

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
30 September 2014**

Agenda Item	7.4
Report No	PLS/071/14

**14/02685/FUL : Fort William Car Hire  
Ambulance Depot, Nevis Road, Inverlochy, Fort William, PH33 6LY**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description :** The proposal is for planning permission for alterations and change of use of a former ambulance station to car hire centre.

**Recommendation - GRANT**

**Ward :** 22 - Fort William and Ardnamurchan

**Development category :** Local Development

**Pre-determination hearing :** None

**Reason referred to Committee :** Five timeous objections from separate addresses and a petition of 10 or more separate objectors.

**1. PROPOSED DEVELOPMENT**

- 1.1 This application relates to the change of use of the former ambulance station to a car hire centre in the Inverlochy area of Fort William. The application seeks full planning permission for the change of use to a private car hire centre with workshop and valeting services for car hire vehicles only. The existing building, vehicle port and wash bay will be retained for this use. Alterations include the reinstatement of a workshop with associated roller shutters to the front elevation. Planning permission was granted 15 years ago to remove the workshop and door to provide additional office accommodation, which was implemented.
- 1.2 Pre-application advice was given to the applicant to confirm that planning permission would be required for the change of use from an ambulance station to car hire centre at this site. The advice was supportive in principle to the re-use of existing facilities subject to full details of the scheme given the proximity of the site to neighbouring residential properties.
- 1.3 No alterations to the existing private access way or services are included with this proposal. Community Services – Roads have confirmed the access to the ambulance station is not an adopted road.
- 1.4 TA1 Transport Assessment Form and supporting information submitted 29.08.14.

Supporting Statements from applicant received in response to objections 25.07.14 and 09.08.14.

Supporting information - proposed hours of operation submitted 03.09.14.

1.5 **Variations:** None

## 2. **SITE DESCRIPTION**

2.1 The site is an area of brownfield land located within Inverloch and the wider Fort William Settlement Development Area. Inverloch is a designed village with housing arranged around communal and on-street parking to the front of the residential properties. The former ambulance station site comprises a generally level area of hard standing, mono-pitch building of 150m<sup>2</sup> footprint, storage shed, vehicle port and washing bay. The Inverloch Village Hall (Braxi Hall) and a children's playground are sited to the west of the ambulance station site; the rear gardens of residential properties in Lundy Road bound the site to the north. The side elevation of 11 Nevis Road, which is one of five terraced properties, is sited 25 metres to the east. The rear gardens of five residential properties (1-9 Nevis Road) back onto the access road which serves the ambulance station to the south. The access road is a private road which serves the site and has not been adopted by Highland Council. The site including the western side of the access road is enclosed by low level, post and wire fencing.

2.2 There are no designated features of natural, built or cultural heritage within the site or within connectivity to it.

## 3. **PLANNING HISTORY**

3.1 LO/1999/00079 : Alterations and extension to ambulance station granted 09.04.99.

## 4. **PUBLIC PARTICIPATION**

4.1 Advertised : Schedule 3 Development, expiry date 31.07.14

Representation deadline : 23.08.14

Timeous representations : 4 objections from separate householders

1 objection from Braxi Hall committee member

58 person named petition submitted by the Inverloch and Torlundy Community Council on behalf of local residents

NB: 2 of the original 60 petitioners timeously requested their names to be removed from this petition as they were not fully informed of its purpose

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Access may be affected
- Light industrial use in quiet village setting would introduce storage of industrial waste, noise, fume and smell
- Increased traffic and parking congestion
- Flooding from surface water run-off

- Security concerns – increased risk of vandals, bright security lights and noisy alarm systems not suited to village setting
- Site not previously used for ambulance garaging
- Residential area with old people and children
- Business use disproportionate to size of the site area

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Community Council** : Letter received including a 60 person [*subsequently reduced to 58*] petition raising the following concerns:-

- Long term access to road will be purchased within the deeds of the building. Concerns regarding access to the road may be affected in the future. Access required for oil deliveries to the fuel tanks in back gardens of properties at Nevis Road.
- Light industrial use in a quiet village location. Development would lead to increase in movement of vehicles around the neighbourhood and the parking of between 8 and 18 rental cars is a concern of local residents.
- Increase in traffic movement in and out of the village.

5.2 **Environmental Health** : No objections to proposal. Support of proposed operating hours of 8am – 6pm Monday to Friday, 8am to 4pm on Saturday and business closed on Sundays. Support on the basis that the workshop is proposed for minor servicing and valeting of fleet cars only with large scale repairs to be carried out off-site.

5.3 **Lochaber Access Panel** : Letter of support. Ramped access and accessible toilet to be provided. Recommended that consideration given to providing one wheelchair-accessible vehicle within the 18-vehicle fleet.

5.4 **Contaminated Land** : No objection to proposed development subject to informative note to applicant to advise that an underground fuel tank is located within the site which may have resulted in potential contamination. The proposed development does not materially change the risk of potential contamination and further investigation is not recommended for this application.

5.5 **Transport Planning Team** : Following consideration of supporting information from the Area Service Manager of the Ambulance Service setting out the previous levels of activity and evidence from the applicant of the car hire activity levels, no objections have been received. The Transport Planning Team has recommended planning permission is issued subject to a condition requiring the applicant to replace the existing single dashed line across the width of the access into the site from Nevis Road with an appropriately marked "Give Way" undertaken in accordance with the current Traffic Signs Regulations and General Directions.

The Roads Team sought confirmation from the applicant that fleet vehicles would not park on public roads in the vicinity of the site. The applicant has advised there is no intention of parking on any other ground than his own. Parking on the public road cannot be controlled by planning permission and would be dealt with separately by the Roads Department if required.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

Policy 28            Sustainable Development

Policy 34            Settlement Development Areas

Policy 42            Previously Used Land

Policy 72            Pollution

### **6.2 West Highland and Islands Local Plan (as continued in force 2012)**

The majority of general policies of the Local Plan pertinent to this application have been superseded by the policies of the Highland wide Local Development Plan, 2012. In terms of land allocations, this site sits within the Fort William Settlement Development Area (Inset 30).

