| Agenda Item | 6.8 |
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| Report No | PLN/096/22 |

## HIGHLAND COUNCIL

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\begin{array}{ll}\text { Committee: } & \text { North Planning Applications Committee } \\
\text { Date: } & 6^{\text {th }} \text { December } 2022\end{array}
$$ \begin{array}{ll}Report Title: \& 22 / 02997 / F U L: Dunbeath \& District Centre per Oberlanders Architects <br>

Land 20M SW Of 9 Neil Gunn Road, Dunbeath\end{array}\right]\)| Area Planner Manager - North |
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Development category: Local

Reason referred to Committee: Community Council objection.
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 the application as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

1.1 The application seeks consent for the erection of a new Health and Wellbeing hub alongside associated infrastructure including the formation of new access, improvement of an existing turning head, formation of car parking area and footpath link. The hub itself is proposed to be sited towards the north-western boundary of the site and would be formed over a single storey across a largely rectangular footprint featuring an asymmetric roof pitch. Its total floor area is 300 metres squared with external materials consisting of cedral cement fibre cladding with a roof covering of standing seam aluminium. 12 car parking spaces are proposed to the south of the building with a mini-bus space immediately adjacent to the hub within the road verge. A footpath will link the car parking area to the street network in Dunbeath and a polytunnel is also proposed towards the eastern boundary.
1.2 The hub is intended to replace the existing Dunbeath Community and Wellbeing Centre (which has a floor space of 110 metres squared) which lies just east of the site but on an increased scale and will continue to provide the existing services it offers with additional services able to be added and a greater number of users accommodated. These are classes and events which are primarily intended for the elderly but with other services capturing all age groups. The proposed facilities range from social clubs, bingo, yoga and arts and crafts. A lunch club, outreach meal delivery service and community food larder will also be provided as well as a degree of health-based services such as virtual consultations and physiotherapy.
1.2 The site currently includes a turning head area which would be extended into the site to form its access and there is an existing electricity pole and lines which traverse the southerly portion.
1.3 The applicant utilised the Council's formal Pre-Application Advice Service for Local Developments in July 2021 with advice issued on $27^{\text {th }}$ August 2021; this noted broad support for the proposed development and highlighted issues which would require to be resolved with any application. A follow up meeting was also held with the applicant, Planning Authority and Transport Planning to allow fuller discussion of roads related issues.
1.4 The application is supported by a Design Statement, Drainage Statement and Transport Statement.
1.5 The site layout plan and roads layout drawing were amended on $27^{\text {th }}$ October to add details of proposed long sections for the footpath link; to confirm the existing pedestrian link to the A9 will be retained and to annotate car parking space dimensions (drawings ref: 148165-PC-1001 REV A and 2717-OBE-XX-XX-D-A-0103 REV B)

## 2. SITE DESCRIPTION

2.1 The site is positioned towards the south of the village of Dunbeath which lies on the eastern coast of south Caithness. It is a rectangularly shaped area of grassed ground to the rear of the existing Dunbeath and District Centre and an associated car parking area owned by Highland Council; extending to 0.22 hectares and sloping relatively steeply from northeast to southwest. It is bounded by existing housing along Neil

Gunn Road along its eastern boundary and Achorn Road to the west where there is existing turning head extending into the site. The A9 trunk road runs to the northwest of the site with a footpath from this main road leading to Achorn Road. The Health Centre lies adjacent to the south-west portion of the site.
3. PLANNING HISTORY
3.1 27.08.2021 21/03532/PREAPP Advice Issued
3.2 There is no other planning history since electronic records began.

