

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
25 February 2014

Agenda Item	5.1
Report No	PLS/010/14

13/00893/FUL: Duke of Gordon Hotel
Land adjoining 10 Ruthven Road, Kingussie

Report by Area Planning Manager - South

SUMMARY

Description : Erection of industrial building for production and storage of woodchip for biomass boilers

Recommendation - GRANT

Ward : 21 Badenoch and Strathspey

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : Community Council objection

1. PROPOSED DEVELOPMENT

- 1.1 The proposed development is an industrial shed type building 20 m long x 17 m wide, with an eaves height of 6 m and ridge height of 7.65 m, clad in profiled metal sheeting, with associated hardstanding and boundary enclosures. The building would be utilised for the production and storage of woodchip for use in biomass boilers.
- 1.2 Informal pre-application consultation was undertaken during consideration of two earlier applications for retrospective planning permission - one (for production of woodchip in the open) at this application site, the other (for the stockpiling of woodchip in the open) at the rear of the Duke of Gordon Hotel. Advice given was that the earlier applications could not be supported due to their adverse impacts on visual and residential amenity and that alternatives could only be supported if these impacts were addressed and mitigated.
- 1.3 The existing access to the site is from its west side, from a track leading from Market Lane into the remaining railway land on this side of Kingussie station. The proposals include the formation of a second vehicle access direct to Market Lane near the east end of the site's frontage. Services are available in Market Lane.

1.4 The application was accompanied by a Flood Risk Assessment. A Method Statement was added to the supporting documents outlining how the site would operate. Vehicle track diagrams have subsequently been submitted to show timber delivery vehicle swept paths for two optional delivery routes into and around the site.

1.5 **Variations:** Since initial submission the application has been amended to reduce the footprint of the building from 27 m long to 20 m as described above; to move the reduced length building 4 m closer to the west boundary; and to incorporate the second access, vehicle operation/parking area and landscaping strip all to the east of the building.

2. **SITE DESCRIPTION**

2.1 The site is an area of rough ground at the east end of a strip of former railway land on the north side of Market Lane. To the east, and to the north of the east end of the site, there are a number of houses originally built for railway employees but long since sold on the open market. The mart and a number of small business uses and buildings lie on the opposite side of Market Lane.

3. **PLANNING HISTORY**

3.1 08/00104/FULBS: erection of 7 units - PP refused 24/8/10
12/04584/FUL: use of land for processing timber into woodchip - withdrawn before determination

4. **PUBLIC PARTICIPATION**

4.1 Advertised: Schedule 3 and Unknown Neighbour. Expiry date 9/5/13
Representation deadline : 11/5/13 (original); 21/11/13 (re-notification)
Timeous representations : 3 from 3 households
Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Noise and dust nuisance caused by previous unlawful chipping not adequately mitigated in design and construction of building
- Loss of residential amenity and privacy and health impacts due to noise, dust, vibration from chipping and delivery of timber
- Increase in traffic using level crossing
- Overbearing building in comparison to neighbouring properties
- Consequent loss of daylight and sunlight
- Unsuitable building design and finishes
- Location of landscaping will cause problems for neighbours

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 **Community Council:** Object. Despite method statement and amendments to plans do not believe site is suitable for use; building design and scale inappropriate; operational issues (vehicle manoeuvring, traffic generation, public safety).

5.2 **SEPA:** No objection.

5.3 **CNPA:** No objection. Parking and manoeuvring space need to be adequate and design and finishes should fit in to the area.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G1	Conformity with Strategy
G2	Design for Sustainability
B3	Local Industrial Land Supply

6.2 Cairngorms National Park Local Plan 2010

6	Landscape
12	Water Resources (Flooding)
16	Design Standards for Development
25	Business Development

7. OTHER MATERIAL CONSIDERATIONS

7.1 Cairngorms National Park Proposed Local Development Plan

Policy 4 – Supporting Economic Growth – Other Economic Development

7.2 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment (January 2013)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

7.4 Other

B R E Guidelines on daylight and sunlight in relation to development

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 purpose of the proposed development is to produce and store woodchip for the Hotel's biomass boiler. Although the boiler installation as granted permission under reference 10/01630/FUL included the erection of a woodchip storage extension to the building housing the boiler, the applicants first wished to store a greater quantity on site than the building could accommodate and then wanted to produce their own woodchip, both for security of supply and to reduce transport costs. This resulted in the use of open land at the rear of the hotel for open storage of a large pile of woodchip, and the production in the open at the present application site of a quantity of woodchip, both of which resulted in complaints (continuing in relation to the storage) and the submission of applications for retrospective planning permission.

