

THE HIGHLAND COUNCIL

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

Agenda Item	4.3
Report No	PLC/043/10

**10/02801/FUL: NES Engineering Ltd
Bower, Wick, KW1 4TT**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Extension to Security Fencing - Reduction in height of earth spoil heap - Extension to Hardcore lay down area - Provision of gas storage compound - Dedicated container parking area - and Installation of diesel oil storage tanks.

Recommendation - GRANT

Ward : 4 - Landward Caithness

Development category : Local Development

Pre-determination hearing : Hearing not required

Reason referred to Committee : Number of representations.

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application comprises the erection of security fence, the reduction of the spoil heap (that was created when previous planning consent was implemented), the extension of a hardcore area and the provision of storage facilities (namely, a compound for bottled gas storage, container storage area and fuel storage).
- 1.2 The application has been sought as a result of monitoring the site and the implementation of the previous planning permission. It became apparent that elements of the development being implemented needed to be regularised as they were a variation from the original consent. The monitoring of the site was a result of complaints from a neighbouring property regarding aspects of the development.
- 1.3 The site is accessed from the B876, and there is an existing sustainable drainage pond on site. The foul drainage arrangements have been installed as part of the previous development.

- 1.4 During the processing of the application confirmation was sought from the applicant regarding a number of aspects of the proposal. A letter confirms there is to be no CCTV on site; the number of storage containers is to be 12; drainage is to the existing systems; no fabrication is to be carried out in the yard area; scrap metal is stored in the building and removed to a licensed scrap metal merchant; other sundry elements can be addressed by condition. The letter concludes that the intention is to keep the storage to the rear of the building and out of the public eye.

2. SITE DESCRIPTION

- 2.1 The site is located to the south west of the B876 Wick to Castletown road. The site is a steel fabrication unit, the main part of the business premises are located on the other side of the road. The site is a flat area, having been cleared for the construction of the building under previous planning permission. The site is bounded by post and wire field fences. The planting required under the previous planning permission has been undertaken.

3. PLANNING HISTORY

- 3.1 07/00583/FULCA – Erection of fabrication workshop/offices/store, extension to existing building for shot blasting and paint shop, installation of foul drainage treatment plant with outfall to burn – granted planning permission on 11 March 2008.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : as per the neighbour notification regulations

Representation deadline : 27 July 2010

Timeous representations : 2, from same household

Late representations : 7, from differing households

- 4.2 Material considerations raised are summarised as follows:

- Conditions of previous permission not complied with
- Flooding
- Landscaping
- Lights
- Noise
- Dust
- Smell
- Spraying activities
- Health and safety
- Detail of the plans and the proposal

4.3 All letters of representation can be viewed online 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 **Environmental Health** : No observations to make

5.2 **SEPA** : No comment

5.3 **Health and Safety Executive** : No comment

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

B6 Diversification of Dounreay

B7 Business Development in Rural Areas

L4 Landscape Character

6.2 Caithness Local Plan

Policy 15 Business/Industry

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Highland wide Local Development Plan (Proposed Plan)

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

8. PLANNING APPRAISAL

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

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

8.3 **Development Plan Policy Assessment**

With regard to policy, Highland Structure Plan Policy B6 seeks to encourage proposals which help in the diversification of Dounreay and Policy B7 encourages the extension of existing indigenous industries in rural areas. Policy G2 charges the Council to make sure that proposals are reasonable and do not cause unreasonable injury to the environment or to people's amenity. In regard to this proposal the development accords with policies of the Structure Plan.

Policy 15 of the Caithness Local Plan supports the development of existing indigenous industries provided there is no adverse impact upon adjacent uses and the development is adequately serviced. The proposed development therefore accords with Local Plan policy.

8.4 **Material Considerations**

The development accords with the policies of the Highland Wide Local Development Plan pertaining to sustainable design.