## 4. PUBLIC PARTICIPATION

4.1 Advertised: Not Required - Neighbour Notification only

NNs sent: 12.07.2022
Representation deadline: 04.08.2022
Timeous representations: 66-14 objections and 52 support comments
4.2 Material considerations raised are summarised as follows:

Objection Comments
a) The development is too tight on the site with no room for expansion
b) The site has a steep slope - building not built into site
c) The building will dominate the surrounding area and is not suited to a modern style
d) Traffic congestion concerns along Achorn Road
e) Safety Risk from increased traffic
f) Existing road layout is confusing and dangerous
g) The level differences across the site are not suited to those with mobility issues
h) Adverse impact on amenity along Neil Gunn Road and along other boundaries
i) Insufficient parking provision
j) Transport bus area will restrict access to the adjacent garage; parking in front of this property will also be restricted
k) An existing hedge planted in the road verge will be removed resulting in loss of privacy
I) Increase in noise via delivery lorries
m) Development of the site will increase CO 2 levels
n) Excessive groundworks required
o) Concerns regarding loss of existing footpath
p) Adverse impact on wildlife
q) Light pollution concerns

## Support Comments

a) Current building is limited on space highlighting a need for a larger practice
b) Building will be an asset to the community and will support other grounds
c) The development would lessen restrictions on number of people attending activities and events
d) Health and mental wellbeing benefits
e) The site is well suited in relation to post office, bus terminus and sheltered housing on Neil Gunn Road as well as church, fire station and school

## Non-material considerations

- There are preferable sites - the existing community hall and centre
- The existing centre is sufficient and should be extended
- Concerns about intended future use of existing health centre/ this building become defunct and an eyesore
- The letters of support have no factual reasoning and the reason for the development is conjured up
- The site should be used as a wildflower meadow
- Negative impact on house prices
- Displacement of others from different communities due to the catchment area
- The development has an operational growth manager suggesting a fait accompli
- Surveys in relation to the desire for the development are not accurate
- Competition with existing businesses
- Unrealistic to include proposal to have visiting podiatrists and other health professionals - existing practices cannot recruit staff
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 Berriedale and District Community Council object to the development. Its response notes the following concerns which have been separated into those which are material in the assessment and those which are non-material:

## Material

- Concerns over the carbon footprint of the development exacerbated by the catchment area extending to Wick and Thurso
- Overdevelopment of the site due to traffic and parking
- Advice at pre-application to build the hub into the site has been ignored - the building will overpower the surrounding buildings.
- No pre-application consultation was undertaken with the community


## Non-Material

- The need for the development is questioned noting that the existing medical centre has a room for specialist treatment already - the NHS will not support this
- The business plan for the development is not realistic and does not result in a need for the development
- Competition with existing businesses that offer catering
- No exit strategy is the building becomes unsustainable through lack of funding
- The low usage of the current building due to limited opening times does not warrant the capital being spent on a new facility
- Day centres should intrinsically be for local people and those who grew up in the area - questions whether it is correct for those from Wick and Thurso to attend
- Local Councillors with one exception have not discussed the CC's concerns
5.2 THC Flood Risk Management Team have no objection subject to conditions. The Flood Risk Management Team has reviewed the information provided by the Applicant and has no objection to the proposals subject to the drainage related planning conditions outlined below.


## FLOODING

i). SEPA's online strategic flood mapping shows that the site lies outwith any indicated areas of flooding during a 1 in 200 year return period storm event. This suggests that the flood risk from these sources may be low.
ii). The Highland Council holds a record of flooding adjacent the site on the 30th May 2007. It appears that this was a roads drainage matter affecting a property on the other side of the A9 from the development site. The incident is recorded as resolved thanks to works to the drainage. It appears that the likelihood of this source having an adverse flood impact on the development is low.
iii). The FRM Team's default position is that a minimum freeboard of 250 mm is provided between the finished floor level and the surrounding ground level. This should be secured by an appropriately worded planning condition. If a lower freeboard is sought, this should be justified in terms of flood risk.

## DRAINAGE

iv). The site lies in relatively steep ground with property belonging to others (or the potential to belong to others), immediately down slope. It appears that any runoff created by the proposed development would be inclined to head towards these properties, without the benefit of suitable controls.
v). The Applicant has provided a detailed Drainage Statement by Fairhurst, ref 148165, June 2022. The Drainage Statement considers existing drainage in the surrounding area and the proposed new drainage for the greenfield site. It demonstrates that an infiltration drainage scheme would be appropriate and proposes a suitable scheme, as shown on Preliminary Drainage layout 148165 PC2000 rev B.
vi). It appears that the adjacent public road which would provide access to the development may presently drain into the existing green field. The Applicant proposes to provide new gullies on this road to separate public road water from development's drainage. These gullies would then connect to a surface water sewar in the Highland Council's control.
vii). The FRM Team notes from the Highland Council's Transport Planning consultation response, dated 21.07.22 that it has no objection in principle to this arrangement. As such, this appears to be a viable discharge point and the FRM Team has no objection.