All three applications including this one highlight the balance to be struck between those aspects of Development Plan Policy which support renewable energy projects, business development, use of Highland timber for a variety of uses and the minimisation of travel, and those which seek to protect residential amenity and public health. The open storage area at the rear of the hotel has and continues to be a source of unacceptable noise, dust and adverse visual amenity impacts on houses in Gynack Road next door to the hotel, while the open air chipping which took place at the present application site was accompanied by unacceptable noise pollution and windborne debris and dust impacts on houses in Market Lane. The Policy issue which needs to be addressed is therefore whether the building as proposed to be built and operated at the application site strikes an acceptable balance between the aforementioned aspects of Policy, with or without conditions of a planning permission.

The principle of a building to accommodate an industrial use on this site is consistent with the present Local Plan, albeit the site is not expressly allocated for the purpose; is broadly consistent with surrounding land uses; and was provided for in the previous Local Plan (Badenoch and Strathspey Local Plan) by allocation. The 2008 application had undergone changes to its layout to address possible impacts on the houses in Market Lane, and was refused solely on the basis that the then applicant had not provided a Flood Risk Assessment despite a number of reminders over an extended period. This last defect is addressed in the supporting information accompanying this application with the result that SEPA offers no objection and there is no conflict with Local Plan Policy 12.

8.4 Material Considerations

The proposed building is of typical undistinguished industrial appearance and finish. Whilst this is the subject of criticism by the Community Council (their response refers to an aspiration for a “more vernacular building”) it is not unacceptable by industrial building standards and in relation to the mixed character of other industrial buildings nearby. The dimensions and siting of the building as submitted would certainly have resulted in an overbearing effect on neighbouring houses and their gardens in terms of visual impact, overshadowing and loss of light, but the reduction in length and repositioning within the site reduce these effects to an acceptable level.

Chipping within a building is clearly an improvement on open air chipping in terms of containing dust and fines but contributors rightly identify a residual risk of dust escape with the west end doors being kept open as described in the method statement. However the Environmental Health Officer is satisfied that the use of a dust curtain would address that residual risk satisfactorily.

Consideration of possible noise impact has first of all to take account of the nature of the site. In view of the site’s nature as former railway land with an historic allocation for industrial uses the E.H.O. considers that it would be unreasonable to insist that no noise be audible at the site boundary at any time. The lack of continuity of operations is also a material consideration: while deliveries at unsocial hours have the potential to cause nuisance, this would not be taking place every day. This can be contrasted with the location of the Roads depot at the end of Market Lane, which means that during Winter months there is a strong likelihood of regular gritting lorry traffic passing the houses at unsocial hours. Although the building structure will provide a limited degree of sound attenuation, as will the procedure of discharging the woodchips against the interior face of the east wall and doors of the building, the E.H.O. is still concerned that a full scale noise impact assessment has not been produced. However his conclusion is that provided that chipping is limited by condition to not more than 6 days per calendar year, with hours of chipping limited to between 8 a.m. and 6 p.m, with no weekend working, and chipping restricted to that required to produce fuel only for the Duke of Gordon Hotel’s biomass installation, the risk of noise nuisance would be reduced to an acceptable level. If the applicant were to apply for these restrictions to be set aside, whether in order to supply other parties as alleged in objections or for any other reason, the E.H.O. would require a full noise impact assessment to be undertaken.

The supporting information diagrams of vehicle tracks are based on the longest delivery vehicle used for delivering timber for chipping. On the basis of the building design and its door sizes it appears most likely that lorries would have to reverse into the yard area rather than drive through the building as suggested in the method statement. Nevertheless that would not undermine the basic sequence of unloading and storing of logs prior to chipping described in the method statement.

Given the limited number of journeys both for delivery of logs and transport of chips to the hotel, it is not considered that there will be any significant change to vehicle use of the nearby level crossing.

