

THE HIGHLAND COUNCIL

**South Planning Applications Committee
17 January 2017**

Agenda Item	6.4
Report No	PLS 006/17

**16/03327/FUL: Shane MacLennan Plant Contractors Limited
Lower Leanassie, Beaully**

Report by Area Planning Manager - South/Major Developments

SUMMARY

Description: Formation of hard standing storage yard & erection of office cabin, associated with plant contractor business, with retrospective upgrading of existing road access to A831.

Recommendation: GRANT

Ward: 13 - Aird and Loch Ness

Development category: Local

Reason referred to Committee: 5 or more representations.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is a retrospective planning permission for the formation of a hardstanding storage yard, access track and the upgrading of an existing road access onto A831. The applicant intends to erect an office cabin, which is associated with the applicant's plant contractor business.
- 1.2 Since the submission of the application the applicant has obtained the agreement of the owner of the house to the northeast (Teanacoil) and reduced the height of the ground to improve the visibility in that direction. The applicant owns the surrounding land which forms part of a croft and the intention is to use it in relation to his contractor's business as well as serve the croft. At present there is a portable cabin and parking area on land further to the north, which take access from the road at Upper Leanassie.
- 1.2 **Variations:** A drawing was submitted to show the visibility splays. A proposed "Zippshelter" has been deleted from the application.
- 1.3 **Supporting Information:** The applicant has submitted a statement in support of the application that includes information on traffic volumes and surface water drainage.

2. SITE DESCRIPTION

- 2.1 The yard and access track is located on high ground and therefore screened to view from A831. The nearest house is at Teanacoil to the northeast.

3. PLANNING HISTORY

- 3.1 16/00008/ENF – enforcement case for the formation of the access at this location
- 3.2 15/00353/ENF – formation of compound and siting of portable cabin at Upper Leanassie (south of Dunsmore Lodges)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : not applicable

Representation deadline : 27.08.2016

Timeous representations : 5

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Road traffic safety – Access is inappropriate due to inadequate sightlines. Speed of traffic makes road dangerous especially in winter with ice. Additional danger of plant blocking road to manoeuvre at this blind spot. Timber lorries and energy companies travel along this road at high speed. Not far from Teanassie Primary School and road used regularly by school transport, staff and parents.
- Business better suited to an industrial estate and use exceeds reasonable croft usage. No indication as to amount of usage.
- Concern about material from the track getting onto the A831
- Potential pollution arising from siltation and run off from the track and fuel and lubricant leakage from machinery and risk to River Beauly
- Concern about unauthorised nature of the work

- 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 **Transport Planning** do not consider, based on the information provided by the applicant, that the predicted increase in vehicle movements will be significantly detrimental to other road users or have any adverse effect on the local road network, subject to the appropriate visibility splays being provided. Since the proposals to landscape the land to the west of the access will ensure that the 215

metre visibility splay can be achieved, Transport Planning is satisfied subject to this being secured by condition. Transport Planning is also satisfied that the proposals will be sufficient to ensure no surface water will flow onto the A831.

- 5.2 **Kilmorack Community Council** raises concerns expressed by residents about the loading of plant on the main road which is on a corner. The Community Council seek a condition that all plant be loaded and unloaded on site and that work should be only within the hours 7.00am until 6.00pm Monday to Friday, 8.00am until 1.00pm on Saturday, on Sunday or Bank Holidays.

The Community Council notes that the plans currently presented make no provision for spillage containment of fuel or hydraulic oil spillage from servicing plant. It highlights that at this time there is little more than a silt trap to prevent such spillage and run off entering the Beauly River. At present all runoff goes straight into the road drain, under the culvert and straight into the River.

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
29	Design Quality and Place-Making
36	Development in the Wider Countryside

6.2 Inner Moray Firth Local Development Plan

No specific policy provision

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.2 Scottish Government Planning Policy and Guidance

Not applicable

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 site lies outwith an identified settlement development area within the Inner Moray Firth Local Plan where proposals should be sympathetic to the existing pattern of development within the area, address the constraints of the site in terms of water, drainage and road access and have no significant detrimental impact on landscape resource in terms of siting and design. In addition, proposals should contribute to the economic and social development of the community without significant detrimental impact on individual and community residential amenity.
- 8.3.2 Subject to adequately addressing these matters, in particular the siting and road safety matters, the proposal could comply with development plan policy.

8.4 **Material Considerations**

Siting and Design

- 8.4.1 Concern has been raised regarding whether this is an appropriate location for such a use, with representations making reference to the use being more appropriate for an industrial site. While to an extent this may be the case, the site has a dual purpose in the service of the business as well as the croft. The site is appropriate in that the site is located a sufficient distance from other properties in the area and the access is dedicated to the business itself. It has a direct access onto the public road.
- 8.4.2 Given the elevated nature of the ground, the yard and part of the access track leading to it is not readily visible from the surrounding area. The access and track leading up the slope is visible from the A831 but is designed to only serve the site.

Access & Road Safety

- 8.4.3 The applicant has indicated that the volume of traffic using the access on a daily basis is estimated on average to be 4 to 6 cars or light commercials per day to and from the site. Those vehicles will mostly belong to the company and includes the mechanic, who will use the yard as a base from which to work. The applicant would be based in the office in the yard and make 1 or 2 visits most days. An allowance for another 2 or 3 of their vehicles has been made. Occasionally 1 or 2 of their employees may leave cars in the yard in order to meet up with the transport which would be going to the job they are assigned to. There is also an auto parts supplier van which delivers to them regularly. The HGV low loader lorry for the movement of plant would vary but with a maximum in any one month of 6. This average would include the Christmas period which would normally see a slight increase in traffic due to parking of machinery during the holiday period if there is no security on the site of development.
- 8.4.4 Concerns have been expressed by neighbouring residents regarding the safety of the access, in particular referring to the loading of plant on the main road close to a corner.

- 8.4.5 In terms of the scale of the operation, as defined by the applicant, Transport Planning do not consider the predicted increase in vehicle movements will be significantly detrimental to other road users or have any adverse impact on the local road network.
- 8.4.6 Discussion with the applicant has resulted in the Council Guidelines being met to satisfy Transport Planning in terms of road traffic safety. Land has been levelled on ground to the east to improve the sightline in that direction. To the west the applicant intends to remove the topsoil and re-profile this section to reduce the overall height of the overburden to enable the visibility to be achieved. The access needs to be surfaced to meet Council standards so this will serve to prevent material from the track spilling onto the A831. This can be controlled by condition.

