

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
28 June 2016**

Agenda Item	6.3
Report No	PLS 042/16

**16/00532/FUL: Ian Boyd  
Moray Park, Seafield Avenue, Grantown-on-Spey**

**Report by Area Planning Manager – South/Major Developments**

**SUMMARY**

**Description:** Change of use from residential villa and private gallery to Arts and Education Centre for general public use providing gallery/exhibition space, public meeting rooms, training, conference, screening and retail facilities, offices, cafe/bistro

**Recommendation - GRANT**

**Ward:** 21 - Badenoch and Strathspey

**Development category:** Local

**Pre-determination hearing:** Not required

**Reason referred to Committee:** Objections from 5 or more addresses.

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to alter and re-use an existing residential property with extensive annexes, formerly used by the owner of the villa for private and incidental business purposes, for a mix of office, business and education/assembly uses as described above, with ancillary curtilage works to provide access, parking and servicing facilities.
- 1.2 Pre application advice is not mandatory but was sought and offered at the time of the processing of a previous application (15/02101/FUL) for the change of use of another building on the Moray Park site to a large capacity holiday letting house. The applicant at the time was considering options for the buildings so advice concentrated on the need to secure permission before undertaking works or uses which required permission; the need for adequate off street parking for whatever use or uses were to be proposed; and the need for uses to be compatible with the predominantly residential character of the area.

- 1.3 The site is served by three separate vehicular accesses onto Seafield Avenue, the westmost one serving the Gordon hall flats (9 flats in the former Spey Valley Hotel), the central one a Victorian-era gateway which has fallen into disuse and the eastmost one being the principal one used to serve the main residential elements of the buildings during the last 20+ years. The buildings are connected to mains drainage, mains water and other services.
- 1.4 The following supporting documents have been submitted:  
Background statement  
Supporting statement  
Description of proposed operations  
Description of parking arrangements  
Statement of compatibility with adopted Plans and Strategies  
Copy of planning permission and related letter from Area Planning Manager

1.5 **Variations:** None.

## **2. SITE DESCRIPTION**

- 2.1 The site consists of a Victorian stone and slate 2 storey villa with a range of modern single storey extensions which mix oriental "pagoda" forms and materials with more common duo pitch and flat roof forms. The buildings are physically joined, though not internally connected, to two small houses, outbuildings and a large villa the last of which was recently granted planning permission for use as a large capacity holiday letting house. The buildings, which stand in extensive mature landscaped grounds (part of which were acquired from the grounds of the former Spey Valley hotel) were the property of a businessman and his family; he used Moray Park as a residence when in Scotland; he carried on his business activity while resident from office space in part of the building (labelled as conference room and office in the ground floor plan as existing) while the exhibition and display rooms housed his collection of oriental art (the external appearance of the building being intended to reflect its contents). Parts of the curtilage were landscaped in a Japanese style but this has substantially been removed by the new owners, and the majority of the parking spaces shown in the proposed layout are in areas formerly so landscaped. The surrounding area is predominantly residential and predominantly of post World War 2 construction, with a care home to be developed on the opposite side of Seafield Avenue, although the road ultimately leads to the town's caravan site.

## **3. PLANNING HISTORY**

- 3.1 BS/97/83 extension to building to form private art gallery PP granted 4/7/97

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Schedule 3 and unknown neighbour. Expiry date 17/3/16  
Representation deadline : 31/3/16  
Timeous representations : 7 objections from 6 households and 9 letters of support from 9 households  
Late representations : 5 further comments from 2 of the timeous objectors

#### 4.2 Material considerations raised are summarised as follows:

Comments in support raise the following issues:

- Welcome use of an existing building which will provide a much needed venue for a range of uses to the benefit of the local community and economy.
- Will provide an opportunity to reuse an existing building which is welcomed and should be encouraged to enable diversification of facilities in the area and strath as a whole.

Comments objecting to the proposal raise the following issues:

- The main concerns relate to parking and access arrangements and the potential conflict for local residents. Concerns are raised that insufficient spaces are being provided which may lead to on street parking or use of the car park reserved for the residents of the flatted development to the rear.
- Concerns regarding lighting and impact on residential amenity
- Concerns regarding noise nuisance and hours of operation of the facility
- Lack of overall masterplan for the development of the entire site
- Concerns regarding bin storage facilities
- Concerns regarding some inaccuracies in comments received.

