

Agenda item	6.12
Report no	PLN/042/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 June 2018

Report Title: 18/01067/FUL: Lawson Memorial Hospital, Golspie

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 **Applicant:** NHS Highland per Ryan Nelson/Scott Kirby

Description of development: Installation of 6 LPG tanks

Ward: 4 – East Sutherland and Edderton

Category: Local

Reasons Referred to Committee: Community Council objection

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.

2. Recommendation

2.2 Members are asked to agree the recommendation to Grant as set out in section 11 of the report

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for the siting of 6 x 1 tonne Liquefied Petroleum Gas (LPG) tanks in two rows within the rear grounds of Lawson Memorial Hospital. The tanks are located 3m from the northern boundary. The proposed tanks would sit on a concrete base, measuring 9.2m x 6m. It is now proposed to erect a 1.8 m timber high fenced around the tanks to create a compound measuring 12m x 8m with two outwards opening gates on non-adjacent sides to help screen the site.
- 3.2 No formal pre-application was sought in advance of the submission.
- 3.3 The site is served by the existing access onto the A9 road.
- 3.4 The application is supported by Tank Screening Information which sets out options that can be used to screen the tanks.
- 3.5 **Variations:** Proposal amended to include a fenced compound for screening purposes.

4. SITE DESCRIPTION

- 4.1 The site is within the grounds of Lawson Memorial Hospital; to the rear of the main buildings and next to the laundry/store facility. The site is currently open ground. Ben Bhraggie Drive is located to the north west of the site and sits at an elevated level overlooking the site. The site is approximately 26m away from the nearest dwelling (24 Ben Bhraggie Drive) and approximately 5m from the store facility to the west.

5. PLANNING HISTORY

- 5.1 08/00113/FULSU: Erection of store – Application Granted 13.06.2008

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Schedule 3 Development (14 days)
Representation deadline: 20.04.2018
Timeous representations: 2 representations from 2 households
Late representations : 0
- 6.2 Material considerations raised are summarised as follows:
- Siting and impact on residential amenity
- Non-material considerations raised are summarised as follows:
- Safety of tanks/ trees around the tanks
 - De-valuation of property
 - Loss of view
- 6.3 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.

7. CONSULTATIONS

- 7.1 Golspie Community Council: Objection – supports the householder’s objection to the location of the tanks and asks that the applicant considers another location within the hospital grounds.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
29 Design Quality and Place-making
34 Settlement Development Areas

8.2 Sutherland Local Plan (As Continued in Force, 2012)

Located within the Golspie Settlement Development Area.

9. OTHER MATERIAL CONSIDERATIONS

9.1 Caithness and Sutherland Local Development Plan (Modified Proposed Plan - 2016)

Located within the Golspie Settlement Development Area.

9.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide

9.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June, 2014)

10. PLANNING APPRAISAL

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

- 10.2 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.

10.3 Development Plan Policy Assessment

- 10.3.1 In this case the Development Plan comprises the Highland-wide Local Development Plan (HwLDP), Sutherland Local Plan – as continued in force (SLP) and Caithness and Sutherland Modified Proposed Local Development Plan (CASplan). The SLP

and CASplan define Golspie as a Settlement Development Area (SDA). There are no site specific policies in the SLP and CASplan therefore the proposal requires to be assessed against the general policies of the HwLDP.

10.3.2 The application site falls within the Golspie SDA therefore the application requires to be assessed primarily against Policy 34 of the HwLDP. This policy states proposals will be judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any natural, built and cultural heritage feature. This policy also supports development proposals within SDAs if they meet the Design for Sustainability requirements of Policy 28 which seeks sensitive siting and high quality design in keeping with local character and historic and natural environments. This Policy also requires proposed developments to be assessed on their impact on individual and community residential amenity.