The issue of flooding of the site has been addressed in the original application. The application is a means to redress some of the issues that have arisen on site with the implementation of the previous planning permission. Effectively the earth bund that has been created by the site clearance operations is an unsightly addition in the landscape and this application seeks to retain the material but at a reduced height and over a larger area. The impacts of the development as a whole are to be mitigated by additional planting on site.

8.5 **Other Considerations – not material**

Letters of representation make reference to the non compliance with the conditions attached to the previous planning consent (reference 07/00583/FULCA) and the opinion that this current application should not be processed until the conditions are satisfied. However, the planning history and enforcement of the conditions attached to the previous consent is an ongoing issue and the Service will continue to monitor the conditions and the issues. The current application is a result of monitoring the previous conditions and attempts to redress some of the issues that have been raised. It should be noted that Environmental Health has made no comments with regard to the proposal.

It should also be noted that some of the matters raised in the representations fall outwith the remit of Planning and lie with other regulatory agencies.

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

Not applicable

9. **CONCLUSION**

- 9.1 The application is a result of ongoing monitoring of the site and the implementation of the previous permission. This application seeks to address some of the issues of concern and cater for the expansion of the premises and the activities of the business. The proposal accords with the policies of the development plan.

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 last phase in 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. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

5. Construction, fabrication and spraying shall not take place anywhere on the site except within buildings within which the activity is permitted. The yard area is for laying out of fabricated items for collection only.

Reason: In the interests of residential amenity and in order to avoid disturbance and nuisance.

6. Measures shall be taken at all times to suppress dust arising from activities at the site. In the event of any dust nuisance arising off site, the developer shall immediately implement appropriate remedial action in accordance with details which shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Environmental Health Authority prior to any action being taken.

Reason: In the interests of amenity and in order to avoid dust nuisance.

7. No more than 12 metal storage containers shall be on site at any time. No more than 6 metal caged plastic containers shall be on site at any time. External storage of materials shall be to the rear of the building only.

Reason: To adequately control external storage in the area.

8. The landscaping proposals as indicated on drawing reference NES/9858/367/B shall be undertaken in the first planting following the date of this consent. Any trees that become damaged, die or fail to establish in the first five years following planting shall be replaced.

Reason: To assimilate the development into the landscape.