8.5 **Other Considerations – not material**

None

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

None

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued No

Notification to Scottish Ministers No

Notification to Historic Scotland No

Conclusion of Section 75 Agreement No

Revocation of previous permission No

Subject to the above, it is recommended the application be **Granted** subject to the following conditions, reasons, and direction.

1. This permission, and all production, storage and delivery of woodchip undertaken within its scope, shall endure for the benefit of the Duke of Gordon Hotel only.

Reason: In conjunction with conditions 2 and 3, as agreed with the applicants and to ensure that operations are restricted to the extent that is considered to adequately protect residential amenity on the basis of the information accompanying the application.

2. Chipping shall take place on no more than 6 days in every calendar year. These days shall all be weekdays (Monday to Friday). Chipping shall not commence before 0800 hrs on any day on which it takes place and shall cease at 1800 hrs on any day on which it takes place.

Reason: In conjunction with conditions 1 and 3, as agreed with the applicants and to ensure that operations are restricted to the extent that is considered to adequately protect residential amenity on the basis of the information accompanying the application.

3. At all times that chipping operations are taking place, a dust curtain of heavy duty PVC construction (or such equivalent as may be approved by the Planning Authority) shall be drawn across the full width of any open doorway, so as to contain any fines within the building. Otherwise the building and its curtilage shall at all times be constructed and operated in accordance with the procedures described in the method statement supporting the application.

Reason: In conjunction with conditions 1 and 2, as agreed with the applicants and to ensure that operations are restricted to the extent that is considered to adequately protect residential amenity on the basis of the information accompanying the application.

4. No development shall commence until a scheme for the landscaping and enclosure of the site has been submitted to and approved by the Planning Authority. The scheme shall specify the numbers, sizes and species of trees and/or shrubs to be planted and their location, and the location, construction and height of fences, gates, walls or other means of enclosure. The approved landscaping scheme shall be implemented during the planting season concurrent with or immediately following completion of the building.

Reason: To ensure that landscaping and screening is provided to the edges of the site to minimise visual impact on adjacent houses.

5. The development shall be completed and brought into operation within 12 months of the date of this permission.

Reason: To ensure that harm to residential amenity caused by unauthorised storage in the open of woodchip on land at the Duke of Gordon Hotel can cease as soon as is reasonably practicable and substituted by storage in the building hereby approved.

RECOMMENDATION - ENFORCEMENT

It is further recommended that service of an Enforcement Notice in relation to the unauthorised storage of woodchip on land at the rear of the Duke of Gordon Hotel be authorised if the development permitted by this permission is not commenced and/or not completed and brought into use within the time limits specified in the Direction and conditions.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

The development to which this planning permission relates must commence **on or before 25 August 2014**, failing which 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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

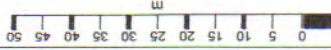
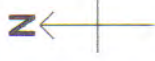
Mud & Debris on Road

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.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: A. McCracken
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Elevations plan
Plan 4 – Swept Path Diagram (through)
Plan 5 – Swept Path Diagram (reverse)