10.3.3 Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

10.4 **Material Considerations**

Siting and Impact on Residential Amenity

The proposed tanks are to be located in an area adjoining residential properties on Ben Bhraggie Drive. The site is comparatively level but climbs to the rear towards Ben Bhraggie Drive. This has aroused concerns from adjoining neighbours whose properties are to the rear on the grounds of safety and impact on residential amenity. The properties sit at an elevated level with hedges forming a line where the gardens start to slope downwards towards the proposed site. The proposed tanks will be seen from the rear garden areas of neighbouring properties (23, 24 and 25 Ben Bhraggie Drive) when standing at the top edge of the slope looking downwards.

In response to these concerns it is proposed to erect a 1.8 m timber compound around the 1.2 m high tanks. This will help partially screen the tanks when viewed from the rear curtilages of the affected houses. The tanks will still be visible when looking down but their impact will be lessened. It is not considered that the proposal will significantly detract upon neighbouring properties.

The applicant advised that they had considered a number of alternative locations within the grounds of the hospital. However due to a number of functional requirements for tanker access, minimum separation distance, proximity to the boiler house (where the pipe work will require to be run) and the existing onsite services and trees this was considered to be the most appropriate location for operational reasons. This is supported by Development Plan Policy 28 where developments are compatible with public service provisions.

It is considered that the proposal is sited away from the public road and tucked away in the hospital grounds. The provision of a screen compound will help offset the visual impact of the tanks when viewed from the top of the gardens to the rear of the site. The proposal is not considered to have a significantly detrimental impact on individual and residential amenity as it will be read alongside the existing collection of buildings within the hospital grounds and complies with Development Plan Policy 28.

10.5 Other Considerations – not material

Loss of View

Both objectors noted that the proposed development would be seen from their gardens, which is not a material planning consideration.

De-valuation of property

The de-valuation of property is not a material planning consideration and therefore cannot be taken into account.

Safety

Safety concerns have been raised by objectors. The applicant has stated that the tanks will be installed in accordance with the UKLPG Code of Practice. In addition the works will require to comply with Building Standards Regulations. If any amendments are required to the proposal to meet Building Standards requirements then this may have planning implications.

11. CONCLUSION

11.1 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.

12. IMPLICATIONS

- 12.1 Resource – Not applicable
- 12.2 Legal – Not applicable
- 12.3 Community (Equality, Poverty and Rural) – Not applicable
- 12.4 Climate Change/Carbon Clever – Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

13. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions:

1. A timber hit and miss screen fence compound, as detailed in the approved tank screening information, or a wall of a design to be submitted to and approved in writing by the Planning Authority before any work commences on site, at least 1.8m high shall be installed in tandem with the approved LPG tanks and thereafter shall be maintained in perpetuity.

Reason: In order to safeguard the amenity of neighbouring properties.

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 LIMITS

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 and 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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

Mud and 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.

