

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
13 December 2016

Agenda Item	6.3
Report No	PLS 069/16

16/02443/FUL: Pat Munro (Alness) Ltd
35 Lotland St, Inverness IV1 1ST

Report by Area Planning Manager - South/Major Developments

SUMMARY

Description: Siting and operation of mobile concrete batcher

Recommendation: GRANT

Ward: 17 - Inverness Millburn

Development category: Local Development

Pre-determination hearing: N/A

Reason referred to Committee: Representations received from 6 different properties.

1. PROPOSED DEVELOPMENT

- 1.1 The proposed concrete batching plant will be located near the west site boundary. It consists of a hopper with a conveyor leading from it to a tower, which is linked to the lorry discharge area, which has capacity to load 2 concrete delivery 'truck mix' vehicles. A free standing silo is proposed in the corner between the conveyor and the lorry loading area.
- 1.2 The process consists of off-loading cement from a delivery tanker into a 50 ton capacity vertical storage silo fitted with a bag filter and subsequently loading the cement into a cement mixer, which is part of a 'truck mix' vehicle. Wet sand and gravel are also loaded, plus a small amount of water. The materials are then driven by 'truck mix' to the delivery site and mixed using the vehicles own power system to drive the rotary mixer. At the appropriate time, additional water is added to produce the correct consistency immediately prior to delivery at the site.
- 1.3 The batching plant also has an enclosed pan mixer with rotating arms which can be used to mix concrete. The ready mixed concrete is then transferred to the truck mixer or into tipper vehicles for collections.
- 1.4 Delivery would be via a maximum of 2 x 30 ton cement delivery tankers per day (total of 5 – 6 daily deliveries including aggregate). The tanker's flexible hose is

connected to the silo, and an air blower into the tanker is used to deliver the cement pneumatically into the silo. It takes 20 – 25 minutes to off-load the tanker.

- 1.5 Cement is removed from the base of the silo and placed directly into the truck-mixer (or pan mixer) via an enclosed system of screw feeders and rubber chute. The sand and gravel is passed via individual hoppers onto a belt conveyor and through another enclosed chute into the truck-mixer or pan-mixer.
- 1.6 The plant has two chemical additive pumps and hose sets to add chemicals to improve workability, strength or freeze-thaw resistance. These additives are delivered and stored on site in Intermediate Bulk Containers (IBC), then pumped through hoses into the truck mixer.
- 1.7 Acoustic noise barriers in the form of a close-boarded timber fence are proposed. This will be 2.5m in height along the west boundary adjacent to the offices on the neighbouring site, and 3.5m in height to the west of the mixer truck loading bay.
- 1.8 There is sand and aggregate storage built into the plant. However, it is also proposed to provide a total of 4 storage bays for extra storage. The bay walls will be constructed of modular concrete blocks and a maximum of 1.8m in height, with stockpiles not exceeding this height at any point by more than 0.5m (ie maximum height of stockpile will be 2.3m).
- 1.9 Three concrete 'truck mix' lorry parking spaces are proposed adjacent to the west boundary and to the south of the concrete batching plant. Manoeuvring space for the aggregate delivery lorries is provided adjacent to the outdoor storage bays to the north of the batching plant.
- 1.10 The mobile concrete batching plant will be used primarily to service the local market. However, it has the potential to be moved to appropriate locations for larger contracts in order to reduce haulage.
- 1.11 It is anticipated that aggregate will be supplied from Dalmagarry Quarry.
- 1.12 The existing secondary access from Lotland Street will be utilised for traffic in connection with the proposed concrete batching plant.
- 1.13 There has been no pre-application advice sought.
- 1.14 A supporting statement has been submitted which describes the proposal and its potential impact.
- 1.15 **Variations:** concrete batching plant amended; site layout adjusted.

2. SITE DESCRIPTION

- 2.1 The site is located within the Longman Industrial Estate, on the north west side of Lotland Street. The surrounding area is in mixed industrial and business uses, with offices on Cromwell Road and Longman Drive backing onto the west and north site boundaries.

2.2 The site currently contains assorted 'portacabin' style buildings, along with recycling containers/ waste transfer station, and warehouse building.

3. PLANNING HISTORY

3.1 23.01.03 - Planning permission granted for waste transfer facility (02/00780/FULIN).

