

Agenda item	7.2
Report no	PLN/038/17

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 13 June 2017

Report Title: **16/04693/FUL** - A J Reid Ltd
Corntown Steading, Conon Bridge

Report By: Area Planning Manager (North)

1. **Purpose/Executive Summary**

1.1 Description of development : Siting of Containers for Self-Storage (Class 6)

Ward : 09 – Black Isle (formerly Ward 10)

Category : Local Development

Reason Referred to Committee : Objection from Community Council

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.

2. **Recommendations**

2.2 Members are asked to agree the recommendation to grant as set out in section 11 of this report

3. PROPOSED DEVELOPMENT

3.1 This application seeks full planning permission for the siting of steel shipping containers for self-storage within the steading yard and access drive.

3.2 No pre-application advice was sought.

3.3 Supporting information has been submitted comprising a photograph of the type of shipping container intended to be deployed within the steading yard, swept path analyses for a car and a 7.5 tonne panel van, an assessment of likely traffic movements per day, and a statement on surface water drainage.

3.4 **Variations:** The Location/Block Plan has been amended to reduce and reconfigure the number of containers, to introduce screen fencing, to remove the existing building from the application, to identify existing road gullies and to indicate achievable visibility splays from the junction with the public road (drawing no. 100 rev. E, received 01.06.2017).

4. SITE DESCRIPTION

4.1 The site comprises the land associated with a disused 'L' shaped agricultural steading which appears to date from the early part of the 20th century. The site lies to the south of the B9163, some 600m east of the junction of this road with the A835 trunk road. There are three dwelling houses in close proximity to the site to the east and the north. An existing vehicle repair garage is adjacent to the western boundary, and a further dwelling house lies to the west of this garage.

5. PLANNING HISTORY

5.1 08/01003/OUTRC. Conversion of steading to form three houses (Outline) - Granted 23.02.2010 – not implemented.

6. PUBLIC PARTICIPATION

6.1 Advertised : Unknown Neighbour - expiry date - 11.11.2016
Representation deadline : 11.11.2016

Timeous representations : 1 objection

Late representations : 3 objections from 2 households

6.2 Material considerations raised are summarised as follows:

- Proposed use conflicts with largely residential/agricultural area
- Adverse effect on existing residential amenity from noise and lighting
- Concern over potential for additional traffic to exacerbate road safety issues on B9163, and at junction with A835(T)
- Inadequate parking and turning within site
- Unsightly appearance of proposal
- Existing road gullies known to flood in the past, proposal could exacerbate this situation

6.3 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.

7. CONSULTATIONS

7.1 **Historic Environment : No Objection**, request photographic survey by condition

7.2 **Transport Planning** : Sought further information on surface water drainage, details of junction with the public road, traffic generation, parking and manoeuvring within the site. Following the receipt of this information advised that they were satisfied with information provided, and had no further comments.

7.3 **Transport Scotland : No objection** and no comments

7.4 **Ferintosh Community Council : Objection** – junction with trunk road already overloaded, B9163 not of sufficient standard to cope with additional traffic, adverse effect on public and residential amenity from exterior lighting and from additional traffic (especially outwith normal working hours), incompatibility of proposed use with quiet, rural housing environment.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 36 Development in the Wider Countryside

8.2 Inner Moray Firth Local Development Plan 2015

Hinterland No site specific policies apply.

9. OTHER MATERIAL CONSIDERATIONS

9.1 Draft Development Plan

Not applicable

9.2 Highland Council Supplementary Planning Policy Guidance

Roads and Transport Guidelines for New Developments (May 2013)

Highland Historic Environment Strategy (Jan 2013)

9.3 Scottish Government Planning Policy and Guidance

Paragraphs 74 to 83

10. PLANNING APPRAISAL

10.1 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.

10.2 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.

10.3 **Development Plan Policies**

The site lies outwith any defined Settlement Development Area, and therefore falls to be considered under Policy 36 of the Highland wide Local Development Plan (HwLDP) which states that development proposals in the wider countryside will be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy.

Policy 28 of the HwLDP requires sensitive siting and high quality design in keeping with local character. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity.