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

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

Sustainable Design Guide: Supplementary Guidance (January 2013)

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

Scottish Government Planning Policy (June 2014) requires to be considered in the determination of this application. It contains a principal policy statement relevant to this application – Placemaking, and a subject policy statement relevant to this application – Supporting Business and Employment.

In addition, the following Scottish Government policy and guidance documents can be considered relevant to the determination of this application:

- PAN 33 - Development of Contaminated Land (Revised Oct 2000)
- PAN 1 - Planning and Noise (2011)

National Planning Framework 3 (June 2014)

## **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**

8.3.1 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), the West Highland and Islands Local Plan (as continued in force) (WHILP) and all statutorily adopted supplementary guidance.

8.3.2 The site forms part of the Fort William Settlement Development Area with no specific land allocation in the WHILP. Settlement Development Areas are the Highland Council's preferred areas for most types of development, to make best use of existing services. Section 5.5 of the WHILP states that most growth is to be focussed in the Fort William area with regeneration driven by viable expansion options, upgrading the fabric and infrastructure of the town and re-using vacated brownfield sites.

8.3.3 The principal policies of the HwLDP which must be assessed in the determination of this application are Policy 28 – Sustainable Design, Policy 34 – Settlement Development Area and Policy 42 – Previously Used Land.

8.3.4 Policy 28 of the HwLDP seeks to support developments which promote sustainable development. The re-use of brownfield sites and vacant buildings is supported where development is adequately serviced, where it is compatible with existing and approved adjacent land use and where the proposal would not have an unacceptable impact on individual or community residential amenity.

#### **8.3.5 Principle of Development**

As the proposal comprises the reuse of an existing garage facility within the Fort William Settlement Development Area, the principle of the development is acceptable subject to establishing that the proposal is compatible with adjacent land uses and can be adequately serviced.

The application site was used as a district Ambulance Station covering the Fort William Area which relocated to an alternative site in April. The planning history indicates the site originally provided garage space within the building, office space to the rear of the building and a fuel pump to the front yard.

Under application LO/99/00079 the building was altered to remove the garage/workshop and increase the office accommodation. According to the Ambulance Service, the most recent use comprised 10 service vehicles operating from Inverlochry (3 A&E ambulances, 3 patient transport ambulances, two pool cars and two officer cars). 26 members of staff worked from the ambulance station, parking within the ambulance station site, access road or in the Braxi Hall car park nearby. Outlying station visitors often used the site on service business.

The ambulance station vehicles were cleaned outside on the forecourt throughout the night and floodlighting was installed around the station walls for this purpose. The station operated on a 24/7 basis with out of hours service through the night and weekend. The level of activity, particularly out of hours, had previously raised concerns from neighbouring residential properties regarding noise and disturbance.

The former use of the site as an ambulance Station is a *sui generis* use and does not fall within a specified class under the Town and Country Planning (Use Classes) (Scotland) Order 1997. This is also the case for a car hire centre.

The applicant has provided supporting information regarding the number of vehicles operated within the fleet (10-16). A one man transporter is used for delivery and no additional members of staff will be employed at these premises. The car hire centre has additional premises off-site for the storage of fleet vehicles if required, during periods of low activity.

The use of the site as a car hire centre would not be open to the public for general car repairs, servicing or valeting and therefore does not fall within Class 5 (general industrial use) of the Act. The extent of servicing and valeting of vehicles within the site can be controlled by condition to ensure these services are restricted to fleet vehicles owned and operated by Fort William Car Hire.

#### 8.3.6 Impact on Community and Residential Amenity

The operation of the site for car hire is not considered to raise the same level of concern regarding loss of residential amenity through noise, fume, and odour as a general car repair garage open to the public and undertaking work to numerous vehicles of varying age and condition. The car hire fleet comprises between 10 and 16 relatively new cars which will be subject to routine servicing and cleaning.

The site had been used to maintain, clean and fuel ambulance vehicles on a 24 hour, 7 days per week basis. The proposed alterations to the building are minimal and include the installation of a high level garage door and minor changes to the fenestration. The car hire business will utilise the existing car port, wash bay facilities already installed at the site. No alterations to the existing lighting, low level boundary fence or enclosure of the site are proposed as part of this application.

There is scope to control the hours of operation to minimise the impact of noise and disturbance to residential neighbours, which represents an improvement to the previous 24 hour, 7 day week operation of the ambulance station.

The reinstatement of the workshop will provide space for the maintenance and valeting of the vehicles within the building. This is considered an improvement to the previous facilities for the ambulances which were cleaned and maintained solely outside following the 1999 alterations to the building.

Environmental Health has raised no objections to the proposal, subject to agreed hours of operation. Servicing and repairs can be controlled by condition to limit use for car hire fleet vehicles only. It is considered unlikely that the level of servicing and cleaning which will result from the operation of the car hire centre during business opening hours will result in a statutory noise/odour nuisance. If concerns did arise, these matters would be controlled through Environmental Health's legislative regime.

In light of the foregoing it is considered the proposal will not adversely affect community or individual residential amenity.

#### 8.3.7 Impact on Public Road Safety

Supporting information has been sought to establish the previous level of use at the site and that proposed. The information has indicated that the level of trips will be no higher than its previous use as an ambulance station. The Transport Planning Team has raised no objection to the proposal in terms of public road safety. No improvement to the existing Nevis Road / Montrose Avenue junction is recommended by Transport Planning to facilitate this change of use. It is recommended that the existing single dashed line across the width of the access is replaced with an appropriately marked "Give Way" road marking undertaken in accordance with current regulations. The applicant has agreed to these works, which can be secured through planning condition.

#### 8.3.8 Drainage

No external alterations are proposed within the boundary of the application site which would impact surface water drainage.

#### 8.3.9 Impact on Neighbouring Parking and Access

No alteration to the existing low boundary fence and no gate which might restrict access has been proposed within this application. As such, it is considered that neighbouring residential access will not be affected by these proposals.

### 8.4 **Material Considerations**

4 objections from separate householders, 1 objection from Braxi Hall committee member and a 58 person named petition submitted by the Inverloch and Torlundy Community Council on behalf of local residents. 3 statements in support of the application have been received from the applicant. The material considerations raised are outlined in section 4.2 above. The points raised are considered in section 8.3.5 to 8.3.9 above.

