

**THE HIGHLAND COUNCIL**

**CAITHNESS SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 28 September 2010**

Agenda Item	
Report No	

**10/02688/FUL: Mr John Innes  
1 Bank Lane, Alness**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

**Description :** Continued temporary siting of storage container

**Recommendation - REFUSE**

**Ward :** 07: Cromarty Firth

**Development category :** Local

**Pre-determination hearing :** None

**Reason referred to Committee :** Objection from TECS (Transport)/Enforcement

**1. PROPOSED DEVELOPMENT**

- 1.1 The application made retrospectively is for the continued siting of an existing blue coloured metal storage container, measuring approximately 8m x 2m, situated against the north gable wall of a carpet shop unit facing Avern Road.
- 1.2 The application was lodged as a result of correspondence from the Planning Service highlighting the fact that the previous permission for siting the container had lapsed.
- 1.3 The site forms part of a tarred servicing/parking area associated with the existing shop and has dropped kerb access from Bank Lane close to its junction with Avern Road.

**2. SITE DESCRIPTION**

- 2.1 The existing property is a single storey purpose built shop unit located between High Street and Avern Road, with a frontage onto Bank Lane in the heart of Alness town centre. The building occupies most of the site and has its front elevation directly onto the existing footpath. The container sits hard against the north gable of the building in a small tarred parking area between the building and Avern Road. This area is enclosed on three sides, with a stone wall along the Avern Road boundary and a timber fence on the lateral boundary with 41-43 High Street to the rear.

### **3. PLANNING HISTORY**

- 3.1 Planning Permission was granted for the shop unit by the Area Planning Committee in August 2006 (05/00740/FULRC). At that time there were objections lodged by local residents with regard to concerns over traffic congestion and car parking. Accordingly a condition (1) was attached to the permission which required that the service area/car park shown on the approved plans be laid out for use prior to the shop opening and that it shall remain available for use for this purpose.

The storage container was first placed on site shortly after the shop opened in 2007. Further to correspondence from the Planning Service a retrospective application for planning permission was submitted in October 2007 and was dealt with under delegated powers (07/01029/FUL). At that time TECS (Transport) did not object to the application and Planning Permission was granted for a temporary period of two years. The temporary permission was granted to allow the situation to be re-assessed, specifically with regard to any problems highlighted in the interim.

The permission lapsed in February 2010 and shortly afterwards it was highlighted by a local resident that the container remained on site. Following correspondence from the Planning Service this current retrospective application was lodged asking for a further year's permission.

### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Yes – neighbour notification

Representation deadline : 06.08.2010

Timeous representations : One letter of objection received

Late representations : None

- 4.2 Material considerations raised are summarised as follows:

- The container was originally placed on site without planning permission;
- The temporary permission lapsed in February 2010 and the container was not removed as required;
- The applicant has no need for the container as he is also using the road in front of the shop to park his vans every day;
- The applicant's vehicles are only parked in the car park after hours as during the day it is used as a loading bay.

- 4.3 The letter of representation can be viewed online, at the Area Planning Office in Dingwall and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

### **5. CONSULTATIONS**

- 5.1 **TECS (Transport)** : Object to the application. A number of complaints have been received about a lack of parking and illegal parking in the area around this shop. It is also noted that there is a residents only parking system in place on Averon Road and a No Waiting restriction (8:00am – 6:00pm Mon to Sat) in place on Bank Lane.

Therefore the only parking available for the shop is the two spaces provided as part of the original planning permission. TECS has evidence that vehicles are parking illegally on Bank Lane in preference to using the designated parking spaces within the shop curtilage. It is considered that this is at least in part due to the difficulty in manoeuvring past the storage container to park in those bays.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Structure Plan 2001**

G2                      Design for Sustainability

### **6.2 Ross & Cromarty East Local Plan 2007**

GSP1                    Design and Sustainable Construction

Alness C1 & 2      Town Centre

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

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

Not applicable

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

Not applicable

## **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**

There are no overriding policy issues as the site lies within the commercial town centre of Alness where retail and other commercial activities are encouraged. Adopted Local Plan Policy C2 does however state that such development is encouraged subject to appropriate parking and the amenity of adjacent premises. It was on this basis that the original planning permission was granted for the shop with an area of dedicated servicing and car parking space.

The erosion or impediment to proper use of this parking/servicing area has resulted in parking problems and subsequently has had an impact on the established amenity of those properties immediately adjacent. Thereby the proposal to continue the siting of the container runs contrary to the thrust of Policy C2 in the Ross & Cromarty East Local Plan.

#### 8.4 **Material Considerations**

As noted at para 5.1 above TECS (Transport) object to the application and a letter of objection has been received from the householder at 17 Averon Road, directly opposite the site. The same householder objected to the original application expressing concerns that the presence of the container made parking difficult within the site and forced some service vehicles to stick out into the road.

TECS did not object to the previous proposal however having now had an opportunity to monitor the situation over a three year period they confirm that it has resulted in recognised parking and servicing problems.

### 9. **CONCLUSION**

9.1 The key issue in this case is assessment as to whether the container is causing material impact on road safety, parking and amenity in a location close to existing housing. TECS' objection highlights the roads issues, citing parking problems generating complaints which have not been properly resolved. This demonstrates that residents are experiencing genuine difficulties and loss of amenity. Whilst the applicant has stated that he is trying to source extra storage space, it is considered that he has had more than adequate time over the past three years to secure this.

Accordingly it is considered that permission should be refused and the applicant given one month to remove the container.

If the container is not removed within this timescale Committee is asked to agree to an Enforcement Notice being served to secure its timely removal.

### 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 **Refused** for the following reasons:

1. Continued siting of the storage container is contrary to the provisions of the Ross & Cromarty East Local Plan Alness area policy C2 which states that commercial development within the town centre is appropriate subject to appropriate parking provision. As the container occupies part of the very small dedicated parking and servicing area associated with the unit and which provision was fundamental to permission being granted for such unit, the reduction of the area available for parking and servicing use is thereby contrary to policy.
2. Continued siting of the storage container is contrary to the interests of road and pedestrian safety as it displaces parking and servicing onto the adjacent public roads which are subject to parking and waiting restrictions.
3. Continued siting of the storage container is contrary to the established residential amenity of adjoining properties as the displacement of car parking and servicing onto adjoining roads and footpaths creates unnecessary congestion for local residents.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager  
Caithness Sutherland and Easter Ross

Author: Dorothy Stott

Background Papers: Documents referred to in report and in case files 05/00740/FULRC; 07/01029/FUL; and 10/02688/FUL.

Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Layout Plan



10/02688/FUL  
 Temporary siting of storage container at  
 1 Bank Lane, Alness IV17 0WF

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