| THE HIGHLAND COUNCIL | Agenda Item | 6.4 |
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| SOUTH PLANNING APPLICATIONS COMMITTEE – 19 August 2014 | Report No | PLS/058/14 |
| | | |

14/02502/FUL : Munro Construction (Highland) Ltd 38 Carsegate Road North, Inverness

Report by Area Planning Manager – South

SUMMARY

Description : Change of use to waste transfer station – capacity 24,999 tonnes.

Recommendation - GRANT

Ward: 15 - Inverness Central

Development category : Local

Pre-determination hearing : N/A

Reason referred to Committee : 5 or more objections. Community Council objection.

1. PROPOSED DEVELOPMENT

1.1 The proposal involves a change of use of an existing storage facility at 36 Carsegate Road to a waste transfer station. The existing large shed will be used to store and process all received waste materials. Vehicles will enter the site from Carsegate Road, access the weighbridge and then proceed to enter the large shed where waste will be discharged for sorting. The building will be set out for delivery vehicles to enter and leave from one area and collection vehicles at the opposite side of the building.

The waste will all be stored within the building with no storage of any materials within the yard area. The waste materials received can be described as follows:

- Municipal household waste non segregated
- Municipal household waste recyclates cardboard, paper, tins, plastic, glass etc.

The waste is predominantly from Council general waste collections and skip waste collections operated by the applicants and their sub contractors. This translates as waste collected by the Council, predominantly from households and commercial businesses, and will include food waste as well as the range of segregated goods for recycling. Skip waste collected by the applicant may include inert building materials and general scrap.

The waste, once delivered to the waste facility, will be coarse sorted to separate the recyclable material from the waste. Once sorted, the recyclates will be stored in segregated storage areas for collection and onward transfer by collection vehicles to appropriate onward recycling facilities. This will include glass, paper, metals, wood, and inert materials such as builders debris and uncontaminated soils. Landfill waste will be transferred to Council sites. It is anticipated that there will be 15 refuse vehicles delivering waste on a daily basis with a further 8 bulk waste vehicles collecting waste also on a daily basis.

The applicant has indicated that a maximum of 1200 cubic metres of waste will be stored on site at any one time. The maximum amount of waste that can be received is also limited to 24,999 tonnes per annum of which 24,000 is household waste. This limit is crucial as at 25,000 tonnes the application is classed as a Major category of development for which the major applications procedure would be required.

Details of vermin and bird control are provided together with procedures for dust and noise control.

The site will also include facilities for staff parking and an existing smaller unit on site will provide additional storage and office facilities.

- 1.2 Pre-application consultation was not required as the application is a Local category of development. A request for a Screening Opinion was submitted.
- 1.3 The site is an existing storage facility and the existing vehicular access to the site will be used to serve the proposed use.
- 1.4 The application includes a supporting statement, Working Plan and details of transport management.

1.5 **Variations**: none.

2. SITE DESCRIPTION

2.1 The site is situated within the Carsegate Industrial Estate to the east of the Muirtown Basin and at the northern edge of the estate. The area supports a wide range of commercial and industrial uses including car sales and commercial and retail businesses which are widely used by visiting members of the public.

The site has been in use as a storage facility but is currently vacant. The yard area has also been used for storage of vehicles and industrial equipment. A smaller unit is located within the south east corner. The site is bounded by a 2 metre high metal palisade fence.

3. PLANNING HISTORY

Planning permission granted for storage unit – 03/00438/FULIN
 Planning permission granted for office building associated with use as storage facility - 05/00358/FULIN.

Screening opinion – EIA not required - 14/02450/SCRE

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3

Representation deadline : 18 July 2014

Timeous representations : 12

Late representations : 16

4.2 Objections have been received from commercial operators located both adjacent to and within the vicinity of the proposed development.