Appendix – Letters of Representation

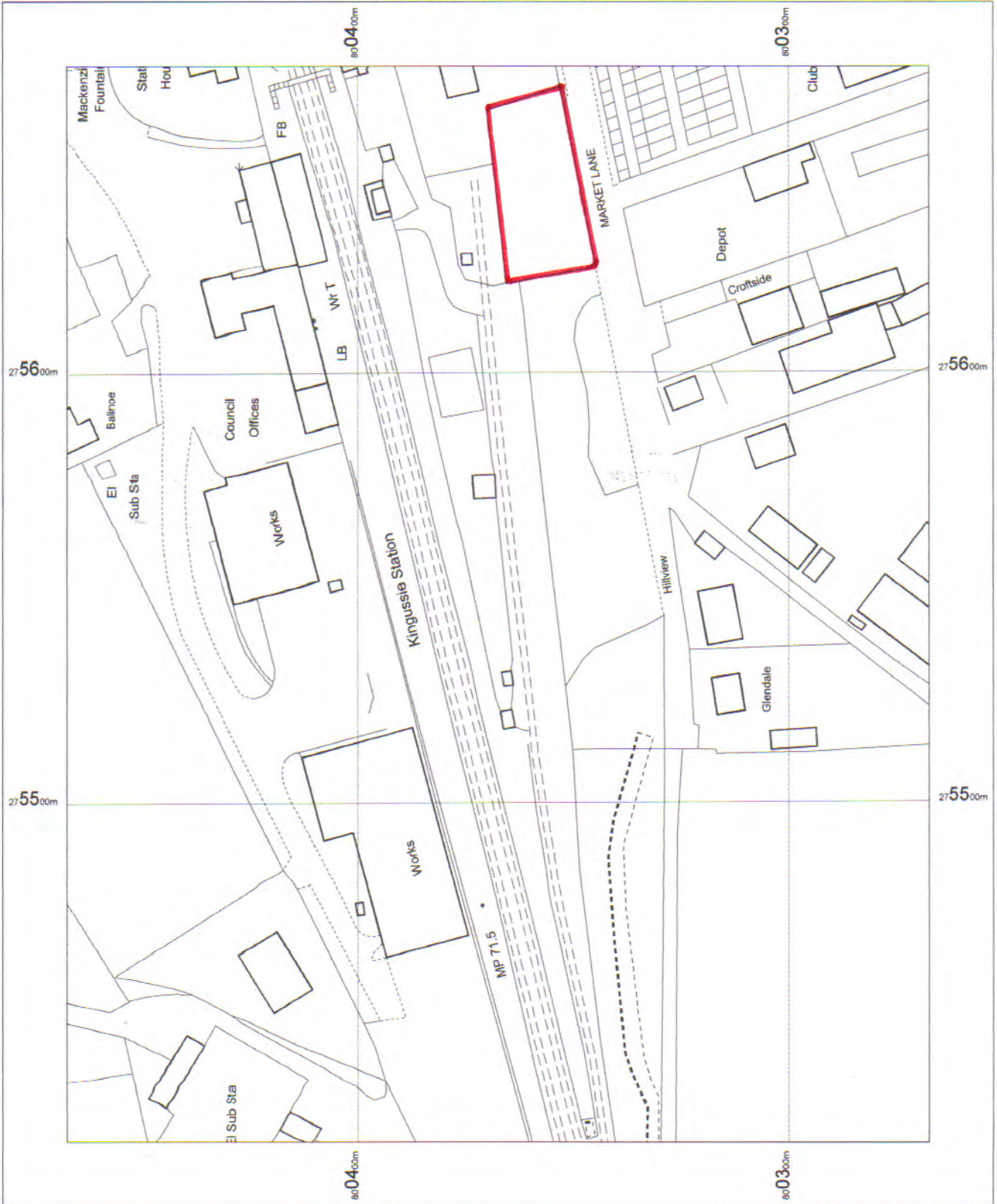
Name	Address	Date Received	For/Against
David Douglas	10 Ruthven Road, Kingussie	9/5/13 & 19/11/13	Against
Carl Mitchell	1 Station Cottages, Kingussie	11/5/13 & 17/11/13	Against
Duncan & Sandra MacDonald	Hillview, Market Lane, Kingussie	12/8/13	Against

