

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE - 19 AUGUST 2008**

Agenda Item	4.4
Report No	47-08

**06/00074/FULCA: Erection Of Fishing Lodge And Installation Of Reed Bed at Loch
More, Westerdale**

Report by Area Planning and Building Standards Manager

SUMMARY

This application has been brought to Committee for determination as it is contrary to the Development Plan. The site lies within Primary Policy PP4 of the Landward Chapter of the Caithness Local Plan whereby the Council will presume against new development unless a strong and over-riding social, economic, public health or safety reason, or benefits of primary importance to the environment, can be demonstrated. Although no specific justification has been demonstrated by the applicant, it is considered that, as Scottish Natural Heritage's concerns can readily be addressed by condition, permission can be recommended contrary to the provisions of the Caithness Local Plan.

The recommendation is to GRANT planning permission.

Ward Number 4 – Landward Caithness

Applicant: Angus Estates (Per Agent)

Agent: The Voigt Partnership, 66 High Street, Arbroath, Angus, DD11 1AW

No hearing is required

1. PROPOSAL

- 1.1 Application is made for the erection of a fishing lodge and installation of a reed bed at Loch More, Westerdale.
- 1.2 The eight bedroomed lodge is designed in an L-shape and would be a mix of single and two storeys. It would be set within existing coniferous woodland on the eastern shores of Loch More. Walls would be finished in a mix of materials with elements of white roughcast, natural stone and timber stained dark green. The roof would be finished in second hand slates.

2. PLANNING HISTORY

- 2.1 None

3. PUBLIC PARTICIPATION

3.1 The proposal was advertised for a 21 day period as development not in accordance with the provisions of the Development Plan.

3.2 No representations have been received.

4. CONSULTATIONS

4.1 Internal Consultees

Area Roads and Community Works Manager: No objections.

Access Officer: No objections. However, requests that a condition be added to any consent given in order to provide a large hard standing that could accommodate three/four cars and would also offer a turning space for a vehicle with a trailer.

4.2 External Consultees

RSPB (Scotland): Objects to the proposal on the basis of the information currently submitted. However are mindful to withdraw their objection if a condition is attached to ensure that no construction works occur within the period 01 April to 15 July inclusive.

Scottish Natural Heritage (SNH): Objects to the proposal on the basis of the information currently submitted

- The development is likely to have a significant impact upon the interest of the Caithness and Sutherland Peatlands SPA and Ramsar site. These relate to the possibility of works associated with this project being undertaken during the bird breeding season and having an impact upon breeding birds. However, SNH would withdraw its objection to this aspect of the development if a condition is attached to ensure that no construction works occur within the period 01 April to 15 July inclusive.
- The development is likely to have a significant impact upon the interest of the Caithness and Sutherland Peatlands SAC. The proposed lodge and reed bed near this protected site could directly have an impact on the interests of the SAC through modification of open water habitats. The applicant's ecological assessment discusses possible plant species to be used in the reed bed system. If planting is restricted to *Carex rostrata*, *Phalaris arundinacea*, *Sparganium erectum* and *Phragmites australis* no non-native or invasive species will be introduced to the SAC. Where possible plants should be obtained from local sources to preserve the genetic integrity of local wild populations of these species. SNH indicate the problems of reed bed filters especially in the winter.
- Given the importance of the freshwater habitats of Loch More and the River Thurso, SNH request that SEPA be consulted on the proposed sewage management system to ensure it complies with regulations covering point pollution sources.

- The erection of a lodge and reed bed near the River Thurso SAC could directly impact on the interest of the SAC through modification of the habitat supporting the Atlantic salmon interest. However, SNH would withdraw its objection to this aspect of the development if a condition is attached to ensure that no construction works occur within the period 01 April to 15 July inclusive.

SEPA: No objections to the proposed sewage system subject to the applicant applying for a CAR discharge authorisation. No risk of flooding.

Scottish Water: No objections.

5. POLICY

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

Highland Structure Plan

- G2 Design for Sustainability
- T3 Self catering tourism accommodation – applications for self-contained accommodation must be designed to have minimal impact upon services.
- N1 Nature Conservation - new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible.

Caithness Local Plan

- PP4 – The Council generally presumes against development unless there is a strong and over-riding social, economic, public health or safety reason, or for benefits of primary importance to the environment. [This proposal is for tourism and is considered to therefore comply with policy in this respect.]
- Policy 49 in Chapter 4 (Landward Areas) indicates that at Loch More there is scope for basic visitor facilities adjacent to the dam, including interpretation with links to the Blar nam Faoileag National Nature Reserve.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- In this instance, in particular, SPP1 – The Planning System.

