

Agenda Item	6.15
Report No	PLS-071-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 8 December 2020

Report Title: 20/02575/FUL: Mr T Manda; Fairfield Care Home (Inverness) Ltd
Fairfield Nursing Home, 68-70 Fairfield Road, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use of vacant care home to a house

Ward: 14 - Inverness Central

Development category: Local

Reason referred to Committee: Objections from 5 or more households

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the change of use of a former care home to one house [as detailed by Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997] containing 8 bedrooms. There will be no external alterations to the building. On the Fairfield Road frontage there are 5 mature mixed conifer and broad leaf trees.
- 1.2 In terms of parking provision 2 spaces can be provided to the front of the property facing Fairfield Road and 8 spaces formed to the rear through the formation of a parking area from rear garden of the property with access from Lochalsh Road.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: None
- 1.5 Variations: Site plan (PL039 Rev D) (5.11.2020), Ground Floor (PL041 REV B) and First Floor plan (PL042 REV B) (12.10.2020), Tree Protection and Planting Plan (PL037 Rev A) (12.11.2020).

It should be noted that the original layout showed the 32 bedrooms of the former care home. This has been changed to 8 bedrooms by the revised ground and first floor plans.

2. SITE DESCRIPTION

- 2.1 The building was previously used as a care home and has an existing vehicular access from both Fairfield Road and Lochalsh Road. It is located on a corner site at Fairfield Road / Lochalsh Road and has been formed by the joining / extension of two original stone villas facing Fairfield Road.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|---------------------------------|
| 3.1 | 06.02.2020 | 19/05347/FUL - Change of use of care home to 32 bedroom hotel/guest house | Refused.
Review
dismissed |
|-----|------------|---|---------------------------------|

The application was refused on the following grounds:

- 3.2 "The proposal is contrary to Policy 28 (Sustainable Design) and Policy 44 (Tourist Accommodation) of the Highland wide Local Development Plan as its very nature, location and scale would be detrimental to the established residential character of the area and the amenity of the nearby residents and the community as a whole."

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 11.09.2020

Representation deadline: 25.09.2020

Timeous representations: 13 (12 objections and 1 neutral representation)

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- a) Conversion into bed and breakfast, hotel or HMO
- b) Insufficient parking for house with multiple bedrooms (such as existing internal layout of 32 bedrooms for former care home) especially if there are to be staff and visitors. Already a parking problem in the area.
- c) Section 75 agreement to ensure a maximum of 2 houses on site and avoid commercial use

4.3 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.

5. CONSULTATIONS

5.1 **Transport Planning:** No Objections

Parking - The Council's in-curtilage parking standards Guidelines for residential houses are 2No. spaces for houses up to 4No. bedrooms and 3No. spaces for houses with 5 or 6No. bedrooms. The standards also identify that "for general housing units with more than 6No. bedrooms, higher levels of car parking would be expected". The guidance (6.3.2.10) states that for driveways accessing onto busy or high speed roads, the driveway needs to have a turning area of sufficient size to allow vehicles to enter and exit in forward gear, for road safety.

The applicant has clarified that for the purpose of this current application the house will have no more than 8 bedrooms. The rest of the rooms will be for a variety of other domestic purposes, e.g. dining, snooker, dressing rooms. The proposed number of domestic rooms is 27, based on 35 care home bedrooms and this development promotes 8 bedrooms.

The revised Proposed Site Plan shows the proposed layout and level of in curtilage parking provision for this 8 bedroom house to be 10 spaces. The proposed level of parking provision is acceptable, due to the ratio of 1.25 spaces per bedroom. The parking layout comprise 2 spaces with access from Fairfield Road, and 8 to the rear of the building with access from Lochalsh Road. The proposed parking layout is acceptable, because the Fairfield Road layout is similar to the existing arrangement and the rear parking area has a in curtilage turning facility.

Waste Management - Waste collection is offered to the householder at the kerbside. Developers should ensure sufficient space is incorporated within their development for the placement of waste containers at the kerbside on collection days. The revised refuse storage and collection areas as shown on the Proposed Site Plan drawing are acceptable.

