

**THE HIGHLAND COUNCIL**

**CAITHNESS SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 9 November 2010**

Agenda Item	4.2
Report No	PLC/042/10

**10/02610/FUL : Mr Gavin Sinclair  
Lower Fens, Camilla Street, Halkirk**

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

**SUMMARY**

**Description :** Change of use of workshop area to business store, office and compound. Vary terms of condition 6 attached to previous planning permission Ref 08/00378/REMCA.

**Recommendation - GRANT**

**Ward :** 4 Landward Caithness

**Development category :** Local

**Pre-determination hearing :** Not required

**Reason referred to Committee :** Community Council representation.

**1. PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the variation of a condition placed on a previous planning permission that limited the use of the workshop/garage to a use incidental to the enjoyment of the house, the inclusion of office and secure storage in the workshop and the creation of a fenced compound and associated parking within the site.
- 1.2 The application was submitted following a meeting on site to discuss the non-compliance with the condition attached to the previous planning approval that limited the use of the workshop/garage to a use incidental to the house. The meeting on site was instigated as a result of complaints from the neighbouring resident as it was apparent that the workshop was being used for purposes other than that incidental to the house.
- 1.3 The site is accessed directly onto Camilla Street. It is served by mains water supply, and drainage is by soakaway and discharge to the adjacent ditch.

- 1.4 A supporting statement from the applicant has been submitted with the application. The statement confirms that the applicant has been using the shed as part of the business as it has been impossible for them to find suitable rented premises in the current economic climate. The statement outlines the nature of the business and the operations that take place on the premises – namely, workers arrive there before being sent in company vehicles to construction sites. Deliveries to the premises are by 7.5 tonne vehicles; larger construction deliveries go directly to the construction site. The statement outlines that the company was established in 2004 and currently has a workforce of 14. It is anticipated that the business will grow and as it does it will require additional premises in an identified industrial area.
- 1.5 An amended layout drawing was submitted as it is a more accurate plan of the development and the access to the site.

## **2. SITE DESCRIPTION**

- 2.1 The shed that is used as the workshop is to the east of the house, is of dry rendered blockwork walls and profiled sheet construction. The area is relatively flat in terms of the local topography. The site is accessed off Camilla Street and is on the south side of the village of Halkirk.

## **3. PLANNING HISTORY**

- 3.1 08/00192/OUTCA – outline planning permission for the house granted on 23 July 2008
- 08/00378/REMCA – reserved matters for the house approved on 19 September 2008

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : unknown neighbour  
Representation deadline : 8 July 2010  
Timeous representations : 4 representations from 2 households  
Late representations : none
- 4.2 Material considerations raised are summarised as follows:
- Road safety
  - Noise
  - The planning history
  - Flooding
  - External storage
  - Amenity
- 4.3 All letters of representation can be viewed online [www.highland.gov.uk](http://www.highland.gov.uk), at the Area Planning Office and, for Councillors, will be available for inspection immediately prior to the Committee Meeting.

## **5. CONSULTATIONS**

- 5.1 **TECS Environmental Health** : not objecting but seeking appropriate conditions relating to hours of operations and noise.
- 5.2 **TECS Roads** : not objecting but seek appropriate conditions
- 5.3 **Halkirk District Community Council** : object due to the nature of the road
- 5.4 **SEPA** : no objection

## **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
- B7 Business development in rural areas

### **6.2 Caithness Local Plan**

- PP3 Policy presumption against development

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Highland wide Local Development Plan (Proposed Plan)

## **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**

In the strictest interpretation of the site's allocation in the Caithness Local Plan it lies within the area covered by policy PP3 where there is a general presumption against development. However, when the application for the development of the house was considered at outline stage (planning application ref 08/00192/OUTCA) the assessment was based upon the settlement boundary of Halkirk being inappropriately defined and that the site should be included within the settlement boundary. In maintaining that position in the assessment of the current application it is clear that the development can be supported in terms of Local Plan policy. The policies of the Structure Plan are supportive of commercial development where it makes use of existing buildings provided it does not adversely affect the amenity of neighbouring properties.

## 8.4 Material Considerations

**Road safety** – TECS Roads have responded stating that the access to the site has been widened and there is a metalled hardstanding. These improvements should eliminate previous complaints regarding the obstruction of the road and mud on the road. Roads issues can be addressed by appropriately worded conditions attached to the consent. It should be noted that the Caithness Local Plan states that Camilla Street will be the favoured street for an amended access to Geddes' premises to allow access to the site allocated in the plan for an extension to that business.

The consultation response from the Community Council states that they consider that Camilla Street is unsuitable for heavy goods vehicles. In the supporting information from the applicant they state that 7.5 tonne vehicles will visit the workshop while larger vehicles make their deliveries directly to the construction site.

