Agenda Item	6.7
Report No	PLS/084/19

HIGHLAND COUNCIL

Committee:	South Planning Applications Committee
Date:	29 October 2019
Report Title:	19/01005/FUL: Saltire Business Parks Ltd
	Land 80m SE of Unit 3, Balmakeith Business Park, Nairn
Report By:	Area Planning Manager – South
	Purpose/Executive Summary
Description:	Creation of 13 No. 96sqm Business Starter Units and parking

Development category: Local

Reason referred to Committee: Requested by 2 or more local ward members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Refuse** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of 13 Business Starter Units, within 2 separate blocks. Each unit comprises a floorspace of 96sqm with a 3.5m wide up and over door and a standard pedestrian access door, all accessed from a central parking area. Natural light is provided by velux style rooflights and internally the space is open, other than a single disabled WC.
- 1.2 The proposal is to connect to existing drainage infrastructure located within the business park road verge and to provide on-site surface water soakaways. The site is accessed from the A96(T) through the existing industrial site road infrastructure.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Drainage Impact Assessment
- 1.5 Variations: None

2. SITE DESCRIPTION

2.1 The site sits to the far eastern side of the Balmakeith Business and Industrial Estate. The site is currently grassland and flat with no trees or other physical barriers to development.

3. PLANNING HISTORY

3.1 30.11.2017 17/01710/FUL – 5-6 Tom Semple Road, Planning Erection of workshop (adjacent site) Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 26.03.19

Representation deadline: 9.04.19

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Transport Planning Team**: Parking is acceptable; initial queries regarding drainage and servicing satisfied through the submission of further information. The exception is pedestrian access and in particular footway provision outwith the site. This is a sizeable development and should be safely accessible to staff/customers arriving on foot; albeit, existing footway provision in the industrial estate is presently limited. A pedestrian/cycle crossing of the Inverness – Aberdeen rail line is planned, to connect the industrial estate with existing and proposed housing development north of the railway. The intention is that the crossing will be largely

funded by developer contributions from the housing site. A route to/from the south side of the crossing location has been identified between Units 2 and 3 within the industrial estate. This coincides relatively well with existing footway provision on the south side of Tom Semple Road. If the applicant is unwilling to provide a pedestrian link between the application site and existing footway provision, then a suitable financial contribution should be provided to enable the Council to deliver footway provision at this location or elsewhere within the industrial estate. In the circumstances a contribution of £10,000 from the developer towards footway provision seems appropriate.

5.2 **Flood Risk Management Team** initially objected to the proposal due to insufficient information on drainage. Following the submission of further drainage details FRM removed its objection and now accept the proposed drainage strategy subject to a condition that the final drainage design be submitted for review and approval.

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
- 30 Physical Constraints
- 31 Developer Contributions
- 41 Business and Industrial Land
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 77 Public Access

6.2 Inner Moray Firth Local Development Plan 2015

NA10: Balmakeith

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013) Flood Risk and Drainage Impact Assessment (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

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) siting and design;
 - c) developer contributions; and
 - d) any other material considerations.

Development plan/other planning policy

8.4 The proposal is for business/light industrial use within a site which is allocated for Business use (NA10) in the Inner Moray Firth Local Development Plan. The proposal is therefore acceptable in principle. Policy NA10 specifies as a requirement 'potential pedestrian/cycle bridge to/from Lochloy housing development'.

Siting and Design

8.5 The proposed layout is for 2 long, rectangular, pitched roofed buildings which sit parallel to each other across the site, with an access road through the middle. The units are all accessed from this central road. Additional parking is provided to the south of the units. The units themselves are of standard metal clad design. The overall footprints of both Unit (1-6) and (7-13) is 35m x 14m x 6.3m. Both layout and design are appropriate within the context of their business and industrial estate location.

Developer Contributions

- 8.6 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. Footpath provision within the industrial estate, particularly in the vicinity of the application site is limited. The Transport Planning Team has confirmed that in order to facilitate and encourage pedestrian movement to and from the site additional footway provision will need to be provided within the adopted road verge to link the development with existing footway provision west of the site. This could be achieved through direct provision or as a developer contribution of £10,000 to allow the Council to carry out the required works.
- 8.7 A pedestrian/cycle crossing of the Inverness to Aberdeen rail line is identified by Development Plan Policy NA10. This will connect the industrial estate with existing and proposed housing developments north of the railway. The intention is that the crossing will be largely funded by developer contributions from the housing site, and a route to/from the south side of the crossing location has been identified

between Units 2 and 3 of the industrial estate. The required contribution for footway provision will assist with providing this link in addition to improving internal circulation and safety for pedestrians.

- 8.8 It should be noted that this approach is consistent with that taken during the determination of other planning applications in the area, most recently on the site immediately adjacent to the application site (17/01710/FUL) where the direct provision of a footpath along the northern boundary of the site was a requirement of the consent and was secured by planning condition.
- 8.9 The applicant was notified of the requirement for the footpath, but has stated that the financial constraints of the project would only allow for a maximum contribution of £5,000. The reasons given by the applicant were that the full £10,000 would make the project financially unviable; no other council in Scotland have requested developer contributions for similar sites.
- 8.10 It is acknowledged that the existing footpath provision within the industrial estate as a whole is very limited, particularly within the western half which was first to be developed. The eastern section is much better provided for and the footpaths to be provided through this application and the adjacent plot would result in almost full provision within this eastern section (which ties in with the proposed route of the pedestrian railway crossing). Given that the adjacent development was required to bear the full cost of footpath provision adjacent to their site, it is not considered to be acceptable that the same approach is not taken with this site, or that the Council would be expected to meet the shortfall.
- 8.11 Although the development is relatively small in scale, the 13 units will result in a reasonable number of occupants, plus any additional staff and visitors, all of whom need to access the site and surrounds safely. The provision of public footpaths are therefore directly related to the acceptability of the development and is considered to meet the policy tests set out in Circular 3/2012 (Planning Obligations and Good Neighbour Agreements) for planning obligations: that the should be necessary; serve a planning purpose; relate to the proposed development; be fair and reasonable in scale and kind to the proposed development; and be reasonable in all other respects.

Other material considerations

8.10 There are no other material considerations.

Matters to be secured by Section 75 Agreement

8.11 a) None

9. CONCLUSION

9.1 The proposal fails to meet the terms of Policy 31 (Developer Contributions) in that the applicant has stated that they cannot meet the full cost of providing a pedestrian footway along the front of the development (either by direct provision or through a payment of £10,000 to the Council). It is considered that this is a fair and

reasonable requirement which will aid pedestrian access to and from the development and will contribute to wider Council objectives to link the business estate with housing developments to the north of the railway.

- 9.2 The requirement for fair and reasonable developer contributions towards the provision of public services is an established process which has been applied to numerous planning applications across Highland. This includes the adjacent site where direct provision of a footway has been secured by pre-commencement planning condition. It is considered reasonable that a consistent approach be taken in the determination of this application. The applicant has not specified any mitigating factors, other than financial constraints, as to why they can offer only half of the required amount towards the footpath provision. The proposal is acceptable in principle and in terms of all other material considerations, however due to non-compliance with Policy 31 cannot be supported.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

10. IMPLICATIONS

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

11. **RECOMMENDATION**

Action required before decision issued N

Notification to Scottish Ministers	Ν
Conclusion of Section 75 Obligation	Ν
Revocation of previous permission	Ν

Subject to the above, it is recommended that planning permission be **REFUSED**, for the following reasons:

1. The proposal does not accord with Policy 31 of the Highland wide Local Development Plan (Developer Contributions) which states that fair and reasonable contributions towards improved public services as required should be applied to all developments, as the developer has confirmed that the requirement for the provision of a footway across the front of the proposed units (either by direct provision or through a payment to the Council of £10,000) will not be met.

