

Agenda Item	6.4
Report No	PLS/19/25

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 02 April 2025
Report Title: 24/03438/PIP: Space MGM LLP
Land 125M SE of The Bungalow, Forres Road, Nairn
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Construction of 7no. starter industrial units (Class 5) and formation of access road
Ward: 18 – Nairn and Cawdor

Development category: Local

Reason referred to Committee: More than 5 objections and 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 Planning permission in principle is sought for the westward extension to the existing Balmakeith Industrial Estate, Nairn with the creation of 7 industrial units (Class 5) and the extension of Tom Semple Road.

There are three types of unit proposed:

- 3 No. 'Type A' Units (8m wide x 8.6m long)
- 3 No. 'Type B' Units (8.6m wide x 11m long)
- 1 No. 'Type C' Unit (7.3m wide x 10.3m long)

1.2 The indicative site layout shows a new road with a turning head immediately west of the 'Type A' units on its north side, and the 'Type B' and 'Type C' unit on its south side. Additionally, 18 parking spaces are indicated. The site access connects to the existing road at Balmakeith Industrial Estate and the A96 Trunk Road (T) roundabout. Tree planting is also indicated.

1.3 Pre-Application Consultation: Not required.

1.4 Supporting Information:

- Design Statement;
- Surface Water Management Plan;
- Biodiversity Net Gain Calculations;
- Arboricultural Impact Assessment/ Method Statement; and
- Tree Protection Plan.

1.5 Variations: None.

2. SITE DESCRIPTION

2.1 The site is located on the western side of Balmakeith Industrial Estate. It covers an area of approximately 5725sqm and is separated from the historic centre of the town to the west by the River Nairn. It is south of the railway line, and north of Forres Road (A96(T)). Access to the site is via the existing Tom Semple Road. To the south of the site there is an existing historic vehicular access from A96(T) which is no longer in use. The site is relatively flat but is set above the A96(T) and railway.

2.2 In the 1940s, a bungalow was constructed adjacent to the plot but has subsequently been demolished. Following on from this, the site has been partly revegetated with a mix of juvenile to mature mixed broadleaf and conifer trees; fairly extensive patches of gorse/ broom; and rough grass.

3. PLANNING HISTORY

3.1 02.06.2017 16/05512/PIP - Industrial development (Class 4 Withdrawn Business, Class 5 General Industrial and Class 6 Storage and Distribution) and associated works.

3.2	13.11.2017	17/03538/FUL – Erection of 31 No. Affordable dwellings	Withdrawn
3.3	11.09.2018	17/05816/FUL – Development of 28 (amended from 32)	Withdrawn
3.4	13.12.2010	10/03432/PIP Housing development in garden ground	Outline Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3

Date Advertised: 10.09.2024

Representation deadline: 24.09.2024

Timeous representations: 17 Representations (17 Households)

Late representations: 3 Representations (3 Households)

4.2 Material considerations raised are summarised as follows:

For:

- development would create permanent employment opportunities;
- allow businesses to establish, expand, and create jobs, fostering economic growth in the local area;
- significant demand for small, ‘starter’ type units;
- cater to new small/micro businesses that existing larger industrial units do not accommodate;
- acute shortage of smaller business units in Nairn, with all existing units on the estate currently occupied;
- commercial clients struggle to find suitable premises to operate their businesses;
- The land is ideal for industrial use, situated between a railway line and the busy A96(T);
- It would be a natural extension to the Balmakeith Industrial Estate;
- screened by existing trees, minimizing visual impact from the A96(T);
- plan preserves existing trees, making the units nearly invisible from Forres Road/A96(T);
- provide much-needed services locally, reducing carbon footprint;
- support existing jobs, create new ones, and allow businesses to expand;
- site can be easily linked to existing infrastructure, utilise an existing roundabout for access; and
- support opportunities arising from the reopening of the Old McDermotts worksite at Ardersier Port

Against:

- Wildlife Habitat including rabbits, squirrels, badgers, deer, birds, and potentially bats;
- Green Space Designation: land has been identified and designated as Green Space and Green Network in the Inner Moray Firth Local Development Plan 2 (IMFLDP2) and the Local Place Plan; essential part of Nairn's green infrastructure;
- Tree Preservation: contains mature Scots Pine trees, which should be protected under NPF4 and the Council's own policies on trees and woodland development;
- Non-Compliance Development Plans IMFLDP2, and NPF4; and Nairnshire Local Place Plan;
- Alternative Sites Available - undeveloped land at the east side of Balmakeith Industrial Estate and the forthcoming expansion of the Grigor Hill Industrial site could accommodate industrial units;
- Noise and Disturbance - introducing noisy industrial businesses near residential properties;
- Impact on air quality; and
- Visual Impact - land is an attractive natural environment.

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 Nairn River Community Council: Object:

- site not allocated for business or industry in the development plan
- impact on residential properties from noise, dust, smell
- shown as Greenspace in the IMFLDP2 Plan. The Nairnshire Local Place Plan recognised that there is ample space at the eastern end of the Balmakeith business park area to satisfy local unmet demand for new business units, and the Local Place Plan (LPP) has promoted the expansion of the Grigor Hill business site to include business units of varying sizes and business classes.
- application was submitted after consultation of the draft LPP and uses the Business Survey outcome as the basis of need.
- previously, there was a house on site and now a natural green space. The land is one of the very few green spaces remaining within residential areas of Nairn, providing a visual and physical barrier adjacent to the railway and the main road, and thus provides protection to the residents of Merryton and Boath Park respectively from traffic and train noise.
- site has an amenity value that benefits the wider community; and is a natural habitat for various wildlife such as badgers, squirrels etc
- site part of green network in IMFLDP2
- no wildlife survey/assessment has been submitted
- no drainage assessment has been submitted
- impact on trees
- identification of trees in tree survey

- contrary to NPF4 and the Council's Ecology Strategy and Action Plan

land was advertised for sale for many months prior to this application being submitted.

5.2 **Access Officer:** "From the lack of well-worn paths through the site it appears that little public access is exercised though it except for a useful beaten earth path entering the site at an historic access off the A96(T) – a route Transport Planning have recommended be retained for non-car connectivity. I support that recommendation.

Beyond that the proposal does not affect any Core Paths or recorded public rights of way. Nor does it have a significant affect on other parts of the wider path network or places where the public have been in the habit of enjoying.

As such I have no comment to make save for recommending the retention and improvement of the path that has developed from the A96(T) onto Tom Semple Road."

5.3 **Contaminated Land Officer** makes no comment given that no potentially contaminative former land use has been found.

5.4 **Development Plans Team:** "Balmakeith Industrial Estate has limited opportunities for expansion due to the railway line to North, road to South, and settlement boundary to the East. Due to the nature and proposed location of the proposal, the development complies in principle with NPF4 Policy 26 business and industry, subject to demonstration that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses; no suitable alternatives allocated in the LDP or identified in the employment land audit; and impact on surrounding residential amenity; sensitive uses and the natural and historic environment. However, any future application should include an assessment of the above points for it to comply wholly with the policy.