**Nature of the business** - Norbloc construction is a relatively new firm having been formed in 2004. Yet it is establishing and growing in workforce. The supporting information states that if they continue to grow it is anticipated that they will require additional premises within an identified industrial area. In essence planning permission is now sought to regularise an activity that has been generating ongoing complaints partly due to the condition placed on the previous planning permission. The business is establishing and growing but has not reached the point yet where it is economically able to finance appropriate yard space in a dedicated industrial/commercial area. In the meantime the business needs an operating base and that base is at the house of the company director. Given the nature of this growing business and the fact that there have been representations I consider it reasonable to grant consent for a temporary period only. This will allow the Planning Authority to reassess the situation at a later date and provides an opportunity for the applicant to find alternative premises.

**Noise** – The Environmental Health officer seeks operating times to be limited from 0900 to 1800 Monday to Friday (and from 0900 to 1300 on Saturday). In assessing the nature and operation of the business I am not satisfied that conditions limiting the hours of operation at the site as per the requirements of Environmental Health can be judged as reasonable. The business operation on the site is one where the workforce arrives in their private cars and they leave to work on construction sites in company vehicles; they return at the end of the day to leave the company vans and pick up their cars to go home. To restrict these activities to the hours as suggested by Environmental Health would be unreasonable.

However, I consider conditions relating to the activities that occur on site to be reasonable given the information submitted in support of the application. It has been confirmed that there is to be no fixed machinery and no industrial processes that would create noise or pollution within the premises.

Normally I would also recommend a condition that curtails fabrication or construction within the yard area or when the doors of the workshop are open but the applicant has confirmed what the use of the building is. It has been stated that the workshop will essentially be an office/ store and a condition limiting the use to such will be attached.

**Amenity** – Representations make reference to the nature of the quiet road etc. It should be noted that Geddes' premises are merely across the single track road and that those premises are considerably larger. There are also a number of smaller workshops and repair shops in the vicinity. It would therefore be difficult to sustain a refusal on the grounds that the proposal is detrimental to the amenity of the neighbours. It should be noted that there is a distinct separation distance between the neighbouring properties and the site. As stated above, the nature of the use as outlined by the applicant is such that with adequate conditions the amenity of neighbours can be safeguarded.

**External storage** – The development proposed creates a secure compound that is surrounded by a 2.4m high timber fence. This will be supplemented by a condition that does not allow storage beyond this fenced area.

**Flooding** – It is considered that the development will not have an adverse impact on the nature or extent of flooding in the area. The surface water can be adequately addressed by an appropriate sustainable drainage scheme, the details of which can be secured by a condition placed on the consent.

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

None

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

None

### 9. **CONCLUSION**

9.1 The development accords with policies of the Structure Plan. The site is in an area of Halkirk where there are existing commercial activities (some of which are at a large scale), and the business needs secure storage and office accommodation as it grows. The development can therefore be supported with appropriate conditions attached to the consent.

### 10. **RECOMMENDATION**

**Action required before decision issued** 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:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

**Reason** : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission/approval of matters has been submitted to and acknowledged by the Planning Authority.

**Reason** : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

**Reason** : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts

4. No development shall take place until the details of the colour to be used on the fence have been submitted to and approved in writing by the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme.

**Reason** : In the interests of safeguarding amenity

5. No development shall take place until a scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. The scheme shall include (as appropriate):

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges along the eastern boundary of the site
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance

The development shall thereafter proceed in strict accordance with the approved scheme.

**Reason** : In order to adequately screen the development from neighbouring property

6. Notwithstanding the details of the approved plan, within 6 months of the date of this consent the access bellmouth shall be formed to a sufficient width to allow a rigid HGV to enter and exit the site and shall be constructed in a hard finish for a minimum distance of 6m from the edge of the carriageway. The access shall be shaped to divert road surface water from entering the property.

**Reason :** To enable free movement of vehicles into the site and to prevent debris discharging onto the public road

- 7 The building, yard and compound shall be used for storage and office accommodation and for no other purpose. For the avoidance of doubt there shall be no construction, fabrication or building operation undertaken in the premises or in the yard; there shall be no external storage of material or plant outwith the building or the secure compound.

**Reason:** To retain control of the development

- 8 Within three months of the date of this consent, details of the sustainable drainage system to be installed for the disposal of surface water and rainwater from the yard area and the shed roof shall be submitted for the further approval of the Planning Authority. The drainage system shall be installed within 6 months of the date of this consent.

**Reason:** The application was submitted with insufficient detail to adequately assess this element of the proposal

- 9 The use of the building as consented in this planning permission shall cease on 30 November 2015.