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 **Transport Planning:** initial concerns regarding access arrangements now resolved through submission of additional details. A condition will be required to ensure the access meets current standards. No concerns regarding the level of off street parking proposed.

5.2 **Forestry Officer:** notes that areas of car parking may result in damage of existing trees and requests that care be taken in forming the parking area in relation to the proximity of spaces to existing trees.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Cairngorms National Park Local Development Plan 2015

- |    |                                  |
|----|----------------------------------|
| 3  | Sustainable Design               |
| 2  | Supporting Economic Growth       |
| 31 | Community uses, Grantown on Spey |

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

### **7.2 Local Development Plan Supplementary Planning Policy Guidance**

3 - Sustainable Design

4 - Natural Heritage

5 - Landscape

11 - Developer Contributions

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

SPP – Scottish Planning Policy

### **7.4 Other**

Highland Council Supplementary Planning Policy Guidance:

Highland Council Roads and Parking Standards for New Developments

## **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 proposal involves the change of use of an existing property which is currently in use as a private art gallery and residential accommodation. The property is not in use at present and has a chequered history since its original intended purpose as a house and gallery for essentially private use to house valuable Japanese artefacts. Having lain vacant and the Japanese gardens no longer in place, a new use for the site is welcomed and generally supported by the relevant policies of the Cairngorm National Park Local Development Plan 2015.

In addition, Supplementary Guidance is supportive of proposals which enhance existing facilities and which will provide benefit to the community in terms of alterations to and conversion of existing building stock. Similarly the relevant policies of Highland Council Supplementary Guidance are supportive of the proposal.

#### 8.4 **Material Considerations**

The consultee responses indicate general support for the proposal subject to satisfactory access arrangements and this can be dealt with by appropriate condition. Similarly, the concerns expressed by the Forestry Officer can be dealt with by appropriate condition and provide the necessary safeguard for the existing trees.

The concerns raised by local residents, some of whom reside in the flatted property to the rear of the site, are noted. Issues relating to the satisfactory provision of off street parking and concerns that insufficient on site parking exists are also noted. However, Transport Planning are satisfied that sufficient on site parking is provided but it is proposed to include conditions seeking an appropriate traffic management plan to put in place measures as appropriate to deter indiscriminate parking on the shared driveway or parking areas which are dedicated for use by existing residents. It is suggested that advance signage would do much to alleviate the potential issues of indiscriminate parking.

Further concerns relating to noise nuisance and hours of use of the premises are also noted and again it is intended that a condition is attached to limit the hours of operation to no later than 11pm at night.

#### 8.5 **Other Considerations – not material**

A number of comments in support of the proposal have been submitted identifying the benefit of the use proposed not just to the local community but within the strath in general. It is considered that the opportunities the proposed use will offer to the wider community are to be welcomed and will enable a vacant property to be brought back into use without adverse impact on the character of the area.

#### 8.6 **Matters to be secured by Section 75 Agreement**

Not required.

### 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.

### 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

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

1. The use hereby granted planning permission shall not be implemented unless details of signage to deter indiscriminate parking has been submitted to and agreed in writing by the planning authority. Thereafter the agreed signage shall be so installed before first use of the premises all to the satisfaction of the planning authority.

**Reason** : in the interests of residential amenity.

2. No development shall commence on site unless details of the method by which the car parking areas are to be constructed, formed and surfaced has been submitted to and agreed in writing by the planning authority and thereafter so implemented and completed before first use of the premises all to the satisfaction of the planning authority.

**Reason** : in the interests of safeguarding existing trees.

3. No development shall commence on site unless tree protection measures are installed and maintained throughout the construction period to the satisfaction of the planning authority, the details of which shall be submitted to and agreed in writing by the planning authority and thereafter so implemented.

**Reason** : in the interests of protecting existing trees.

4. The use of the premises shall not be implemented unless the vehicular access to the site is formed, constructed and laid out in accordance with details to be submitted to the planning authority and agreed in writing. The access should be formed in accordance with the approved details to the satisfaction of the planning authority.

**Reason** : in the interests of public safety.

5. The hours of operation of the premises for which planning permission is hereby granted consent shall be restricted to no later than 2300 hours.

**Reason**: in the interests of residential 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.

## **TIME LIMITS**

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

### **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 (p.198), 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.

