

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE**  
**18 October 2016**

Agenda Item	5.3
Report No	PLN/052/16

**16/01277/FUL: Mr Philip Blake**  
**Munro Sawmills, Old Evanton Road, Dingwall, IV15 9UN**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of mill building, erection of extension to building and formation of bund

**Recommendation - GRANT**

**Ward :** 09 - Dingwall And Seaforth

**Development category :** Local Development

**Pre-determination hearing :** Not required

**Reason referred to Committee :** Five or more representations

**1. PROPOSED DEVELOPMENT**

1.1 The application seeks detailed permission for the following;

- An extension to the southern elevation of an existing batten mill building. The extension projects approx. 11 metres from the existing side elevation and spans across the full 21.65m depth of the existing building. The height to the eaves and ridge matches the existing building.
- A new mill building measuring 29.914m x 21.552m and 12.787m in height to the ridge is located directly adjacent to the new extension.
- The relocation of an existing acoustic/screening bund on the southern boundary. The bund is to be relocated closer to the southern boundary, to generate the space necessary for the extension and new building proposed. The height of this bund is to be 4.5 metres. An extra acoustic barrier of 2m in height is proposed on top of the earth bund.

The applicant has given the following justification for the development; development is required to provide better space and height for new machinery at the batten mill. The existing machinery is now very old and in need of replacement. The proposal and new equipment will allow the site to increase the product range, improve output, quality, productivity and create a safer working environment.

- 1.2 Formal pre-application advice given 10 January 2012. Response indicated that support would be likely forthcoming subject to there being no adverse impact on the Long Established Woodland that bounds the site, no concerns from Environmental Health in relation to impact on adjacent residential properties (which may require a noise impact assessment) and acceptable access/parking infrastructure being provided (as necessary).
- 1.3 The following supporting information was submitted during the course of the application;
- Noise Assessment
  - TA1 Transport Assessment Form
  - Example of 90° enclosure at openings
  - Acoustic fencing panels brochure
- 1.4 **Variations:** Noise reduction plan B2 – 7 (Rev 1)  
Landscaping planting plan B2 – 8 (Rev 1)

## **2. SITE DESCRIPTION**

- 2.1 Munro Sawmills is located on the north side of Old Evanton Road, Dingwall. The sawmill complex comprises of office buildings, mill buildings and external machinery, storage and lay-down areas. The proposal is located at the eastern end of the site, adjacent to the southern boundary with residential properties fronting Old Evanton Road. There is woodland to the east and north.

## **3. PLANNING HISTORY**

- 3.1 09/00124/FULRC - Erection of wood drying shed/dry store – Granted 06.04.2009  
14/02428/FUL - Erection of extension to office building – Granted 10.10.2014  
15/02361/FUL - Erection of noise barrier fence – Granted 17.06.2015  
All of the above have been built.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Schedule 3 development  
Representation deadline : 24.04.2016  
Timeous representations : 6  
Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
- Insufficient information regarding transportation issues and no information regarding the new plant and equipment.
  - Concerns regarding the existing levels of noise at the site and the effectiveness of a recently constructed acoustic fence. Further development should not be consented until the existing noise issues are resolved.

- Concern regarding the construction of the bund at an appropriate distance from our back fences (Old Evanton Road), and that the construction will be stable and maintained to ensure future slippage will not occur causing damage to neighbouring properties.
- The sawmill is in an inappropriate location and the site would be better used for housing development.

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 **Transport Planning:** No objection. Following the submission of a TA1 Transport Assessment Form and providing the information within the form is accurate, the limited traffic increase arising from the proposal would not be a cause for concern.

5.2 **Contaminated Land:** No objection. The historic and current use as a sawmill may have resulted in land contamination. From the information provided as part of the application, the proposed development would not appear to materially change the risk of potential contamination, and further investigation is not recommended for this application. However, the applicant should be informed of potential contamination issues in an informative attached to any decision notice.

5.3 **Environmental Health:** No objection. Initial consultation response stated that a Noise Abatement Notice had been served last year and that the site was the subject of an investigation regarding noise. The potential increase in noise from the proposed development was therefore a pertinent issue. The noise assessment submitted with the application suggests that predicted noise levels will just comply with the normal working hours limit. Therefore, with such small margin, noise mitigation should be increased. This initial response specifically requested further details of measures to reduce noise on the west façade and along the southern boundary. A site layout plan was also requested indicating the location of the existing and new log handling equipment.

Following the above response from Environmental Health, details of further measures to reduce noise were submitted by the applicant. These measures were detailed on a noise reduction plan and include; 90° extensions to the exit points on the west façade, which will have the effect of further mitigating against noise which may escape from the building via these openings, moving the log storage area to adjacent to the northern boundary to act as a sound barrier for the houses in Castlehill Road, and an extra 2m high acoustic barrier on top of the proposed earth bund to further attenuate the noise on the southern boundary.

Following the submission of the above information by the applicant, Environmental Health provided a second consultation response and confirmed that they had no objections or further comments on the application. The response stated that current noise levels at the Castlehill Road properties are complying

with the Noise Abatement Notice served last year. There is however a concern that any increase in noise will bring levels above the maximum permitted limit for normal working hours. Additional noise mitigation measures have been identified and these should be implemented along with any other measures that might reduce noise levels.

- 5.4 **Forestry Officer:** No objection. Initially a holding objection was lodged in order to consider landscaping and maintenance proposals for the proposed earth bund. This consultation response also referred to a number of trees recently being cleared along the southern boundary and the proposed earth bund being partially formed.

Following this response it was clarified that trees had not recently been felled at the site in anticipation of this development, and that the bund noted by the forestry officer was actually the existing bund planted in the 1990s from which some leylandii has recently been removed. This existing bund is to be removed and a new bund formed in order to facilitate the development. A landscaping plan has been submitted indicating that the bund area will be planted with low native bushes and shrubs, with some small native trees.

Following the above, the Forestry Officer confirmed no objections, subject to a condition ensuring that the landscaping of the bund is implemented.

## 6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### 6.1 **Highland Wide Local Development Plan (HWLDP) 2012**

28	Sustainable Design
34	Settlement Development Areas
72	Pollution

### 6.2 **Inner Moray Firth Local Development Plan**

None of relevance to this site or proposal

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Draft Development Plan**

Not applicable

### 7.2 **Highland Council Supplementary Planning Policy Guidance** Sustainable Design Guide (Jan 2013)

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

## 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 following are the principal determining planning policies.

- 28 (Sustainable Design) HWLDP
- 34 (Settlement Development Areas) HWLDP
- 72 (Pollution) HWLDP

8.3.2 **Policy 28** (Sustainable Design) aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. The parts of the policy of particular relevance to this proposal state that proposals should be assessed on the extent to which they “impact on individual and community residential amenity” and “demonstrate sensitive siting and high quality design in keeping with local character”.