Drainage/Run-off

- 8.4.7 A revised drawing has been submitted to ensure design of the junction will not result in surface water from the site flowing onto the public road. To prevent any water from ponding to the east of the access before flowing under the access road into the roadside ditch, the design includes for a gully pot to control overflow. This will ensure ponding does not occur which may result in water overflowing the ditch onto the public road. A concrete channel kerb will carry surface water to the ditch. A perforated concrete ring soakaway with stone surround wrapped in geotextile will allow water to pass through and trap silt. Transport Planning is satisfied with this detail.
- 8.4.8 In terms of potential pollution arising from siltation and run off from the track as well as fuel and lubricant leakage from machinery, this is a matter for SEPA.

Other amenity issues

- 8.4.9 The Community Council suggests that a condition be attached regarding working hours. This is considered a reasonable request and appropriate given the potential for use of the yard outwith normal working hours and a condition is attached to that effect. Regarding noise nuisance during the operation of the yard, this is governed by bespoke powers for regulating construction noise exist within the Control of Pollution Act 1974; powers which enable Environmental Health to specify working hours where problems exist. In terms of the operation of the yard then a planning condition restricting the hours of operation is reasonable.

8.5 Other material considerations

- 8.5.1 The retrospective nature of the planning application in terms of the access and the track is not to be condoned but the proposal needs to be considered on its merits. Extensive discussion has taken place with the applicant to seek compliance with the Council's standards and that stage has now been reached. While it would have been preferable to resolve this without works being carried out there are no grounds on which to refuse the application.

9. CONCLUSION

- 9.1 The retrospective nature of the application for the access and track is not to be condoned but the proposal needs to be assessed on its merits. While perhaps not an ideal location for the use proposed, it is considered that the applicant can meet with Transport Planning requirements and therefore the proposal should not have a significant impact upon road safety and given the level of use proposed and location, that a sufficient distance from houses can be achieved, it should not have a significantly detrimental impact on residential amenity.
- 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**

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 that planning permission be **Granted** subject to the following conditions and reasons:

1. Within 1 month of the date of this consent the site access shall be constructed in accordance with the 'Roads and Transport Guidelines for New Developments', with:
 - i. the junction formed to comply with drawing 9199 - L(90)002 REV A; and
 - ii. visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction as shown on drawings 9199 - L(90)002 REV A and 9199 - L(90)001 REV C.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

All the necessary works to improve the visibility sightline to the west through the re-profiling of the land shall be carried out to the satisfaction of the Planning Authority as referred to in drawing 9199 - L(90)002 REV A.

No further development or works shall start on site until these works are completed to the satisfaction of the Planning Authority.

Reason: In the interests of road traffic safety.

2. No further development or works shall start on site until all the works referred to in drawing 9199 - L(90)002 REV A, including, inter alia, the surfacing of the bellmouth, the location of the gate and surface water provisions, have been constructed and completed to the satisfaction of the Planning Authority.

Reason: In the interests of road traffic safety

3. For the avoidance of doubt the "Zipp Shelter" is excluded from the consent.

Reason: To clarify the terms of the consent and at the request of the applicant.

4. In terms of the use of the yard the hours of operation shall not take place outwith the hours of 07:00 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).

Reason: In the interest of residential amenity.

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 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.

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.

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>

Mud & 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.

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 for more information.

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Section
Plan 3 – Elevation Plan of office
Plan 4 – Site Layout Plan
Plan 5 – Visibility Splay Plan