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 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 applicant

6.3 This proposal is located within Primary Policy PP4 of the Caithness Local Plan which states that there is a presumption against new development. The application has been advertised as a departure from the Local Plan. However, in this particular case, it is considered that the proposal will provide much needed tourist accommodation that will to some extent provide a consolidation of the existing socio-economic base in the area. The proposal's impact upon the environment can be controlled by conditions as requested by SNH.

7. CONCLUSION

7.1 Given this, I therefore consider that the application can be recommended for approval despite being contrary to the provisions of the Caithness Local Plan.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct the development in accordance with the plans and supporting information submitted with the application and docketed 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.

2. Prior to the commencement of development the access track shall:-
 a) be constructed with a minimum access width of 3.3 metres; and
 b) be surfaced for 6 metres back from the edge of the public road;
 c) any ditch beneath the proposed access shall be piped with concrete headwalls at both ends; and
 d) drop and bull nose kerbing shall be provided across the driveway

Reason: In the interests of road safety.

3. Notwithstanding the submitted details, and prior to the commencement of development, satisfactory proposals shall be submitted for approval to bring the proposed private water supply up to current standards.

Reason: In order to comply with the requirements of Environmental Health and public sanitation.

4. No site clearance or construction work shall take place between 01 April – 15 July inclusive in order to avoid the peak bird breeding season.

Reason: In order to comply with the requirements of both Scottish Natural Heritage and RSPB Scotland.

5. The plant species to be used in the reed bed shall be restricted to the following local varieties Carex rostrata, Phalaris arundinacea, Sparganium erectum and Phragmites australis. These shall be obtained from local resources where available.

Reason: In order to comply with the requirements of Scottish Natural Heritage and to preserve the genetic integrity of local wild populations of these species.

6. Prior to the commencement of development, the sewage treatment system shall be agreed in writing with the Planning Authority in consultation with SEPA and shall comply with the Controlled Activities Regulations for point pollution sources.

Reason: In order to comply with the requirements of both Scottish Natural Heritage and SEPA.

7. The fishing lodge hereby approved shall be used for holiday purposes only and shall not be occupied at any time as the sole or main place of residence of any occupant.

Reason: In order to ensure that the fishing lodge is occupied for holiday purposes only and not as permanent residential accommodation, in order to comply with Primary Policy PP4 of the Caithness Local Plan.

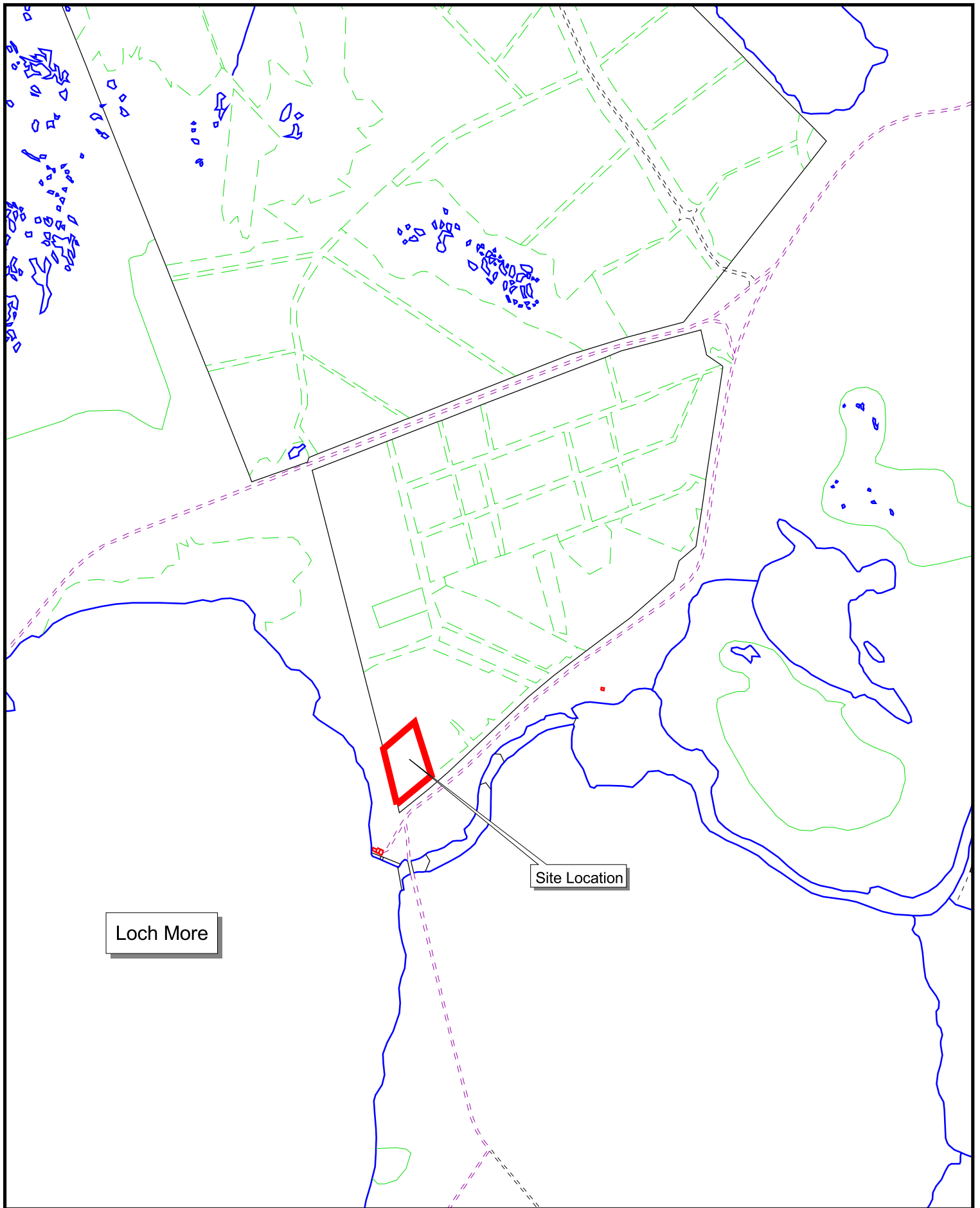
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Andrew Parker 01955 607754