**Reason:** To allow the Planning Authority to review the case at a later date

Signature: Allan J Todd

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

Author: Victor Hawthorne

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

Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Plan  
Plan 3 – Workshop plan



10/02610/FUL  
 Change of use of workshop area to business store, office and compound.  
 Vary terms of condition 6 previous consent attached to  
 planning application 08/00378/REMCA at  
 Land 50m West of Camilla Bungalow, Camilla Street, Halkirk.

Mr G Sinclair  
 Norbloc Construction Ltd  
 Lower Fens  
 Camilla Street  
 Halkirk.



**First In Building**  
 5 St. Andrews Drive  
 Thurso  
 Caithness  
 KW14 8QA  
 TEL.01847 895237

## Notes

**Foundations**  
 1200mm x 1200mm reinforced (A194 reinforcement) concrete pad to be a minimum of 600mm deep with bolts grouted for columns with a 450mm wide 150mm thick strip foundation for the blockwork walls.

**Floor**  
 Constructed from 125mm concrete slab 3:2:1 mix with A194 reinforcement, on a 1000g DPM on a 50mm sand blind on 150mm compacted hardcore. Expansion joints at 6m intervals with a polished float finish.

**Portal frame**  
 Manufactured steel frame red oxide coated, secured to the pad foundations with 4 no. M20 bolts on each column. Braced as required. Supplier to Supply SER certificate prior to erection.

**Walls**  
 150mm concrete blockwork with expansion joints to 6m intervals with Brown profiled sheetings on 150mm x 65mm treated timber purlins fixed between columns.

**Roof**  
 Brown profile sheeting Non-drip and insulated on 175 x 65mm with flashings to match on timber purlins bolted to cleats welded to beams, to include 3 transparent sheets on each side. Braced as required

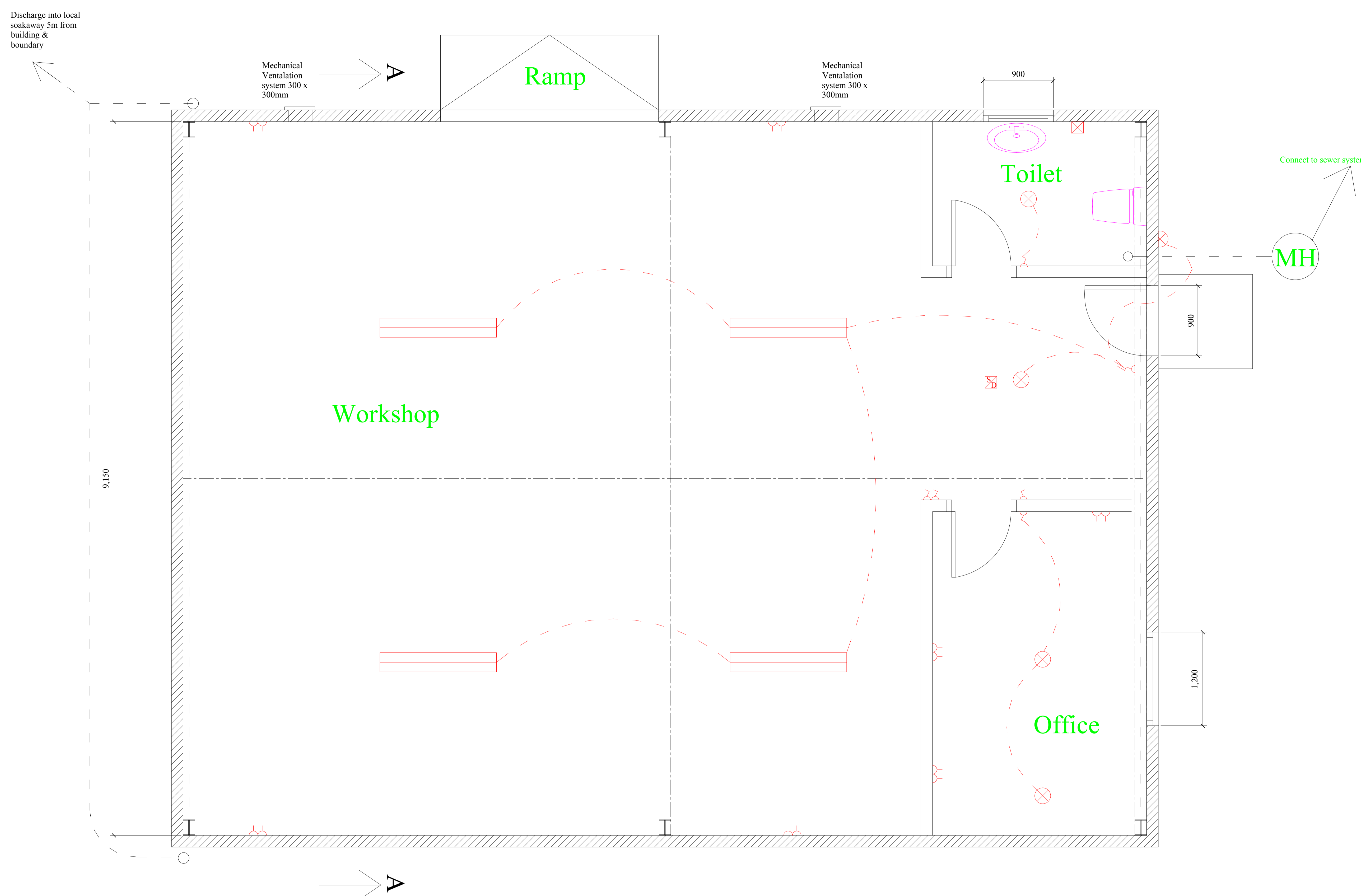
**Windows & Doors**  
 Upvc double glazed windows to match the house with trickle vents to be fitted to have a "U" Value of 1.8.