### **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **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).

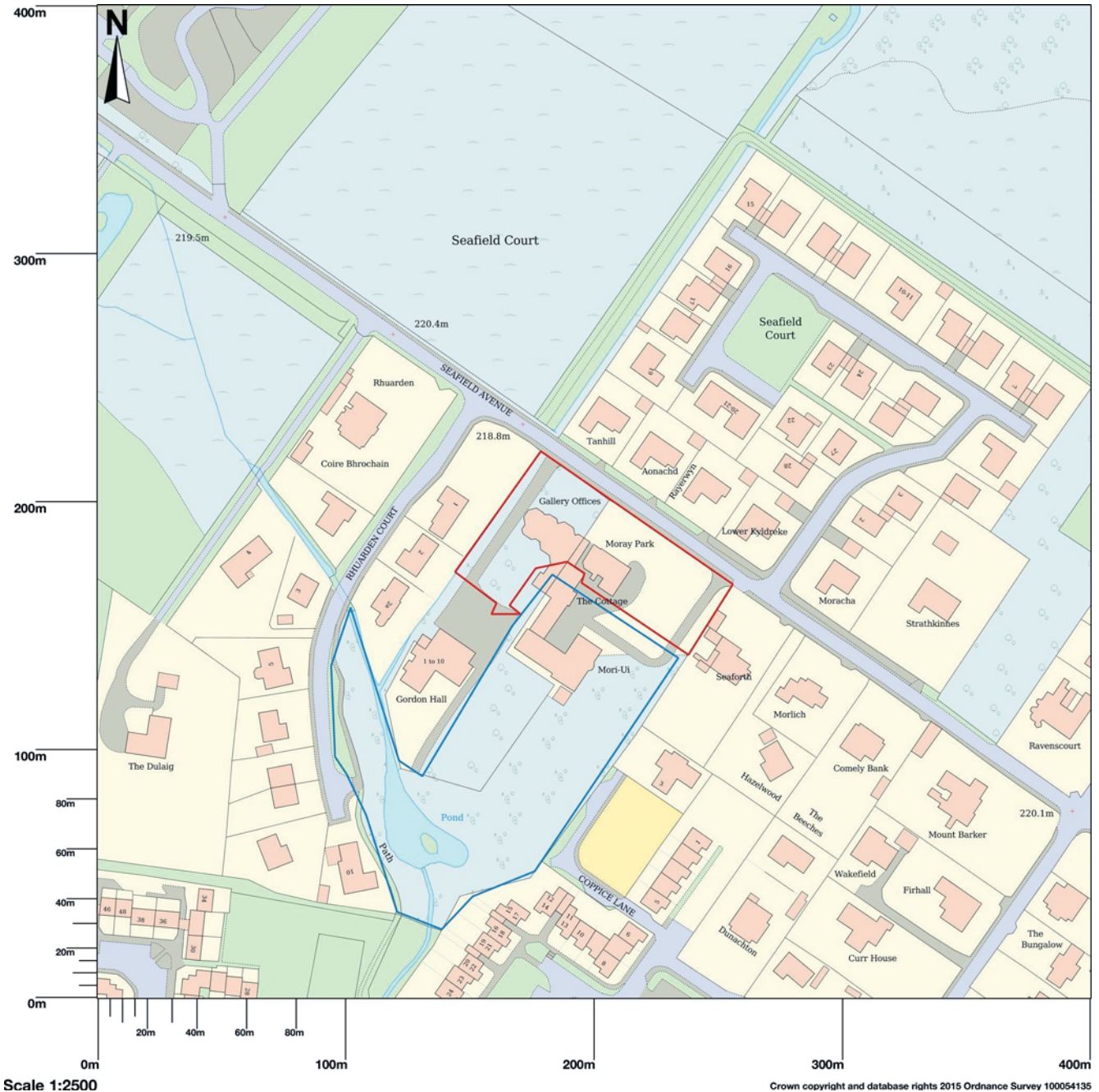
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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](mailto:env.health@highland.gov.uk) for more information.

