

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
10 November 2015**

Agenda Item	7.5
Report No	PLS/081/15

**15/03360/FUL: Jacobite Cruises Ltd
Jacobite Cruises Ltd, Dochgarroch, Inverness, IV3 8JG**

Report by Area Planning Manager – South

SUMMARY

Description: Construction of new jetty to replace existing pontoon

Recommendation: GRANT

Ward: 13: Aird and Loch Ness

Development category: Local

Pre-determination hearing: None

Reason referred to Committee: 5 or more objections

1. PROPOSED DEVELOPMENT

- 1.1 This application is for the construction of a new jetty to replace the existing pontoon at Dochgarroch.
- 1.2 The supporting information received relates to a decision letter received from Historic Environment Scotland granting Scheduled Monument Consent for the development in respect of the impact on the canal.

2. SITE DESCRIPTION

- 2.1 This site is adjacent to and includes part of the Scheduled Ancient Monument of the Caledonian Canal. It is located within a generally open area leading down to the Canal from the existing car park which serves the Jacobite Cruises facility.

3. PLANNING HISTORY

- 3.1 13/04524/FUL – siting of a portacabin for an office granted – 08.01.14
14/04797/FUL – new coach drop-off and overspill car park granted – 05.03.15
15/02440/FUL – amendment to 14/04797/FUL granted – 20.07.15

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Representation deadline: 02.10.15

Timeous representations: 10

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- Close to Dochgarroch Lock and could cause a hazard.
- Insufficient transit berths for the Lock already – more transit berths should be the priority.
- Loss of tranquillity.
- Jetty should be built in stone of a size and style to match existing stonework and any bollards/mooring rings should be stone/steel and match the existing ones. Sheet piling out of character for historic monument.
- The displaced pontoon should be relocated westwards to where old barge is located.
- Jacobite vessels should be restricted to berthing on the new jetty during canal opening hours and outwith those times on the relocated pontoon.
- Reduction in space for manoeuvring of vessels approaching and leaving Dochgarroch Lock.
- Lack of toilet facilities at Dochgarroch.
- The number of Jacobite vessels being moored at Dochgarroch using up available moorings.
- Erosion of canal bank due to size of vessels.
- Not an appropriate site for a large scale commercial enterprise.
- Jacobite Cruises go out of their way to limit impact of their developments on the environment and local residents.
- As a local resident, there is no evidence of an impact on the character of Dochgarroch after two seasons of regular cruises from Dochgarroch.
- Definite improvement to the tidiness of the area since Jacobite arrived.

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 **Historic Environment Team:** No concerns provided the materials used are appropriate for the setting.

5.2 **British Waterways:** No response.

5.3 **Historic Scotland:** No objection.

- 5.4 **Marine Scotland:** No comments.
- 5.5 **Scottish Canals:** No objections – supportive of application.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- Policy 28 Sustainable Design
- Policy 29 Design Quality and Place-making
- Policy 43 Tourism
- Policy 57 Natural, Built and Cultural Heritage

6.2 Inner Moray Firth Local Development Plan 2015

- Policy 3 Other Settlements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Scottish Government Planning Policy and Guidance

Not applicable

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

Policy 28 requires proposed developments to be assessed on their accessibility, impact on community and residential amenity and the extent to which they contribute to the economic and social development of the community. This site can be accessed by coach, public bus, car, cycling and walking. The applicant has provided facilities for these through a previous application. The proposal simply replaces a pontoon with a jetty – the impact of this change on the amenity of local residents is not considered to be significant, and as such the proposal does comply with this element of Policy 28.

The proposal will improve access to the boats from the canal bank and Scottish Canals have advised that it will bring the boats closer to the edge of the canal improving the current situation for other canal users. On this basis it is considered that the proposal complies with Policy 28.

Policy 29 refers to the design of proposals. Historic Environment Scotland (HES) were consulted on this application as the canal is a Scheduled Ancient Monument. They have already granted Scheduled Monument Consent and have indicated that they do not object to this application. The Historic Environment Team has indicated support for the proposal, although details of mooring bollards and other railings will require to be agreed prior to installation. In addition, it is considered that the use of the hardwood timber finish to the jetty is acceptable.

Policy 43 refers to tourism and requires a proposal to be assessed against the scale of the proposal, location within a settlement boundary and whether it complements existing facilities. The proposal will increase the potential for visitor stays and spend and promote a wider spread of visitors. It will also safeguard and promote responsible access to heritage features. Dochgarroch is a settlement identified within the Inner Moray Firth Local Development Plan. The proposal is a fairly minor change that will improve the current situation for visitors to the area, which should in turn provide a better experience for visitors and encourage them to stay longer. It is considered that this proposal can be supported under the terms of Policy 43.

Policy 57 refers to the historic environment of the Scheduled Ancient Monument (SAM). As mentioned previously, HES have not objected to this application and have granted Scheduled Monument Consent. No concerns were raised by the Historic Environment Team other than ensuring the mooring bollards and railings are of natural materials. This is a modern extension using appropriate materials so it is considered that the proposal can be supported in terms of this policy.

8.4 **Material Considerations**

Close to Dochgarroch Lock and could cause a hazard

Scottish Canals have been consulted and have indicated their full support for the proposal and raised no concerns in relation to the proximity of the proposal to the Lock.

Loss of tranquillity

Dochgarroch has been a tranquil, largely rural location for a long time which has become increasingly popular for berthing and for tourism. Originally it would have been a much busier location on a busy commercial waterway, and although this development means its character is changing, it is as a result of the popularity of the canal and the Loch Ness area, and will help to support employment and investment in a vulnerable rural community. A letter of support from a resident living beside the proposed jetty was received reflecting this view.

Design of Jetty

As with many additions to the historic environment, a better approach is to ensure that the new extension, or jetty in this case, looks of its time rather than trying to mimic the past. The proposed steel piling finished with hardwood timber boards does just that. It is a modern approach that is considered will be a more sympathetic finish for the jetty and fits better with the existing pontoons along the canal. As has been noted, Scheduled Monument Consent has already been granted by Historic Environment Scotland.

The displaced pontoon should be relocated westwards to where the old barge is located - more transit berths should be the priority

The existing pontoon which will be replaced by the new jetty will be moved further west at Dochgarroch and will become available for transit berths.

Reduction in space for manoeuvring of vessels approaching and leaving Dochgarroch Lock

Scottish Canals have advised that “The new jetty will bring the Jacobite Rebel much closer to shore than the existing pontoon arrangement, which was being used on a trial basis. The new jetty will mean that the outside edge of Jacobite Rebel will be in line with other boats at Dochgarroch West, improving visibility for boaters and the lock keeper and giving the Rebel enough space to turn at the new berth.”