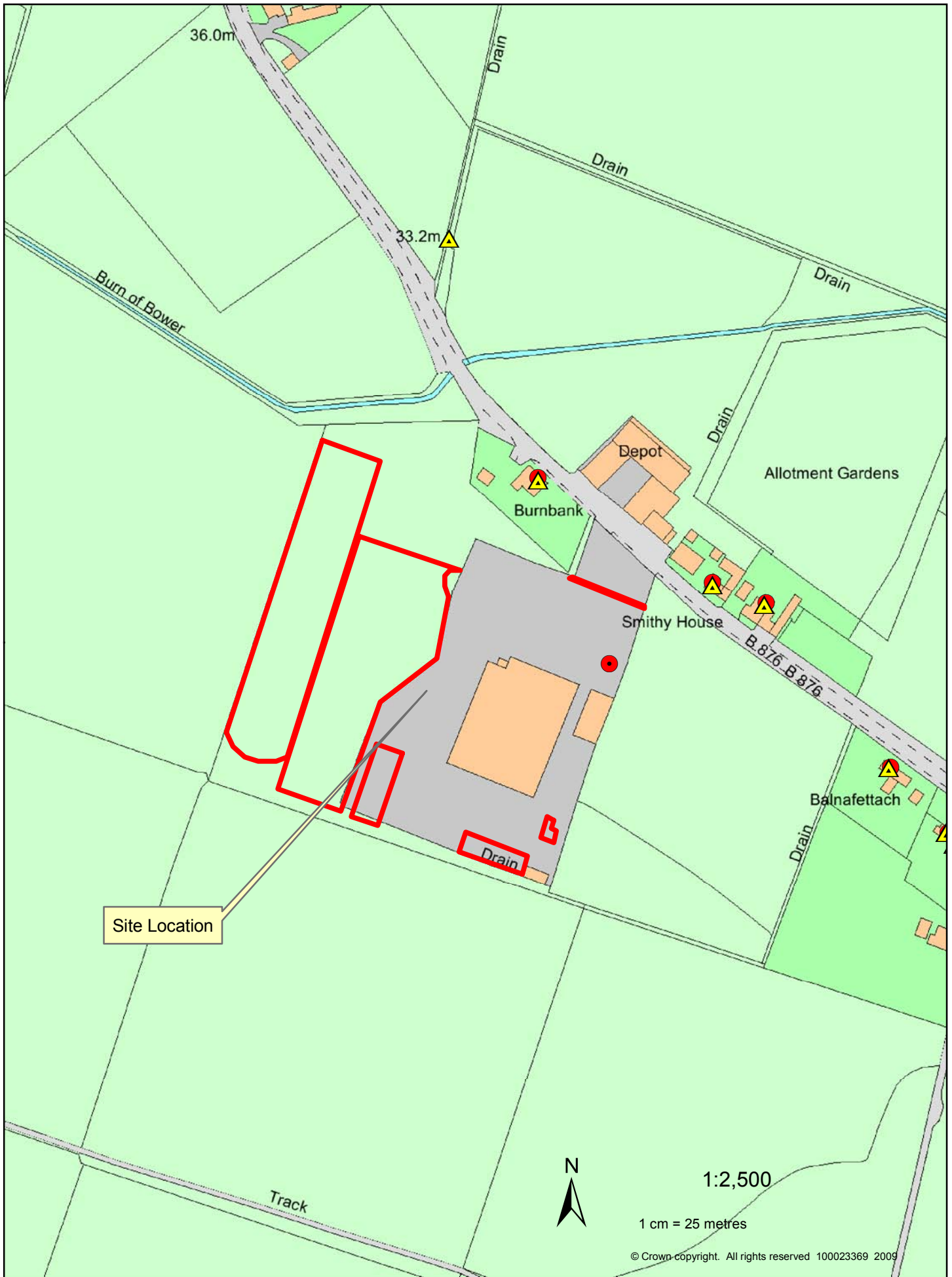
Signature: Allan J Todd

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 – General arrangement
Plan 3 – Diesel storage tanks
Plan 4 – LPG gas storage
Plan 5 – Landscaping plan
Plan 6 – Mound reduction



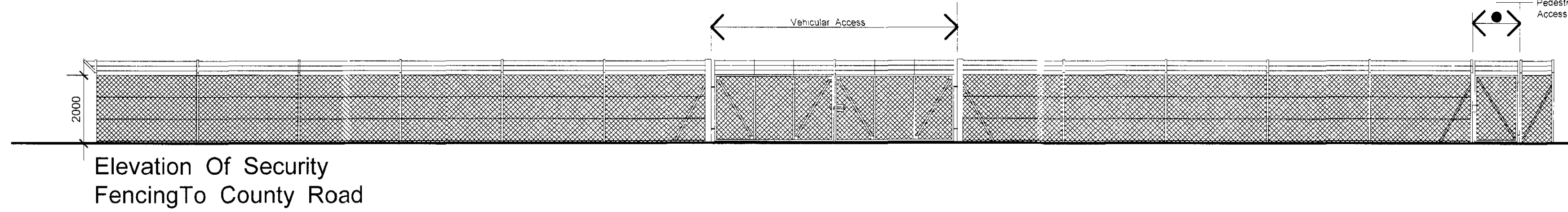
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Extension to Security Fencing - Reduction in height of earth spoil heap.