Signature: Nicola Drummond  
Designation: Area Planning Manager – South/Major Developments  
Author: Andrew McCracken  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – location plan  
Plan 2 – site plan  
Plan 3 – access plan

# Gallery Offices, Seafield Avenue, Granttown-On-Spey, PH26 3JF

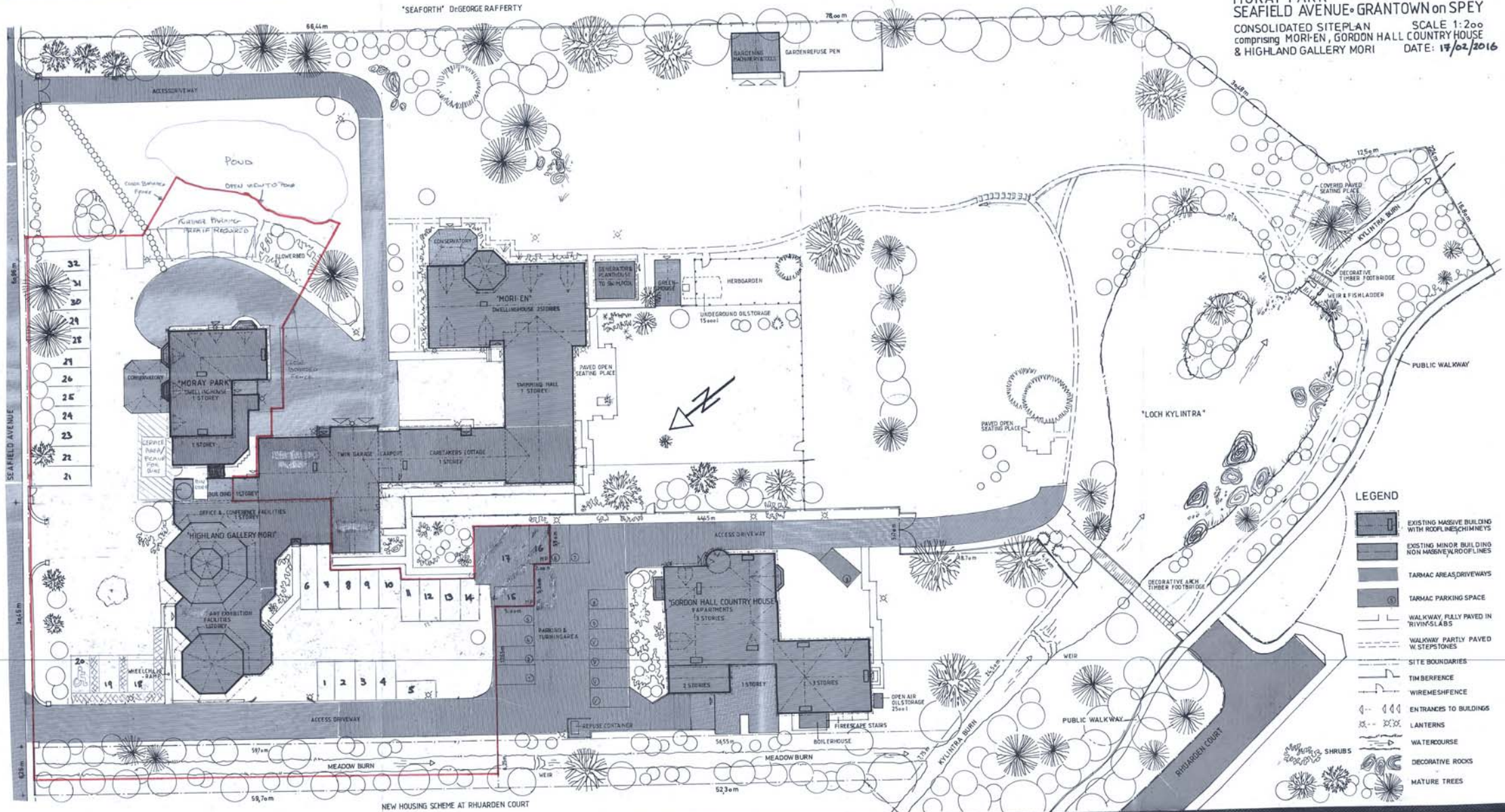


Map shows area bounded by: 302752.0,827860.0,303152.0,828260.0 at a scale of 1:2500. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**MORAY PARK**  
**SEAFIELD AVENUE • GRANTOWN ON SPEY**  
 CONSOLIDATED SITEPLAN SCALE 1:200  
 comprising MORI-EN, GORDON HALL COUNTRY HOUSE  
 & HIGHLAND GALLERY MORI DATE: 17/02/2016