However, a suitably worded planning condition should be used to ensure that there is no construction until a formal agreement is reached between the roads Authority and the relevant parties. This is to ensure that there will be an appropriate discharge location for roads water.
5.3 THC Transport Planning Team has no objection subject to conditions. TP confirm no objection in principle to connection of limited road drainage to what the applicant
has identified as a Council maintained surface water sewer. The ownership, route and general condition of the sewer will, however, need to be confirmed prior to formal agreement of such a connection. It will be for the applicant to take this matter forward in consultation with the local roads office.

We note the comments of the FRM team, dated 25.08.22, and support the recommendation for a suitably worded planning condition to ensure that a formal agreement is reached between the roads authority and relevant parties regarding an appropriate discharge arrangement for road drainage.

## Access, Internal Road and Parking Layout

No objection in principle to the arrangement proposed, subject to the following requirements.

The additional information is noted. Some of the batter slopes formed will be relatively steep, it will be for the developer to ensure that all such slopes will remain stable.

We note that use of the District Centre Car Park has been agreed with the Council as owners of the car park.

We note the long section provided; however, we would express some concern with the steep gradient and the practicality of using the path, particularly in winter conditions. Have alternative routes been considered, and/or the introduction of steps?
Parking dimensions noted and accepted.
Pedestrian link noted and accepted.
The inclusion of the footway is noted. A planning condition regarding delineation of the extent of adoption is recommended.
Formal road works consent will be required for all works intended for adoption by the Council, as roads authority. The final detail of roads related works will be agreed through the consent process.

## Waste Management

Provision for the storage and collection of waste materials shall be made in accordance with the requirements of the Council's supplementary planning guidance, Managing Waste in New Developments.

## Street Lighting

Street lighting shall be provided within and, as necessary, outwith the development to the satisfaction of the Council's Area Lighting Engineer.

## Summary/Conclusions

No objection in principle to the development proposed subject to the matters identified above being addressed to the Council's satisfaction. We look forward to further information from the applicant in this regard. Matters previously identified appear to have been largely satisfactorily addressed.
5.4 Transport Scotland do not propose to advise against the granting of planning permission
5.5 Scottish Water have no objection and confirm there is capacity in their Water Treatment Works and Waste Water Treatment Works.
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
30 - Physical Constraints
31 - Developer Contributions
56 - Travel
65 - Waste Water Treatment
66 - Surface Water Drainage
6.2 Caithness and Sutherland Local Development Plan 2018

Dunbeath is identified as a Growing Settlement
6.5 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Managing Waste in New Developments (March 2013)
Sustainable Design Guide (Jan 2013)

## 7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (2014)
National Planning Framework 3 \& Finalised Draft NPF4:
Revised Draft NPF4 was laid in Scottish Parliament on 08 November 2022 for its consideration; at the time of writing, this is ongoing and Scottish Parliament's decision is awaited. Revised Draft NPF4 may for now carry some, but limited, weight in the consideration of applications.

Designing Streets
Creating Places

## 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) national planning policy
c) principle of development
d) siting and design
e) impact on amenity
f) access and parking
g) flood risk and drainage
h) impact on infrastructure and services and proposed mitigation (developer contributions)
i) any other material considerations