8.3.3 **Policy 34** (Settlement Development Areas) states that “we will support proposals within Settlement Development Areas if they meet the requirements of policy 28” and that we will judge proposals in terms of how compatible they are with the existing pattern of development and adjacent land uses.

8.3.4 **Policy 72** (Pollution) states that proposals that may result in significant pollution such as noise will only be approved where a detailed noise assessment report is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

8.3.5 Noise is the key material consideration in the determination of this proposal. A noise assessment was submitted with the application, which recommends mitigation measures to ensure that the proposal does not result in unacceptable levels of noise at nearby existing residential properties. The report details the existing noise levels at the site and predicts noise levels at several existing residential locations around the site, including 4 properties on Old Evanton Road and two at Castlehill Road. The noise prediction exercise is based on the sawmill operating at a relatively high production level and assumes ideal meteorological conditions for sound propagation, therefore, the assessment should represent a worst case prediction.

8.3.6 In November 2015 the site was issued with a noise abatement notice by Highland Council, which required that noise from the site during daytime working hours, 0730 – 1930 hours Monday to Friday and 0730 – 1300 hours on Saturdays must not exceed 55dB. The specified noise limit of 55dB is in line with guidance given by the World Health Organisation. It is this noise limit that the noise assessment carried out for this development and the mitigation proposed aims to comply with. At all locations included in the assessment, the predicted sound levels from the operation of the plant and equipment are below the 55dB level that the Highland Council has required the operator to achieve.

- 8.3.7 The report sets out recommendations including ensuring that there are no gaps in between walls and ground level and walls and the roof in the construction of the proposal, a new bund constructed to a height of 4.5 metres along the southern boundary adjacent to the proposal, and the construction of a short length of barrier at the south central part of the site. Other recommendations include replacing single tone reverse alarms with an alternative less intrusive type, equipment fitted with covers/doors operated with these closed and switched off when not in use, and plant and machinery being well maintained to minimise noise. The report also affirms that both the proposed extension and new mill building would be formed on steel portal frames and be clad with insulated panels, which will attenuate sound. There are also no openings in the southern façade facing towards the properties located along Old Evanton Road.
- 8.3.8 Although the noise assessment found predicted noise levels to be below the level set in the aforementioned noise abatement notice (55dB), given that the margin between the predicted levels and 55dB was small, Environmental Health asked for further sound mitigation measures to ensure that the proposal has no significant impact upon the amenity of residential properties. These measures include forming enclosures around two of the openings on the west elevation. This is not possible to do at the third door on this elevation (the treatment plant door), however, an internal wall dividing the treatment plant from the rest of the mill operations will act as a barrier to noise escaping from this door when open. A 2m high fence is also proposed on top of the new bund to be formed adjacent to the southern elevation. Environmental Health has confirmed that following these additional measures they have no objection to the proposal.
- 8.3.9 The issue of potential impact on surrounding residential properties in terms of noise is considered to be satisfactorily addressed through the noise assessment submitted with the application and the additional noise mitigation measures proposed. Environmental Health has powers to investigate noise complaints should they arise and can serve a formal notice on the operator to comply with a stated noise level.
- 8.3.10 The extension and new building are to be finished in Juniper Green composite cladding and are considered to be in keeping with the existing industrial buildings on the site. The buildings themselves are unlikely to be a prominent visual feature to those properties neighbouring the site due to both existing and proposed screening in the form of acoustic barrier fencing, vegetation, trees and the proposed landscaped bund.
- 8.3.11 The development does not represent a significant increase in traffic coming in and out of the site. The number of deliveries entering and leaving the site is set to increase from 12 to 16. The number of people accessing the site is only proposed to increase by 4, and this is not expected to generate the same increase in cars accessing the site due to employees being based locally and sharing transport. Transport Planning have confirmed that the levels stated are not a cause for concern.
- 8.3.12 The proposal is not considered to result in a significant impact upon residential amenity, particularly in terms of noise pollution, due to the noise mitigation proposed as part of the submitted noise assessment and the additional measures sought by the Council's Environmental Health. Furthermore, the proposal does not present any design or siting issues. The development is therefore considered to accord with policies 28 (Sustainable Design), 34 (Settlement Development Areas), and 72 (Pollution).

## 8.4 **Material Considerations**

- 8.4.1 A representation raised issues of lack of information regarding transportation issues and lack of information regarding the new plant and equipment. Details regarding the increase in transport movements were submitted during the course of the application and Transport Planning confirmed no objections. A layout of the new machinery has been provided with the application. The noise prediction exercise carried for the Noise Assessment Report included the machinery/equipment to be installed at the site and information regarding the specific models and their specific sound power levels.
- 8.4.2 Representations raise the issue of an existing noise issue at the site and the fact that further development should not be consented until existing noise levels are resolved. Investigations were carried out by Highland Council Environmental Health which concluded that the site was operating within the limits of a Noise Abatement Notice served on the site last year.
- 8.4.3 A representation raises concern regarding the construction of the bund. No detailed information regarding how the bund is to be constructed was submitted with the application. However, a condition shall be attached to the consent requiring a full method statement to be approved by the Planning Authority prior to the commencement of development at the site.
- 8.4.4 A representation raises the point that the sawmill is in an inappropriate location within Dingwall due to its proximity to residential properties. The situation has arisen however out of historical circumstances and the two land uses are compatible as long as noise can be effectively mitigated against, and further development managed so that significant impact upon neighbouring residential properties is avoided.

## 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 N issued**

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons/notes to applicant:

1. The external walls and roofs of the extension and new building hereby approved shall be finished in Juniper Green composite cladding.

**Reason** : To ensure that the development is sensitive to, and compatible with, its context.

2. The noise barriers shown on approved plan B2 – 7 (Rev 1) shall be erected prior to the commencement of any operations within the development hereby approved. No development or work shall commence until details of the 3m high noise barrier located adjacent to the southern boundary and the 2m high noise barrier located on top of the proposed bund, as shown on approved plan reference B2 – 7 (Rev 1), has been submitted to, and approved in writing by, the Planning Authority. Thereafter development and work shall progress in accordance with the approved details.

**Reason :** In the interests of residential amenity and to ensure effective mitigation against noise.

3. Prior to any operations commencing within the development hereby approved, 90° enclosures shall be erected at the sliding entry door and conveyor exit on the west elevation, as shown on approved plan reference B2 – 7 (Rev 1). No development or work shall commence until an elevation drawing and floor plan showing the 90° extensions proposed at the openings on the west elevation, as shown on approved plan reference B2 – 7 (Rev 1), have been submitted to, and approved in writing by, the Planning Authority. Thereafter development and work shall progress in accordance with the approved details.

**Reason :** In the interests of residential amenity and to ensure effective mitigation against noise.

4. No development or work shall commence until a method statement for the construction of the 4.5m bund has been submitted to, and approved in writing by, the Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

**Reason :** In the interests of residential amenity and to ensure effective mitigation against noise.

5. No development shall commence until details of a scheme of soft landscaping works for the bund have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- ii. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.