Erosion of canal bank due to size of vessels

Scottish Canals have advised that they “do not anticipate any damage to the pitching or embankment opposite the new wharf as result of Jacobite’s operations, but their length inspectors will monitor this on a monthly basis, as part of their normal inspection regime, and should it become evident, Jacobite will be advised and will be expected to pay for repairs.”

Not an appropriate site for a large scale commercial enterprise

Dochgarroch as a settlement has long been allocated in Local Development Plans for development relating to leisure uses, visitor facilities, further housing and community uses. This proposal would seem to fit with the long established aims for this area.

8.5 Other Considerations – not material

Other comments were received in relation to this application which are not material planning considerations. These include Jacobite vessels being restricted to berthing on the new jetty during canal opening hours and outwith those times on the relocated pontoon; the number of Jacobite vessels being moored at Dochgarroch using up available moorings; speed of boats on the canal; and the lack of toilet facilities at Dochgarroch. These points are operational matters for Scottish Canals, but in relation to the toilet facilities, Scottish Canals have advised that they are working with Jacobite Cruises into the possibility of increasing the toilet facilities at Dochgarroch. Funding is being sought for this purpose. Finally, one objector raised concern about the disposal of sewage from the boats. This is a SEPA matter, but the applicant has advised that currently all disposal of sewage from the various Jacobite vessels is pumped out at the Clansman Harbour and there is no unauthorised discharge of effluent.

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 N

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 and reasons:

1. No development shall commence until details of all mooring bollards and other railings have been submitted to and agreed in writing by the Planning Authority. The mooring bollards and railings shall thereafter be installed in accordance with the approved details prior to the first use of the jetty.

Reason: In the interests of protecting the historic environment.

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 & 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.259), 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.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886606.

Access: The development incorporates one core path [IN19.10 Caledonian Canal Towpath] and is next to another [IN19.57 Caledonian Canal]. These core paths are to remain accessible and free from obstruction or encroachment before, during and after construction.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – General Existing Plan
Plan 4 – General Proposed Plan