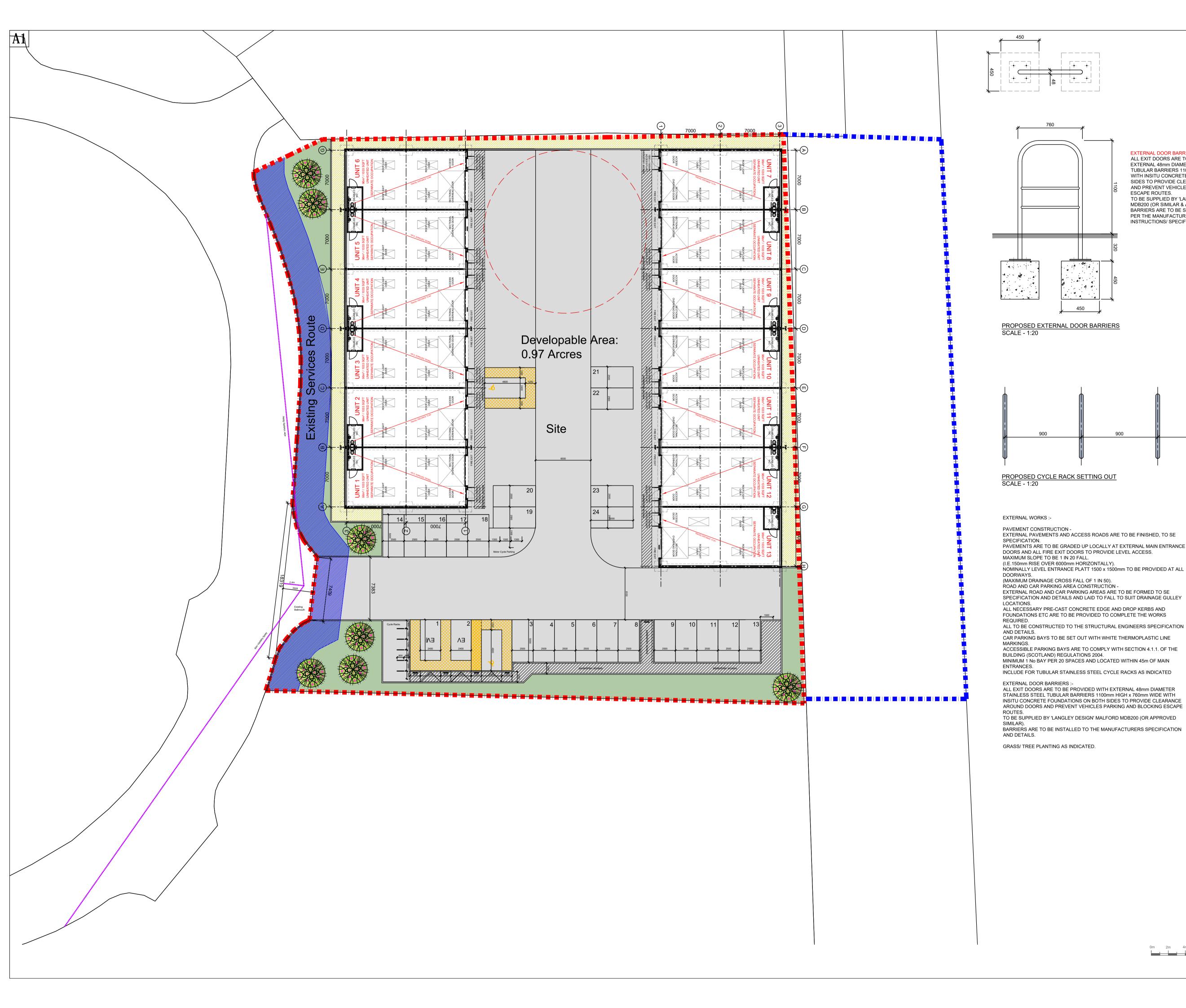
REASON FOR DECISION

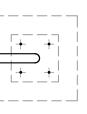
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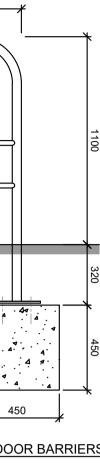
Signature:	David M	ludie
Designation:	Area Pla	anning Manager – South
Author:	Christine	e Macleod
Background Papers:	Docume	ents referred to in report and in case file.
Relevant Plans:	Plan 1	- 10026-L(0)-002 Existing Site Layout
	Plan 2	- 10026-L(0)-003 rev B Proposed Site Layout
	Plan 3	- 10026-L(0)-004 Proposed Floor Plans (units 1-6)
	Plan 4	- 10026-L(0)-005 Proposed Elevations (units 1-6
	Plan 5	- 10026-L(0)-006 Proposed Floor Plan (units 7-13)
	Plan 6	- 10026-L(0)-007 Proposed Elevations (units 7-13)
	Plan 7	- 10026-L(0)-001 rev A Location Plan
	Plan 8	- 2001 rev A Drainage Layout Plan
	Plan 9	- 1001 rev A External Finishes