The proposal is located outwith any sites allocated for business and industry uses in the Inner Moray Firth Local Development Plan 2 [(IMFLDP2)] and it will be supported if it can be demonstrated that it is a sustainable location and accords with relevant policies set out in the development plan."

"The site is covered by Green Network notation within the IMFLDP2 which means it is important for habitat connectivity. The existing tree cover provides that habitat and its role in providing connectivity for the movement of species to adjoining green networks and greenspaces should be preserved. Given that this is a PPIP application it is difficult to reach a firm conclusion in terms of whether connectivity will be preserved. There is, as yet, no detailed landscaping plan, ecological assessment or biodiversity net gain assessment."

The Development Plans Team do however acknowledge that these matters are more appropriately assessed at the Matters Specified in Conditions (MSC) stage and acknowledge that the details submitted so far imply that additional planting will be undertaken sufficient to ensure net biodiversity enhancement and the preservation of habitat connectivity.

The site is adjacent to the strategic business and industrial sites/location of Balmakeith; hence “the Council will also support the principle of business and industrial proposals outwith these sites/areas if the land requirement is from an emerging industry with uncertain size and locational characteristics. Developers will have to demonstrate that their proposals cannot reasonably be accommodated on existing allocated industrial and business sites. Such proposals will still need to be assessed against other parts of the development plan and should set out and follow principles which accord with the vision and spatial strategy of the HWLDP.”

In terms of contributions, the Team advise:

“Although it has been quoted in the HLDP Delivery Programme for Nairn: IMFLDP2 site reference NA05 and any other development east of River Nairn are liable to pay towards enhancement of active travel connections between Lochloy and the rest of Nairn, including a potential active travel bridge over the railway line, between Lochloy and Balmakeith Business Park.

Ideally, the contribution is more relevant and applicable to all the housing developments, and as this proposal is for an extension to an existing industrial development, with the proposed site lying adjacent to an existing the Industrial development of Balmakeith, no developer contributions would be applicable.”

- 5.5 **Flood Risk Management Team** – Original objection on flood risk withdrawn (07.01.2025), following review of the Drainage Impact Assessment (DIA) provided (Report Reference: 24071-ETV-52-XX-C-RP-0001. Etive Consulting Engineers. 22/11/2024).

Surface water from the site will be collected and treated through SUDS prior to discharge to the ground by infiltration. There is also an option to discharge to an existing Scottish Water sewer if required.

All of the drainage infrastructure will remain privately owned and maintained. Measures will need to be put in place to ensure that owners/operator of the site are aware of their responsibilities with regard to the maintenance/operation of the SUDS. Request a condition that the final surface water drainage arrangements are submitted for review.

- 5.6 **Ecology Team:** No objection, subject to conditions.

- 5.7 **Environmental Health Officer:** No objections. At this stage there is no information on the type of use other than the broad planning classification. The proposed units are relatively small and are designed as starter premises. Background noise levels in the area are likely to be elevated due to the existing industrial estate and traffic on the A96(T). However, there is still potential for disturbance to receptors if, for example, a particularly noisy process or plant was to be introduced, especially if it operated at night. There is also potential for disturbance due to other emissions such as odour, dust, smoke etc.

Although not considered as sensitive as residential properties, neighbouring units in the industrial estate could also be considered as receptors to some extent.

Conditions relating to noise are recommended.

- 5.8 **HQ Forestry:** No objection, subject to conditions.

A Tree Constraints Plan has been submitted in support of the application. There is no Tree Survey Report, schedule, Arboricultural Impact Assessment, which we would usually expect to be supplied.

It does however appear that the applicant has used the tree constraints to help inform the layout of the site and as a result the likely impact of the indicative development layout shown on the Proposed Site Plan would not appear to be significant.

The indicative access through from the existing industrial estate shows four pine trees would need to be removed to accommodate road construction, and it is likely that at least two more trees would need to be removed as their roots would be affected.

The indicative layout shows some of the units very close to root protection areas and crown spreads of existing trees, but there are no significant conflicts. Tree Protection Plans and an Arboricultural Method Statement to BS 5837 would be required as a condition of permission.

The indicative tree losses appear to be adequately compensated with indicative planting proposals on the Proposed Site Plan of 21 mixed native broadleaf trees.

In order to control the development conditions relating to Arboricultural Impact Assessment, tree protection, landscape, and woodland management, are suggested.

5.9 **Transport Planning Team:** No objection subject to conditions.

Understand that the development will remain as a private access and not be brought forward for adoption as a public road.

Recommend that tie-in details of proposed road with the existing U3599 Tom Semple Road be submitted for approval prior to any works commencing.

The submitted Design Statement dated August 2024 identifies that the historic existing vehicular access from the A96(T) Forres Road is no longer in use and there is no intention for it to be reopened. Recommend a condition requiring this vehicular access be formally closed off and the roadside footway reinstated through that access to a width suitable for shared use by both pedestrians and cyclists. This should be completed prior to any occupation of the units. Notwithstanding this vehicular closure, a pedestrian/non-car modes of travel linkage would be appropriate, given the lack of such facilities within the existing Balmakeith Industrial Estate. This can be controlled by condition.

Whilst there are existing footways and serviced bus stops on the A96(T) Forres Road adjacent to the Balmakeith Industrial Estate, the footway north of the A96(T) east of the historic vehicular access to this site is only wide enough to safely cater for pedestrians. The current Nairn Active Travel Masterplan dated October 2021 includes proposals to create a "High Quality Active Travel Route on the A96(T)" that would serve both pedestrians and cyclists. This includes the section of the A96(T) Forres Road between this site and the roundabout access into Balmakeith Industrial Estate. Given that the non-car connectivity of this proposed development would benefit from such improvements being provided, particularly the section between the historic site access and the existing signalised crossing of the A96(T) east of this site, we recommend that any planning permission issued includes a

requirement on this development to contribute towards upgrading the existing footway on the north side of the A96(T) Forres Road between the historic site access and the existing signalised crossing of the A96(T) east of this site to safely cater for both pedestrians and cyclists. The value of any such contribution should be agreed with the Development Plans Team and the Active Travel Team, with any works to upgrade that route needing to be agreed with Transport Scotland as the responsible body.

The new vehicular access serving this development should remain as a private access. However, the designs for that access need to demonstrate that it can safely cater for large commercial vehicles needing to access and turn within the site in order to avoid unacceptable practices of such large commercial vehicles needing to either reverse into or out of this site from the U3599 Tom Semple Road.

Recommend that any permission issued includes a suitably worded condition requiring information be provided demonstrating that appropriate larger commercial vehicles can safely drive into this development, turn and leave again without needing to reverse either into or out of the site from the U3599 Tom Semple Road.