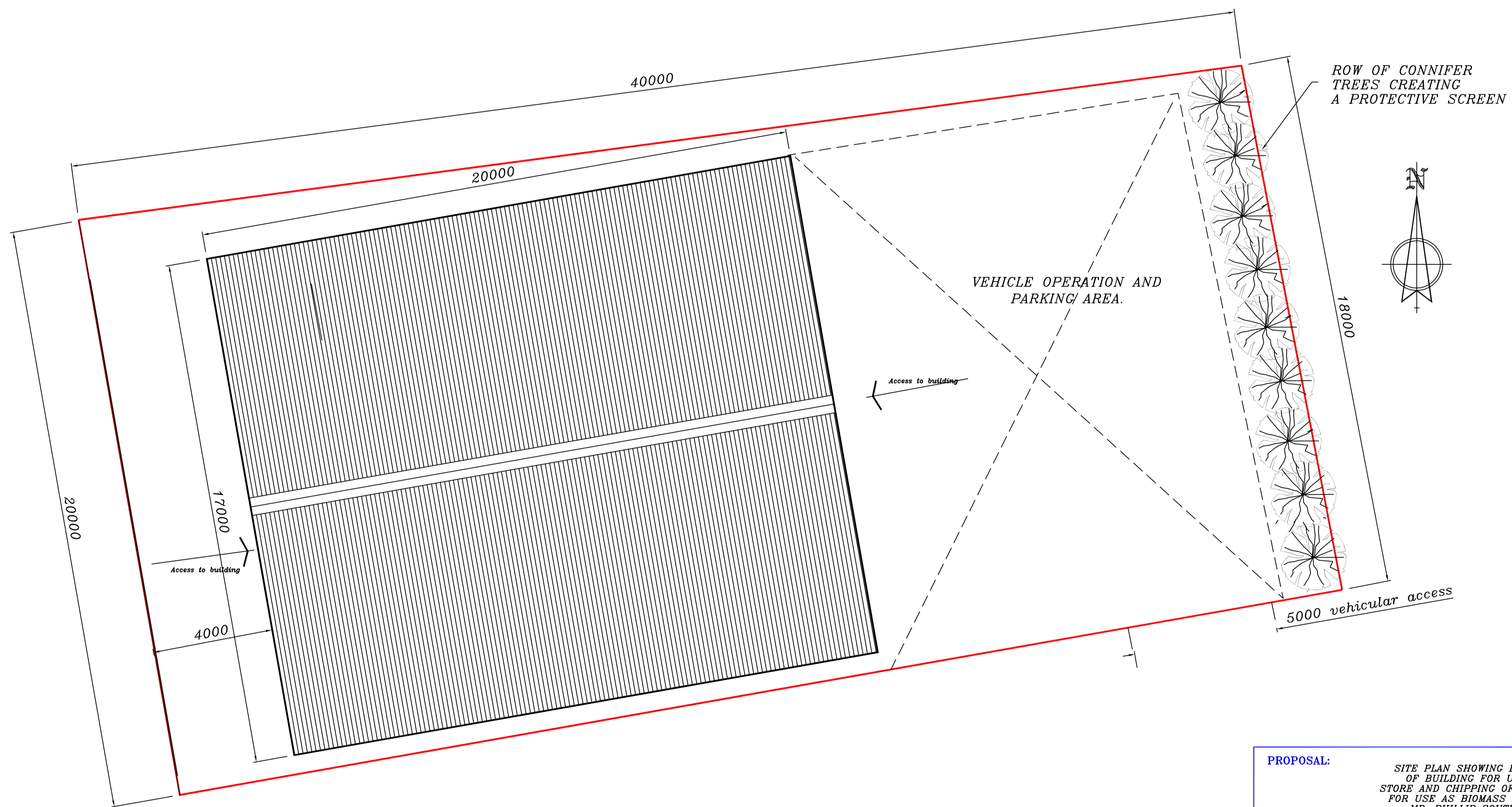


OS Mastermap
29 November 2012, ID:
BW1-00193275
www.blackwellmapping.co.uk
1:1250 scale print at A4, Centre:
275546 E, 800368 N
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www.blackwellmapping.co.uk
TEL: 0113 245 2623
maps.leeds@blackwell.co.uk





MARKET LANE

SITE PLAN

Scale 1 : 100

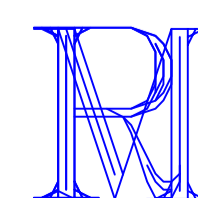
PROPOSAL:

SITE PLAN SHOWING LOCATION OF BUILDING FOR USE AS STORE AND CHIPPING OF WOODCHIP FOR USE AS BIOMASS FUEL FOR MR. PHILLIP SOUTHCOTT.

Scales: 1:50, 1:100, 1:200,

DATE: 26th March 2013.

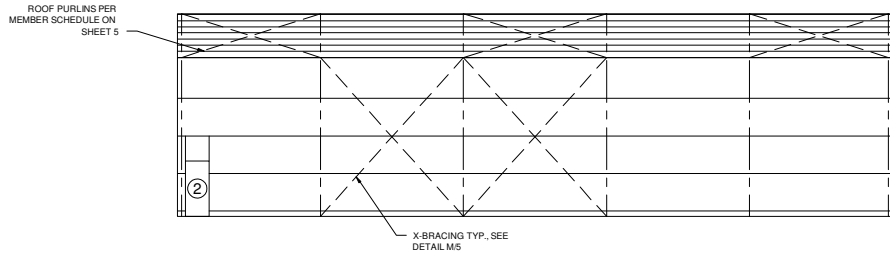
R.P.M. DRAUGHTING Ltd.
P. Southcott. I. Eng. M.I.E.T. M.I.E.D. A.M.I.E.E.