Material considerations raised are summarised as follows:

- Inappropriate use in this location which is adjacent to businesses which rely
 on significant numbers of customers visiting their sites, particularly those
 involving car sales
- Concerns regarding noise; litter, dust nuisance
- Concerns regarding vermin and nuisance from increased frequency of birds/seagulls
- Existing road network is not suitable for the increased number of vehicles proposed
- Proposed use would be detrimental to the overall amenity of the area to the detriment of existing businesses
- Use not considered compatible with the existing businesses or the recent consent for starter units. Use should be located outwith the estate in an isolated location which would not impact on businesses.
- Noted that the applicant has set the maximum capacity below the major development category this is considered inappropriate and avoids the opportunity for a more detailed assessment and public consultation process
- Working plan does not address all the concerns of local businesses
- Concerns that the impact of the proposal once operational will mean that the number of customers visiting the car sales outlets in particular will reduce threatening the continued success of these businesses
- Does not conform with policies of the Development Plan
- Proximity of site to Merkinch Nature Reserve and primary school
- 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 **Merkinch Community Council – object** to the proposal. It is considered an inappropriate site for the use proposed because of its proximity to residential areas, the primary school, the nature reserve and areas of open space and the fact that much of the housing area has recently been upgraded and improved together with proposals for the Muirtown Basin which is being promoted as a marina, visitor centre etc. This use is incompatible with the proposed opportunities within the immediate vicinity.

- 5.2 **SEPA** : no objection. A Waste Management Licence will be required. This will control dust, odour quantity and type of waste. The licence will not permit any disposal of waste. It will be restricted to keeping and treating of waste as a waste transfer station. SEPA consider, based on the information provided, that the use can be controlled by appropriate regulatory powers under their control. Further details are required for waste relating to asbestos, food and general waste. This will be dealt with by the licence and can be included as a condition of any planning permission.
- 5.3 **Flood Team** : no objection. The site is not within the flood risk area based on the fact that the flood alleviation scheme will be complete.
- 5.4 **Transport Planning**: no objection. Existing road network considered adequate to accommodate the additional vehicular movements.
- 5.5 **Environmental Health**: no objection. Conditions required for control of potential for noise nuisance from reversing vehicles and restrictions on hours of operation.
- 5.6 **Development Plans (policy)**: proposal accords with policy and is considered an appropriate use within the Carse Industrial Estate. Accords with Policy 70 of the Highland-wide Local Development Plan, the Inverness Local Plan as continued in force and the Inner Moray Firth Proposed Local Development Plan.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

| 6 | Muirtown and South Kessock |
|----|------------------------------|
| 28 | Sustainable Design |
| 34 | Settlement Development Areas |
| 64 | Flood Risk |
| 65 | Waste Water Treatment |
| 66 | Surface Water Treatment |
| 70 | Waste Management Facilities |

6.2 Inverness Local Plan – as continued in force

2.14 Land allocated for business and industry

7. OTHER MATERIAL CONSIDERATIONS

7.1 Inner Moray Firth Proposed Local Development Plan

No specific designation but the site is located within the Inverness City Settlement Development Area and Policy 34 therefore applies. This is generally supportive of development within this location subject to it meeting a number of criteria including impact on community and residential amenity and how it will conform with existing land uses.

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.3 **Scottish Government Planning Policy and Guidance**

SPP 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.
- 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 proposal seeks reuse of an existing large storage building and associated yard area for the purposes of establishing a waste transfer station. This facility is in addition to the existing facility operated by the applicant within the harbour area. It is understood that the flood alleviation scheme will impact on the existing facility and the additional space is required for the applicant to continue successfully. The proposal is for sorting and onward disposal of waste products and no processing is proposed or indeed permitted by the terms of the Waste Management Licence issued by SEPA.

The key consideration is therefore the extent to which the proposed use is appropriate for the location. The site is located within the Carse Industrial Estate where policy encourages uses which are compatible with this allocation. Policy 70 is particularly relevant and addresses the need for the Council to meet its Zero Waste Plan and the objectives set out in SPP. Policy 70 also establishes that such facilities will be acceptable where they are located in industrial estates particular within established Class 5 and 6 uses (General Industrial and Storage).

The principle of the facility in this location is therefore supported by both the policies of the Development Plan and those of the Scottish Government as set out in SPP regarding waste management.