With regards to car parking, the appropriate standards for general industry within this edge of town location would be up to 1 space per 33m² GFA of industrial development. The submission appears to be proposing 567m² overall GFA, which equates to required parking provisions up to 17No. car parking spaces. The submitted indicative layout shows 18No. car parking spaces, which is reasonable for the proposed nature and scale of development.

Of the 17-18 car parking spaces required, the Councils published standards require at least 1No. space to be designed and designated for use by disabled drivers. However, this may need to increase depending on the intended occupiers of the proposed units and that this will be a collection of independent businesses. Accordingly, recommend details of car parking arrangements to be secured by condition.

Whilst the proposed number of cycle parking facilities exceed the minimum requirements from our published 'Roads and Transport Guidelines for New Developments', there is little information about the intended designs. We therefore recommend that any permission issued includes a suitably worded condition.

In relation to the intended arrangements for the collection, treatment and discharge of surface water run-off recommend that the proposal adequately demonstrates there is a viable solution before any decision is taken. This can be controlled by condition.

As there will be no new roads associated with this development, our interests will relate to any drainage implications to the existing local public road asset. On that, it should be noted that Highland Council as the Local Roads Authority will not accept surface water run-off from this private development flowing onto existing local public roads or discharging into existing roads drainage infrastructure.

5.10 Network Rail: No objection.

An informative in relation to Network Rail's comments should be attached to any permission granted.

- 5.11 **Scottish Water:** No objection
- 5.12 **Transport Scotland:** No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023) (NPF4)

- Policy 1 - Tackling the Climate and Nature Crises
- Policy 2 - Climate Mitigation and Adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural Places
- Policy 6 - Forestry, Woodland and Trees
- Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 12 - Zero Waste
- Policy 13 - Sustainable Transport
- Policy 14 - Design Quality and Place
- Policy 15 - Local Living and 20 Minute Neighbourhoods
- Policy 20 - Blue and Green Infrastructure
- Policy 22 - Flood Risk and Water Management
- Policy 26 - Business and Industry

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 34 - Settlement Development Areas
- 41 - Business and Industrial Land
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 64 - Flood Risk
- 65 - Wastewater Treatment
- 66 - Surface Water Drainage
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access

6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)

- 1 – Low and Zero Carbon Development
- 2 – Nature Protection, Restoration and Enhancement
- 3 – Water and Waste Water Infrastructure Impacts in the Nairn and Inverness Areas
- 7 – Industrial Land
- 8 – Placemaking
- 14 – Transport

6.4 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

Cycling by Design

Roads and Transport Guidelines for New Developments

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 None

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting and design
- c) impact on trees and biodiversity
- d) noise and disturbance
- e) impact on infrastructure and services and proposed mitigation (developer contributions) and
- f) any other material considerations

Development plan/other planning policy

8.4 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature

networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

- 8.5 NPF4 Policy 14 Liveable Places encourages, promotes and facilitates well designed development, noting that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- 8.6 NPF4 Policy 15 Local living and 20-minute neighbourhoods identifies that development proposals will contribute to local living, including local access to: sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks; and employment.
- 8.7 NPF Policy 22 Flood risk and water management seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 8.8 NPF4 Policy 26 Business and industry encourages, promotes and facilitates business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.
- 8.9 At Policy 26(d), it identifies that development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where: i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and ii. The nature and scale of the activity will be compatible with the surrounding area.
- 8.10 The Inner Moray Firth Local Development Plan 2 (Placemaking Priorities 27 – Nairn) includes the need to:
 - Strengthen the local economy and increase local employment opportunities through the protection of established industrial and business sites and support for suitable new sites to enable further growth.
 - Preserve and enhance green networks within and surrounding Nairn
- 8.11 Nairn has an established industrial and business estate area at Balmakeith, covering approximately 17ha, providing existing buildings and sites to take forward economic opportunities.
- 8.12 While the site is outwith the existing Balmakeith industrial area, it is immediately adjacent to it. The proposal covers an area of approximately 0.54ha, or 3.2% of the existing industrial estate. The overall nature and scale of the proposal, particularly given its close functional relationship to the Balmakeith industrial estate, is such that it is considered compatible with the surrounding area.
- 8.13 It is noted that IMFLDP2 does not identify the site for business and industry use nor does it identify (suitable) alternative sites for business and industry within Nairn. Representations suggest that there is a latent demand in the area for 'starter' units suitable for new and small businesses and note that the site is well serviced. They also highlight that such provision would help to support economic development in the area and would accordingly have wider community benefit. Other comments

indicate that there are alternative sites, including the eastern end of Balmakeith and at Grigor Hill as promoted by the Nairn Local Place Plan.

- 8.14 The Nairn Local Place Plan has been prepared and submitted to the Council but at the time of writing has not yet been registered. The content of the Local Place Plan will be taken into consideration in future Development Plan preparation but at this moment in time the Development Plan comprises IMFLDP2, HWLDP and NPF4.
- 8.15 NPF4 policy 26(e)(i) Business and industry sets out that development proposals for business and industry will take into account: i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment.
- 8.16 Representations also highlight that the site should not be developed as it forms part of a green network. In the context of the development plan, a green network means that the site is important for habitat connectivity. It does not preclude it from development.
- 8.17 Providing that the proposal can demonstrate that it has taken into account the impact on the surrounding residential amenity, the existing natural environment and would preserve and enhance green networks within and surrounding Nairn, the principle of this change of use could be considered to comply with the Development Plan.

Siting and design

- 8.18 The proposal is in principle, and accordingly the submitted Site Layout Plan (102-0455-L(90)002 REV A) and Block Plan 102-0455-L(90)001 REV A) are indicative only. The details of the layout of any means of access/roads, buildings, drainage and landscaping; and the design of any buildings for the site will be established by Matters Specified in Conditions (MSC) applications.
- 8.19 The vehicular access point to the application site is located off the western end of the existing turning head on Tom Semple Road and is indicatively shown as running for approximately 60m to the northwest, terminating at a new turning head.
- 8.20 The indicative building layout suggest 3 building types:
- A – 3 No. (8.6m x 8.2m)
 - B – 3 No. (8.7m x 11.2m)
 - C – 1 No. (7.2m x 10m)
- 'Type A' is located to the north side of the new access road, and types 'B' and 'C' to the south. The building types would be placed parallel to and facing the road and would have parking spaces between the units and the road. The Design Statement accompanying the application indicates that the size of the units would be similar in scale to that found in the adjacent industrial estate.
- 8.21 The indicative plans suggest that the separation of the indicative building layout to the rear fences of the closest houses on Sutors Avenue to the south would be around 45m.