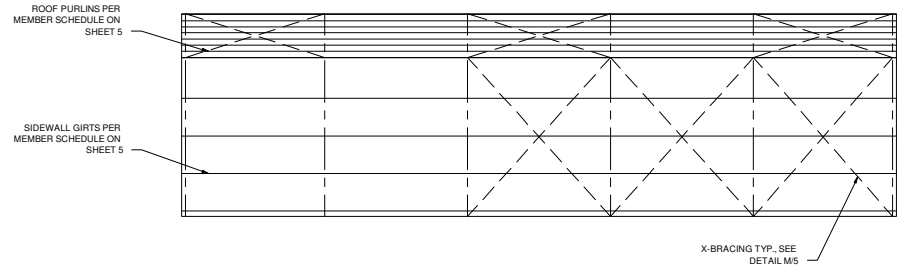
9 Plantation Road
Thorne
Doncaster
South Yorkshire
DN8 5EA

Tel/Fax:- 01405 812706
Mobile:- 07703470318
e-mail:- psouthcott@talk21.com

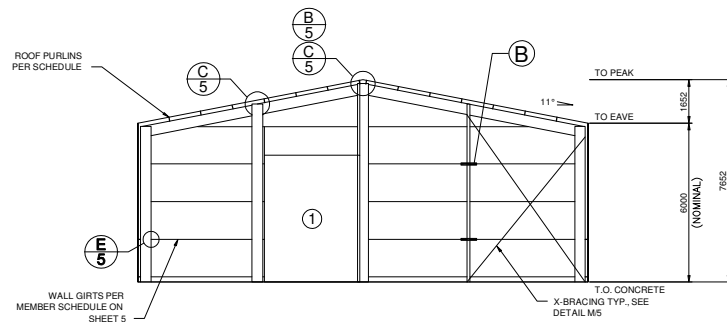
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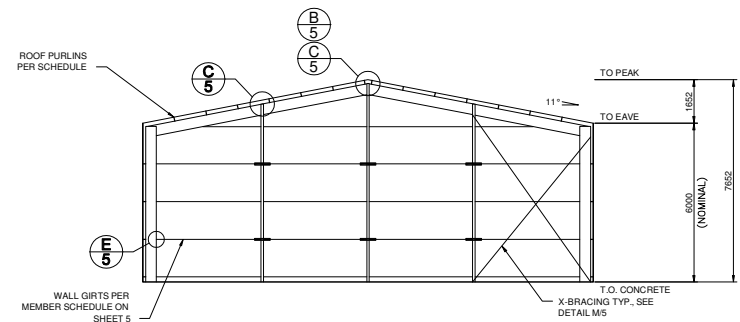
1
2 **SIDEWALL EXTERIOR ELEVATION**
SCALE: 1 - 200



2
2 **SIDEWALL EXTERIOR ELEVATION**
SCALE: 1 - 200



4
2 **ENDWALL INTERIOR ELEVATION**
SCALE: 1 - 200



3
2 **ENDWALL INTERIOR ELEVATION**
SCALE: 1 - 200

BRACING Level 2. Bracing Strap/tensioners(Per Roll) 32 x 1.2 diagonally in 50% of all wall bays under eaves. One roof bay each side, one gable end bay and every 2nd bay in length.