It will be noted that there are no objections from relevant consultees and SEPA has given support identifying that the use will be controlled through their own regulations and licence. In particular any potential nuisance associated with the use will be governed by the terms of the licence. This includes dealing with the storage and transfer of the waste together with the types of waste permitted on site. Dust and odour are also each controlled through the licence process.

8.4 Material Considerations

The proposed use of the site has resulted in a significant number of objections from adjacent and neighbouring businesses. The Community Council has also lodged objections. The principal cause for concern relates to the perceived incompatibility of the proposal with existing uses, particularly those which involve retailing including the adjacent car sales outlets.

In response to the concerns, it is important to note that the facility is for waste transfer only. There will be no processing of any kind on site and this is specifically prohibited by the SEPA Waste Licence. In addition <u>all</u> of the waste will be delivered and stored within the building. No storage of any materials will be permitted outwith the building and this can be controlled and enforced if necessary by appropriate conditions. By ensuring all waste is stored inside the building, the potential for noise nuisance, odour, vermin and bird nuisance can be better controlled and in part eliminated.

There can be no doubt that the character of the industrial estate has altered over recent years with an increase in uses which are not specifically Class 5 general industrial uses. In particular, there are a number of retail outlets, including car sales, all within close proximity. The concerns expressed by these retailers are understood: indeed Policy 70, although supportive of waste management facilities, requires such uses to be compatible with existing uses.

A balance therefore has to be made between the suitability of locating such a use within an established industrial estate where the principle of such uses is supported and the potential for adverse effects on adjacent businesses. In this instance, without the limitations imposed restricting storage of all waste to within the building, it is considered the impact on the adjacent businesses would not be acceptable or compatible notwithstanding the fact that it is located within an industrial estate. However, the applicant has indicated that all waste will be stored within the building and this can be controlled by condition. In addition, although the proposal involves regular vehicular activity for delivery and collection of goods, the level of activity proposed is below the threshold requiring a formal EIA. This too indicates that the intensity of use is compatible with the industrial estate zoning of the area.

Concerns relating to an increase in traffic, particularly refuse vehicles, is noted. However, any use of this site could result in a significant increase in traffic given its permitted use as a storage unit. The Transport Planning team has not raised any particular concerns and therefore this objection is not considered founded.

8.5 **Other Considerations – not material**

Concerns relating to the impact of the proposed use on the nearby nature reserve and the potential for developments at the Muirtown Basin are noted. The site is within the defined boundaries of the industrial estate and there will inevitably be a need to address the juxtaposition of differing uses and these can be dealt with as part of any future developments within the wider area.

Comments regarding setting the maximum tonnage just below the 25,000 tonnes threshold of a Major category of development are noted. Any increase of this, which is controlled by the Waste Licence, would require submission of a further application as it is intended to include a condition limiting the tonnage to 24,999 tonnes.

8.6 Matters to be secured by Section 75 Agreement

Not required.

9. CONCLUSION

9.1 The application has raised considerable public concern particularly from adjacent commercial enterprises. However, subject to appropriate conditions and the strict controls comprised within the Waste Management Licence, it is considered that the use can be located with an industrial estate without an unacceptable adverse impact. 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

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

1. Planning permission is hereby granted for a waste transfer station with a maximum capacity of 24,999 tonnes per annum to the satisfaction of the Planning Authority.

Reason : in order to provide the Planning Authority the necessary controls should the amount exceed the stated limit.

2. No storage of any waste materials shall be undertaken outwith the existing building/storage shed to the satisfaction of the Planning Authority. For the avoidance of doubt, the use hereby granted planning permission shall not be implemented unless details of the measures to be put in place to prevent any storage of waste materials including recyclates outwith the main storage building has been submitted to and agreed in writing by the Planning Authority and thereafter implemented in perpetuity.

Reason : in order to protect the amenity of adjacent uses.

3. The hours of operation that the waste transfer facility will receive, process and send waste off site shall be between the hours of 0700 and 1900, Monday to Friday, 0700 to 1900 on Saturday, and1000 to 1900 on Sundays and public holidays .

