

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 19 JUNE 2007**

Agenda Item	2.1
Report No	1/07

06/00309/FULCA - Excavate trenches and lay heating mains connecting the energy centre at Pulteneytown Wick

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is to excavate trenches and lay heating mains connecting the energy centre adjacent to Pulteneytown Distillery to domestic residents at Cairndhuna Crescent, Kennedy Terrace, Loch Street, Macrae Street and Oldwick Road, Wick.

Ward Number 3 – Wick

The recommendation is to GRANT planning permission.

1. PROPOSAL

- 1.1 The proposal is to excavate trenches and lay heating mains connecting the energy centre at Pulteneytown Distillery to various streets in the Pulteneytown area of Wick.

2. PLANNING HISTORY

- 2.1 05/00058/FULCA - Erection of bio-fuelled combined heat and power station, forming part of Wick District Heating System, formation of vehicular access. Approved 4 August 2005.
- 2.2 05/00418/FULCA – Installation of heating mains for district heating scheme at Bexley Terrace, Battery Road, Roxburgh Road, Macrae Street, Macarthur Street, Wick. Approved 19 October 2005.

3. PUBLIC PARTICIPATION

- 3.1 Fourteen letters of representation have been received. Representations relate to the following themes:
- Access for pipes being taken through private property, gardens, garages and loft spaces
 - Damage to property
 - Costs to area outweigh benefits

- 3.2 The applicant has amended the plans with appropriate re-notification being undertaken on two occasions following the receipt of the original application.
- 3.3 The letters of representation are available in the Area office and will be available at the Committee meeting.

4. CONSULTATIONS

- 4.1 **Wick Community Council** – No comments received.
- 4.2 **Internal Consultees** – TEC Services – No objections.

5. POLICY

- 5.1 The following policies are relevant to the assessment of the proposal:

Highland Structure Plan:

1. G2 Design for Sustainability
2. E7 Centralised renewable energy developments

Caithness Local Plan:

Policy PP1 encourages development subject to detailed site factors

- 5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP), NPPG, and Planning Advice Notes and other material guidance.
- SPP1 – The Planning System
 - SPP 6 - Renewable Energy
 - PAN 82 - Local Authority Interest Developments

6. PLANNING APPRAISAL

- 6.1 **Determining issues** - 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.
- 6.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- whether the principle of development is appropriate in terms of policy
 - whether the layout of development is appropriate
 - the impact on the amenity of the area and residents
 - other material issues raised by the objectors

- 6.3 **Policy** – The principle of extending the existing district heating mains system with more pipework is considered to accord with policies G2, E7 and PP1.
- 6.4 **Representations** - Following receipt of the original application, 14 letters of representations were received. These mainly relate to access for the pipework being taken through private gardens and through existing houses and flats in the area. The applicant has submitted two sets of amended plans, with appropriate re-notification of neighbours. Three representations have been withdrawn. The other objectors did not respond to the amended plans.
- 6.5 Members will note that the plans have now been changed to show the line of proposed pipework running underneath the road, rather than directly under pavements or through private land. Access to individual properties would be achieved across pavements and then into private space, or land under the control of the Council as Housing Authority. It would be for the applicants to negotiate with individual parties over rights of access across or under such private space. This is a private legal matter and is not a material planning consideration. Any damage caused to property is also a matter for resolution between parties and is not a material planning consideration.
- 6.6 **Consultees** - No technical difficulties have been highlighted by statutory consultees.
- 6.7 I am of the view that the proposal will have an impact on the individual and community residential amenity of the area as identified by Policy G2. However, this impact will be relatively short term during laying of the pipework.

7. CONCLUSION

- 7.1 **The proposal is considered to be acceptable and accords with the Development Plan.**
- 7.2 **Notification to Scottish Ministers** - Members will note that as Caithness Heat and Power is a limited company in which Highland Council has an interest, there is a requirement under PAN 82 to consider whether notification of the application to Scottish Ministers is required. Notification is required where there is a substantial body of objections. This is assessed where the planning authority considers that the strength of opposition is a significant material consideration, taking into account the number of representations against the proposal in the context of the locality.
- 7.3 The applicant has indicated that 81 householders were notified of the proposal. Fourteen of these made representations, with 3 of these now withdrawn. This leaves 11 householders who did not respond to the amended plans. It is my view that this is not a significant number of representations against the proposal in the context of the locality. The proposal has been amended to address the concerns of those making representations. Members will also note that many of the representations are not material planning considerations. **Accordingly, it is not judged appropriate in this instance to notify the application to Scottish Ministers for their consideration.**