- 8.22 Given its close proximity of the site to the existing Balmakeith industrial estate, with its functional relationship due to the proposed shared access (Tom Semple Road), and the continued use of the established screen of trees which continues along Balmakeith industrial estate and the application site on the A96(T), it is considered that the proposal does take into account the impact on surrounding residential amenity.
- 8.23 The proposal would extend the existing established Balmakeith Business Park to the west towards the town centre. The application site is surrounded to the north and south by a railway and A96(T) road respectively, while to the east is the Business Park. Although there is residential land use to the north and south of the railway line and A96(T), the degree of separation is such that it is not considered that the proposal would significantly impact on the surrounding residential amenity.

Impact on trees and biodiversity

- 8.24 The site is not covered by any statutory natural heritage designation.
- 8.25 There is an existing screen of trees around the edges of the site, which comprises a mix of Scots pine and deciduous trees. The central part of the site is open and relatively flat.
- 8.26 This existing tree edging provides the site with a good visual screen from public view. To the west and outside of the application site, there would remain an area of denser woodland.
- 8.27 The area is currently used as an informal open space, with the main pedestrian access through the trees on the eastern edge of the site from the industrial estate / Tom Semple Road, and from the A96(T) to the south. The railway line blocks access from the north.
- 8.28 The submitted plans suggest additional planting will be undertaken sufficient to ensure net biodiversity enhancement and the preservation of habitat connectivity. However, such details would be for a further detailed application(s) (MSC) to confirm.
- 8.29 Advice from the Forestry officer is that the indicative layout responds to the existing tree constraint of the site, and therefore the presented indicative layout would not be significant in terms of its impact on the trees.
- 8.30 Notwithstanding this, the suggested road access from Tom Semple Road would require the removal of 4No. Scot pine, and it is likely that at least 2 more trees would need to be removed as their roots would be affected.
- 8.31 While the indicative building block plan and layout suggest that there may be potential impact on roots and crown spreads from the buildings, as no finalised design is being assessed, these impacts are not confirmed. It is also noted that the proposal does identify compensatory planting on site.

- 8.32 Development of the site would still retain much of the existing tree cover, particularly around the boundary edging with additional planting and biodiversity enhancement can be secured by condition.
- 8.33 The application has been accompanied by an Ecological Impact Assessment. The Assessment identifies that the "...majority of habitats present within the survey area are of limited conservation value. The very small area of semi-mature broadleaved woodland and mature broad-leaved trees within the tree lines are considered to be of relatively high value when compared to the other habitats within the Site. The majority are being retained post-development, with a comparatively small proportion of trees lost to the development.
- 8.34 Furthermore, it notes that "...given that the site is small and relatively low in ecological value, the impacts on both habitats and protected species are overall considered to be at a local level and non-significant in magnitude".
- 8.35 As part of the Assessment, the developer has undertaken a habitat and protected species survey on the site. This identified "...no signs of protected species within the site boundary. One tree was noted as having potential to support roosting bats, however the tree is to be retained. The site was noted as having potential to support foraging badgers. All mitigation measures described within the Ecological Impact Assessment dated December 2024 should be implemented i.e. retaining the bat potential tree within the treeline labelled TL3 and tree/scrub clearance avoiding breeding bird season where possible".
- 8.36 The Assessment contains Biodiversity Enhancement Measures (section 6) relating to bat boxes, bird boxes, wildflower meadow, trees and shrubs, log piles and rain gardens.
- 8.37 The details set out in the Assessment can be controlled by condition. It is considered that the development would preserve the existing green network with its additional planting and biodiversity enhancement.

Noise and disturbance

- 8.38 The site is located within the central area of the town adjacent to the strategic and local transport corridor formed by the A96(T), A939, and the railway line. Accordingly, there is already a significant amount of background noise around the site.
- 8.39 There are nearby established residential areas at Sutors Avenue to the south of the A96(T), and at Merryton Crescent and Lochloy Crescent to the north side of the railway line.
- 8.40 The site would be closer to some of the houses on Sutors Avenue than the current industrial estate. However, the established background noise from road traffic and the railway, would not significantly change as a result of the proposal, which is relatively small in scale compared to the existing industrial area.
- 8.41 In addition, the established trees along the southern boundary of the site/A96(T) would provide both a visual and noise screen to activities within the site.

- 8.42 During the course of any construction works there is a degree of noise and disturbance. However, following this, any noise from a land use within the site would be subject to consideration as a statutory noise nuisance complaint by the Environmental Health Authority.

Impact on infrastructure and services

- 8.43 The site can be easily accessed from the A96(T) and would take access from the existing industrial estate access on Tom Semple Road. No utility servicing issues have been highlighted, although the provision of such would be for the developer to agree with the relevant providers.

Other material considerations

- 8.44 There are no other material considerations.

Non-material considerations

- 8.45 None

Matters to be secured by Legal Agreement / Upfront Payment

- 8.46 None

9. CONCLUSION

- 9.1 The proposal would provide a relatively modestly sized extension to the existing industrial and business estate at Balmakeith on the eastern side of the town, taking advantage of the already established connectivity to the A96(T). Although the detail of the layout and buildings has not been presented in this application, the indicative layout suggests that the units would be relatively modest in size and would be suitable for small businesses and cater for an existing demand for this within the area. This would therefore help to sustain and consolidate existing businesses and provide opportunities for new businesses to develop from. The detail of the layout of the access road, buildings design, materials and placement on site, and the landscaping of the site, will follow on in Matters Specified in Conditions (MSC) application(s).
- 9.2 The overall nature and scale of the proposal, particularly given its close functional relationship to Balmakeith industrial Estate is such that it is considered to be compatible with the surrounding area and therefore accords with the placemaking priorities set out by IMFLDP2 at Policy 2 through strengthening the local economy and increase local employment opportunities by supporting suitable new sites to enable further growth; and by preserving and enhancing the green network in Nairn through biodiversity enhancement measures. The location of the proposal, adjacent to the existing industrial estate also accords with NPF4 policy 26(e)(i) Business and industry as it takes into account the potential impact on surrounding residential amenity and sensitively uses the natural environment through its placement adjacent to the industrial estate, behind an existing established screen of trees, thereby maintaining established residential amenity.

- 9.3 During the course of construction works, there is always a degree of disruption and noise. However, the site is adjacent to a busy central transport corridor in the town, and following the completion of construction works, the overall level of additional noise, over and above the existing noise from the industrial estate, is likely to be limited. Notwithstanding this, in the event of significant noise, then this would be assessed by Environmental Health as a potential statutory noise complaint.
- 9.4 The site does have a localised value as a green space and this is highlighted in the Nairnshire Local Place Plan which was recently produced by the community body Nairn Improvement Community Enterprise. Notwithstanding this, the site does not have any associated statutory natural heritage designations and although identified as being part of the local green network in IMFLDP2, this does not preclude development of the site. Development of the site for industrial and business use will impact on this space and result in a loss of some trees although sufficient space remains to provide an opportunity to enhance biodiversity through new and additional tree planting.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

- | | |
|-------------------------------------|---|
| Notification to Scottish Ministers | n |
| Conclusion of Section 75 Obligation | n |
| Revocation of previous permission | 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 permission in principle relates shall be begun no later than the expiration of five years beginning with the date of grant of this permission.