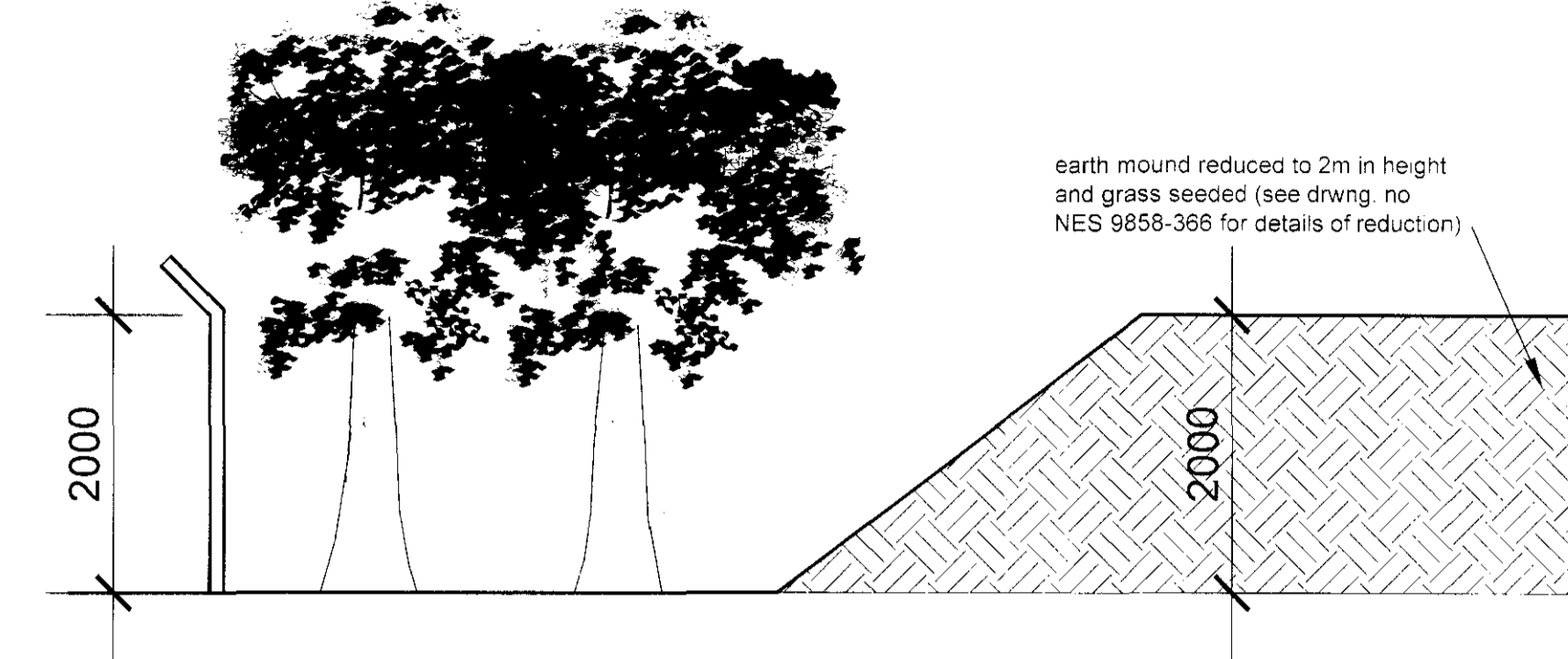
Extension to Hardcore lay down area.

Provision of gas storage compound - dedicated container parking area and installation of diesel oil storage tanks at