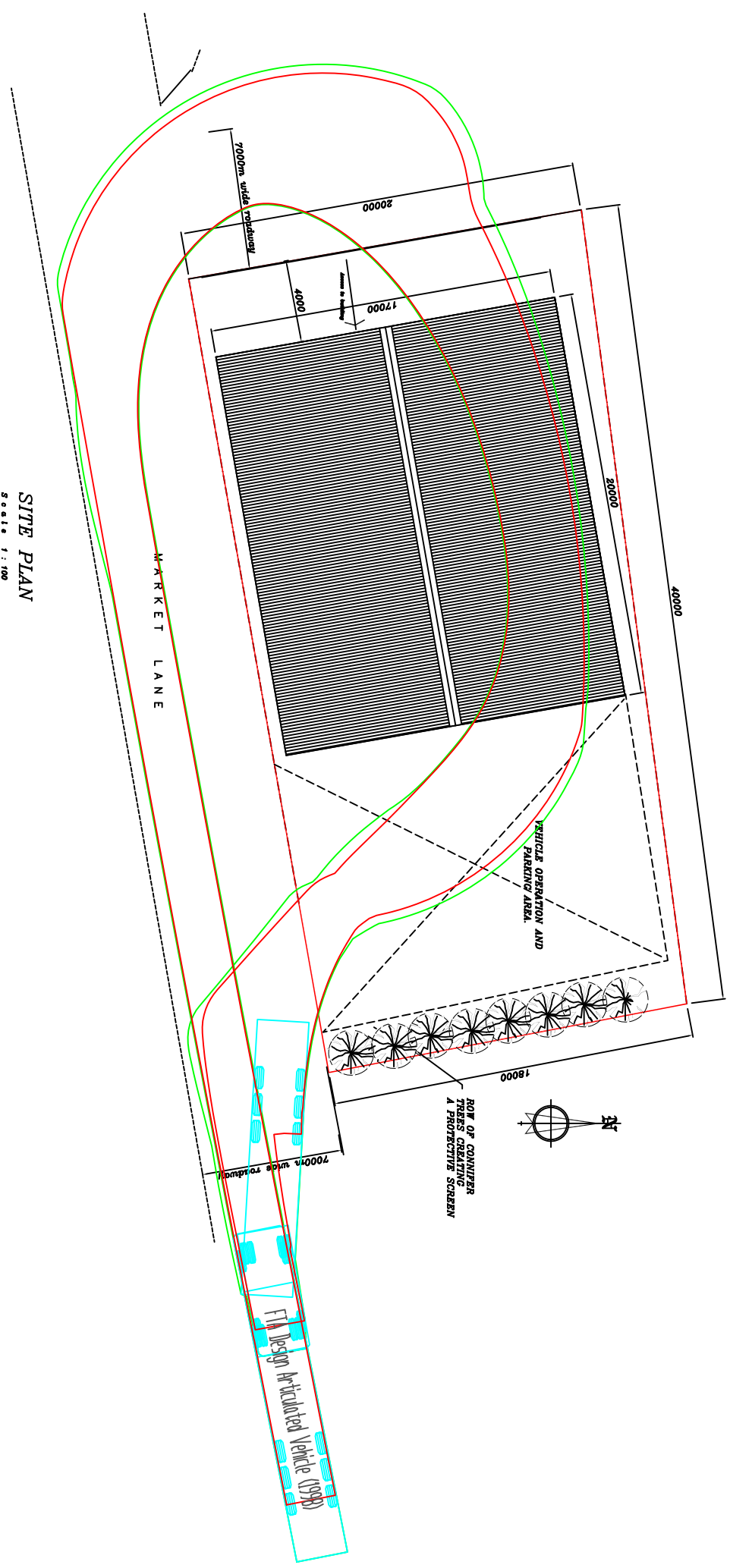
NOTE: CLADDING OMITTED FOR CLARITY. SEE SHEET #5 FOR CLADDING DETAILS.

OF 2 SHEETS	DATE	9/4/2013
	CHECKED	GM
	DRAWN	FBHS
	FOR	AT
	STEEL BUILDING BY	(CONTACT)

