

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**28 May 2013**

Agenda Item	5.2
Report No	PLS/030/13

**13/01362/FUL: Ms Hazel Passmore**  
**Land at Unit 3b1, Smithton Industrial Estate, Smithton, Inverness, IV2 7WL**

**Report by Area Planning Manager – South**

**SUMMARY**

**Description:** Erection of industrial unit

**Recommendation: GRANT**

**Ward:** 18 - Culloden and Ardersier

**Development category:** Local

**Pre-determination hearing:** Hearing not required

**Reason referred to Committee:** Highland Council interest

**1. PROPOSAL**

- 1.1 This application relates to the erection of a small industrial unit on a vacant site within the Smithton Industrial Estate. The proposed building will have a maximum height of 5.3 metres and an internal floor area of 56m<sup>2</sup>. The building will be finished in slate grey concrete tiles to the roof and external finishes of dry dash render to match neighbouring buildings (to be conditioned).
- 1.2 Pre-application advice was sought from TECS as Roads Authority. The applicant was also advised that the Forestry Officer, Historic Scotland and the Conservation Officer would be consulted during the course of a formal application on account of the application site being within the original extent of the Culloden House Designed Landscape.
- 1.3 The application site is served by an existing access which extends from the public road to the north east, private car parking provision and SUDS.
- 1.4 The applicant has submitted a supporting statement which confirms the business will employ 2-3 people and will require 2 car parking spaces. The premises will operate as an internet order business with manufacture of jewellery products on site. It is not intended to operate as a retail outlet as a result of which the only additional traffic to the site will be by couriers. The applicant has confirmed that the business will not at any time require delivery or collection of goods by HGV's.

- 1.5 The turning head originally proposed has been amended following concerns relating to potential harm to the root system of a nearby tree.

## 2. SITE DESCRIPTION

- 2.1 The proposed site relates to a level area of land within Smithton Industrial Park, to the east side of Inverness. The entire complex extends to around 18,436sqm in area of which the application site makes up approximately 190sqm. The subject site is surrounded by industrial and commercial premises and is screened from Tower Road by an area of mature planting to the south. The site is within the original extent of the Culloden House Designed Landscape.

## 3. PLANNING HISTORY

- 3.1 For the site:

13/00609/PREAPP - Erection of small industrial unit at Unit 3b1, Smithton Industrial Estate, Smithton, Inverness

For the area:

98/00482/FULIN - Change of use of industrial unit for preparation of hot food for home delivery at Unit 3b2, Smithton Industrial Estate, Smithton, Inverness

02/01113/FULIN - Fix gas tank in place of gas bottles at Unit 3b2, Smithton Industrial Estate, Smithton, Inverness

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour 26.04.2013

Representation deadline: 10.05.2013

Timeous representations: 1

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Inadequate access and parking provision.
- Increase in traffic.
- Inadequacy of refuse storage facilities post development.

- 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

- 5.1 **Historic Scotland:** Informal consultation undertaken because of the proximity of the site to the Designed Landscape. No concerns raised.

- 5.2 **Conservation Officer:** No objection. No further action.

- 5.3 **TECS (Area Roads and Community Works Manager):** No objection. No further action.

- 5.4 **TECS (Environmental Health):** No objection. Informatives recommended.
- 5.5 **TECS (Contaminated Land):** No objection. No further action.
- 5.6 **Forestry Officer:** Concerns resolved by amended layout.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland-wide Local Development Plan 2012**

- 28 Sustainable Design
- 29 Design Quality and Place-Making
- 41 Business and Industrial Land
- 57 Natural, Built and Cultural Heritage
- 66 Surface Water Drainage

### **6.2 Inverness Local Plan (March 2006) (as continued in force)**

- 100 2.2 ha of land off Barn Church Road/ Tower Road comprising the Forestry Depot and adjacent ground is allocated for business/ light industrial development.
- Policy 109 (i) primary/ distributor: Barn Church Road, Culloden Road, Keppoch Road, Ferntower Road, Murray Road, Towerhill Road, Caulfield Road.

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide (January 2013)

Trees, Woodlands and Development Supplementary Guidance (January 2013)

### **7.2 Scottish Government Planning Policy and Guidance**

SPP

### **7.3 Other**

An Inventory of Gardens and Designed Landscapes (Supplementary Volume 2. Highland & Islands)

## **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.

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.