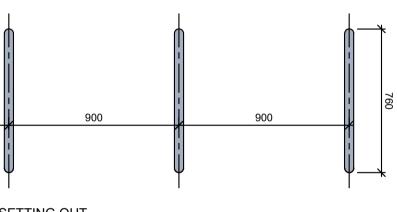
	Important notes for clients / contractors No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. *DO NOT SCALE*. The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced in any way without express written consent.
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- INCLUDE FOR TUBULAR STAINLESS STEEL CYCLE RACKS AS INDICATED
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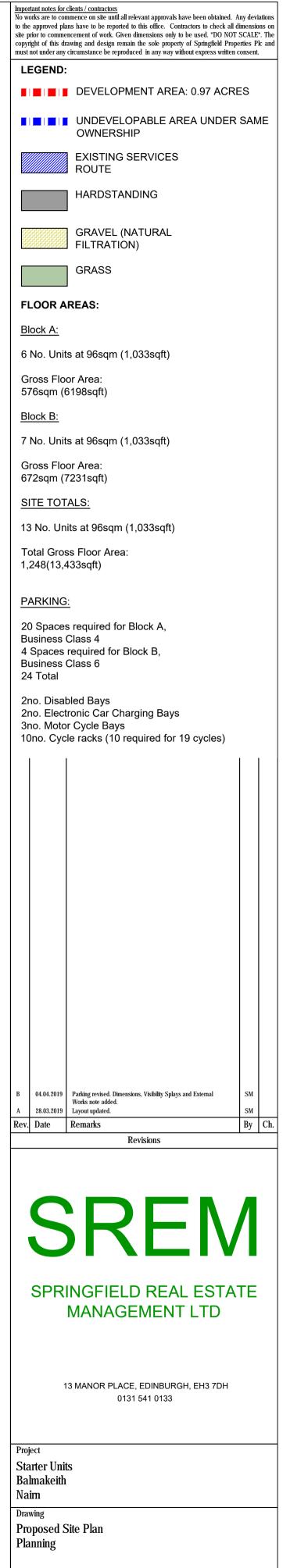
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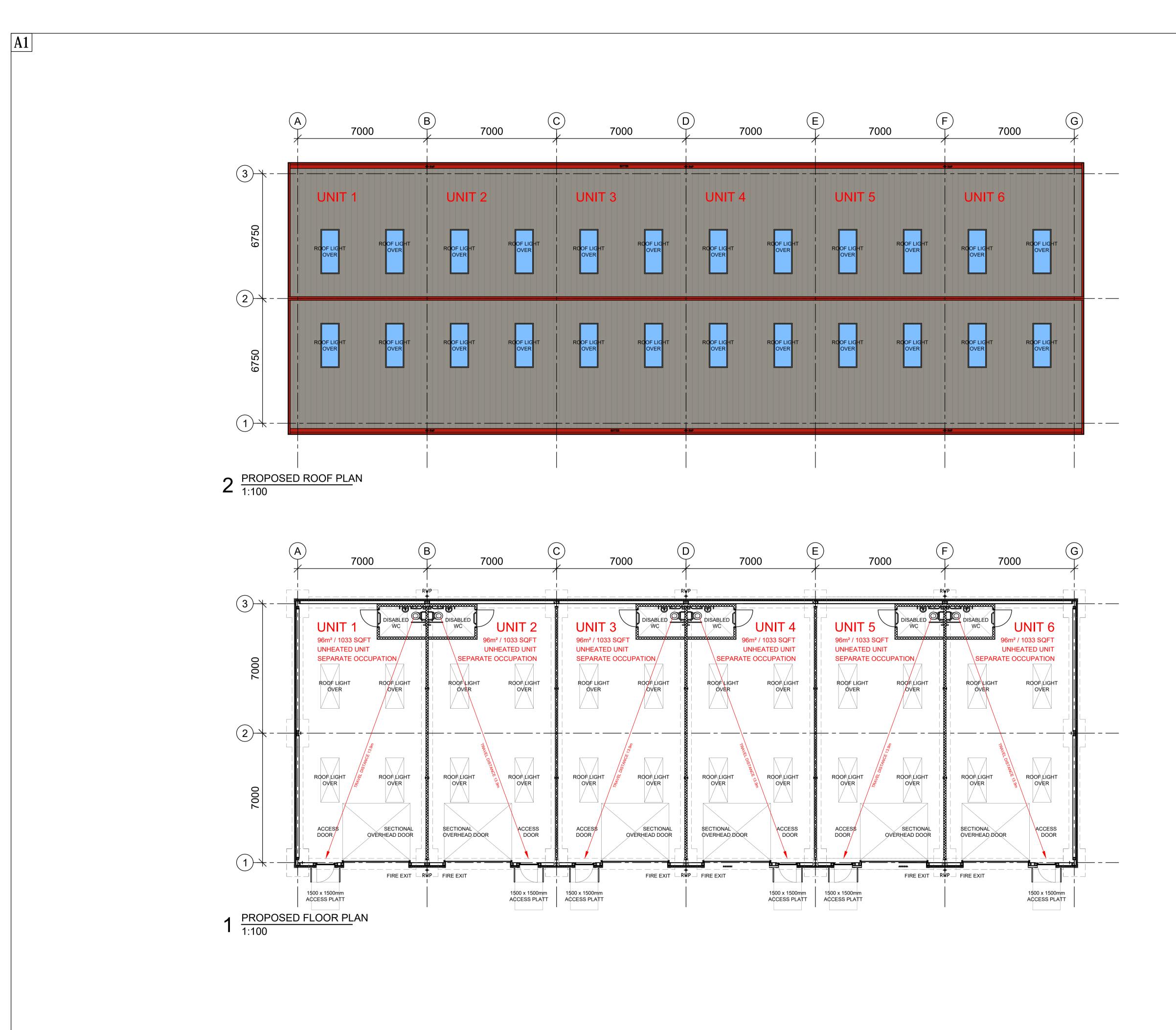


