Agenda Item	8.1
Report No	PLN/005/20

#### **HIGHLAND COUNCIL**

Committee: North Planning Applications Committee

Date: 21 January 2020

19/03444/FUL: Safe As Houses

**Report Title:** 

The Moorings, Great North Road, Muir of Ord, IV6 7SX

**Report By:** Acting Head of Development Management – Highland

## 1. Purpose/Executive Summary

1.1 **Description:** Demolition of building and erection of six unit assisted care facility

1.2 **Ward:** 08 – Dingwall and Seaforth

- 1 3 **Development category:** Local
- 1.4 Reason referred to Committee: 8 or more objections and objection from Community Council.
- 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. Recommendations

2.1 Members are asked to agree the recommendation to **Grant** planning permission as set out in section 13 of the report.

#### 3. PROPOSED DEVELOPMENT

- 3.1 The detailed proposal incorporates the demolition of an existing former hotel building, now used as a house; and the erection of a six unit assisted care facility. The proposed development is an L-shaped single storey building largely on the same footprint as the existing building, with the principal elevation facing Great North Road. It is proposed to be finished in wet dash render with a dark grey tile roof finish.
- 3.2 The accommodation comprises six one-bedroom apartments, each with separate living room, kitchen and shower room; warden's accommodation, staff kitchen and toilet; and communal room.
- 3.3 It is proposed to use the existing access point onto Great North Road with a parking courtyard between the building and the road, with seven car parking bays, a four-space cycle shelter and bin storage area. It is proposed to connect to existing public water and waste water networks. There is also an existing tarmacked parking space for around five cars in the same land ownership to the south of Fairways Avenue to the south, which is proposed to be used for overspill or visitor parking.
- 3.4 Pre-Application Consultation: 19/01335/PREAPP Pre-application enquiry in respect of proposed 1¾ storey 16 unit assisted care facility with access from Fairways Avenue. Response sent 22 May 2019 indicated it was considered that the proposal constituted overdevelopment of the site and arrangements for access and parking were not acceptable.
- 3.5 Supporting Information: Letter from NHS Highland
- 3.6 Variations: Revised Site Layout Drawing and Visibility Splay Drawing submitted 05 December 2019.

#### 4. SITE DESCRIPTION

4.1 The site is located to the west side of Great North Road in Muir of Ord and currently comprises a large hipped roof single storey building with glass conservatory on the principal elevation to this road. The property was originally a hotel, however it has been used as a house for the past ten years. The site is surrounded by housing on either side of Great North Road and on Fairways Avenue to the south and west.

## 5. PLANNING HISTORY

5.1	07/00428/FULRC Change of use from hotel to	Granted	26.06.2007
	house		

5.2 17/05688/FUL Demolition of building and Granted 26.04.2018 erection of three houses

#### 6. PUBLIC PARTICIPATION

6.1 Advertised: Schedule 3 and Unknown Neighbour

Date Advertised: 23.08.2019

Representation deadline: 06.09.2019

Timeous representations: 20 from 19 addresses

Late representations: 1

- 6.2 Material considerations raised are summarised as follows:
  - a) Concern permission for three houses has progressed to proposal for six flats without consultation with local residents;
  - b) Concern over potential asbestos in existing building to be demolished and how this is to be tackled to ensure no contamination of neighbouring properties/residents;
  - c) Proposed building does not fit with the style or profile of surrounding houses;
  - d) As access is onto the main road through the village and there are seven car parking spaces proposed, this will cause congestion impacting on an already busy road;
  - e) Inadequate facilities (infrastructure and bus services) in Muir of Ord to support further development;
  - f) No bat survey has been carried out and this should be investigated as there is a lot of bat activity in the area;
  - g) Loss of privacy due to proximity of back of building to adjoining properties;
  - h) Question over what developer contributions are to be paid given that other developments are having to contribute;
  - i) Proposed parking appears inadequate to serve facility for occupants, carers, wardens and visitors;
  - j) Visibility splays appear inadequate to ensure safety of pedestrians walking along Great North Road footpath;
  - k) Lack of any detailed drainage drawings to demonstrate that surface water drainage can be accommodated, with reference to downstream drainage being a problem in the area:
  - Queries over compliance of building, shower rooms and corridor with Building Regulations;
  - m) Garden area too small for number of occupants;
  - n) Disputed ownership of overspill car parking area.
- 6.3 Non-material considerations raised are summarised below as follows:
  - a) Concern over the sort of people to be housed there and the associated antisocial behaviour;
  - b) There are elderly people and vulnerable children in near vicinity to this proposal;
  - c) Potential fall in value of adjoining properties;

