

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE
– 16 September 2014**

Agenda Item	5.6
Report No	PLN/056/14

**14/01532/S42 : Highland And Islands Enterprise
Land At Broadford Surrounding
Pairc Nan Craobh Industrial Estate
Broadford**

Report by Area Planning Manager

SUMMARY

Description : Application for non-compliance with Condition 1 of Planning Permission
12/02781/FUL

Recommendation - APPROVE

Ward : 11 - Eilean A' Cheò

Development category : Major

Pre-determination hearing : n/a

Reason referred to Committee : Relates to a condition on a major application.

1. PROPOSED DEVELOPMENT

1.1 This application seeks, under the provisions of s.42 of the Planning Act, to remove condition 1 of planning permission 12/02781/FUL and replace it with an alternative form of wording.

Planning permission 12/02781/FUL granted a change of use of land to allow for the expansion of the existing Broadford industrial estate. Condition 1 relates to the need to control further felling and replanting of trees to ensure the undeveloped areas of the site provide the highest possible standard of landscaping for screening and public amenity purposes.

The re-worded condition allows the applicants to remove a stand of plantation Sitka Spruce in the south-eastern corner of the site (but no other felling) before submitting the required felling and replanting details for the whole site. This will enable the applicant to make a full survey of the south-eastern corner of the overall site to determine its actual developable area.

1.2 The change of wording has been discussed at length with the case officer and the forestry team and positive feedback provided.

1.3 **Variations:** None

2. SITE DESCRIPTION

2.1 The site consists of relatively narrow areas of land surrounding the east, south and west boundaries of the existing industrial estate buildings and land, plus a much larger area of land to the north of the existing development.

Much of the land was previously covered in forestry plantation but most of this has been felled other than the area to the south-east of the existing industrial estate and a larger area of standing trees in the northern area of the site.

3. PLANNING HISTORY

3.1 12/02781/FUL - Change of use of land for a mixture of Class 1, 2, 4 and 5 uses – Approved 21.01.2013

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown neighbour – deadline 13 June 2014

Representation deadline : 10 July 2014

Timeous representations : 0

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- N/a

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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Development Plans** : No response – defer to forestry team officers

5.2 **Forestry Team** : No objection but suggest minor amendments to wording of condition

5.3 **Forestry Commission** : No objection but raises the issue of the Scottish Government Woodland Removal Policy

5.4 **Transport Scotland** : No objection

5.5 **Access Panel** : No response

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28 Sustainable Design

Policy 29 Design Quality and Place-Making

Policy 34	Settlement Development Areas
Policy 41	Business and Industrial Land
Policy 51	Trees and Development
Policy 52	Principle of Development in Woodland
Policy 61	Landscape

6.2 **West Highland and Islands Local Plan 2010**

Policies 1 & 2 In respect of settlement development and land allocations boundaries

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Trees, Woodlands and Development (January 2013)

7.3 **Scottish Government Planning Policy and Guidance**

Woodland Removal Policy

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**

The land falls within the Settlement Development Area for Broadford and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern. Policy 61 further emphasises the need for development to respect the landscape character of their surroundings.

The site also falls within industrial allocation I of the Local Plan which requires, as

one of its developer requirements, that any development should feature forestry retention as screening for adjacent uses.

Policy 41 states the Council's support for development on strategic industrial locations such as this.

Policy 51 states the Council's support for proposals which include the protection of existing trees and woodland around development sites and/or secure compensatory planting for any removal.

Policy 52 states the Council's strong presumption in favour of protecting woodland resources and the need for development to conform with the government's Control of Woodland Removal policy.

For the reasons laid out below, the proposal is considered to comply with these policy requirements and to be acceptable in principle.

8.4 **Material Considerations**

Tree Retention and Re-planting – the existing condition 1 of planning permission 12/02781/FUL prohibits any further felling of trees on the site until a compensatory planting scheme for the whole site has been submitted and approved. It reads;

(1) No further felling of trees within the application site shall take place until a fully detailed scheme for compensatory tree planting across the whole site has been submitted to and approved in writing by the Planning Authority. The submitted details shall include replacement species, planting layout, formal landscaping areas, footpath links, managed open space, planting standards, a timescale for completion and also details of a delivery mechanism to ensure that the scheme is carried out to the agreed standards and within the agreed time period. Subsequently, no woodland removal shall take place within this site other than in accordance with these approved details.

This condition was imposed because much of the planning permission land had previously been a forestry plantation and subject to a forestry license requiring re-planting. Although, as the forestry officer points out in his consultation response and in answer to the comment made by the Forestry Commission, the allocation of this land for industrial uses in the Local Plan means that the government's Control of Woodland Removal Policy does not apply, the authority is still keen to achieve a high degree of re-planting around the industrial plots for amenity and landscape reasons.