3.2 25.01.16 - Planning permission granted for non-compliance with Condition 5 of planning permission 02/00780/FULIN (15/04409/S42).

3.3 22.06.15 - Planning permission granted for use of premises as a yard, laydown area, and licenced waste transfer station (15/02008/FUL).

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 development; unknown neighbour

Representation deadline : 10.08.16

Representations : From 7 different properties in relation to the application as submitted; 3 of whom have written to maintain their objection in relation to the application as amended.

4.2 Material considerations raised are summarised as follows:

- Noise and vibration nuisance – Fails to comply with PAN 1/2011 Planning and Noise; Environmental Protection Act 1990; BS 8233:2014
- Cement dust constitutes a health hazard
- Nuisance to surrounding businesses
- No assessment of impact from additional traffic on the local road network
- No assessment of the adequacy of the existing access arrangements to accommodate the additional traffic
- No details of hours of operation of proposed concrete batching plant
- Contrary to planning policy
- Contrary to Policy 28 since it fails to assess the impact on air quality and the environment.
- Contrary to Policy 72 Pollution since current noise levels and air quality have not been assessed nor the impact from the proposal, nor any mitigation proposed.
- Contrary to Policy 73 Air Quality since no air quality assessment has been carried out, and the proposal is next to offices with potential to impact on the well being of the staff in this location.
- Dust and odour emissions

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.

Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Environmental Health:** No objection subject to the noise barriers being erected as per the noise assessment. If noise is found to be significantly above predicted levels, Environmental Health has powers under the Statutory Nuisance provisions of the Environmental Protection Act 1990.
- 5.2 **HSE:** Does not advise on safety grounds against the granting of planning permission due to its proximity to a CoMAH site.
- 5.3 **SEPA** advises that the installation requires authorisation under the Pollution Prevention and Control (PPC) regime and that this will include discharges to air.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application.

6.1 Highland Wide Local Development Plan 2012

28	Sustainable design
34	Settlement Development Areas
41	Business and industrial land
64	Flood Risk
72	Pollution
73	Air Quality

6.2 Inner Moray Firth Local Development Plan 2015

Within settlement development area; no site specific policies apply.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.2 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

- 8.3.1 Policy 28, sustainable design, assesses developments on a number of factors, including impact on individual and community residential amenity, impact on air quality, sensitive siting and high quality design, and economic contribution to the community.
- 8.3.2 Policy 34, settlement development areas, supports proposals if they meet the requirements of Policy 28 and other relevant policies. Proposals are also judged in terms of how compatible they are with the existing pattern of development, and how they conform with existing and adjacent land uses.
- 8.3.3 Policy 41, business and industrial land supports the development of strategic business and industrial sites and directs development to them.
- 8.3.4 Policy 72, pollution, requires a detailed assessment to demonstrate that pollution can be appropriately avoided and if necessary mitigated, where pollution (including air and noise) is anticipated. A noise assessment has therefore been carried out, along with a statement detailing the operation of the proposed concrete batching plant.
- 8.3.5 Policy 73, air quality, requires proposals to demonstrate how impact will be mitigated where proposals may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing. Again, the statement detailing the operation of the proposed concrete batching plant includes details of measures to help minimise dust.
- 8.3.6 The proposal, as an industrial use, is appropriately located within an industrial setting and therefore in principle could be supported by development plan policy. Having said that, the development plan seeks to ensure that the effects on the environment and/or neighbouring amenity are appropriately safeguarded. In this case specific concerns have been raised by the occupants of neighbouring office developments who fear that the concrete batching plant will lead to health issues relating to a reduction in air quality due to concrete dust emissions and odour and that there will be an increase in noise/vibration and traffic and activity which will be detrimental to their work environment. These are key material considerations to determining whether the proposal complies with the development plan.

8.4 Material Considerations

Dust and odour emissions

- 8.4.1 Cement dust is a recognised irritant and with significant exposure can result in respiratory conditions. The applicant has a duty of care to employees and must therefore ensure that exposure to workers is within safe levels. The applicant has confirmed that while there are no expected releases to the air, it does anticipate some cement dust emissions of which are anticipated to be less than 5mg/m³,

which is believed to be within safe working limits. The applicant has confirmed that there are planned daily inspections and routine monitoring of equipment to ensure safe operation and minimise the potential for leaks. Where leaks do occur procedures are in place to shut down the plant. Cement dust and/or concrete produces no significant odour.