Background Papers: As referred to in the report above and case file reference number 06/00074/FULCA.

Date: 04 August 2008



Date: 6th August 2008

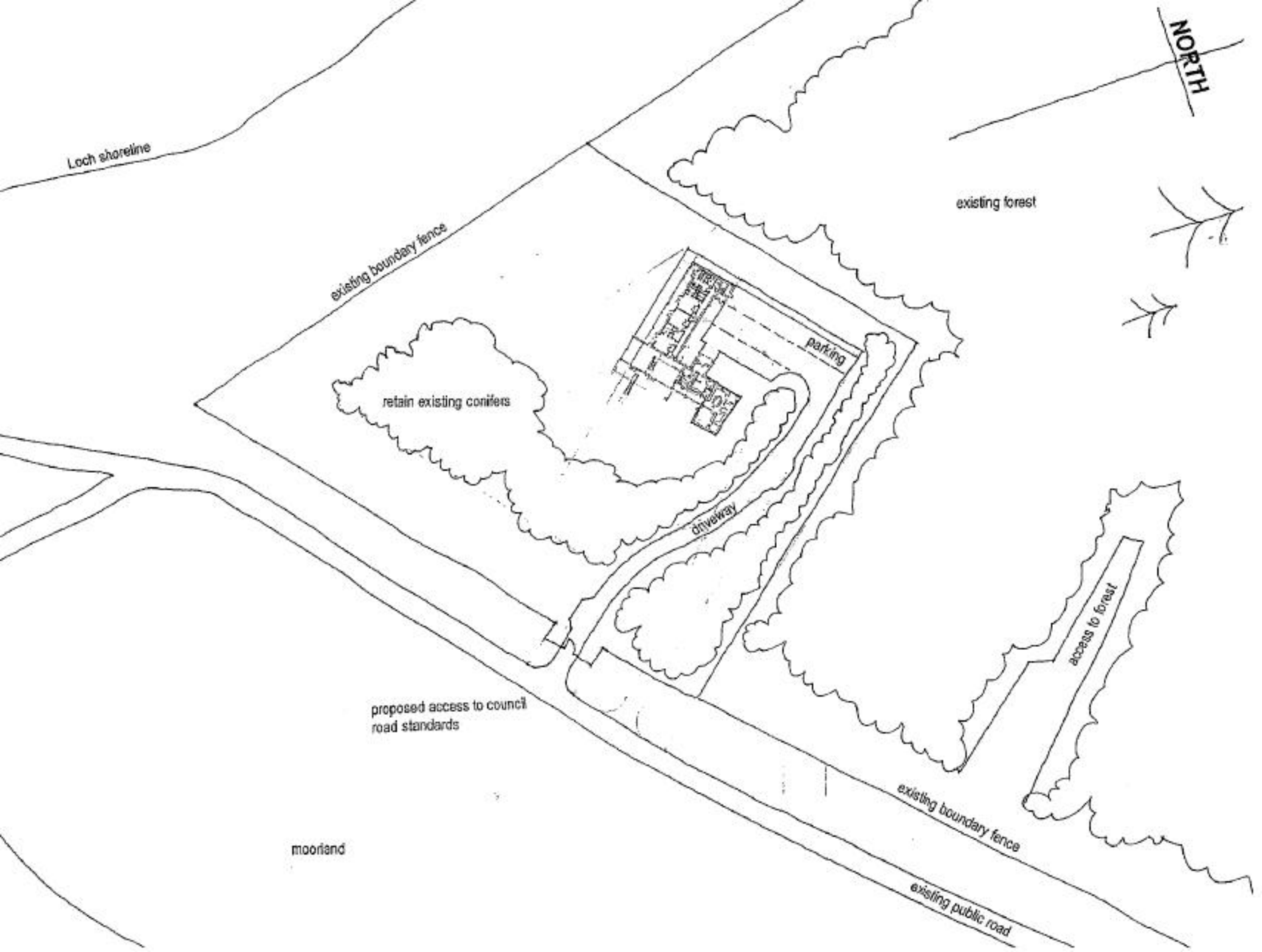
06/00074/FULCA
Land At Loch More, Westerdale, Halkirk
Erection of fishing lodge and instillation
of septic tank