### 8.3 **Development Plan Policy Assessment**

#### **Impact of new development upon the built up area**

The main considerations involve the assessment of the proposal against the provisions of policy 41 and the land use allocation of the site for industrial uses as set out in policy 100 of the Inverness Local Plan 2006.

The application site lies within an established industrial estate identified within the Inverness Local Plan 2006 (as continued in force) and accordingly the proposed use as a workshop for manufacture of jewellery is considered an appropriate and acceptable use. The site is of sufficient size to satisfactorily accommodate the proposed building and associated servicing requirements. In addition, the scale of the building is similar in height and design to the nearby units and will have no impact on the character or amenity of the area.

Concerns raised by the objector relating to the inadequacy of refuse storage facilities is noted but can be dealt with by means of an appropriate condition. There is sufficient space within the area to accommodate an additional facility for use by the applicant.

#### **Impact of new development upon Culloden House Designed Landscape, Listed Building and general setting**

The site inspection confirms that the proposed development will be sited within the boundaries of the existing industrial estate such that the erection of one further building will have no adverse impact on the character of the adjacent designed landscape. It is noted that whilst part of the industrial estate is within the original extent of the boundaries of the Culloden House Designed Landscape, because it is located within an established Industrial Estate it was not considered necessary to formally consult Historic Scotland.

However, the Forestry Officer identified that the proposed parking area, as originally submitted, extended over an area included in the root protection zone of a tree within the designation. The scheme was subsequently amended in light of the potential adverse impact upon this nationally important designation and may now be considered to be in accordance with the terms of the Council's Trees, Woodlands and Development Supplementary Guidance.

### 8.4 **Material Considerations**

The existing access to the industrial estate is capable of accommodating the limited additional traffic associated with the proposed development, and two off street parking spaces will be formed adjacent to the new unit. SUDS will be by means of an existing system.

## 8.5 Other Considerations – not material

- No neighbour notification letter received.

Officer Comment: One immediate neighbour was not notified of the proposed development as required. This has been resolved and a timeous letter of representation subsequently received.

- The land in question was not available for purchase.

Officer Comment: This is not a material planning consideration.

- Walkers using the adjacent woodland use the car parking provision identified in this application which leads to car parking problems.

Officer Comment: This is not a material planning consideration. This is a private car park and is managed by the occupants of the industrial units.

## 8.6 Matters to be secured by Section 75 Agreement

None.

## 9. CONCLUSION

- 9.1 Based on the above observations, this proposal is considered to represent an acceptable form of development in the Smithton Industrial Estate, which satisfies development plan requirements including those of the Culloden House Designed Landscape, and accordingly is recommended for the grant of planning permission.

## 10. RECOMMENDATION

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

**Reason:** n/a

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

1. No development shall commence until details of two off street parking spaces formed in accordance with The Highland Council's Road Guidelines for New Developments, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the parking provision shall be provided in accordance with these approved details, prior to the first use of the development, and thereafter

maintained as a parking area in perpetuity.

**Reason:** In order to ensure that the level of off-street parking is adequate.

2. No development, storage of equipment or construction materials shall be located at any time within the area defined as the Root Protection Zone on the approved block plan to the satisfaction of the Planning Authority.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during the construction and operation of the proposed development.

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

**Reason:** In order to ensure that water and sewerage infrastructure is carefully managed and provided timeously, in the interests of public health and environmental protection.

4. No development shall commence until full details of a communal wheelie/kerbside recycling bin storage area, capable of accommodating bins for up to 2 units, located outwith the Root Protection Zone, have been submitted to, and approved in writing by, the Planning Authority. The communal storage area shall be constructed in accordance with these approved details prior to the first occupation of the development and thereafter maintained in perpetuity.

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

5. No development or work shall commence until full details of the external finishes (including samples where necessary) have 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 the interests of amenity.

## **REASON FOR DECISION**

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

## **INFORMATIVE NOTE REGARDING THE 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**

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

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

**Conditions:** Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

**Environmental Health:** Operations for which noise is audible at the boundary of the site shall only be carried out between 0800 hours and 1900 hours Monday to Friday, between 0800 hours and 1300 hours on Saturdays and at no time on a Sunday or public holiday. Work requiring to be carried out with these times shall only commence with the prior written approval of the Planning Authority.