- 8.4.2 Written records will be kept of inspections and deliveries, some of which are company policy to ensure good working practice and others which are required either by HSE or SEPA as the appropriate environmental regulator.
- 8.4.3 The Environment and Operational Management Plan submitted shows that measures have been put in place to adequately control emissions, mainly in the interest of protecting its own workforce but this also ensures that exposure levels are minimised to the wider environment. It is considered that the applicant is being responsible in its duties to control dust pollution. The enforcement of that control ultimately rests with HSE and SEPA and not the Council.

Noise emissions

- 8.4.4 In recognition of the proximity of other non-industrial uses, the applicant proposes to install noise barriers to help reduce the potential for noise disturbance to the neighbouring office users. This will take the form of a 2.5m high close boarded acoustic fence along the west boundary alongside the offices, and a 3.5m high acoustic close boarded fence alongside the concrete 'truck mix' lorry loading area. This is in accordance with the recommendations of the noise assessment that has been produced.
- 8.4.5 Environmental Health is of the view that the noise assessment is reasonable and that these attenuation measures should be satisfactory. In view of the location of the site within an industrial estate and away from premises which are normally occupied during the evenings and at night, it is not appropriate to limit the hours of operation of the proposed concrete batching plant. If, however, the noise from the development is subsequently found to be significantly above predicted levels, Environmental Health has powers under the Statutory Nuisance provisions of the Environmental Protection Act 1990.

Traffic

- 8.4.6 Access will be via the existing secondary access to the site. This should prevent the traffic associated with the concrete batching plant interfering with the waste transfer use (which utilises the principle site access). There is sufficient space within the site to facilitate manoeuvring and to guard against vehicles queueing on the public road. This should ensure the site is operated in such a manner to guard against traffic waiting or manoeuvring within the public road.
- 8.4.7 The local road network already serves the surrounding industrial and business users. It is anticipated that there will be 10 – 12 return mixer truck movements per day, and 5 – 6 articulated aggregate and cement deliveries per day. In this context, the proposed traffic movement generated by the proposed concrete batching plant is not excessive. It is therefore not appropriate to carry out traffic

impact assessments in relation to this proposal.

- 8.4.8 Furthermore, Pat Munro currently operates a batching plant at Aness, and concrete is delivered from here to their sites. This proposal will enable sites to the south of Inverness, and local to Inverness, to be serviced from Lotland Street rather than Aness, and thus reduce haulage and resultant carbon emissions.

8.5 **Other Considerations – not material**

- 8.5.1 Concerns were expressed by neighbouring office users that dust would potentially result in additional building maintenance but this is not considered to be a material planning consideration.

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

None.

9. **CONCLUSION**

- 9.1 The proposal will introduce additional traffic and activity into the area, and this will have some impact on neighbouring office users. However, it is appropriately located, within an industrial setting, and the applicant has demonstrated that adequate controls can and will be put in place to ensure that the impacts are minimised.
- 9.2 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

Subject to the above, it is recommended that planning permission be **Granted** subject to the following conditions and reasons:

1. The concrete batching plant hereby granted planning permission shall not come into operation until such time as the acoustic close boarded fencing shown on drawing No IWT-CBP-004 has been fully installed. Thereafter, the acoustic close boarded fencing shall be retained at all times that the concreted batching plant is in operation at the site.

Reason : In the interests of amenity, in order to avoid undue noise and disturbance to the neighbouring office users.

2. Prior to the first occupation of the development hereby approved, the parking and access arrangements detailed on approved plan ref. IWT-CBP-002 rev C shall be completed in full and made available for use. Thereafter, all parking spaces shall be maintained for this use in perpetuity.

Reason : In order to ensure the safety and free flow of traffic on the public road.

3. The concrete batching plant shall at all times be operated in full accordance with the measures to minimise air pollution described in the supporting statement hereby approved.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

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

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.