**Reason** : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site; in the interests of residential amenity.

6. Prior to any operations commencing within the development hereby approved, the internal wall at the treatment plant, as shown on approved plan B2 -7 (Rev 1), shall be constructed and fully complete.

**Reason** : In the interests of residential amenity and to ensure effective mitigation against noise.

7. The recommendations listed in section 10.0 of the Assessment of Environmental Noise Report R16.9069/1/AF dated 09.03.2016 hereby approved, shall be fully implemented in perpetuity.

**Reason** : In the interests of residential amenity and to ensure effective mitigation against noise.

### **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 and 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.

### **Contaminated Land**

There is potential for contamination at this site due to its former use as a sawmill. 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 prioritized by the Highland Council under duties conferred by part 11A 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.

### **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.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

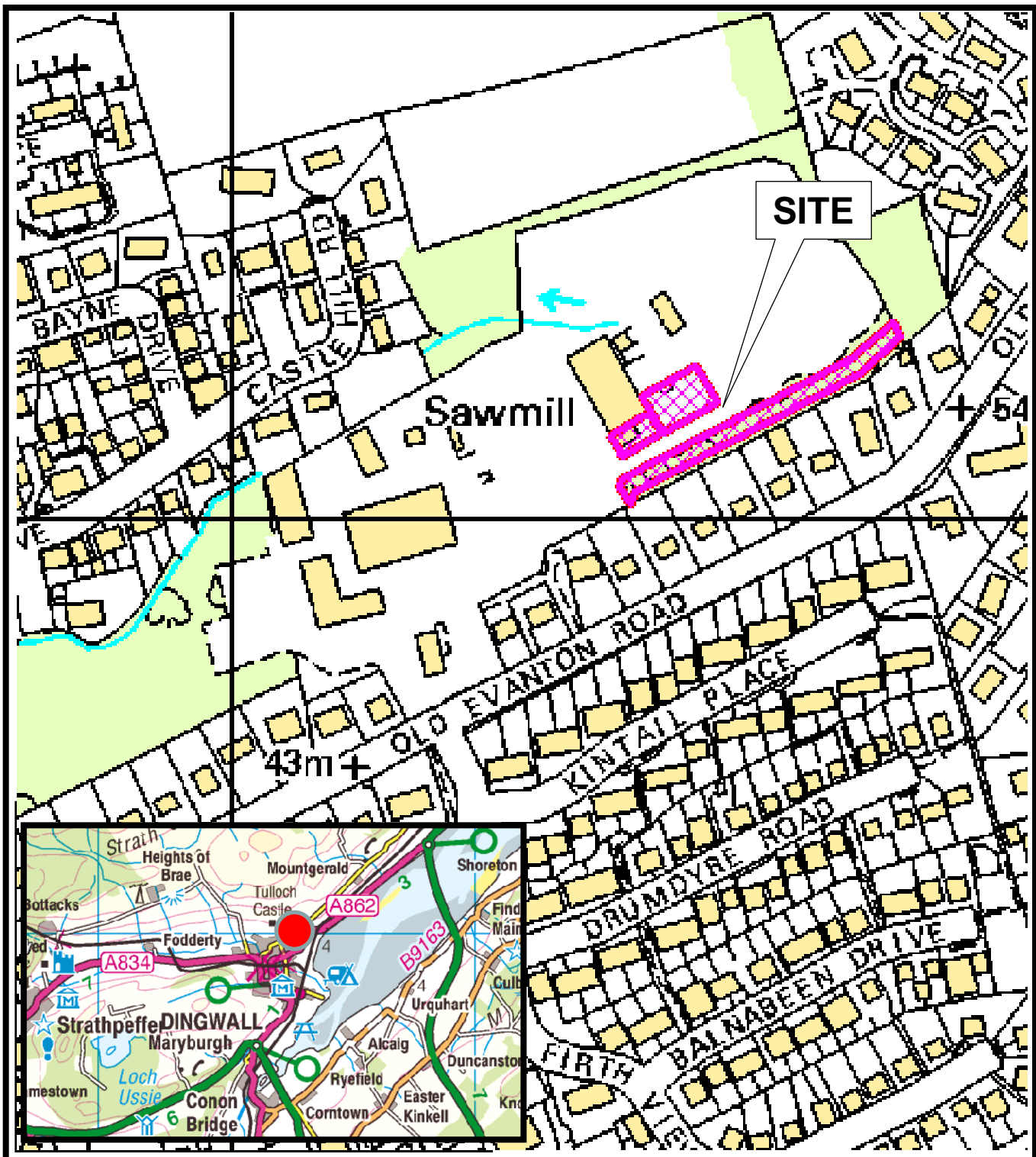
### **Scottish Water**

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.

### **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.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Rebecca Hindson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans:  
Plan 1 – Location Plan  
Plan 2 – B2 – 1 (REV 2) Location Plan  
Plan 3 – B2 – 2 (REV 1) Block Plan  
Plan 4 – B2 – 3 (REV 2) South and West Elevations  
Plan 5 – B2 – 4 (REV 3) North and East Elevations  
Plan 6 – B2 – 5 (REV 1) Floor Plan  
Plan 7 – B2 – 6 (REV 1) Bund Cross Section  
Plan 8 – B2 – 7 (REV 1) Noise Reduction Plan  
Plan 9 – B2 – 8 (REV 1) Landscape Plan



Planning & Development Service

**16/01277/FUL**

**Erection of mill building, erection of extension to building and formation of bund at Munro Sawmills, Old Evanton Road, Dingwall**