RECOMMENDATION

Grant planning permission subject to conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

Alan J. Tamm

Signature:

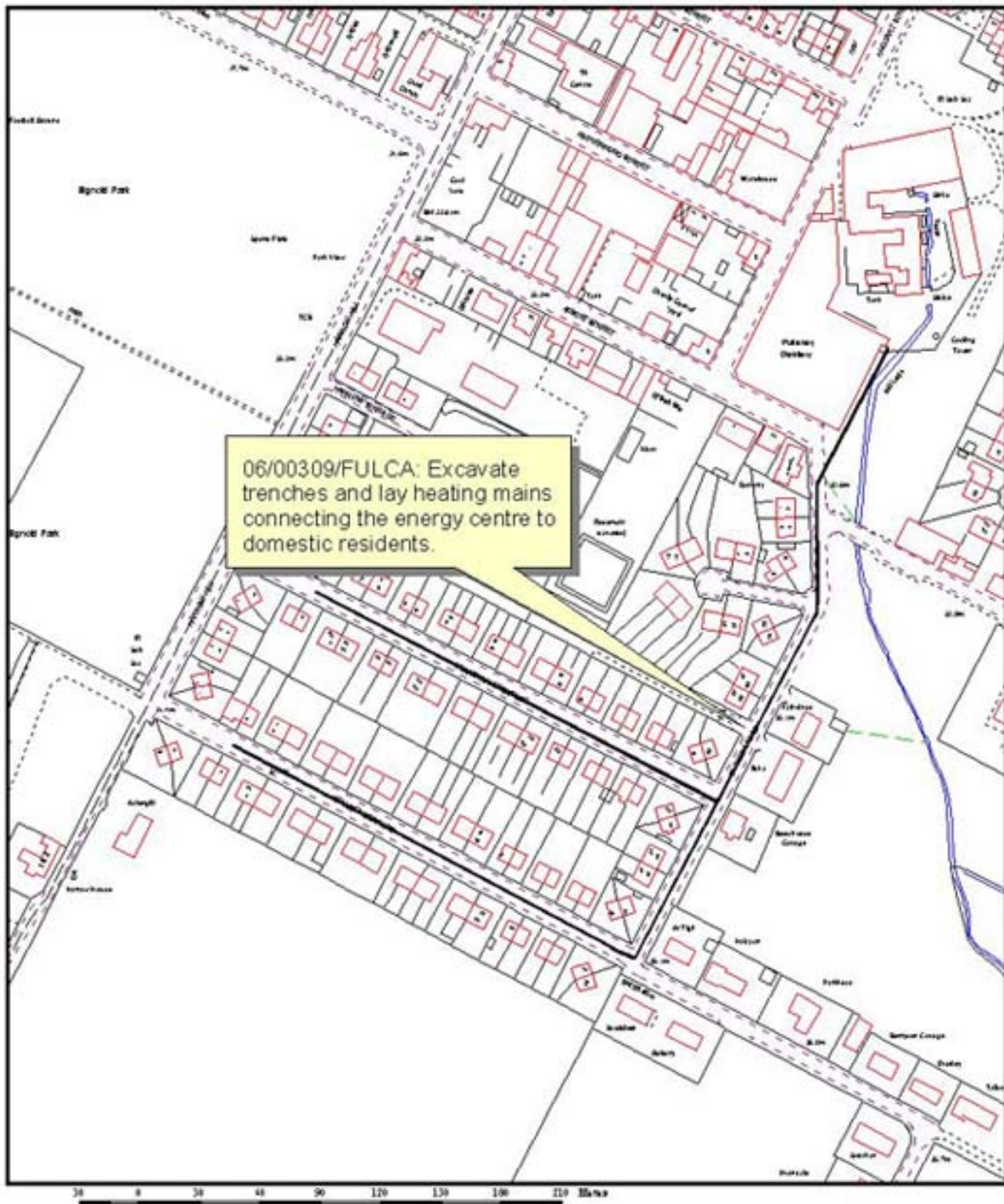


Designation: Area Planning and Building Standards Manager

Author: Bob Robertson 01862 812044

Background Papers: As referred to in the report above and case file reference number 06/00309/FULCA

Date: 5 June 2007



Land at Cairndhuna Terrace, Loch Street, Macrae Street, Oldwick Road and Kennedy Terrace, Wick. CAITHNESS.

