella, W19 1QH

Title: Location, Site Plan, Proposed Floor Plans and Elevations

Drawing No.: M665 / PL01
Rev: D

0 10 100
 Millimetres