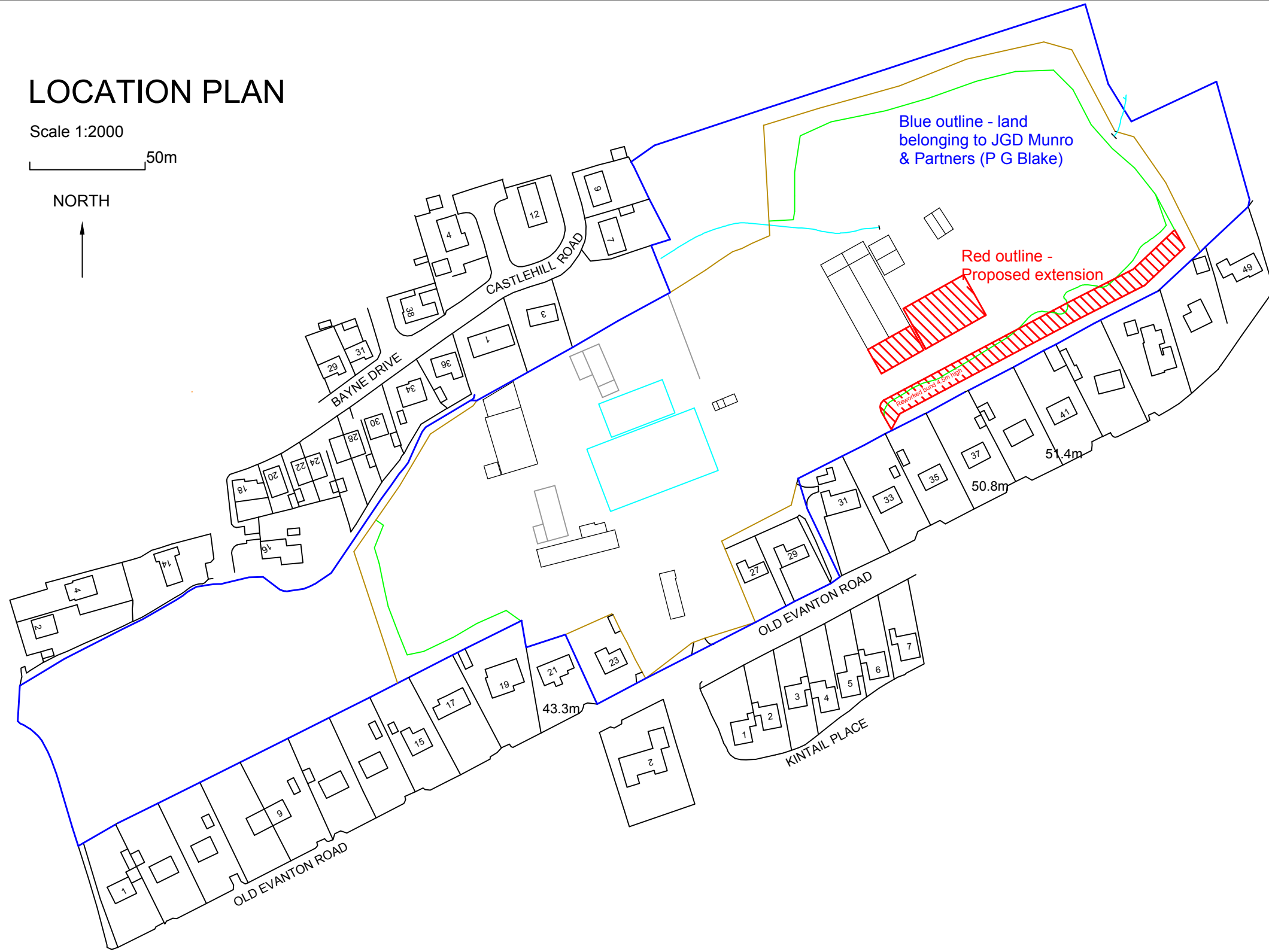


# LOCATION PLAN

Scale 1:2000

50m

NORTH



Blue outline - land belonging to JGD Munro & Partners (P G Blake)

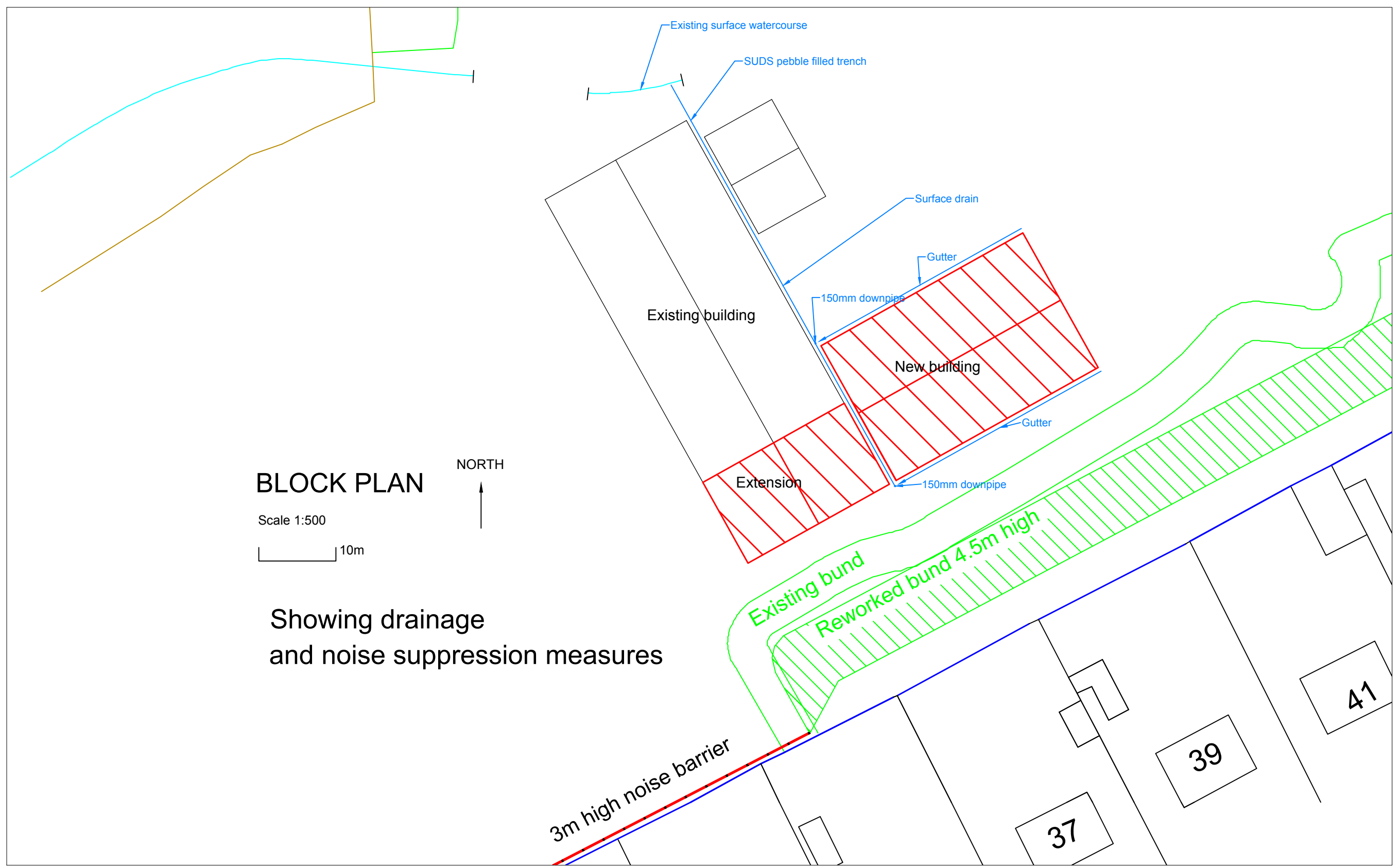
Red outline - Proposed extension

43.3m

50.8m

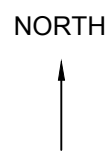
51.4m

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Munro Sawmills Ltd Old Evanton Road Dingwall IV15 9UN		Title: Batten Mill extension location plan		
		Drawing No: B2 Planning - 1	Version: 2	Rev date: 22/03/2016