## Development plan/other planning policy

8.4 The site lies within Dunbeath which is identified as a 'Growing Settlement' in the adopted Caithness and Sutherland Local Development Plan. Such areas do not contain site allocations or boundaries however a range of general criteria against which proposals are to be assessed are detailed in Policy 3 which also notes the need to take account of the Placemaking Priorities for each settlement. For Dunbeath this includes capitalising on the strategic A9 location; supporting re-use of brownfield land; developing housing to the east of Neil Gunn Road and protecting natural heritage features which cover its coastal areas.
8.5 The proposal also requires to be assessed against the general policies of the Highland-wide Local Development Plan listed in Section 6.1. In particular the design for sustainability criteria of Policy 28 for the assessment of all applications are key determining issues. Of particular relevance to this application are criteria relating to sensitive siting and high-quality design in keeping with local character; impacts on community and residential amenity; compatibility with public service provision; accessibility; maximise energy efficiency; and reduce waste. These considerations are reinforced through Policy 29, which emphasises good design by requiring developments to be judged according to their contribution to the visual and architectural quality of the place they are located, as well as to Council place-making objectives by being an integral part of the settlement.
8.6 In addition to the above, HwLDP Policy 56 for Travel requires proposals that are likely to generate increased travel activity at the location should include sufficient information in order that the impact of this, both on- and off- site, may be assessed. Key considerations include, availability of public transport modes, opportunities for walking and cycling, safety and convenience of potential users, access, and parking.
8.7 Finally, Policies 64 (Flood Risk), 65 (Waste Water Treatment), and 66 (Surface Water Drainage) seek to ensure that sites are not at risk of flooding or causing flooding elsewhere by avoiding areas of known flood risk in the first instance and including appropriate mitigation where required. Developments must meet standards to minimise the risks of flooding and pollution by being properly drained either through connection to the public sewer and / or being drained through appropriate SUDS arrangements. The above matters are considered through the Planning Assessment which follows.

## National Planning Policy

8.8 The current Scottish Planning Policy document and the finalised draft version of National Planning Framework 4, recently laid before Parliament, both emphasise the importance of creating liveable places with NPF4 noting the importance of better places to support lifelong health and wellbeing to build future resilience. This is reflected in its Policy 23 which notes that development proposals that will have positive effects on health will be supported with increasing weight also given to mental health in addition to physical.

## Principle of Development

8.9 The proposed development is not considered to conflict with any of the Placemaking Priorities identified for Dunbeath in the CASPlan as referenced in paragraph 8.4 and is viewed positively when assessed against Policy 3 particularly with respect to the provision of an improved facility. The site forms an infill opportunity in between existing development within Dunbeath and is located close to existing active travel links including the footpath from the A9 which connects to the remainder of Achorn Road and bus stop as well as being within walking distance of the existing health centre, village centre and shop. Its location is such that it complies with the policy intents stipulated in NPF4 particularly the 20-minute neighbourhood concept and through the provision of a facility to aimed at improving both physical and mental wellbeing for the community. The principle of development is therefore considered be acceptable subject to a detailed assessment of material considerations which are reflected in the general policies of the Highland-wide Local Development Plan.
8.10 In this instance much of the objection received in relation to the proposal has been in relation to the perceived 'need' for the development and how robust this is. In planning terms, the development type is not one which would generate any requirement for a needs case to be put forward rather that the need for the development is assumed. Nevertheless the applicant has cited the documents put forward as part of the site purchase from the Highland Council which was completed through the Community Asset Transfer process and which included a number of studies setting out needs case for the development and how it was intended to be funded. It is evident through the 52 support comments received on the application that the existing centre provides a well used and cherished community asset with the existing building having somewhat outgrown its premises. Its replacement will therefore allow for improved facilities to be provided and which will cater for a larger number of people that is currently allowed for. The Design Statement also evidences the constraints with expanding the existing facility due to limited space and the internal layout.