**Internal works**  
 Internal walls constructed from 150mm concrete blockwork to a height of 2.4m. with 150 x 45mm ceiling joists over with 22mm MR chipboard deck and ceiling clad with double sheeted 12.5mm plasterboard, taped & filled.

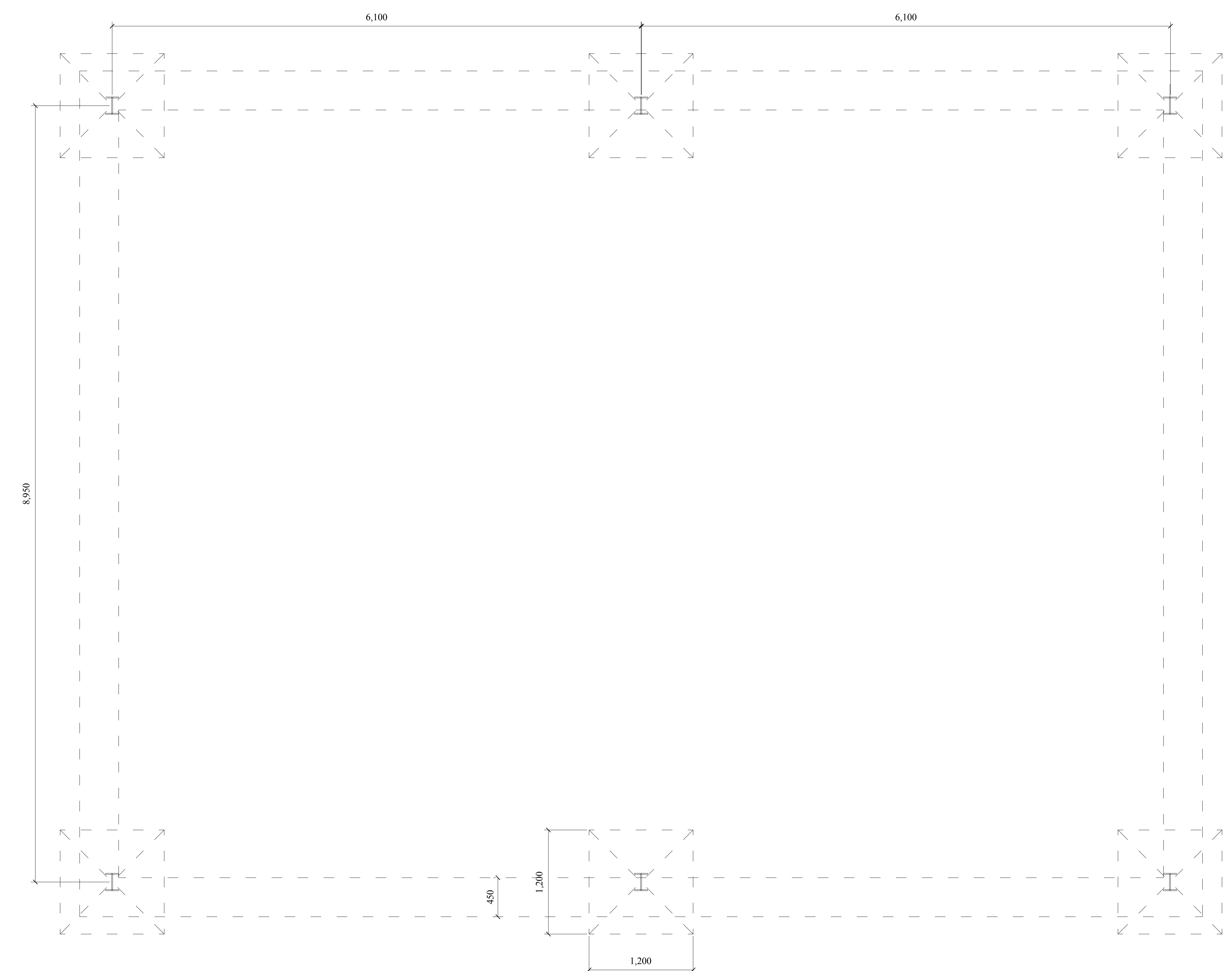
**Electrical**  
 All electrical work to comply to 16th Edition IEE regulations.  
 Emergency lights and signs above exits