During the construction works, to minimise noise nuisance, the plant and machinery used should be in accordance with BS5228 Part 1 & 2 - 2009 Noise & Vibration Control on Construction and Open Sites. The applicant should follow best practice and management techniques in this regard.

The applicant should take all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area which arises from operations carried out in connection with this consent.

**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 (of emanating from) the application site. As per Scottish Planning Policy, 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.

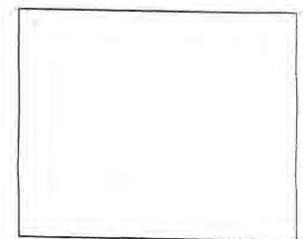
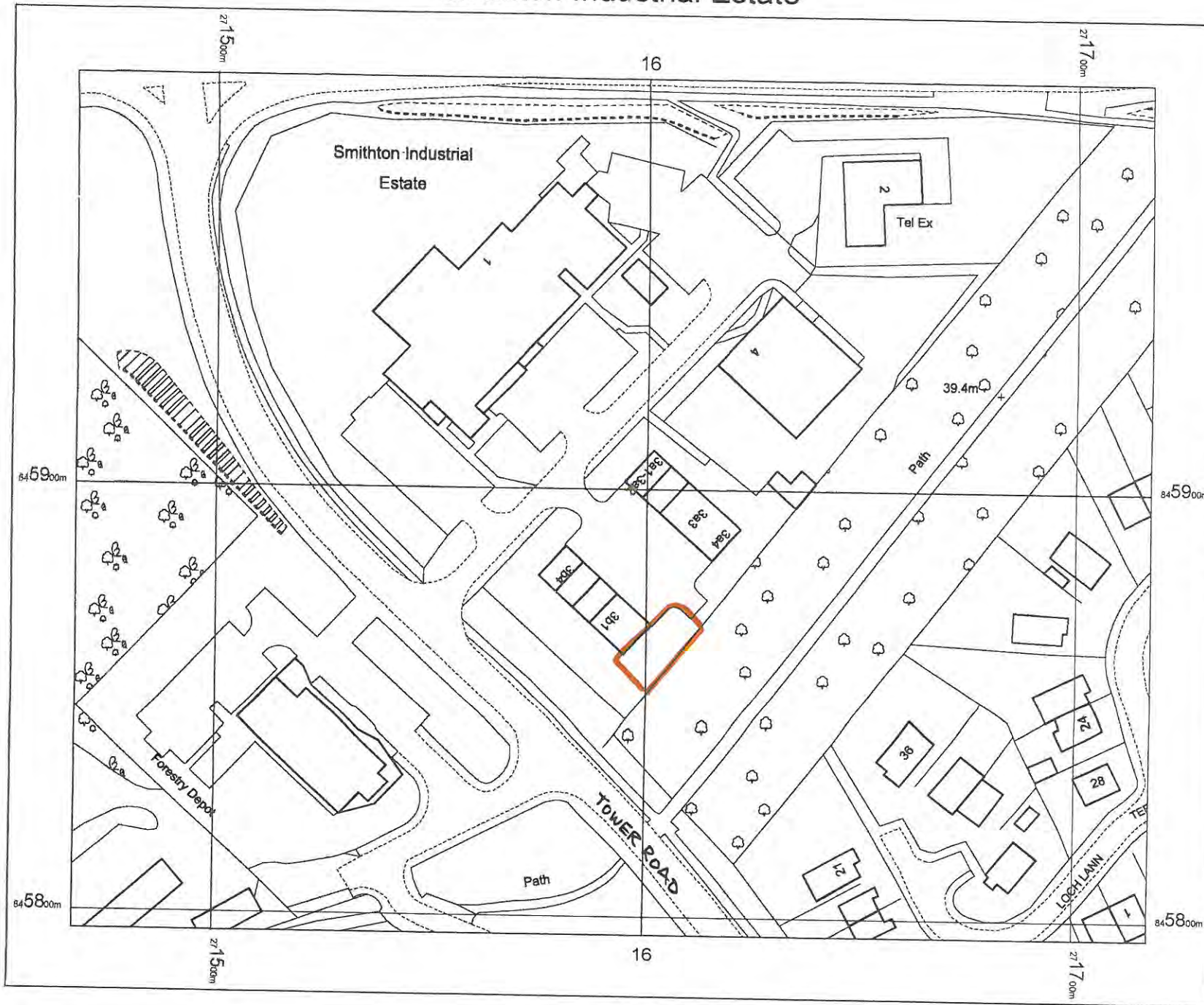
Signature: Allan J Todd  
Designation: Area Planning Manager – South  
Case Officer: Stuart Morrison  
Background Papers: Highland-wide Local Development Plan, Inverness Local Plan  
Relevant Plans: Plan 1: Location Plan 00205665  
Plan 2: Layout plan - amended  
Plan 3: Elevation Plan SIU02  
Plan 4: Floor Plan SIU03  
Plan 5: Section Plan SIU05  
Plan 6: Section Plan SIU06



## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr David Macfadyen	Unit 3B1 Smithton Industrial Estate, Smithton, Inverness	07.05.13	Against

# Smithton Industrial Estate

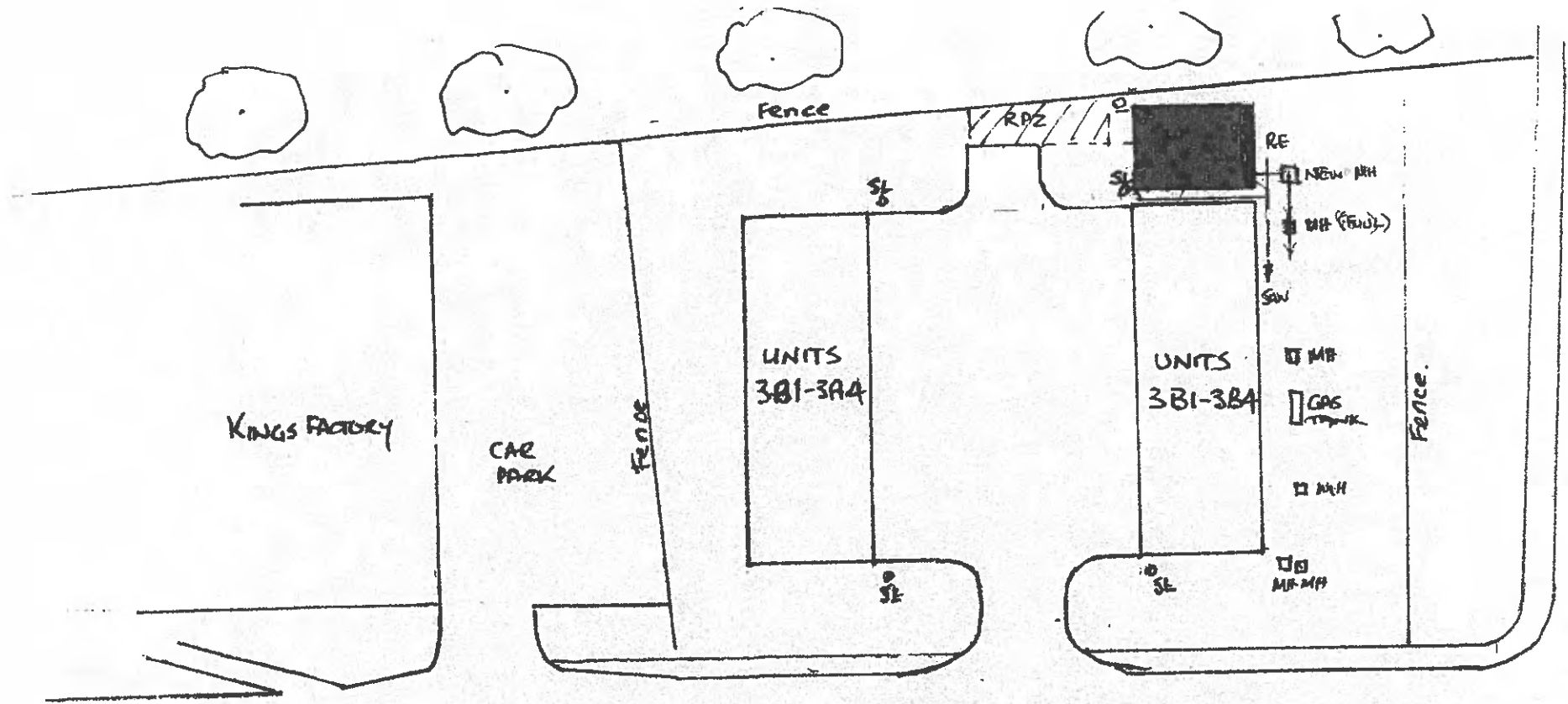


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