Noise Levels

If noise from the development is found to be significantly above the predicted noise levels in your noise assessment report, Environmental Health have powers under the Statutory Nuisance provisions of the Environmental Protection Act 1990.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

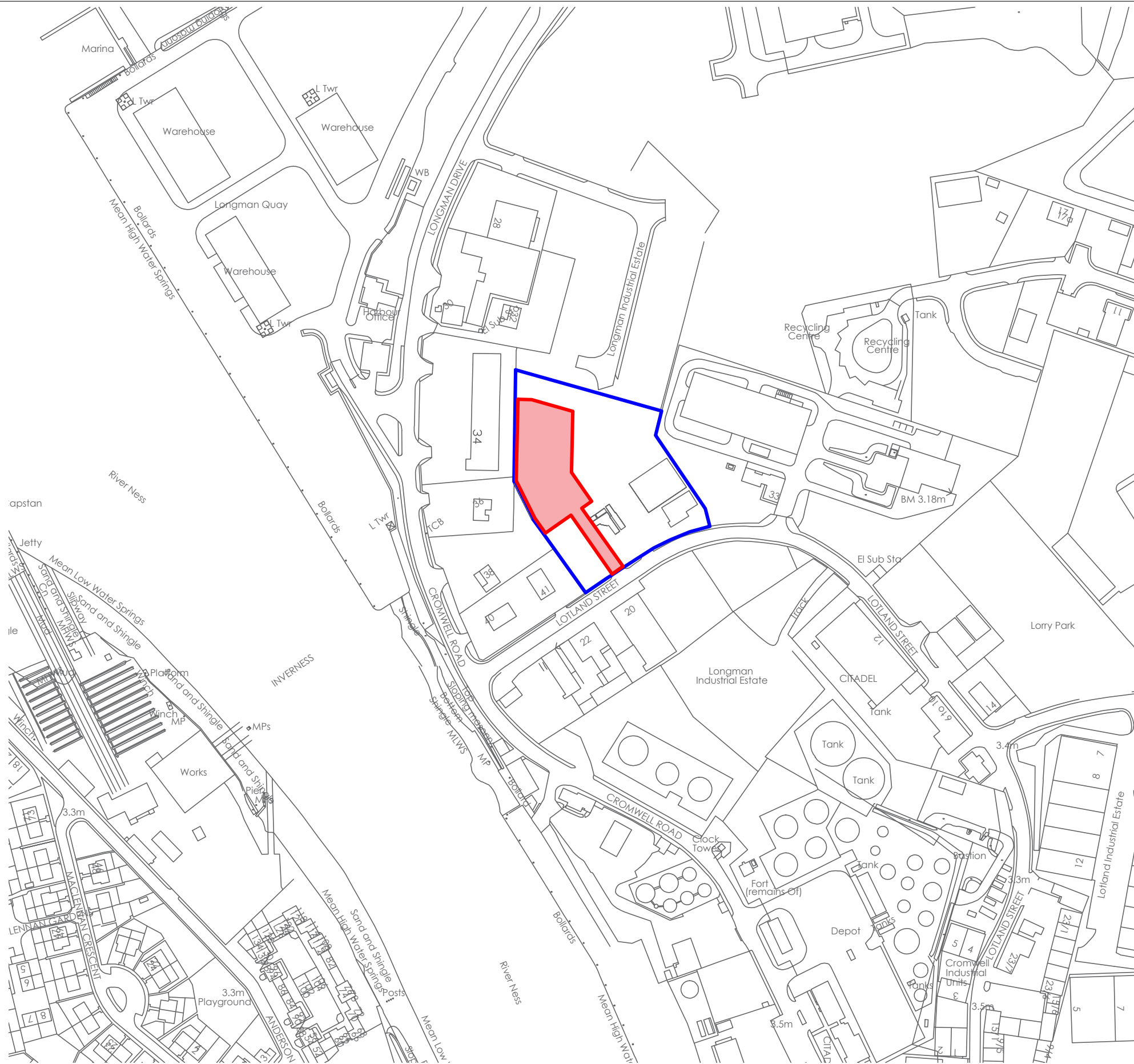
Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Signature:	Nicola Drummond
Designation:	Area Planning Manager - South/Major Developments
Author:	Susan Hadfield
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – location plan Plan 2 – site layout plan Plan 3 – elevations



KEY

- Land Owned by PMA
- Planning Application Outline

PLANNING APPLICATION
DRAWING



CAPLICH QUARRY | ALNESS | ROSS-SHIRE | IV17 0XU

Client	Pat Munro (Alness) Ltd	Scale	1: 2,500
Project	IWT Concrete Batching Plant	Site	A3
Title	Location Plan	Date	04/05/16
Drawing No.	IWT - CBP - 001	Revision	B