- LEGEND**
- EXISTING MASSIVE BUILDING WITH ROOFLINES/CHIMNEYS
  - EXISTING MINOR BUILDING NON MASSIVE ROOFLINES
  - TARMAC AREAS/DRIVEWAYS
  - TARMAC PARKING SPACE
  - WALKWAY PARTLY PAVED IN RIVINGS/LABS
  - WALKWAY PARTLY PAVED W. STEPSTONES
  - SITE BOUNDARIES
  - TIMBER FENCE
  - WIREMESH FENCE
  - ENTRANCES TO BUILDINGS
  - LANTERNS
  - WATERCOURSE
  - SHRUBS
  - DECORATIVE ROCKS
  - MATURE TREES



"SEAFORTH"

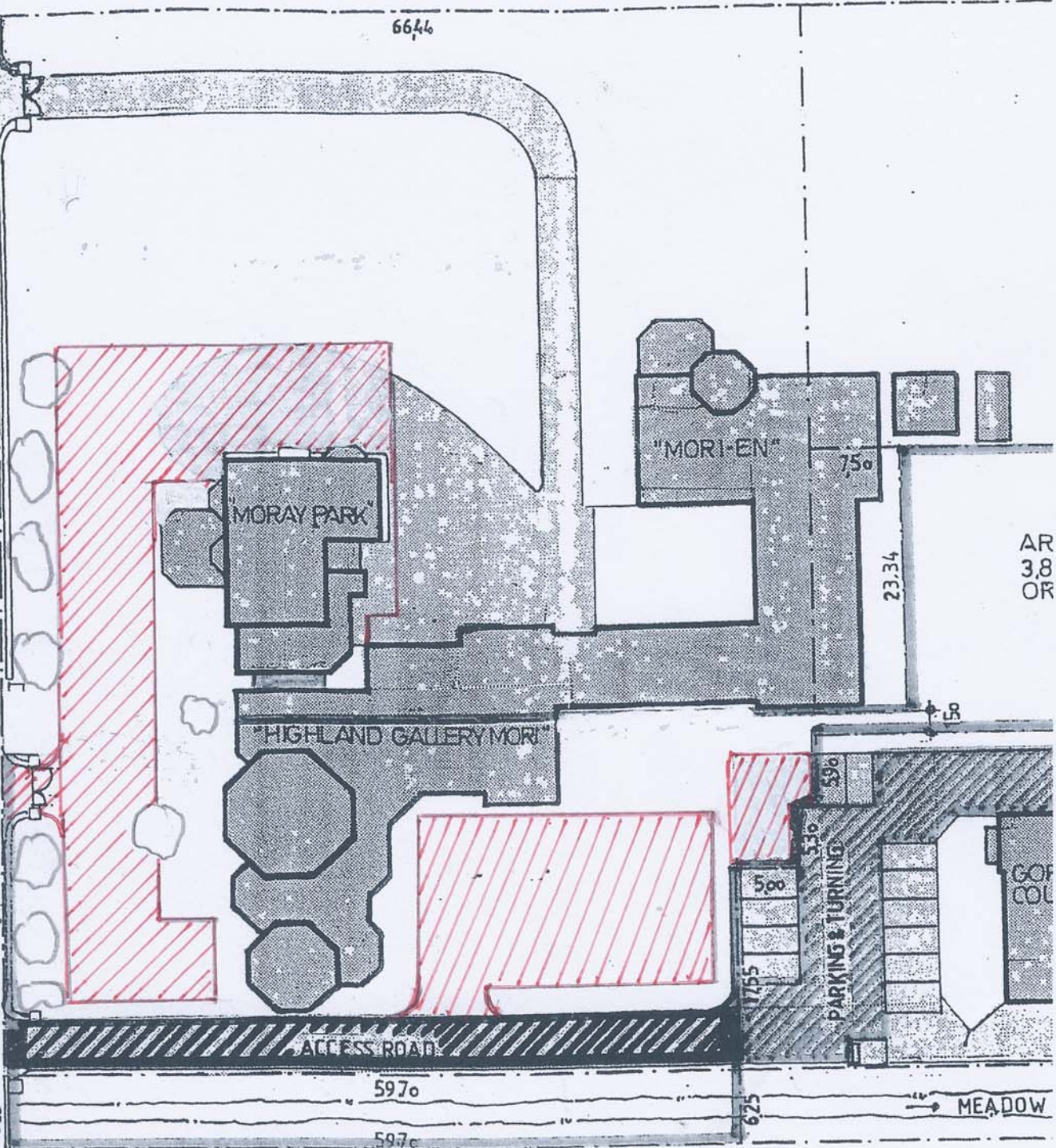