Reason : in the interests of the amenity of the area and adjacent businesses.

4. The audible reversing warning systems on mobile plant and vehicles shall be of a type which, whilst ensuring they give proper warning, have a minimum noise impact on persons outside the site. The use hereby granted planning permission shall not be implemented unless details of the means by which the use of audible reversing warning systems on all delivery and collection vehicles is addressed has been submitted to and agreed in writing by the Planning Authority and thereafter implemented.

Reason : in the interests of amenity and to prevent unacceptable noise nuisance.

5. The use hereby granted planning permission shall enure for the benefit of the current applicant only, namely Munro Construction (Highland) Ltd.

Reason : to enable the Planning Authority to review the planning permission.

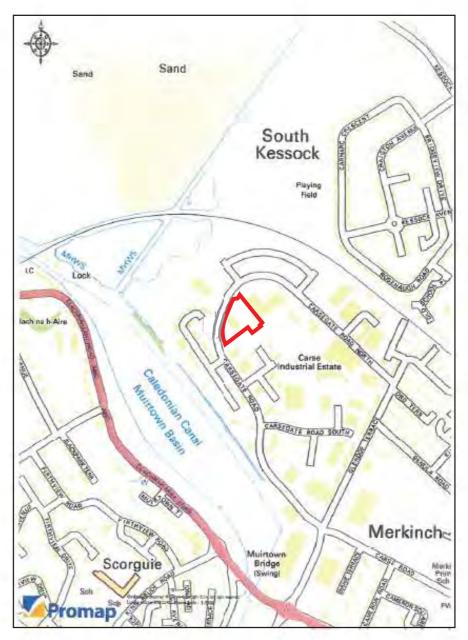
| Signature: | Allan J Todd |
|--------------------|---|
| Designation: | Area Planning Manager – South |
| Author: | Nicola Drummond |
| Background Papers: | Documents referred to in report and in case file. |
| Relevant Plans: | Plan 1 – Location plan |
| | Plan 2 – site plan |
| | Plan 3 – floor plan |

Appendix

LIST OF REPRESENTATIONS (ALL AGAINST)

| 1. | Mr Ali Locke, 40 Craigton Av, Inverness, IV3 8AZ | 25/07/14 |
|-----|--|------------|
| | Mr Duncan MacLaren, 11 Carsegate Road, | |
| 2. | Inverness, IV3 8EX | 17/07/14 |
| | MacRitchie Highland Distribution, No 1 Carse | |
| 3. | Industrial Estate, Inverness, IV3 8LL | 24/07/14 |
| | R M Brown, Motor Engineer, 15 Carsegate Road, | |
| 4. | Inverness, IV3 8EX | 21/07/14 |
| | M & H Logistics Ltd, Unit 6, Carse Industrial | |
| | Estate, Carsegate Road North, Inverness, IV3 | |
| 5. | 8DU | 21/07/14 |
| | Donald Etherington, NUTEL, 9B Carsegate Road, | |
| 6. | Carse Industrial Estate, Inverness, IV3 8EX | 17/07/14 |
| | Trevor Somny, Managing Director, 7 Carsegate | |
| 7. | Road, Inverness, IV3 8EX | 14/07/14 |
| | Mr William Ross, 9 Swanston Avenue, Inverness, | |
| 8. | IV3 8QN | 14/07/14 |
| | K. Doull Panel Beating, 24A Carsegate Road, | |
| 9. | Inverness, IV3 8EX | 18/07/14 |
| | Threadneedle Investments Ltd, On Behalf Of | |
| | Zurich Assurance Property, Pension Fund, 60 St | |
| 10. | Mary Axe, London, EC3A 8JQ | 24/07/14 |
| | Scottish Canals, Canal House, 1 Applecross | |
| 11. | Street, Glasgow | 07/08/14 |
| | Mr Ian Cattanach, Cattanach Car Sales, 13 | |
| 12. | Carsegate Road, Inverness, IV3 8EX | 24/07/14 |
| | Ms Josephine Jamieson, Unit 2, Carsegate Road | |
| 13. | South, Inverness, IV2 7LF | 14/07/14 |
| | Mr Doug Haigh FIDHEE, Begetube (UK) Ltd, 14 | |
| 14. | Carsegate Road, Inverness, IV3 8EX | 16/07/14 |
| | Calor Gas Limited, Stephen Hemming MRTPI, | |
| | Regional Head Of Division, Lambert Smith | |
| | Hamton, Interchange Place, Edmund Street, | |
| 15. | Birmingham, B3 2TA | 25/07/14 |
| | Arnold Clark, Per: Jamie Miller, 69 Carsegate | |
| 16. | Road, Inverness, IV3 8EX | 21/07/14 |
| | Jim Sharp, Operations Manager, FedEx, Unit 1, 9 | |
| 17. | Carsegate Road North, Inverness, IV3 8DU | 28/07/14 |
| | Dicksons of Inverness, 28 - 34 Carsegate Road, | 15/07/14 & |
| 18. | Inverness, IV3 8EX | 16/07/14 |
| | New Start Highland, 9 Carsegate Road North, | |
| 19. | Inverness, Highland, IV3 8DU | 25/07/14 |
| | Owner Tom Ashmole, Unit 2, 3 Carsegate Road | |
| 20. | North, Inverness, IV3 8DU | 25/07/14 |
| | | |

