

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
20 May 2014**

Agenda Item	5.13
Report No	PLS/044/14

**14/01367/FUL: Mrs Brenda MacKenzie
18 - 21 Harbour Road, Inverness, IV1 1UA**

Report by Area Planning Manager – South

SUMMARY

Description: Change of use of Unit 4 from Euro car rental to pet supplies and delivery service

Recommendation: GRANT

Ward: 17 - Inverness Millburn

Development category: Local

Pre-determination hearing: N/A

Reason referred to Committee: 5 objections.

1. PROPOSAL

- 1.1 The application proposes the use of the existing unit as a pet supply and delivery service. The internal layout is divided into a retail element (45m²), storage and office space. There are to be 3 staff on the premises at any one time, 2 in the delivery store and 1 in the office.
- 1.2 Pre-application advice was offered in relation to this development under reference 14/00093/PREAPP.
- 1.3 The application site relates to an existing vacant commercial unit on Harbour Road. The applicant has indicated that the premises are served by the public water supply and drainage networks, and will make use of an existing SUDS system. The site is served by a shared access from Harbour Road. There are seven dedicated car parking spaces associated with the unit, and there is an area of shared parking to the rear.
- 1.4 A supporting statement has been submitted with this application which describes the proposed business and addresses several of the points made in letters of representation.
- 1.5 An additional plan showing the proposed internal layout has been submitted during the course of the application.

2. SITE DESCRIPTION

- 2.1 The site is located within the Longman Industrial Estate and the unit was previously used by a car hire company. It should be noted that because the established use of the site is *sui generis* then planning permission is required in this instance. The site forms part of a long row of commercial premises and is served by an existing shared access which extends from Harbour Road, with dedicated and shared parking provision.

3. PLANNING HISTORY

- 3.1 None.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Representation deadline: 02.05.2014

Timeous representations: 5

Late representations: 1

- 4.2 Main issues raised are summarised as follows:

- There are already similar businesses in the vicinity of this proposed development.
- Inverness is over subscribed with this type of business.
- The proposed business will need around 6 deliveries per week and it is not possible to enter into the parking area to the rear of the site. As a result, HGV's will be forced to park on Harbour Road, and will obstruct other traffic when unloading deliveries.
- The proposed business will add to the congestion of Harbour Road.
- The car park to the rear of the proposed business is already at capacity.
- There are no pedestrian pathways to the unit.
- Retail business is not appropriate in this part of the Longman Industrial Estate.
- It presents a risk that customers will bring animals to the premises which may lead to animals running around unsupervised, to the detriment of road safety.

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Transport Planning** : No objection.

5.2 **Contaminated Land** : No objection. Informative recommended regarding the potential for contamination due to its former use as a Council yard.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

28 Sustainable Design

29 Design Quality and Place-Making

34 Settlement Development Areas

41 Business and Industrial Land

66 Surface Water Drainage

6.2 Inverness Local Plan (March 2006) (as continued in force)

13 Longman

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (June 2011)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, February 2010)

8. PLANNING APPRAISAL

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

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The application proposes the use of this vacant unit as a pet supply and delivery service. Policy 34 of the Highland-wide Local Development Plan identifies Settlement Development Areas as the preferred areas for most types of development. However, the policy also states that development proposals within designated Settlement Development Areas must adhere to a range of criteria including, crucially in this case, conforming with existing and approved land uses and with Policy 28 Sustainable Design which contains the criteria for assessing new developments – that is, on the extent to which they are compatible with public service provision; are accessible by public transport, cycling, walking and the car; maximise energy efficiency in terms of location, layout and design; are affected by physical constraints as described in the relevant supplementary guidance; make use of brownfield sites, existing buildings and recycled materials; the impact on individual and community residential amenity; and whether such a use would contribute to economic and social development. Policy 13 Longman of the Inverness Local Plan (as continued in force) states that the Council will promote development/redevelopment of land and buildings for business/industrial purposes.

In terms of the relevant policies of the Development Plan, the proposal is acceptable. The proposed development would provide an opportunity to encourage economic development and create new employment in the area. Given the nature of the business as demonstrated by the applicant, and the fact that it is proposed in an existing commercial unit on a brownfield site, without any alteration to its external appearance (excluding signage which is subject to separate consideration through an application for advertisement consent) and with satisfactory locational justification with such ready access to a large customer base, it is considered to be in line with the aforementioned requirements listed in the relevant policies.