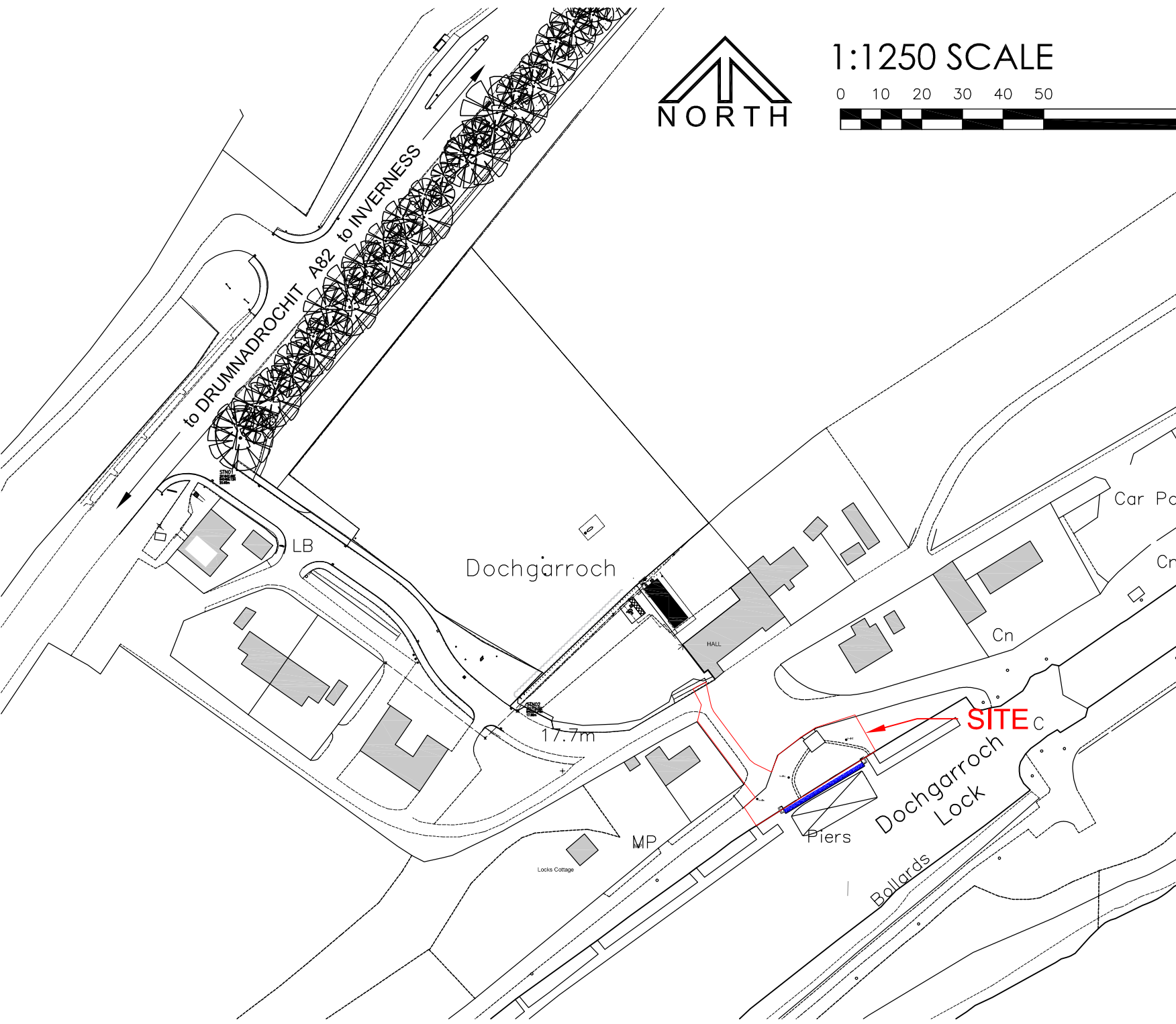


1:1250 SCALE

0 10 20 30 40 50

100

150m



Colin Armstrong Associates



Lyle House, Fairways Business Park,
Inverness IV2 6AA

T : 01463 712 288

W : www.colinarmstrong.com



Client

Jacobite Cruises Ltd

Project

Alterations to Jetty at,
Dochgarroch

Project number 1551

Drwg No. 001

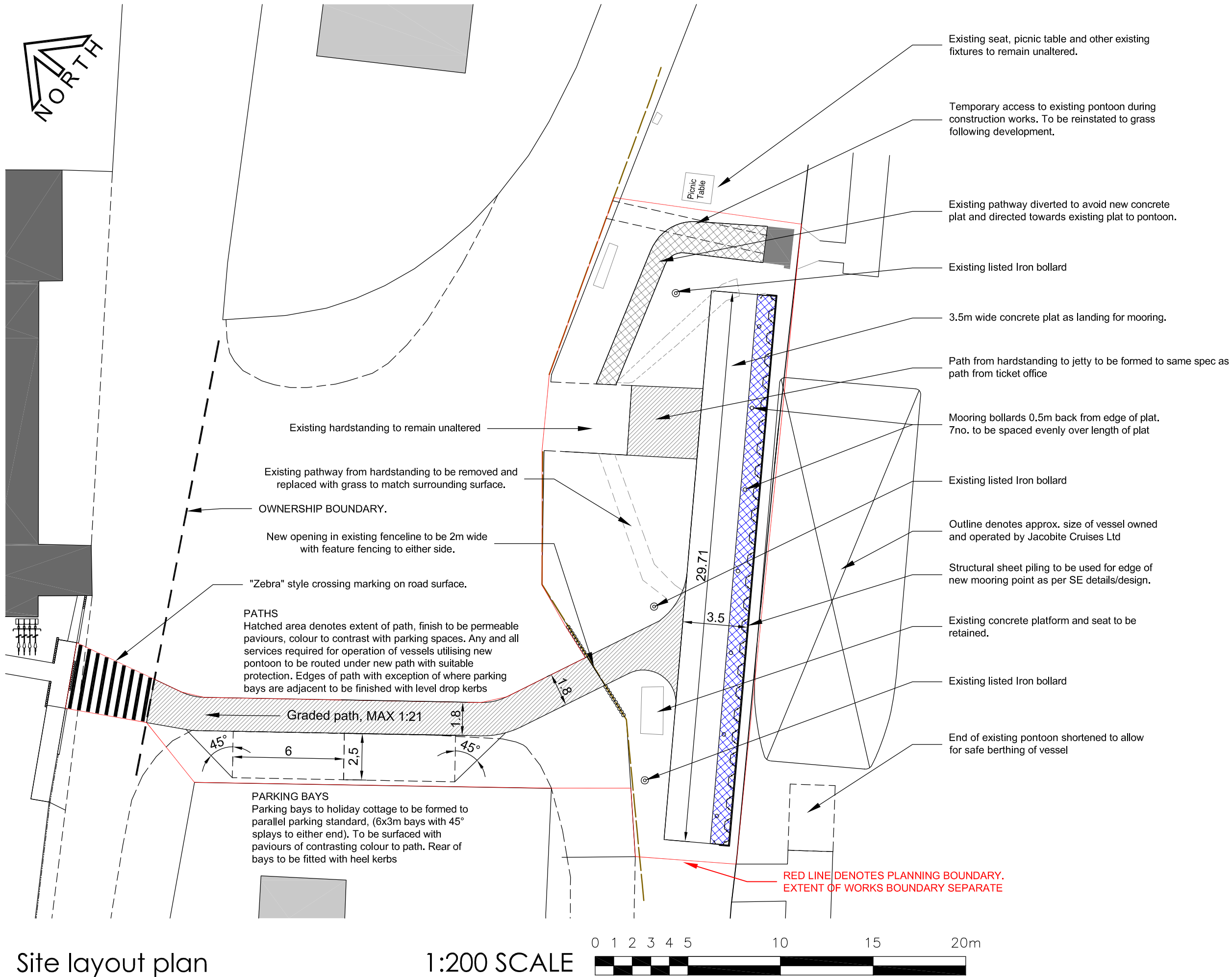
Location Plan

Project status **PLANNING**

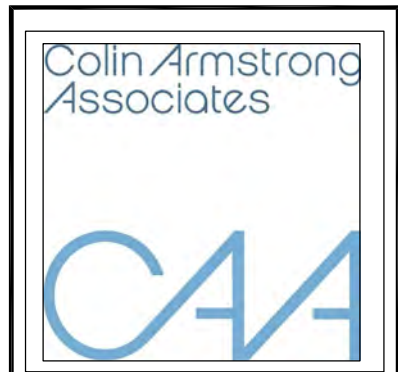
Date created July '15

Drawn by MM

Sheet A4	Scale 1:1250 @ A4	Rev. *
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REV A - MM
 Path, jetty altered
 REV B - MM
 Paths and Jetty altered
 REV C - MM - Aug '15
 parking bays added for holiday cottage
 REV D - MM - Aug '15
 Revised in line with consultant comments
 REV E - MM - Aug '15
 Revised in line with consultant comments
 REV F - MM - Aug '15
 Crossing notes etc altered



Lyle House, Fairways Business Park,
 Inverness IV2 6AA
 T : 01463 712 288
 W: www.colinarmstrong.com



Client	
Jacobite Cruises Ltd	
Project Alterations to Jetty at, Dochgarroch	
Project number	1551
Drwg No.	100
General Arrangement	
Project status	PLANNING
Date created	July '15
Drawn by	MM
Sheet A3	Scale as indicated
Rev. F	

Site layout plan

X:\DOCUMENTS\1551 - DOCHGARROCH JETTY\DRAWINGS\CURRENT\1551 - 100 200815.DWG

Client:

JACOBITE CRUISES LTD

Project:
 NEW JETTY AT DOCHGARROCH
 LOCKS

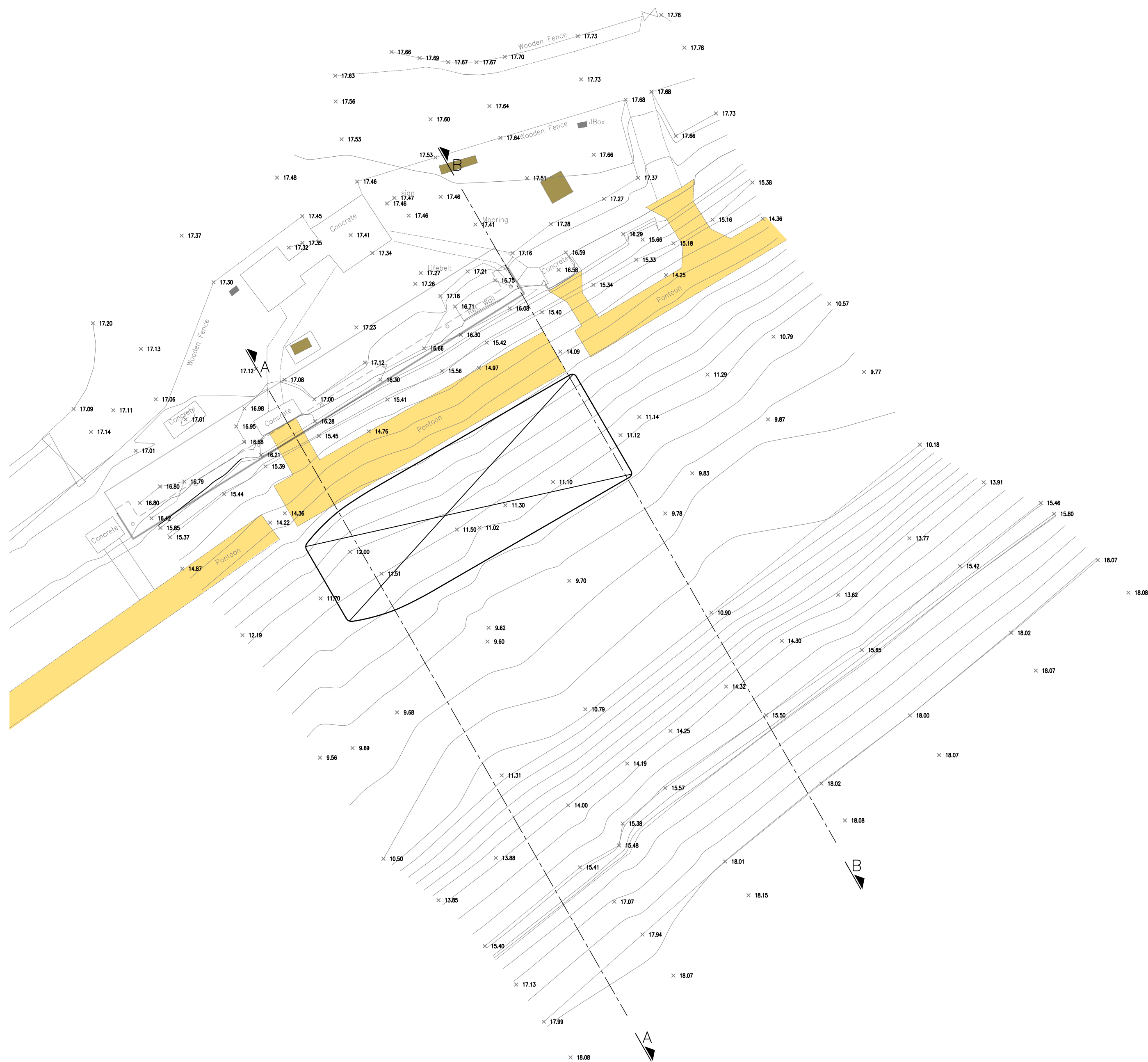
Drawing
 EXISTING LAYOUT AND
 CROSS SECTIONS

Drawing No. 147243/01 Drawn By DM

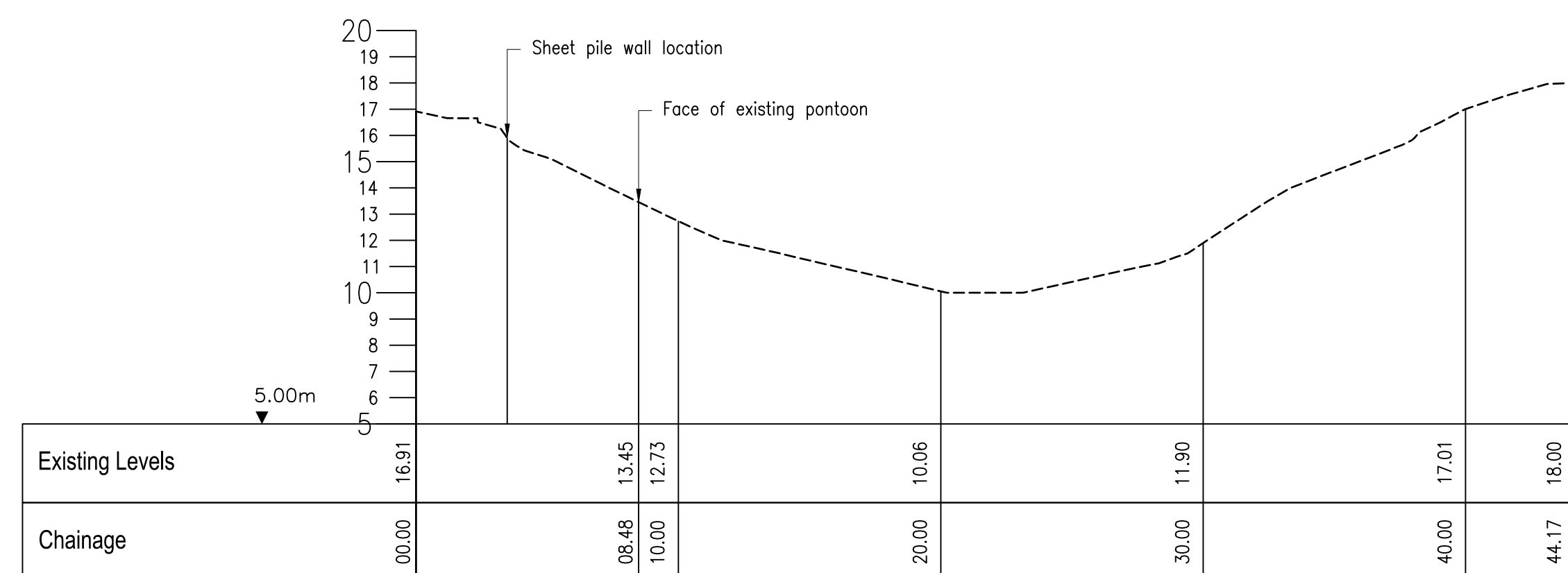
Date 14/04/15

Rev. E Scale 1:200

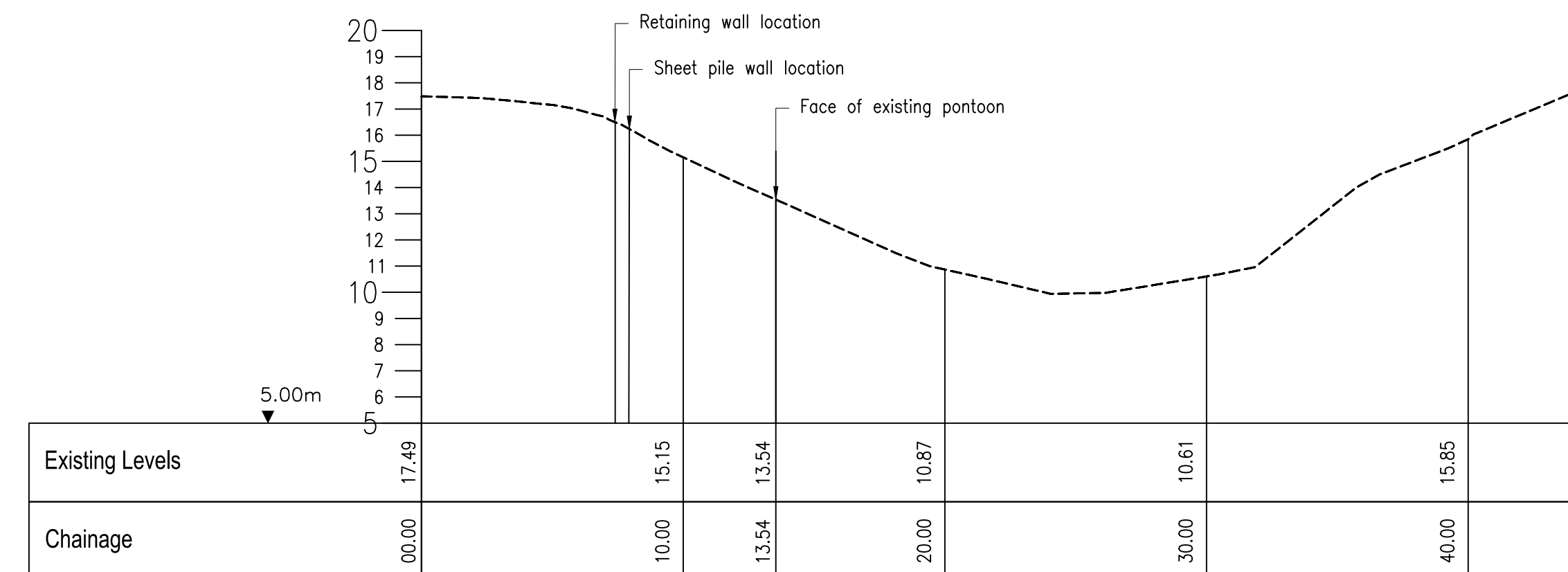
Revisions	Date	By
A Sheet pile wall layout added	17/06/15	DM
B Jetty location amended	22/06/15	DM
C Jetty location amended	25/06/15	DM
D Jetty width amended	07/07/15	DM
E Additional survey info added	28/08/15	DM