**Drainage.**  
 Roof water to discharge into local soakaway 5m from building and boundary.

Foul waste to discharge into mains sewer system via collection sump and pump system.



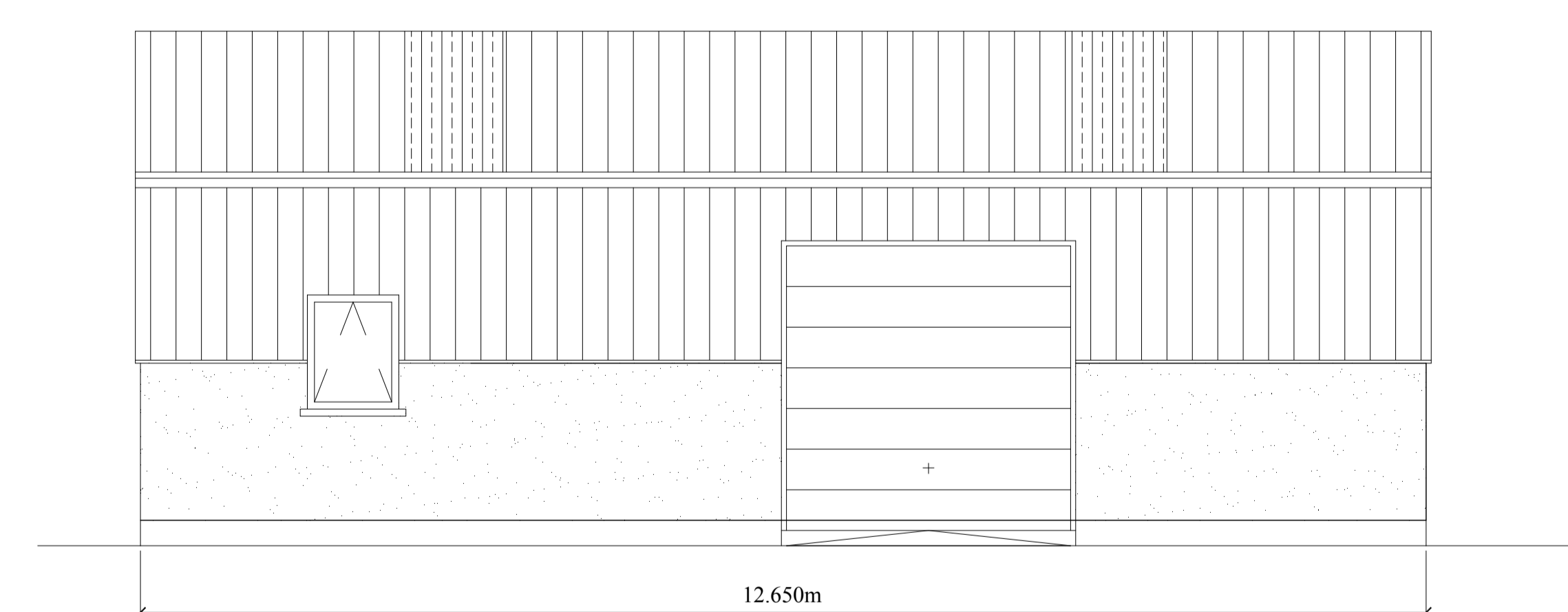
Floor plan (Workshop)