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

#### 8.5.1 Overflow parking may affect Village Hall Site

The parking or use of private land is a civil matter which cannot be treated as a material planning consideration to this application.

#### 8.5.2 Access to site may be restricted in the future

The current access road is a private track which serves the ambulance station and has not been adopted by the Council. Historically the private access track has been used for parking by both ambulance station staff and local residents. The land ownership and rights to use this private way is a civil issue which cannot be treated as a material planning consideration to this application.

Proposals to restrict access to the site are not included with this application. Future proposals for the site would be subject to consideration through a further application for planning permission. Possible, future development cannot be considered as part of the current planning application.

## 8.6 Matters to be secured by Section 75 Agreement

None

## 9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

**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 and notes to applicant :

1. The hours of operation of the Car Hire Centre hereby approved shall be limited to 08:00 to 18:00 Monday to Friday, 08:00 to 16:00 on Saturdays (inclusive) and closed on Sundays.

**Reason** : In order to safeguard the amenity of neighbouring properties and occupants; in accordance with Policy 28 of the Highland wide Local Development Plan, 2012.

2. The workshop hereby approved shall be used solely for the purposes of servicing and valeting car hire rental vehicles owned and operated by the company known as Fort William Car Hire.

For the avoidance of doubt, the workshop hereby approved shall not be used as a general car repair garage or valeting service open to the general public.

**Reason** : In order to safeguard the amenity of neighbouring properties and occupants; in accordance with Policy 28 of the Highland wide Local Development Plan, 2012.



3. The existing single dashed line across the width of the access into the site from Nevis Road shall be marked with Give Way road marking carried out in accordance with the Traffic Signs Regulations and General Directions 2002, as amended, prior to the first use of the Car Hire Centre hereby approved.

**Reason :** In the interests of public road safety; in accordance with Policy 28 of the Highland wide Local Development Plan, 2012.

4. The security lighting system shall be positioned and controlled so as to prevent any direct illumination, glare or light spillage outwith the site boundary.

**Reason :** In order to safeguard the amenity of neighbouring properties and occupants; in accordance with Policy 28 of the Highland wide Local Development Plan, 2012.

### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

### **TIME LIMITS**

#### **LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

### **FOOTNOTE TO APPLICANT**

#### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

**Building Regulations:** Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [BuildingStandards@highland.gov.uk](mailto:BuildingStandards@highland.gov.uk) or on 01349 886606.

### **Construction Hours and Noise-Generating Activities**

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

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

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

### **Contaminated Land**

There is potential for contamination at this site due to the presence of an underground fuel tank. As the proposed development would not appear to materially change the risk of potential contamination at the site an investigation is not required at this stage. However, be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990, and may require investigation in the future. In addition land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services –

Contaminated Land for advice. Email : [Land.Contamination@highland.gov.uk](mailto:Land.Contamination@highland.gov.uk) Tel: 01463 228700.

### **Disability Access Panel**

The Access Panel note that the ramped access together with handrail and provisions for an accessible toilet would make the premises suited to employ a disabled person within the building. The Panel have recommended that the applicant consider providing one wheelchair-accessible vehicle within the 18-vehicle fleet.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Roads Consent**

You may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them directly to discuss these requirements.