Reason: Section 59 of the Town and Country Planning (Scotland) Act 1997 requires a condition to be attached to a planning permission in principle limiting its duration. Five years is the default period set by law and there is no material reason indicating that a different period should be set.

2. No development in respect of this planning permission in principle shall take place unless further application(s), accompanied by plans showing all the matters specified in Condition 3 below, have been submitted to and approved by the Council as Planning Authority. The further application(s) must be submitted within 3 years of the date of this permission.

Reason: Permission is hereby granted in principle only and to ensure that the matters specified in conditions are submitted timeously to enable full consideration of the matters specified, in accordance with the provisions of Sections 41 and 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

3. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping and maintenance plan for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements;
 - v. details of the proposed water supply, foul, and surface water drainage arrangements; and
 - vi. details of tree protection measures.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

4. The proposed vehicular access serving this development shall remain as a private access and not be brought forward for adoption as a public road.

Reason: The proposed new access will only serve this development and will provide no other public purpose or benefit.

5. Any details pursuant to Condition 3 above shall show the existing vehicular access from the A96(T) Forres Road formally closed off and the roadside footway reinstated through that access to a width suitable for shared use by both pedestrians and cyclists. The design details for this shall be agreed in writing by the Planning Authority in consultation with the Roads Authority (Transport Scotland) as the body responsible for the A96(T). For

the avoidance of doubt, the designs for this shall include create an active travel connection into the site from this point.

Thereafter, the details thereby approved shall be implemented in full by the developer, as approved prior to any industrial units opening within this development and retained for this purpose in perpetuity.

Reason: To ensure that an adequate level of access is timeously provided for the development, and in order to facilitate the use of a variety of modes of transport.

6. No development shall commence until the developer shall have provided details in writing and on plan of upgrading works of the existing footway on the north side of the A96(T) Forres Road between the historic site access and the existing signalised crossing of the A96(T) east of this site to safely cater for both pedestrians and cyclists, all for the approval in writing of the Planning Authority in consultation with the Roads Authority (Transport Scotland) as the body responsible for the A96(T).

Reason: In the interests of non-car connectivity.

7. Any details pursuant to Condition 3 above shall provide, for the approval in writing of the Planning Authority in consultation with the Roads Authority, written and plan information demonstrating that appropriate larger commercial vehicles can safely drive into this development, turn and leave again without needing to reverse either into or out of the site from the U3599 Tom Semple Road. For the avoidance of doubt, such information shall include as a minimum dimensioned road layout drawings and suitable swept paths for larger rigid and articulated commercial vehicles. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.'

8. Any details pursuant to Condition 3 above shall show the quantity and layout of all car, bicycle, and disabled parking facilities serving the development as set out within the Highland Council standards 'Roads and Transport Guidelines for New Developments'. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

9. The Rating Level of noise arising from this development, shall not exceed the background noise level at any noise sensitive property, as determined in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound. This applies to individual units and cumulatively to the development. For the avoidance of doubt,

background noise would include that arising from traffic and the existing industrial estate.

Activities and operations for which noise is audible at the curtilage of any noise sensitive property shall be restricted to between 8am and 10pm unless otherwise authorised in writing by the Planning Authority.

All emissions to air arising as a result of this development, such as odour, smoke, dust etc., shall be so controlled as to be imperceptible at the curtilage of any residential property or similarly sensitive receptor.

Reason: In the interests of residential amenity.

10. The development shall be undertaken in accordance with the biodiversity enhancement measures detailed at section 6 of the Ecological Impact Assessment (December 2024), docquetted hereto, to the satisfaction of the Planning Authority.

Reason: In order to protect the natural heritage interests of the site.

11. No development, site excavation or groundwork shall commence until all retained trees, as detailed on approved Tree Protection Plan 002, shall have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and shall not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: In order to secure the long-term management of the trees and/or woodland.

12. Prior to the commencement of development and any other works on site, the developer shall have undertaken and submitted, a nesting bird survey, for the approval in writing of the Planning Authority. For the avoidance of doubt, the survey shall set out appropriate mitigation measures, including those to stop works. Thereafter, development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein, all to the satisfaction of the Planning Authority.

Reason: In order to protect the natural heritage interests of the site.

13. Prior to the completion of the site works, the developer shall provide details in writing and on plan (GIS shapefile) of the compensation and enhancement works, including the location of any nest and bat boxes, all for the agreement in writing of the Planning Authority.

Reason: To allow the compensation and enhancement areas to be mapped to ensure no developments occur on these sites for a minimum of 30 years.

14. Prior to the commencement of development, the developer shall have provided written and plan details of the collection, treatment and discharge of surface water run-off (SuDS) from the site, including measures for its disposal, all for the approval in writing of the Planning Authority in consultation with the Roads and Drainage Authorities. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to ensure that the site is satisfactorily drained.

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 0845 601 8855.

Septic Tanks and 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 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.

No works should commence on or directly adjacent to Tom Semple Road until a Road Opening Permit has been sought from and granted by Highland Council acting as the Local Roads Authority. The process of seeking such Permits is set out on Highland Council website at: [Apply for a road opening permit](#).

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Network Rail

All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a

“possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, either by submitting an enquiry on the Network Rail website or by writing to: Network Rail Asset Protection Engineer, 151 St. Vincent Street, GLASGOW, G2 5NW AssetProtectionScotland@networkrail.co.uk

Further information regarding working on or near the railway can be found on the Network Rail website.