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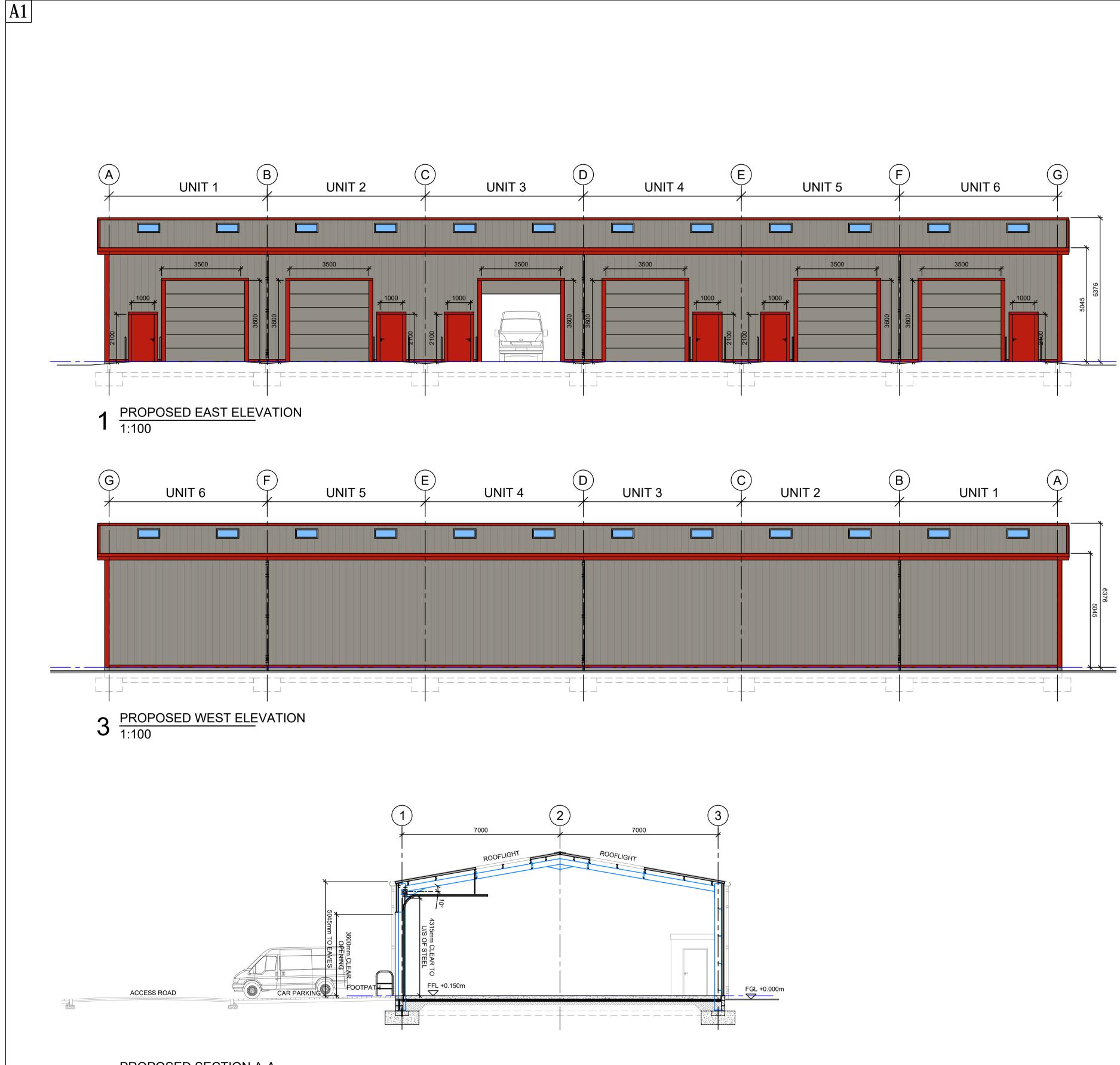
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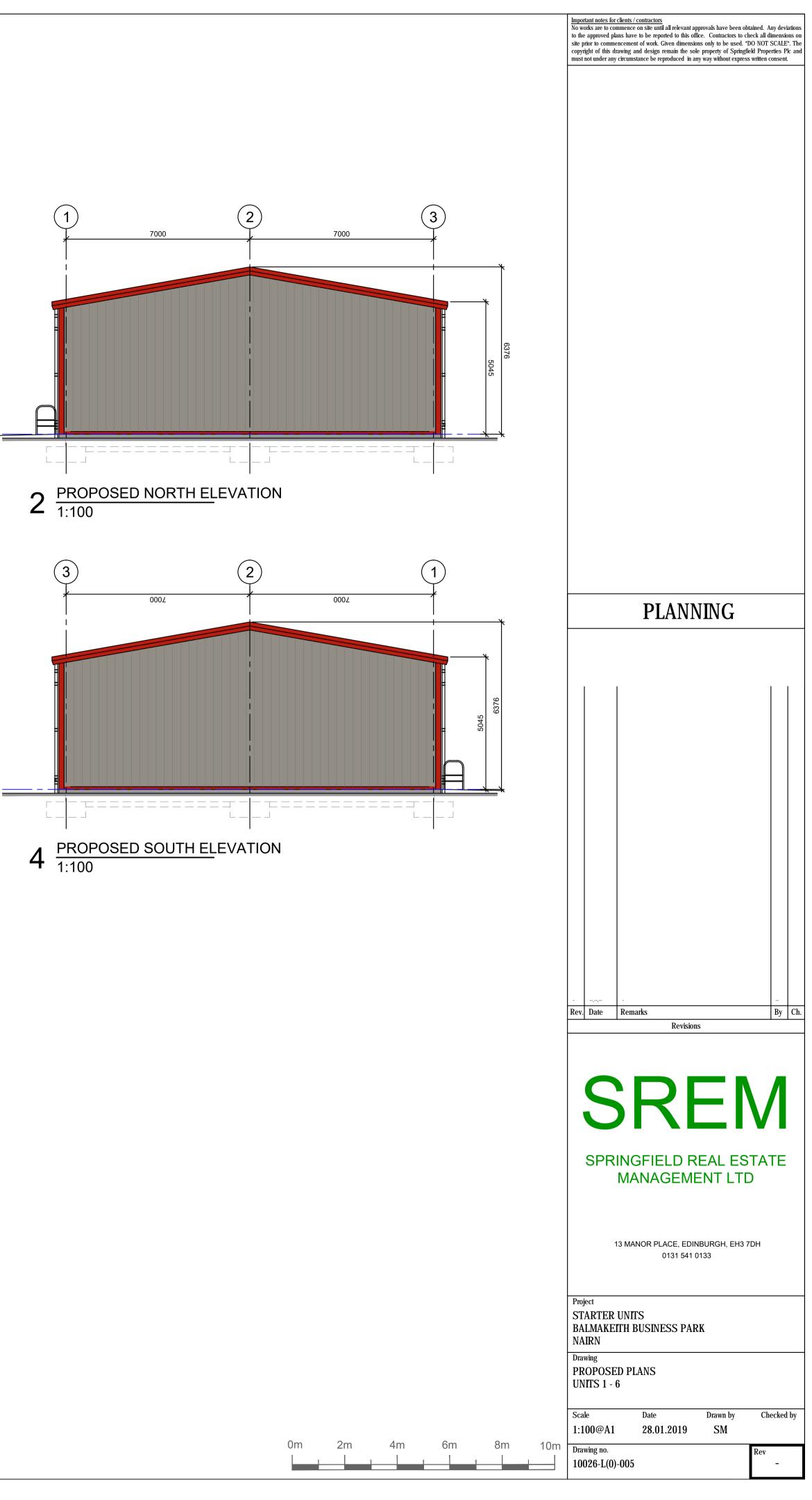
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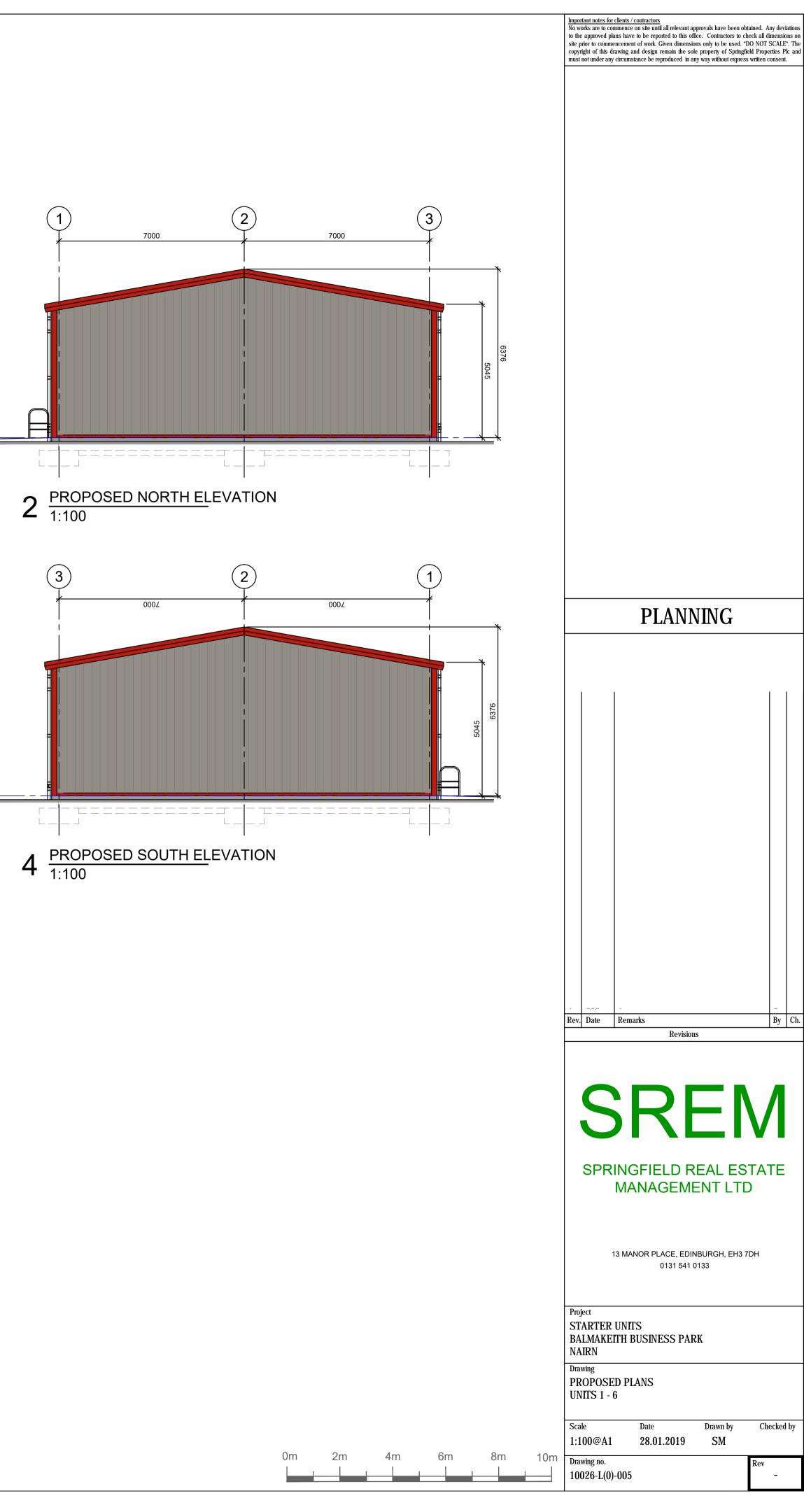