5.2 **Forestry Officer:** No objections

The Tree Protection and Planting Plan (PL037 Rev A) shows the retention of the category C tree (T1) and category B tree (T4) and the removal of trees T2, T3 & T5 which are all category U. This could be accepted.

Tree T4 is within an existing tarred area so the proposed car parking here does not change the situation. The proposed crown lift is accepted and the proposed tree

protection measures around the stem during demolition are welcome and could be accepted as a condition of consent.

Tree T1 has an existing footpath within the grounds on the north side of the stem which is similar to the proposed path. The path could be retained, or minor adjustments made to the route as long as the RPA of the tree is safeguarded by Tree Protection Plan proposals as a condition of consent.

The indicative tree planting proposals shows 6 No new trees to be planted. This is welcome and the necessary further details could be required as a condition of consent.

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 & Place-making
31 - Developer Contributions
34 - Settlement Development Areas
51 – Trees and Development
56 - Travel

6.2 Inner Moray Firth Local Development Plan 2015

The site is located within the Settlement Development Area of Inverness

6.3 Highland Council Supplementary Planning Policy Guidance

Roads and Transport Guidelines for New Developments (May 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Not applicable

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, design and amenity
- c) parking and bin provision
- d) trees
- e) any other material considerations.

Development plan/other planning policy

- 8.4 The site is located within the Settlement Development Area of Inverness as defined in the Inner Moray Firth Local Development Plan (IMFLDP). HwLDP Policy 34 presumes in favour of development within such areas provided all other applicable policies of the development plan are complied with. Policy 28 Sustainable Design lists a number of criteria against which all developments are assessed. Of particular relevance to this proposal is the impact upon individual and community residential amenity; accessibility by car; and, use of existing buildings.
- 8.5 Policy 51 Trees and Development states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites.
- 8.6 Policy 56 Travel seeks to assess the suitability of the proposal on the basis of inter alia an appropriate level of parking provision and appropriate mitigation on or off site.

Siting, Design and Amenity

- 8.7 The proposal seeks to establish the principle of reversion to the original residential use of the building as a single house. The original submission showed the existing internal layout of the former care home with 32 bedrooms and other rooms related to the care home. Following discussion with the applicant, the proposal has been amended, with the internal layout adjusted to 8 bedrooms on the first floor and rooms on the ground floor related to the residential use.
- 8.8 Representations relate to the potential use of the house by multiple residents and possible future use as bed and breakfast, hotel or HMO. Members will note that any future proposal for the building, such as subdivision from a single house, guest house, hotel or HMO, would require the consideration of a further Planning Application. However, this proposal is for a single house and the application has to be assessed on its merits as such. This use as a single house can be controlled by condition.
- 8.9 The proposed use of the building as a single house falls within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This allows for any house to provide Bed and Breakfast in 2 bedrooms (as in this instance as the house would have 4 or more bedrooms) without the need for Planning Permission. Members will note that there are other houses in the area that currently provide B&B. It is not considered that a restriction of the number of houses on the site, by a s75 legal agreement would be appropriate.
- 8.10 The proposed conversion of the disused care home to a single house does not require any changes to the external fabric of the building, and its reuse as a single house is considered to be appropriate within a residential area of Inverness.

- 8.11 The proposed use as a single house is acceptable in terms of residential amenity. The proposal is therefore considered to accord with Development Plan Policy 28 (Sustainable Design) and Policy (34 Settlement Development Areas) in those terms

Parking and bin provision

- 8.12 The site is located on the corner of Fairfield Road/Lochalsh Road. Although Fairfield Road is a minor residential road, it is an important distributor route in the area; it links directly onto the A82 and acts as a feeder road for traffic from its side streets and the Dalneigh Area. From its junction with the A82 up to its junction with Harrowden Road, Fairfield Road is subject to a 20mph speed limit, has waiting restrictions on both sides of the road and parking bays are for permit holders only. This proposed development is just beyond the end of these restrictions. Fairfield Road is also a bus route.
- 8.13 The original submission showed the existing internal layout of the care home. A revised internal layout has been submitted to show a possible arrangement for use of the property for 1 house, with 8 bedrooms. Ten off-street parking spaces are shown on the site layout plan; 2 off-street parking spaces are proposed onto Fairfield Road and 8 spaces are shown to the rear with access off Lochalsh Road. The latter option involves the use of the existing rear garden as parking.
- 8.14 The Council's parking standards do not specify parking provision required for a house, with in excess of 6 bedrooms. Following the change in the numbers of bedrooms from 32 to 8 and the change in the parking layout, Transport Planning have advised that the level of parking provision provided is satisfactory. They have indicated that the revised site layout drawing (PL039 Rev D) which shows 2 spaces onto Fairfield Road, and 8 spaces to the rear, off Lochalsh Road, is acceptable, and would allow for the safe manoeuvre of a car within the rear of the site (accessed off Lochalsh Road), and then its exit from it in a forward gear. Notwithstanding the submitted plan and the comments from the Transport Planning team, the manoeuvring space is still considered to be tight.
- 8.15 On the frontage with Lochalsh Road there is a large bin storage area following the building's use as a care home. This area will be reduced in size for the single house, with the section of wall in front of the bin store being removed to allow for safe access and storage for the bins. As a consequence of this reduction in bin storage and changes to the wall, the visibility from the access for vehicles onto Lochalsh Road, and visibility by pedestrians of vehicles emerging from it, will be improved.

Trees

- 8.16 There are 5 trees - lodgepole pine, lawson cypress, common lime, and western red cedar - on the frontage with Fairfield Road. The trees are not protected by a Tree Preservation Order. The Forestry Officer has reviewed the Tree Protection and Planting Plan (PL037) and is satisfied with the 3 tree removals – 1 lodgepole pine, lawson cypress and western red cedar - as these are of little amenity value and are too close to the existing building. The common lime in the middle of the access (T4) and 1 lodgepole pine (T1) in the garden are to be safeguarded. The tree planting proposals (3 onto Fairfield Road and 3 in the rear garden) are welcomed. The removal/safeguarding/re-planting can be addressed by condition.

Other material considerations

8.17 There are no other material considerations.

Developer's Contributions

8.18 No Developer's Contributions are necessary for this proposal.

Matters to be secured by Section 75 Agreement

8.19 None

9. CONCLUSION

9.1 The re-use of this building as house within a residential part of Inverness is not considered to have any significantly detrimental impacts on the established and existing residential amenity of the area. The 10 off-street parking spaces have been assessed against the Council's in-curtilage parking standards Guidelines (houses with more than 6 bedrooms) and are considered to be acceptable. The removal of some trees accompanied by replacement planting is welcomed as it would improve the immediate streetscape and open-up the frontage of the building.

9.2 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.

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 N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

Conditions and Reasons

1. Permission is hereby granted for the use of the building as one dwelling house only, as defined by Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, with 8 bedrooms only, as shown on drawings PL041 Rev B and PL042 Rev B, with any increase in the number of bedrooms requiring the express permission of the Planning Authority.

Reason: In order to clarify the terms of this permission, in the interests of residential amenity and road safety.

2. Prior to the first occupation of the development hereby approved, 10 car parking spaces shall be provided within the application site as shown on drawing PL039 Rev D. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In interests of road traffic safety

3. The proposed wheelie/kerbside recycling bin storage area, as shown on drawings PL039 Rev D and PL044, shall be constructed prior to the first occupation of the development, and thereafter maintained in perpetuity and shall involve the removal of the section of wall onto Lochalsh Road.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

4. With effect from the date of this permission, no trees other than those specifically agreed, as shown on drawing PL037 Rev A, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority

Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

5. Prior to any site excavation or groundworks, all retained trees, as shown on drawing PL037 Rev A, are to be protected against construction damage using protective barriers located beyond the Root Protection Area or as indicated in the Tree Protection Plan, drawing PL037 Rev A. Barriers shall remain in place throughout the construction period and shall not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

6. No development shall commence until a detailed Tree Planting Plan, based on drawing PL037 Rev A, and maintenance programme, shall have been submitted to and approved by the Planning Authority. The Tree Planting Plan shall be implemented in full during the first planting season following

commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: In the interests of amenity.

REASON FOR DECISION

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.