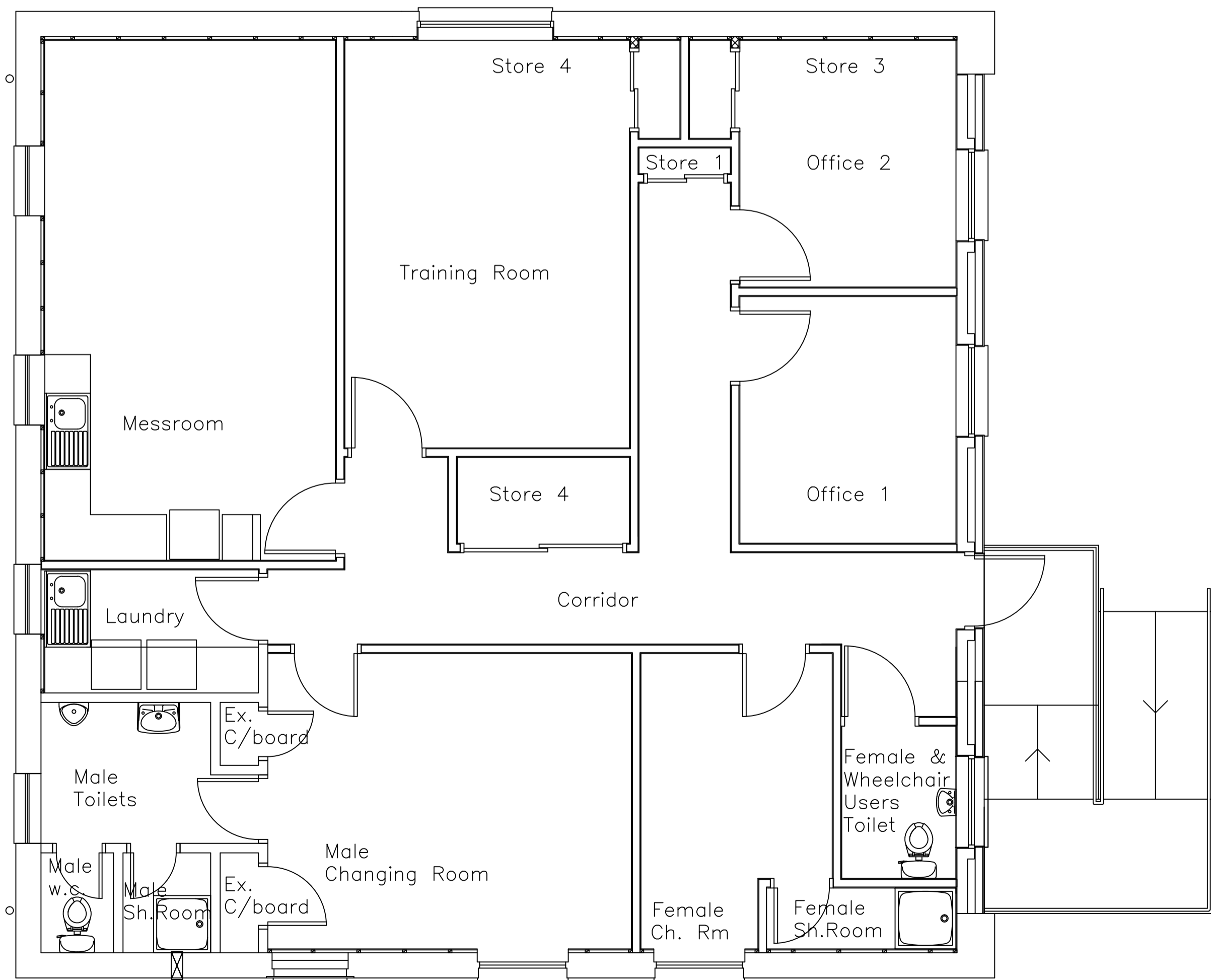
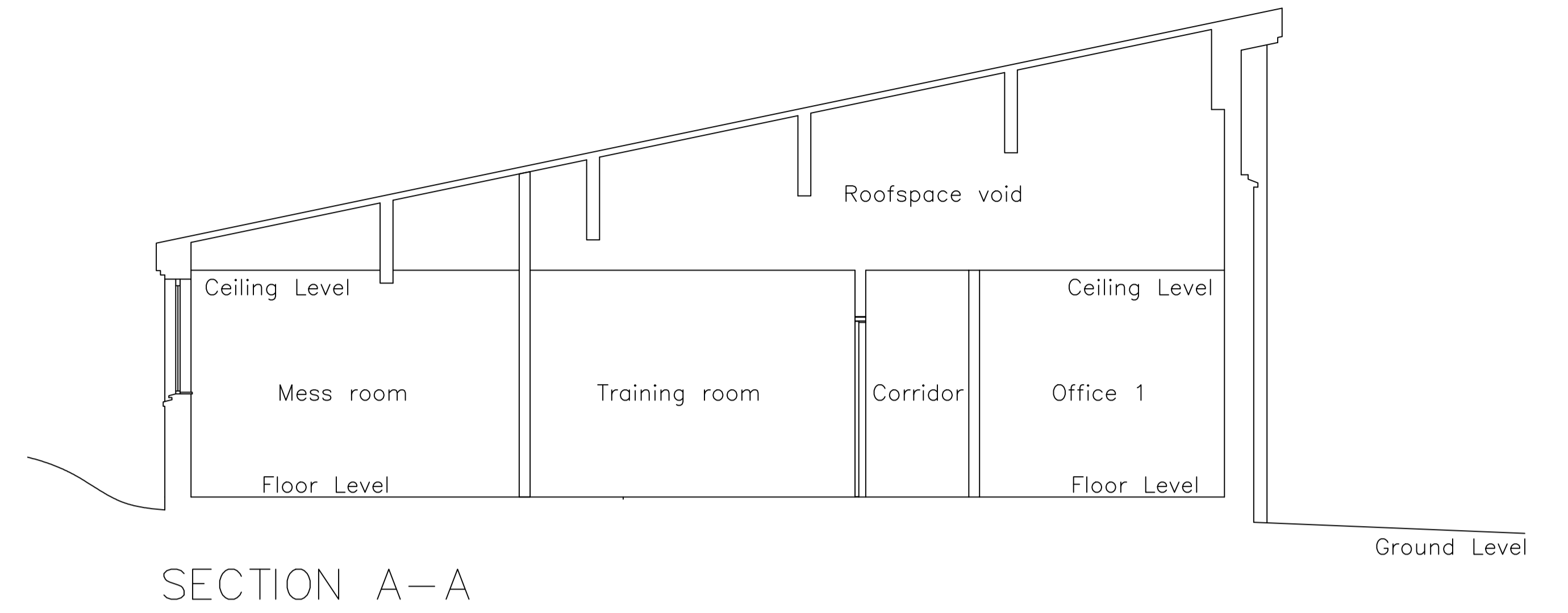
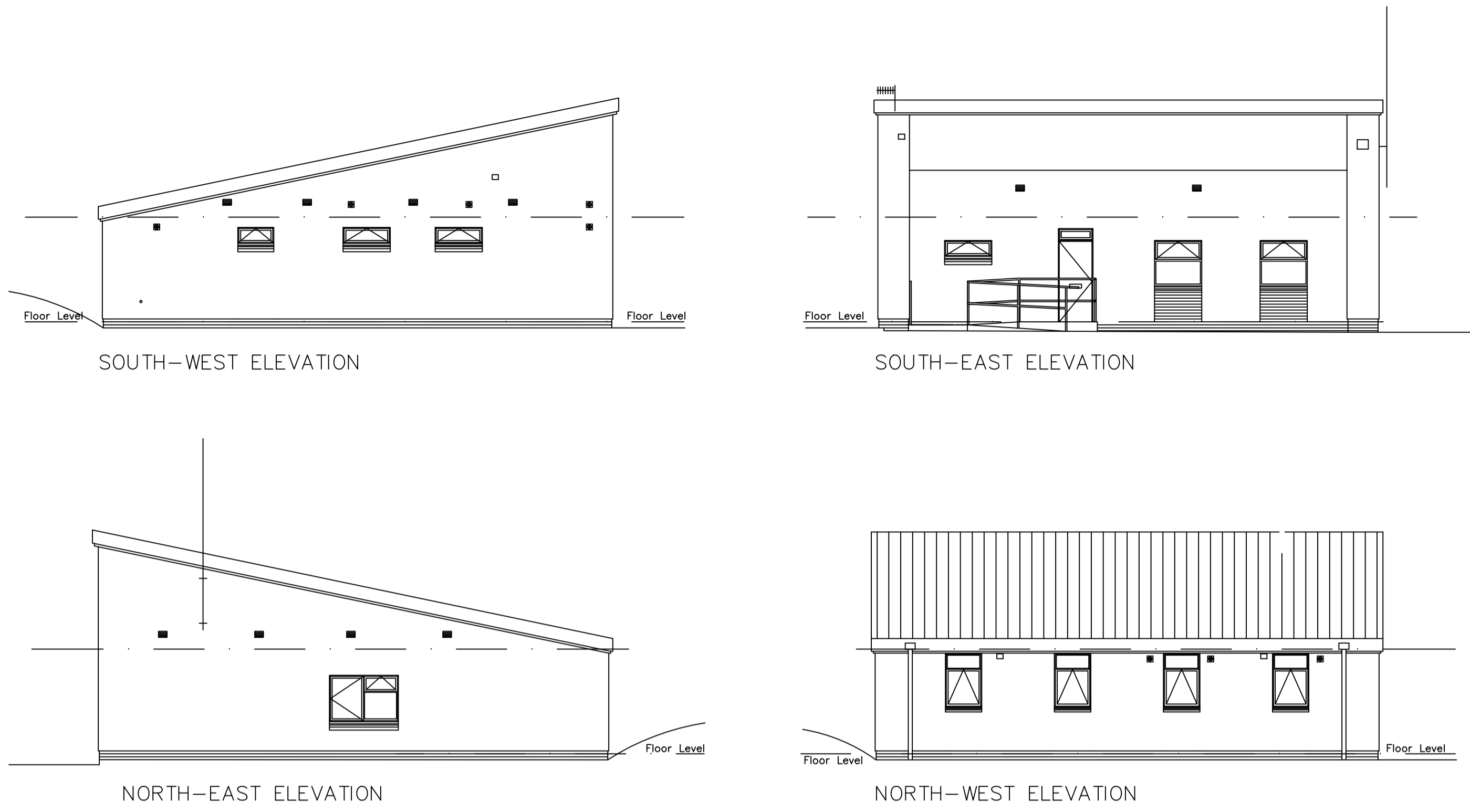
Signature: Allan J Todd  
Designation: Area Planning Manager - South  
Author: Christine Millard  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Existing Floor /Elevation Plan  
Plan 3 – Proposed Floor/Elevation Plan