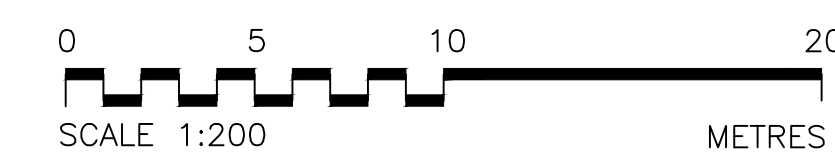
Layout
 Scale 1:200



Section A-A
 Scale: H 1:1000,V 1:1000



Section B
 Scale: H 1:1000,V 1:1000



Client:

JACOBITE CRUISES LTD

Project:

NEW JETTY AT DOCHGARROCH LOCKS

Drawing:

GENERAL ARRANGEMENT

Drawing No.

147243/02

Drawn By

DM

Date

23/04/15

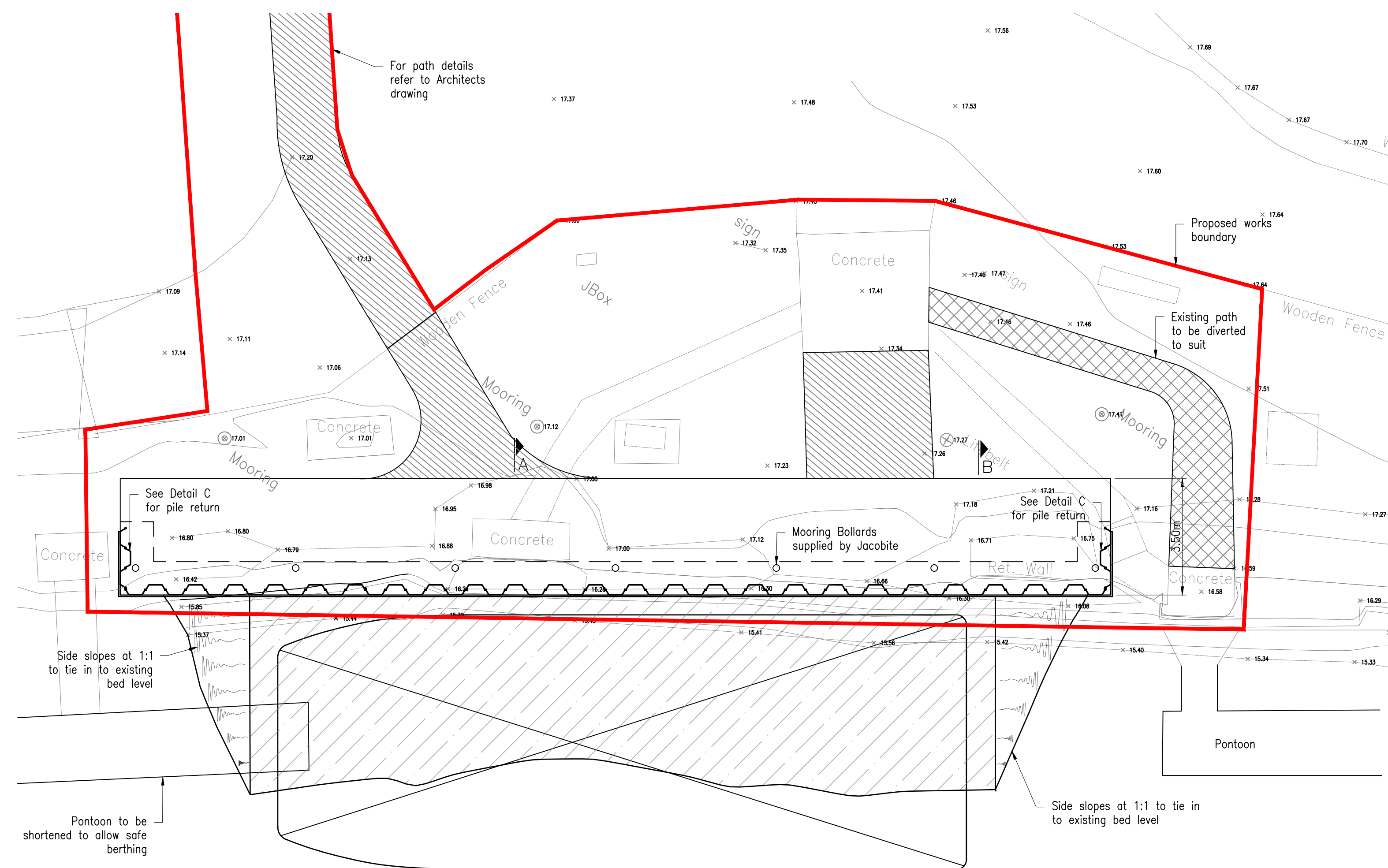
REV. F

Scale

As Shown

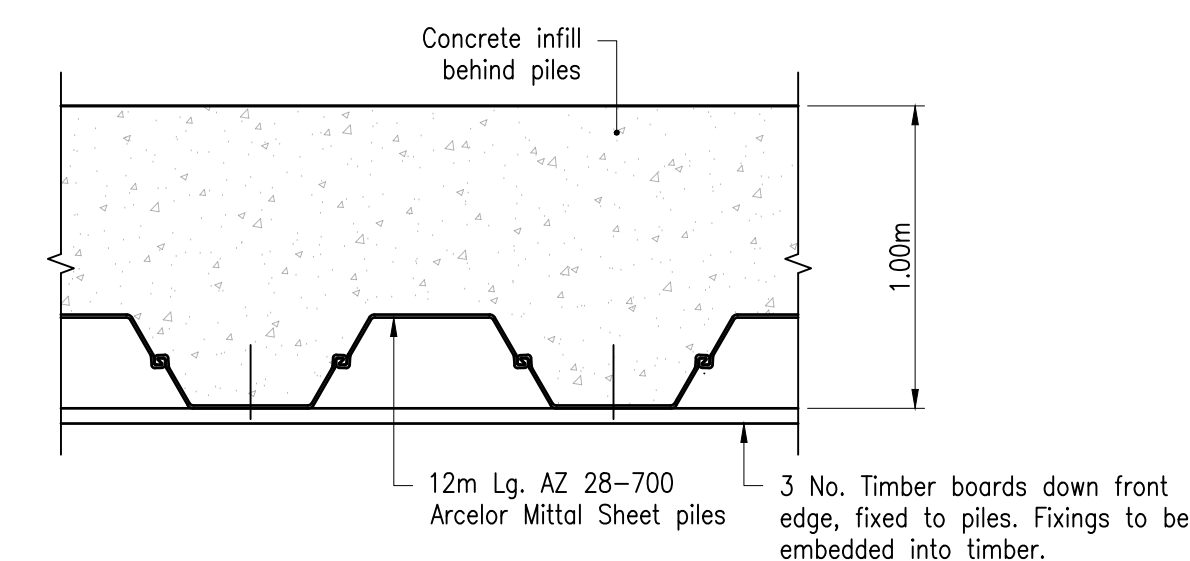
Revisions

Revisions	Date	By
A	25/05/15	AM
B	17/06/15	DM
C	22/06/15	DM
D	25/06/15	DM
E	07/07/15	DM
F	28/08/15	DM



Plan
Scale 1:100

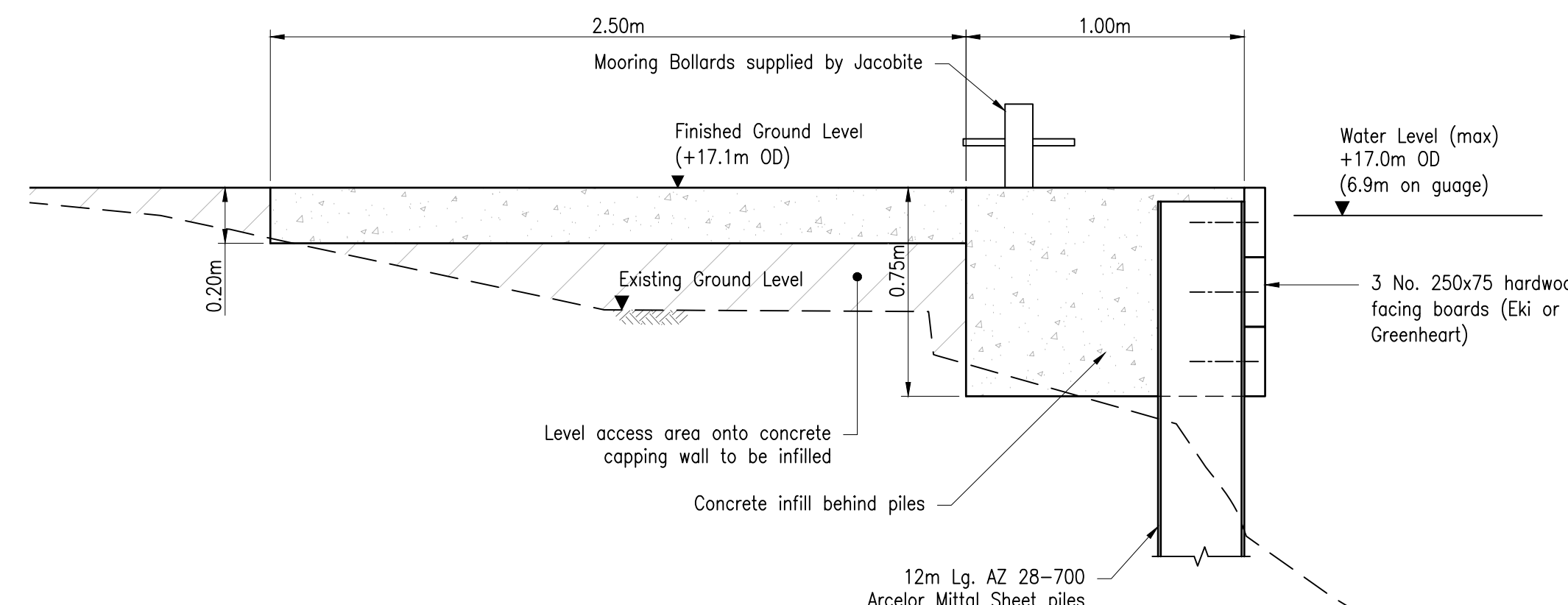
Hatched area to be dredged to level of +13.5m OD