6644

SEAFIELD AVENUE

6026

8048

629



LEGEND



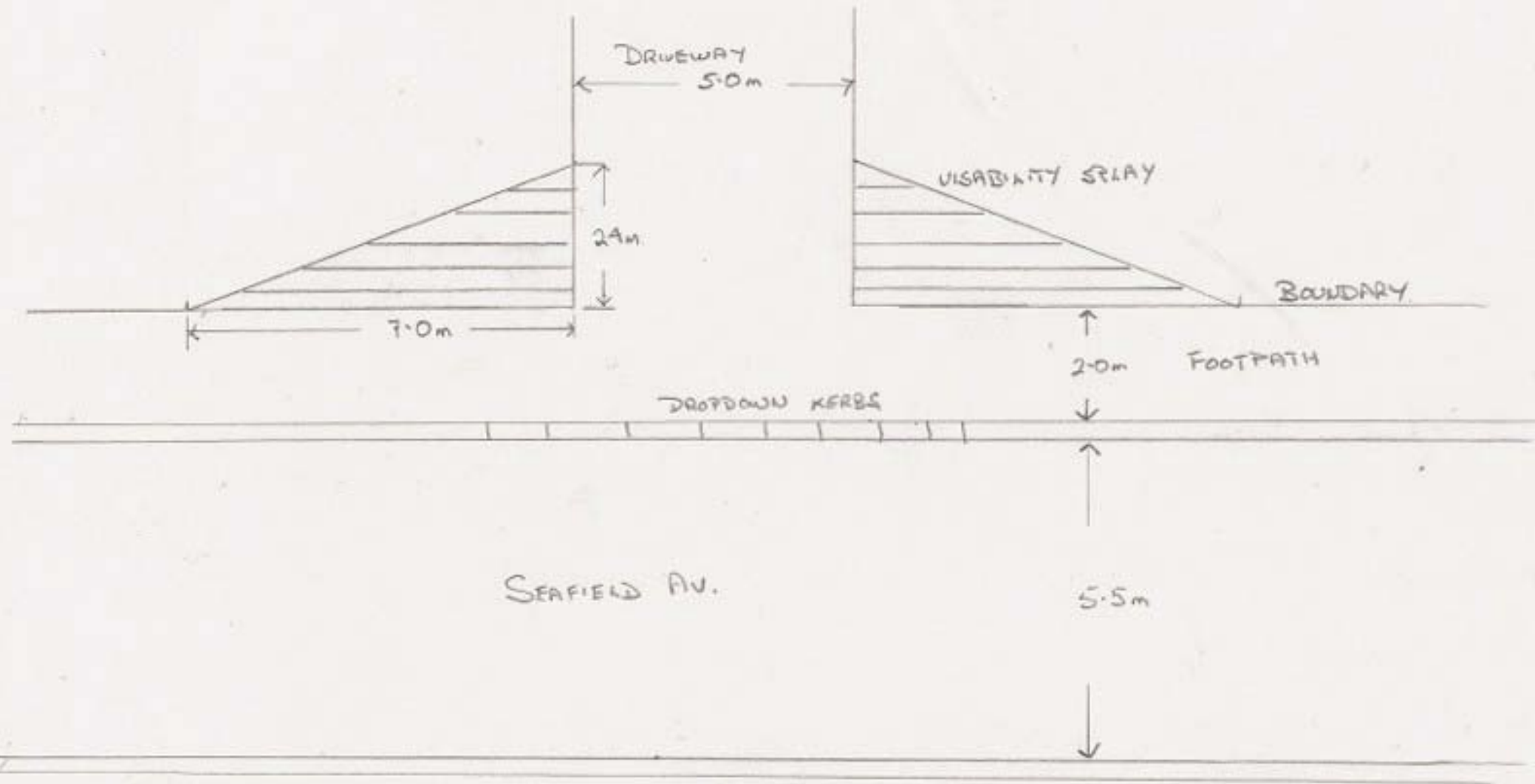
BUILDINGS

TARMAC AREAS

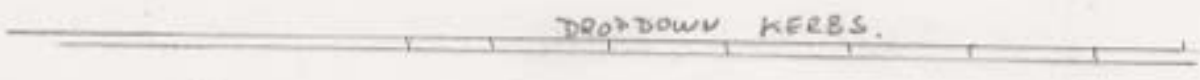
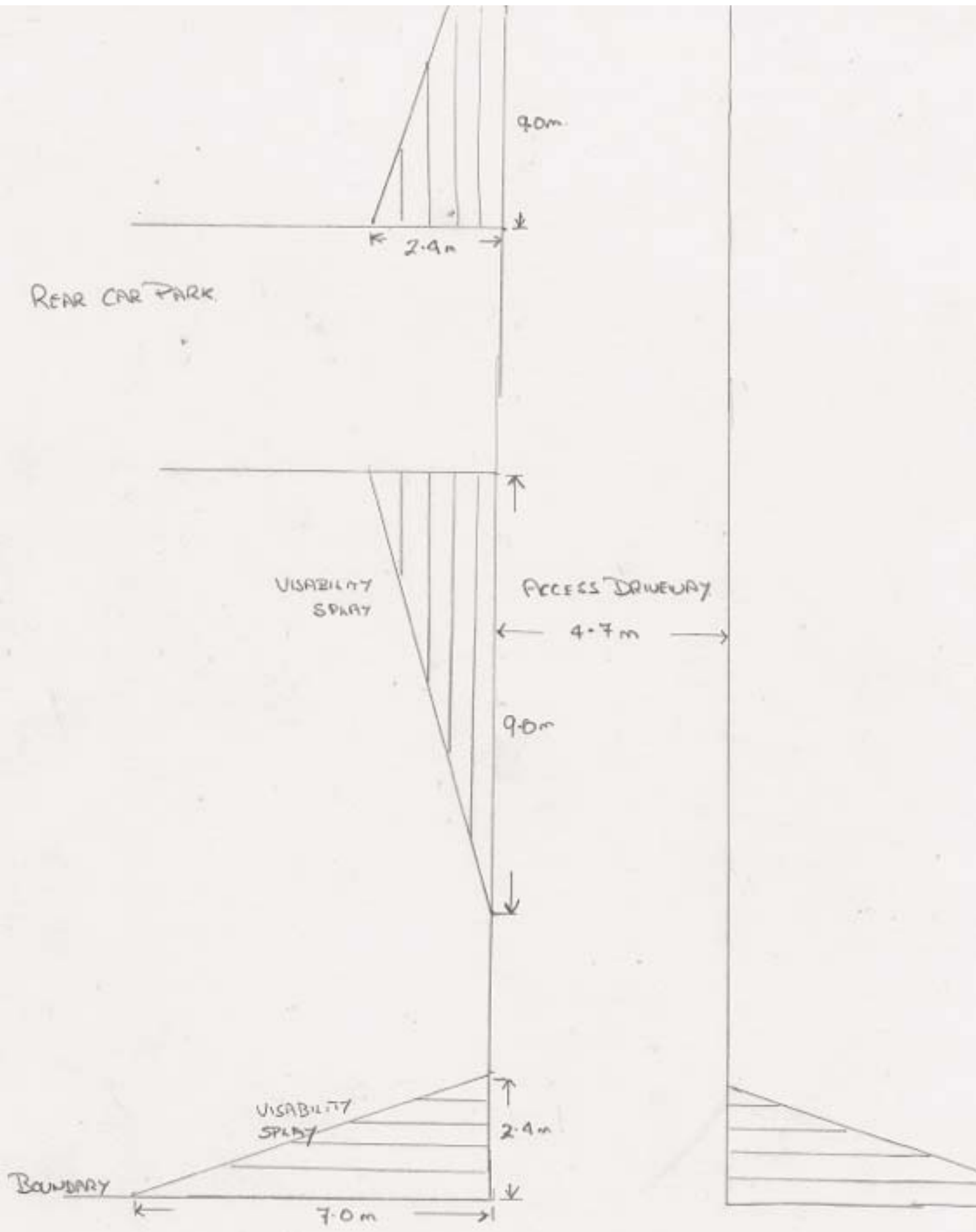
BOUNDARIES