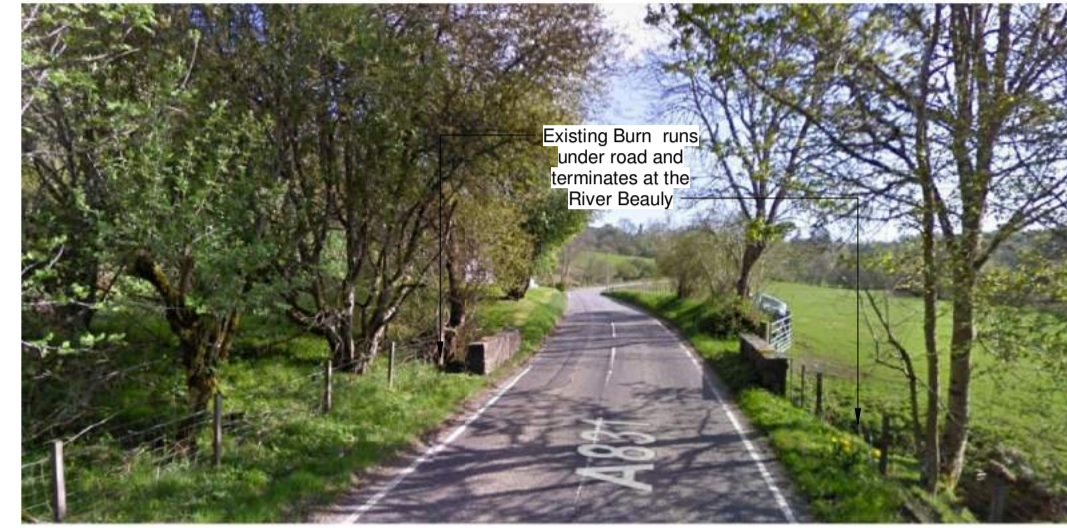
Site Location - NTS



Location Plan
1: 2000



Existing Gate Access from Road A831



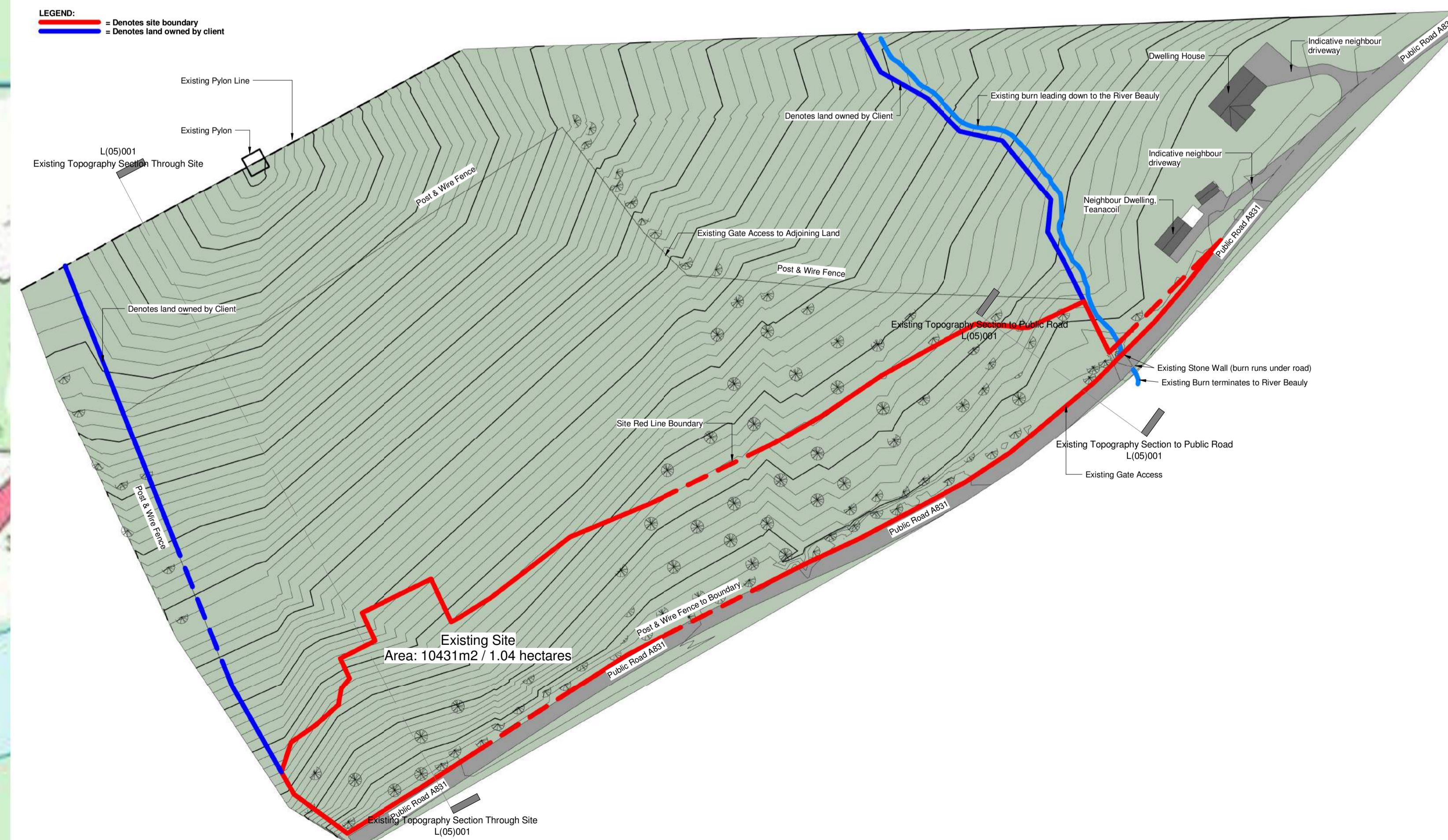
Existing Road A831



Neighbouring Dwellings



Existing Workyard Office, Portalooc & 4 x 20ft Storage containers to be relocated to proposed workyard



Site Plan - EXT
1: 1000

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C	25/07/16	Updated per Rapley's comments	DL
B	29/06/16	Updated per Rapley's comments	DL
A	-	Original - First Issue	-

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Beachwood Business Park
Inverness IV2 3BL

also in Glasgow

Tel: 01463 718200
Fax: 01463 716222
web: www.crgp.co.uk



Architecture Building Surveying Project Management Quantity Surveying

CLIENT
Shane MacLennan

PROJECT
Contractors Workyard, Kilmorack, Beauly

DRG. TITLE
Existing Site & Location Plan

STATUS **PLANNING**

DRAWN RM SCALE As indicated

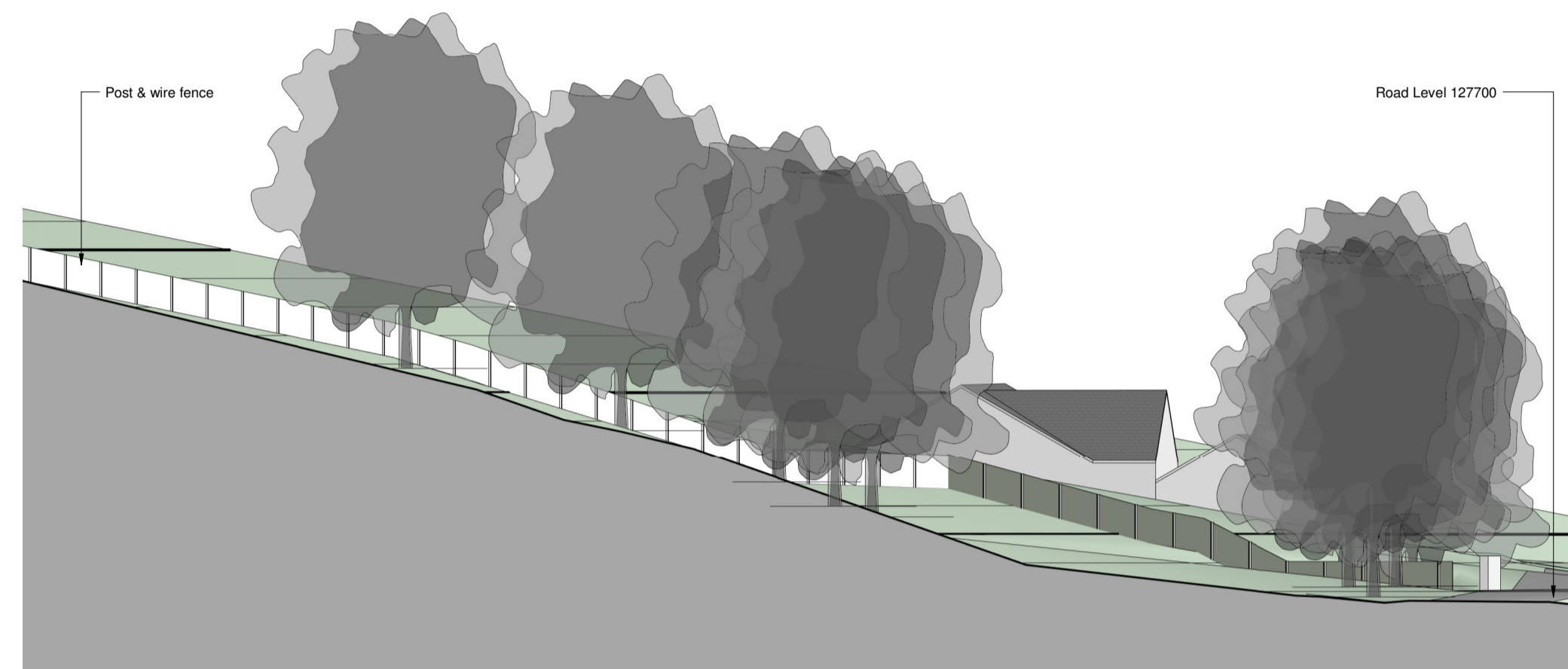
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JOB NO. 9199 DATE 10/06/16