[www.planningapplicationmaps.co.uk](http://www.planningapplicationmaps.co.uk)

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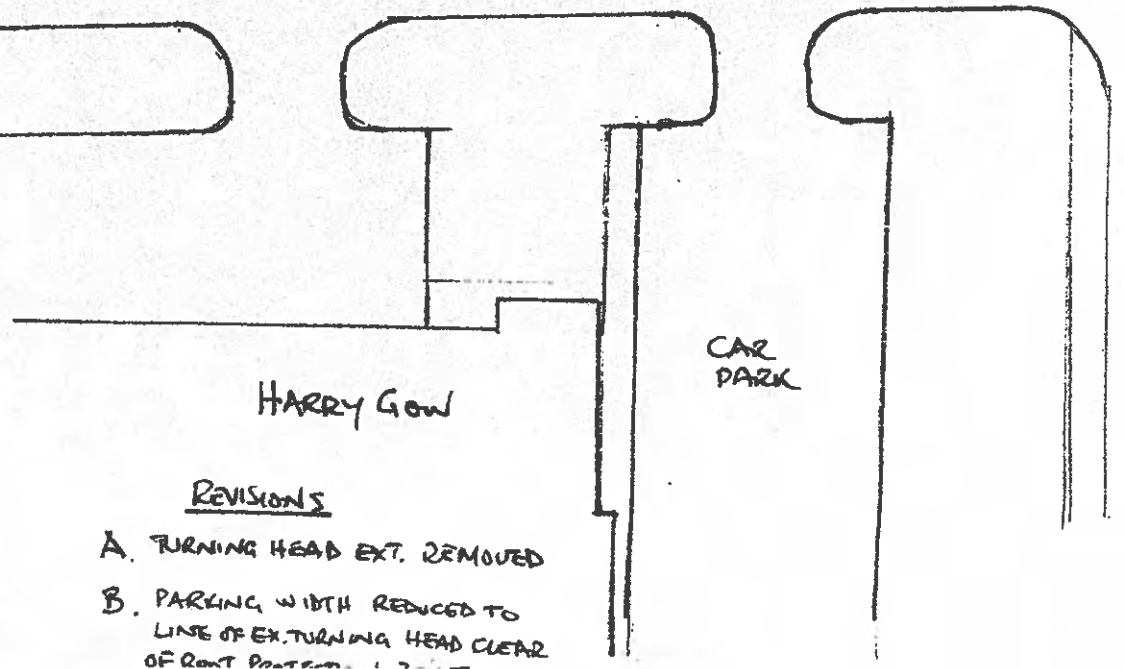
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SMITHTON INDUSTRIAL ESTATE