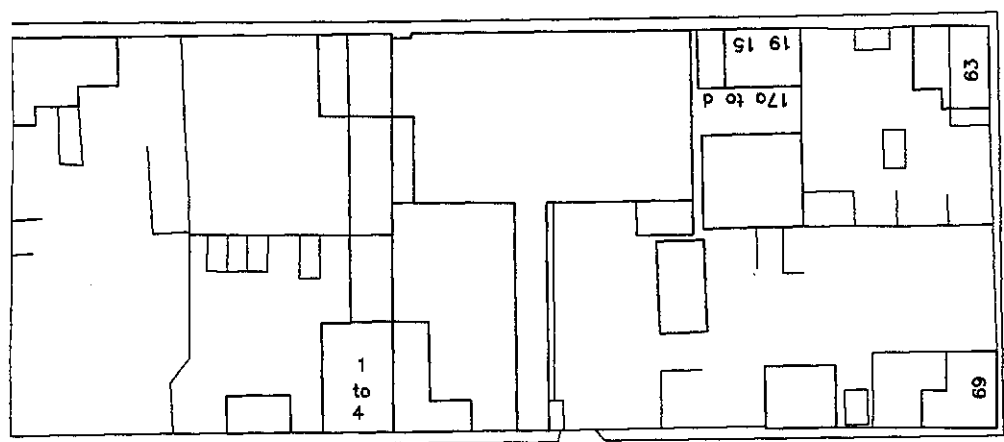


Date

SUPPLIED BY THE HIGHLAND COUNCIL PLANNING & DEVELOPMENT SERVICE

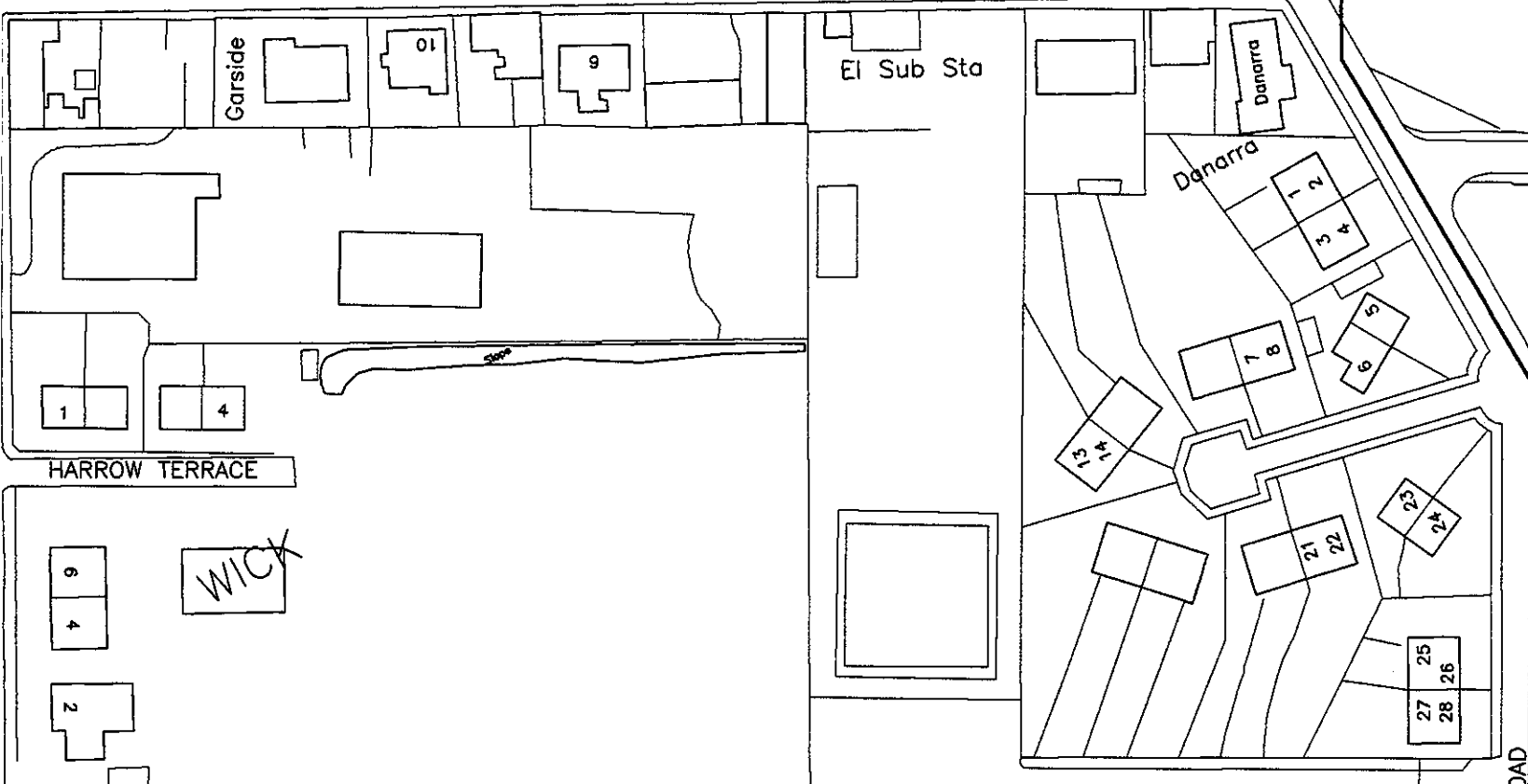
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RUTHERFORD STREET