## Siting and Design

8.11 As noted above the site forms an infill opportunity in between existing development along its east, north and southern boundaries and is well placed to benefit from active travel links and its close proximity to a number of existing facilities including the health centre which lies opposite. The proposed layout shows the building itself located towards the northern (A9) boundary of the site where the site levels are flattest with a section of underbuild required along the eastern elevation. It has been referenced in objections that the proposal does not address the requirements of preapplication advice which stipulated the building should be 'built into' the site - this advice was prepared ahead of any details of the development being supplied and therefore was based on the building being sited more centrally within the site where a greater level difference would have needed to be addressed. The siting of the building on the flattest area of ground represents the optimum solution in practical construction terms through limiting the extent of engineering operations and groundworks within the site as well as ensuring the building is accessible on level ground from the new access and car park. Siting has also been determined as a result of the site analysis presented within the Design Statement which has examined the opportunities and constraints of the site including its sun path, slope and proximity to existing uses.
8.12 The proposed building will add a new and more contemporary addition to the area. The material palette is kept simple consisting of cement fibre clad exterior walls with standing seam roofing. Sections of painted boards will however bring some colour to the building with the proposed recessed entranceway providing shelter. The fenestration has also been kept relatively simple with full height glazing being limited to the eastern elevation facing the proposed car park.
8.13 It is acknowledged that the proposal represents an increased floorspace to that of the existing centre and would see the development of a more elevated site. The development has however been limited to single storey with use of recessed entranceway and asymmetric roof pitch aiding in breaking up the overall massing. Use of careful landscaping is also proposed including proposed tree planting and use of grass eco paving within car parking areas. The areas of the site not proposed for the building/car parking will also be planted with a meadow mix; all of which will help to assimilate the new building into its landscape. Overall the design of the building appears to have been well considered to take into account both internal and external factors including the need to be functional yet welcoming and to take account of adjoining land usage. As such the proposal is considered to broadly accord with the general policies of the Highland-wide Local Development Plan in this respect however careful consideration of amenity impact is required as detailed below.

## Impact on Amenity

8.14 The proposed development is adjoined by residential uses to the northeast (No. 6 Neil Gunn Road); southwest (White Cottage, Achorn Road); southeast (Brae View Cottage) and Balnabruich House which lies to the north west on the other side of the A9 however faces into the site. There is further housing operated by Trust Housing
as sheltered properties located further along Neil Gunn Road however these are well separated from the site due to an existing car park.
8.15 The position of the building within the site also ensures it is offset as much as possible from both White Cottage and No. 6 Neil Gunn Road which are the closet houses to the site. With respect to No. 6 Neil Gunn Road, this house is orientated with its principal elevation facing the existing car park and therefore sits gable onto the site. The juxtaposition of the proposed building and separation distance from this property means it will not result in any adverse impact on its privacy; there is however potential for overlooking of the rear garden area. This could be addressed with the re-siting of the polytunnel closer to the rear building line of the house in order to provide a screening. This is secured by condition. The impact on White Cottage does however have potential to be greater; the offsetting of the building, the recessing of its entranceway and the fact its roof ridge will be 1.4 m lower than this house will aid in minimising impact including through light pollution created within the building. The property also has a large hedge to the front which is built within the road verge; the agent has confirmed this may require to be trimmed as part of the proposals in order to help reinstate the full extent of the road however it will not require to be removed and therefore its retention will restrict any overlooking of the property from the hub. The introduction of a new building at this location will of course increase the overall activity at the site however the main new access is again offset from White Cottage to aid in minimising overall disruption. A condition is added to ensure minibus parking is strictly in accordance with the plans and therefore not in front of White Cottage.
8.16 The site is also overlooked by Balnabruich House which sits to the other side of the A9 around 40 m from the proposed building. The property is a 1.5 storey house bound along its front boundary by a stone wall and hedging. The separation distance coupled with the single storey nature of the building and it ridge height lower than that of White Cottage also seen within the view from Balnabruich House will all aid in reducing its overall impact from this location. For both White Cottage and Balnabruich House, the siting of the building further towards its boundary towards Neil Gunn Road would lessen any overall impact through a lower height however as noted above this has to be weighed against the challenges of building within a slope including a greater level of engineering works and associated build costs, potential impacts on surface water drainage through re-contouring of land and the potential need for retaining walls as evidenced in the submitted site analysis.