Rev A - Location plan updated, Scale Updated & Street Names added 02/06/16

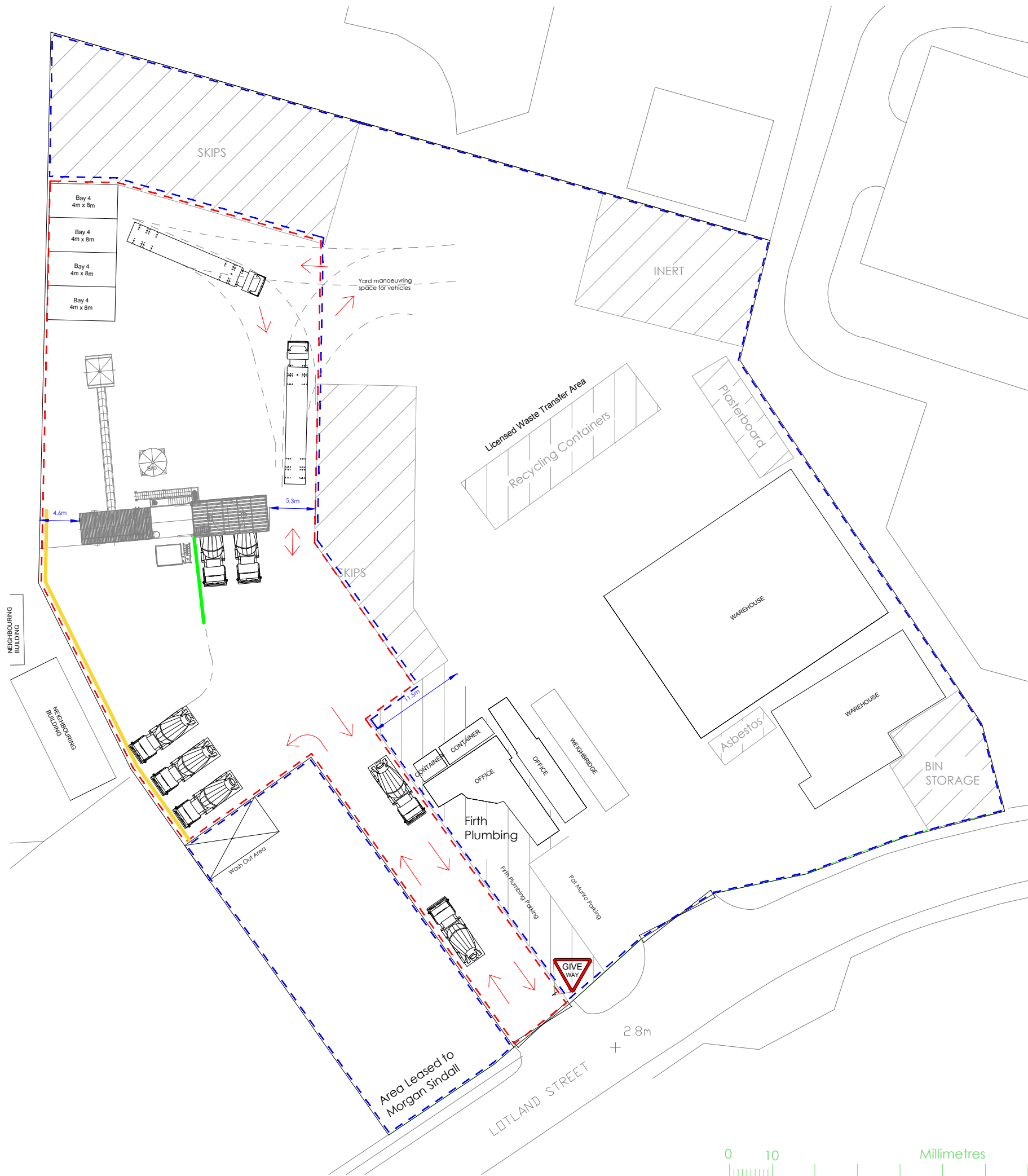
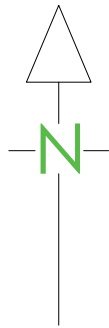
Rev B - Planning application area revised 02/06/16