Pulteney Distillery

ALBERT STREET



HARROW TERRACE

WICK

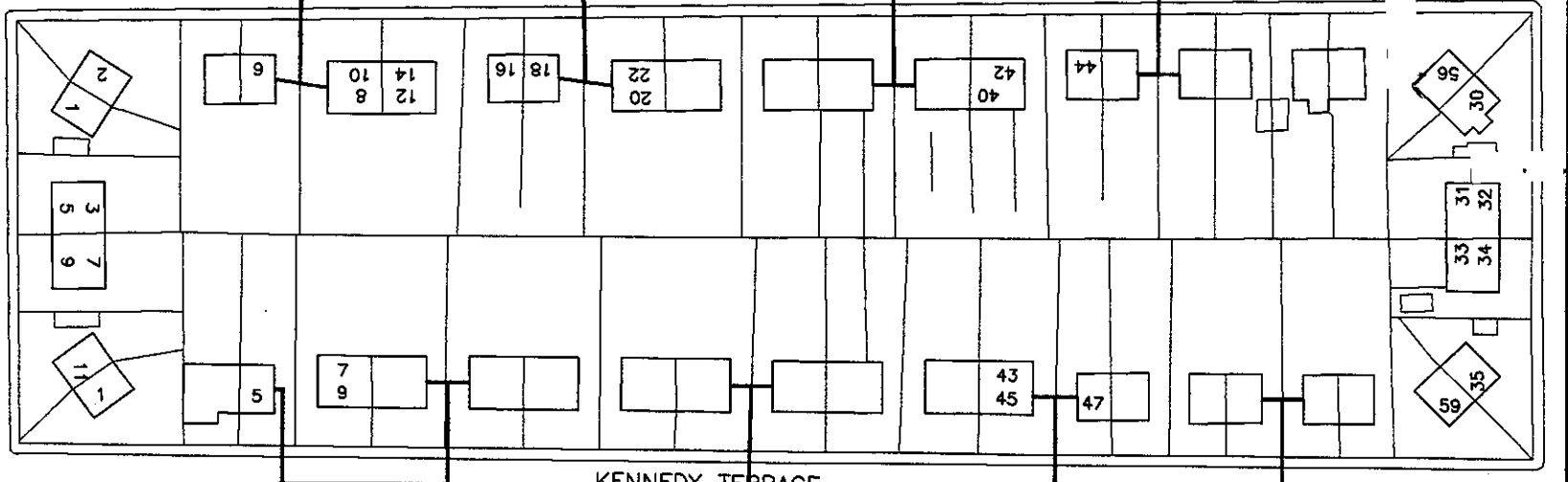
The Bungalow

OLDWICK ROAD

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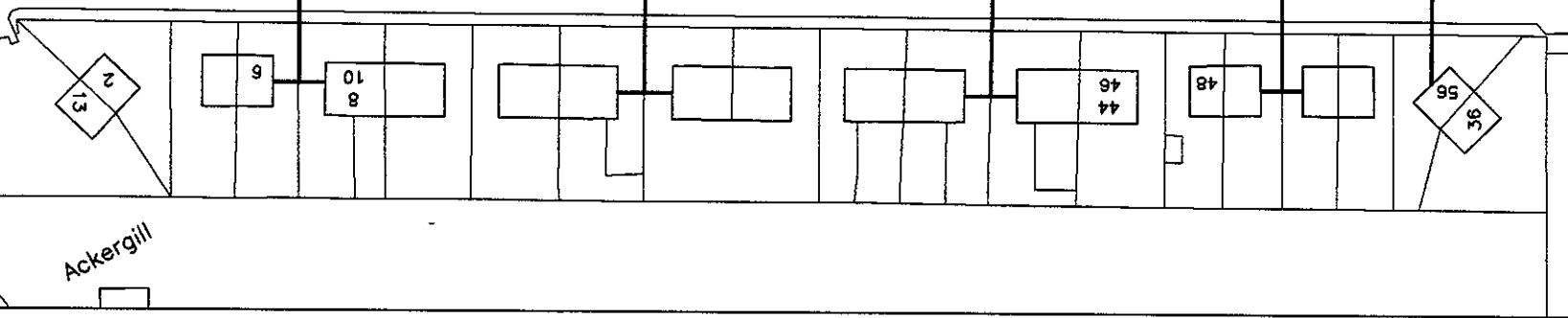
CAIRNDHUNA TERRACE