8.4 **Material Considerations**

- Several objections have been raised regarding the existing access/ parking provision and the potential for obstruction of Harbour Road. The applicant has confirmed that no HGV's will deliver supplies to the store and that supplies are to be picked up by the applicants in their own van, as they currently do in relation to their Nairn branch. The Roads engineer has assessed the proposal and has raised no objection to the grant of planning permission. As such, this proposal is considered to represent an acceptable form of development, which satisfies Development Plan requirements.
- There are numerous examples of retail businesses, particularly for bulky goods, within the Longman Industrial Estate. As such, the proposed use of the vacant unit for this purpose is considered acceptable in light of the relevant policies of the Development Plan.

- The applicant has confirmed that taking pets into the shop will not be encouraged and signage will be installed which reminds customers to keep their pets on leads if they do take them in. It should also be noted that the applicants are both qualified animal behavioural instructors with over 30 years' experience.

8.5 Other Considerations – not material

- Whether there are too many other similar businesses in the vicinity or in Inverness is not a material planning consideration.

9. CONCLUSION

9.1 In light of the above, this proposal is considered to represent an acceptable form of development, which satisfies development plan requirements and accordingly attracts a recommendation of approval. There are no material considerations which would attract any other recommendation.

10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Reason: N/A

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

1. No part of the development shall be occupied until all signage has been provided at locations first approved in writing by the Planning Authority to remind customers to keep pets on leads for the duration of their stay.

Reason: To ensure that the development will not impede access to, or have an adverse impact on the purposeful use of, the surrounding residential area.

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.

INFORMATIVE NOTE REGARDING THE 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

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

Copies of the notices referred to are attached to this consent for your convenience.

Conditions: Your attention is drawn to the conditions attached to this permission. 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 meet these 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 (of emanating from) the application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Contaminated Land: There is the potential for contamination at this site due to its former use as a Council Yard. As the proposed development would not appear to materially change the risk of potential contamination at the site an investigation is not required at this stage. However, be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990, and may require investigation in the future. In addition land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services-Contaminated Land for advice.

Road Openings Permit / Road Construction Consent: You may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Scottish Water: You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Signature: Allan J Todd

Designation: Area Planning Manager – South

Case Officer: Stuart Morrison

Background Papers: Highland-wide Local Development Plan, Inverness Local Plan

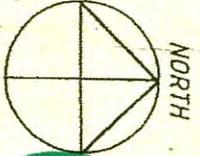
Relevant Plans: Plan 1: SK/01 Location Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr J. Harrison	Porterfield Bank, Inverness	20.04.2014	Against
Ms E. Cornell	Simply Pets, 23 Harbour Road, Inverness	21.04.2014	Against
Mr B. Mitchell	Altnacardich, Newtonhill, Lentrán.	22.04.2014 & 07.05.2014	Against
Mr S. Hendry	e-mail. No address supplied.	22.04.2014	Against
Mrs L. Birch	Reindoul, Abriachan, Inverness	25.04.2014	Against
Miss K. Miller	58 Glenburn Drive, Inverness	07.05.2014	Against