Designation: Area Planning Manager - North

Author: Kristie Hung

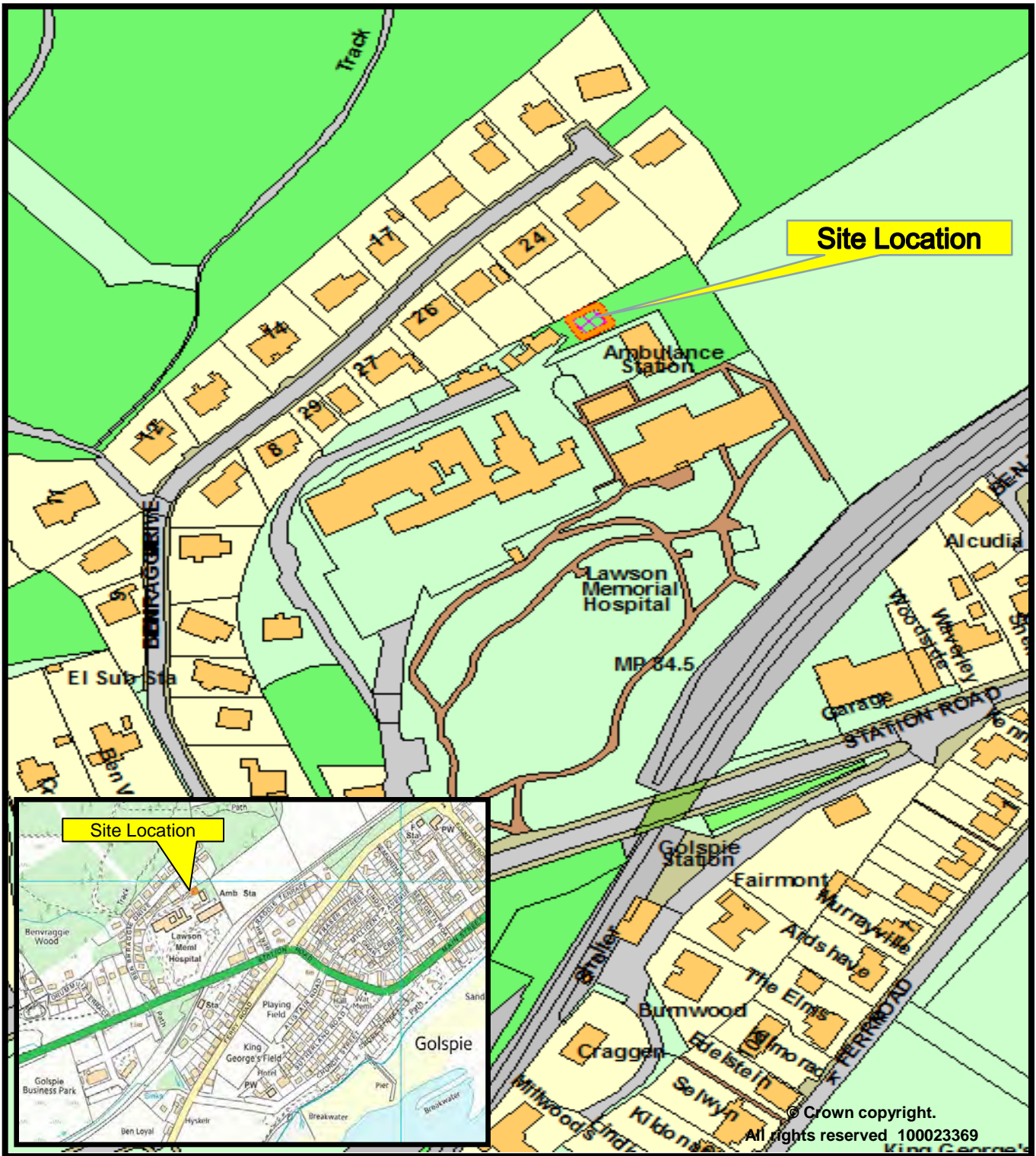
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan – drawing no. LM-SL-001 REV B