Site Center Co Ordinates

X **2383** Y **84003**


Grid Reference **NH 383 4003**



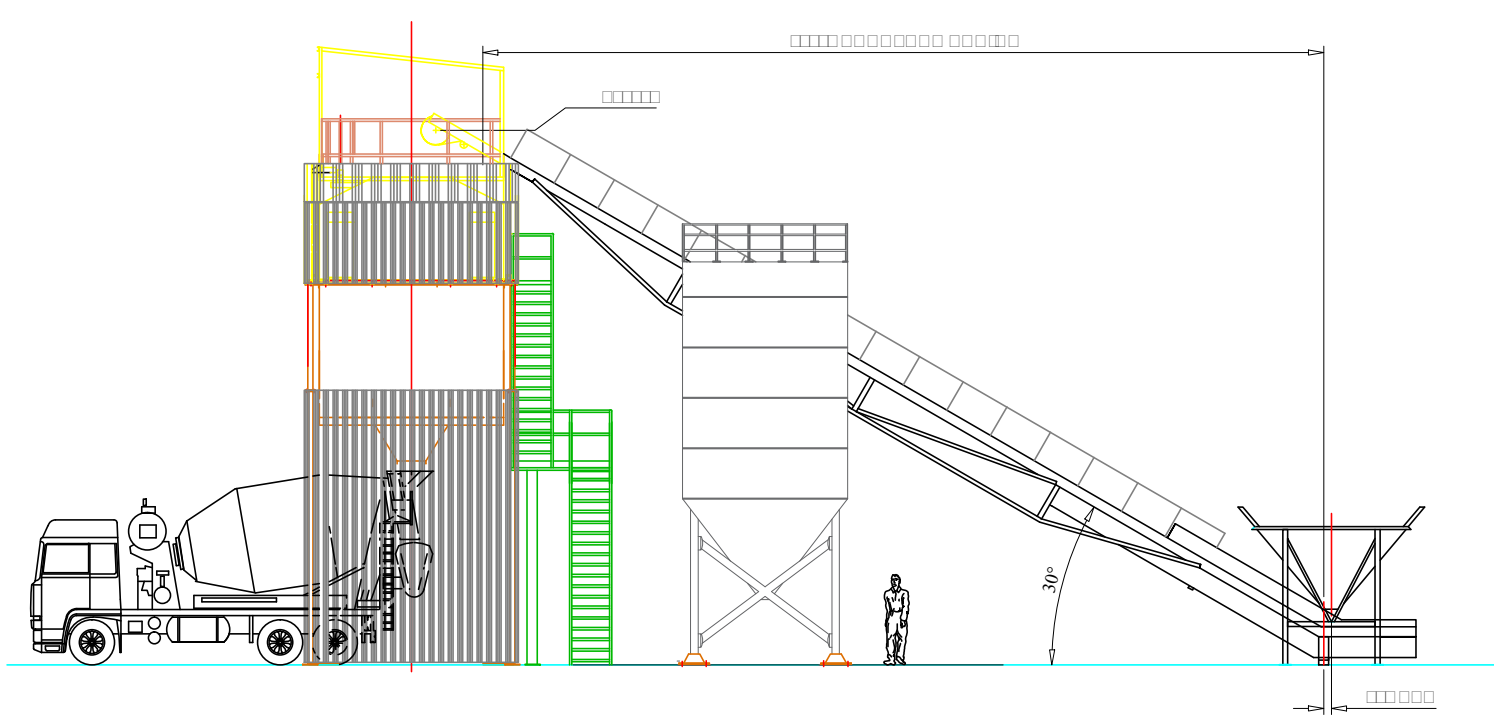


PLEASE NOTE:
 All details and structural specification on this drawing to be read in conjunction with information produced by HGA Ltd Consulting Engineers, Darach House, Stoneyfield Business Park, Inverness IV2 7PA
 Tel: 01463 221717 Fax: 01463 224275
 Any discrepancy to be reported to Architect.