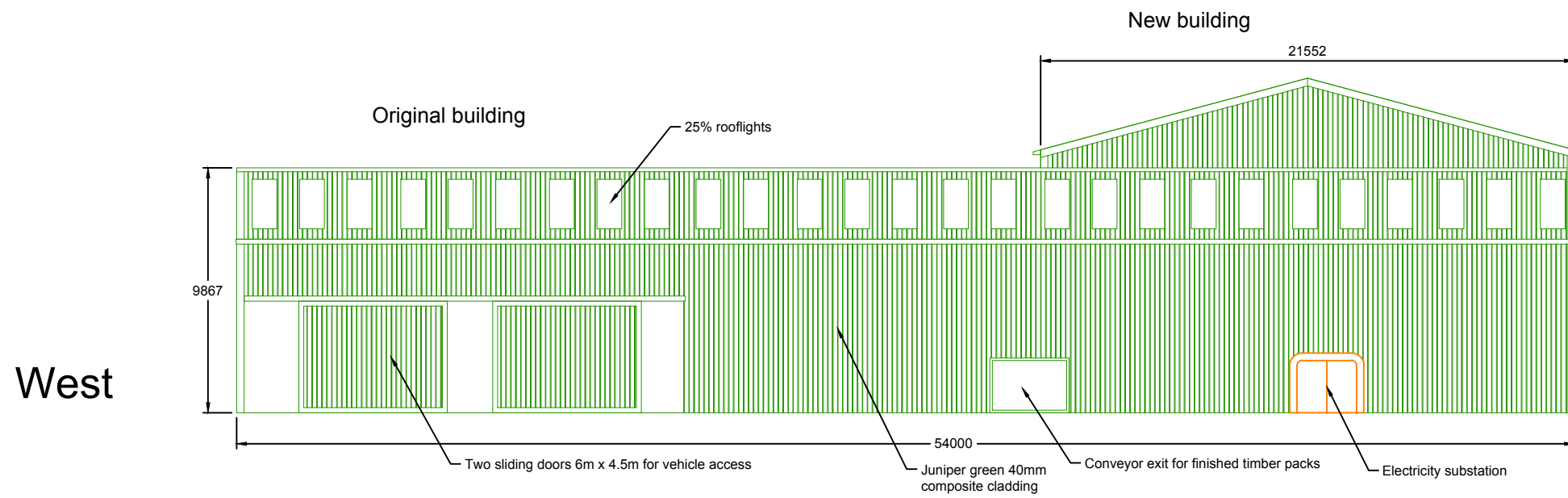
**BLOCK PLAN**

Scale 1:500  
 10m



Showing drainage  
 and noise suppression measures

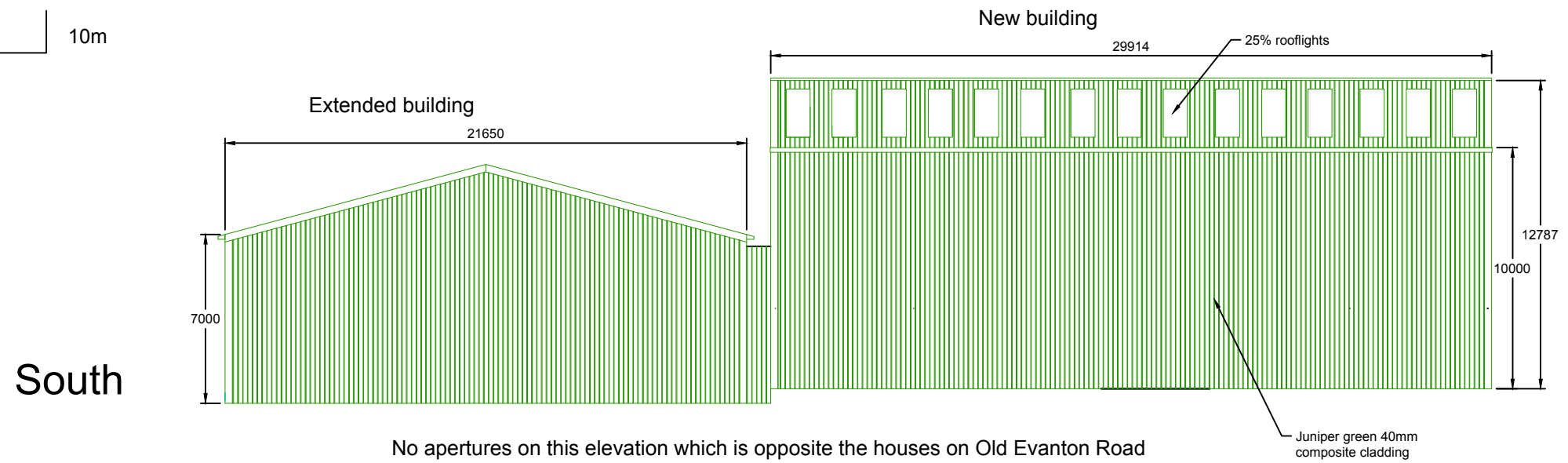
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Munro Sawmills Ltd Old Evanton Road Dingwall IV15 9UN			Title: Batten Mill extension block plan		
			Drawing No: B2 Planning - 2	Version: 1	Rev date:



West

### South and West elevations

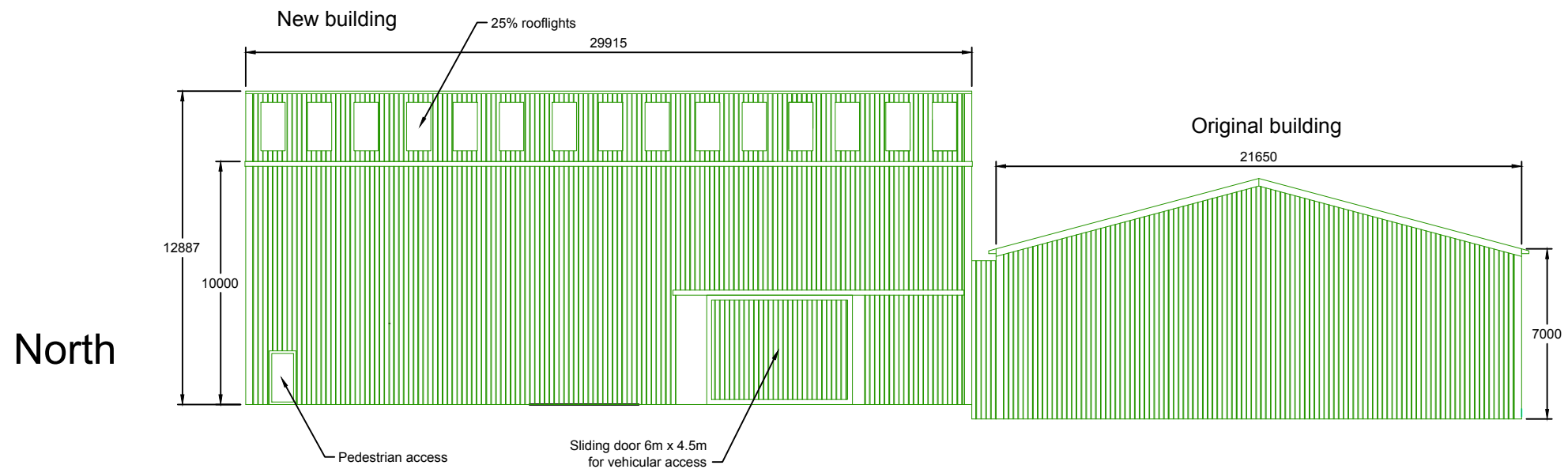
Scale 1:250



South

No apertures on this elevation which is opposite the houses on Old Evanton Road

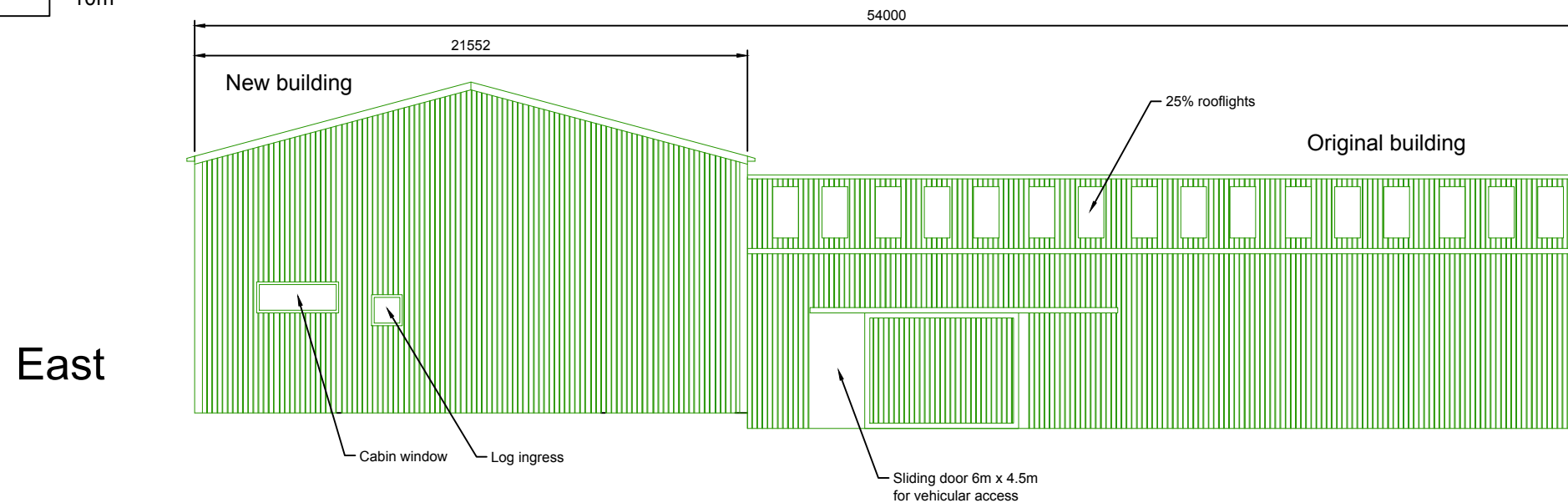
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Munro Sawmills Ltd Old Evanton Road Dingwall IV15 9UN		Title: Batten Mill extension S & W Elevations		
Drawing No: B2 Planning - 3			Version: 2	Rev date: 22/03/2016



North

### North and East elevations

Scale 1:250



East

	Zoom 0.00547	Drawn by: PGB	File name: B2 Planning	Date: 16/03/2016
Munro Sawmills Ltd Old Evanton Road Dingwall IV15 9UN			Title: Batten Mill extension N & E Elevations	
			Drawing No: B2 Planning - 4	Version: 3 Rev date: 29/03/2016