- d) Reference to Vulcan Cottage and alleged problems associated with this HMO property already existing in the village;
- e) Proposed facility presently has no licence and this should be secured before any development proceeds.
- 6.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 7. CONSULTATIONS

- 7.1 Muir of Ord Community Council: Object. The Community Council refers to a petition containing 160 signatures which it received, headed 'Stop Assisted Living House at the old Moorings buildings on Great North Road.' Concern is expressed that whilst planning permission was previously granted for the erection of three houses, this has now changed to the six-apartment unit now proposed. It is considered that the proposed building and its proposed use is not in keeping with the current residential nature or appearance of adjoining properties. Reference is made to the other local assisted care facility in the village which has generated antisocial behaviour, noise and regular police attendance. Comment is made in support of the objections lodged by local residents and specifically it is highlighted that the position of the facility on a main road, in a residential area, on a safe route to school and relatively close to the school makes the site inappropriate for such a proposal. In addition, reference is made to the existing area of car parking on the south side of Fairways Avenue, which has been used by residents for over 6 years should be retained for such public use.
- 7.2 **Transport Planning:** No objections subject to suspensive conditions being attached. The facility is well connected to the village centre with footways along the main road and bus stops nearby.

The development proposes to use the existing access and visibility splays of 2.4m x 90m should be achieved and maintained in perpetuity. A separate pedestrian access is proposed however the width is narrow, and a revised layout would be preferred. It is not expected that the proposed development will significantly increase the amount of vehicular traffic above that generated by 3 dwelling houses as previously approved. Amendments are required to the footway at the new access. Dropped kerbs should be provided to ensure wheelchair access across it.

Appropriate car parking provision for sheltered housing is 0.5 per unit plus one per resident staff (4 spaces). Seven spaces are shown and there are another five on the opposite side of Fairways Avenue in the applicant's ownership. Secure and covered cycle parking (at least four spaces) should be provided.

There is appropriate space available to allow cars and small vans to turn within the site and enter and exit the site in a forward gear.

Although an area for collection of the bins has been shown adjacent to the public road this may be within the revised visibility splay. There are also a lot of gates and a narrow footway which will make manoeuvring the bins to the pick-up point difficult. A revised layout would be preferred.

With regard to Surface Water and SuDS, Transport Planning have no comment as this is a private site and should not impact on road drainage.

7.3 **Flood Risk Management Team:** No objections. No specific concerns regarding flood risk at this location and no further comments to make.

#### 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
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 34 Settlement Development Areas
- 42 Previously Used Land
- 56 Travel
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

## 8.2 Inner Moray Firth Local Development Plan 2015

Policies: Within Muir of Ord Settlement Development Area. No site specific policies.

#### 8.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011) Developer Contributions (November 2018) Flood Risk and Drainage Impact Assessment (Jan 2013) Sustainable Design Guide (Jan 2013)

### 9. OTHER MATERIAL POLICY CONSIDERATIONS

## 9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government June 2014)

#### 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

### **Determining Issues**

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**

- 10.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy

- b) public representations
- c) any other material considerations.

### Development plan/other planning policy

- The site lies within the Settlement Development Area of Muir of Ord, in a central largely residential area with good links to village amenities and public transport links. The proposal for redevelopment of an existing site for residential use therefore complies with the development plan.
- The hipped roof design of the single storey building reflects the design, orientation and finished materials of the existing building on site and relates reasonably well to the established single storey buildings adjacent on Great North Road and Golf Terrace, maintaining the building line and principal elevation to those roads. The detailed design and layout therefore complies with the development plan.
- 10.6 Reference is made by objectors to the proposal being a House of Multiple Occupation, and therefore subject to assessment against HwLDP Policy 33 and associated Supplementary Guidance. This is not what is being proposed. The application comprises a sheltered housing facility with six individual self-contained apartments with separate warden's accommodation. A supporting letter submitted by NHS Highland states that it currently recognises the need for supported accommodation that will meet the needs of individuals with complex needs (such as with Autism and Learning Difficulties). The letter notes that NHS Highland is committed to the provision of support in ordinary housing to enable individuals to live in their own home in community settings. It is further observed that The Scottish Government's Coming Home report (2018) highlighted the needs of individuals with Learning Disabilities, Autism and associated complex needs and recommended that Health and Social Care Partnerships "Identify suitable housing options for this group and link commissioning plans with housing plans locally." This reflects NHS Highland's commitment to ensuring that vulnerable people have access to the supported housing they need to live safely and independently in their own homes. Development Plan policy (Specifically HwLDP Policy 28) is supportive of accommodation provision for all sections of society and states that we need to accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups.
- 10.7 With regard to Developer Contributions, reference is made to HwLDP Policy 34 and associated Supplementary Guidance (SG). The SG specifically excludes sheltered housing (provided for people who require occasional support and assistance from a resident warden); and one bedroom flats; from the requirement to contribute towards school contributions. There are no other applicable contribution requirements identified through the Policy and Supplementary Guidance or by consultees. The proposal therefore complies with the development plan in this respect.