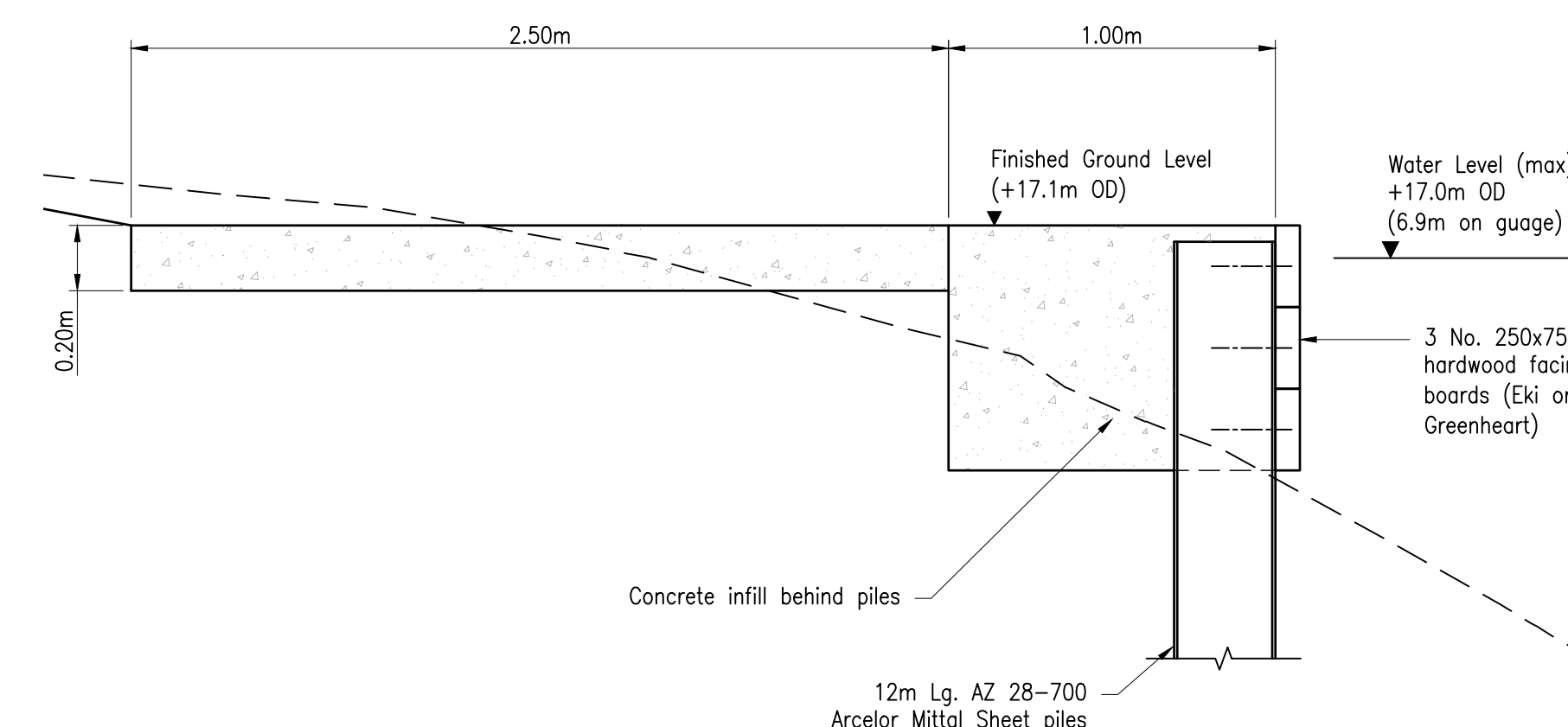
Plan on Sheet Piles
Scale 1:25

SHEET PILE PAINTING SPECIFICATION

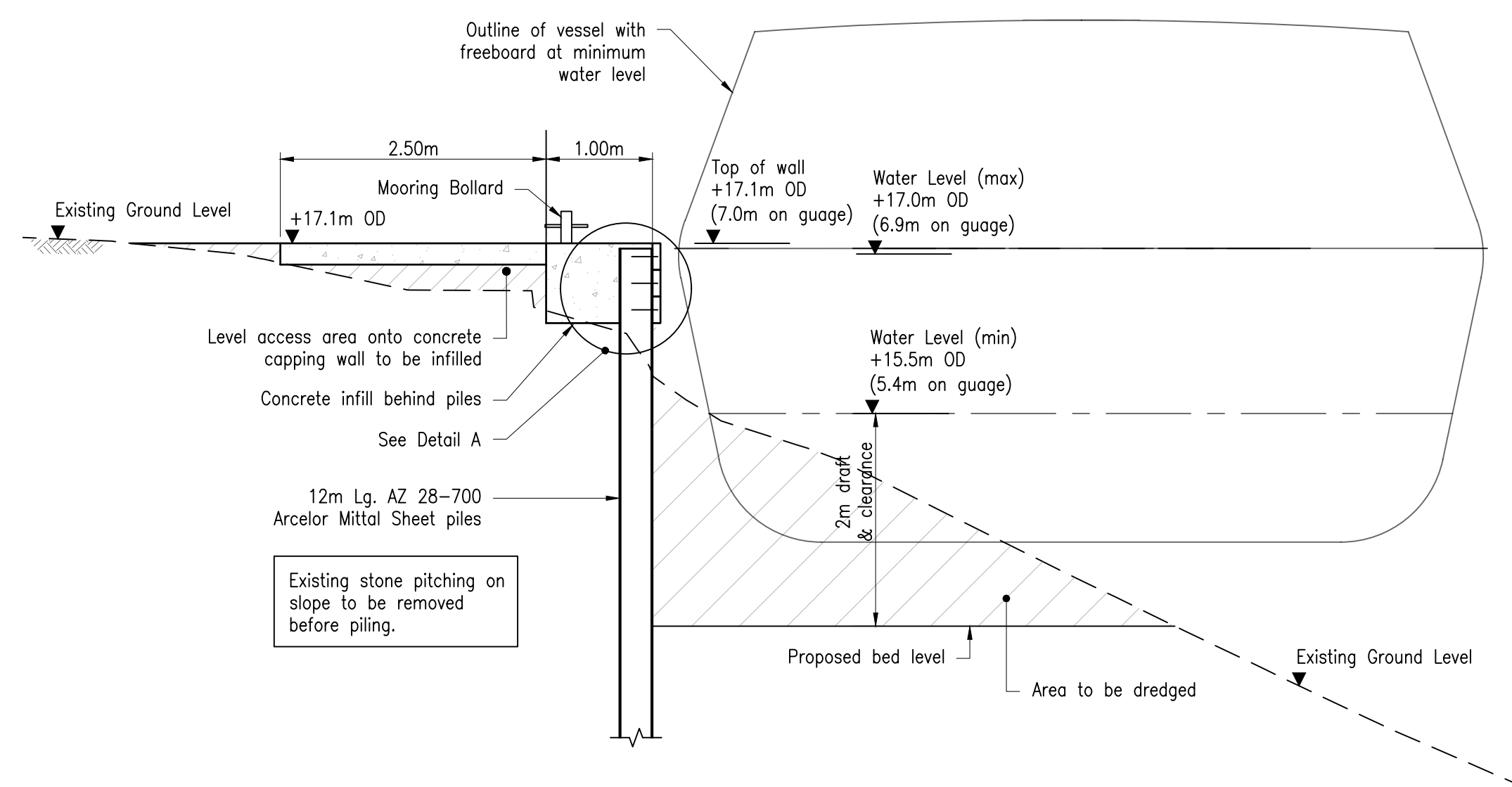
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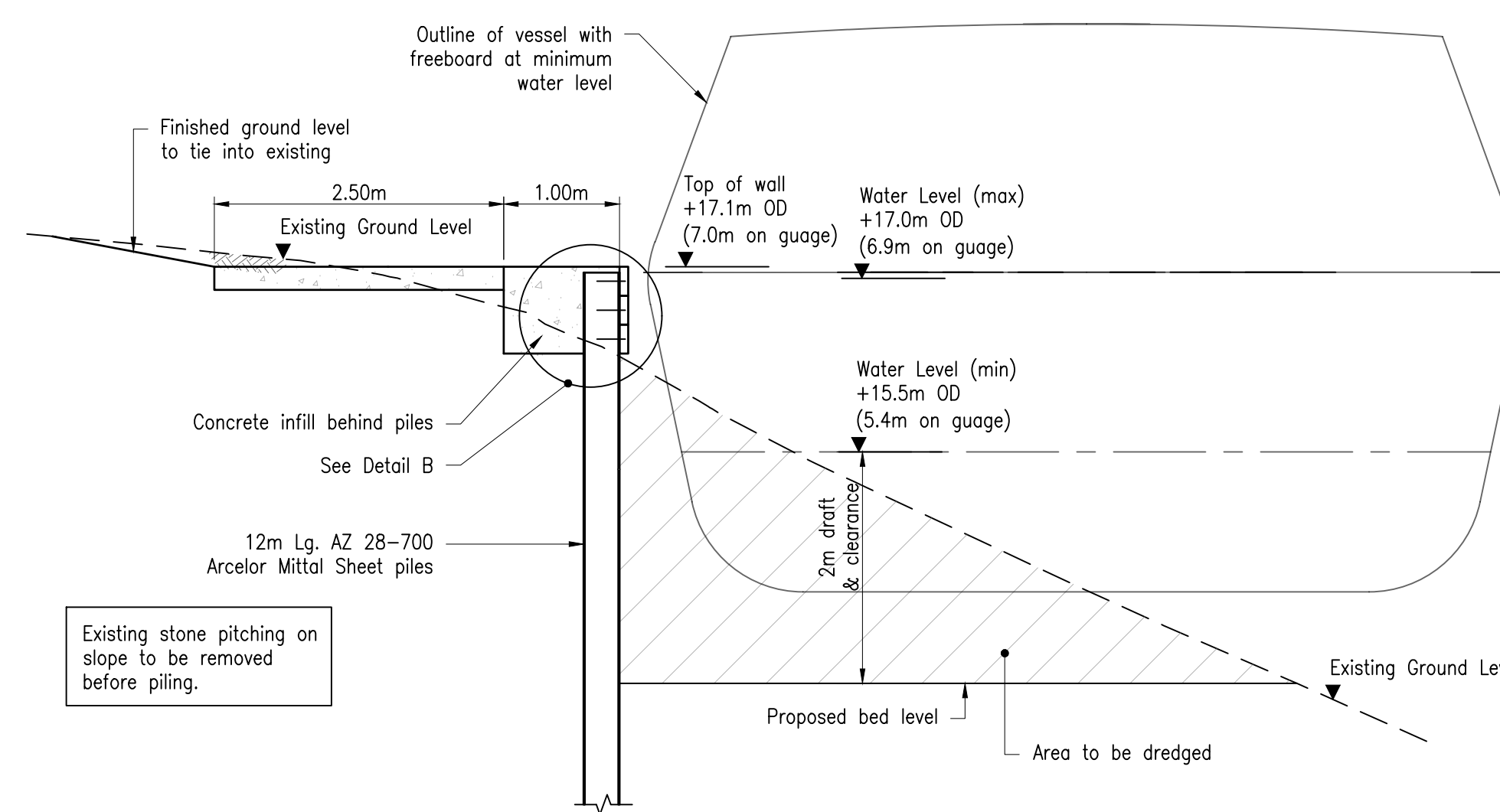