10.4 **Policy and Material Considerations**

Siting and Residential Amenity

10.4.1 A key issue in this case is whether the level of activity associated with the proposal is compatible with existing adjacent development, which is exclusively residential in the vicinity of the vehicular entrance to the site. As originally submitted, the site layout showed that there would be a total of 32 shipping containers sited within the steading courtyard and access drive. In addition, all of the floorspace within the existing two storey steading buildings would be given over to storage for the use of customers of the proposed facility.

10.4.2 Vehicles entering and exiting the site will do so via the existing access directly opposite 6 Corntown which is located immediately at the roadside and to the north. Eight large containers were sited against the rear wall of the house to the immediate east of the site. It was considered that this would have represented an intrusive level of disturbance, with an adverse impact on the amenity of existing residents due to disturbance from the headlights of customers' vehicles using the access and the loading and unloading of vehicles and storage units so close to the adjoining houses. In addition, external floodlighting would be necessary during the hours of darkness and this would give rise to significant concerns in relation to the amenity of adjacent

residents. It is considered the amended layout pulling the containers back from the two nearest houses coupled with the slight reduction in numbers will assist to address these concerns regarding amenity.

Access and Parking

- 10.4.3 It was also of concern that the submitted traffic generation information **only** related to the shipping containers, and took no account of the internal floorspace within the steading buildings. This floorspace was identified as being used for storage, according to the originally submitted site plan and the application form. While the agent had provided swept path drawings to demonstrate that a vehicle as large as a 7.5t panel van could negotiate the 90 degree bend within the steading courtyard, and could execute a 3 point turn at the end of the courtyard, no consideration had been given to a situation involving 2 or more vehicles arriving at/leaving from the site at the same time. The submitted swept path drawings implied that such a situation could easily result in vehicles being unable to access the inner courtyard - and being forced to wait on the B9163, or on the access drive (with consequent additional adverse effects on neighbour amenity), or being forced to reverse onto the B9163 to allow a vehicle leaving the courtyard to exit the site. In addition, no management proposals for controlling operating hours to prevent access by customers outwith those hours, nor how vehicles larger than a panel van might be prevented from attempting to access the site were provided. Given these outstanding questions it was not possible to conclude that the visiting traffic could be managed in a satisfactory manner which would avoid any significant adverse impact upon local residential amenity or road safety.
- 10.4.4 Given these concerns regarding residential amenity and access the agent was advised that the application as originally submitted could not be supported without reducing the amount of storage within the site, particularly in proximity to the houses adjacent to the site entrance (eastern boundary) in order to ameliorate the impact on residential amenity, but also to secure a significant reduction in the intensity of development so as to minimise the likelihood of vehicular conflicts within the site.
- 10.4.5 Following discussions with the agent it is now considered that an acceptable compromise has been reached on the following basis:
- a) The existing building would now not be used as storage floorspace, and no longer forms part of the proposal (this shall be controlled by condition).
 - b) Impact on existing neighbours has been ameliorated by reducing the number of containers in the vicinity of the site entrance from 8 to 2.
 - c) A close boarded 2.4m high timber gate and fence at the site entrance, with the same fence at the southern end of the eastern boundary to screen the development from neighbouring houses.
 - d) The space between the gable of the steading building and the containers along the southern boundary has been increased by 0.5m, and vehicle waiting areas have been created to minimise the potential for vehicular conflicts within the site.
 - e) External lighting shall be installed and operated so as to minimise disturbance for neighbouring houses (this shall be controlled by condition).

- f) A CCTV system shall be included within the development (this shall be controlled by condition).

The agent has suggested that operating hours would be restricted from 7.30am to 8.30pm. However, it is considered that weekend operating hours should be more limited in order to protect residential amenity, and this can be controlled by condition.

- 10.4.6 These amendments now result in a scheme which would have much reduced impacts on existing residential amenity, and which now has very little potential for customer vehicles to impact upon road safety. As such, it is considered that this revised scheme can now be supported.

10.5 **Other Considerations – not material**

Concerns regarding the structural safety of the existing building and perimeter wall, the security of existing houses, and possible pollution from storage of hazardous materials on the site are not relevant planning issues. These are matters which are controlled by separate legislation.

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

Not applicable

11. **CONCLUSION**

- 11.1 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.

12. **IMPLICATIONS**

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

13. **RECOMMENDATION**

Action required before decision issued N

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

1. The existing steading building shall not be used for any commercial use including storage without the prior formal approval of an application for planning permission.