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Sile Tang

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

Relevant Plans:

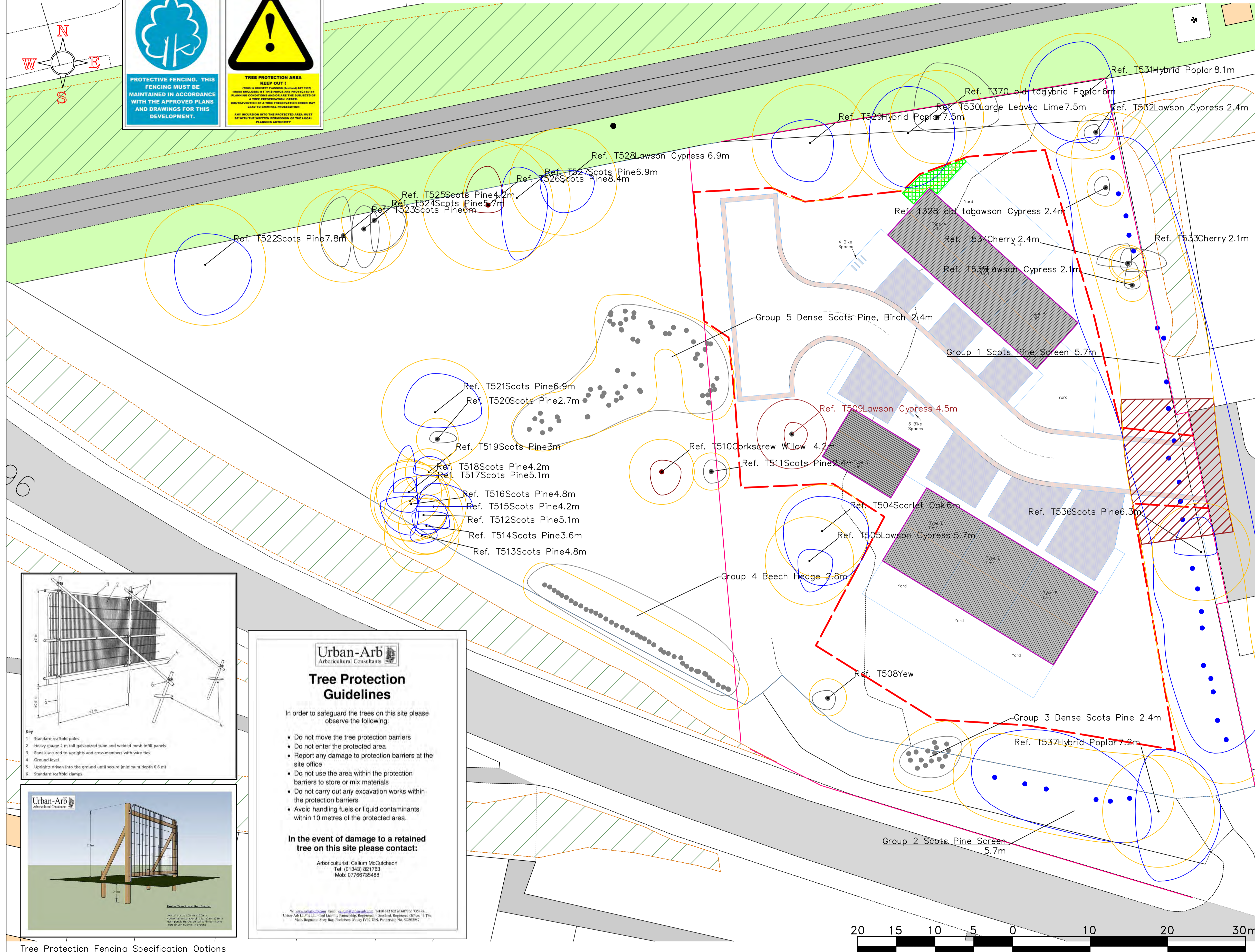
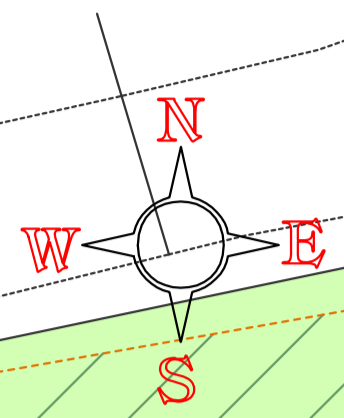
Plan 1 - Location Plan 102-0455-L(00)0001 REV A

Plan 2 - Site Plan 102-0455-L(90)002 REV A

Plan 3 - Block Plan 102-0455-L(90)001 REV A

Plan 4 – Tree Protection Plan 002

Tree Protection Plan



General Notes

KEY

- Tree Reference, Common Name and Root Protection Area radius
- Stem
- Tree Canopy
- Root Protection Area (RPA)

Colours are in accordance with BS5837:2012 quality grading:

- Red: Unsuitable for retention
- Grey: Low quality
- Blue: Moderate quality
- Green: High quality

Root Protection Area (RPA): The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

- Tree Group
- Site Boundary

TREE TO BE REMOVED

- Ref. T001 Silver Birch 2.7m
- Tree Group to be removed
- Tree Protection Fencing
- 150mm Cellweb Ground Protection

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 01.11.2021

Urban-Arb
Arboricultural Consultants

No.	Revision/Issue	Date

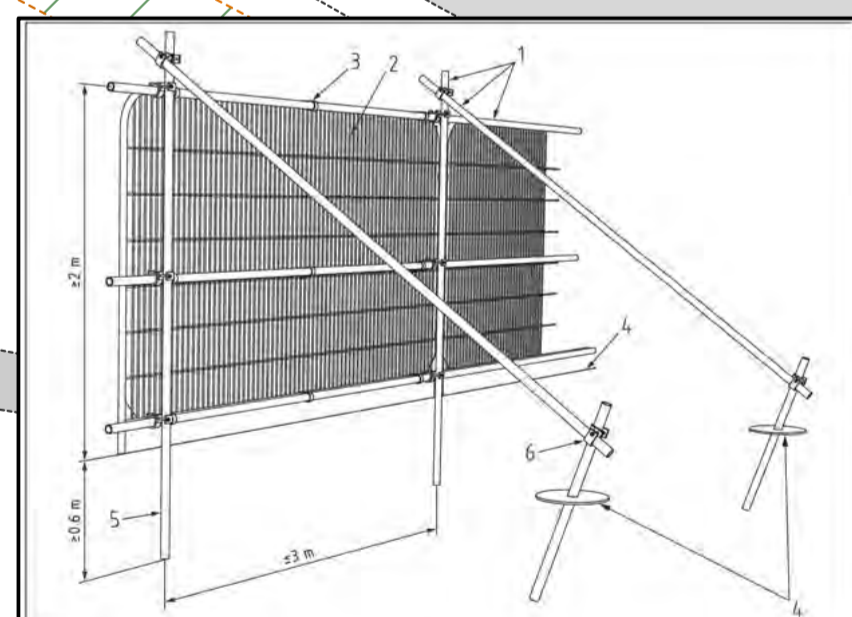
Firm Name and Address

Urban-Arb LLP
Dolphin Cottage
11 The Muir
Bogmoor
Spey Bay
Fochabers
Moray IV32 7PN
www.urban-arb.com