Plan 2 – Site layout plan – drawing no. 000003

Plan 3 – Floor-elevation plan – drawing no. 000001

Plan 4 – Foundations – drawing no. 000002



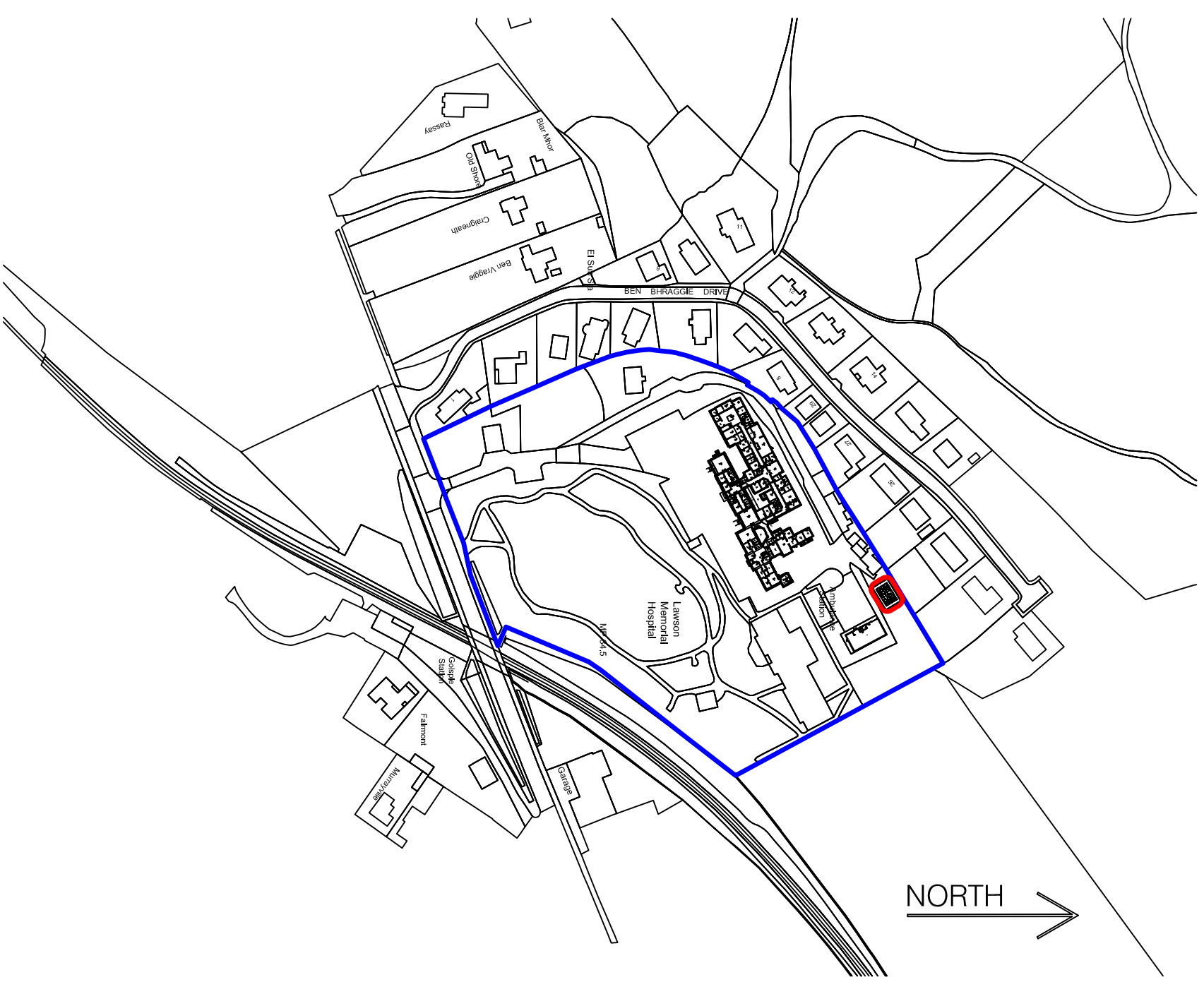
The Highland Council
Comhairle na Gàidhealtachd

Development & Infrastructure Service

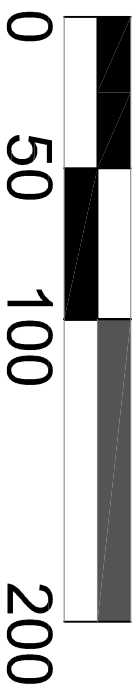
18/01067/FUL
Installation of 6 LPG tanks at Lawson Memorial Hospital, Golspie.