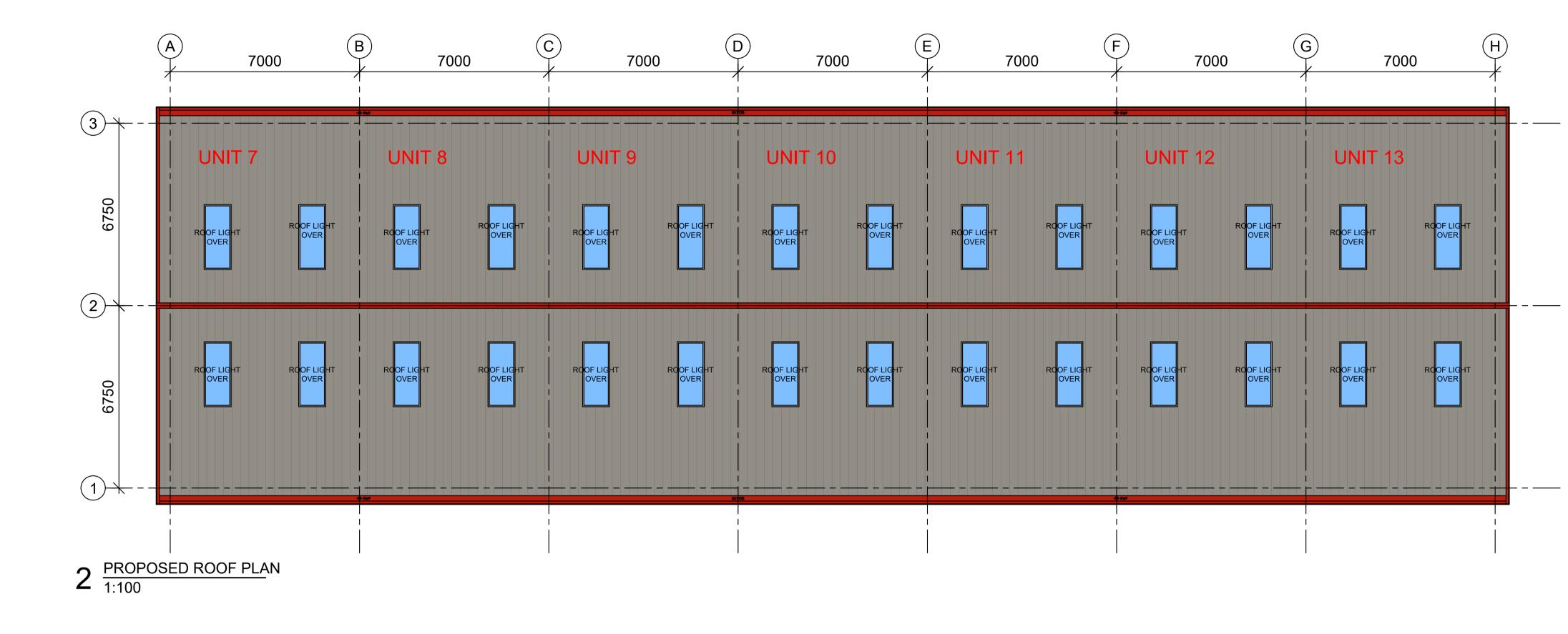
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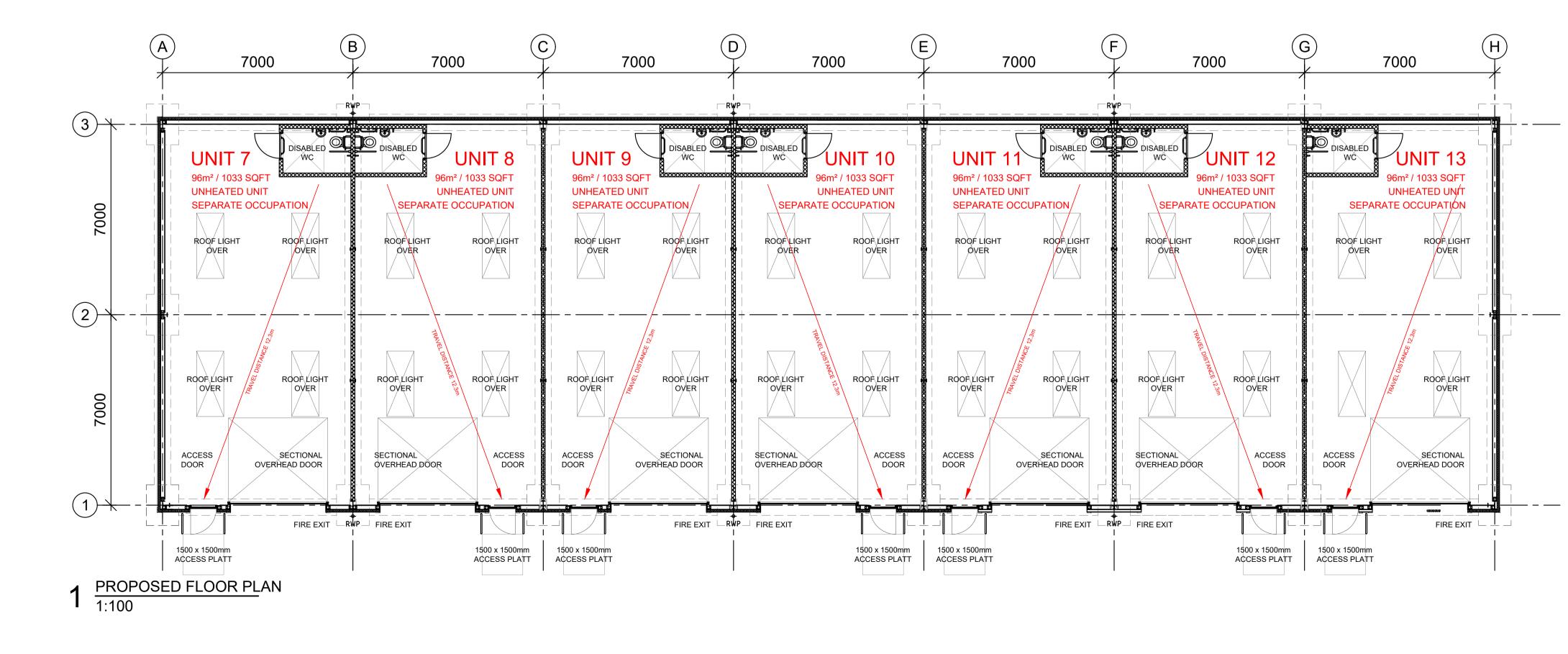