Reason : For the avoidance of doubt.

2. No development shall commence until full details of external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented and thereafter maintained to ensure continued compliance.

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

3. No development shall commence until full details of a CCTV system to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, and angle of view of each camera. Thereafter only the approved details shall be implemented and thereafter maintained to ensure continued compliance.

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

4. No development shall commence until full details of the close boarded timber boundary fence and entrance gate, including any finishes, have been submitted to, and approved in writing by, the Planning Authority. Thereafter only the approved details shall be implemented and thereafter maintained to ensure continued compliance. The fence and gate shall be erected and finished before the first use of the site for the development hereby approved.

Reason : In the interests of amenity.

5. The development hereby approved shall not be open to customers, and no customer shall be allowed on the premises, outwith the hours of:
 - i. 0730 to 2030 Monday to Friday;
 - ii. 0900 to 1900 on Saturdays; and
 - iii. 1100 to 1900 on Sundays.

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

6. The external shipping container storage units shall be finished and maintained in a matt dark green colour.

Reason : In the interests of visual 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 LIMITS

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.

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.

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

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.

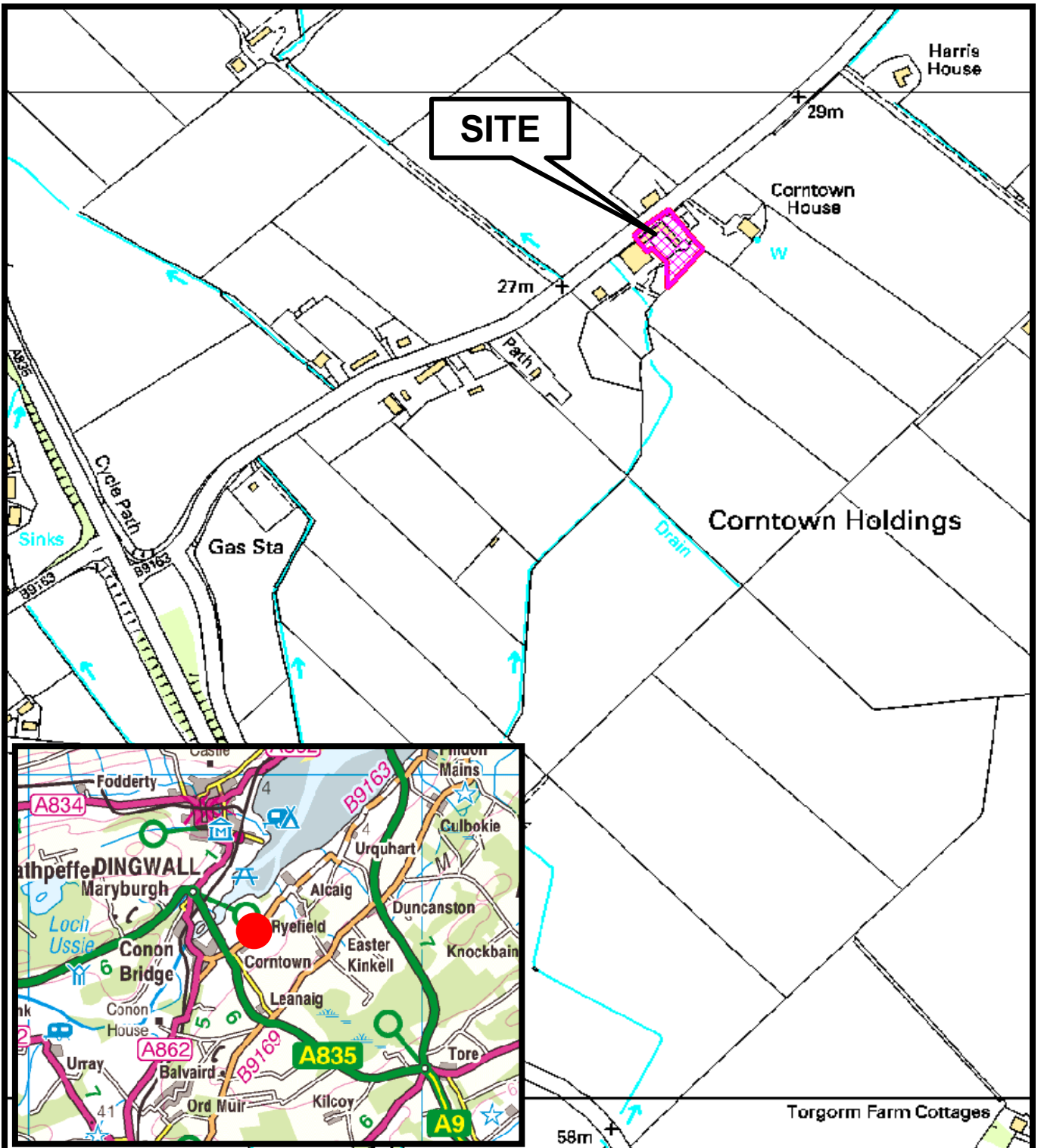
Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