May 2018

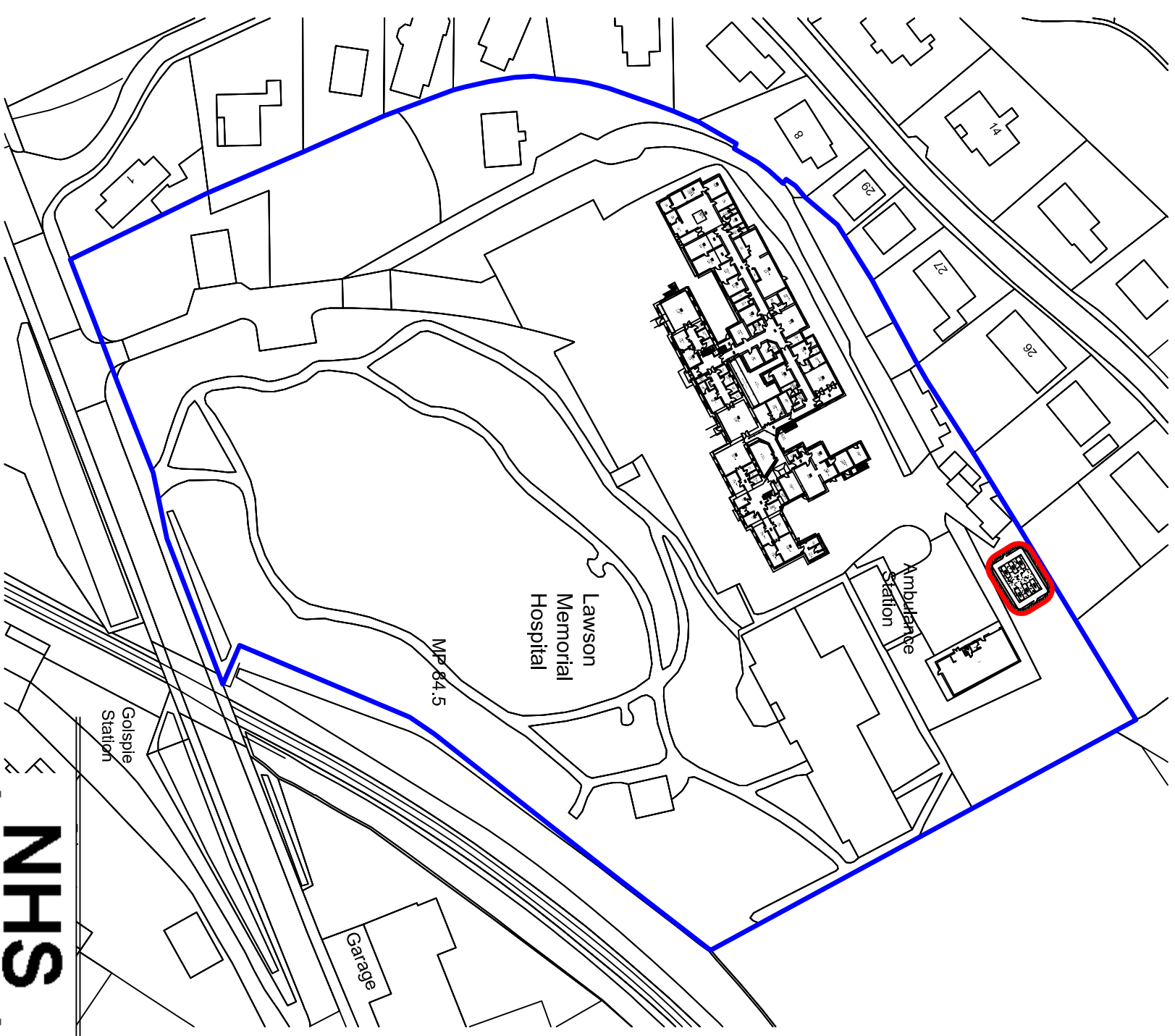




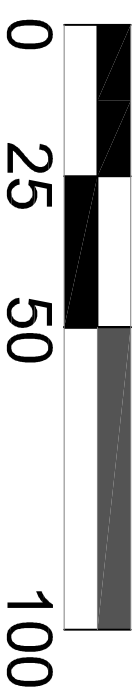
Location Plan
Scale 1:2500



Scale bar 1:2500



Site Plan
Scale 1:1250



Scale bar 1:1250