| | Mr Peter Body, Norscot Joinery Ltd, 20 Carsegate | |
|-----|--|----------|
| 21. | Road, Inverness, IV3 8EX | 17/07/14 |
| | P&H (1925) Limited David Scudder, P&H House, | |
| 22. | Davigdor Road, Hove, BN3 1RE | 23/07/14 |
| | Anderson Clark Motor Repairs, 16 Carsegate | |
| 23. | Road, Inverness, IV3 8EX | 15/07/14 |
| | Mr Paul Maddox, 6 Carsegate Road North, | |
| 24. | Inverness, IV3 8DU | 25/07/14 |
| | Mr B Mackenzie, Old Sawmill, Clachnaharry, | |
| 25. | Inverness, IV3 8RA | 14/07/14 |
| | Ms Shona Macdonald, Unit 33 Carsegate Road, | |
| 26. | Inverness, IV3 8EX | 14/07/14 |
| | Les MacLaren Garage Services, Unit 7, 3 | |
| 27. | Carsegate Road North, Inverness, IV3 8DU | 23/07/14 |
| | Go Outdoors, Per Firstplan, Michael Mills, 25 | |
| 28. | Floral Street, London, WC2E 9DS | 31/07/14 |



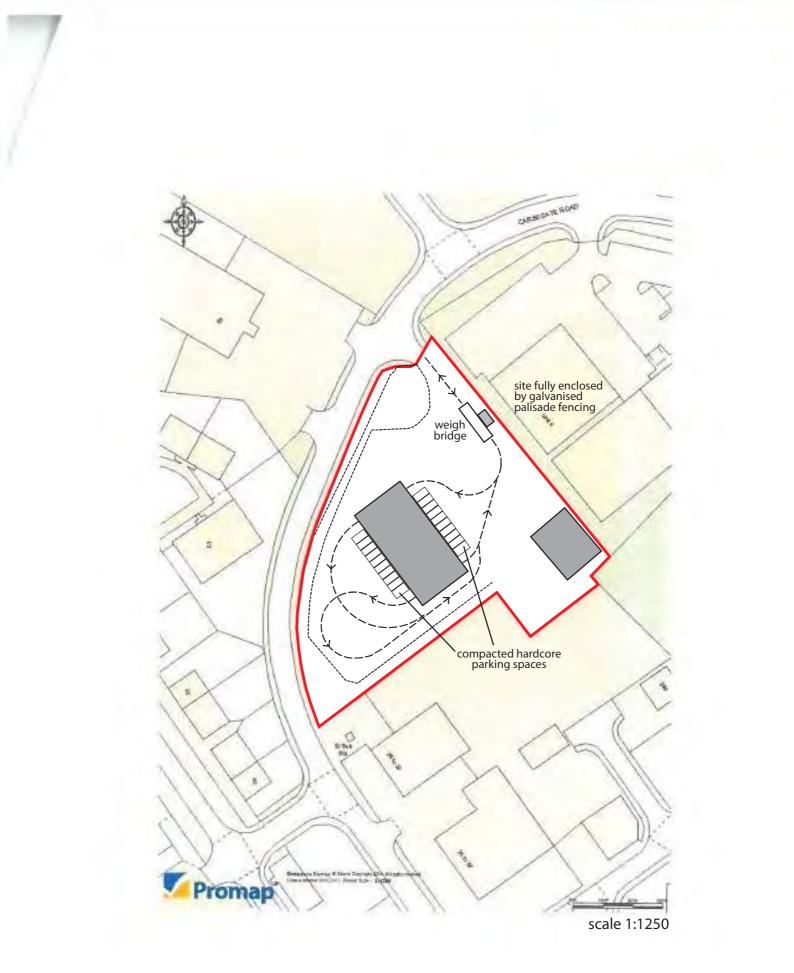
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LOCATION PLAN