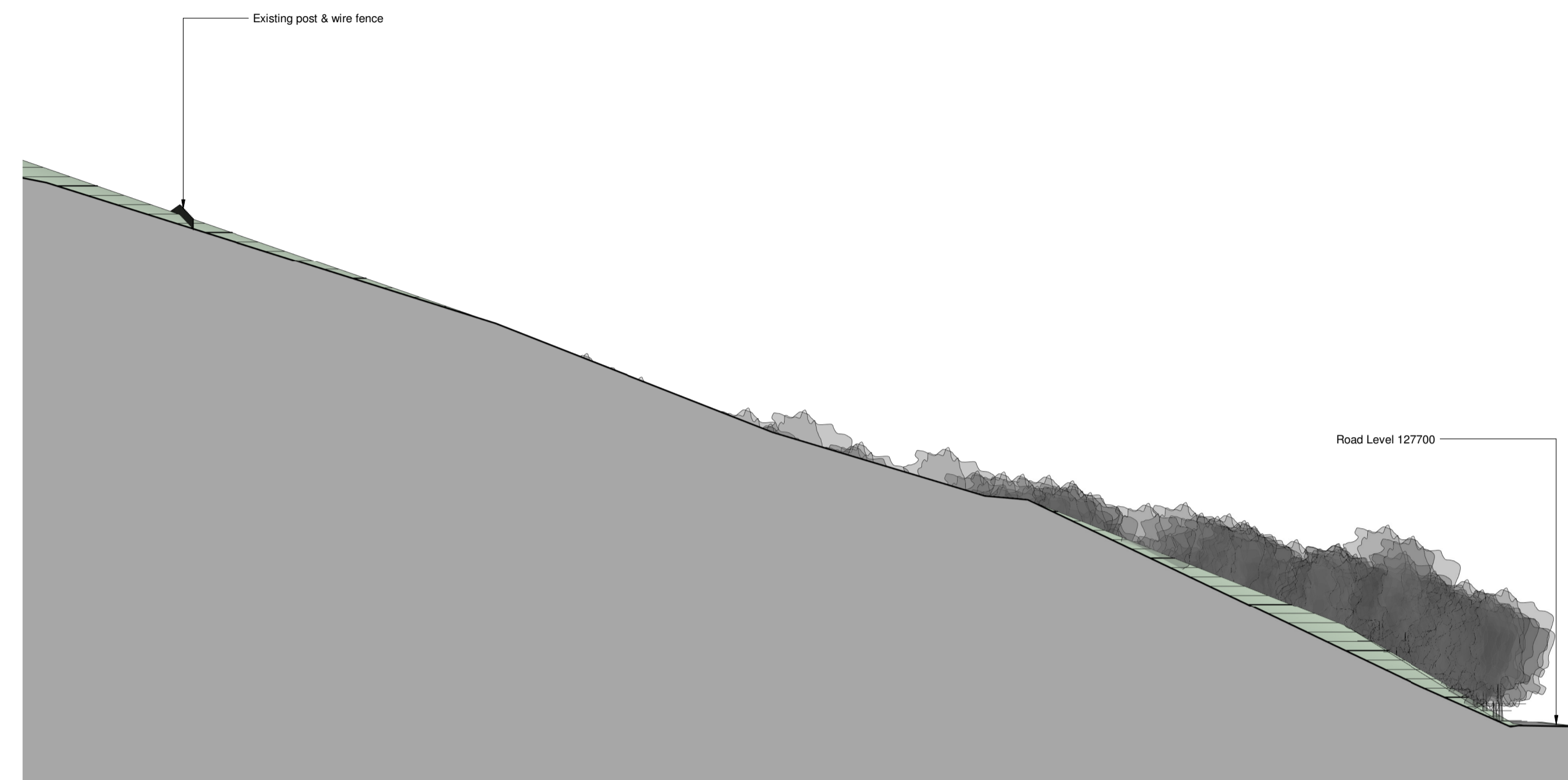
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9199 - L(00)001-C