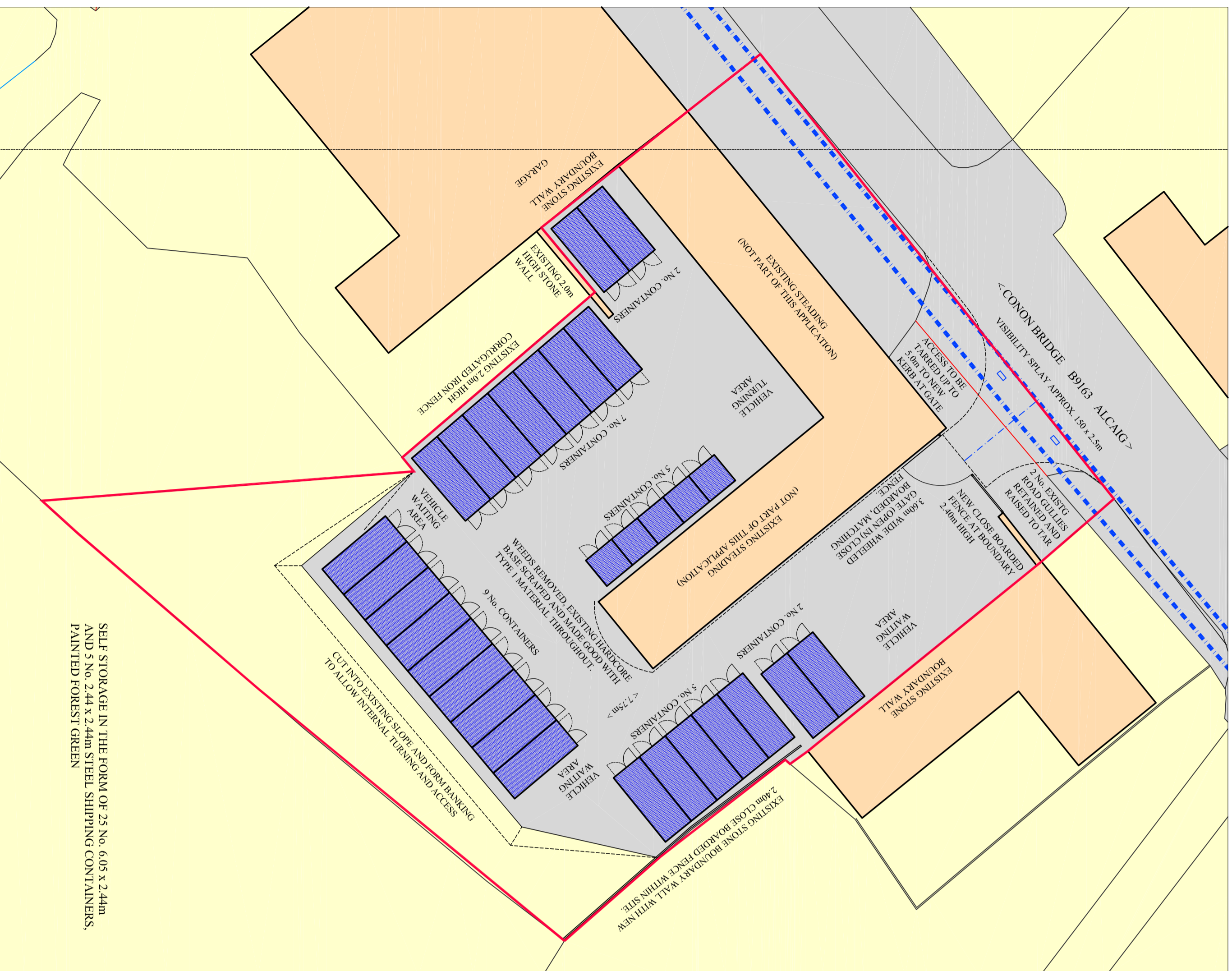
Designation: Area Planning Manager - North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Committee Location Plan
Plan 2 – Location/Block Plan 100 Rev E
Plan 3 – Swept Path Analysis CTCH-J1798-001 (Car)
Plan 4 - Swept Path Analysis CTCH-J1798-002 (7.5t Panel Van)