# LOCATION PLAN

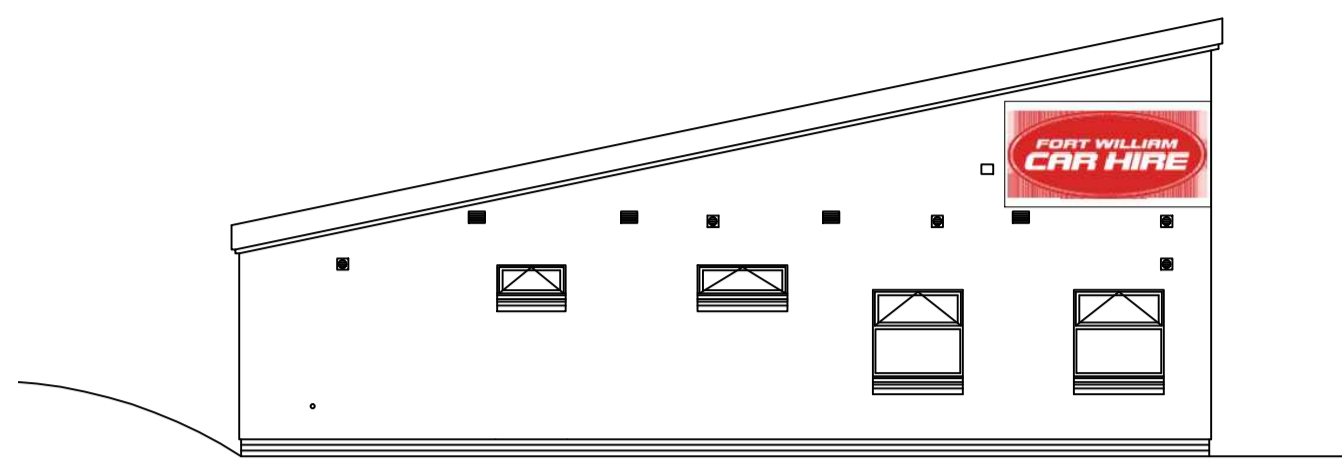
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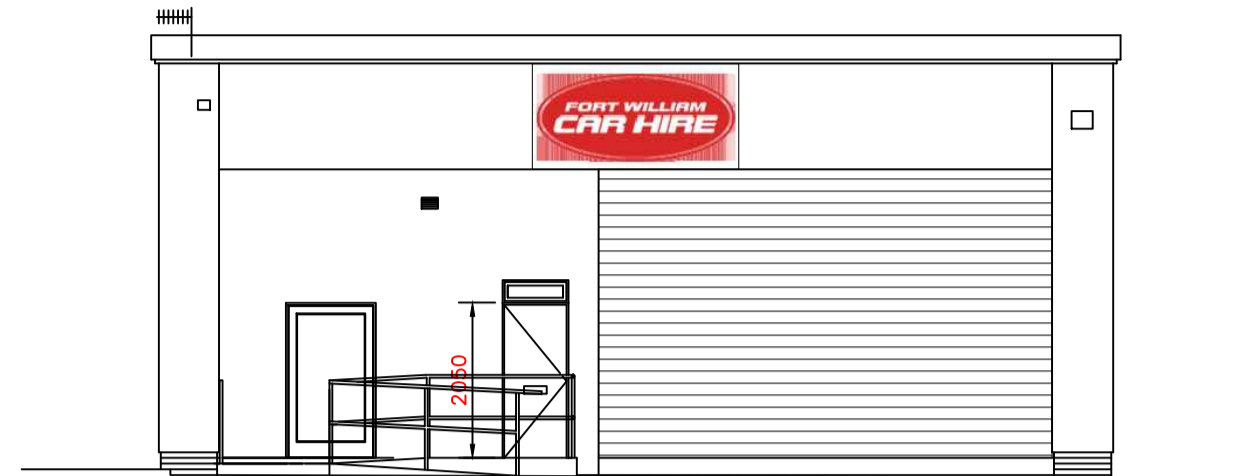


