

Agenda Item	6.7
Report No	PLS 045/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: Tuesday 11 June 2019

Report Title: 19/01909/FUL: Scottish Water

Land 50M South East Of Tomboyach House, Nethy Bridge Road,
Boat of Garten

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Installation of odour abatement measures, 2 x dosing kiosks and safety shower, scrubber unit and weather station

Ward: 20 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: Over 5 objections from 5 separate addresses

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.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The application seeks permission to undertake alterations to the existing Scottish Water Waste Water Treatment Works compound in Boat of Garten. The measures proposed are as a result of the continual review of the Odour Management Plan in respect of the site. The proposed works are sought to provide mitigation within the site to minimise odour emissions; this involves the installation of additional infrastructure which includes:

- Loading point kiosk and safety shower
- Chemical dosing kiosk
- Scrubber unit and control panel
- Pump skid
- Access cover
- Small weather monitoring station

1.2 Pre Application Consultation: No pre application consultation was sought.

1.3 Supporting Information:

- Supporting Statement
- Odour Management Plan
- Odour Improvement Plan

1.4 Variations: No variations to the application since submission.

2. SITE DESCRIPTION

2.1 The site is located to the east of Boat of Garten, on the west bank of the River Spey adjacent to the road bridge carrying the road between Boat of Garten and the B970. The site is an existing Scottish Water compound with operation building facing the public road, the tanks and other infrastructure are largely screened from public facing sides of the site by a clad wall. The nearest houses are to the west and southwest of the site at 'Tombyach', 'Suilven' and 'The Fringes'. A path runs alongside the river and site to the east.

3. PLANNING HISTORY

3.1 04.02.2011 10/045/CP – Construction of new wastewater treatment works and ancillary development Approved

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 17.05.2019

Representation deadline: 30.05.2019

Timeous representations: 7

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Concerns raised over smell emitting from existing plant
- b) Risk of chemicals contaminating River Spey impacting fishing interests
- c) Unsatisfactory visual design of the current and existing works
- d) Comments that use of chemicals is not a satisfactory solution to smell
- e) Entire plant should be relocated out with the village

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.

5. CONSULTATIONS

5.1 **CNPA:** The planning application does not raise any planning issues of general significance to the Park aims and as such no call-in is necessary.

5.2 **Environmental Health:** Application is designed to mitigate odour from the WWTW in accordance with Environmental Health's Odour Improvement Plan for the site. The Service has no remit over the visual impact of such equipment.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Cairngorms National Park Local Development Plan (2015)**

Policy 3 – Sustainable Design

6.2 **Proposed Cairngorms National Park Local Development Plan (2020)**

Policy 3 – Design and Placemaking

6.3 **Cairngorms National Park Policy Guidance**

Policy 3 – Sustainable Design

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (2014)

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) siting and design
 - c) residential and community amenity
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 The site is located within the Cairngorms National Park and therefore requires to be assessed under the provisions of the CNPA LDP (2015). The site was granted planning permission (10/045/CP) by the CNPA, and has since been constructed, and this application seeks permission for additional infrastructure within the site to address issues around odour which have been experienced within the area. The development of the waste water treatment plant is established and this report will not focus on the siting and design of the previously approved and operational facility.
- 8.5 With the above in mind, the main policy of relevance in assessing the proposals is Policy 3 – Sustainable Design. This lists criteria against which developments are assessed. Of relevance to this proposal is that use of materials should complement the setting of a development and that development should protect the amenity enjoyed by neighbours.

Siting and Design

- 8.6 The waste water treatment works has been built and therefore the assessment in terms of siting and design relates to the additional plant required. Within the site compound it is proposed to undertake above ground works to site additional plant. To the southern side of the site a small weather vane is proposed to be attached to the timber clad building. This is not considered to raise any issue in terms of design. The proposed pump skid (a small pump associated with tanker de-sludging operations) is to be located behind this. This equipment will be largely screened by the existing building and surrounding landscaping. An access cover is also proposed within the site giving access to below ground infrastructure. This will not be visible from outwith the site given it only projects centimetres above the existing ground level.
- 8.7 To the northern side of the site where the screened tanks are located, the development will comprise 2 kiosks, one of which is required for chemical dosing, and measures 3m x 3m, and is 2.2m in height. An additional kiosk will also be located further north of this, set down from the main plant structures. Adjacent to

this will be a safety shower unit for staff. Finally, a scrubber unit (2.5m x 1.1m x 3m) will be located within an additional kiosk adjacent to the shower unit. All external infrastructure is to be finished in a dark brown colour (van Dyke brown). This is considered to be an acceptable and recessive colour finish, particularly when considered within the context of the other plant within the operational site.

- 8.8 The proposed additional infrastructure located within the operational compound is considered to be acceptable in terms of its position and siting and the design is also appropriate to this setting.

Residential Amenity

- 8.9 Individual and community residential amenity has been referred to in representations, identifying that there is smell emanating from the site. It is understood that this has been subject to a legal dispute but this is separate to the consideration of the planning application.

- 8.10 The proposal is for mitigation measures which are designed to reduce odours and smells. Scottish Water submits that the proposed measures are based on the conclusions of the submitted Odour Improvement Plan. It would seem that the applicant is applying to provide additional infrastructure to resolve, or at least mitigate, the smell which is currently impacting on amenity. The development should therefore bring about an improvement to residential and community amenity. It should be noted that once installed, the site will require to be monitored through the Sewerage Nuisance (Code of Practice)(Scotland) Order 2006 which is a requirement monitored under legislation and enforced by Environmental Health.

- 8.11 It is considered that once the proposed additional physical infrastructure measures are installed at the site, the impact on individual and community residential amenity will be limited. The purpose of the physical works is to mitigate any current smell from the site, and this will be subject to monitoring under separate, non-Planning related legislation.

Other material considerations

- 8.12 There are no other material considerations.

Non-material considerations

- 8.13 Legal action between neighbours and Scottish Water; failure by Scottish Water to address that the existing treatment works plant is incompatible and the relocation of the Treatment Works are not relevant to the consideration of this application.

Matters to be secured by Section 75 Agreement

- 8.14 a) None

9. CONCLUSION

- 9.1 The application is considered to comply with the CNPA Development Plan (2015) Policy 3 – Sustainable Design, in that the siting and design of the additional equipment at the existing treatment works is appropriate to the area in which it is

situated, and, that it is not considered that the development will have a significantly detrimental impact on amenity, where the purpose of the development is to take measures to improve 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. 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. For the avoidance of doubt all kiosks and the safety shower shall be finished in a van Dyke brown colour (BS 08B 29).

Reason: In the interest of visual amenity.

REASON FOR DECISION

The application is considered to comply with Policy 3 – Sustainable Design, in that the siting and design of the additional equipment at the existing treatment works is appropriate to the area in which it is situated, and, that it is not considered that the development will have a significantly detrimental impact on amenity, where the purpose of the development is to take measures to improve amenity. 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

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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

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

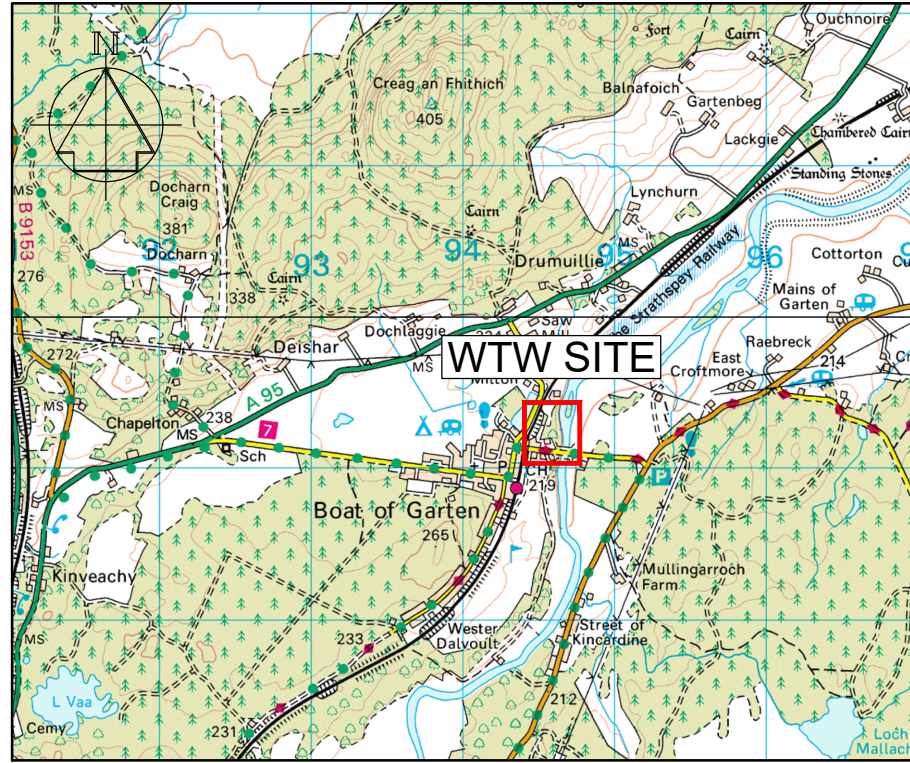
Signature: David Mudie

Designation: Area Planning Manager – South

Author: Laura Stewart

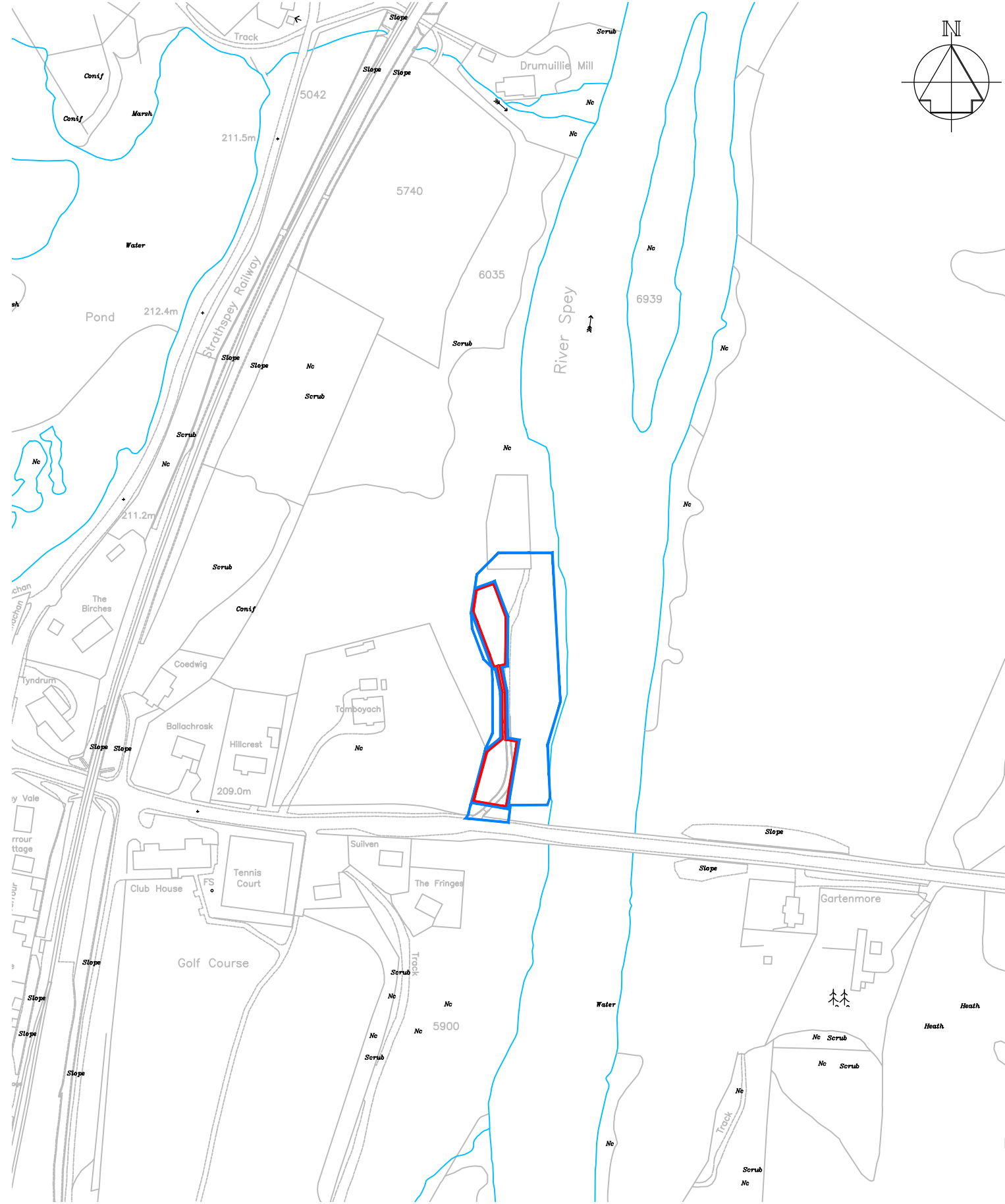
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan - 5000340121-WW-DRA-04181010-0A
Plan 2 - Existing Site Layout - 5000340121-WW-DRA-04181014-0A
Plan 3 - Proposed Site Layout - 5000340121-WW-DRA-04181011-0A
Plan 4 - General Plan and Site Sections - 5000340121-WW-DRA-04181013-0A
Plan 5 - Existing Site Sections - 5XXXXXXXXX-WR-DRA-04181010A
Plan 6 - General Plan Kiosk - 000004 REV 0C
Plan 7 - Shower Elevation - 5000340121-WW-DRA-04181016-0A
Plan 8 - Unit Elevation - 5000340121-WW-DRA-04181017-0A



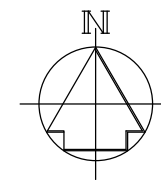
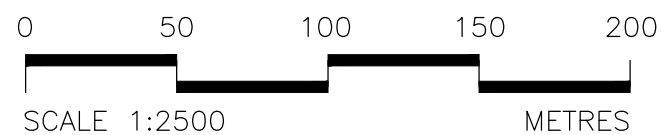
LOCATION PLAN

SCALE 1:50,000



LOCATION PLAN

SCALE 1:2,500



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Originated By A. ROSS	Date 18.04.19
Drawn By I. KING	Date 18.04.19
Checked By J. MILLER	Date 29.04.19
Approved By J. MILLER	Date 29.04.19

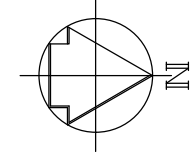
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BOAT OF GARTEN WWTW

Drawing Title
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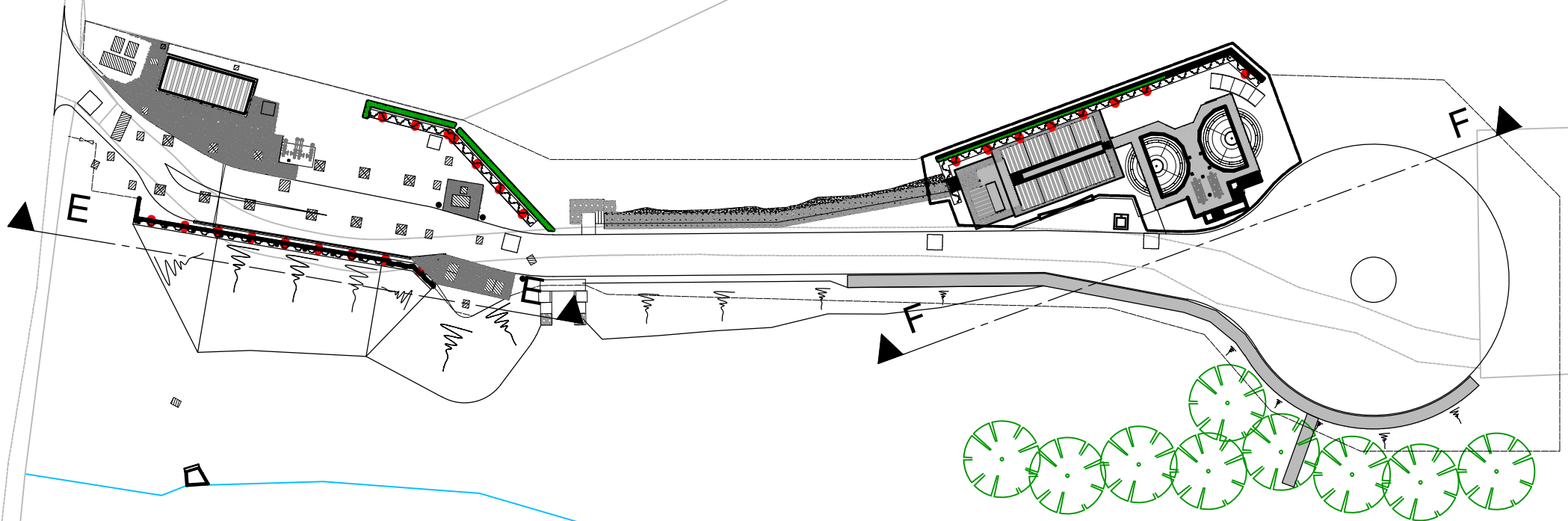
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Approved By J. MILLER	Date 29.04.19

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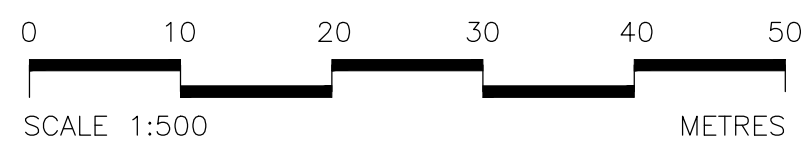
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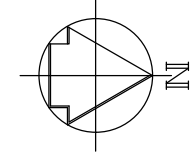
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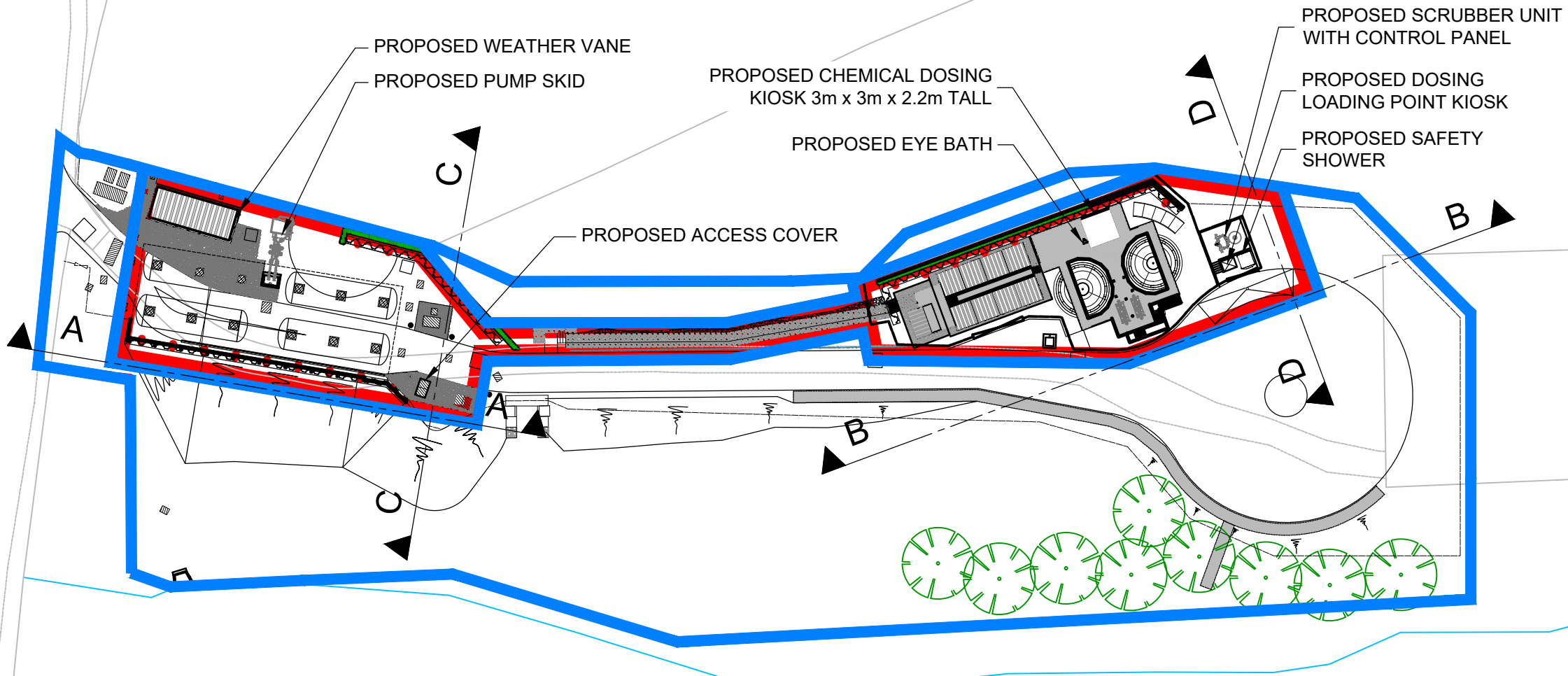
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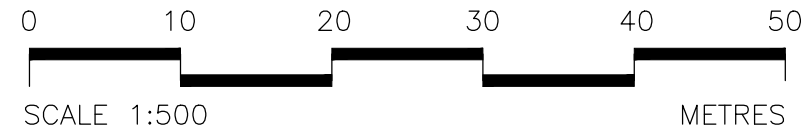
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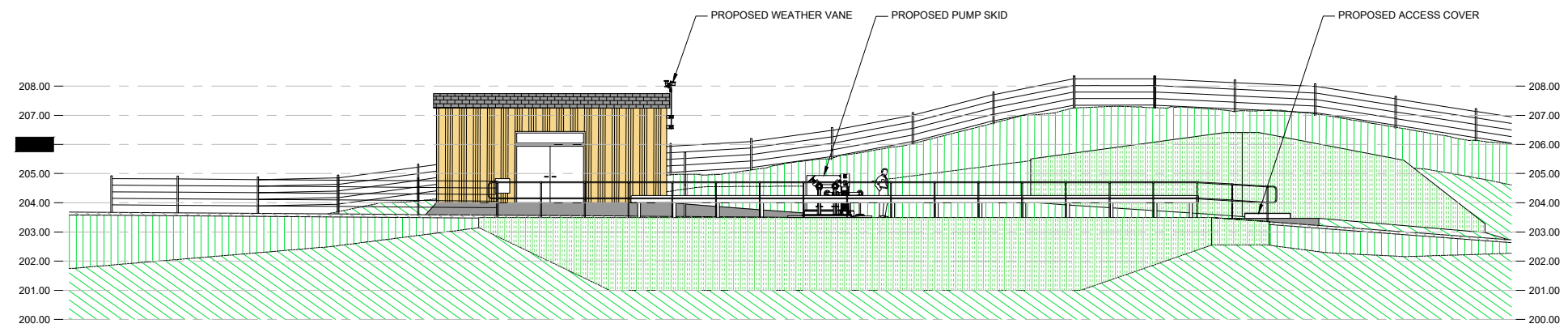
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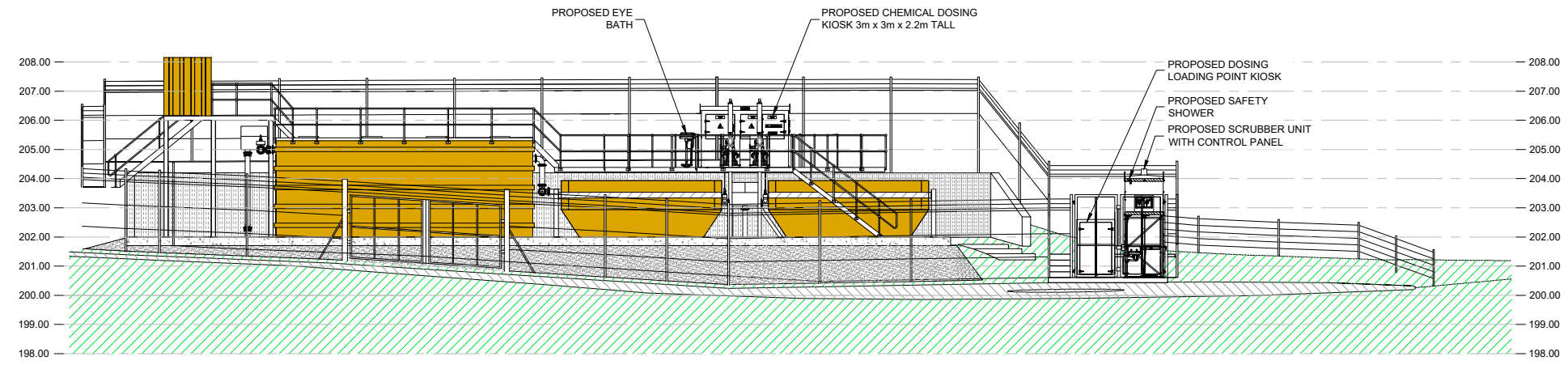
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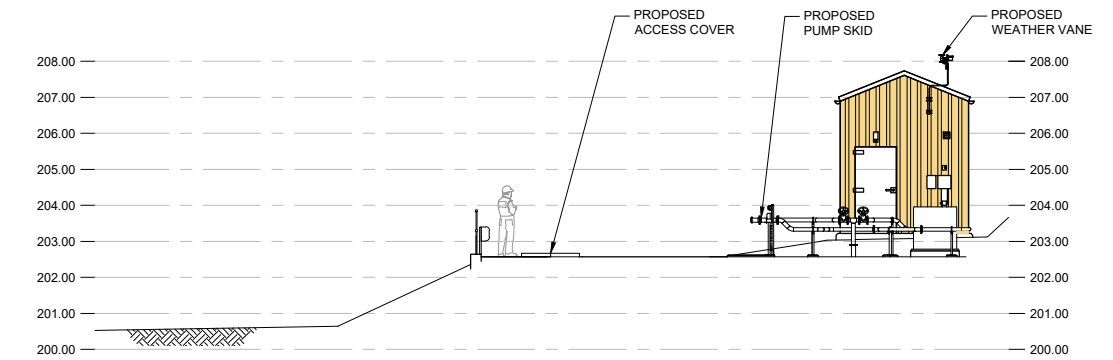




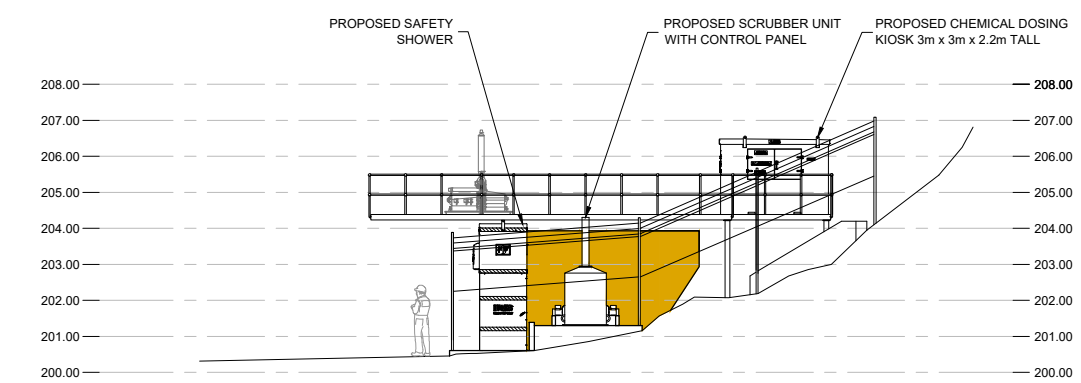
ELEVATION A-A



ELEVATION B-B



SECTION C-C



SECTION D-D

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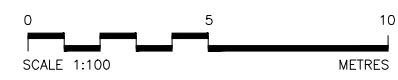
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BOAT OF GARTEN WWTW

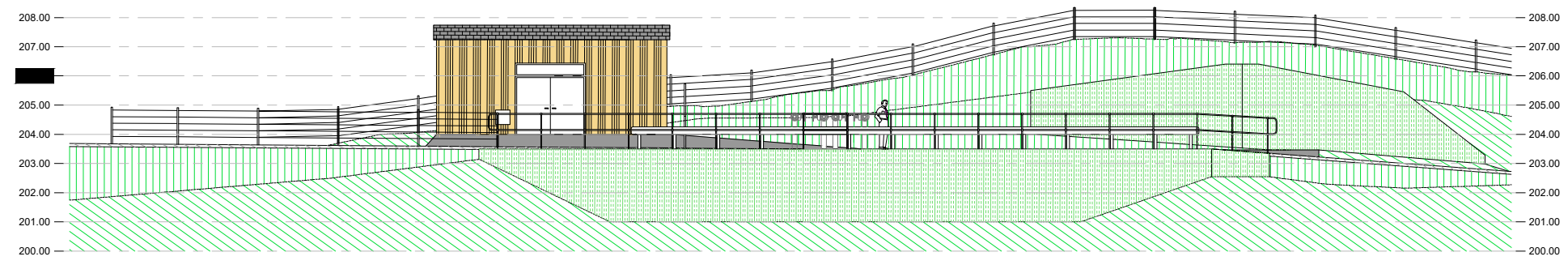
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WTW SITE SECTIONS/ELEVATIONS

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ELLIPSE PLANT No. STW0003727 | AUTOCODE No.

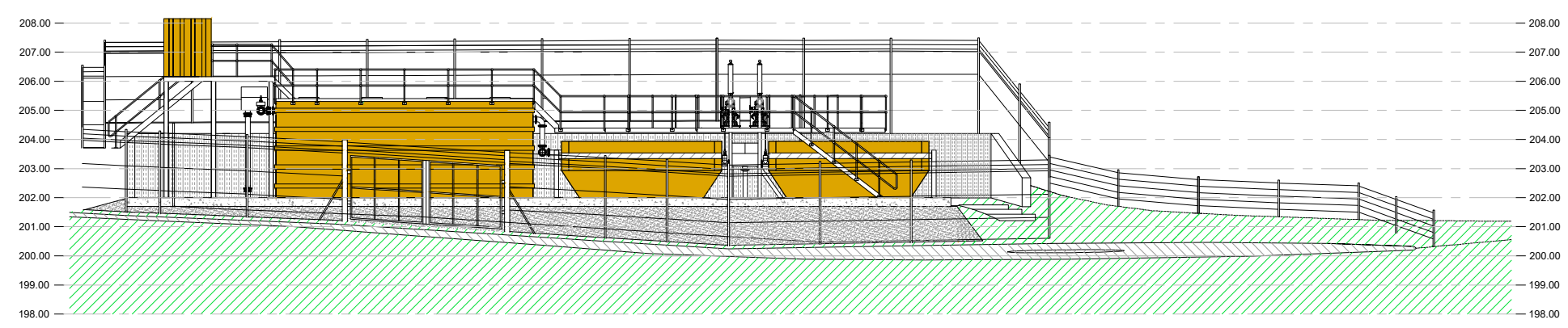
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SECTION E-E



SECTION F-F

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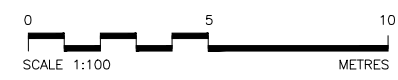
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A. ROSS	I. KING	J. MILLER	J. MILLER
Date 23.04.19	Date 23.04.19	Date 29.04.19	Date 29.04.19
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Project Title
BOAT OF GARTEN WWTW

Drawing Title
PLANNING DRAWING
WTW SITE EXISTING ELEVATIONS

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ELLIPSE PLANT No. STW0003727 | AUTOCODE No.

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NOTES:

SCOTTISH WATER
HEALTH AND SAFETY INFORMATION

IN ADDITION TO THE HAZARDS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, PLEASE NOTE THE FOLLOWING: (SEE FULL DESIGN RISK ASSESSMENT FOR DETAILS)

CONSTRUCTION PHASE	
RESIDUAL RISK THAT COULD NOT BE OBVIOUS TO A 'COMPETENT CONTRACTOR':	ACTION REQUIRED TO CONTROL RESIDUAL RISK:

SW OPs ACCESS - HORIZONTAL, VERTICAL, PEDESTRIAN, VEHICLE/PLANT	
POINTS REQUIRING ACCESS:	METHOD OF ACCESS:

SW OPs HANDLING / LIFTING STRATEGY	
ITEMS REQUIRING HANDLING:	METHOD OF HANDLING:

IT IS ASSUMED THAT ALL WORKS WILL BE CARRIED OUT BY A COMPETENT PERSON WORKING, WHERE APPROPRIATE, TO AN APPROVED SAFE SYSTEM OF WORK.

REV	DESCRIPTION	DRAWN	CHECKED	APPROVED	DATE
OC	FOR APPROVAL	SB	SD	CM	14/06/18
OB	FOR APPROVAL	SB	JA	JA	09/02/18
OA	FOR APPROVAL	SD	SB	JA	25/01/18

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PIPEWORK SYSTEMS & INSTALLATION LTD
UNIT 12 - BRIDGE WAY
DONIBRISTLE INDUSTRIAL ESTATE - DALGETY BAY
KY11 9JN - TEL: 01383 825 888
FAX: 01383 825 899

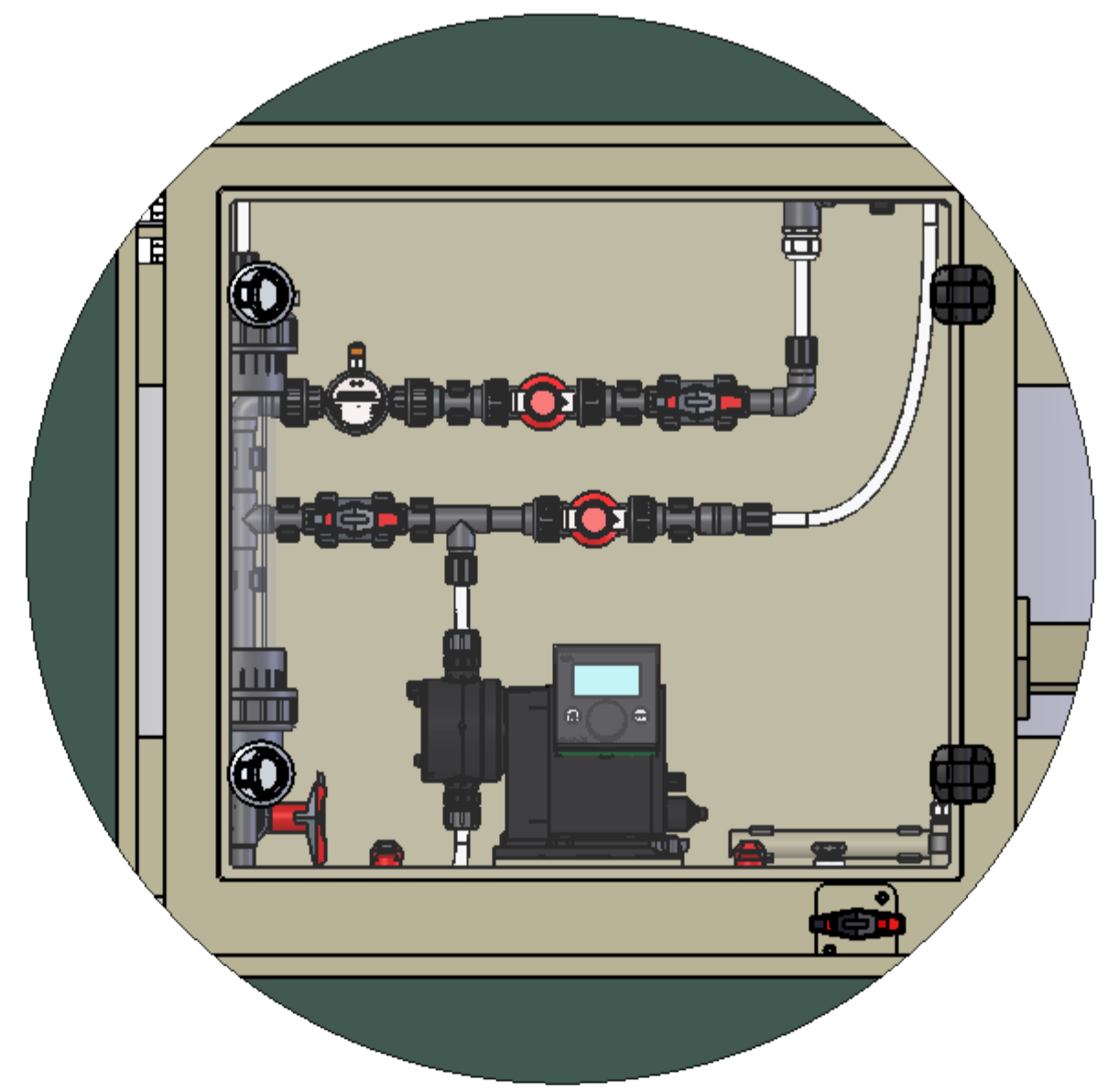
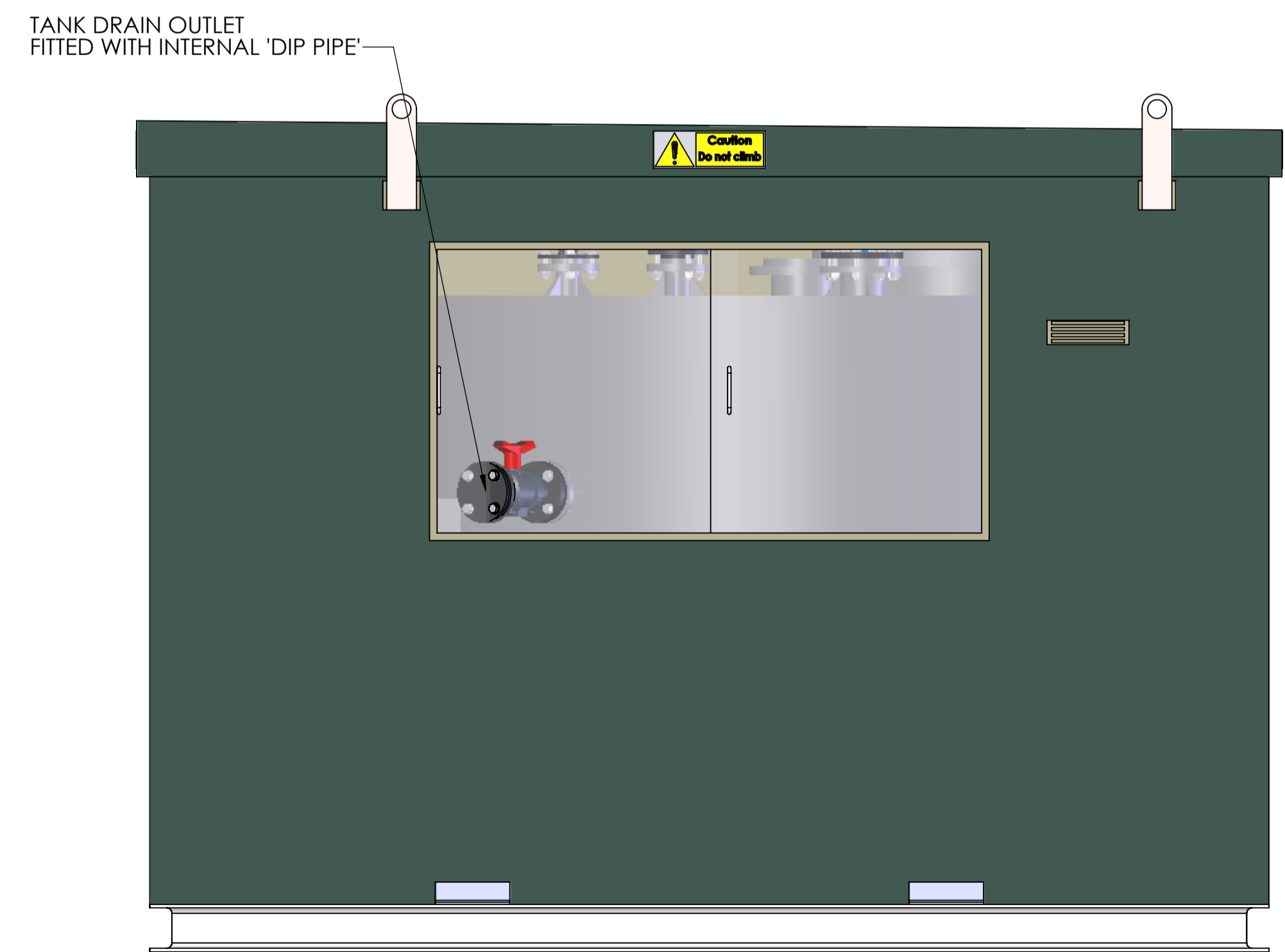
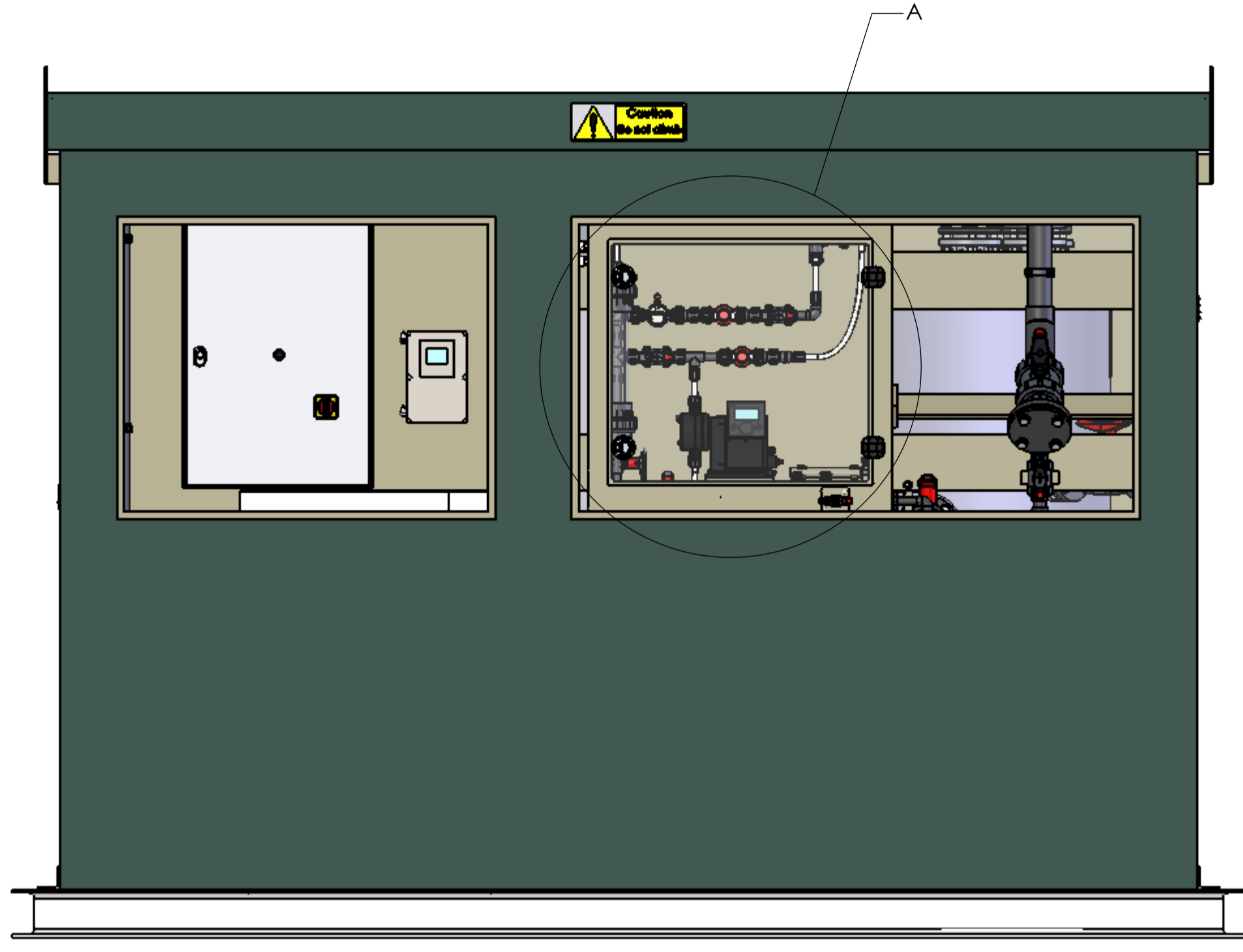
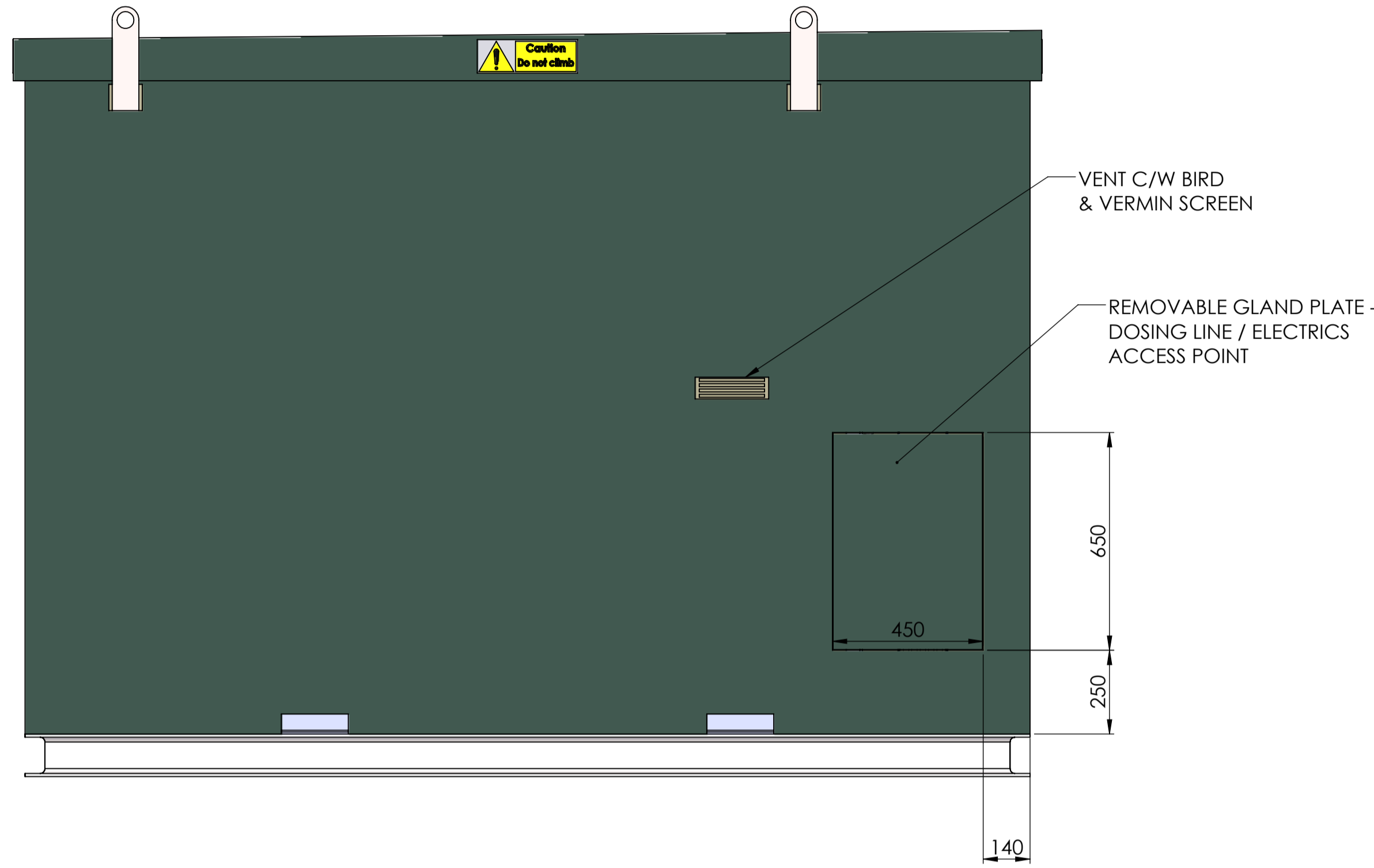
PSI PROJECT No. A2703	PSI DRAWING No. A2703-MECH-DRA-002
REVISION OC	SHEET 3/7
SCALE 1:13	STATUS FOR APPROVAL

PROJECT TITLE
DUTY ONLY
CHEMICAL
DOSING KIOSK

DRAWING TITLE
KIOSK G.A.

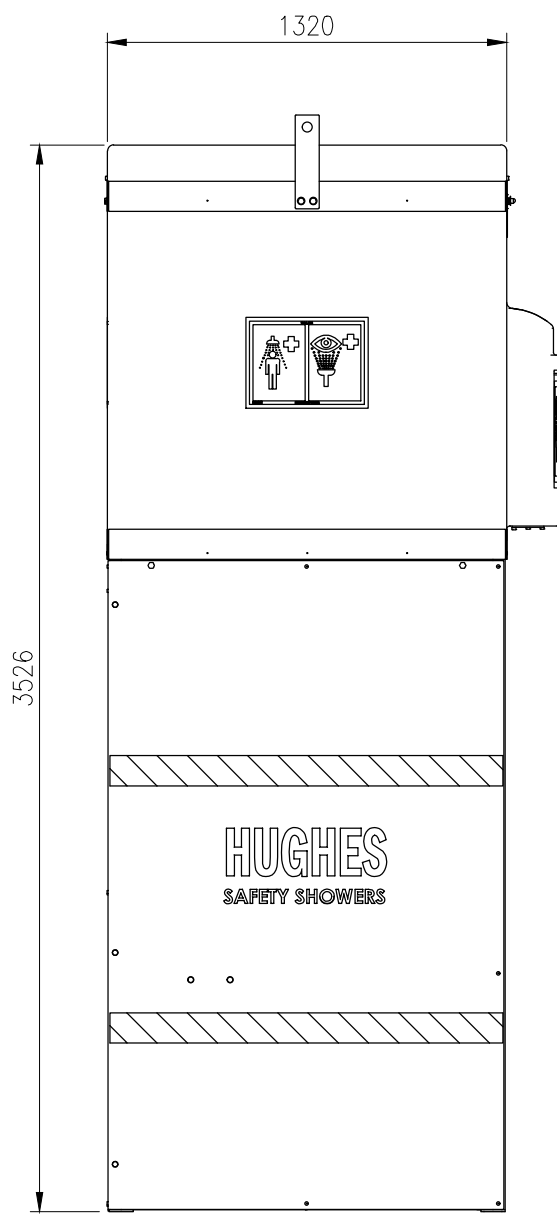
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ELLIPSE PLANT No.
DRAWING No.

AUTOCODE No.

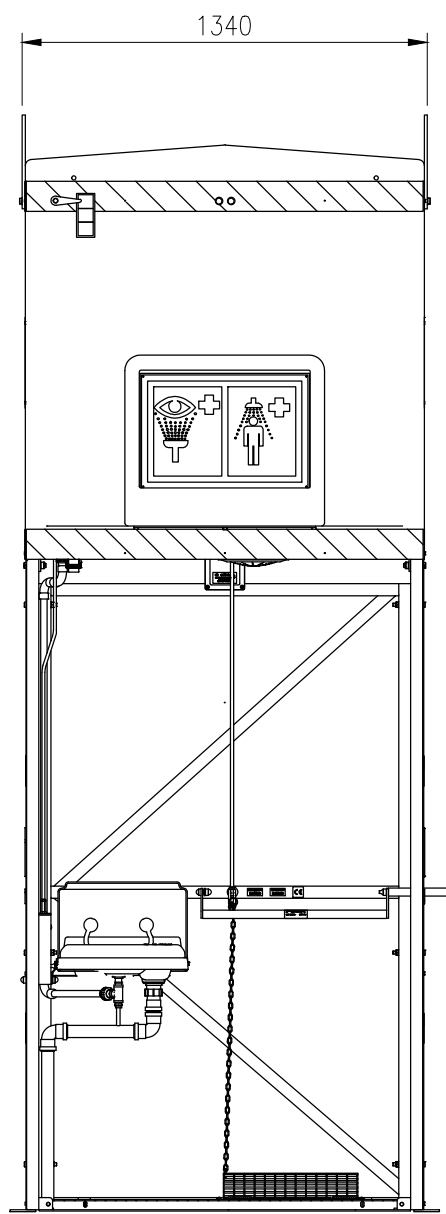


DETAIL A
SCALE 2 : 13

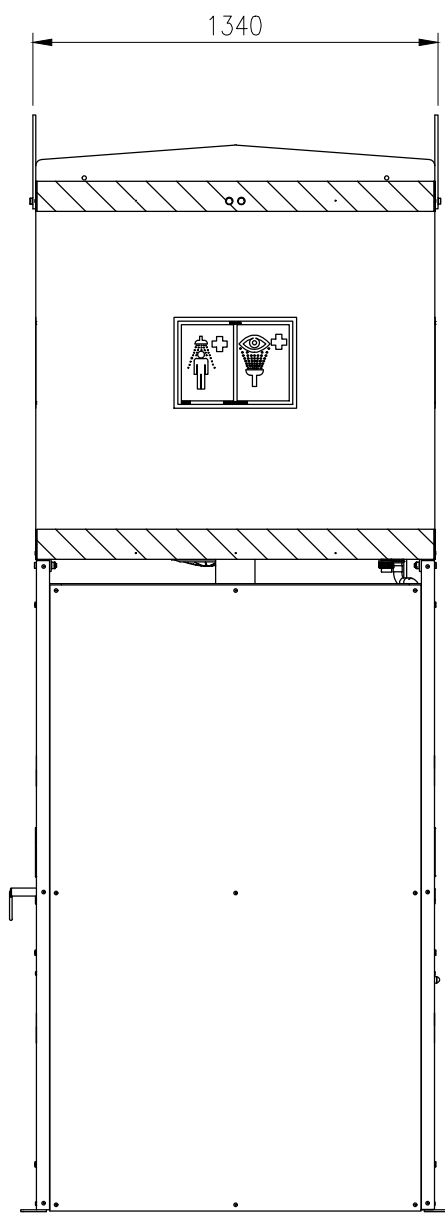
- Notes:
1. ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.
 2. ALL CO-ORDINATES ARE TAKEN FROM ORDINANCE SURVEY INFORMATION.
 3. ALL BUILDINGS, TANKS AND KIOSKS TO BE VAN DYKE BROWN



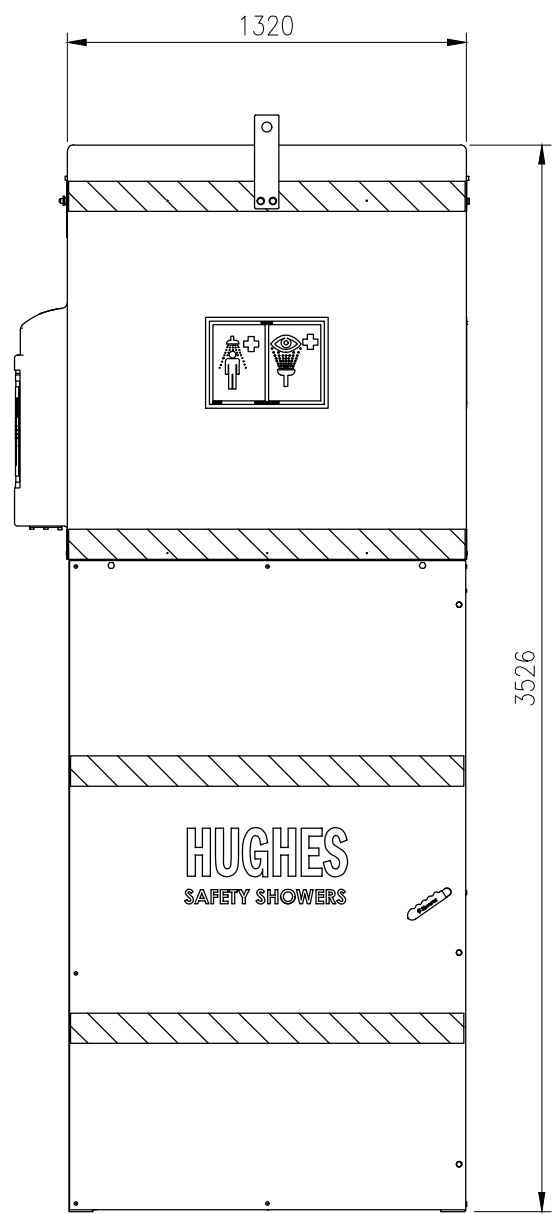
LEFT ELEVATION



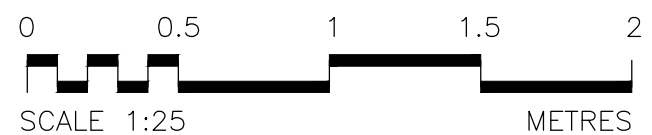
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



0A	PRELIMINARY	INK	JM	JM	29.04.19
Rev	Description	Drawn	Ch'kd	App'd	Date

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CASTLE HOUSE
6 CASTLE DRIVE
CARNEGIE CAMPUS
DUNFERMLINE
FIFE KY11 8GG
TEL: 0800 0778778

Originated By A. ROSS	Date 18.04.19
Drawn By I. KING	Date 18.04.19
Checked By J. MILLER	Date 29.04.19
Approved By J. MILLER	Date 29.04.19

Project Title
BOAT OF GARTEN WWTW

Drawing Title
**PLANNING DRAWING
SAFETY SHOWER ELEVATIONS**

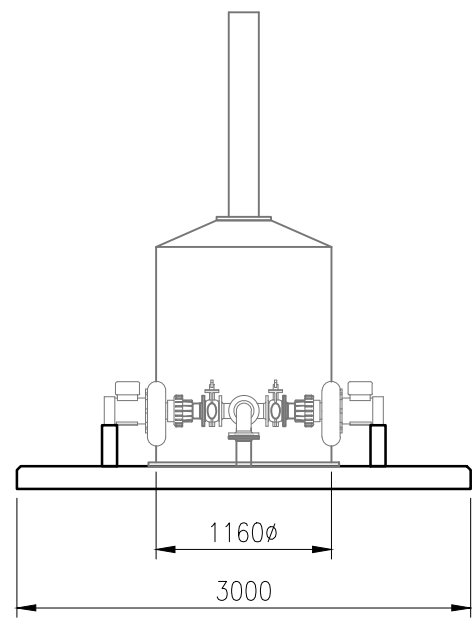
Status
PRELIMINARY

Scale
AS SHOWN

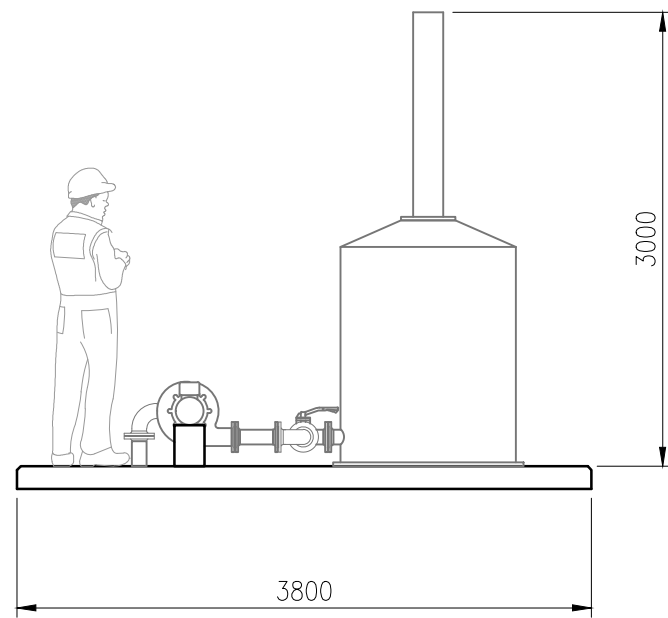
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ELLIPSE PLANT No. STW0003727 | AUTOCODE No.

Drawing No.
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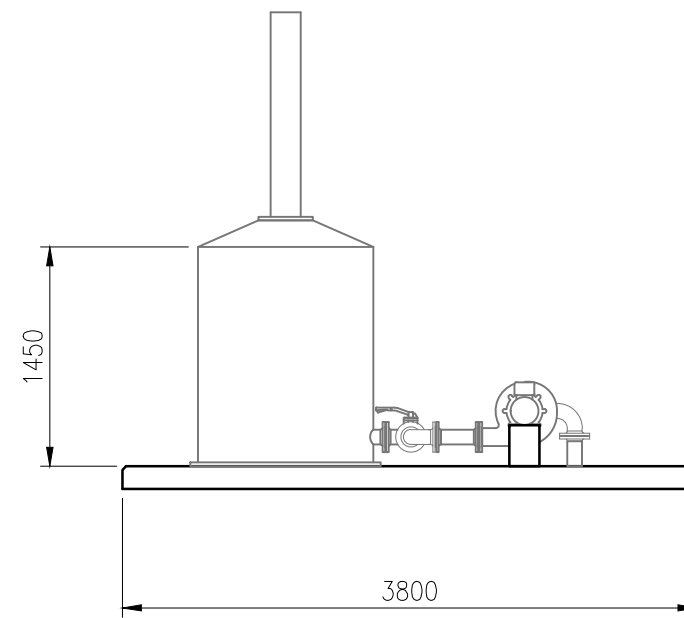
- Notes:
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 2. ALL CO-ORDINATES ARE TAKEN FROM ORDNANCE SURVEY INFORMATION.
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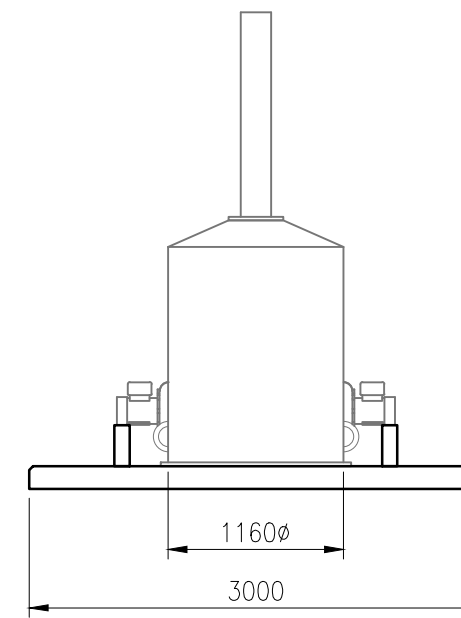
REAR ELEVATION



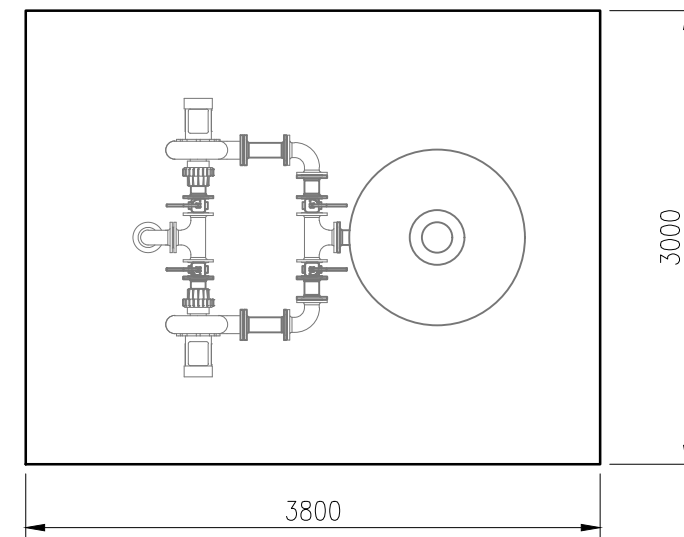
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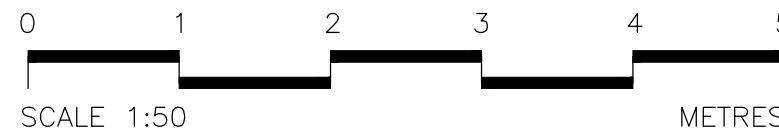
RIGHT ELEVATION



FRONT ELEVATION



PLAN VIEW



Rev	Description	Drawn	Chk'd	App'd.	Date
0A	PRELIMINARY	INK	JM	JM	29.04.19

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Drawn By I. KING	Date 18.04.19
Checked By J. MILLER	Date 29.04.19
Approved By J. MILLER	Date 29.04.19

Project Title
BOAT OF GARTEN WWTW

Drawing Title
**PLANNING DRAWING
SCRUBBER UNIT ELEVATIONS**

Status
PRELIMINARY

Scale
AS SHOWN

ELLIPSE EQUIPMENT No. 005000340121

ELLIPSE PLANT No. STW0003727 | AUTOCODE No.
Drawing No.
5000340121-WW-DRA-04181017-0A