BLOCK PLAN  
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DRG NO SI4 01B



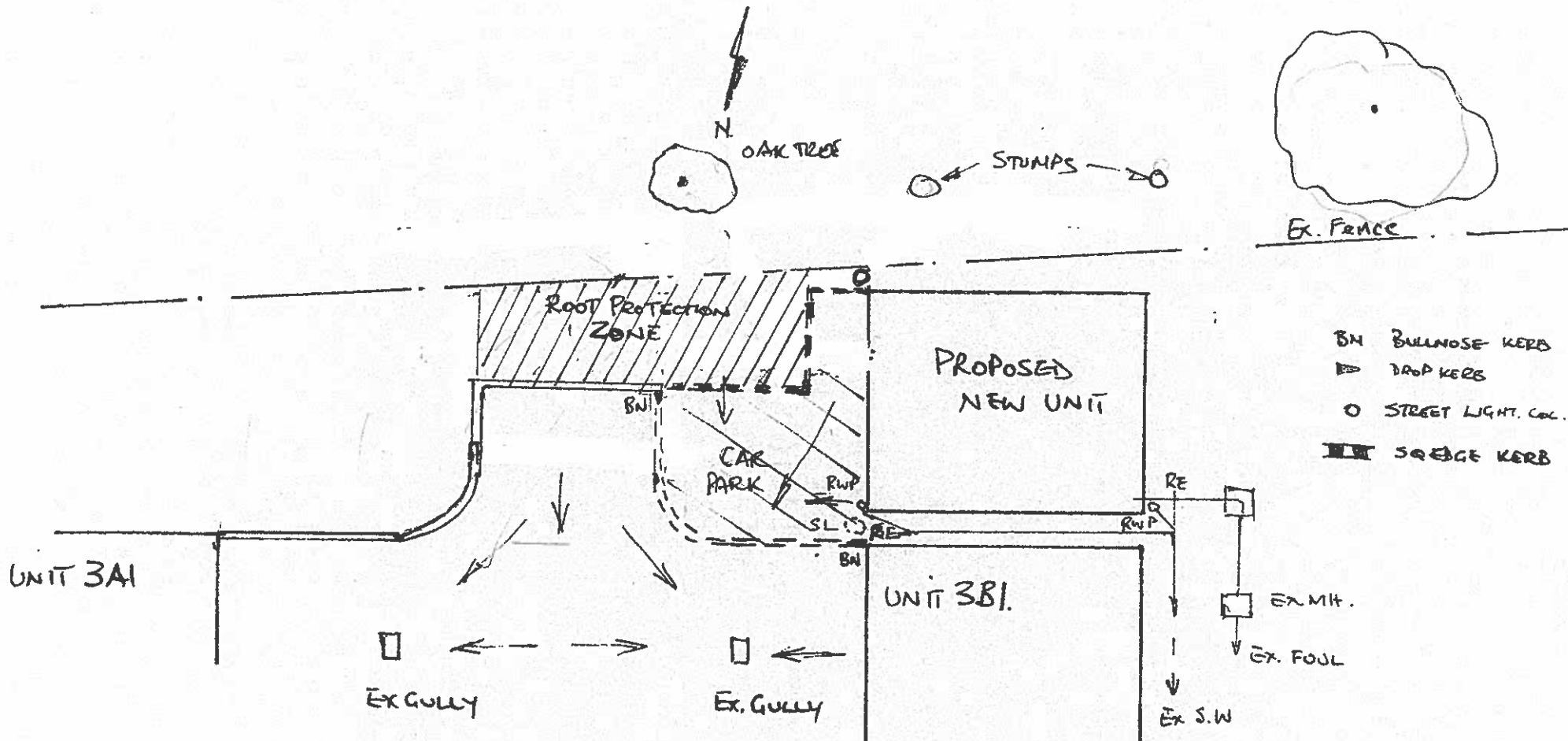
HARRY GOW

- REVISIONS
- A. TURNING HEAD EXT. REMOVED
  - B. PARKING WIDTH REDUCED TO LINE OF EX. TURNING HEAD CLEAR OF ROAD PROFILE