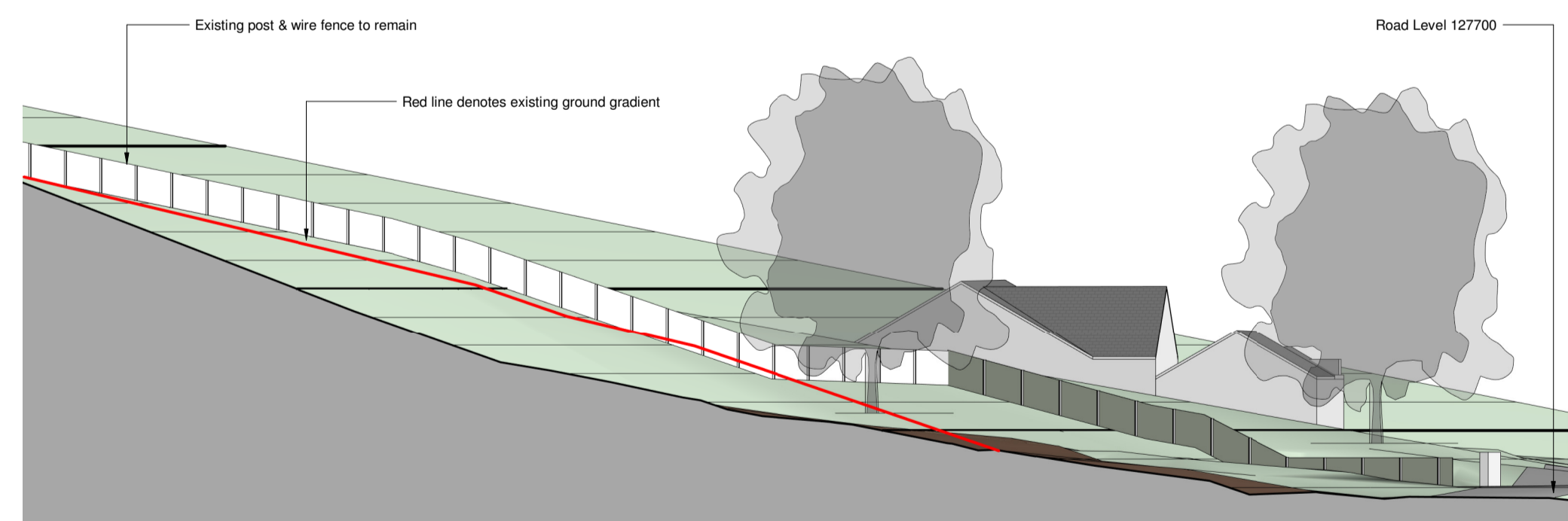
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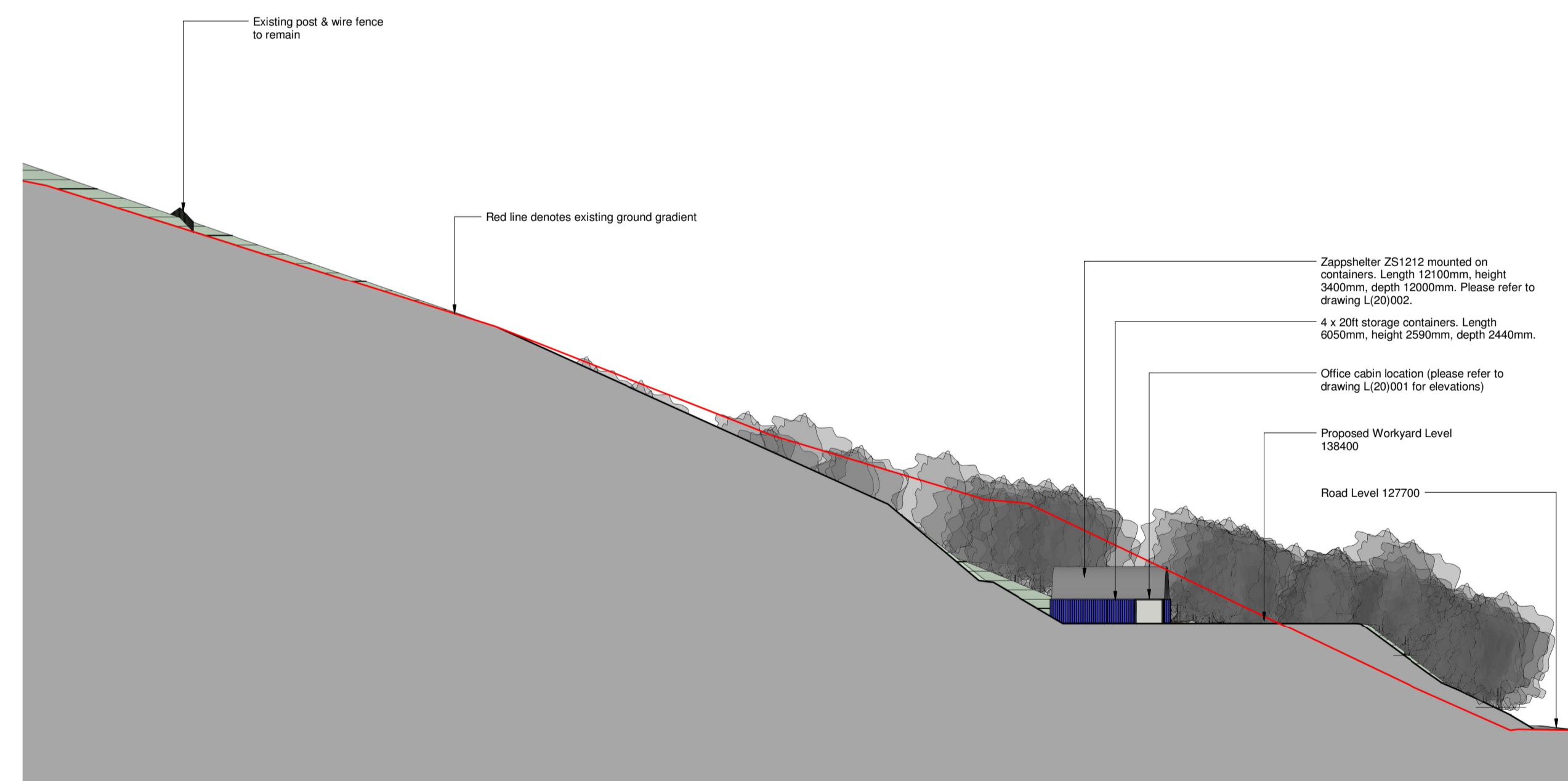
Existing Topography Section to Public Road
1 : 200



Existing Topography Section Through Site
1 : 500



Proposed Topography Section to Public Road
1 : 200



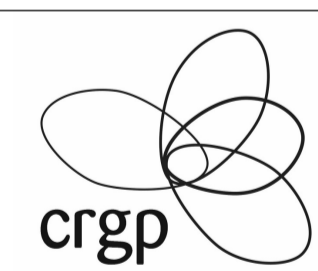
Proposed Topography Section Through Site
1 : 500

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Existing & Proposed Sections