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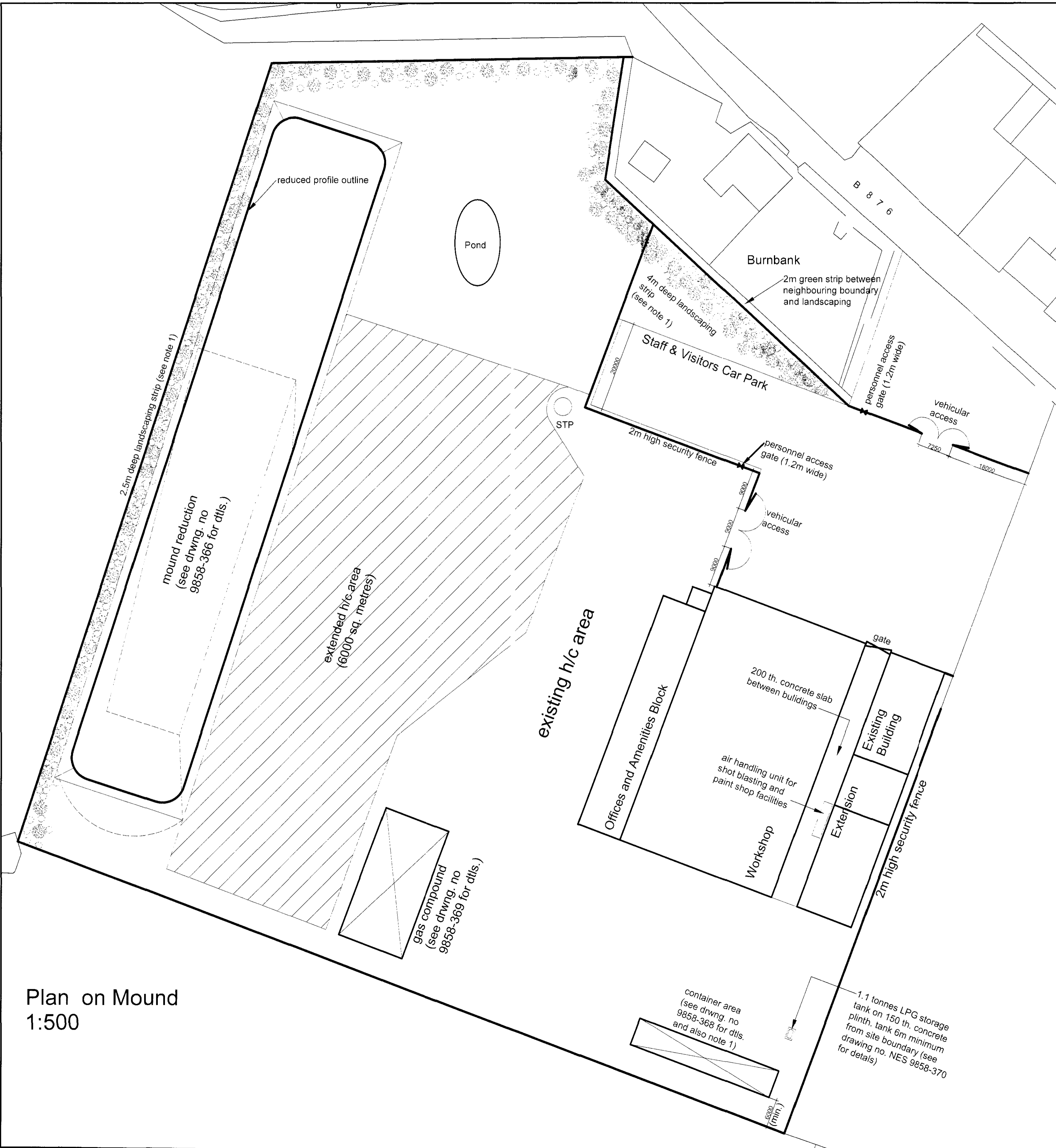


Elevation Of Security Fencing To County Road



Typical Section Thro' Perimeter Fence And Earth Mound 1:50

- NOTES:**
- Mixed dense hedge row along earth mound consisting predominantly of Hawthorn mixed with Dog Rose and Holly with the occasional Flowering Currant. Trees to be mixture of scotch fir, rowan whitebeam and sycamore. All trees and shrubs to be well established at min. height of 750mm.
 - Container area is for max. of 12 containers at any one time.



Plan on Mound 1:500

Modifications:

Client:

NES Engineering Ltd
 Bower
 By Wick
 KW1 4TT
 Tele: 01955 641309
 Fax: 01955641409

Project: New Workshop & Offices
 Job No. : 9858

Drawing: Landscaping Proposals

Scale: as stated
 Date: May 2010

Drawing No. NES/9858/367