SMITHTON INDUSTRIAL ESTATE

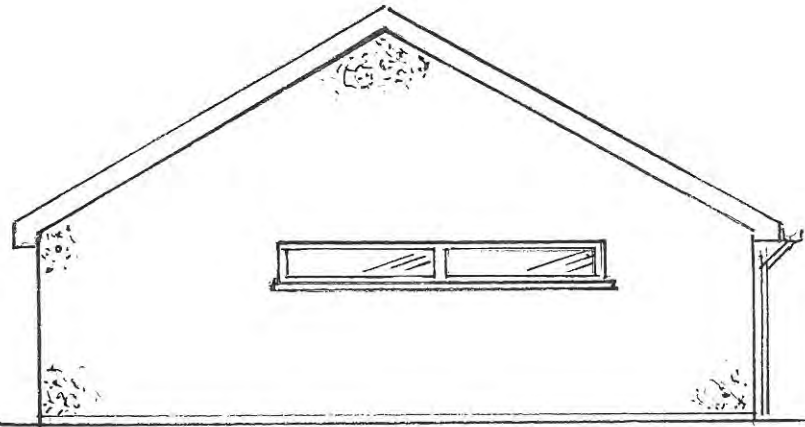
TOWER ROAD



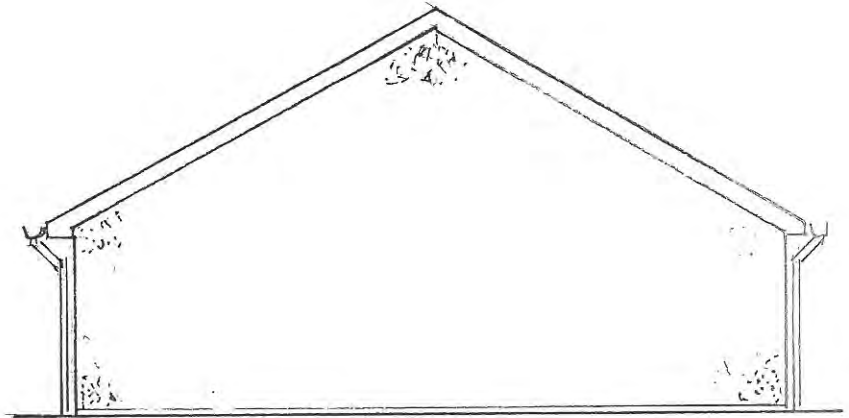
PROPOSED INDUSTRIAL UNIT  
ALTERATIONS TO TURNING HEAD  
TO ACCOMMODATE 2<sup>NO</sup> PARKING SPACES  
SMITHTON INDUSTRIAL ESTATE

Scale 1:200  
 DRG<sup>NO</sup> SIU 07 B

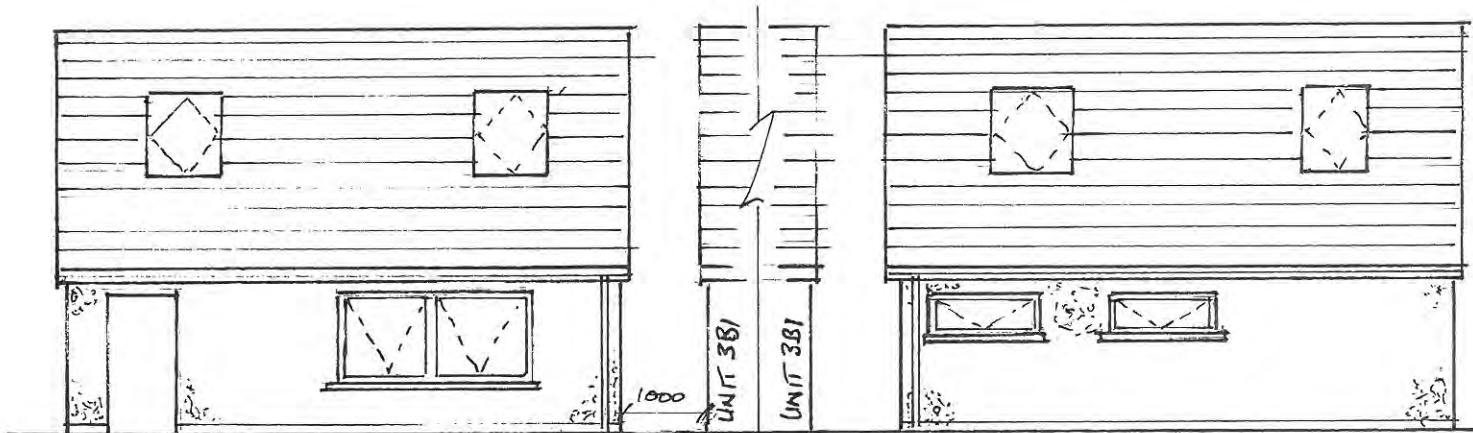
- REVISIONS
- A. TURNING HEAD EXT REMOVED  
HARD STANDING PARKING  
AREA HATCHED.
  - B. ROOT PROTECTION ZONE  
ADDED