John Dewar Building, Highlander Way,
Inverness, IV2 7GE. Tel: 01463 704618



Estates Department

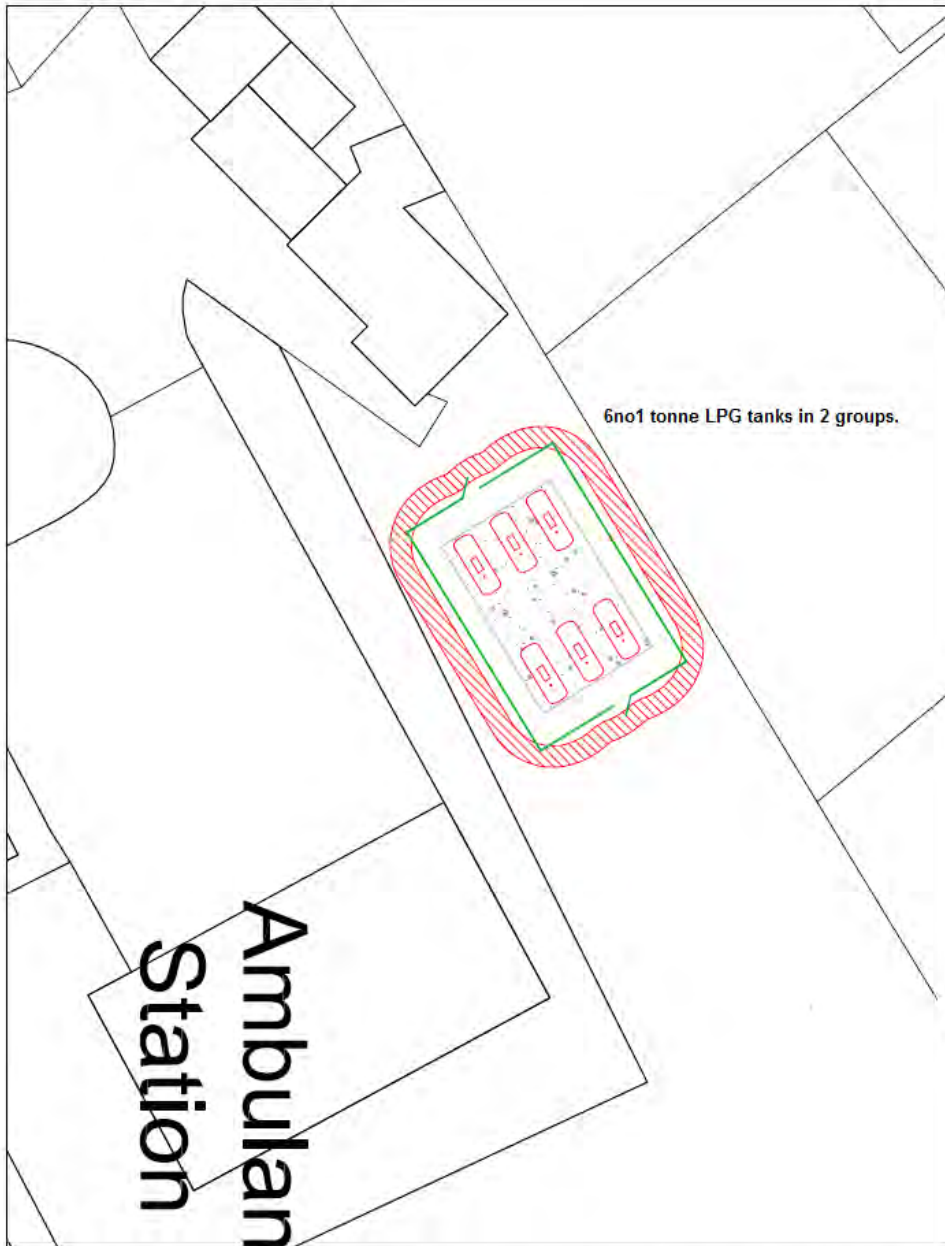
DRAWING TITLE: Lawson Memorial Site Layout