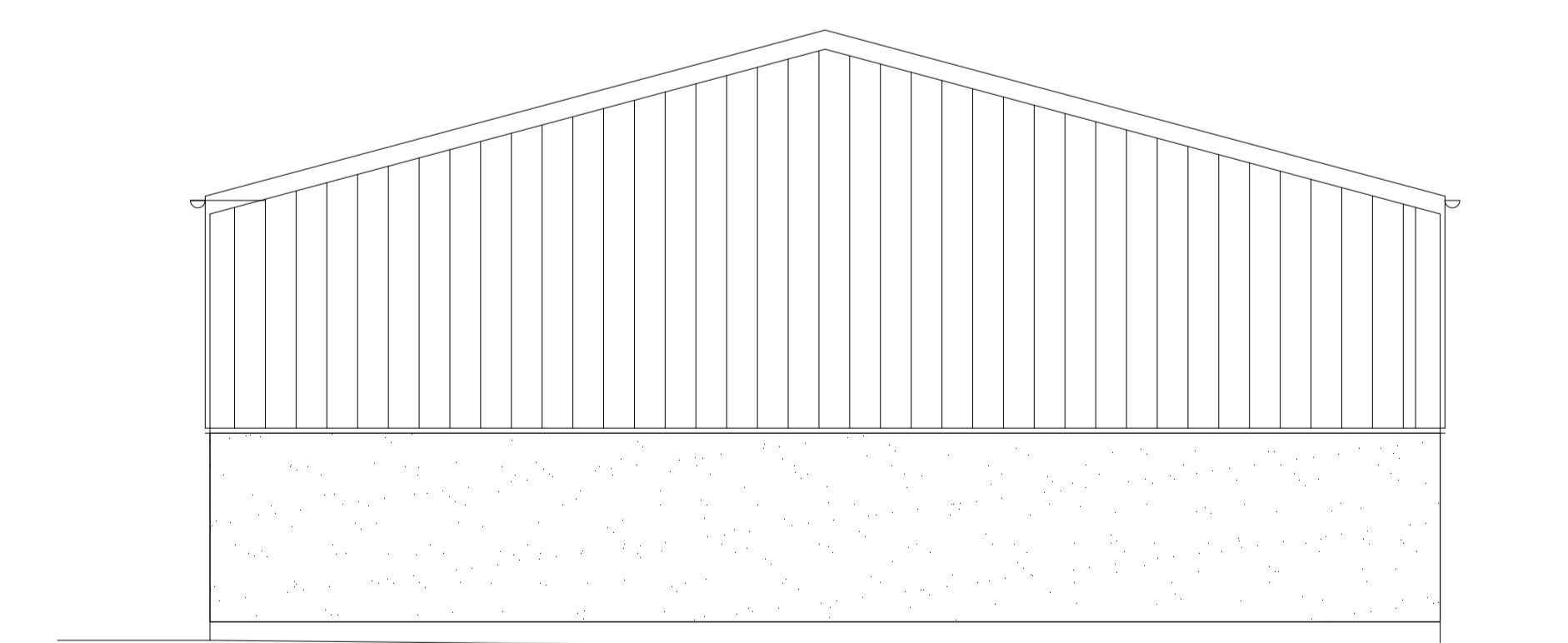
Foundation Plan

### Electrical Symbol Key

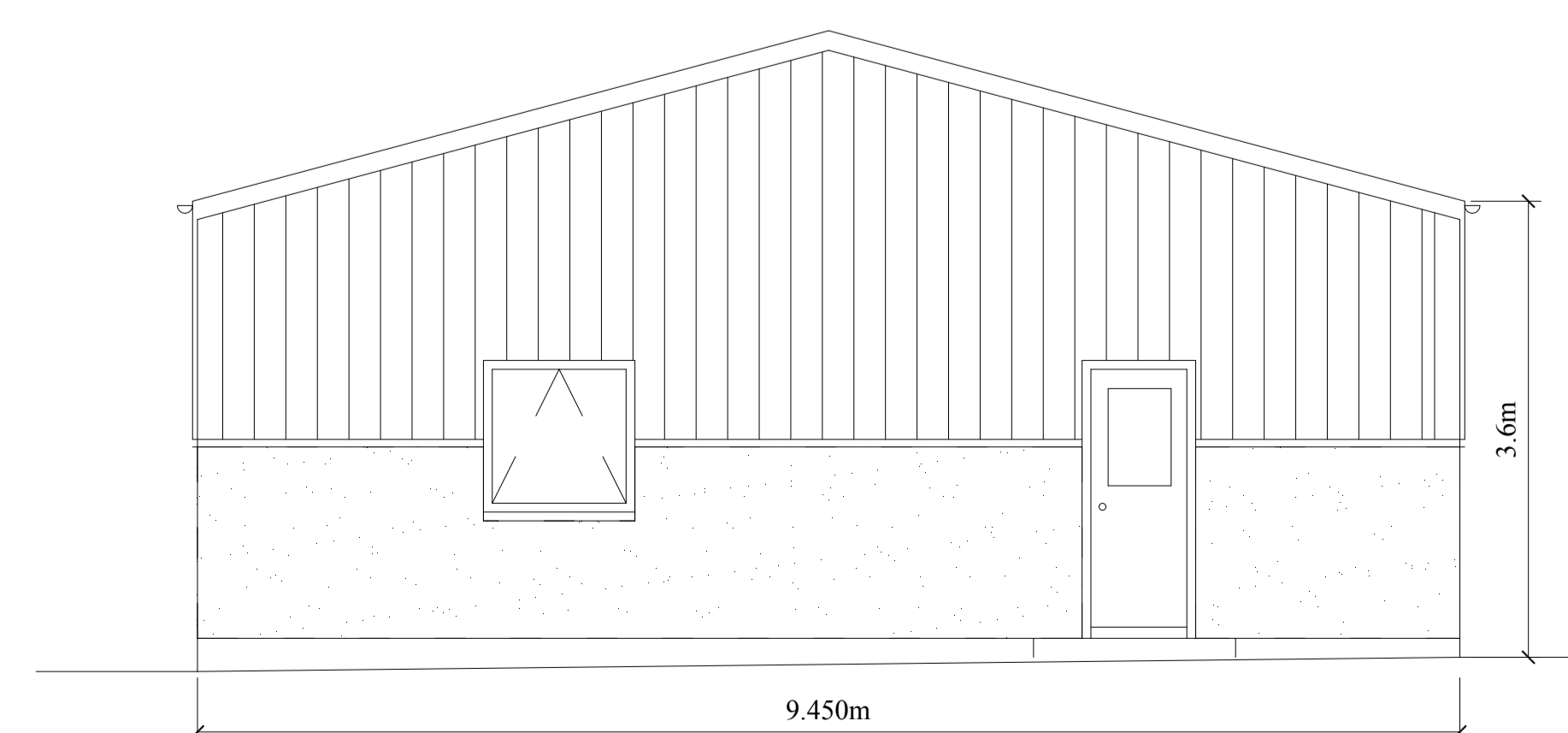
- > Light switch
- >2 2 way light switch
- >-w- Pull cord light switch
- ⊗ Light pendant
- ⊗ Wall light
- ∩ Double socket
- ⊠ Smoke detector 240v with battery back-up
- ⊠ Extractor Fan