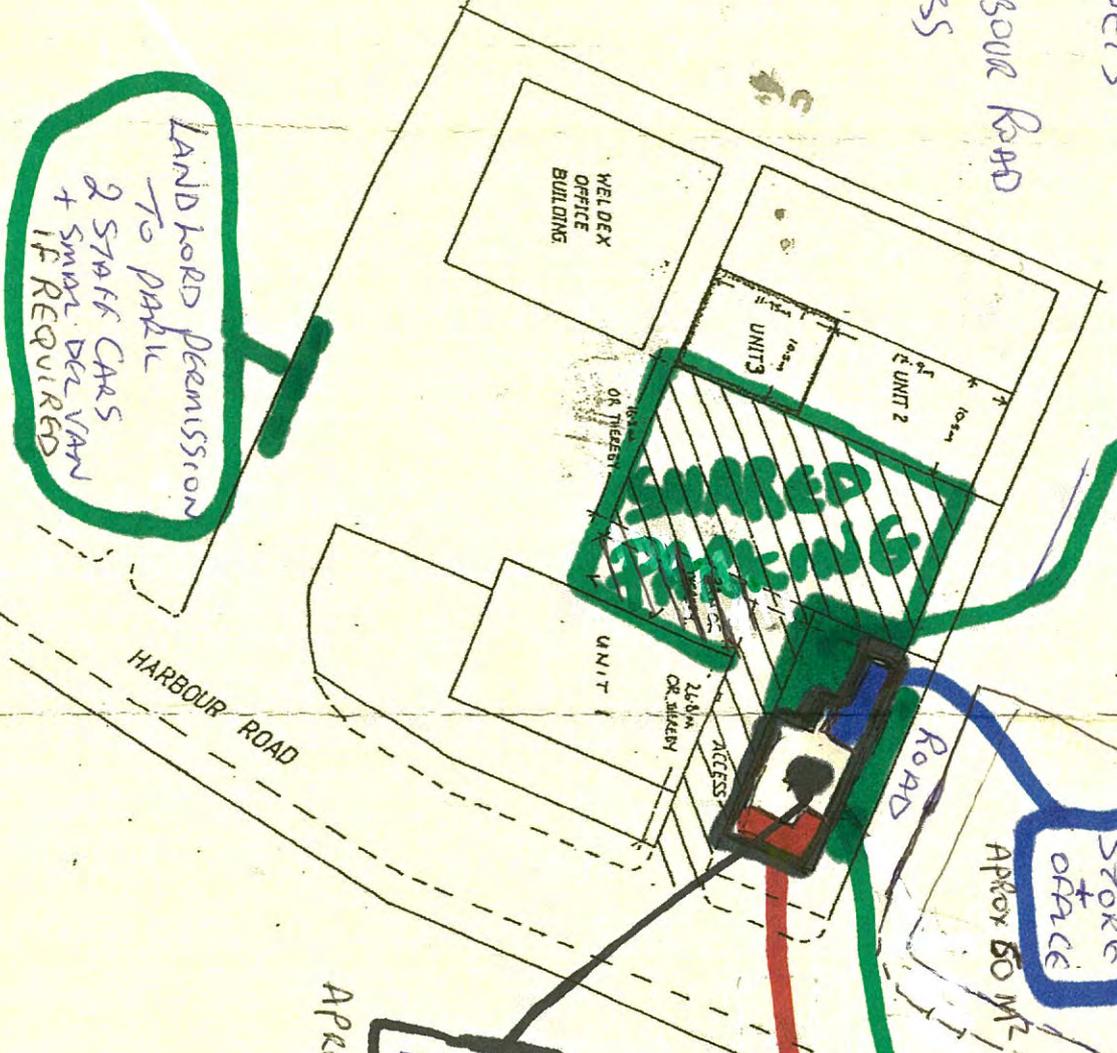
MRS. MORRISON
PLANNING DEPT.

Pampered Pets
 UNIT 4
 18-20 HARBOUR ROAD
 INVERNESS



OUR DESIGNATED
 PARKING FOR 4

LANDLORD PERMISSION
 TO PARK
 2 STAFF CARS
 + SMALL DEL VAN
 IF REQUIRED



NOTES:
 NOTED DIMENSIONS MUST BE TAKEN IN REFERENCE TO SCALED DIMENSIONS, ANY DISCREPANCIES MUST BE IMMEDIATELY REPORTED TO THE SURVEYOR.
 SUB-CONTRACTORS & SUPPLIERS MUST VERIFY ALL DIMENSIONS BEFORE COMMENCING ANY WORK ON SITE.
 NOTE 1:
 SIZES TO UNITS 1 AND 3 ARE INTERNAL ONLY.

2 X ROLLERS
 1 X KITCHEN
 2 X HALLS
 1 X OLD STORE
 APPROX 55 M²

GRAHAM & SIBBALD
 CHARTERED SURVEYORS



CLIENT: WELDEX INTERNATIONAL (OFFSHORE) LTD

PROJECT: UNITS 1 & 2
 18/20 HARBOUR ROAD,
 INVERNESS.