However, the wording of condition 1 presents the applicant with two practical problems;

1. The form of the replanting scheme would be determined by the layout of the industrial/business use plots. The layout and extent of the plots in the south-eastern corner of the site cannot be determined because it remains under a stand of Sitka Spruce and so has not been subject to the necessary survey work.
2. The final extent and form of the industrial use of the large northern area of the permission cannot be finalised until potential users of the land come forward with their specific requirements – it could, in future, be home to a number of different users or just one large industrial entity. This uncertainty

makes the production of a comprehensive replanting scheme impossible.

In consultation with the planning service and the forestry team an alternative and more flexible wording for condition 1 was achieved which will resolve these problems whilst still ensuring that comprehensive and timely replanting takes place. The new recommended condition reads;

(1) Other than the remaining Sitka Spruce plantation in the south-eastern corner of the application site, no further felling of trees within the application site shall take place until a plan of the site showing the 'core development areas' to be permanently cleared of woodland has been submitted to and approved in writing by the Planning Authority. This plan shall be submitted no later than 1 October 2015 and shall meet the following criteria;

a. The plan shall be based upon a detailed survey of the land, existing trees and vegetation and shall be produced at no smaller a scale than 1:2500, with sufficient annotation and datum points to allow clear identification of the boundaries of the core development areas on the ground when required. For the avoidance of doubt the plan shall include the area of Sitka Spruce in the south-eastern corner of the site referred to above.

b. The remaining land surrounding these core development areas shall be identified as being reserved for broadleaf tree replanting, the details of which shall be contained within a comprehensive replanting and maintenance scheme to be submitted alongside the above plan.

c. Other than in respect of (d) below, the replanting and maintenance scheme shall include a timetable for implementation of the broadleaf planting which should be completed within the twelve months following its approval in writing by the Planning Authority.

d. In respect of the most northerly core development area, the replanting and maintenance scheme shall include a separate timetable for both felling of the existing Sitka Spruce and the subsequent implementation of broadleaf re-planting, both which should be completed within the twelve months following any further full (detailed) planning permission being granted within that northern core development area.

Members will note that the wording of this recommended condition is slightly different from that requested by the applicant. The reason for this is that it incorporates a couple of minor amendments suggested by the forestry officer;

- A deadline of 1 October 2014 for the submission of the replanting plan
- Clarification that the south-eastern area of the site will be included in this plan

The applicant has made it clear that they wish to carry out the felling of the south-eastern area of trees as soon as possible, so a time limit for that was not considered a necessary addition to the condition. Equally, the stipulation that the replanting plan be implemented in full within 12 months of its approval was already included in the new condition wording submitted by the applicant.

8.5 Other Considerations – not material

None

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 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.

All conditions attached to the original planning permission, which are unaffected by this decision, still apply.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Approved** subject to the following condition and reason

1. Other than the remaining Sitka Spruce plantation in the south-eastern corner of the application site, no further felling of trees within the application site shall take place until a plan of the site showing the 'core development areas' to be permanently cleared of woodland has been submitted to and approved in writing by the Planning Authority. This plan shall be submitted no later than 1 October 2015 and shall meet the following criteria;

a. The plan shall be based upon a detailed survey of the land, existing trees and vegetation and shall be produced at no smaller a scale than 1:2500, with sufficient annotation and datum points to allow clear identification of the boundaries of the core development areas on the ground when required. For the avoidance of doubt the plan shall include the area of Sitka Spruce in the SE corner of the site referred to above.

b. The remaining land surrounding these core development areas shall be identified as being reserved for broadleaf tree replanting, the details of which shall be contained within a comprehensive replanting and maintenance scheme to be submitted alongside the above plan.

c. Other than in respect of (d) below, the replanting and maintenance scheme shall include a timetable for implementation of the broadleaf planting which should be completed within the twelve months following its approval in writing by the Planning Authority.

d. In respect of the most northerly core development area, the replanting and maintenance scheme shall include a separate timetable for both felling of the existing Sitka Spruce and the subsequent implementation of broadleaf re-planting, both which should be completed within the twelve months following any further full (detailed) planning permission being granted within that northern core development area.

Reason : In order to ensure that a high standard of landscaping is achieved,

appropriate to the location of the site

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.