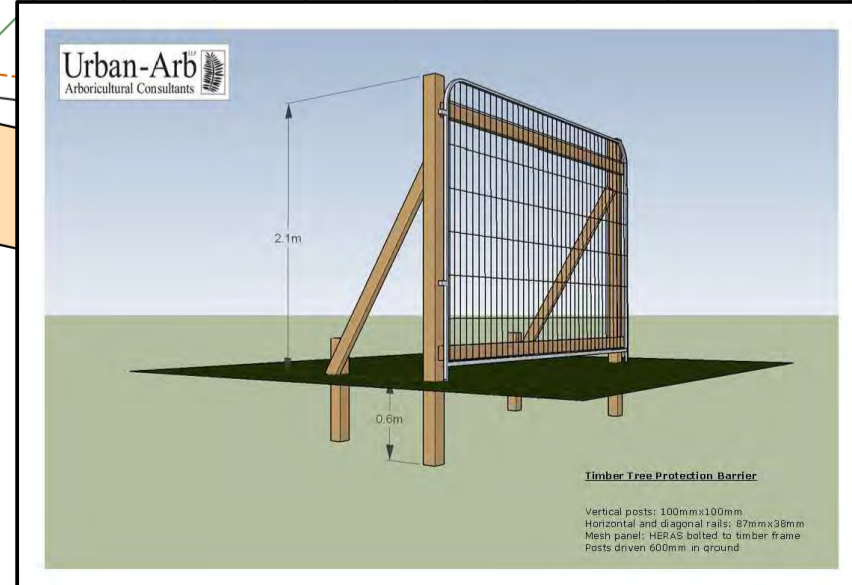
Project Name and Address

Proposed Industrial Development
Forres Road, Nairn
24/03438/PIP

Project	Sheet
TREE PROTECTION PLAN	002
Date	26.10.2024
Scale	1:250@A1



- Key**
- Standard scaffold poles
 - Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
 - Panel secured to uprights and cross-members with wire ties
 - Ground level
 - Uprights driven into the ground until secure (minimum depth 0.6 m)
 - Standard scaffold clamps



Tree Protection Fencing Specification Options

Urban-Arb
Arboricultural Consultants

Tree Protection Guidelines

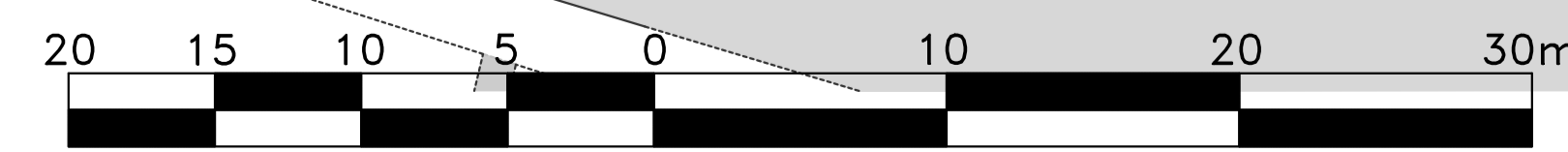
In order to safeguard the trees on this site please observe the following:

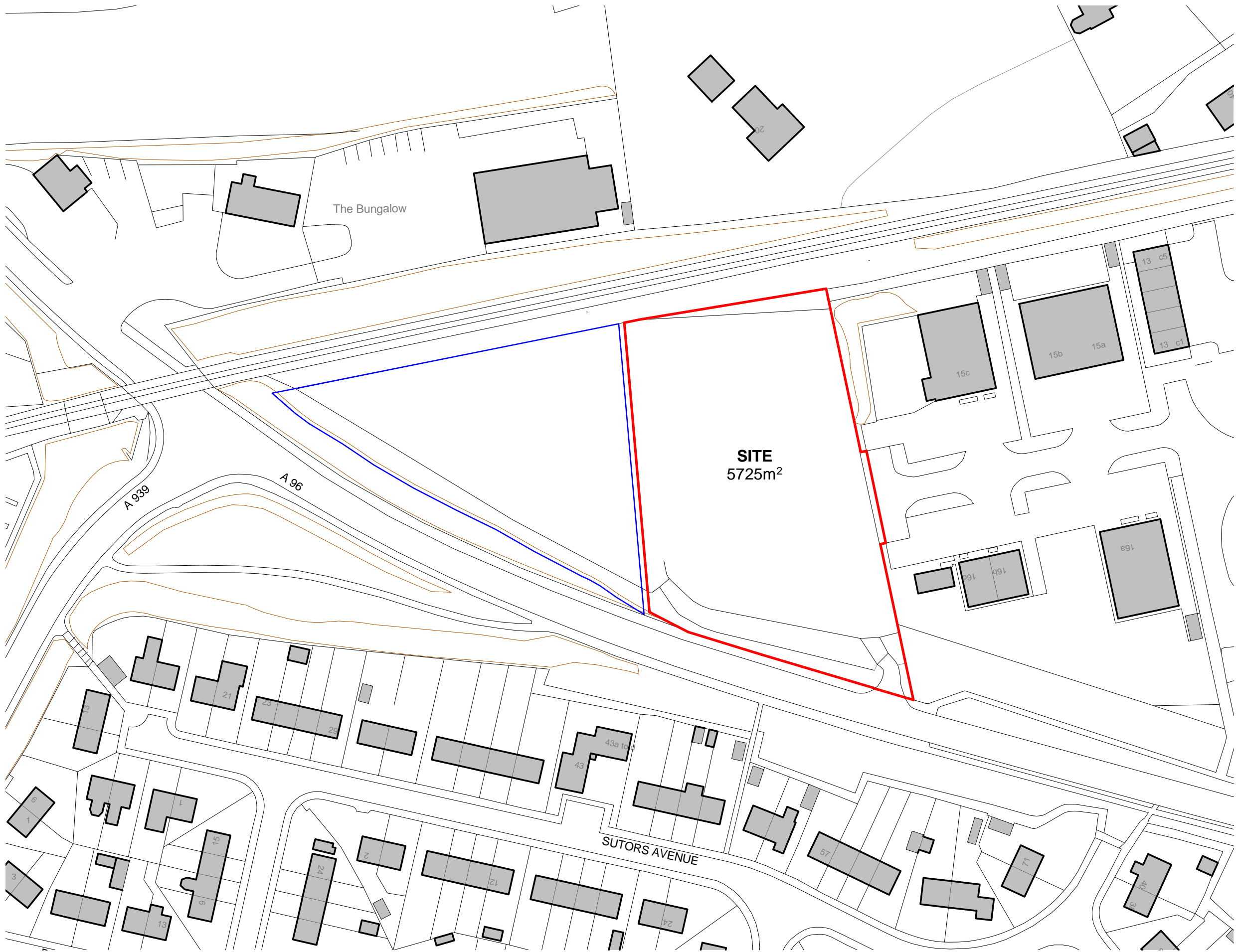
- Do not move the tree protection barriers
- Do not enter the protected area
- Report any damage to protection barriers at the site office
- Do not use the area within the protection barriers to store or mix materials
- Do not carry out any excavation works within the protection barriers
- Avoid handling fuels or liquid contaminants within 10 metres of the protected area.