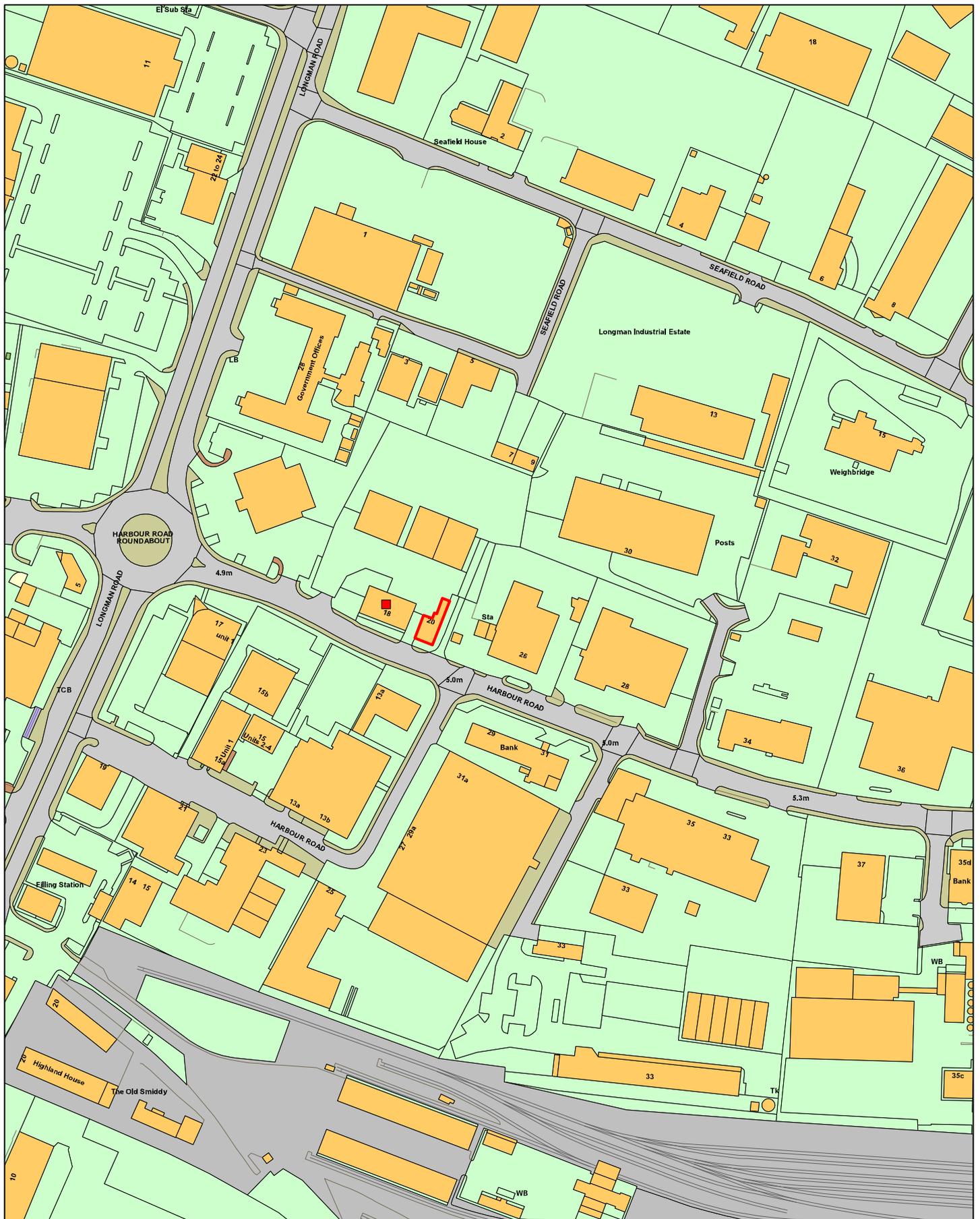
DWG. TITLE: SITE PLAN OF
 18/20 HARBOUR ROAD.

DWG. NO: SK/101
 SCALE: N.T.S.

DRAWN BY: MHL
 DATE: 01/96

REVISIONS	NO.	DATE	BY

Planning and Building Control Map Extract Scheme



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Address :
14/01367/FUL

Scale : 1:2500

Date : 09/05/2014