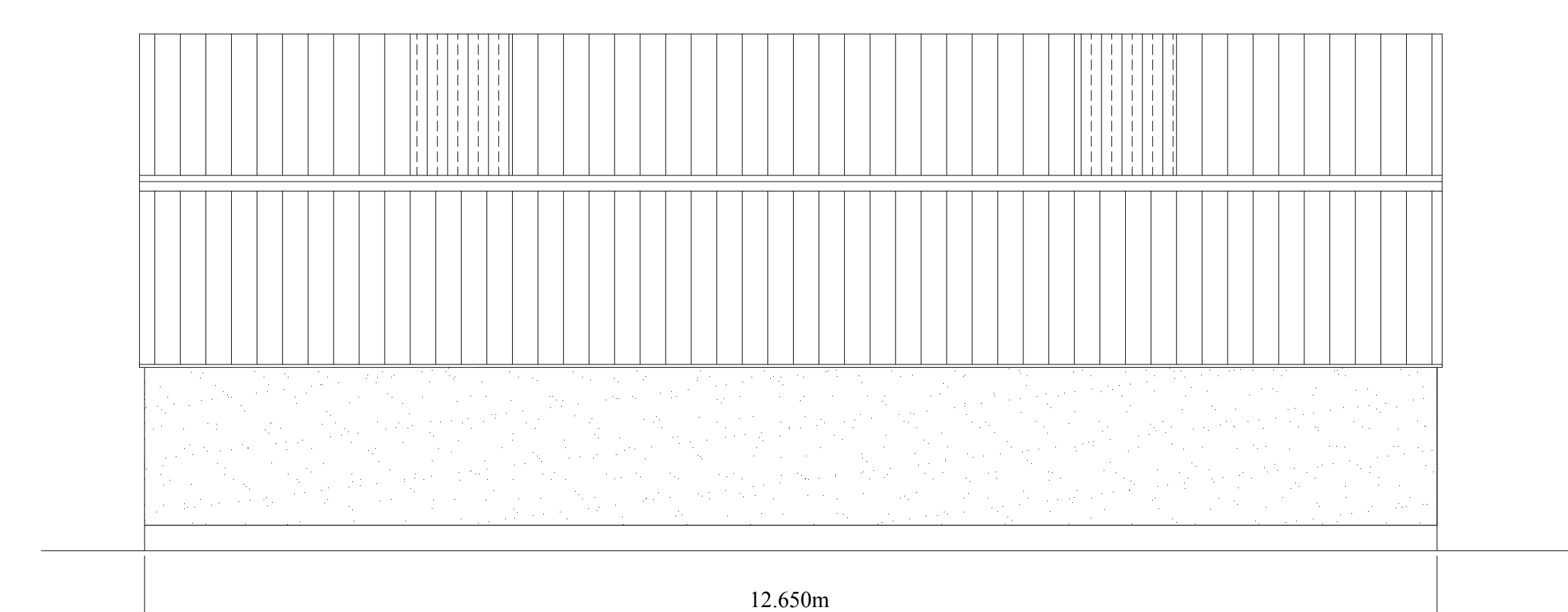
West Elevation



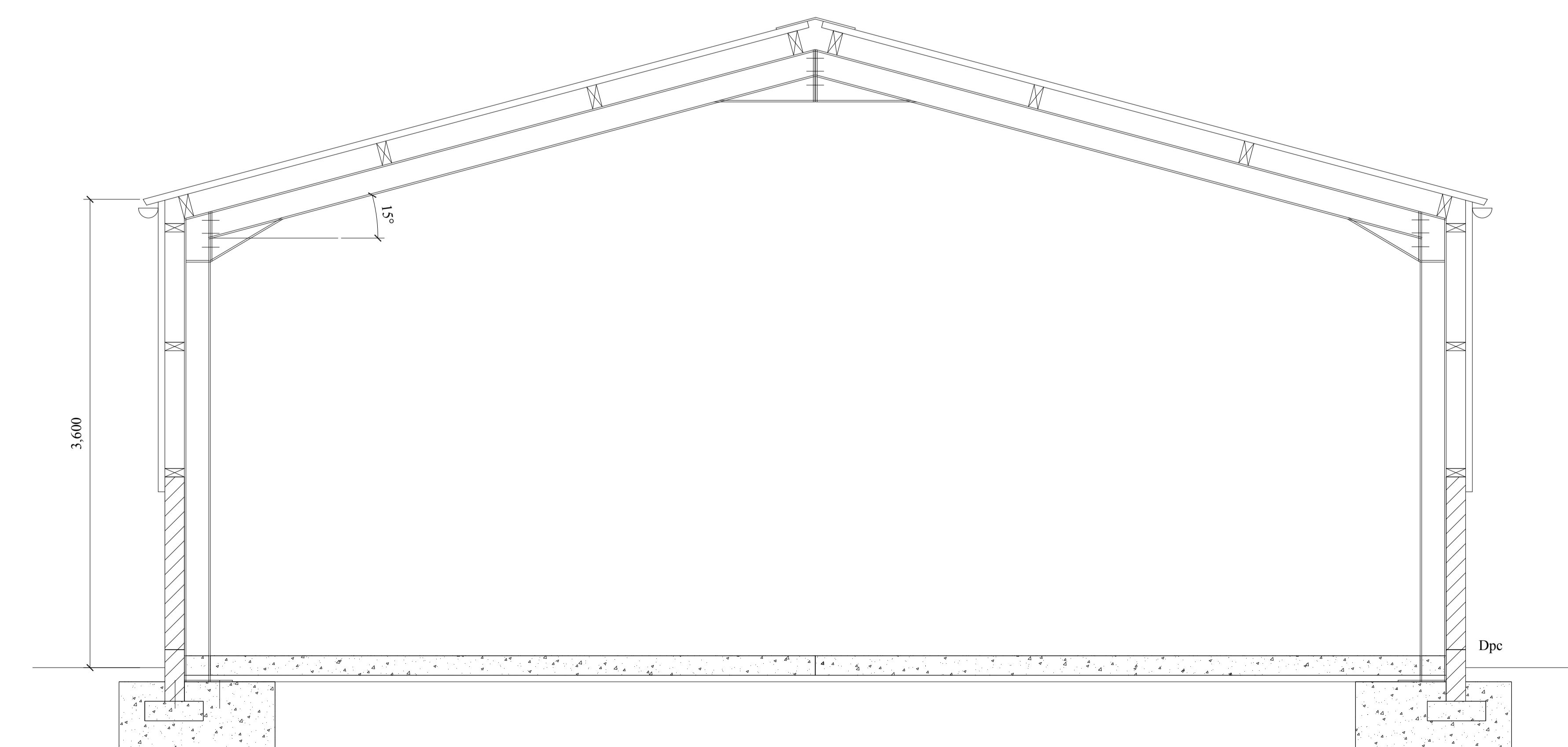
South Elevation



North Elevation



East Elevation



Section A - A

All dimensions to be checked on site. Site sizes to take preference to written.

**Proposed New Workshop at Camilla Street Halkirk for Mr G Sinclair & Ms P Bremner**  
 Drawing No 138/GS/3  
 Title: Workshop Plans  
 Drawn By KAS  
 Date 14/07/08  
 Scale(s) 1:50, 1:100, 1:200.