FLOOR PLAN

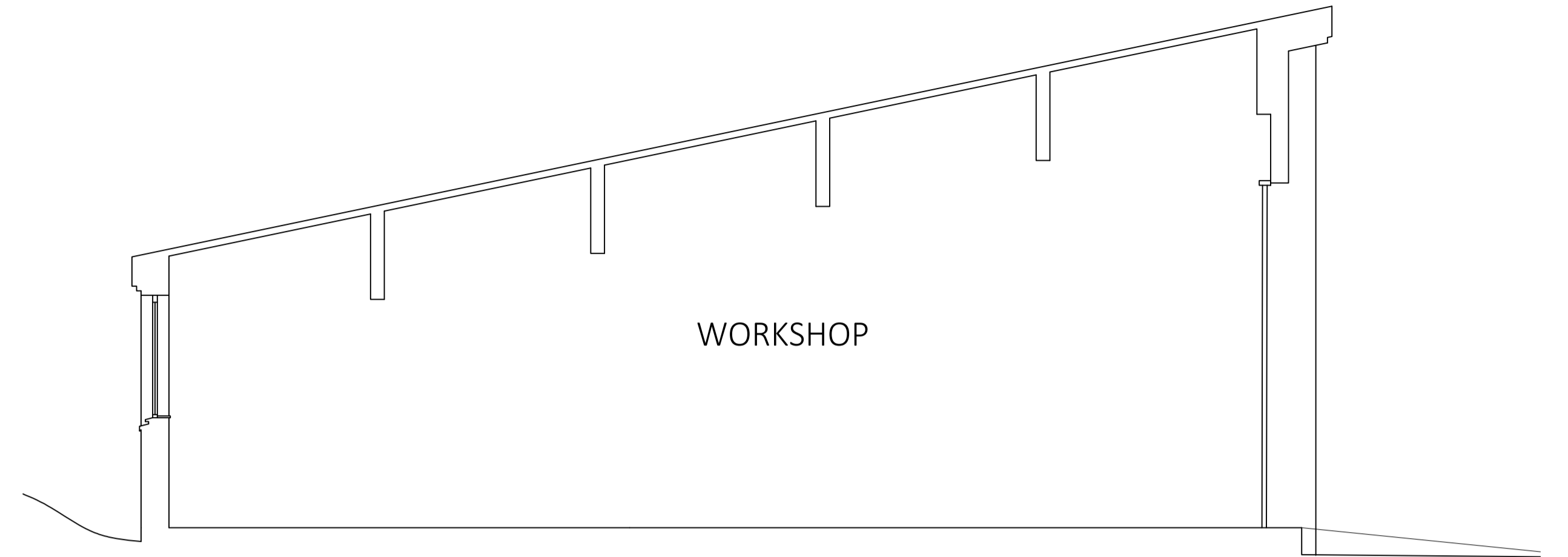
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Client	FORT WILLIAM CAR HIRE		
Detail	As Existing Plans		
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Job no.	07214	Draw no.	100