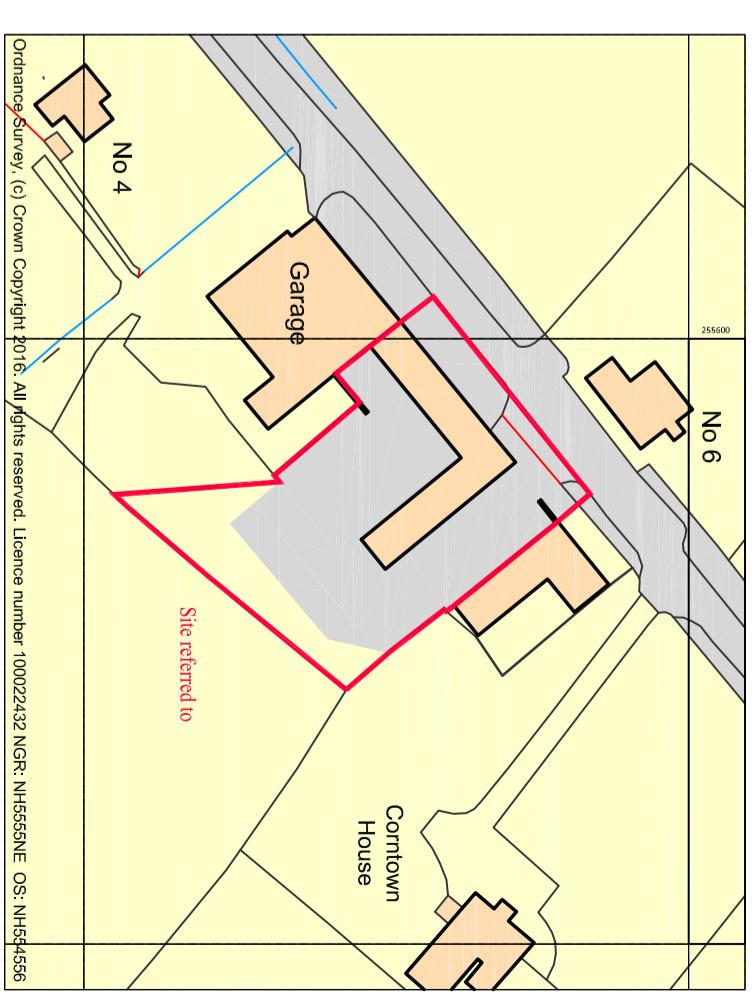

The Highland Council
 Comhairle na Gàidhealtachd
 Planning & Development Service

16/04693/FUL
 Change of use of steading and siting of containers for self-storage (Class 6) at Corntown Steading, Corntown, Conon Bridge