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 & 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

Planning Permission – B&B

Up to a maximum of 2 bedrooms can be used for the purposes of Bed and Breakfast without the requirement for planning permission. Any number in excess of that figure would require a Planning Application for a Change of Use to Class 7 (Hotels and Hostels).

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 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_for_working_on_public_roads/2

Building Warrant

A Building Warrant may be required and you are advised to contact Building Standards for advice prior to any works being undertaken.

Mud & 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.

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 env.health@highland.gov.uk for more information.

Signature: Dafydd Jones
Designation: Area Planning Manager – North
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 PL001 Location Plan
Plan 2 PL002 REV A Existing site layout plan
Plan 3 PL039 REV D Proposed Site Plan
Plan 4 PL041 REV B Ground Floor Plan
Plan 5 PL042 REV B First Floor Plan
Plan 6 PL037 REV A Tree Protection & Planting Plan



DO NOT SCALE, IF IN DOUBT PLEASE ASK
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



PLANNING APPLICATION

REVISIONS		
rev.	description	date

Client
Fairfield Carehome (Inverness)

Project
**68 - 70 Fairfield Road
 Inverness**

Drawing
Location Plan

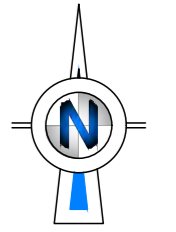
Scale 1:1250@A3	Date 10.2018	Drawn by ca
Project no 2640	Dwg no PL001	Rev

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 STONEYFIELD BUSINESS PARK TEL (01463) 237229
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk

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PLANNING APPLICATION

REVISIONS

rev.	description	date
A	Boundary adjustment	06.19

Client
 Fairfield Carehome (Inverness)

Project
 68 - 70 Fairfield Road
 Inverness

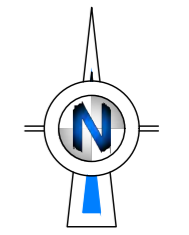
Drawing
 Existing Site Plan

Scale	Date	Drawn by
1:200@A2	07.2018	CA

Project no	Dwg no	Rev
2640	PL002	A

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 BUILDING CONSULTANTS LTD
 WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
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 TEL (01463) 237229
 FAX (01463) 243258





PLANNING APPLICATION

REVISIONS

Rev.	Description	Drawn	Date
A	Car parking adjustment	CL	14.10.20
B	Car parking adjustment	CL	03.11.20
C	Tree alterations	CL	04.11.20
D	Car parking adjustments	CL	10.11.20

Client
 Fairfield Care home (Inverness) Ltd

Project
 68 - 70 Fairfield Road
 Inverness

Drawing
 Proposed Site Plan

Scale	Date	Drawn by
1:200@A2	10.2020	CL
Project no	Dwg no	Rev
2640	PL039	D

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 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk

TEL (01463) 237229
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PLANNING APPLICATION

Rev.	Description	Drawn	Date
A	Title re-naming	CL	25.08.20
B	Room Clarification	CL	06.10.20