SERVITUDE RIGHT OF WAYLEAVE IN FAVOUR OF GORDON HALL LTD

SERVITUDE RIGHT OF WAYLEAVE IN FAVOUR OF MR. MRS BOYD



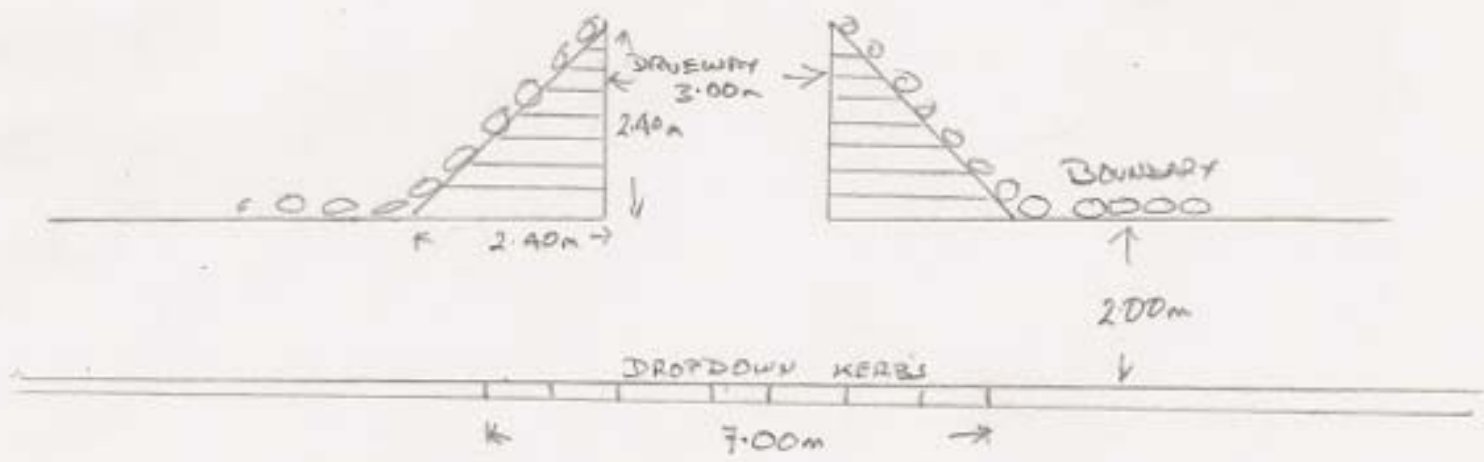
FRONT ENTRANCE TO PAGODA FROM SEAFIELD AV.



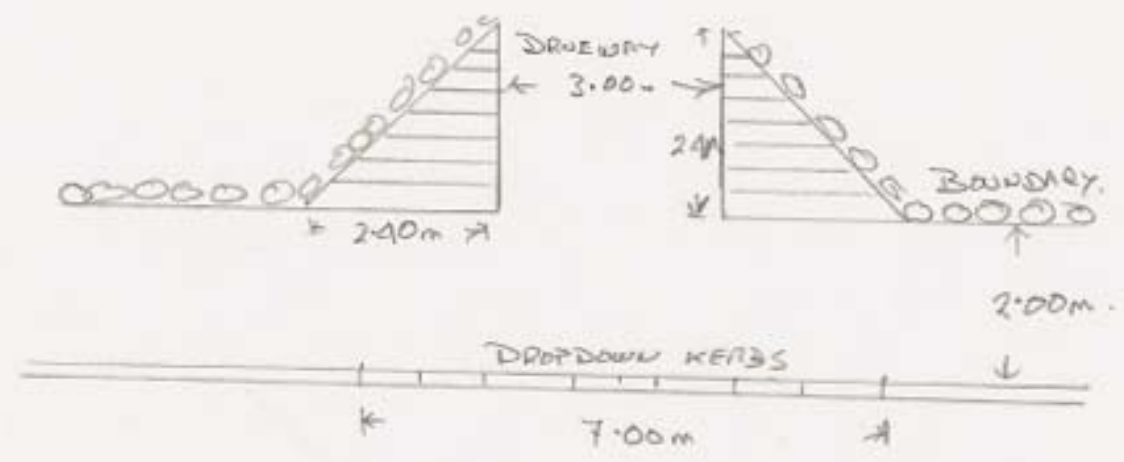
DROPDOWN KERBS.

SEAFIELD AV.





FRONT ENTRANCE TO PAGODA FROM SEAFIELD AV. (EXISTING)



ENTRANCE TO REAR CAR PARK AND GORDON HALL  
FROM SEAFIELD AV (EXISTING)