

Agenda Item	6.2
Report No	PLN/048/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 24 November 2020

Report Title: 20/01245/FUL: Bells Seafoods Ltd per Kevin Sutherland
Unit 3 Seafood Park, Scrabster, Thurso, KW14 7UJ

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Erection of extension to building
Ward: 2 – Thurso and North West Caithness

1.2 **Development category:** Local

Reason referred to Committee: Elected Member request

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

2. Recommendations

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

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks consent to erect an extension on the western elevation of the existing Bells Seafood Factory. The proposed extension would be laid out over an L-shaped footprint and would significantly increase the size of the building, measuring 25m by 11m at its widest point. Similar to the existing building, the development is of a steel framed construction with low pitched roof measuring 3.8m to the eaves which would be finished in a cream colour. A roller door is proposed for the east elevation with a series of small rooflights also included on both eastern and western elevations.
- 3.2 There is an existing access into the site and communal parking areas close by, with existing waste collection space. The application notes no connection to the public sewer is required therefore it is assumed existing connections can be utilised.
- 3.3 No pre-application advice was sought in advance of this planning application.
- 3.4 There is no supporting information provided with the application however the applicant has noted the following via email correspondence during processing:
- The reason for the extension is to create more floor space as the current factory is too small.
 - There are no plans to increase staff, just make it a more comfortable area to work in.
 - The current COVID out break necessitates larger premises.
- 3.5 The proposed development has been reduced in width to avoid the need for excavation of the former sea wall/harbour defence slope adjacent to the A9 (amended plan submitted 10th July 2020).

4. SITE DESCRIPTION

- 4.1 The site comprises the existing factory and associated land to the west, lying in between the building and the steep embankment to the rear which then adjoins the A9. The factory is one of three identical units lying off the looped road in the Scrabster Industrial Estate characterised by its industrial and harbour related uses.

5. PLANNING HISTORY

- 5.1 19/05339/FUL: Erection of steel portal framed building Withdrawn 03.03.2020

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown Neighbour
Date Advertised: 27.03.2020
Representation deadline: 10.04.2020
Timeous representations: 0
Late representations: 0

7. CONSULTATIONS

- 7.1 **Access Officer:** No objections or comments. Information provided by Transport Scotland will protect the core path which is on the adopted footway contiguous to the A9.
- 7.2 **Contaminated Land Team:** No objections. The site is within an area of reclaimed foreshore. On reviewing Ordnance Survey maps, the area appears to have been reclaimed in the late 1980s/90s. The material used to reclaim the land is of unknown provenance and has the potential to be contaminative. However the proposed development would not materially change the risk of potential contamination, and a contaminated land condition which requires further investigation is not recommended. An informative is however recommended as land contamination issues may affect property value and all sites with a former industrial/commercial use may be investigated by the Highland Council in future under duties conferred by Part IIA of the Environmental Protection Act 1990.
- 7.3 **Health and Safety Executive** advise against the granting of planning permission. The site lies within the consultation zone and development proximity zone of a major hazard site (oil and petrol storage) therefore the development poses a risk of harm to people at the proposed development.
- 7.4 **Transport Scotland** initially raised concerns about how the development potentially interacts with the wall and embankment that support the A9 (lying above the proposed development) as the application details provided suggested that part of the small retaining wall may be demolished and re-aligned. Following receipt of an amended plan showing the width of the building reduced to avoid this area Transport Scotland have no objection to the application subject to conditions to secure no disturbance/excavation to, or close to, the retaining wall.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 41 - Business and Industrial Land
- 42 - Previously Used Land
- 56 - Travel
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

8.2 Caithness and Sutherland Local Development Plan 2018

Within Thurso/Scrabster Settlement Development and industrial allocation TS13 (Scrabster Harbour)

8.5 **Highland Council Supplementary Planning Policy Guidance**

Managing Waste in New Developments (March 2013)

Physical Constraints (March 2013)

Sustainable Design Guide (Jan 2013)

9. **OTHER MATERIAL POLICY CONSIDERATIONS**

9.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June 2014)

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.

Determining Issues

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.

Planning Considerations

10.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting and design
- c) access and parking
- d) drainage
- e) compatibility with major hazard site and views of the statutory consultee, Health and Safety Executive.

Development plan/other planning policy

10.4 The application is concerned with the extension of an existing business within an established industrial estate at Scrabster, west of Thurso. The extension is sizeable and would create just under 250sqm of new floorspace for the existing seafood processing business. In general terms the expansion of an existing business within an allocated industrial site is supported by the development plan as detailed in Policy 41 of the Highland-wide Local Development Plan and the industrial designation within which the site sits contained within the Caithness and Sutherland Local Development Plan. As such the principle of development is considered acceptable in this instance, subject to an assessment against the general policies of the Highland-wide Local Development Plan and material considerations as detailed below. Key to the assessment of this application has been the consultation comments received from the Health and Safety Executive owing to the site's proximity to an oil and petrol storage facility; regrettably this position has not been resolved with HSE recommending against the granting of planning permission.

Siting and Design

- 10.5 The proposed extension would more than double the footprint of the existing factory and would aid in tidying up the overall appearance of the site by utilising an existing unused area of hardstanding. The steel framed extension ties in with the existing units through use of mono-pitched roof and materials appropriate for the location. The development has been reduced in size following initial comments from Transport Scotland and therefore no excavation or work to the steep A9 embankment is required. As such there are no concerns with regard siting or design when assessed against the provisions of the development plan.

Access and Parking

- 10.6 There is an existing access to the site, formed to an acceptable standard with no modifications required. Although the extension is sizeable, the applicant has confirmed its purpose is to provide additional workspace and a more comfortable environment for staff rather than to increase the workforce therefore the existing parking areas (containing 4 spaces) remain appropriate. As such there are no concerns with regard access or parking when assessed against the provisions of the development and the Council's Roads Guidelines for New Developments.

Drainage

- 10.7 The application proposes to use an existing connection to the public sewer with a storm drain to be installed to deal with surface water in combination with existing surface water drainage measures. The proposal therefore complies with Policies 65 and 66 of the Highland-wide Local Development Plan.

Health and Safety Executive (HSE) Hazard

- 10.8 The proposed development site lies within the consultation distance of a HSE 'major hazard site' due to the proximity of an oil storage facility, which is also a large scale petrol storage site. This is the (Simpsons) oil business located 115m north of the proposed site. Having assessed the proposal against its land use planning methodology HSE have advised planning permission should not be granted on the basis that its assessment indicates that the risk of harm to people at the proposed development is such that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission. The HSE responses details that this is essentially due to the proposed extension not meeting the 'not normally occupied' criteria i.e. it will be staffed.
- 10.9 Whilst these major hazard sites are subject to the requirements of the Health and Safety at Work etc. Act 1974, HSE advise that the possibility remains that a major accident could occur at an installation and this could have serious consequences for people in the vicinity. As such it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.
- 10.10 The HSE consultation goes on to outline that the major hazard site is considered to be a large scale petrol storage site due to a Hazardous Substances Consent which was granted in 2003 (ref: 03/00026/HSCCA) and allows for the storage of almost 5,000 tonnes of fuel including 668 tonnes of petrol. HSE advise that in October 2014 the site de-notified under the Control of Major Accident Hazard (COMAH)

Regulations 1999 as less than 2,500 of hazardous substances were held on site and in particular petrol is no longer stored at the site. The COMAH de-notification process is not a planning process however and whilst it indicates the HSC referred to earlier may no longer be theoretically required due to reduced storage, the consent remains in place and therefore HSE must continue to consider the site as a major hazard. In particular, whilst petrol is understood to not currently be stored, whilst the HSC remains in place, conceivably petrol storage could be required in the future and therefore permissible under the current HSC.

- 10.11 Consideration was given to the revocation of the Hazardous Substances Consent as this would allow the HSE consultation zone around the major hazard site to be removed. The revocation process can be undertaken by the Planning Authority however would require to be instigated by the owners of the oil facility in the first instance. Correspondence provided by the applicant from the owners notes that they do not wish for the consent to be revoked, as it would allow for petrol storage in the future as well as an increase in oil storage should this be required. As such it has not been possible to take forward a revocation.
- 10.12 There is a requirement under Policy 30 of the Highland-wide Local Development Plan for proposals to take account of physical constraints to development including Health and Safety Executive constraints as detailed in the associated 'Physical Constraints Supplementary Guidance'. In this instance, the Planning Authority are aware the oil storage facility is now storing less hazardous substances than allowed for the Hazardous Substances Consent including no storage of petrol however whilst the HSC remains in place there remains a possibility such storage could resume in the future and as such it is not considered that there is sufficient grounds to overrule the comments of the Health and Safety Executive in this instance. As such it is concluded that the application is contrary to the provisions of Policy 30 and its associated Supplementary Guidance.

11. CONCLUSION

- 11.1 The application is concerned with the erection of extension which would allow an existing business to expand; the need for which is exacerbated as result of the COVID pandemic and associated social distancing requirements. The Planning Authority fully appreciates the rationale for the proposed development and it is considered that in the vast majority of considerations the development accords with the development plan raising no concern in terms of siting or design and with existing access and drainage requirements in place. The proposal is however problematic in terms of the Health and Safety Executive major hazard site which theoretically results in the development posing a risk to human health and safety. Regrettably, no pragmatic solution to the issue has been found and the Planning Authority is therefore in the unfortunate position of having to recommend refusal.
- 11.2 As the HSE is a statutory consultee, Scottish Ministers would required to be notified if Highland Council were minded to grant approval and would have the opportunity to 'call in' the application for final determination.
- 11.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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	Y	Referral to Ward Members
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Notification to Scottish Ministers	N	
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Conclusion of Section 75 Obligation	N	
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Revocation of previous permission	N	
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Subject to the above, it is recommended that planning permission be **REFUSED**, subject to the following:

Reasons for Refusal

1. The application is contrary to the provisions of Policy 30 of the Highland-wide Local Development (Physical Constraints) and related Supplementary Guidance as the development site lies within the Development Proximity Zone of a Health and Safety Executive Major Hazard site and therefore poses a risk to human health and safety.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

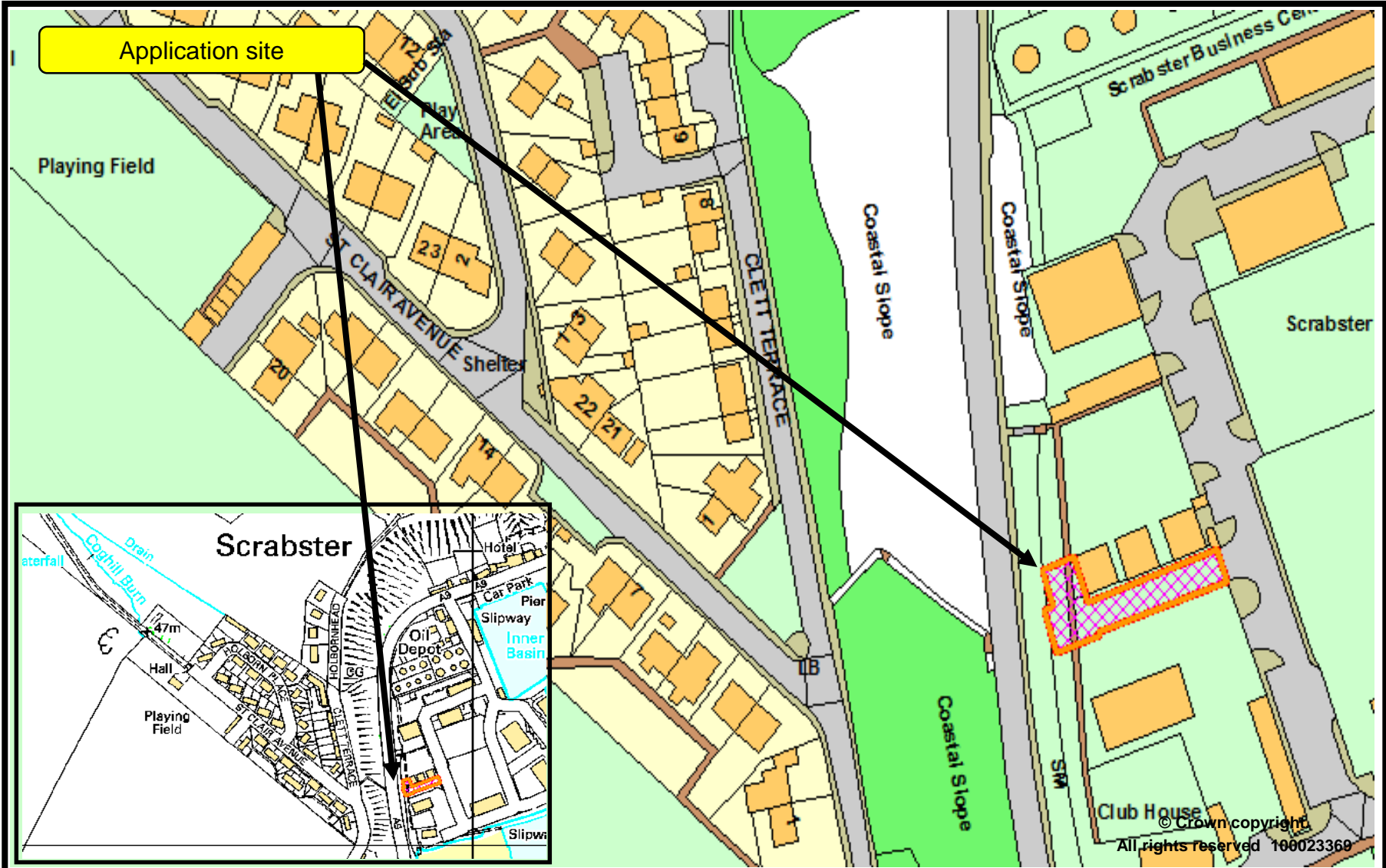
Designation: Acting Head of Development Management – Highland

Author: Gillian Pearson

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

Relevant Plans: Plan 1 - Location Plan 000001

Plan 2 - General Plan 520-BSF-1 REV 3



Application site

Scrabster

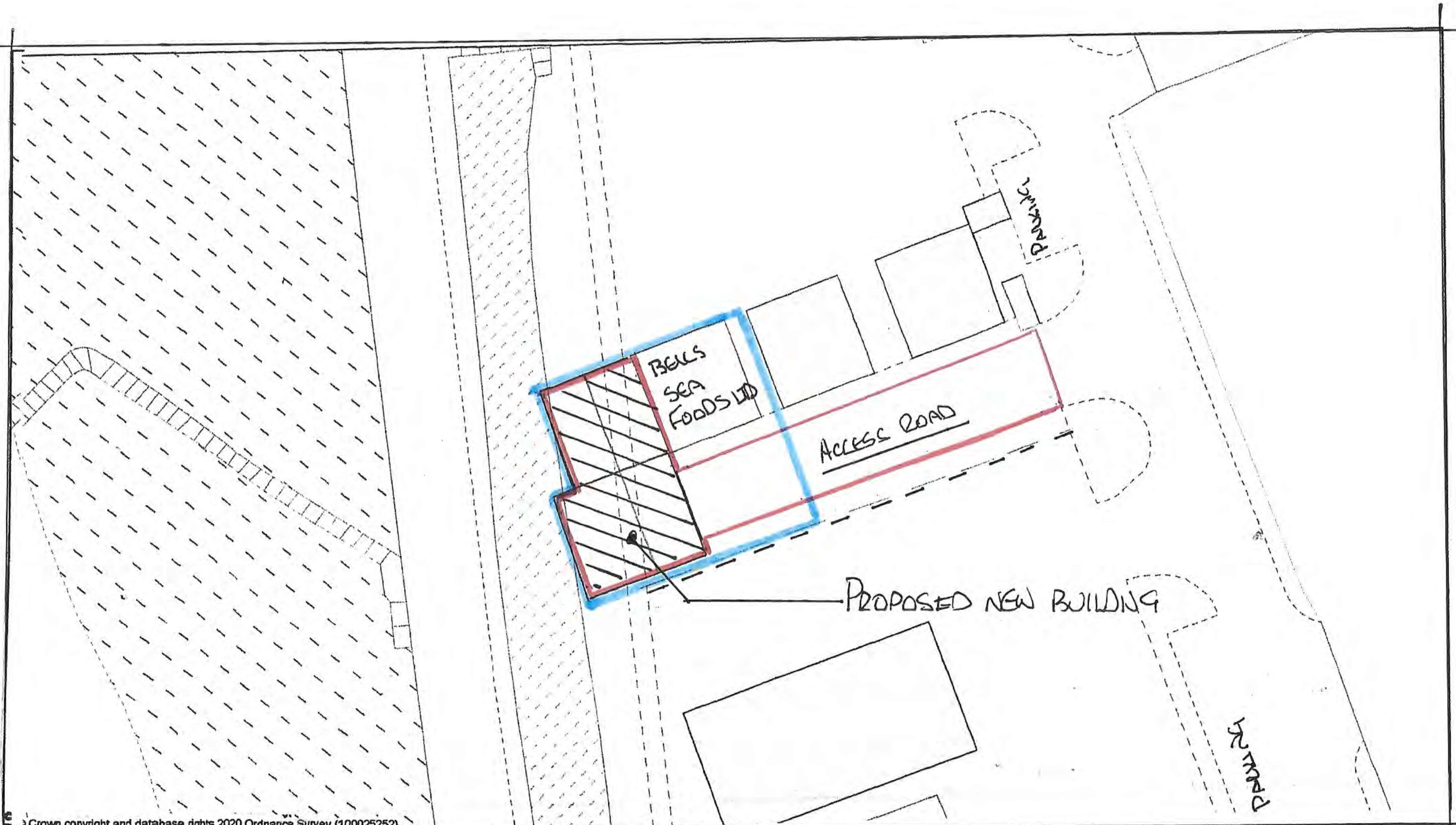


The Highland Council
Comhairle na Gàidhealtachd

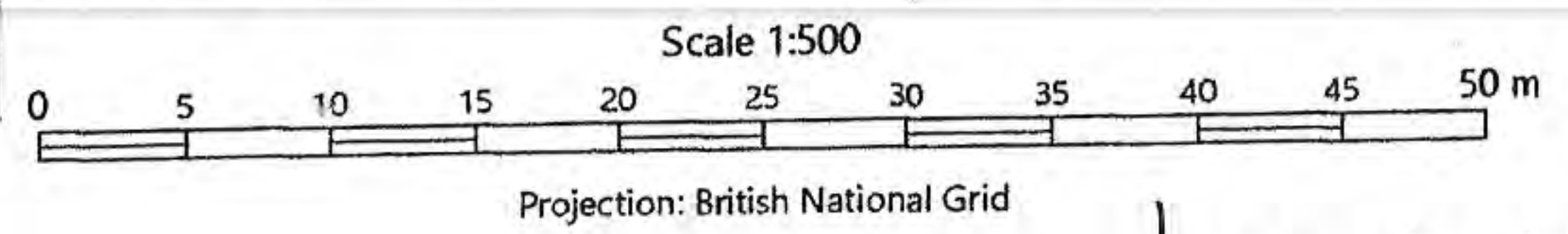
Planning and Development Service

20/01245/FUL
Unit 3 Seafood Park Scrabster
Erection of extension to building.

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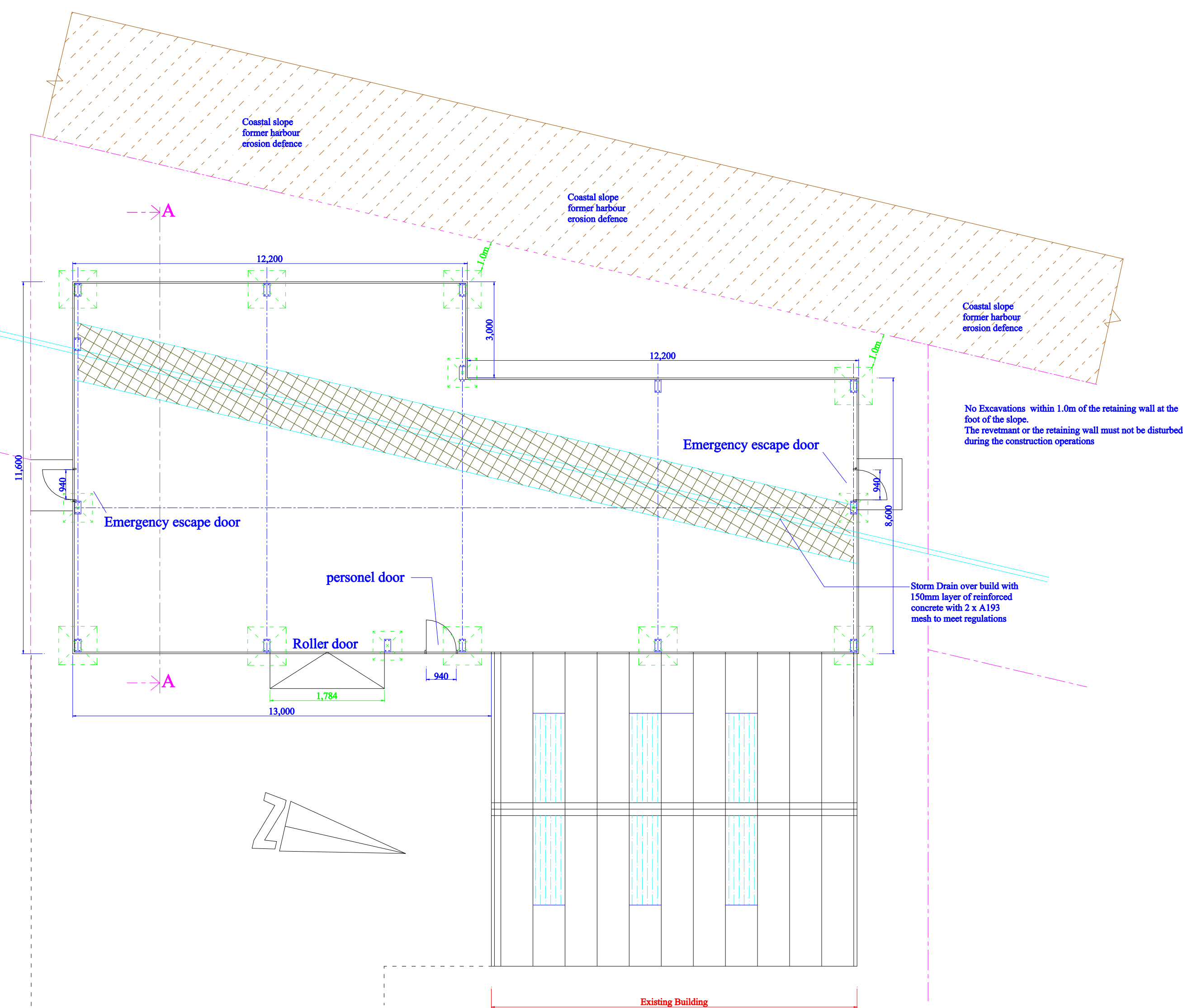


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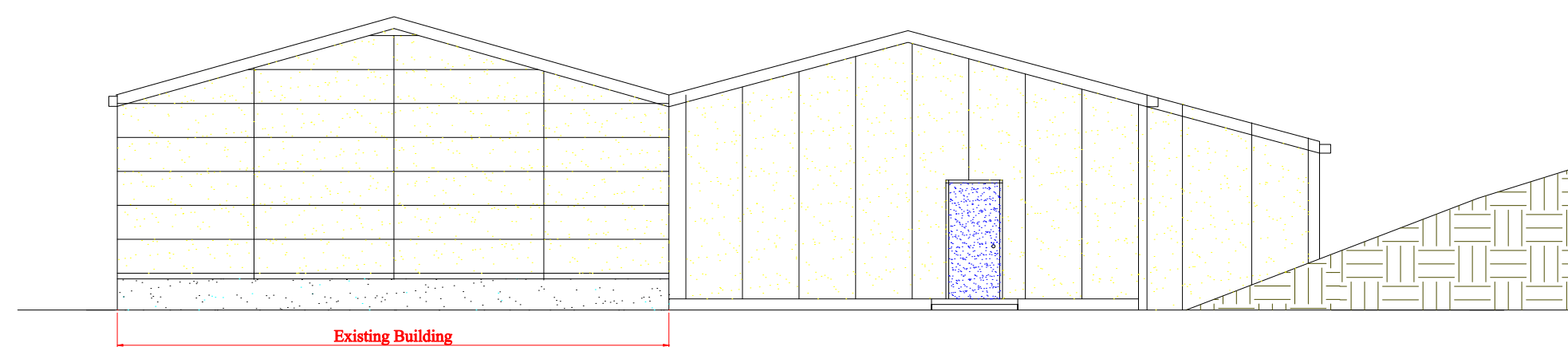


LOCATION PLAN

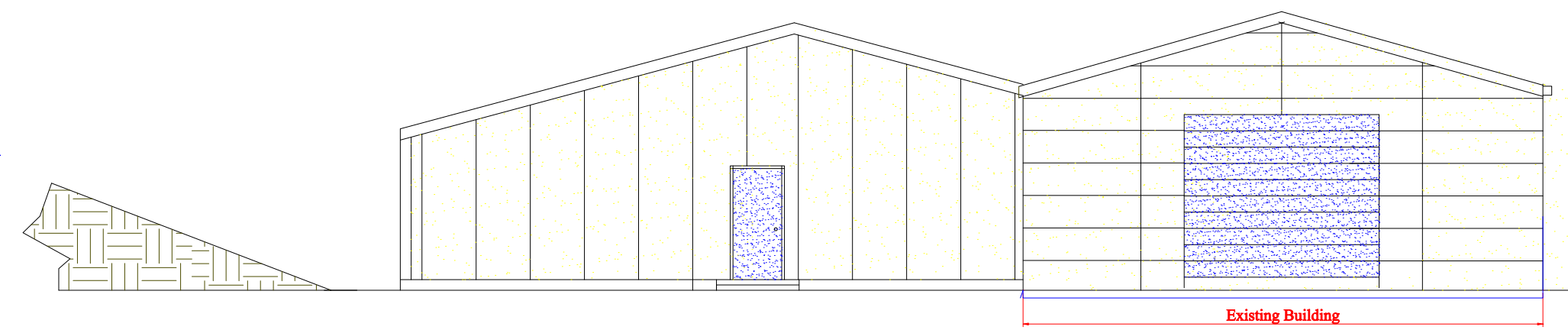
PROPOSED FISH PROCESSING
FACTORY AT SCARBOROUGH HARBOUR
FOR BELLES SEA FOODS LTD



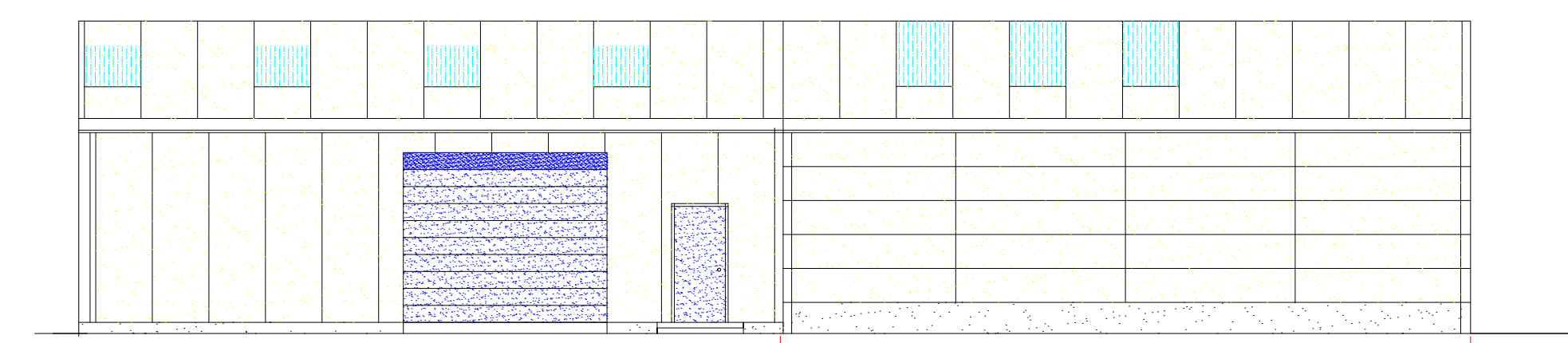
Proposed Floor Plan of Factory (1:100)



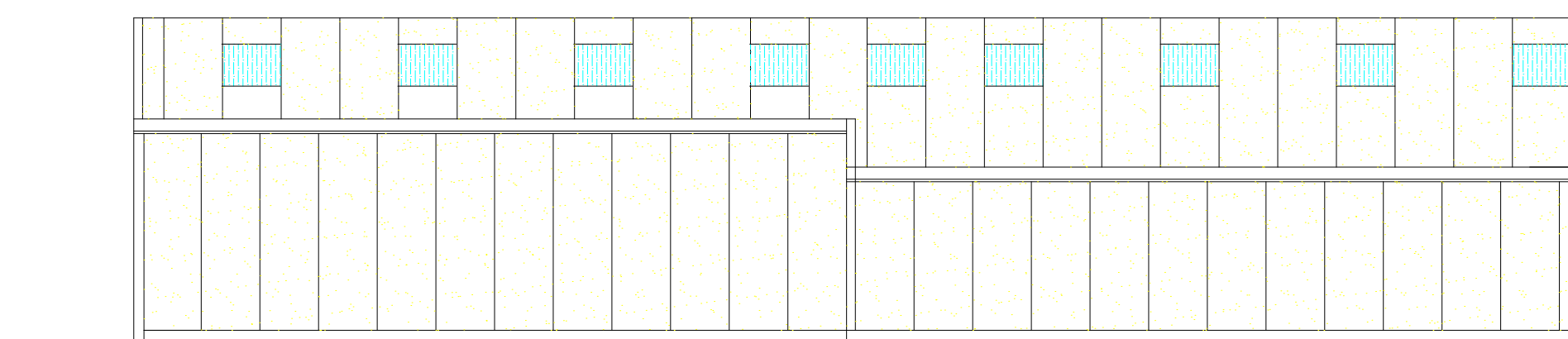
North Elevation (1:100)



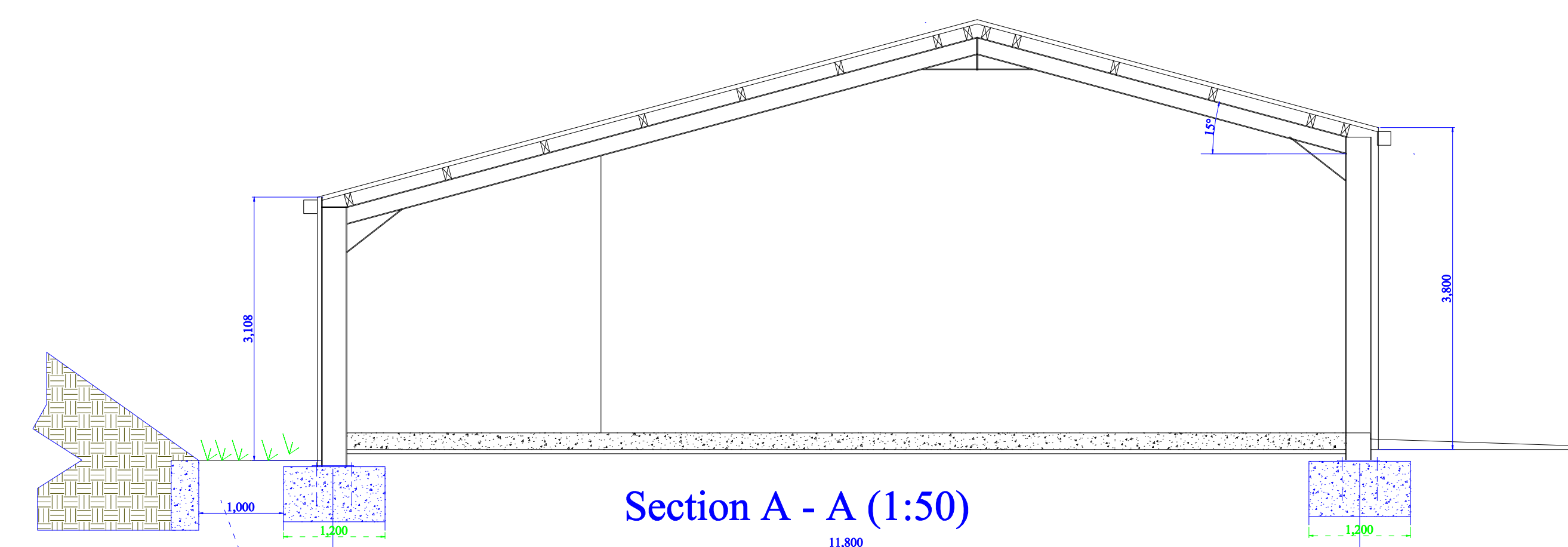
South Elevation (1:100)



East Elevation (1:100)



West Elevation (1:100)



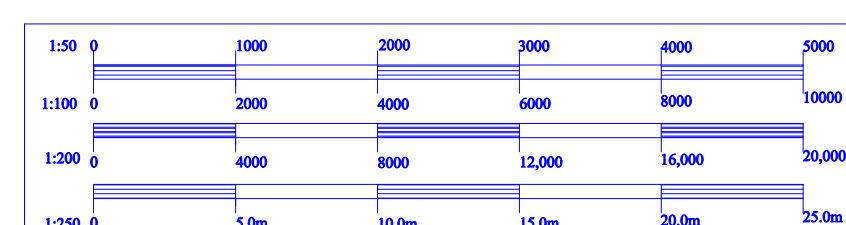
Section A - A (1:50)

No Excavations within 1.0m of the retaining wall at the foot of the slope. The revetment or the retaining wall must not be disturbed during the construction operations



Site Plan (1:500)

Scale Bars



Site works

All turf, roots, wood and vegetable matter to be removed from area under the foot print of the building including area 1.2m around the building and stored on site for landscaping use. Ensure no services & drains are within the foot print of the building

Foundations

Constructed from minimum 1200mm x 1200mm x 600mm deep reinforced concrete pad foundations with 2 layers A193 mesh with 50mm min cover at base and 50mm cover at top with a 200mm thick x 450mm strip foundation for edge wall support. Refer to Structural Engineers Dwg for details

Walls / Superstructure

Proprietary made steel frame building supplied by Buldo Contractors c/w engineers SBR certificate constructed to ISO 9001:2008 with manufacturer to supply structural calculations and CE details. Steel framework from galvanized steel sections, with plates, cleats all hot dipped galvanized finish with bright zinc bolts and fittings. All exposed structural steel work to have intumescent paint applied to manufacturers guidelines. Cladding from 0.7mm thick box profile sheeting fixed to Purlings or similar in cream colour to match existing building c/w with flashings and fillers to match.

Floors

150mm reinforced concrete with 1 layer A193mesh in lower section with 50mm min cover on 200g DPM with 25mm insulation edge to eliminate cold bridging with expansion joints at 6.0m max distance. On 40mm sand bedding course on compacted hardcore layers.

Roof

Steel framework 15° pitch, from galvanized steel sections, with plates, cleats all hot dipped galvanized finish with bright zinc bolts and fittings. Cladding from 0.7mm thick box profile composite steel sheeting in cream colour sheets to match existing building with 100mm insulation on "Top Hat" purlings with flashings and fillers to match.

Roof lights panels as shown in each unit as indicated, equal to 10% of floor area minimum.

Doors

Roller type power operated to entrance and goods entrance in blue with White Upvc double glazed door fitted to have a U value of 1.4 or better. Secured by design to BS 7412 -2007, and tested to PAS 24 2007 for doors. Fixing of door set to meet section 9 of BS 8213-4:2007. Glazing with in 900mm from floor levels or part of a door leaf or within 300mm of door leaf and 1.5m from floor to be safety glass to meet BS 6262 pt 1 : 2005

Electrical

All new installations to comply with current regulations BS 7671. Sockets set at 500mm from floor 350mm from internal corners, 150mm above work surfaces and light switches set at 1.0m from floor level. Emergency Signs and lighting above exits indicated. External lighting at all external door ways to be fitted with PIR switching. All new lights to be low energy types. Fit Category L5 fire alarm system with Ionizing Smoke alarm in units to BS 5839 part 1 : 2002

Plumbing & Drainage

Foul water to discharge into existing mains sewer system with 110mm structural pipe work to discharge manhole at site boundary with 150mm structured wall pipe to sewer located on Ormle Industrial Estate road all to BS EN 12056-1:2000. Gutters and Rwp's to be installed at meet BS EN 12056-3 :2000 with the surface water to discharge into local soakaway to BS EN 12056-3 :2000. and to be tested to ensure system is installed & functioning correctly. Surface water drainage system to discharge into existing surface water system via gullies / traps in 110mm solid wall pipe in protected gravel around building & 110mm structural walled pipe under the access road. Completed system to be tested to BS EN 1610 : 1998

Heating

Not required due to work activities (cold room) Fire Safety design summary will be provided at the time of completion and uploaded to the portal.

Dwg No:520/BSF/ 1v3
 Title :- Floor Plan of New Fish Processing Building
 Drawn By KAS
 Date 30/06/20
 Scale(s) 1:50, 1:100 & 1:500

Bells Sea Foods Ltd
 Extension Building
 Scrabster Harbour
 Industrial Estate Thurso
 Caithness