## **Public Representations**

10.8 As can be noted from Section 6 above, a number of objections have been received from local residents. The material planning concerns relating to policy issues are covered above. Technical concerns relating to transport and flood risk issues have been considered by consultees in the Council's Transport Planning and Flood Risk Management teams and there are no objections, subject to conditions being

attached to ensure that access, parking and cycle storage is provided and maintained to the Council's Standards. Concerns expressed as to whether the development complies with Building Regulations are matters to be addressed separately by the applicant through the Building Warrant process.

10.9 The following material planning considerations are examined below:

#### Change from three houses previously approved to six unit assisted care unit

10.10 Planning Permission was granted in April 2018 for the erection of three detached houses on the site and remains extant. It is however open to the applicant to consider an alternative proposal for the site without recourse to public consultation. The current planning application process, involving neighbour notification, public advertisement and consultation with the local Community Council provides a statutory route for the submission and consideration of third party comments.

#### **Potential Contamination from Asbestos**

10.11 The demolition of the existing building will require a Demolition Warrant from the Council's Building Standards Service. This will interrogate the question of any possible asbestos, which, if existing, will require to be removed in compliance with statutory Health and Safety Regulations.

## Inadequate facilities in village to support further development

The site is served by public water and waste water networks and good road links. It is also well connected to Inverness, Dingwall and beyond by public transport links with a train station and bus stops within easy walking distance. There are shops, cafes, hot food take-aways and community spaces as well as parks, a golf course, a primary school, hotels and churches. The village is therefore well served by businesses, facilities and infrastructure. The redevelopment of an existing developed site in the heart of the village will help to sustain such facilities just as the facilities will help to serve the needs of future residents.

### **Need for Bat Survey**

10.13 The proposal involves the demolition of a currently inhabited, relatively modern building on a street lit main road through the village. It is therefore unlikely that there are any bats using the building for nesting or roosting and there are no signs of bat activity. A bat survey would therefore not normally be requested in such circumstances. However a standard informative note will be attached to any planning permission granted to alert the applicant to the offence under Natura legislation to deliberately kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species and appropriate steps to take should any protected species be identified during development.

### Loss of privacy to adjoining properties

10.14 Whilst there are some windows proposed facing adjacent properties from living and kitchen areas, the single storey layout and retention of the existing 1.8m high timber boundary fences will ensure that there is no material impact from the development on the established privacy and amenity of adjoining properties. The reinforcement

and maintenance of those fences will be secured as part of a condition requiring the detail of all boundary treatment to be submitted to and approved by the Planning Authority before any work commences on site.

### Dispute over ownership of parking area on Fairways Avenue

The applicant confirms ownership of the car parking area referred to and no evidence has been submitted to dispute that claim. In addition, the Council's Transport Planning team is satisfied that the parking courtyard proposed within the site itself between the new building and Great North Road is sufficient to accommodate the parking generated by such a development. The additional area exists as an overspill area only and therefore is likely still to be available for use by local residents and visitors.

## Matters to be secured by Section 75 Agreement

10.16 None

#### 11. CONCLUSION

- 11.1 The detailed proposal to demolish the existing former Moorings Hotel building and rebuild on a similar footprint to provide a modest number of assisted care accommodation units in a central village location is supported by Council policy and helps address NHS Highland ambitions for the provision of support in ordinary housing to enable individuals to live in their own home in a community setting.
- As noted above, the application has generated public objections, most expressing concern over the potential future residents of such accommodation. This is not a matter for the Planning Authority in determining a planning application. Similarly, as the accommodation comprises individual flats it will not be subject to licensing from the Council as a House of Multiple Occupation. NHS Highland has advised the Planning Authority that it is aware of and supports the planning application in principle, however for the owner of the proposed building to secure an agreement with a Registered Social Landlord, such as The Highland Council, Albyn or Cairn Housing Associations, at which point NHS would identify tenants and provide the 24-hour care packages required. Specifically, it is not a House of Multiple Occupation and can be conditioned to secure this.
- 11.3 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 No issued

**Subject to the above,** it is recommended that planning permission be **GRANTED,** subject to the following:

#### **Conditions and Reasons**

- 1. No development shall commence until amendments are submitted to and approved in writing by the Council to drawings 1816-L04 Rev A and 1816-L05 to show;
  - i) The visibility splays of 2.4 x 90m (the X and Y dimensions respectively) in both directions drawn so that the y distance of 90m is measured along the adjacent edge of the carriageway;
  - ii) The boundary fence line re-positioned or removed so that neither the boundary fence or the foundations for the new building intrude into the existing footway or service strip of Fairways Avenue. The continuation of the existing building line following a line offset from the kerbline to the original end of the fenceline at the back of the building is judged to be the extent of the existing public road;
  - iii) A disabled bay with the correct dimensions as shown in the Council's Roads and Transport Guidelines for New Developments Figure 6.4 (p157);
  - iv) Revised covered and secure parking for 4 cycles so that the dimensions comply with the Council's Roads and Transport Guidelines Figure 6.5;
  - v) Revised bin storage area to ensure it is located clear of the visibility splays required at i) above.