- KEY**
- Land Owned by PMA - - - -
 - Planning Application Outline - - - -
 - 2.5m High Acoustic Barrier ————
 - 3.5m High Acoustic Barrier ————

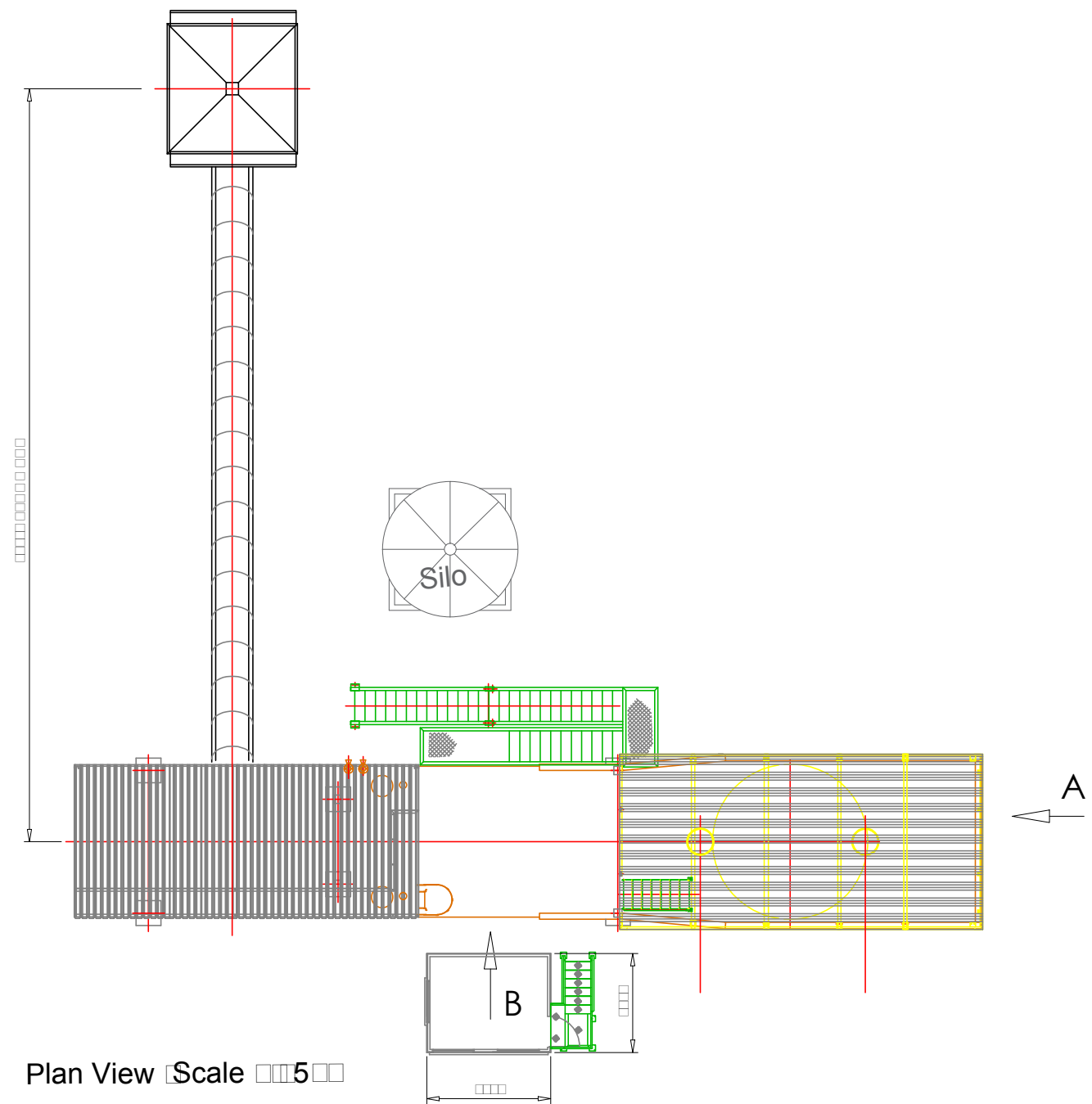
Rev	Description	Date
Drawing Title: Acoustic sound barrier Locations		
 Caplich Quarry Alness Ross-shire IV17 0XU		
Contact Info: Tel: 01349 882 377 Web: www.patmunro.co.uk E-mail: info@patmunro.co.uk		
Project: Caplich Quarry		
Drawing No: IWT - CBP - 004		Rev: -
<input type="checkbox"/> FOR CONSTRUCTION <input type="checkbox"/> FOR PROCUREMENT <input type="checkbox"/> FOR CLIENT <input checked="" type="checkbox"/> FOR PLANNING <input type="checkbox"/> FOR BW <input type="checkbox"/> DRAFT STATUS		Drawing Date: 28/09/16 Drawing Scale: 1:500 @ A3 Drawn By: MAB Checked By: SM
Refer to written dimensions only - DO NOT SCALE - If in doubt ASK.		
Notes: 1. Protected by Copyright, no reproduction without permission from Pat Munro (Alness) Ltd. 2. Contractor is responsible for checking all dimensions prior to construction. 3. Discrepancies to be reported back to architect. 4. Must be read in conjunction with written specification and engineers information		