22 Westhall Gardens, Edinburgh EH104JQ urban.animation@blueyonder.co.uk tel. 0131 477 0676 www.urban-animation.com



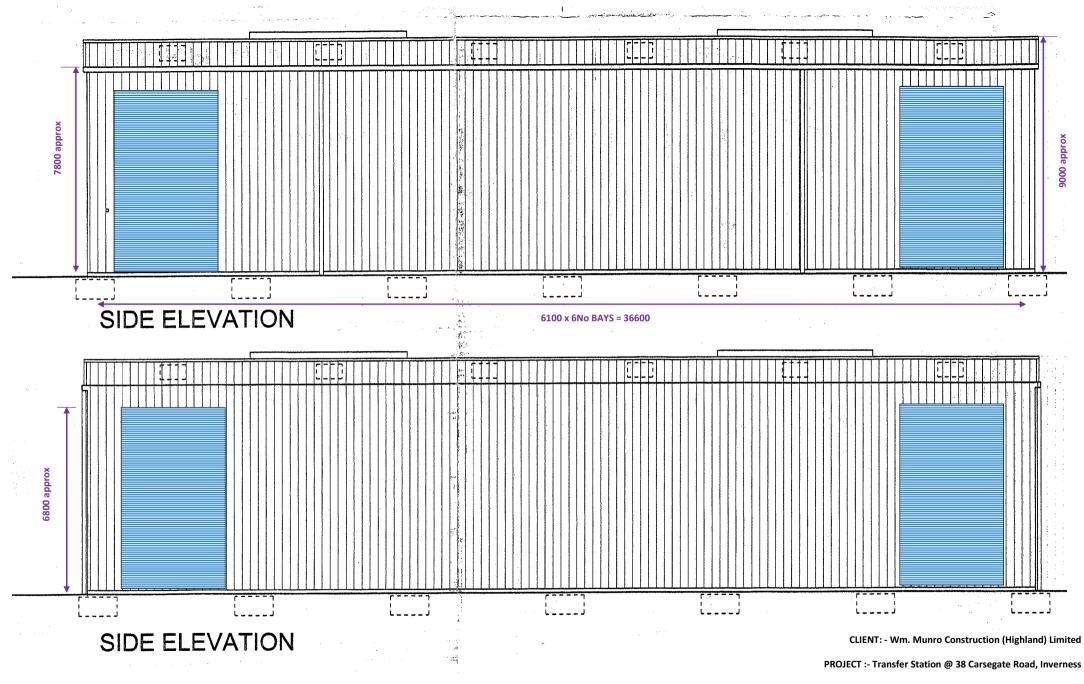
SITE PLAN



22 Westhall Gardens, Edinburgh EH104JQ urban.animation@blueyonder.co.uk tel. 0131 477 0676 www.urban-animation.com



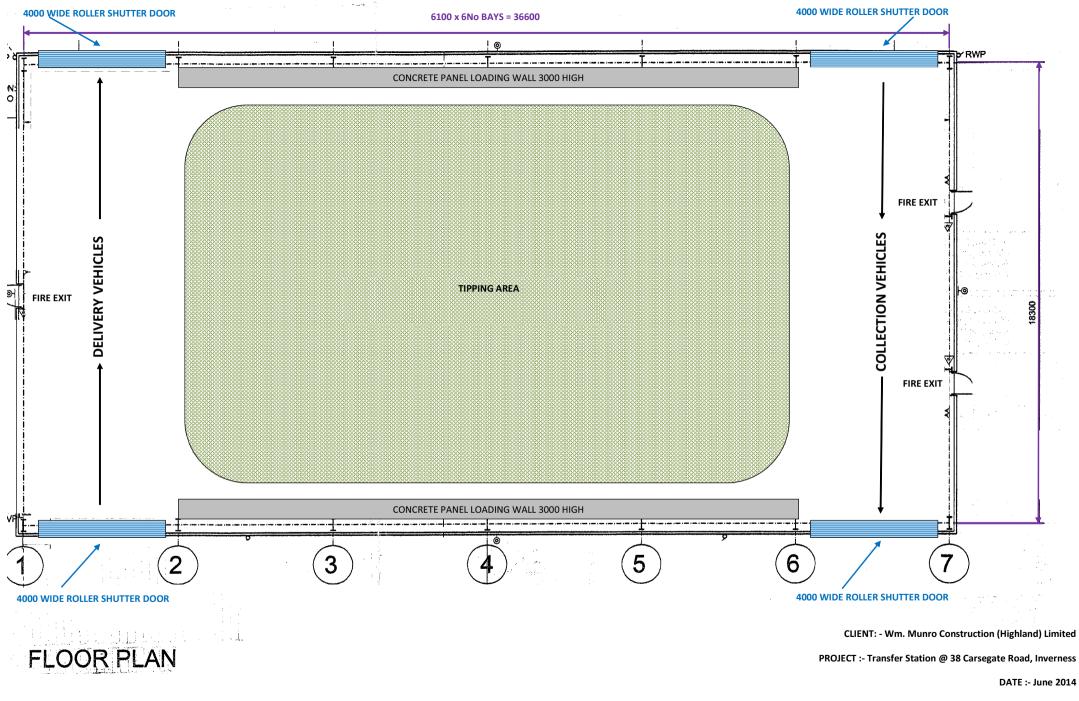
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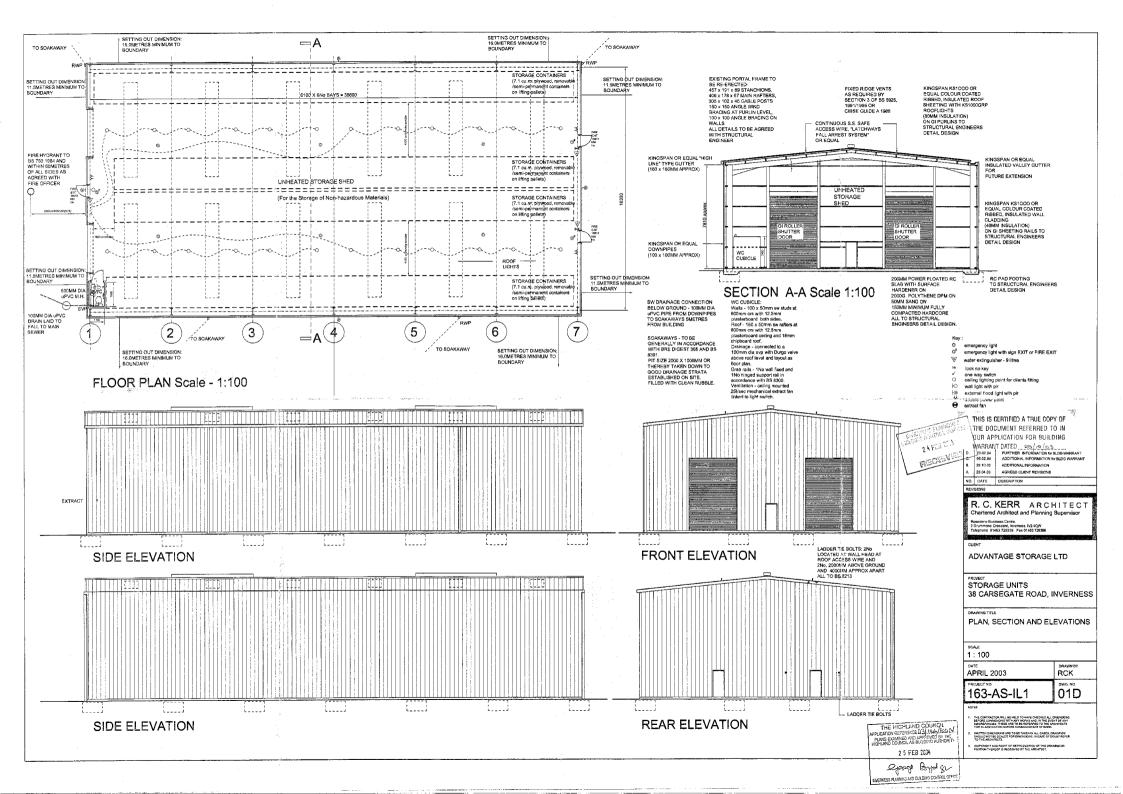