Prior to first occupation the development hereby approved the cycle parking, bin storage area, car parking and access arrangements shall be constructed in accordance with the approved plans. Thereafter all cycle and car parking spaces; and the bin storage area; shall be maintained in perpetuity and within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.6m anywhere along the Y dimension.

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

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including all boundary treatment) has been submitted to, and approved in writing by, the Planning Authority. Thereafter,

development and work shall progress in accordance with these approved details. For the avoidance of doubt, the boundary treatment with the adjoining properties on Fairways Avenue and Golf Terrace shall be installed and maintained as 1.8m high close board timber fences and the boundary treatment to the frontage of the building shall ensure that the visibility splays required as part of Condition 1 above are provided and maintained in perpetuity.

**Reason**: To ensure that the development is sensitive to, and compatible with, its context; and in the interests of safeguarding the established amenity and privacy of adjoining properties; and in the interests of road safety.

3. For the avoidance of doubt, this permission is for a maximum of six assisted care or sheltered apartments with supporting warden's accommodation only, as shown on the approved drawings. Specifically, it shall not be used or converted to form a House of Multiple Occupation or hostel accommodation without planning permission being granted on a future application to the Planning Authority.

**Reason**: To ensure that the Planning Authority retains control over development and in accordance with the use applied for.

#### **REASON FOR DECISION**

It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

#### TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

### **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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

#### **Scottish Water**

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

## **Local Roads Authority Consent**

In addition to planning permission, you will require a Road Opening Permit from the Area Roads Team prior to work commencing on or adjacent to the public road. This 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 for working on public roads/2

#### Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact <a href="mailto:env.health@highland.gov.uk">env.health@highland.gov.uk</a> for more information.

## **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Acting Head of Development Management – Highland

Author: Dorothy Stott

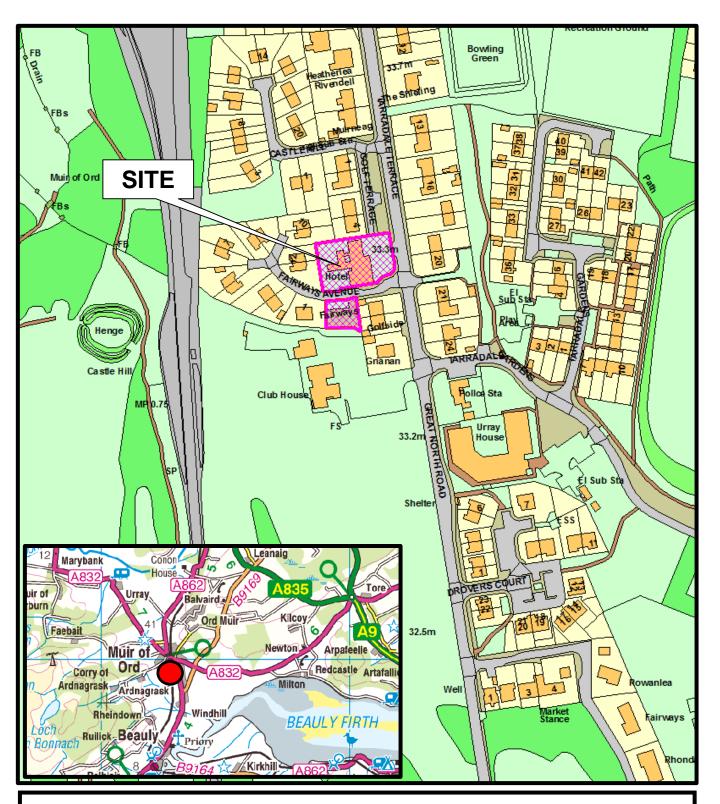
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan

Plan 2 - LP01 Location Plan

Plan 3 - LO4 Rev A Site Layout Plan

Plan 4 - PO1 Rev C Floor and Elevation Plan





Planning & Development Service

# 19/03444/FUL

Demolition of building and erection of six unit assisted care facility at The Moorings, Great North Road, Muir of Ord