TOTAL BUILDING SYSTEMS
017 09 864 080
CAIRNGORM SKI SERVICES LTD
CAIRNGORM
SCOTLAND



PRELIMINARY ONLY



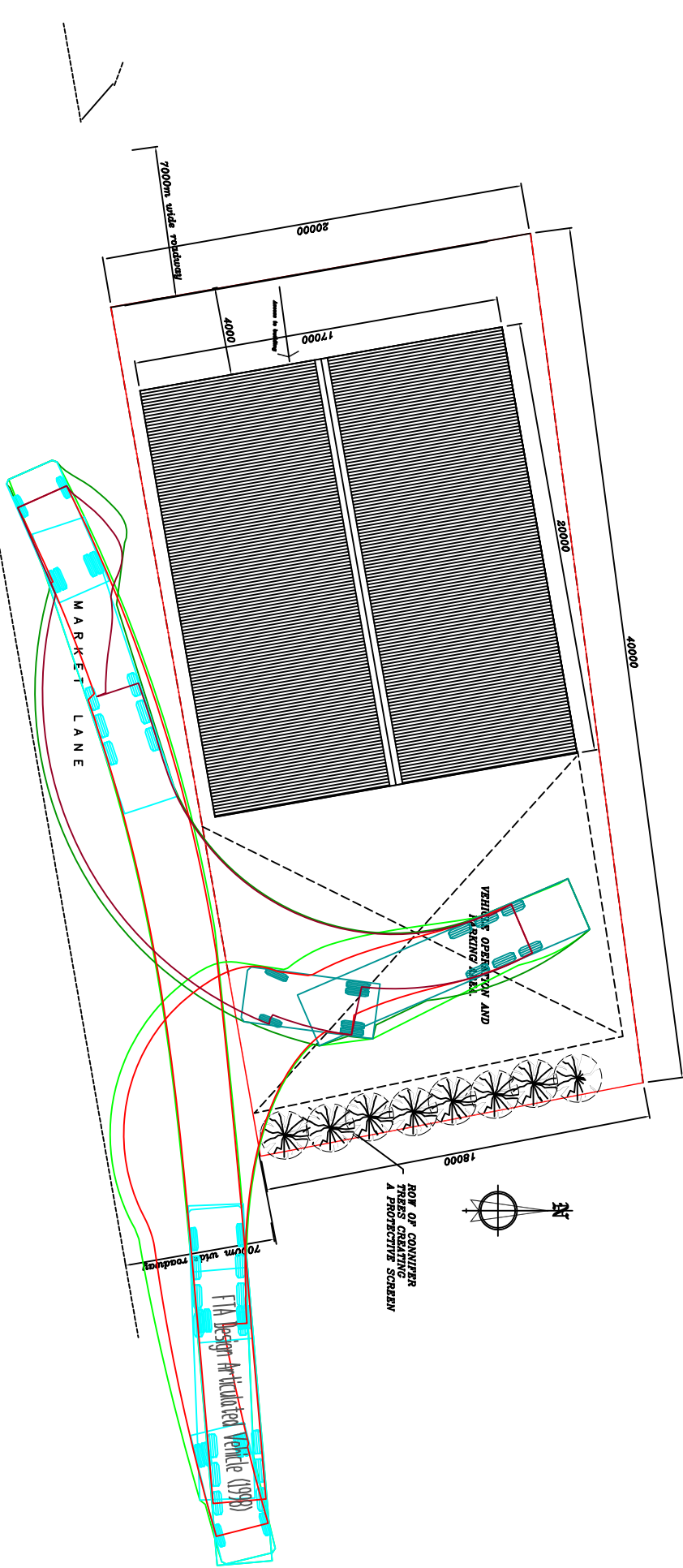
SITE PLAN
Scale 1:100

PROPOSAL:	5000 SQM PLANT STORAGE FACILITY OF 5000 SQM AND 1000 SQM FOR USE AS STORAGE FOR MR. PHILIP SOUTHCOFF
Scale: 1:50, 1:100, 1:200,	DATE: 20th March 2014

R.P.M. DRAUGHTING Ltd.
P. Southcott, 1. Bsg. MIRT. MIRD. AMIRE.



9 Plantation Road
Thames
Droghda
Co. Wick
D98 BA1
Tel/Fax: 01494 812110
Email: pm@rpm-draughting.com



SITE PLAN
Scale 1:100

PROPOSAL:	SITE PLAN SUBMITTAL DOCUMENT FOR THE PROPOSED DEVELOPMENT OF THE SITE FOR THE PROPOSED MARKET LANE AND PARKING AREA FOR THE PROPOSED DEVELOPMENT.
Scale: 1:50, 1:100, 1:200.	DATE: 20th March 2014

R.P.M. DRAUGHTING Ltd.
P. Southcott, 1. Bng. MIRT. MIRD. AMIRE.



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