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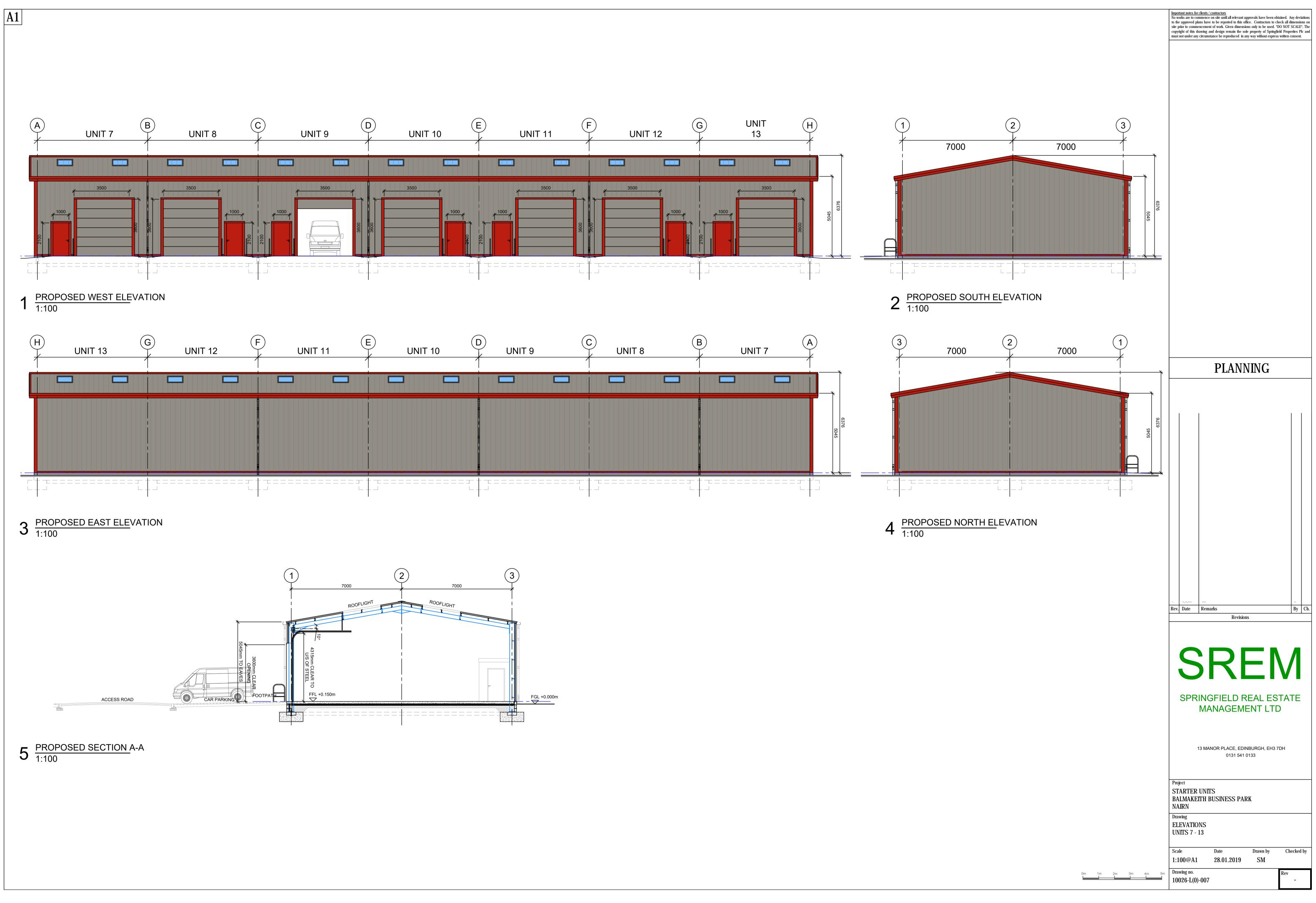