Drawing

LOCATION: Lawson Memorial, Golspie,

KW10 6SU

SCALE:	DRAWN BY:	PAPER:	DATE:
1:2500	S Kirdy	A3	13/1/17
DWG NO.:	REV.:		
LM-SL-001	B		

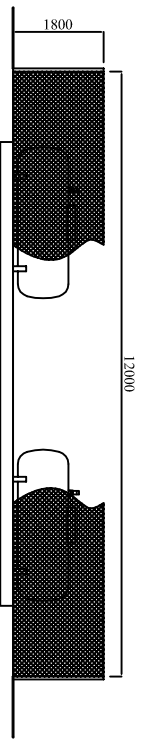
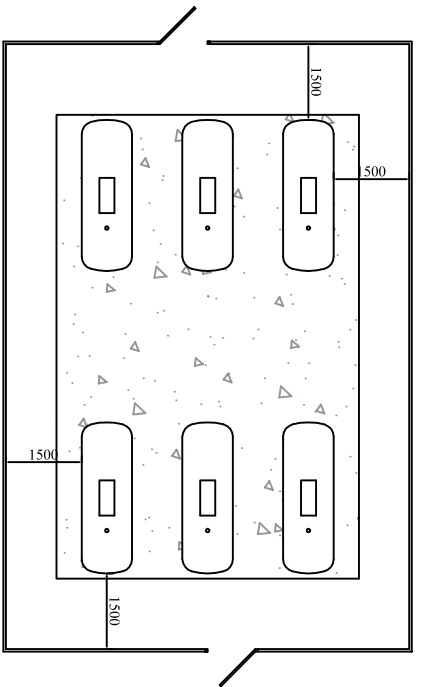
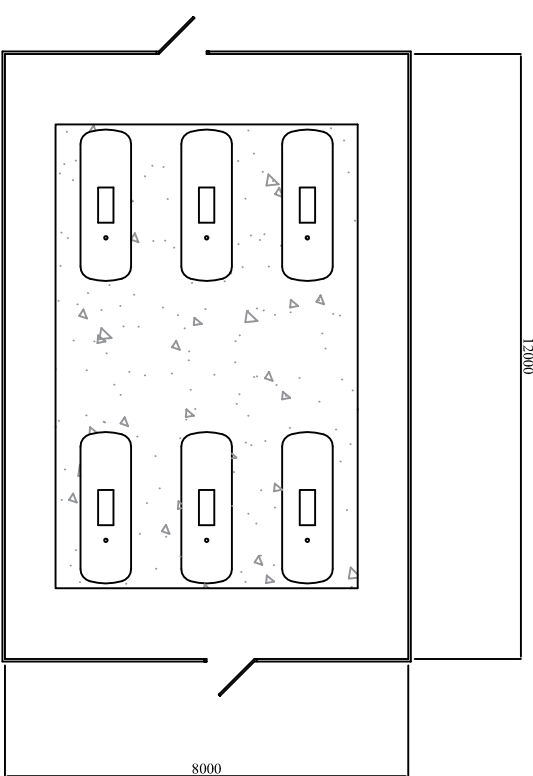


Area within the 3m separation zone shown on the above drawing, should be free from weeds, long grass and any combustible materials. Tanks to be located a minimum of 3m away from any buildings, boundaries and fixed sources of ignition. This can be reduced with the use of a firewall.

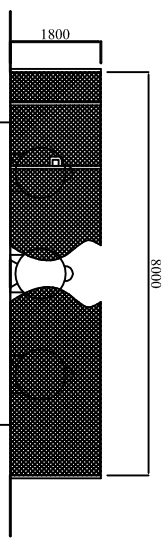
1m distance between the vessels located in a row and 3m between each group of vessels, as per UKLPG Codes of Practice 1 part 1 table 1 "...tanks in a group".