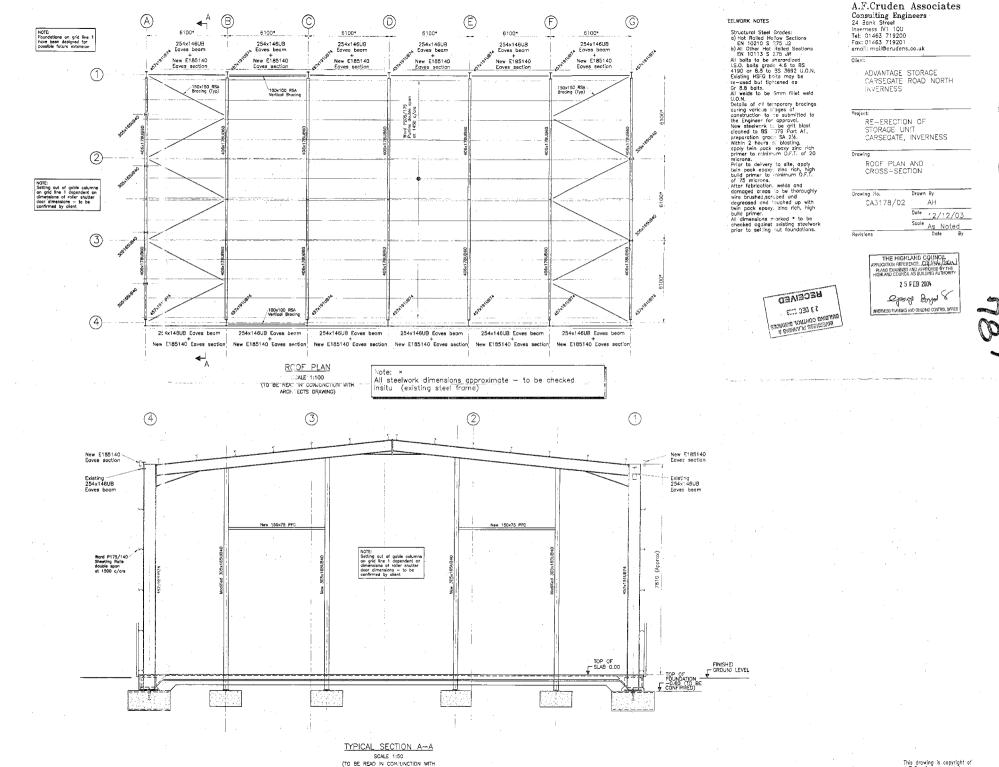
DATE :- June 2014

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ARCHITECTE DOWING)

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