BLOCK PLAN 1:250



LOCATION PLAN 1:1250

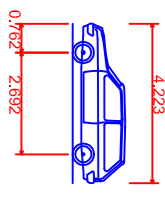
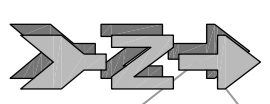
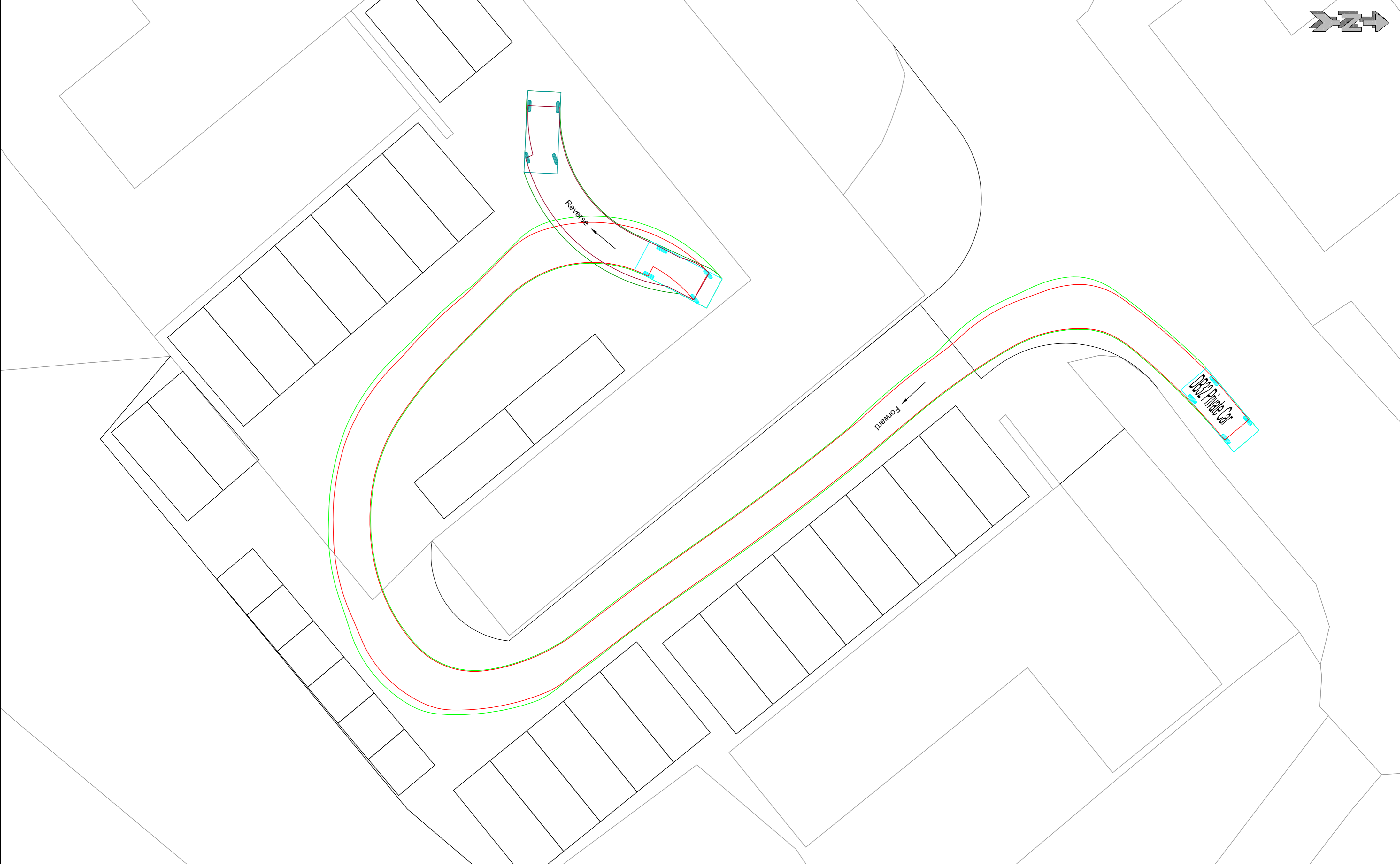
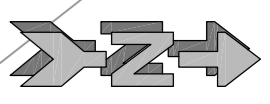
Rev. E - Further revisions following discussion with Planning Manager - June 2017
 Rev. D - Further revisions following discussion with Planning Manager - May 2017
 Rev. C - Layout revised following discussion with Planning Manager - May 2017
 Rev. B - Visibility splay added, road gullies moved - Jan 2017
 Rev. A - 6 smaller containers added - Oct 2016

David Blanchard MCIQB
 Architectural Services
 Springwood, Urry, Muir of Old, TG 6 TDL
 Tel / Fax : 01463 - 870823
 E-Mail : david.blanchard823@btinternet.com



client **A J Reid Ltd**
 project **Proposed self storage units, Cortown Steadings, Cortown, Conon Bridge IV7 8HR**
 drawing **Planning Drawing**

scale	1:500, 1:250	job no.	16 - 036
date	Oct 16	diag. no.	100
drawn	David Blanchard	rev.	E