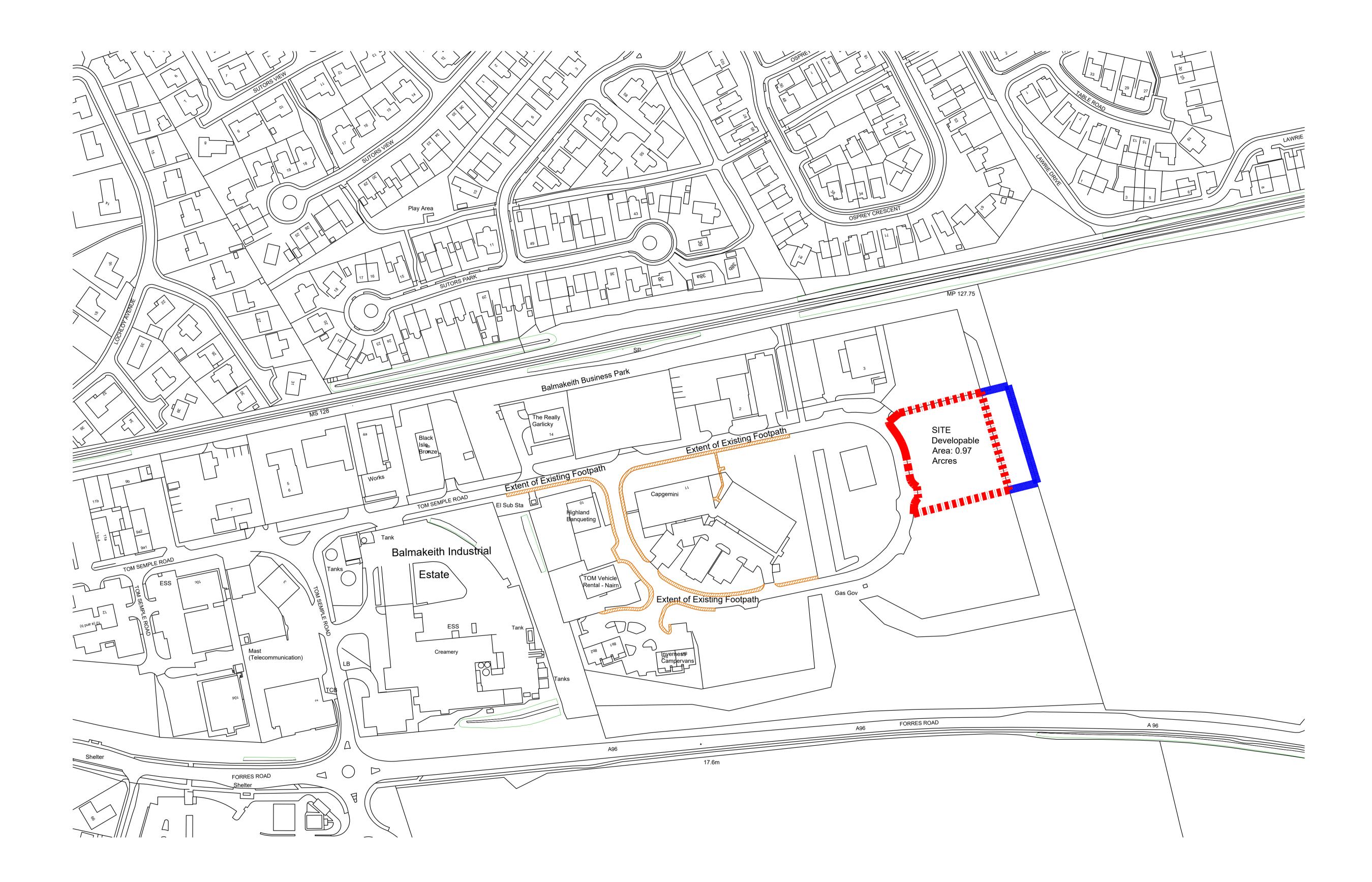




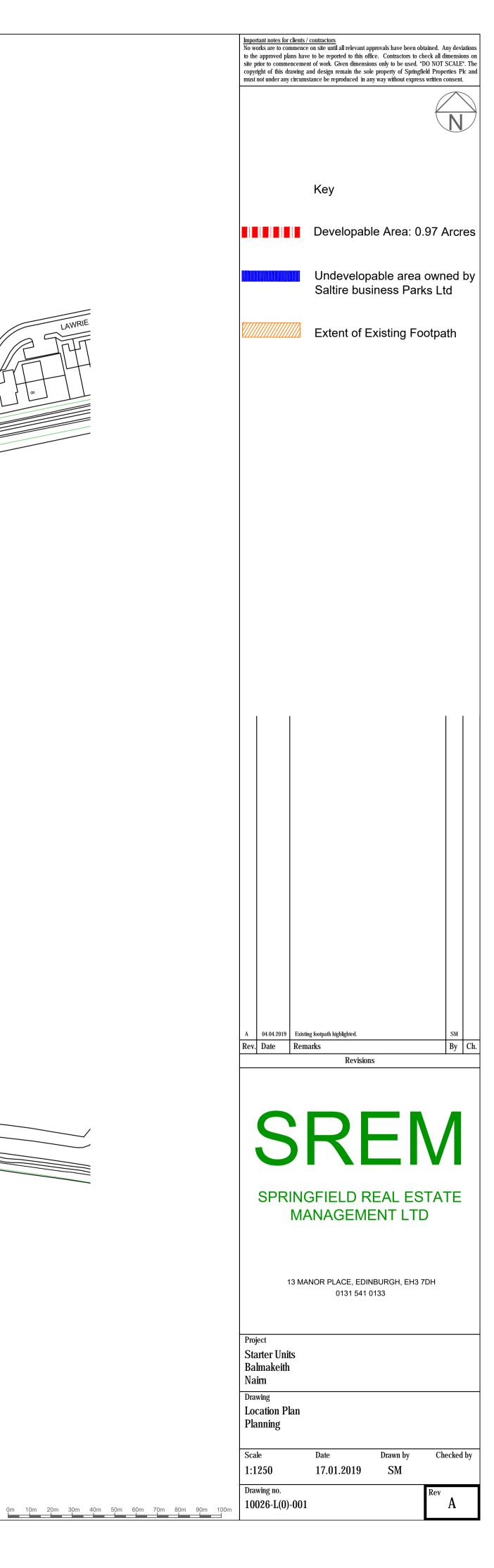
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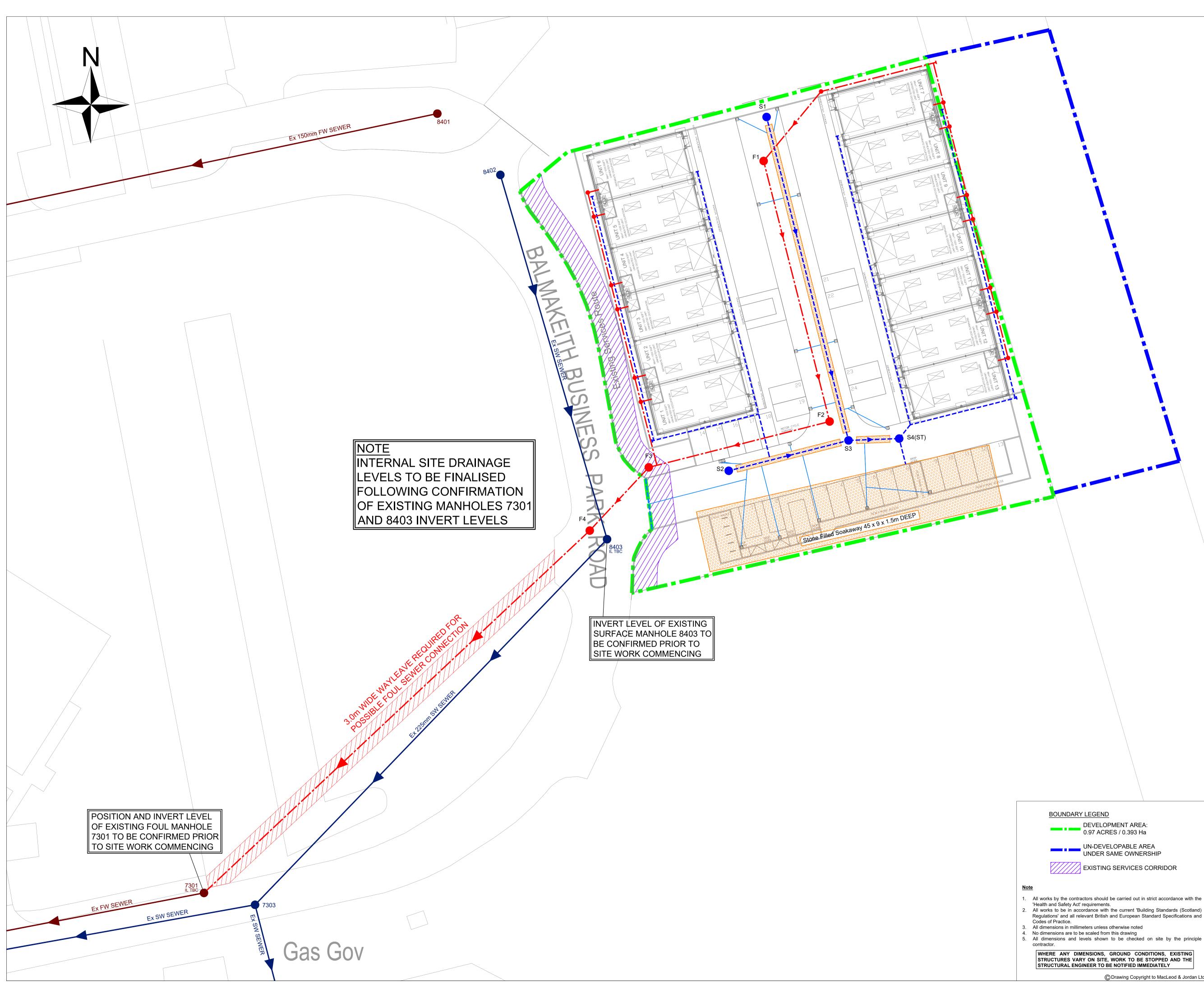
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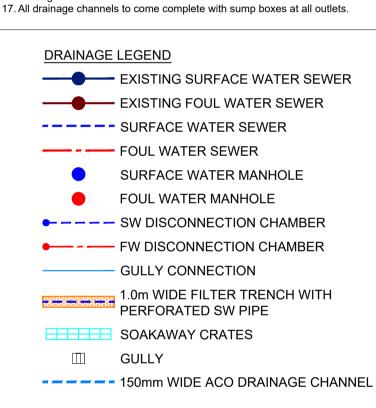


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Maintenance Scheme

- All drainage filter trenches to be continuously protected from ingress of
- construction materials during the construction phase of the works. . Prior to concreting all filter trenches to be washed down into silt traps and waste
- material to be removed when washings running clear. 3. All silt traps to be continuously monitored during construction and cleaned out
- weekly during construction phase of works 4. On completion of works, all pipework and filter trenches to be cleared of detritus
- and made ready to accept rainwater runoff from the site . The maintenance required to be adopted should initially be based on a bi-monthly routine during both wet and dry seasons when silt traps and pipework are routinely
- inspected and cleaned 3. It is anticipated that this will increase to quarterly cycle as the system acquires maturity and usage of the storage areas are determined