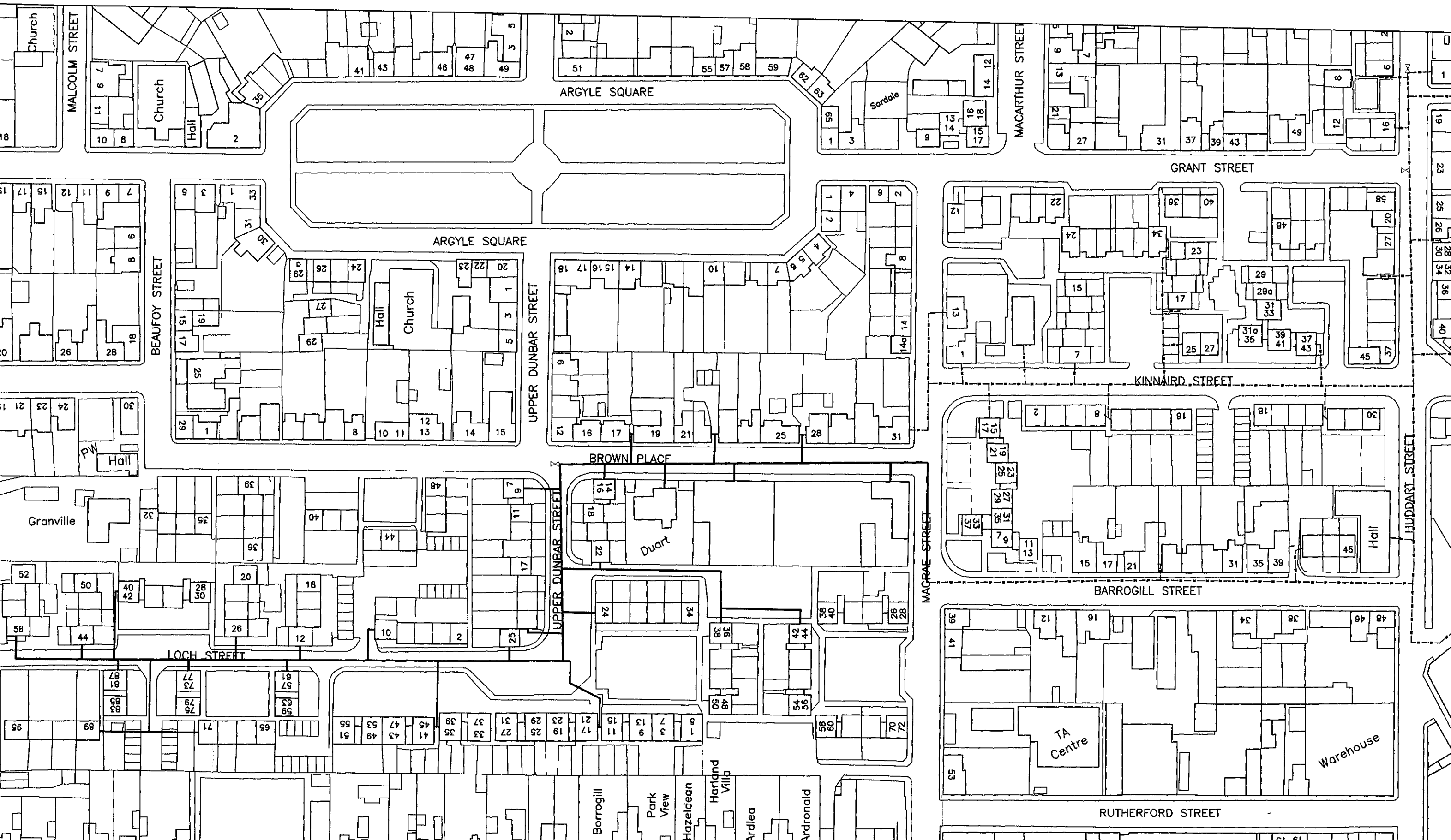


KENNEDY TERRACE

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