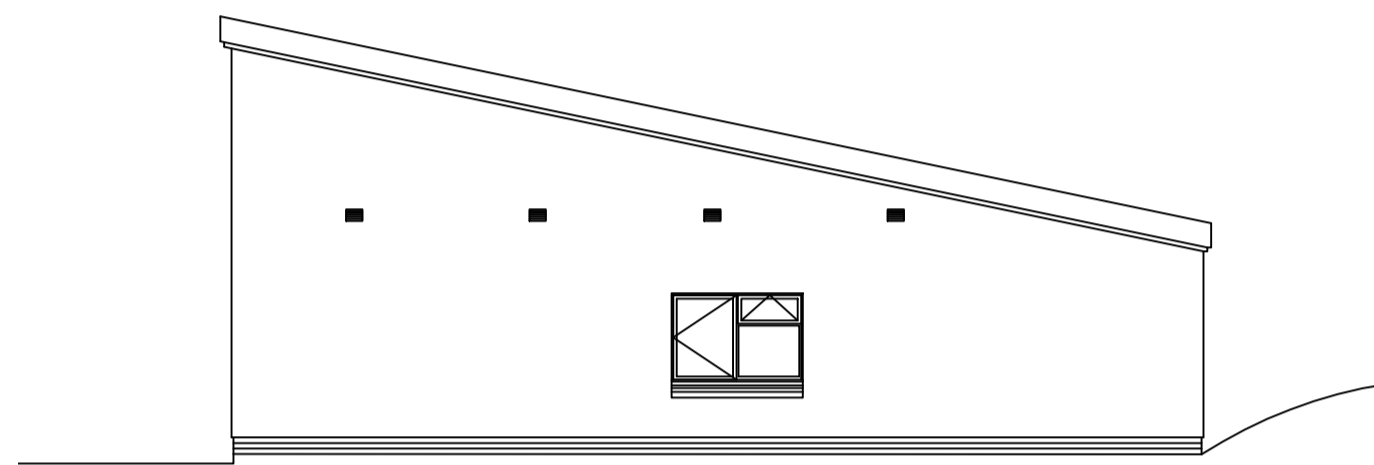
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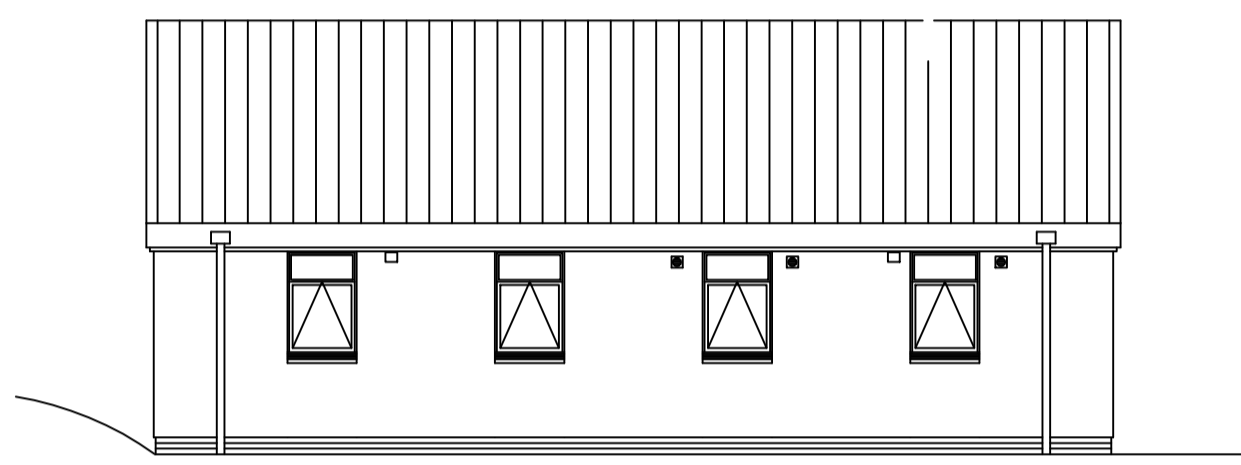
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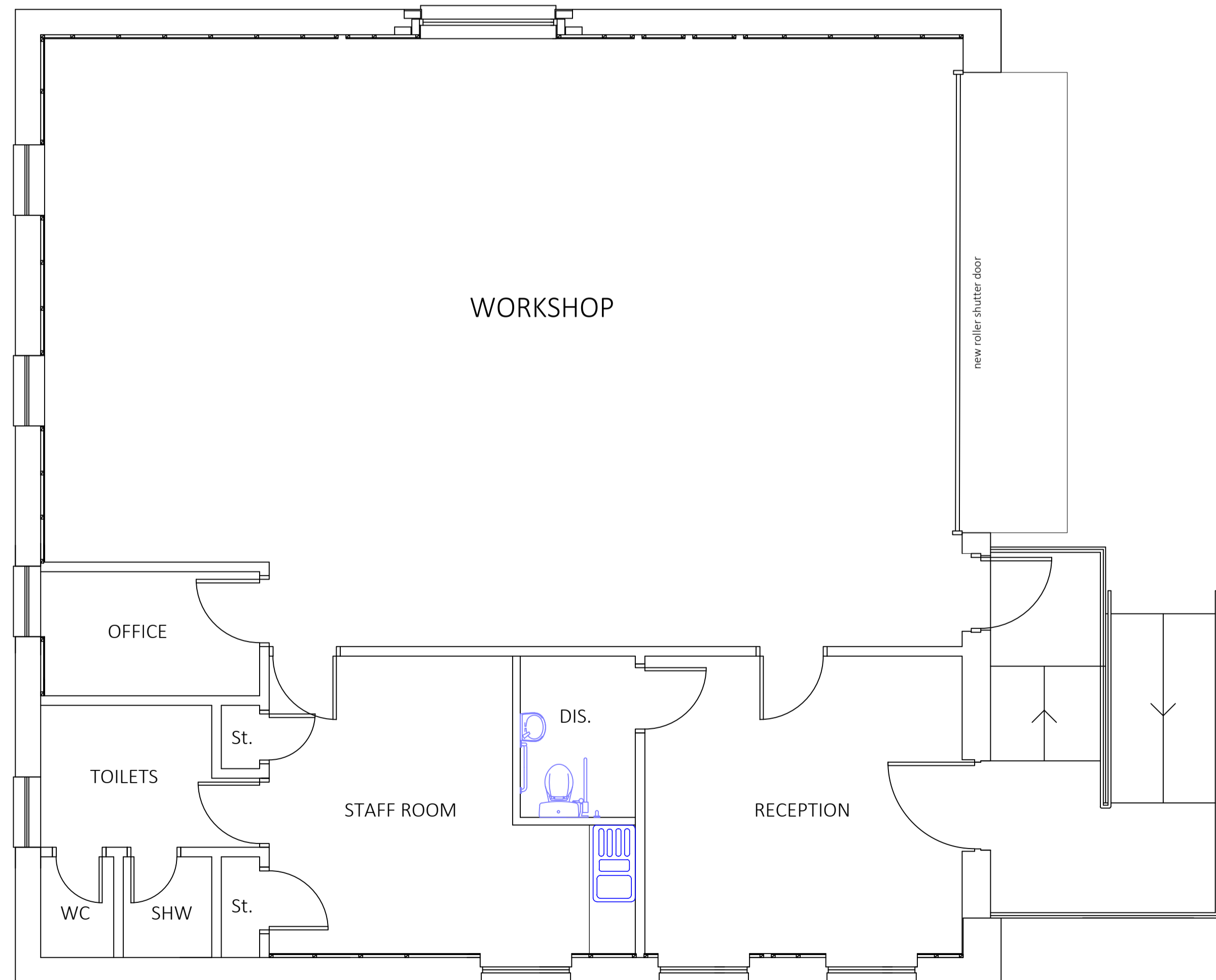
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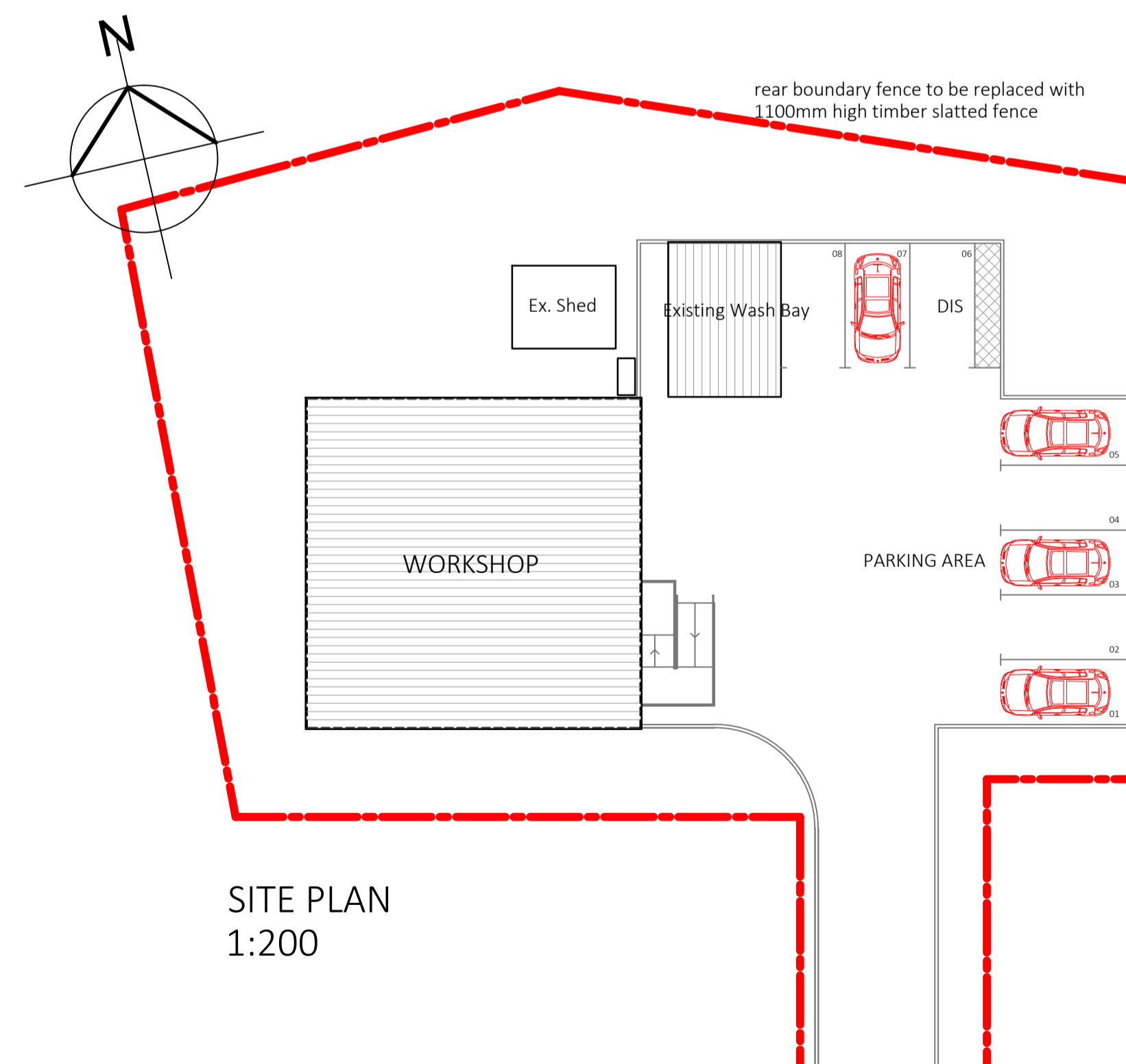