Detail A
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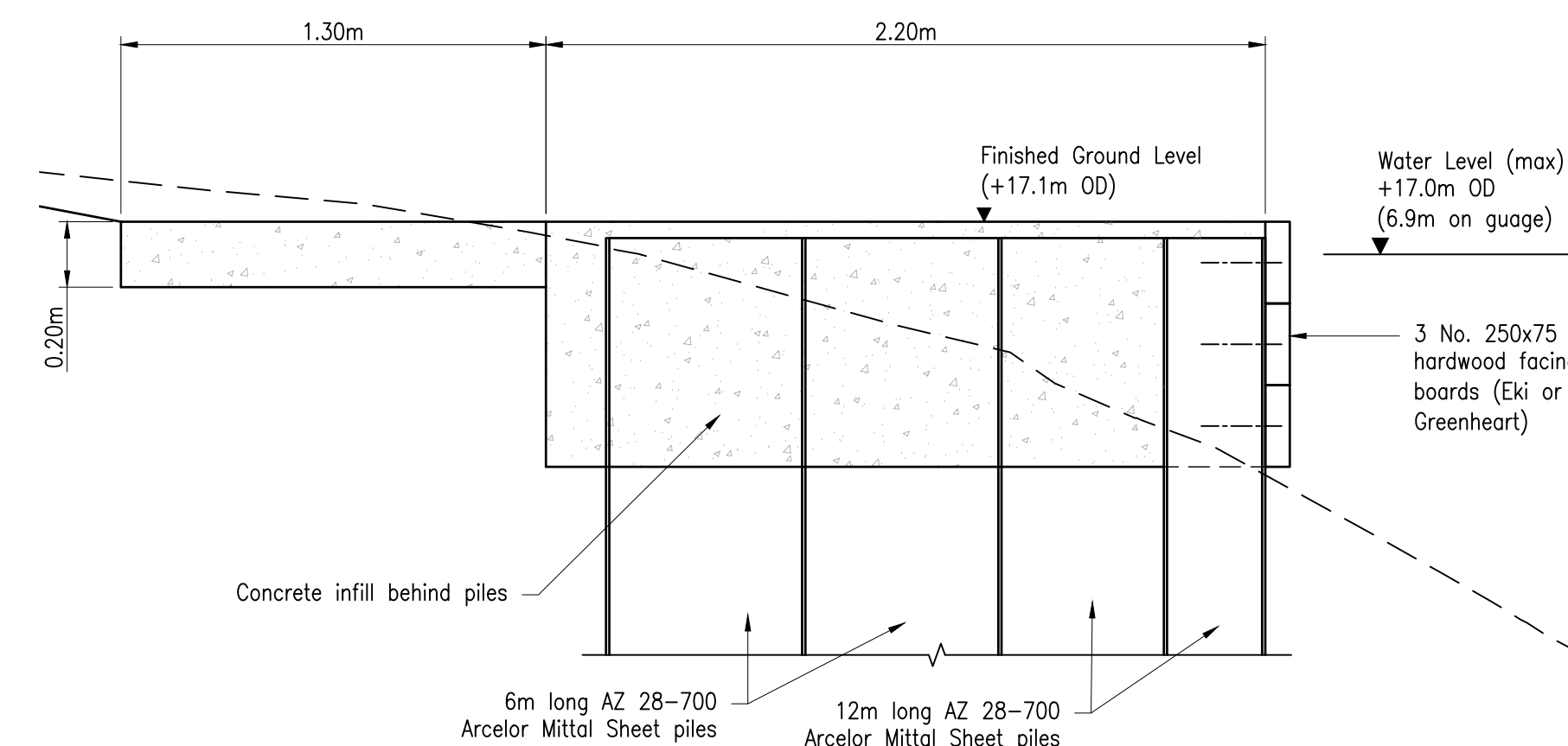
Detail B
Scale 1:20



Section A-A
Scale 1:50



Section B-B
Scale 1:50



Detail C
Scale 1:20