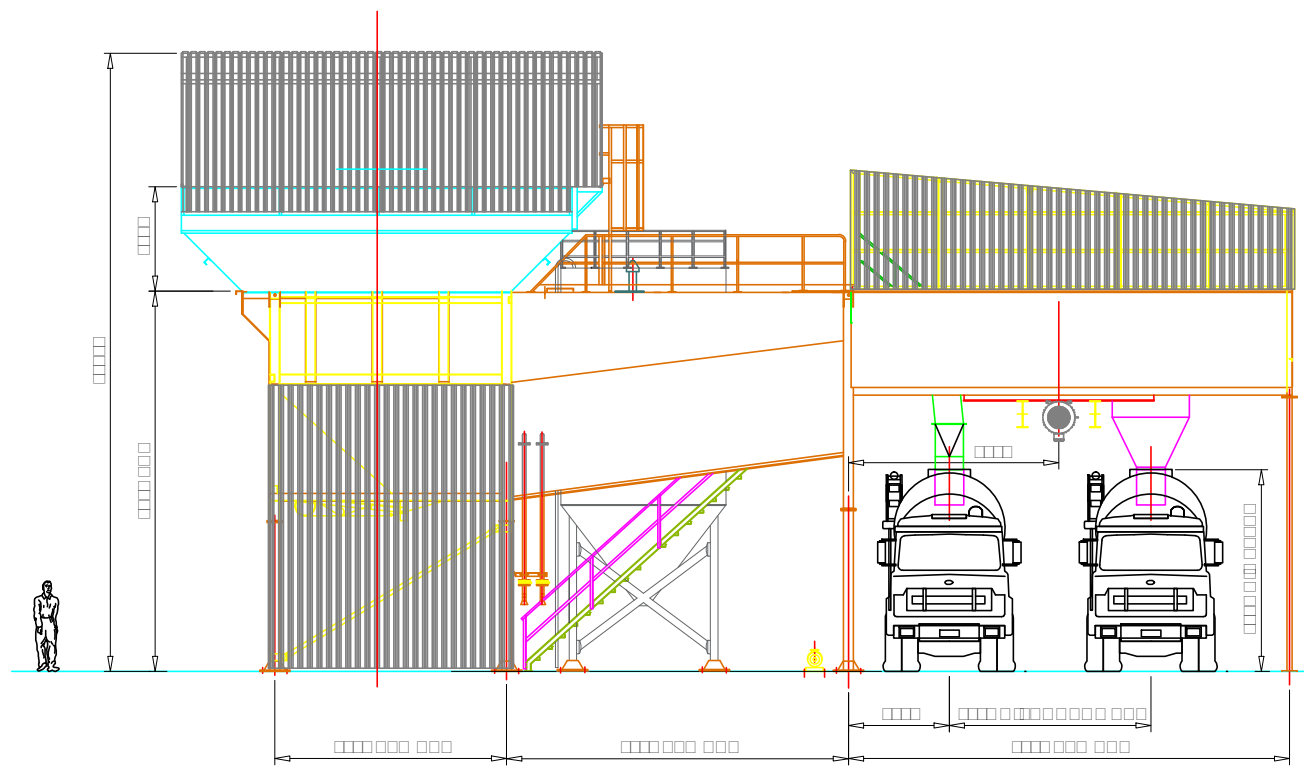


Elevation A Scale 1:5

VIEW ON ARROW 'A'



Plan View Scale 1:5



Elevation B Scale 1:5

VIEW ON ARROW 'B'

**PLANNING APPLICATION
DRAWING**



CAPLICH QUARRY | ALNESS | ROSS-SHIRE | IV17 0XU

Client	Pat Munro (Alness) Ltd	Scale	1:150
Project	IWT Concrete Batching Plant	Sheet	A3
Title	Concrete Batching Plant - Plans & Elevations	Date	04/05/16
Drawing No.	IWT - CBP - 003	Revision	A

Rev A - Concrete Batching Plant revised 18/07/16