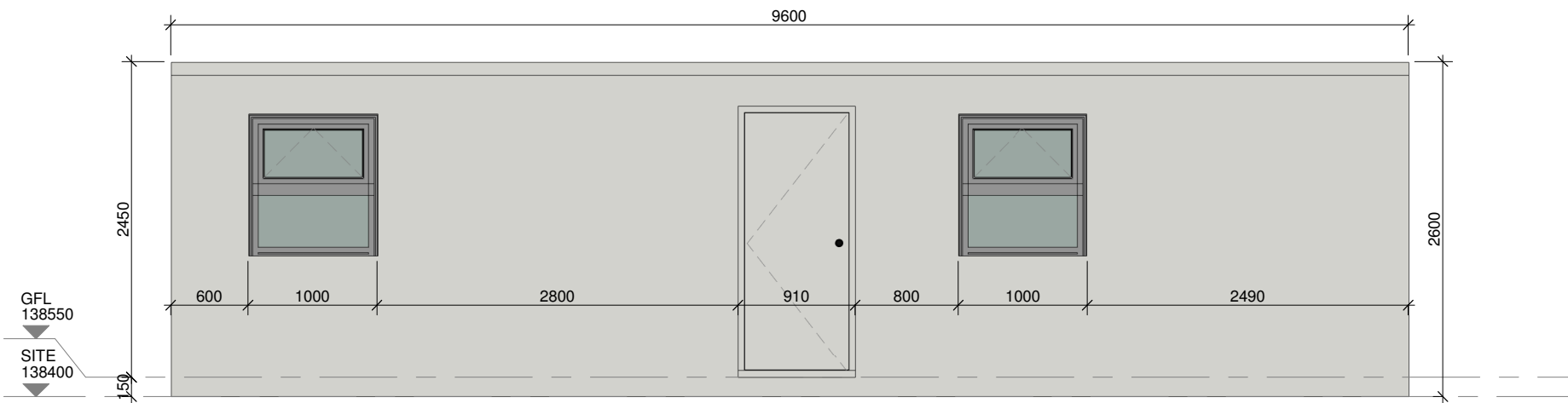
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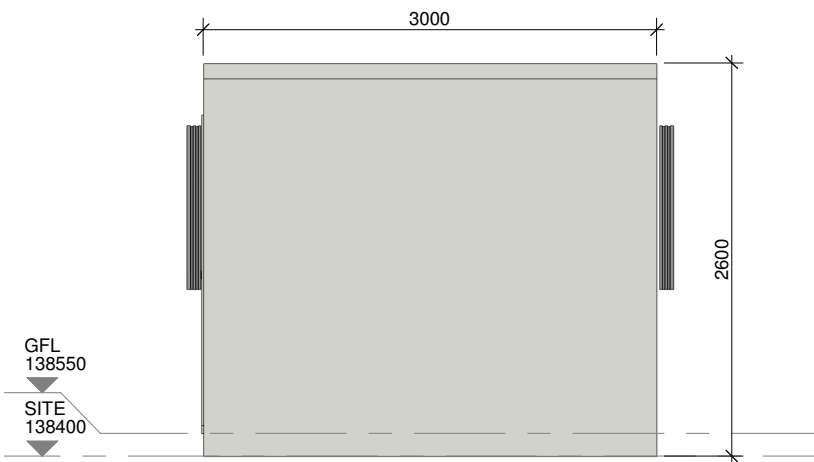
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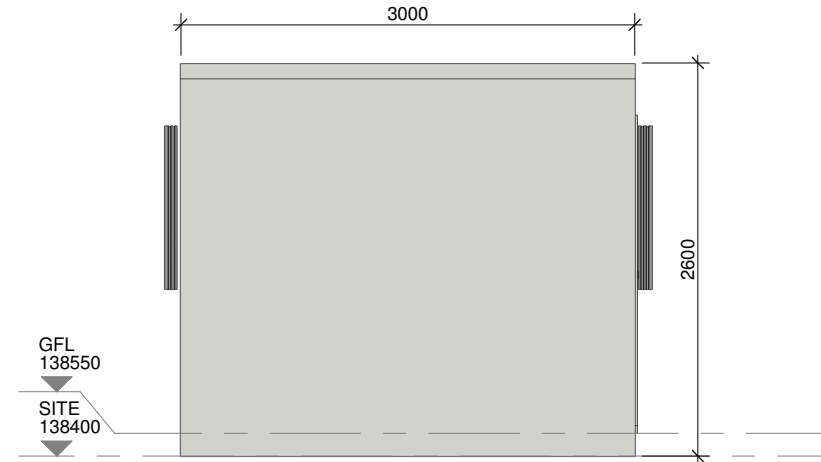
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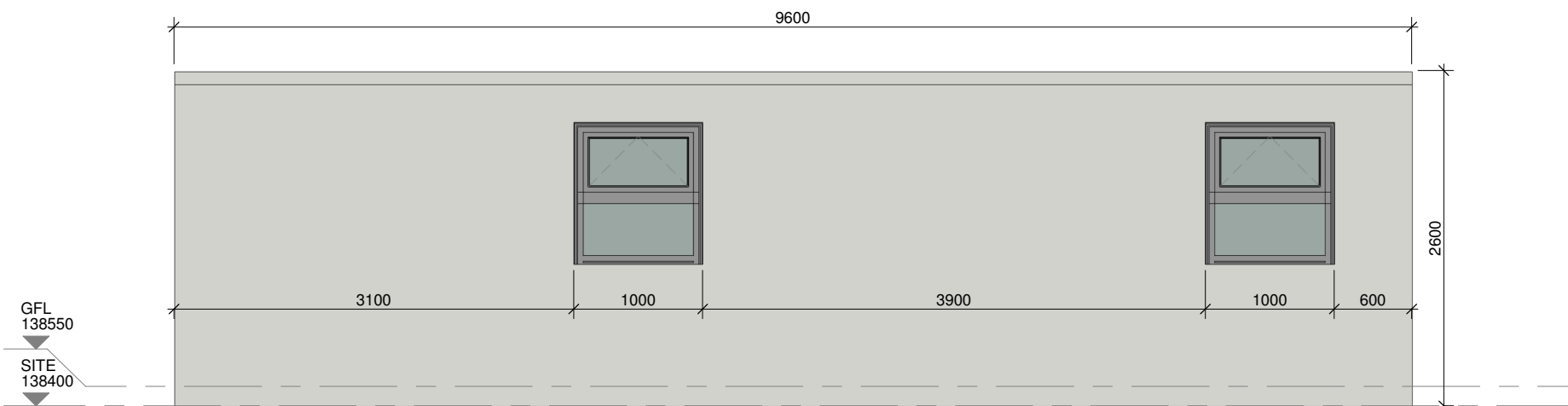
Front Elevation
1 : 50



Side Elevation - Left
1 : 50



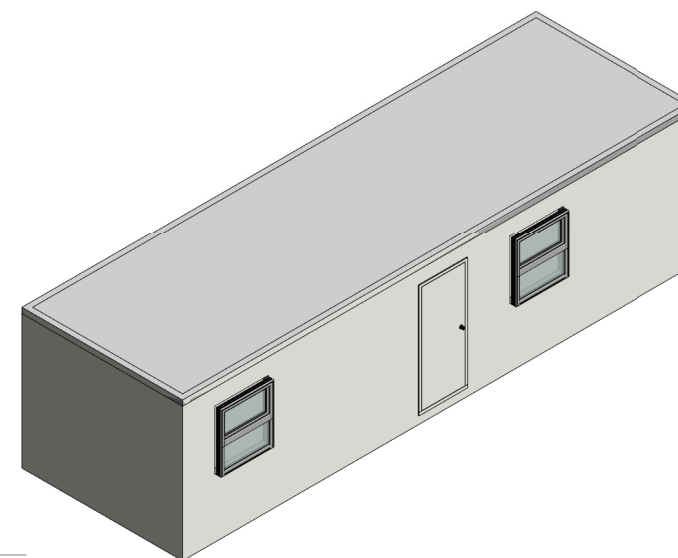
Side Elevation - Right
1 : 50



Rear Elevation
1 : 50



Existing Images



3D View

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also in Glasgow

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Fax: 01463 716222
web: www.crgp.co.uk

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Contractors Workyard, Kilmorack,
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DRG. TITLE

Office Cabin

STATUS

PLANNING

DRAWN

RM

SCALE

1 : 50

CHECKED

WM

ORIGINAL

A3

JOB NO.