SOUTH ELEV



NORTH ELEV



EAST ELEV

WEST ELEV

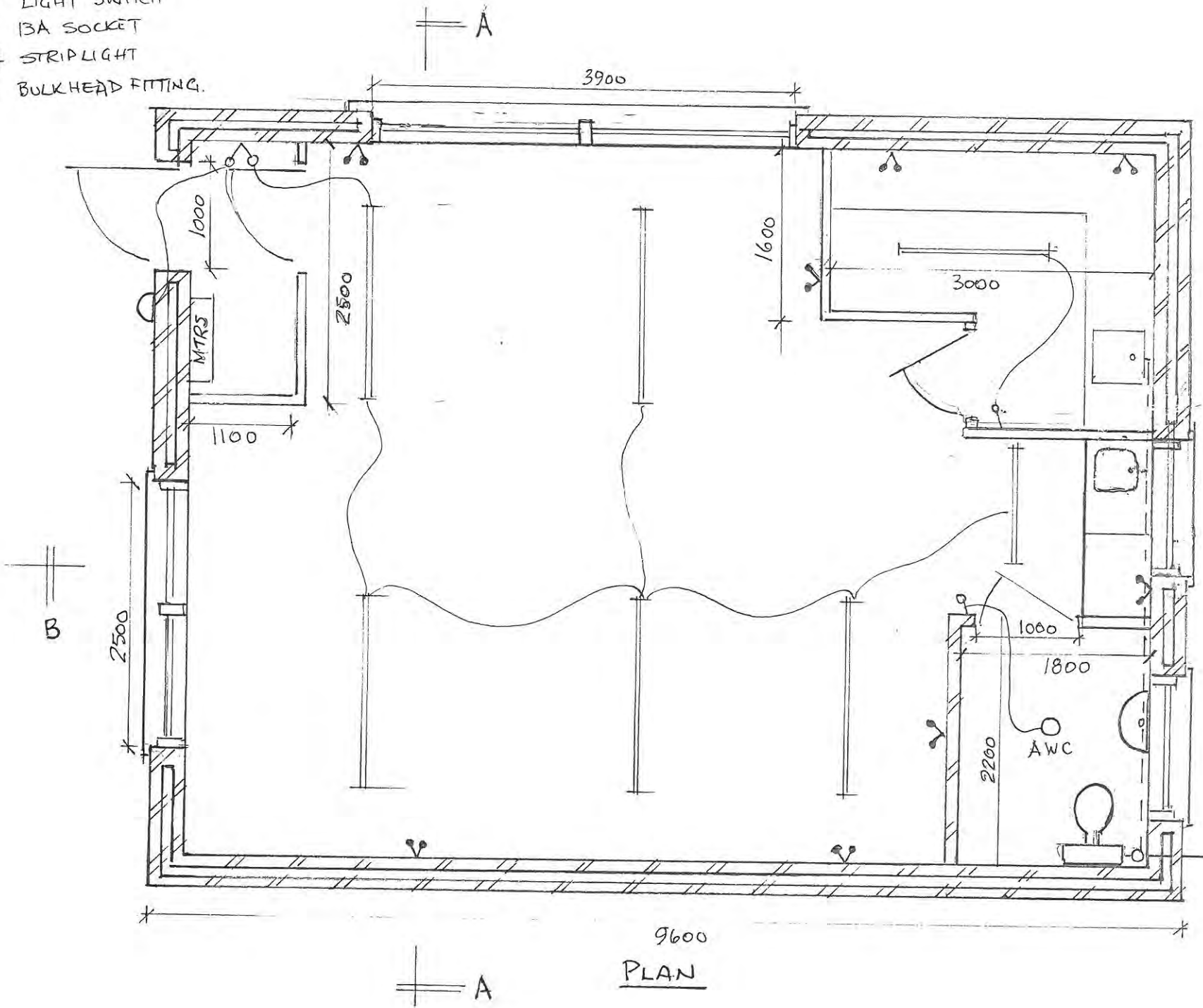
PROPOSED IND. UNIT  
SMITHTON IND. ESTATE

Scale 1:100

DRG N° SIU 02



- KEY**
- LIGHT SWITCH
  - ⦿ 13A SOCKET
  - ▨ STRIPLIGHT
  - D BULK HEAD FITTING.



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PLAN

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