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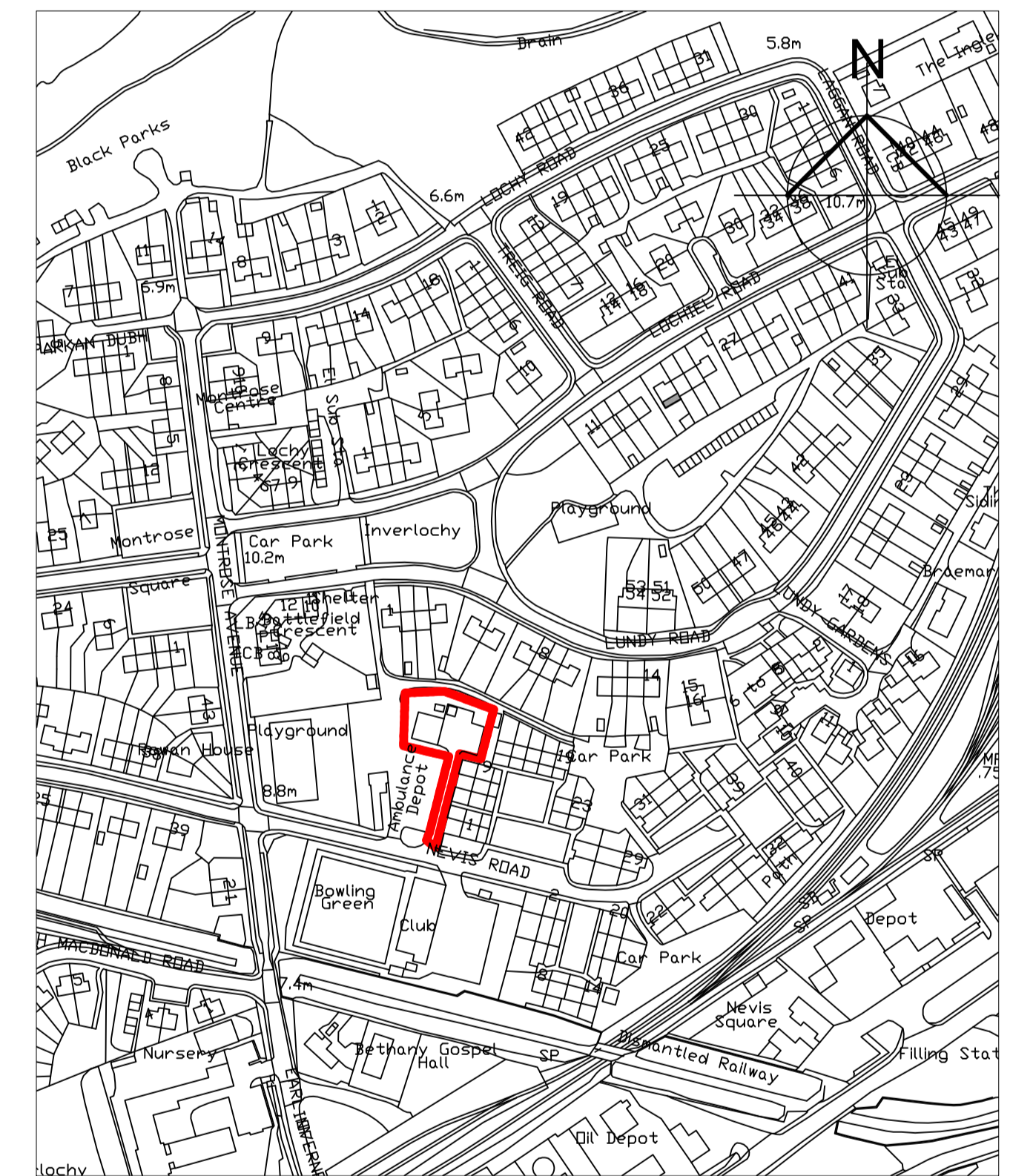
NORTH WEST ELEVATION



GROUND FLOOR PLAN



SITE PLAN  
1:200



LOCATION PLAN  
1:2500

Project		
Proposed Alterations to former Ambulance Station, Inverloch, Fort William		
client		
FORT WILLIAM CAR HIRE		
detail		
As Proposed Plans		
scale	1:50; 1:100	date
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