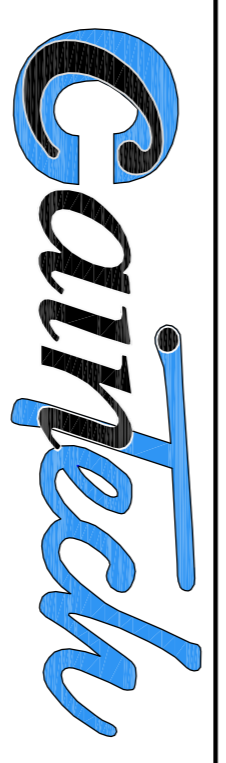


DB32 Private Car
 Overall Length 4230mm
 Overall Width 1715mm
 Overall Body Height 1520mm
 Min Body Ground Clearance 142mm
 Lock to Lock Time 4.06s
 Kerb to Kerb Turning Radius 5.780m

VEHICLE SWEEP PATH SHOWN-

Site Layout:

Self Storage Units at Corntown Steading, Conon Bridge
 Vehicle Sweep Path Analysis - Sheet 1

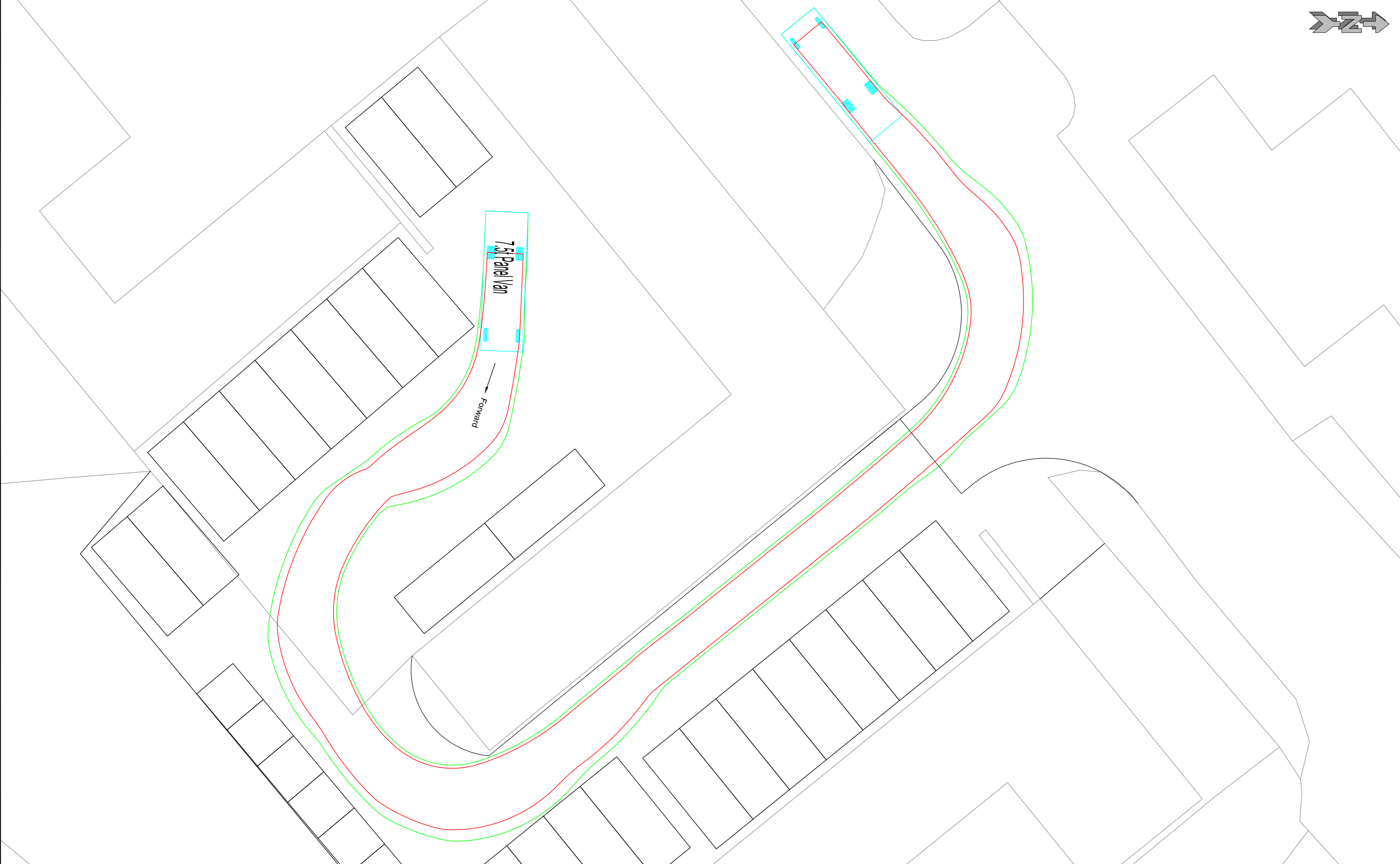
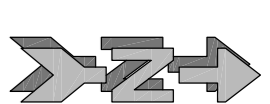
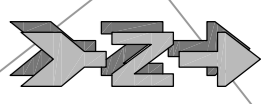


LAND & BUILDING SERVICES: HYDROGRAPHIC SURVEYING
 SETTING OUT ENGINEERS: VOLUMETRIC SURVEYING
 CIVIL ENGINEERING DESIGN: DIMENSIONAL CONTROL SURVEYING
 LASER SCANNING SERVICES: AUTOCAD BRANCHING SERVICES

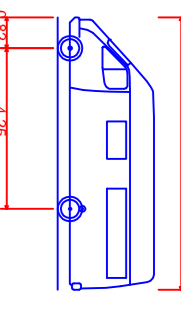
THE OFFICE: INVESTMENT OFFICE
 FORTYAVEN FIRST FLOOR, DRIVE
 NUMBER ONE ROAD, INVERNESS
 IV2 5SD
 TEL: 01463 811400 TEL: 01463 719623
 EMAIL: enquiries@cartech.co.uk
 WWW: <http://www.cartech.co.uk>

Client: **A J Reid Ltd.**

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KGJ	GCN	N/A	N/A
Drawing Status:			
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PLANNING	FOR APPROVAL	WARRANT	CONSTRUCTION
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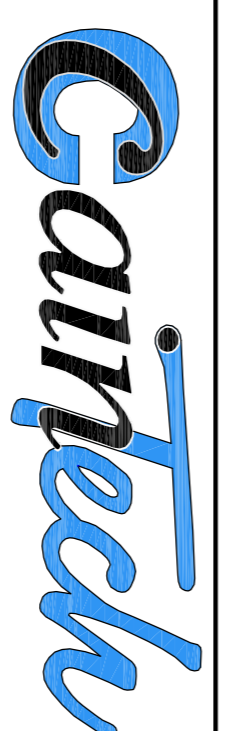


VEHICLE SWEEP PATH SHOWN-



7.5t Panel Van
 Overall Length 7.20m
 Overall Width 2.25m
 Min Body Ground Clearance 0.316m
 Track Width 1.865m
 Kerb to Kerb Turning Radius 7.400m

Site Layout:
 Self Storage Units at Corntown Steading, Conon Bridge
 Vehicle Sweep Path Analysis - Sheet 2



LAND & BUILDING SURVEYING HYDROGRAPHIC SURVEYING
 SETTING OUT ENGINEERING VOLUMETRIC SURVEYING
 CIVIL ENGINEERING DESIGN DIMENSIONAL CONTROL SURVEYING
 LASER SCANNING SERVICES AUTOCAD DRAUGHTING SERVICES

THE OFFICE FIRST FLOOR
 FORDYCE AVENUE
 MILES OF OAK
 INVERNESS IV1 1SU
 TEL: 01463 811000 TEL: 01463 718623
 Email: info@cartech.co.uk
<http://www.cartech.co.uk>

Client:
 A J Reid Ltd.

Drawn By:	Checked By:	Surveyed By:	Surveyed Date:
KGJ	GCN	N/A	N/A
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CTCH-J1798-002		30/1/2016	
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J1798		1:125 @ A1	
Rev:		Date:	

Levels are in metres and are to Ordnance Datum.
 Coordinates are to National Grid.
 (GPS Network)