In the event of damage to a retained tree on this site please contact:

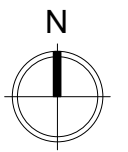
Arboriculturist: Callum McCutcheon
Tel: 01243 821763
Mob: 07766735488

www.urban-arb.com Email: info@urban-arb.com Tel: 01243 821763/07766 735488
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Rev	Date	Description	By
A	21.08.24	Red line boundary updated	PMacD

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also in Glasgow

Tel: 01463 718200 web: www.crgp.co.uk



CLIENT

Space MGM LLP

PROJECT

**Starter Industrial Units
Forres Road Site, Nairn**

DRG. TITLE

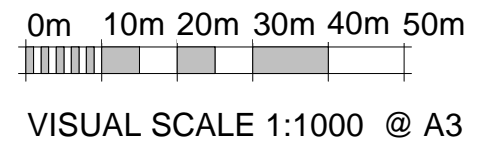
Location Plan

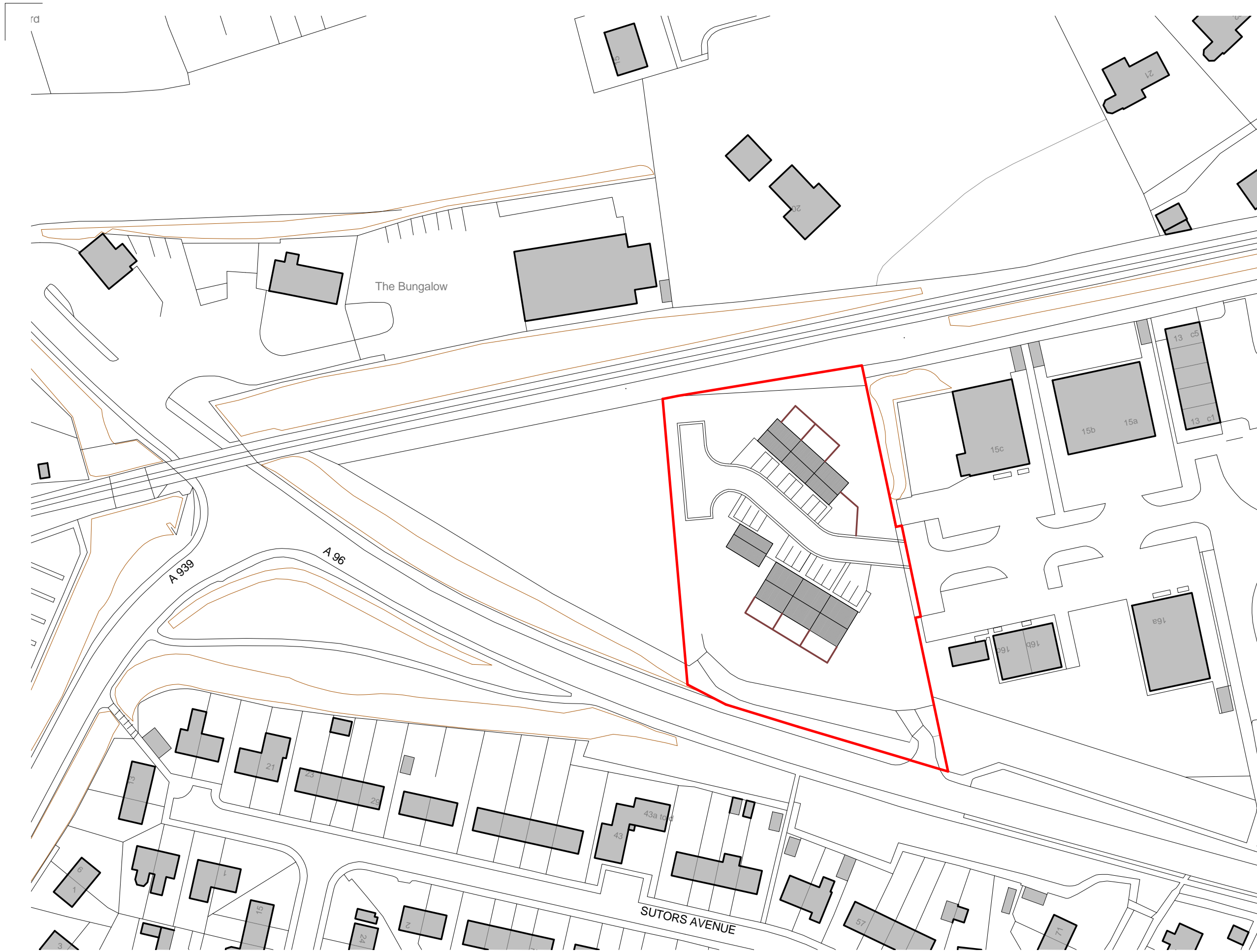
STATUS **Planning**

DRAWN	PMacD	SCALE	1 : 1000
CHECKED	BMcF	ORIGINAL	A3
JOB NO.	102-0455	DATE	12.08.24

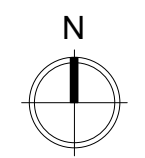
DRG. NO. -REV.
102-0455-L(00)001-A

Location Plan
1 : 1000





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A	21.08.24	Red line boundary updated	PMacD

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CLIENT

Space MGM LLP

PROJECT

**Starter Industrial Units
 Forres Road Site, Nairn**

DRG. TITLE

Block Plan

STATUS **Planning**

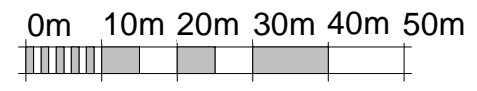
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CHECKED BMcF ORIGINAL A3

JOB NO. 102-0455 DATE 12.08.24

DRG. NO. -REV.
 102-0455-L(90)001-A

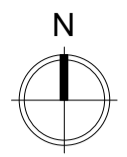
Block Plan
 1 : 1000



VISUAL SCALE 1:1000 @ A3



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Unit Types
 Type A
 Area = 740 sqft / 68.8m²
 Type B
 Area = 1018 sqft / 94.6m²
 Type C
 Area = 804 sqft / 74.7m²
Total Area
6100 sqft / 567m²
Parking
 567 / 33 = 18 Car Park Spaces.
Bike Parking
 567 / 250 = 6 (+ 1 additional)
Total Bike Spaces = 7

Rev	Date	Description	By
A	21.08.24	Red line boundary updated	PMacD

CRGP Limited
 Unit 9 The Green House
 Beechwood Business Park
 Inverness IV2 3BL
 also in Glasgow
 Tel: 01463 718200
 www: www.crgp.co.uk



CLIENT
Space MGM LLP

PROJECT
**Starter Industrial Units
 Forres Road Site, Nairn**

DRG. TITLE
Proposed Site Plan

STATUS	Planning		
DRAWN	PMacD	SCALE	1: 200
CHECKED	BMcF	ORIGINAL	A1
JOB NO.	102-0455	DATE	12.08.24
DRG. NO. -REV.	102-0455 - L(90)002-A		