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DATE

10/06/16

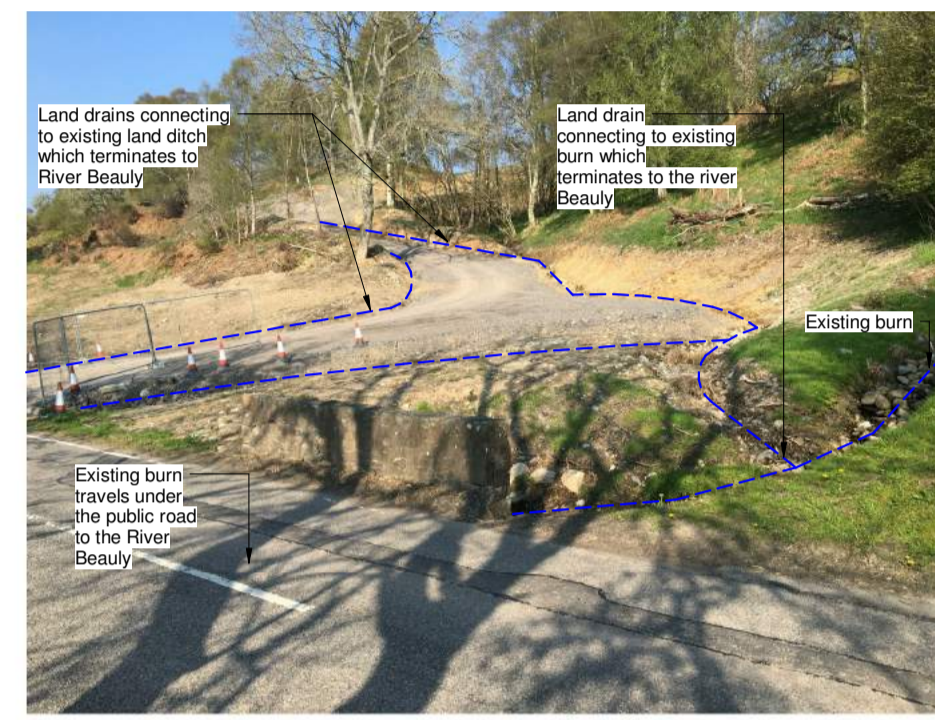
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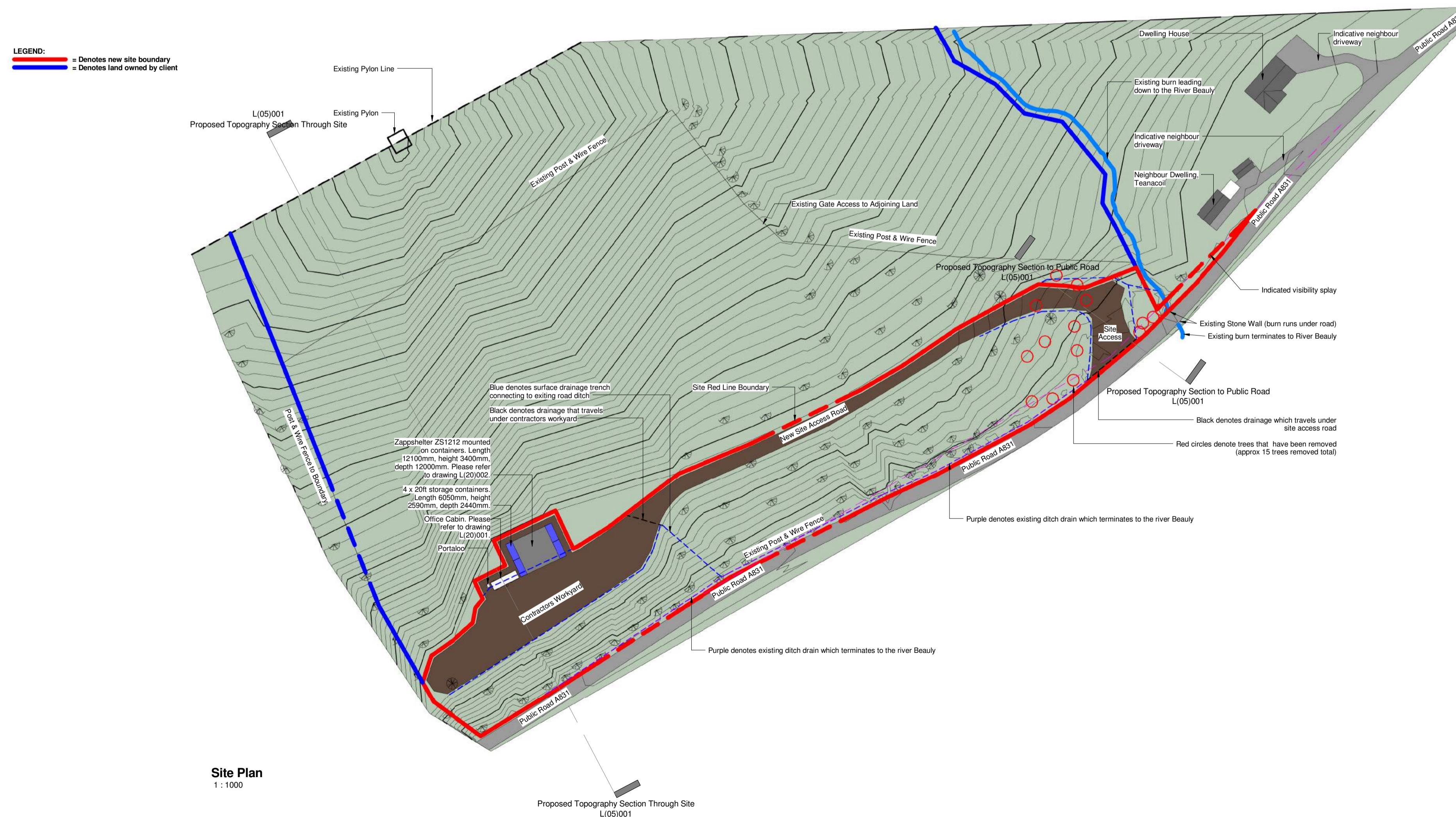