## Access and Parking

8.17 The proposed development would be served from Achorn Road through both the creation of a new access leading directly into the proposed car park and the improvement of an existing turning head to provide a drop off area. A car parking area of 12 spaces will be formed to the southeastern portion where levels are again flattest. A raised table crossing point will facilitate pedestrians traversing the access to reach the building. A mini bus parking space will also be formed within the road verge adjacent to the proposed hub and sufficient space is accounted for such that an informal turning area can be provided for drop offs.
8.18 The proposed access and parking strategy for the development is based on the business plan for the hub which predicts an average of 25 no. visitors at any one time however with capacity for this to increase to 36 no. The hub will be staffed by a total
of five team members working a mix of full time, part time and volunteering roles. Staff who require to park will do in the existing car park adjacent to the current centre rather than the new car park proposed as part of the development. For users of the centre, the submitted Transport Statement breaks down anticipated mode of arrival with active travel, collection and drop off by minibus and drops off by family/friends accounting for $65 \%$ of users, with the remaining $35 \%$ utilising their own cars. This equates to a demand for 9 parking bays, which is accommodated within the proposed layout.
8.19 The car park associated with the existing centre to the southwest will remain available for overflow parking where required with the proposed footpath link providing pedestrian access to the hub from this location. The gradient of the path, due to the levels across the site, is steep, indicated as being 1:7 in the main but levelling out to $1: 19$ where it adjoins the existing car park. Use of the path to facilitate pedestrian access to the proposed hub would however only be required in the event of the existing car park being utilised for overflow parking; the main car park for the hub is proposed immediately adjacent to the building.
8.20 Transport Planning have queried the future use of the existing building and whether the existing car park can be relied upon for overflow parking. This is yet to be confirmed however the applicant has indicated options are being explored for its conversion to holiday accommodation to cater for those with mobility restrictions with the entire building providing one holiday unit; this would exert very little parking pressure on the existing car park ensuring ample overflow space would remain available. As such Transport Planning have no objection to the car parking, which is Council owned, being retained for overflow parking where required.

## Flood Risk and Drainage

8.21 SEPA's online strategic flood mapping shows that the site lies outwith any indicated areas of flooding during a 1 in 200 year return period storm event. This suggests that the flood risk from these sources may be low. The Council's Flood Risk Management Team have noted that there are records of flooding adjacent the site on the 30th May 2007 however that this was a roads drainage matter affecting a property on the other side of the A9 from the development site. The incident is recorded as resolved thanks to works to the drainage. It appears that the likelihood of this source having an adverse flood impact on the development is low. A minimum freeboard of 250 mm is requested by the FRM team, to be provided between the finished floor level and the surrounding ground level. This is secured by condition.
8.22 The site lies in relatively steep ground increasing the importance of suitable surface water drainage measures being in place. The application is supported by a Drainage Statement which considers existing drainage in the surrounding area and the proposed new drainage for the site with the proposed infiltration solution presented in the submitted drawings. This demonstrates that the roof water from the building and will be captured by a series of down pipes and discharged into the sub-based later of the permeable parking bays. Car park run-off will similarly discharge to these bays which will provide treatment and attenuation before being discharge to groundwater via infiltration.

The Drainage Statement also notes that a Highland Council operated surface water sewer runs parallel with the Scottish Water combined sewer along the south eastern boundary. It is proposed to add new surface water sewers and gullies to capture runoff from the public road (which currently has no formal surface water drainage measures in place) and direct it to the existing Council sewer. This will enable surface water drainage from the public road to be kept separate from that of the proposed development. Transport Planning and the FRM Team have both noted no objection to this arrangement and a planning condition is attached to ensure that there is no construction until a formal agreement is reached between the roads Authority and the relevant parties. This is to ensure that there will be an appropriate discharge location for roads water.
8.23 The development is capable of connecting to the public sewer to address foul drainage. Overall the proposal is considered to be in accordance with the Highlandwide Local Development Plan with respect to flood risk and drainage.

## Impact on infrastructure and services and proposed mitigation (developer contributions)

8.24 The application requires to be assessed against the adopted Developer Contributions Supplementary Guidance. In this instance there are no identified infrastructure projects to which the development would be expected to contribute. It is not considered that the location of the site would necessitate the need for public art to be provided.

## Other material considerations

There are no other material considerations.

## Non-material considerations

8.26 The issues highlighted as being non-material in representations are not relevant in the assessment of the application.