- <u>Notes</u> 1. Sewerage installation works to be carried out in accordance with "Sewers for Scotland, Fourth Edition - October 2018". 2. Pipe sizes and materials in accordance with Part 4 of Sewers for Scotland, Fourth
- Edition as follows: 2.1. Pipe sizes 150mm to 600mm diameter inclusive - Thermoplastics structured wall sewer pipe to comply with the relevant provisions of BS EN 13476-1 and
- WIS 4-35-01 and BS EN 13476-2 or BS EN 13476-3 with the properties specified in Clause 4.2.22 of Sewers for Scotland, Fourth Edition.
- 2.2. Pipe sizes 150mm to 300mm diameter inclusive Vitrified Clay pipes with manufacturer's flexible joints to comply with relevant requirements of BS EN 295 and BS 65 with the properties specified in Clause 4.2.18 of Sewers for Scotland, Fourth Edition.
- 2.3. Pipe sizes up to 500mm diameter inclusive Smooth walled uPVC to comply with the relevant provisions of BS 4660 and BS EN 1401-1 with the properties specified in Clause 4.2.21 of Sewers for Scotland, Fourth Edition.
- 2.4. Sewer diameters greater than 600mm Unreinforced or reinforced concrete pipes to comply with relevant provisions of BS 5911 and BS EN 1916 with the properties specified in Clause 4.2.19 of Sewers for Scotland, Fourth Edition. Concrete protection to sewers to be in accordance with Scottish Water
- specification. Concrete protection shown on drawings is for PVC pipework and is indicative only. Concrete surround is to be used for vitrified clay and concrete pipework. . Manholes to be constructed in accordance with Figures 19 to 23, and Clause 2.20
- of Sewers for Scotland, Fourth Edition, and BS EN 752. Safety chains to be provided where outlet pipe is 600mm Ø or greater. Ladders to be provided where depth is greater than 6m. . Disconnecting chambers to be provided on foul and surface water drains before
- connecting to sewers. Chambers to be:-5.1. 500mm Ø non-entry PVC chamber where depth to invert is 3.0m or less or,
- 5.2. 1200mm Ø precast concrete chamber where depth to invert exceeds 3.0m.
- . Gully and property connections to be 150mm diameter and positions to be verified on site prior to installation of branches. Tree planting adjacent to sewers to be restricted in accordance with Section 2C and Appendix XIII of " Sewers for Scotland, Fourth Edition - October 2018"
- . All levels related to Ordnance.
- 8. All drainage filter materials and attenuation devices must be installed at the end of the construction to ensure that silting does not occur. 9. All drainage to pass over the top of foundations unless otherwise approved by the engineer.
- 10. All drainage to be in accordance with BS EN 752. 11. For drainage works use grade 20 concrete, unless noted otherwise.
- 12. All cast iron gullies and manholes to BS EN 124 and BS 7903, where concrete or plastic are used appropriate British standards apply. 13. uPVC drains to be bedded on 5-10mm pea gravel or granular material conforming
- to BS EN 12620. 14. Vitrified drains to be bedded on 5-10mm pea gravel or granular material
- conforming to BS EN 12620. 15.Manhole/inspection chambers/ access fitting to comply with BS EN 124 and BS 7903.
- 16. All drainage channels tail sizes and spacing to be designed and specified by the drainage channel manufacturer.



А	23.04.19	FM	Revised to suit updated proposals
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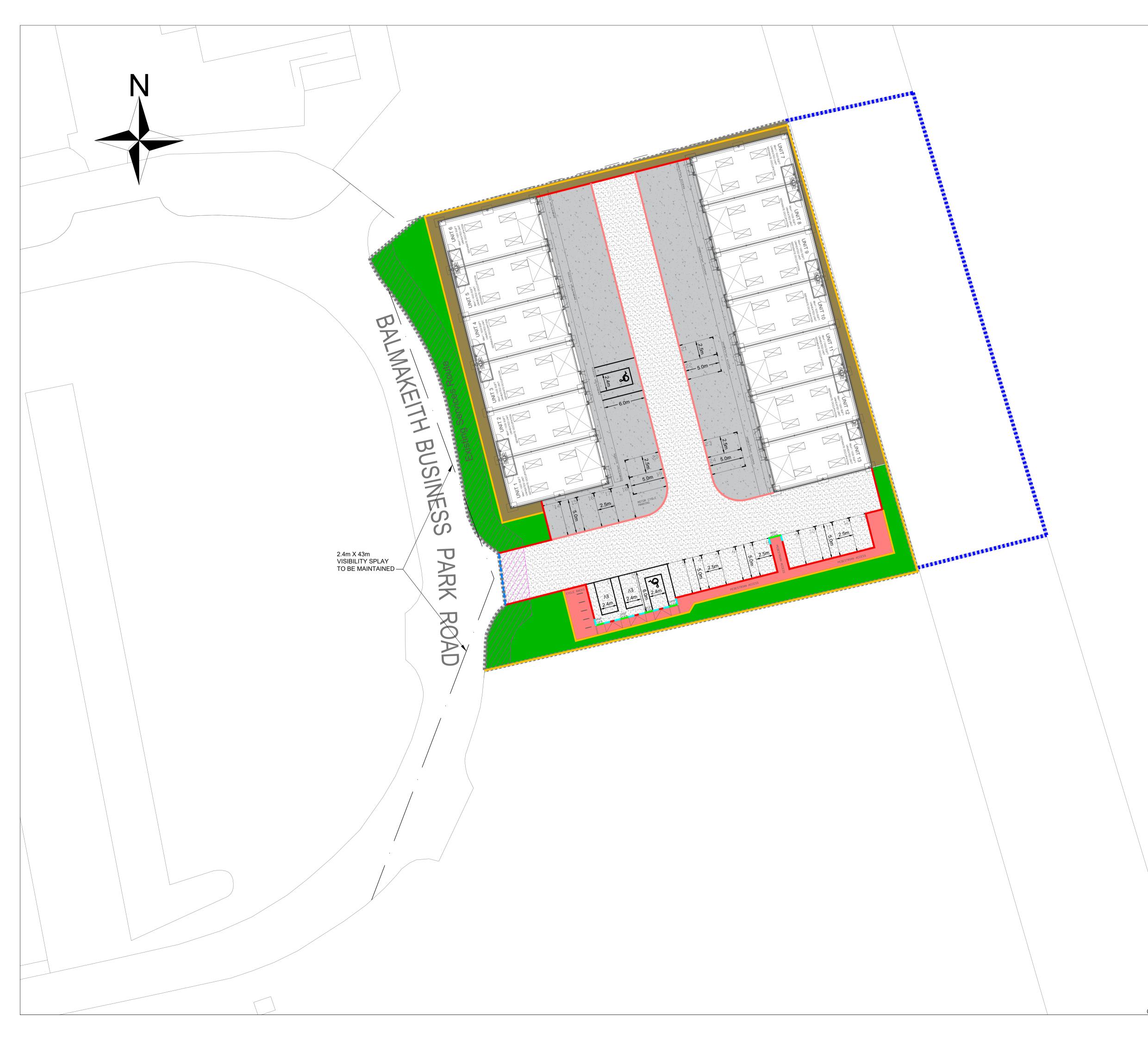
Street erdeen 325 1XQ

Tel: (01224) 646 555 info@macleodjordan.co.uk www.macleodjordan.co.uk

TER UNITS AT AKEITH BUSINESS PARK, NAIRN

NAGE LAYOUT

Date Drawn By **FM** 01.03.19 Checked By MJ Scale at A1 Status TENDER 1:250 Rev. Project No. Drawing No. 2001 12003 Α



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