Applicant: Angus Estates
Agent: The Voigt Partnership
66 High Street, Abroath
Angus, DD11 1AW

SUPPLIED BY THE HIGHLAND COUNCIL



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NORTH

Loch shoreline

existing boundary fence

existing forest

retain existing conifers

parking

driveway

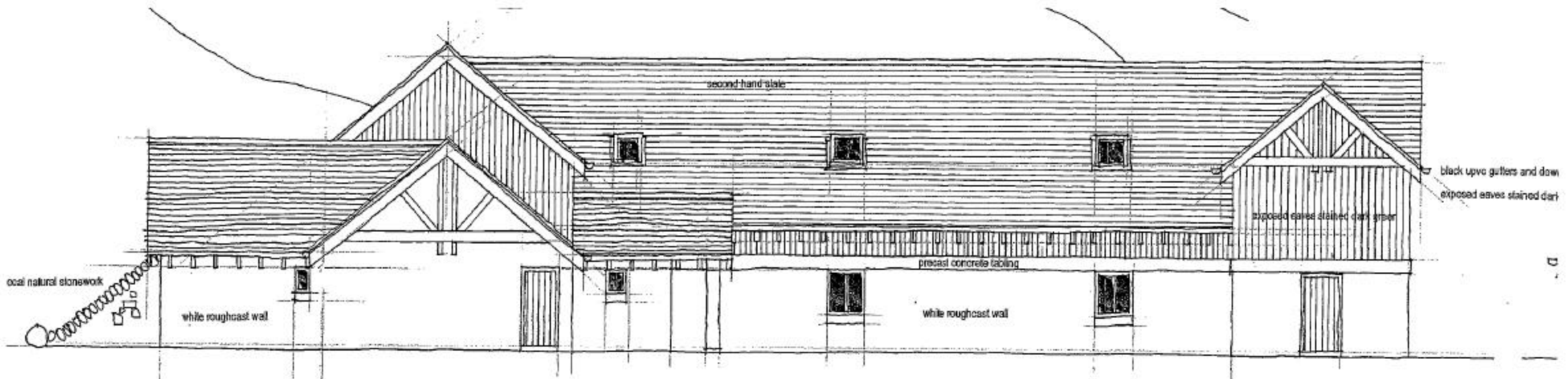
proposed access to council road standards