## 9. CONCLUSION

9.1 The proposed development seeks to provide a new community facility to address deficiencies with the existing centre and build on its success. The application has attracted a lot public comment mostly for but also against the proposal. Objections received including one from Dunbeath Community Council which referenced concerns over siting, design and amenity. The application has also attracted a large amount of public support with comments recognising the crucial role the centre currently plays within the community and its ever-increasing importance during a cost-of-living crisis. It is considered that the proposal responds to the need to provide a functional and energy building, the design of which has been derived from a detailed site analysis. It has also had to take account out of the constraints of the size such its overall size and slope. It is inevitable that the introduction of a new building on the site will bring about a degree of change however it is evident that the applicant has sought to minimise this as far as practicable.
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): The application seeks to provide a replacement community facility, with the site having been purchased through the Community Asset Transfer process.
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

Subject to the above actions, it is recommended to GRANT the application subject to the following conditions and reasons:

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. No development shall commence a finalised site layout plan has been submitted to and approved by the Planning Authority. The layout shall show the proposed polytunnel sited around 3.5 m south east of its current position and project no further eastwards than the rear building line of the house known as No 6 Neill Gunn Road. The development shall thereafter progress in accordance the approved details.

Reason: In order to safeguard the amenity of the adjacent house.
3. No development shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity
4. No development shall commence until a formal agreement is in place regarding the discharge of surface water from the adopted road into an existing Highland Council sewer. The agreement shall specifically include the location of the proposed discharge. The development shall thereafter progress in accordance with the approved details with the agreed surface water drainage for the adopted road installed prior to first use of the building hereby approved. All other surface water drainage provision for the proposed building and car park within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

Reason: To ensure the proposed surface water drainage measures are fully agreed.
5. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. 148165-PC1001 REV A shall be completed in full and made available for use. In particular minibus parking shall only take place within the allocated mini bus parking space or within the car park. Thereafter, the access and all car parking spaces shall be maintained for this use in perpetuity. For the avoidance of doubt the proposed footway alongside Achorn Road and around the perimeter of the turning head shall form part of the adopted road. As necessary, the extent of adoption shall be delineated by flush edge kerbs, change in colour or texture of construction materials, or other approved means prior to the first occupation of development.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.
5. Prior to the first occupation of the development the footpath linking the site to the existing car park on Neil Gunn Road shall be installed and made available for use. The footpath shall thereafter be maintained in perpetuity by the applicant.

Reason: To facilitate pedestrian access from the proposed overflow car park.
6. The vehicle turning area shown on the approved plans shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the public road.
7. There shall be no vehicle deliveries to, or the unloading or loading of delivery vehicles within, the application site outwith the hours of 8 am to 7 pm inclusive,
unless otherwise approved in writing by the Planning Authority as an exceptional instance for operating outwith these hours.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.
8. Any external lighting within the site or its boundaries shall be positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.
9. The building hereby approved shall have a minimum freeboard of 250 mm between the finished floor level and the surrounding ground level.

Reason: To prevent risk of flooding.
10. 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 a high standard of landscaping is achieved, appropriate to the location of the site.

## 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.

## INFORMATIVES

## 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.

## 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 08456018855.

## 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 wor king on public roads/2

## Mud \& 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 env.health@highland.gov.uk 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

Signature:
Designation: Area Planning Manager North
Author: Gillian Pearson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 2717-OBE-XX-XX-D-A-01-01 REV A
Plan 2 - Site Layout Plan 2717-OBE-XX-XX-D-A-01-03 REV B
Plan 3 - Roads Layout Plan 148165-PC-1001 REV A
Plan 4 - Floor Plan 2717-OBE-XX-00-D-A-20-01 REV A
Plan 5 - Roof Plan 2717-OBE-XX-XX-D-A-20-02 REV A
Plan 6 - Section Plan 2717-OBE-XX-XX-D-A-20-03 REV A
Plan 7 - Section Plan 2717-OBE-XX-XX-D-A-20-04 REV A

Plan 8 - Elevations 2717-OBE-XX-XX-D-A-21-01 REV A
Plan 9 - Landscaping 2717-OBE-XX-XX-D-A-90-01 REV A
Plan 10 - Drainage Layout 148165-PC2000 REV B

Appendix 1 - Letters of Representation
LIST OF REPRESENTATIONS FOR Erection of Health and Wellbeing hub AT LAND 20M SW OF, 9 NEIL GUNN ROAD, DUNBEATH, , 22/02997/FUL






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(2) Long Section





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