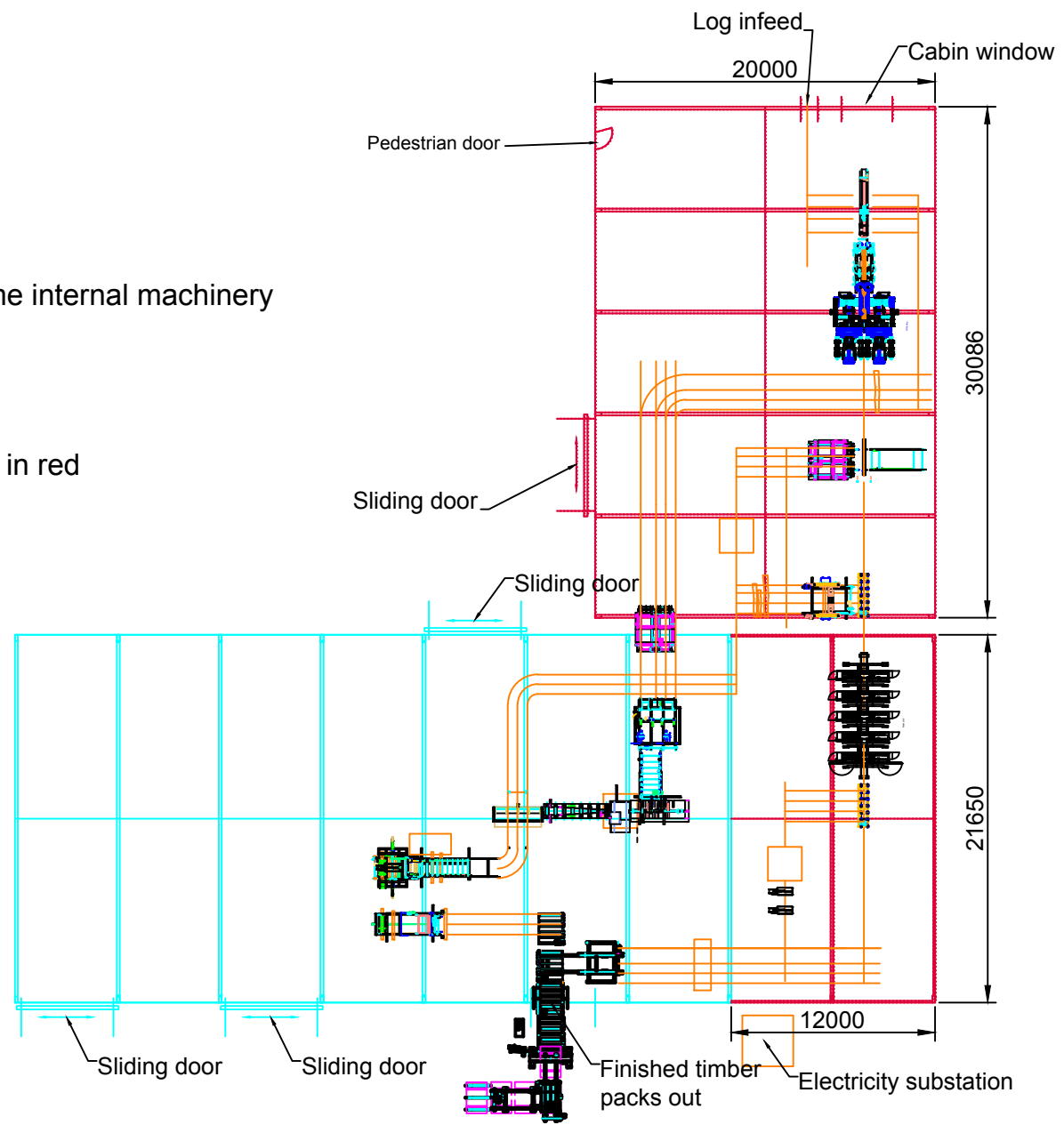


NORTH

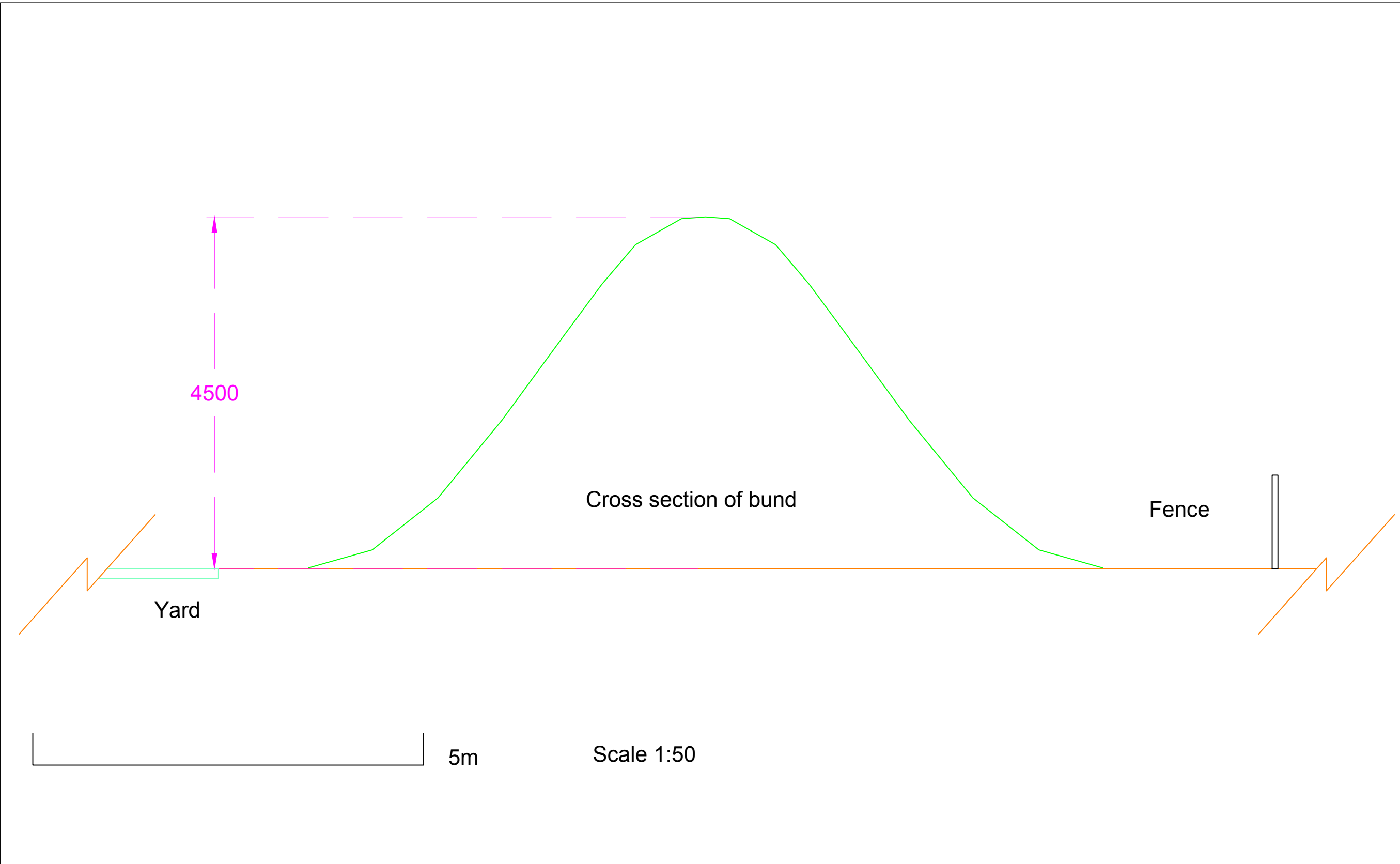
Floor plan showing some internal machinery