moorland

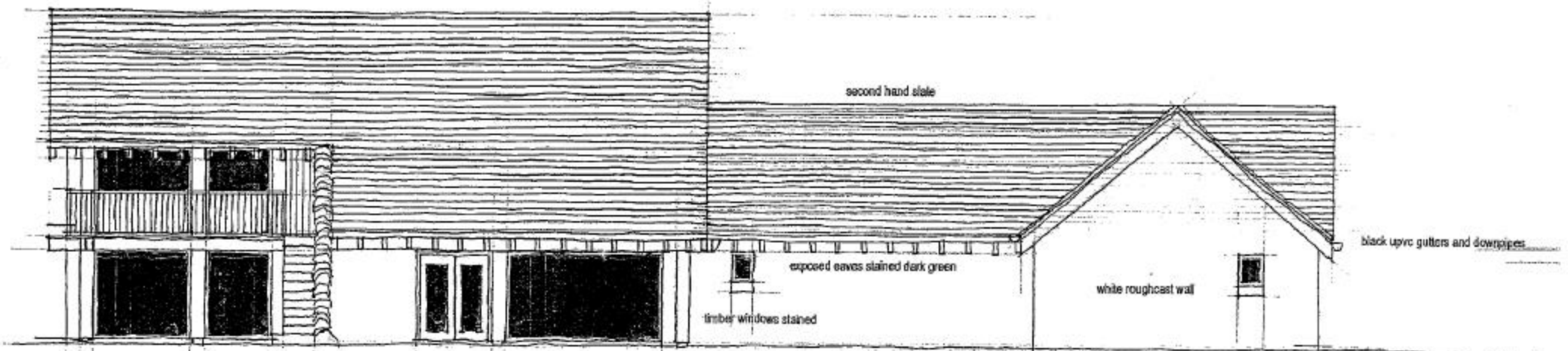
existing boundary fence

existing public road

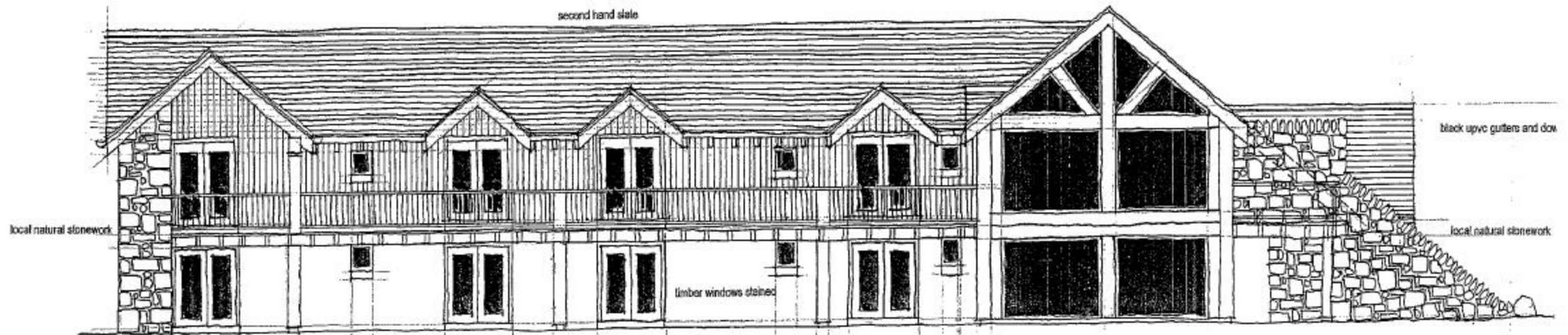
access to forest



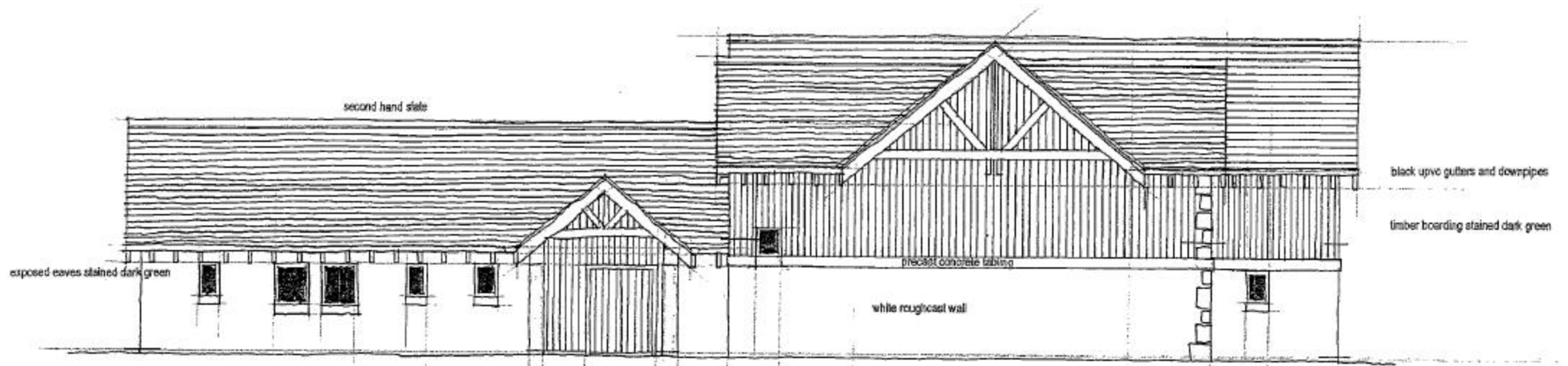
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SOUTH EAST ELEVATION
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SOUTH WEST ELEVATION
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