Contractors Workyard Drainage Arrangement



Road Access Drainage Arrangement

Site Access Arrangement



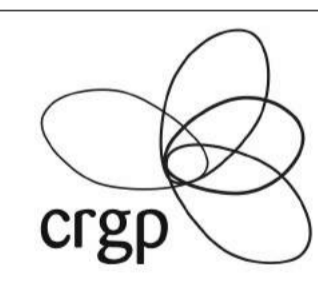
Site Plan
1:1000

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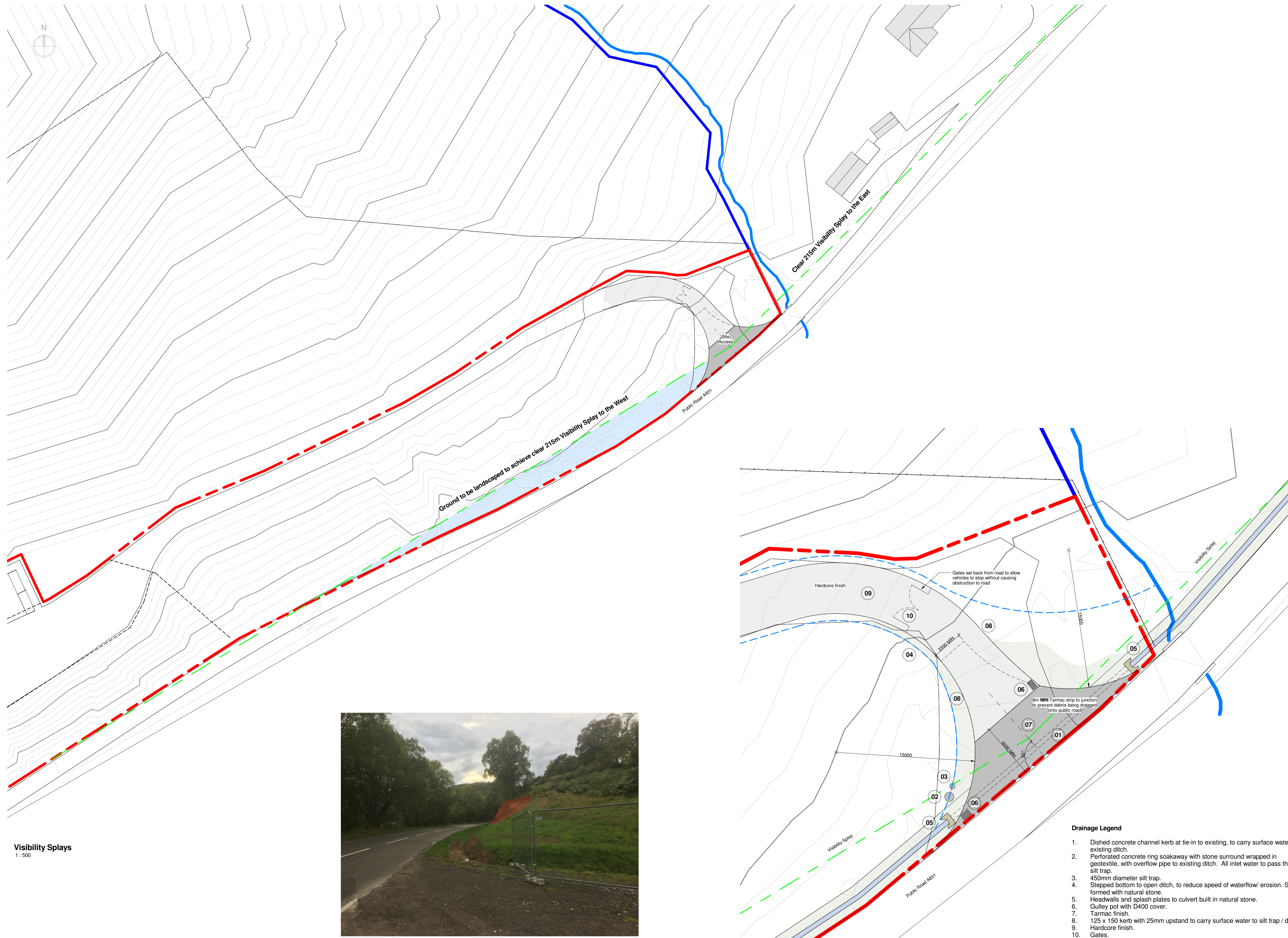
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PROJECT
Contractors Workyard, Kilmorack, Beauy

DRG. TITLE
Proposed Site Plan

STATUS	PLANNING		
DRAWN	RM	SCALE	1:1000
CHECKED	WM	ORIGINAL	A1
JOB NO.	9199	DATE	10/06/16
DRG. NO. -REV.	9199 - L(90)001-C		

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Visibility Splays
1 : 500



Junction Photo West - Area to be removed

Junction Layout
1 : 200

Drainage Legend

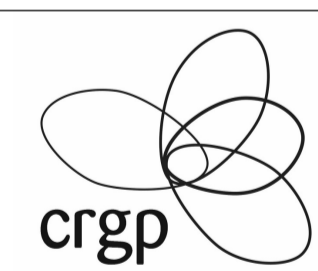
1. Dished concrete channel kerb at tie-in to existing, to carry surface water to existing ditch.
2. Perforated concrete ring soakaway with stone surround wrapped in geotextile, with overflow pipe to existing ditch. All inlet water to pass through silt trap.
3. 450mm diameter silt trap.
4. Stepped bottom to open ditch, to reduce speed of waterflow/ erosion. Steps formed with natural stone.
5. Headwalls and splash plates to culvert built in natural stone.
6. Gully pot with D400 cover.
7. Tarmac finish.
8. 125 x 150 kerb with 25mm upstand to carry surface water to silt trap / ditch.
9. Hardcore finish.
10. Gates.

Rev	Date	Description	By
A	-	Original - First Issue	

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also in Glasgow

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Fax: 01463 716222
web: www.crgp.co.uk



Architecture Building Surveying Project Management Quantity Surveying

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DRG. TITLE
Junction Layout & Visibility Splays

STATUS **PLANNING**

DRAWN WM SCALE As indicated

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JOB NO. 9199 DATE 15/11/16

DRG. NO. -REV.
9199 - L(90)002-A