TIME LIMITS

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

The development to which this planning permission relates must commence on or before 21 January 2016, failing which 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

Signature:

Designation: Area Planning Manager North

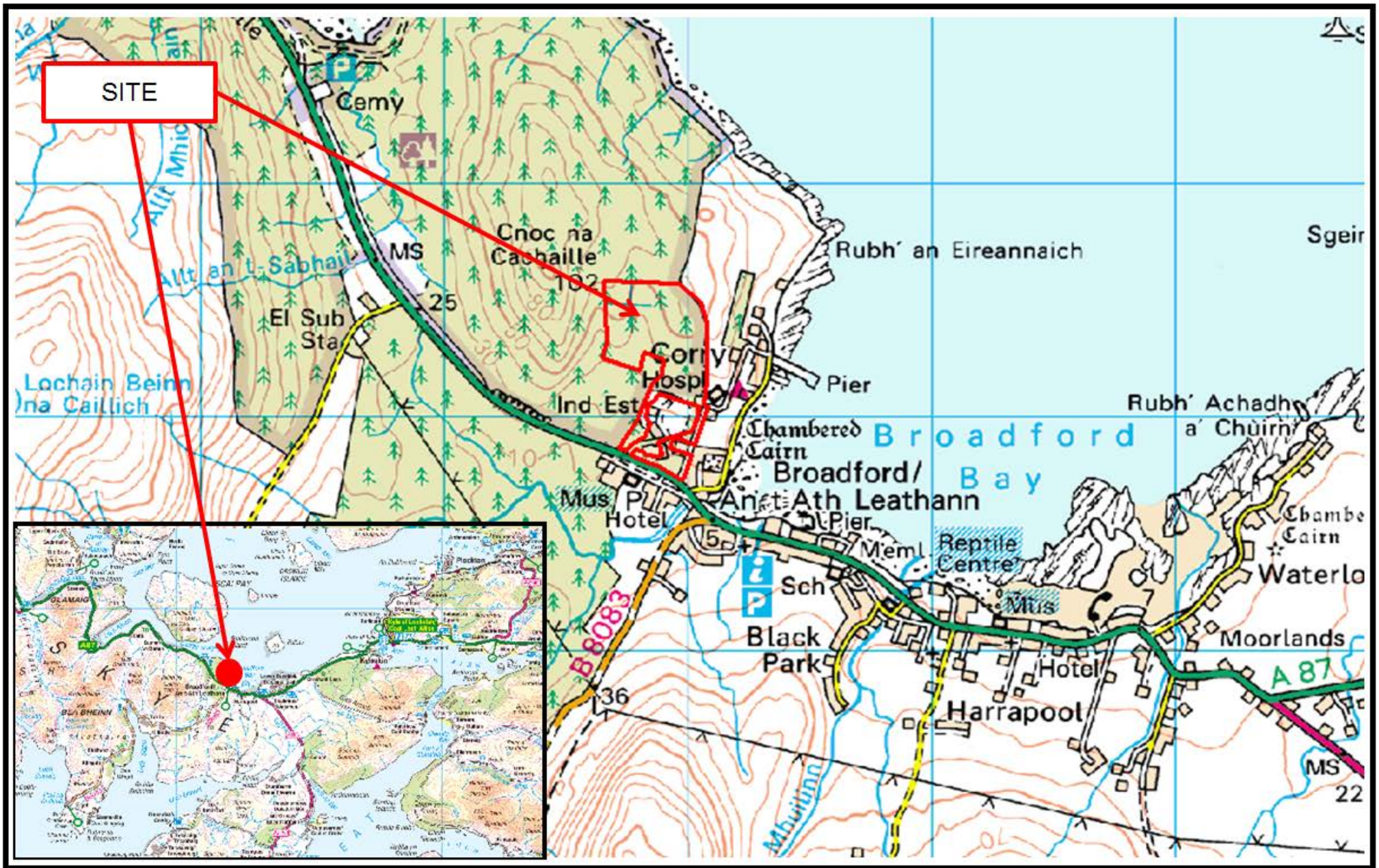
Author: Mark Harvey

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

Relevant Plans: None

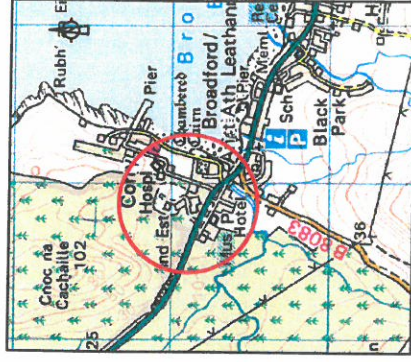
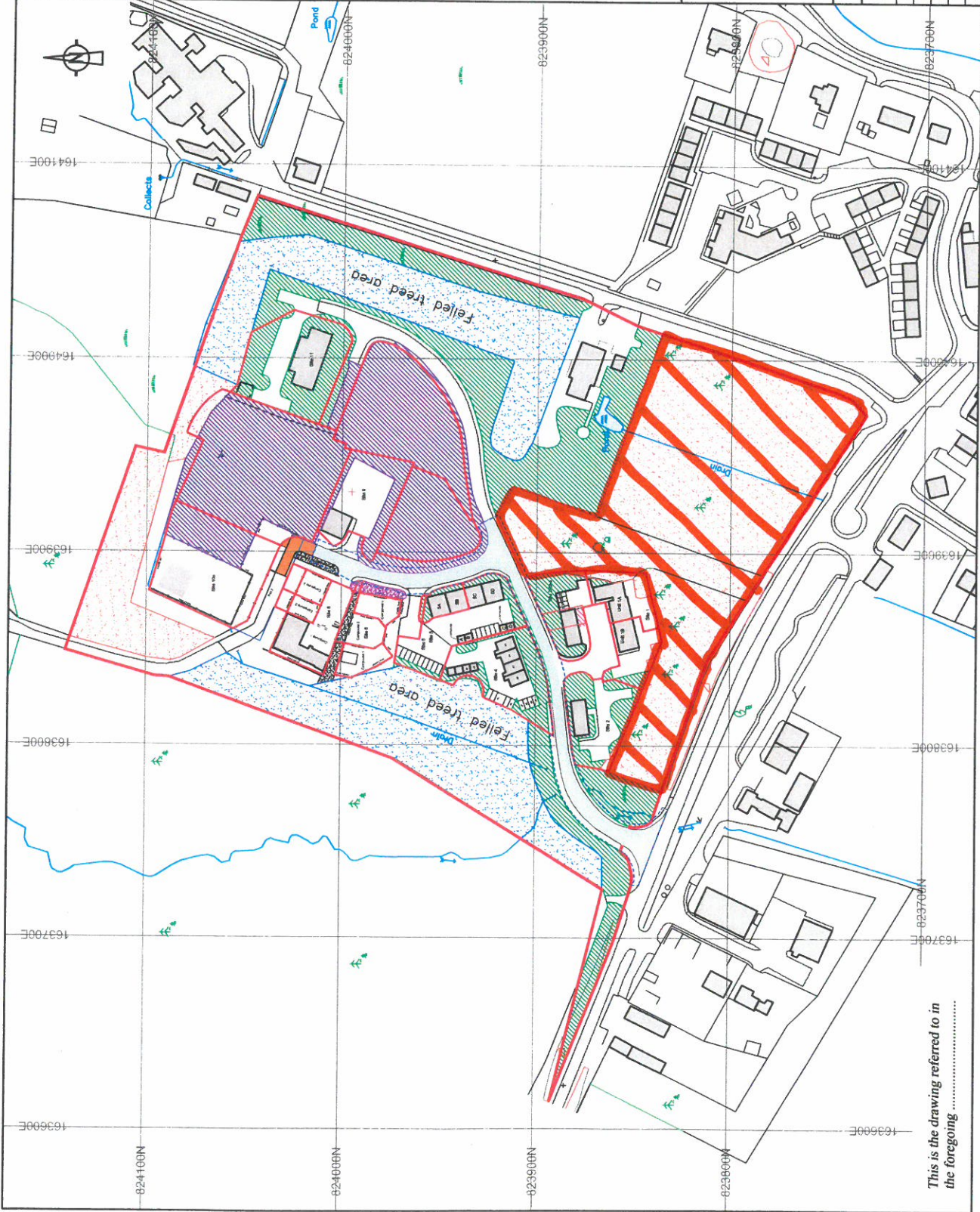
Appendix – Letters of Representation

None



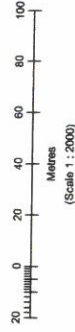
Property : Broadford Industrial Estate, Isle of Skye

(Scale 1 : 2000)



Location Plan
(NOT to scale)

- Key:**
- Subject Property
 - Woodland Planting (A) = xxxx sq.m.
 - Boundary Planting (B) = xxxx sq.m.
 - Grassed Areas (C) = xxxx sq.m.
 - Structure Planting (D) = xxxx sq.m.
 - Land Prepared for Development (E) = xxxx sq.m.
 - Features (F) = xxxx sq.m.
 - Amenities (G) = xxx
 - Individual Trees x xxx



Centre Coordinates : 163931E 823995N



**Highlands & Islands
ENTERPRISE**

LANDSCAPING PLAN + BOUNDARIES

Property:	Broadford Industrial Estate Isle of Skye
Property Ref:	
Drawing No.	1144-Broad-LP-Bdys
Revision:	
Prepared By:	Nortec Consulting Engineers Ltd
Date:	21/05/2010

This is the drawing referred to in
the foregoing