Scale 1:400  
10m

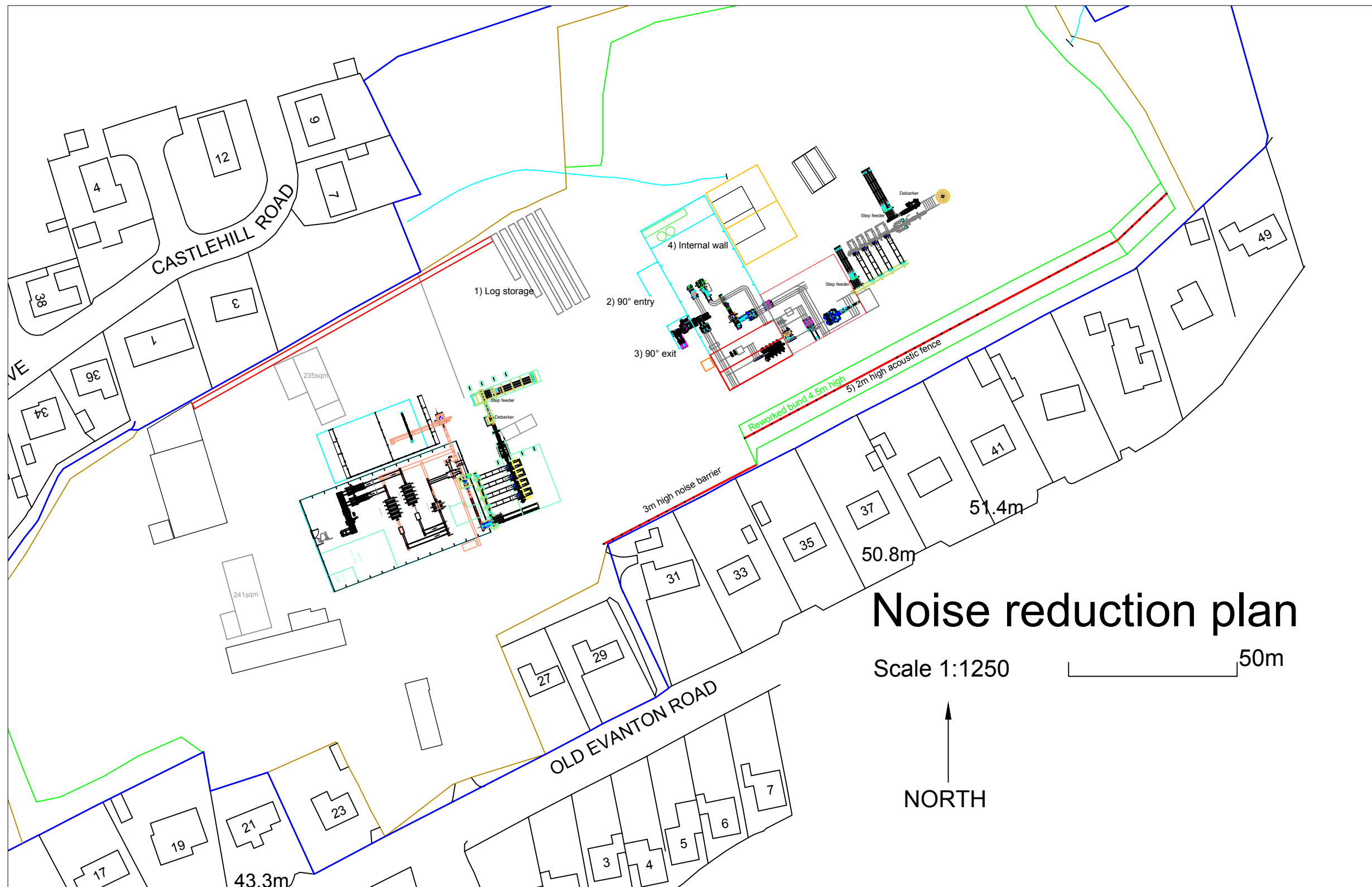
Extension/New building in red



	Zoom .0034	Drawn by: PGB	File name: B2 Planning	Date: 16/03/2016	
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			Drawing No: B2 Planning - 5	Version: 1	Rev date:

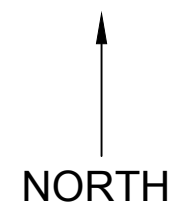


	Zoom .02694	Drawn by: PGB	File name: B2 Planning	Date: 22/03/2016	
Munro Sawmills Ltd Old Evanton Road Dingwall IV15 9UN			Title: Batten Mill bund cross section		
			Drawing No: B2 Planning - 6	Version: 1	Rev date:

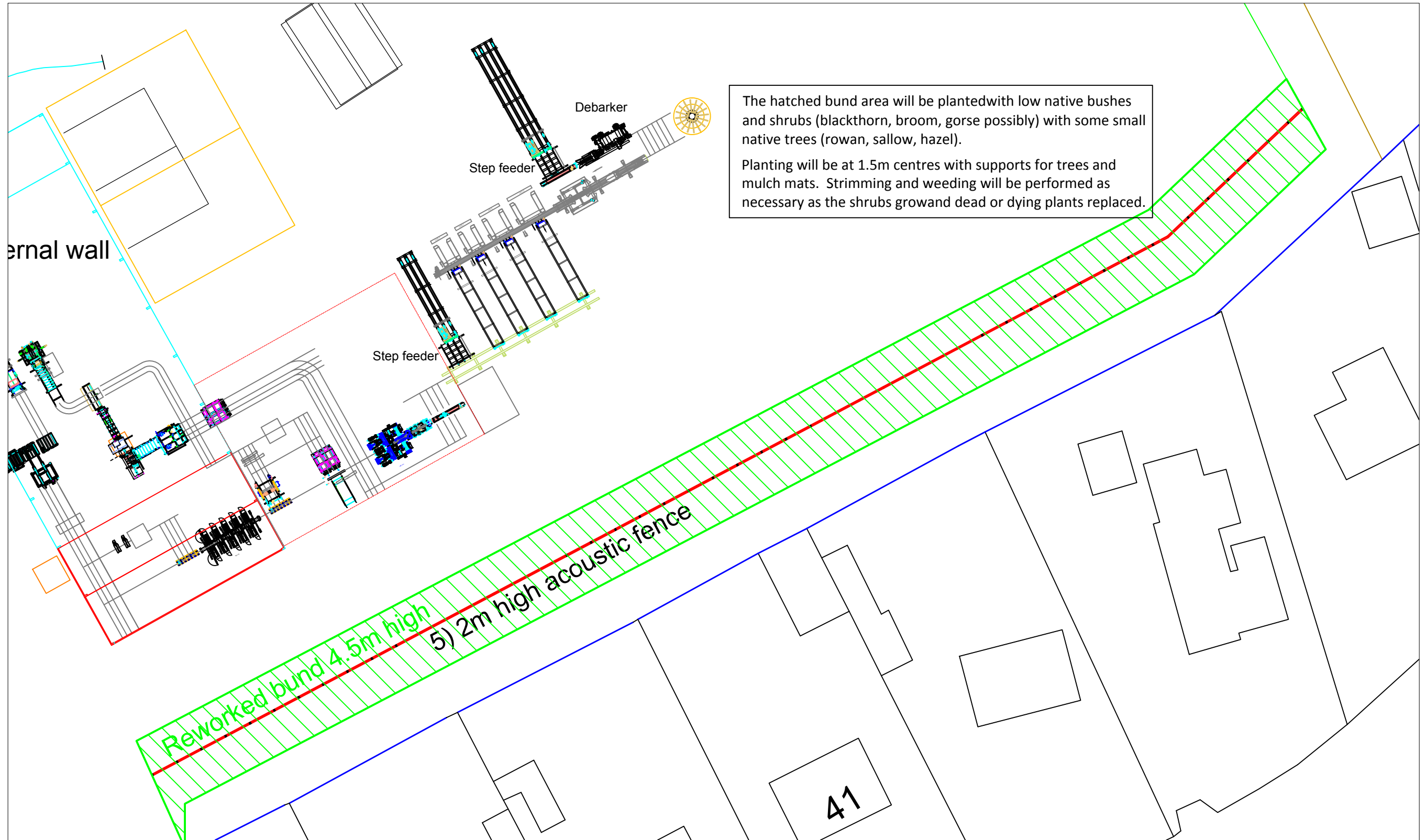


# Noise reduction plan

Scale 1:1250 50m



		Drawn by: PGB	File name: B2 Noise	Date: 22/08/2016
Munro Sawmills Ltd Old Evanton Road Dingwall IV15 9UN		Title: Noise reduction plan		
		Drawing No: B2 Planning 7	Version: 1	Rev date:



The hatched bund area will be planted with low native bushes and shrubs (blackthorn, broom, gorse possibly) with some small native trees (rowan, willow, hazel).  
 Planting will be at 1.5m centres with supports for trees and mulch mats. Strimming and weeding will be performed as necessary as the shrubs grow and dead or dying plants replaced.

	Drawn by: PGB	File name: B2 landscape	Date: 22/08/2016
Munro Sawmills Ltd Old Evanton Road Dingwall IV15 9UN	Title: Landscape planting plan		
	Drawing No: B2 Planning 8	Version: 1	Rev date: