

Agenda Item	6.4
Report No	PLS-030-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 April 2021
Report Title: 20/05057/FUL: Mr Kaspars Baldins
The Chalet, Gorthleck, Inverness, IV2 6UJ
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Temporary siting of 3no. static caravans (forestry workers/ Baltic Forestry Ltd) storage and maintenance of unoccupied touring caravans
Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: Objection from Community Council and more than 5 objections

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 This is a detailed application for the temporary siting of 3No. static caravans, and the storage and maintenance of unoccupied touring caravans. The application specifically relates to the use of the site as a temporary operational base for the static and touring vans for forestry workers of Baltic Forestry Ltd.
- 1.2 The site has a long-established vehicle access from the B862 to the south.
- 1.3 Pre-Application Consultation: The proposal has been subject to discussion with the site owner and applicant following a Planning Enforcement case (19/00528/ENF) relating to the unauthorised use of the yard for the siting and storage of caravans.
- 1.4 Supporting Information: Supporting Statement:
Planning permission is sought to regularise the current situation of static caravans, touring caravans and hours of operation at the contractors' yard.
The static caravans are for occasional use only, as required by the site change over periods for each forestry team.
During COVID people are split into teams or shift groups, this happens between the same people. The forestry teams are in fixed 'bubbles' and as such need to remain in their groups between the changeover to successive forestry sites.
The static caravans are solely for the use of BBaltic Forestry workers during change over periods. The touring caravans are for work use solely outwith the yard, and are intended to be maintained and stored in the yard. New occupation of the touring caravans is proposed. Operations within the yard would.
- 1.5 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site is located in Gorthleck village to the south side of the B862 and slopes from north to south towards the road. To the west, east and south of the site is housing. To the immediate northern boundary, the land has tree cover. A separate planning application for a house (21/00625/FUL) is currently pending in this area. The application site has varying degrees of tree screening to its boundaries.
- 2.2 The site has a long-established use as a contractors' yard, with use by the Council for roads maintenance, and also for temporary uses relating to windfarm developments in the area. There are existing storage buildings on the site, as well as areas of hard standing, which are generally in the centre-north-west of the site.

3. PLANNING HISTORY

- | | | | |
|-----|-------------|---|--------------------------|
| 3.1 | 09 Dec 2019 | 19/00528/ENF – Unauthorised Change of Use | Pending
Consideration |
|-----|-------------|---|--------------------------|

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour and Schedule 3

Date Advertised: 22.01.2021

Representation deadline: 05.02.2021

Timeous representations: 11

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Location of touring caravans within the site
- b) Touring caravans being lived in; family use rather than single forestry workers
- c) Increased traffic and road safety
- d) Burning of waste, pollution
- e) Noise
- f) Light pollution
- g) Fence damage
- h) Location of treatment plant and soakaway – proximity to burn and houses
- i) Fencing 8 foot high close boarded timber fence requested
- j) Length of any permission granted

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 **Stratherrick Community Council:** Object

1. Caravans and residents on site over a year, children resident attend local schools. Concerned about site suitability and feel strongly about sub-standard conditions.

2. Environmental impact - no written information about water supply and effluent discharge. Note treatment plant on drawings. No consultation with Scottish Water or SEPA available. Concerned about environmental impact.

Very serious concerns regarding proposal. If project were to receive approval, ask mitigations considered:

- time limit is set on the temporary arrangement
- reports from Scottish Water and SEPA
- clear conditions restricting the occupancy of the three static caravans to forestry workers only; no other occupancy including family members; and no occupancy of the touring units permitted

5.2 **Environmental Health:** No objection, subject to conditions.

Application states that the static caravans are to be used solely by forestry workers employed by BBaltic Forestry Ltd and the touring caravans are to be unoccupied at all times. Note there have been a number of comments submitted which have claimed that previously, the level of occupancy has been significantly higher than that which has been applied for.

Recommend a condition clearly restricting the occupancy of the three static caravans to forestry workers only, and no other occupancy, including family members; and no occupancy of any of the touring units.

Note representations relating to:

- Noise from the site impacting on neighbouring noise sensitive properties. It is not clear what level of maintenance work will be involved but as a precaution, recommend conditions.
- Provision of a noise barrier to be erected in the form of a close boarded wooden fence. This would significantly help mitigate noise arising from the site.

An informative relating to site licensing is requested.

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 & Place-making
36 - Development in the Wider Countryside
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

Policy 3 Other Settlements (Gorthleck)

6.3 Highland Council Supplementary Planning Policy Guidance

None

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

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) layout and occupation

- c) drainage
- d) access and road safety
- e) waste and pollution
- f) noise
- g) light pollution
- h) fencing
- i) duration of any planning permission granted
- j) any other material considerations.

Development plan/other planning policy

- 8.4 This site is located within the Wider Countryside area as defined in the Highland-wide Local Development Plan and Policy 36 – Development in the Wider Countryside is the most relevant policy to consider in the first instance. This policy supports development proposals where they are not judged to be significantly detrimental in terms of siting and design, respect existing patterns of development, are compatible with landscape character and capacity, avoids incremental expansion of one particular development type, avoids locally important croft land and can address drainage constraints without impacting the rural character of the area.
- 8.5 The site lies the settlement of Gorthleck as defined by Policy 3 – Other Settlements of the Inner Moray Firth Local Development Plan. Proposals will be assessed against the extent to which they:
- are located within active travel range of at least one community/commercial facility on the proposal is likely to help sustain that facility;
 - are similar in terms of its spacing, scale and density to development within or adjoining that existing settlement;
 - may harm the character and social balance of that community;
 - can utilise spare, existing capacity in the infrastructure network (education, roads, other transport, water, sewage etc) within or close to that settlement or new/improved infrastructure could be provided in a cost-efficient manner
- 8.6 Providing that the proposals are acceptable in terms of their siting and design, would have no significant adverse impact on individual and/or community residential amenity, existing infrastructure or the natural environment the development would comply with the Development Plan.

Layout and occupation

- 8.7 The proposal has three distinct elements:
- three static caravans to the north western corner of the site – the ‘forester’s compound’
 - an area to the south of the static caravans where touring caravans can be stored - the ‘storage and repair yard’ area. This is separated from the static caravan area by a small bund and is set at a lower level due to the natural slope of the site.

- a private foul drainage system serving the three static caravans located to the west of the touring caravans, with the soakaway area located to the west of the touring caravans

- 8.8 The submitted plans indicate a total of 20 touring caravans arranged in a horseshoe shape in order to allow they are towing for removal off site. These would then be available for the staff to use for accommodation in remote locations where forestry operations are being conducted. The supporting statement indicates that the static caravans are to be used for occasional use during forestry team change over periods of between 5 to 10 nights per month.
- 8.9 Members will note that the application is made specifically by the forestry operator for its own use and that the occupation of the static caravans is to be by employees only. The occupation and use of the static and touring caravans on site can be controlled by both condition and a caravan site licence.

Drainage

- 8.10 The proposal includes the private fell water drainage system along the western edge of the site. This incorporates a package treatment plant and discharge to a trench soakaway. The proposed system has to comply with the current technical standards of the Building Regulations.

Access and Road Safety

- 8.11 The site is located in a long-established contractors' yard. The access to this is from a wide bellmouth onto the single track B862, with good visibility onto a straight section of road. The site has had larger commercial vehicles and vans using it during this period. It is considered to be an acceptable access to serve the proposed temporary use, which will have relatively occasional and irregular movement of towed touring caravans.

Waste and Pollution

- 8.12 The use of the site for temporary and occasional residential use in static caravans by forestry workers only requires that those workers and the managers of the site to properly dispose of any residential waste by Council uplift, or private contractor. The disposal of any commercial waste should be undertaken using commercial waste transfer and disposal. It is not anticipated that the residential use of the site is likely to result in any commercial waste. Members will note that any illegal disposal of commercial waste at the site, or resultant pollution, would be a matter for SEPA to investigate and assess.

Noise

- 8.13 The use of the site for temporary and occasional residential use in static caravans by forestry workers only – effectively as a residential base for remote commercial forestry work – will result in some noise during the movement of vehicles from the static caravans, or the movement of static caravans. The applicant has indicated that the timing of this movement would cease between 20:00 and 07:00 to take account of the residential nature of the area around the site. The movement of

vehicles associated with the proposal could be controlled by condition; however, the reasonableness, proportionality, and enforceability of such potential control should be considered, particularly as there are currently no restrictions on the contractors' yard in this respect. In order to provide for the maintenance of amenity to the area, it would seem appropriate to restrict the movement of vehicles towing touring caravans – and therefore significant movement at the touring caravan storage area – in line with the hours indicated in the application. However, Members will note that it would be difficult to clearly differentiate between the movement of vehicles such as vans for private or forestry use, particularly when the vehicle may have a dual use.

- 8.14 Noise complaints arising from the temporary use of the site would be assessed by Environmental Health in relation to whether it constituted a statutory noise nuisance.

Light Pollution

- 8.15 The application does not include any floodlighting proposals. Vehicle movements during the hours of darkness will have associated lighting. There will be some lighting spill from within the 3 static caravans. However, these are both likely to be limited, and are not considered to result in any significant light pollution. Nevertheless, a condition relating to the control of any external lighting at the site is considered appropriate in order to control potential impact on neighbouring residential amenity.

Fencing

- 8.16 Representations have suggested that boundary fencing has previously been damaged. This would be a civil matter to take up with the owner and tenant of the site. Representations have also suggested that additional fencing should be provided to improve the amenity of adjacent properties from the site. It should be noted that there is already fencing, tree planting, and bunding within the site. In order to improve the amenity of immediately neighbouring properties, a fencing condition is suggested.

Duration of Planning Permission

- 8.17 The application is for the temporary use of the site for the storage of touring caravans and the siting of static caravans as accommodation for a business to support forestry business across the Highlands. It is considered appropriate that a condition restricting the duration of Planning Permission is attached to any decision. In order to give the applicant a degree of comfort, a period of 2 years is considered to be appropriate. This allows for the monitoring of the use and management of the site, and also ensures that the site use for itinerant workers is not left open-ended. In addition, a permission specifically restricted to the applicant, Mr Kaspars Baldins (BBaltic Forestry) will also ensure that the use of the site is only for forestry operations.

Other material considerations

- 8.18 None.

Non-material considerations

- 8.19 The issue of anti-social behaviour on the site is not a material planning consideration and were it to arise this would be the responsibility of Police Scotland.
- 8.20 The impact of a development on the perceived value of property is not a material planning consideration.

Developer Contributions

- 8.21 The development is not designed to be for permanent residential occupancy and therefore no developer contributions are necessary.

Matters to be secured by Section 75 Agreement

- 8.22 None

9. CONCLUSION

- 9.1 The proposal is for a very specific accommodation requirement for itinerant forestry workers involved in forestry operations across the Highlands. The static caravans are to be used as a base during operational changes, with the touring caravans being taken off site to felling operations for the duration of those operations, providing accommodation and shelter, in often otherwise difficult and remote locations with limited accommodation options for workers. The development supports the forestry industry across the north and provides consolidation of employment opportunities.
- 9.2 The proposal makes use of an existing contractors' compound which has had various short and long term uses over a long period of time. Mitigation measures are proposed relating to boundary fencing and vehicle movement and these can be controlled by condition. Furthermore, conditions specifically relating to the applicant/business use of the site, and the duration of the use for a maximum of 2 years, are considered to provide the Planning Authority with an appropriate level of control over the site, balancing the interests of the business, and the surrounding residential interests.
- 9.3 Representations have raised matters relating to foul drainage which is controlled by technical standards administered under separate legislation by the Building Standards Authority; potential noise complaint which would be assessed by the Environmental Health Authority; and pollution which would be assessed by SEPA.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords generally, although not completely, 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

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

Conditions and Reasons

1. Within 1 month from the date of this permission, the developer shall have provided a fencing plan for the boundaries of the site where they are proximate to neighbouring housing. The fencing shall be close boarded vertical timber and shall be at a height of at least 2m. The agreed fencing plan shall thereafter be erected by the developer within one month to the satisfaction of the Planning Authority.

Reason: In order to maintain and enhance the amenity of neighbouring residential properties.

2. Touring caravan movement on or off the site shall be restricted to 0700 to 2000 only on any day.

Reason: In order to maintain and enhance the amenity of neighbouring residential properties.

3. The (maximum 3) static and (maximum 20) touring caravans within the application site are permitted solely for the use of the applicant (Mr Kaspars Baldins (BBaltic Forestry)) or any employees only, for the duration of 2 years from the date of this permission, and that within one week from the end of the 2 year period, the touring and static caravans shall be removed permanently from the application site, along with all associated fixtures and fittings. For the avoidance of doubt, the static and touring caravans shall not be used by any workers family members, and that the touring caravans stored on site are not to be occupied at any time.

Reason: To ensure that the development does not become used for permanent residential occupation, that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual

amenity, and as static and touring caravans are not considered to be suitable permanent accommodation.

4. Within 1 month from the date of this permission, the developer shall have submitted written and plan details of any external lighting of the hardstanding areas at the 3 static, or 20 touring caravans, for the approval in writing of the Planning Authority in consultation with the Environmental Health Authority. For the avoidance of doubt, any lighting shall be low level, LED, and fitted with timers / infra-red sensors; high level halogen lighting shall not be acceptable. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to maintain the amenity of the site and neighbouring residential properties and to prevent light pollution.

REASON FOR DECISION

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.

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 NatureScot 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 NatureScot:

<https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Caravan Site Licence

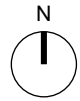
The site will require a caravan site licence. Please contact env.health@highland.gov.uk for more information.

Designation: Area Planning Manager – South
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 Location/site layout - Plan 01 Rev A
Plan 2 Proposed site layout - Plan 02 Rev A
Plan 3 Phot/visual information – aerial view - Plan 03 Rev A

1 LOCATION PLAN

Scale 1:10,000 @ A3

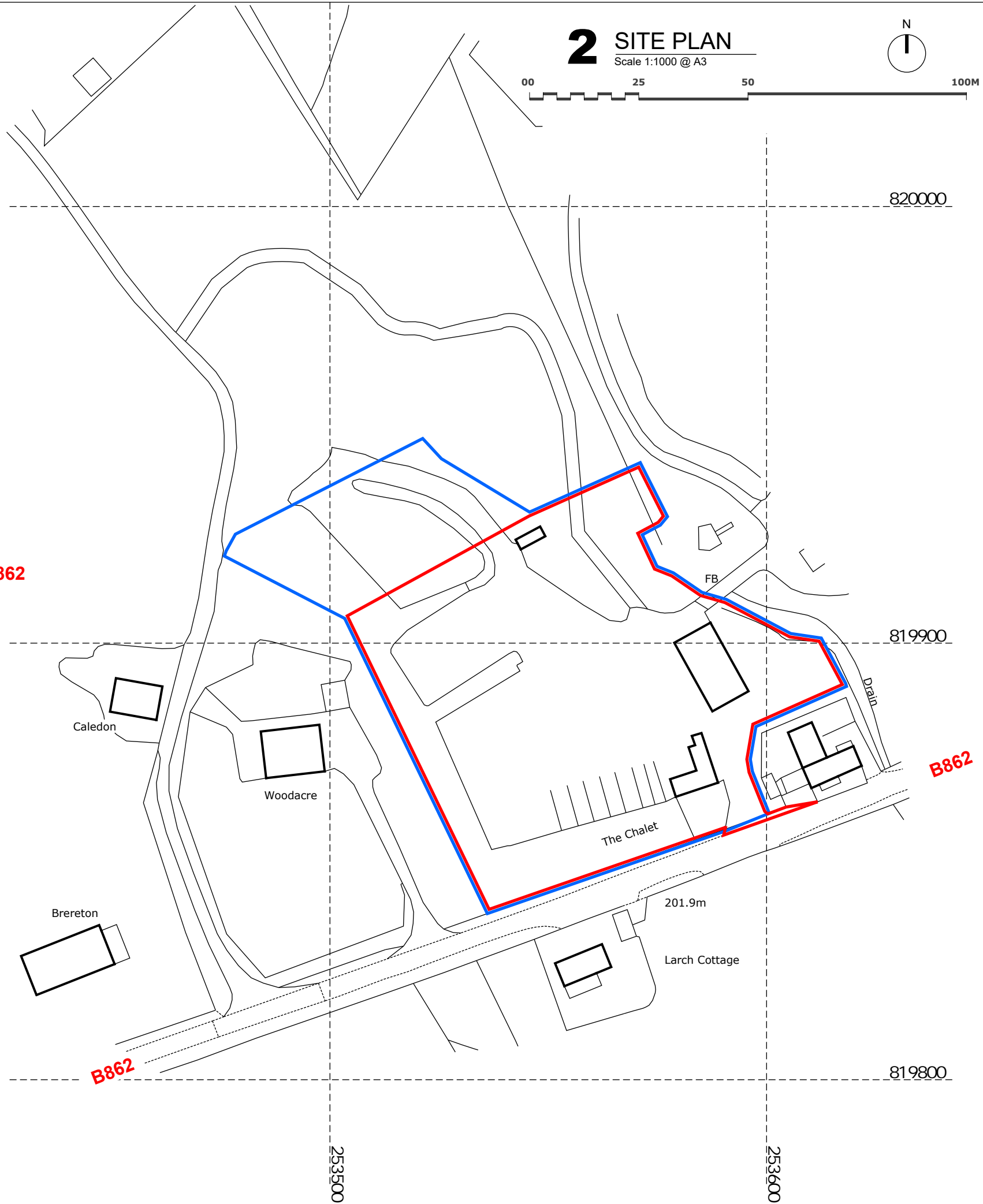
00 200 400 800M



2 SITE PLAN

Scale 1:1000 @ A3

00 25 50 100M



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Rev	Description	Date
A	Reduction to 3 Static	18/12/20

TEMPORARY PLANNING

BBaltic Forestry Ltd
Gorthleck
Inverness
IV2 6UJ

Location & Site Plans

Scale:	Date:	Drawn:	Checked:
1:1000@A3 or as noted	18/12/20	FAS	MAW

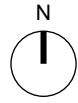
Project Number:	Drawing:	Revision:
I-7187	01	A

I-7187 01 A

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1 SITE PLAN

Scale 1:500 @ A3



7892m2
1.95 acres

253500

253600

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62 Academy Street Inverness IV1 1LP
t: 01463 240066 f: 01463 717247
admin@hri-architects.com

www.hri-architects.com

Existing Static Caravan
relocated to compound

Foresters
changeover
accommodation
compound

Existing Tyre /Earth wall

Novo UK12 Gravity
Package Treatment plant

Storage &
Repair Yard

Storage &
Repair Shed

819900

Inspection /Sample chamber
including a T-piece inlet

Woodacre

8.2m

Discharge to land via trench soakaway
perforated distributor pipe.

Inspection chamber

14.2m

The Chalet

Access to Yard

Correspondence address:
BBALTIC FORESTRY LTD
Kaspars Baldins,
The Chalet, Gorthleck, Inverness,
United Kingdom, IV2 6UJ

Rev	Description	Date
A	Reduction to 3 Static	18/12/20

TEMPORARY PLANNING

BBaltic Forestry Ltd
Gorthleck
Inverness
IV2 6UJ

As Proposed Site Plan

Scale:	Date:	Drawn:	Checked:
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Caledon

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Parking

parking

Drain

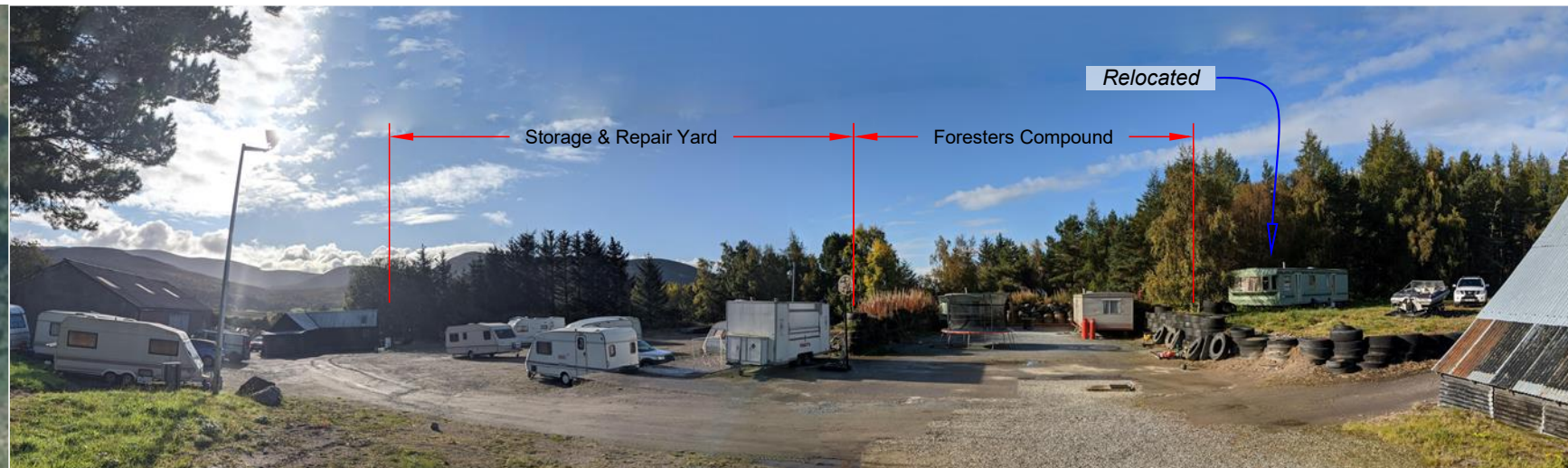
To Errogle

201.9m

Larch Cottage

B862

To Whitebridge



Rev	Description	Date
A	Reduction to 3 Static	18/12/20

TEMPORARY PLANNING

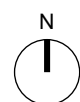
BBaltic Forestry Ltd
Gorthleck
Inverness
IV2 6UJ

Supporting Information
Aerial view on site

Scale:	Date:	Drawn:	Checked:
1:1250@ A3 or as noted	18/12/20	FAS	MAW

Project Number:	Drawing:	Revision:
I-7187	03	A

1 Aerial View on site
Scale 1:1250 @ A3



00 35 70 140M