Revision	Comments

All measurements in millimetres unless otherwise stated



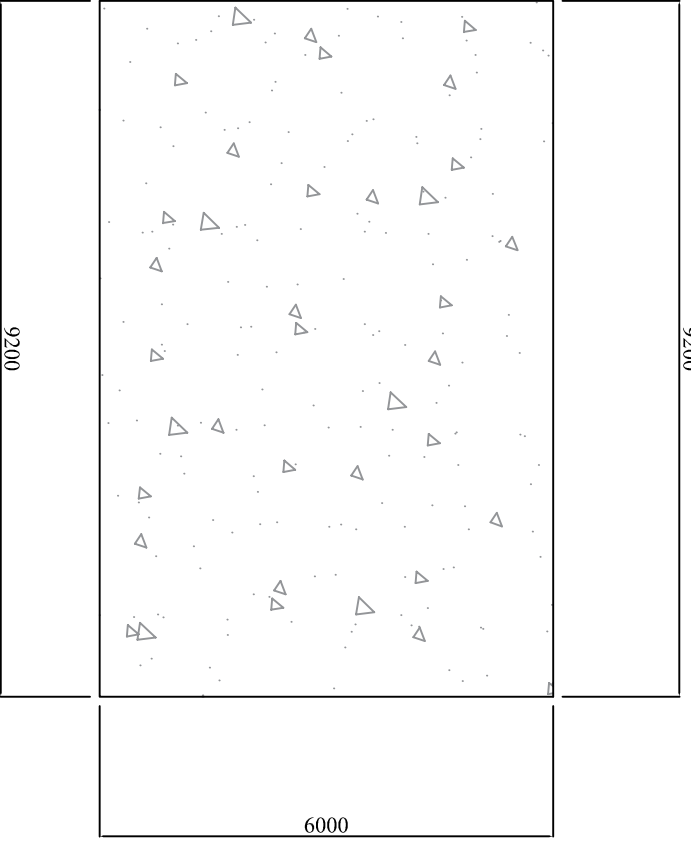
Compound to be of open construction (wire mesh, palisade or similar) and at least 1.8m high with 2no outwards opening gates on non-adjacent sides. Gates must not be self locking.



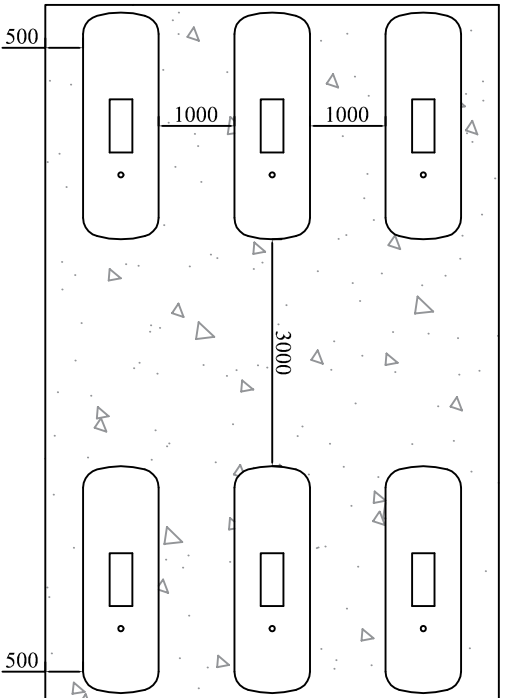
Name	6 x 1ton with compound
Description	Compound Dimensions
Drawn By:	Iain Kelly
Checked By	
Date	01/08/2016
Scale	1:150 @ A4
Drawing No	
Project No	
Project Manager	
Revision No	



Revision	Comments



Concrete base to be constructed from a minimum of 21N concrete, base to be flat and level. Base depth to be 250mm thick; this can be reduced by the use of reinforcement. .



All measurements in millimeteres unless otherwise stated

Name	6 x 1ton (2 x 3)
Description	civil drawing for base
Drawn By:	Iam Kelly
Checked By	
Date	01/08/2016
Scale	1:100 @ A4
Drawing No	
Project No	
Project Manager	
Revision No	