Client
 Fairfield Care home (Inverness) Ltd

Project
 68 - 70 Fairfield Road
 Inverness

Drawing
 Ground Floor Plan

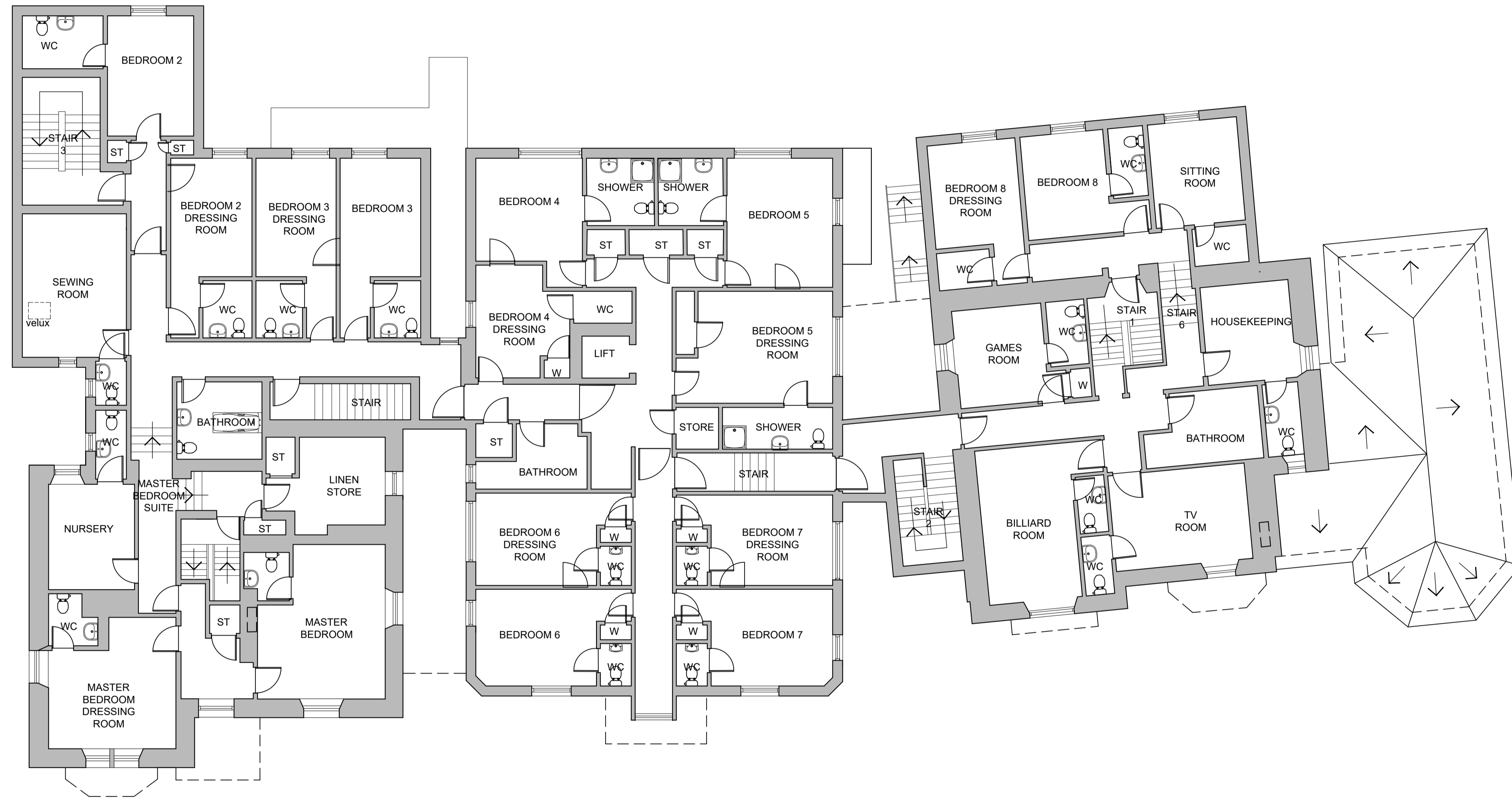
Scale 1:100@A1	Date 07.2020	Drawn by CL
Project no 2640	Dwg no PL041	Rev B



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 Email: technical@ghjohnston.co.uk

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PLANNING APPLICATION

REVISIONS

Rev.	Description	Drawn	Date
A	Title re-naming	CL	25.08.20
B	Room Clarification	CL	06.10.20

Client
 Fairfield Care home (Inverness) Ltd

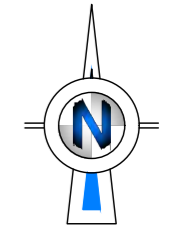
Project
 68 - 70 Fairfield Road
 Inverness

Drawing
 First Floor Plan

Scale 1:100@A1	Date 07.2020	Drawn by CL
Project no 2640	Dwg no PL042	Rev B



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PLANNING APPLICATION

REVISIONS

Rev.	Description	Drawn	Date
A	Car parking adjustment	CL	10.11.20

Client
 Fairfield Care home (Inverness) Ltd

Project
 68 - 70 Fairfield Road
 Inverness

Drawing
 Tree Protection and Planting Plan

Scale
 1:200@A2

Date
 10.2020

Drawn by
 CL

Project no
 2640

Dwg no
 PL037

Rev
 A

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 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk

TEL (01463) 237229
 FAX (01463) 243258

