

Agenda Item	<b>6.8</b>
Report No	<b>PLN/039/19</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 09 April 2019  
**Report Title:** 19/00075/FUL: Historic Assynt  
An Dun Broch, Clachtoll, Lochinver  
**Report By:** Acting Head of Development Management - Highland

### **Purpose/Executive Summary**

**Description:** Installation of viewing deck for historic broch  
**Ward:** 01 – North, West and Central Sutherland

**Development category:** Local

**Reason referred to Committee:** 5 or more objections

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.

### **Recommendation**

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the installation of a viewing deck that is to be constructed on the site of an historic broch – a Scheduled Ancient Monument commonly known as Clachtoll broch, located on the coast to the west of the settlement of Clachtoll and overlooking the Bay of Stoer. The viewing deck is to enable visitors to view the excavated interior of the broch and to act as a disincentive for visitors to climb its walls, thereby reducing erosion to the drystone wall-heads whilst still enabling visitors to access the monument.
- 1.2 The site has no vehicular access. Visitor access is generally on foot from either the cemetery to the north or from Clachtoll Beach campsite to the south. The entrance to the broch itself is on the north face.
- 1.3 Pre Application Consultation: The development is categorised as a 'local' application and statutory pre-application consultation was not required. The applicant did engage with the Council through the pre-application advice service in 2015. The response issued by the Council concluded that the principle of development was acceptable and would likely be supported by officers.
- 1.4 Supporting Information: A Design Statement and photos/visualisations have been submitted in support of the application.
- 1.5 Variations: No variations have been made to the application since submission.

## **2. SITE DESCRIPTION**

- 2.1 The site consists of an historic broch located on an elevated rocky knoll on the coastline of Assynt. It sits adjacent to a rocky pebbled beach overlooking the bay. Behind the beach is an area of machair and crofting land with dispersed housing in the wider locality accessed off the B869 public road which lies approximately 360m to the northeast at its closest point.
- 2.2 Historic Environment Scotland describes the broch in its schedule of monuments as a roughly circular drystone-walled structure dating from the Iron Age (between 600BC and 400AD). It measures approximately 17m in diameter with a wall thickness averaging 4m. It is surrounded on the northeast, east and south by a mass of rubble. A substantial part of the western (coastal) wall has been lost to erosion.

## **3. PLANNING HISTORY**

- 3.1 07 October 2015 15/03725/PREAPP: Erection of metal viewing platform. Response issued.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Schedule 3 development  
Date Advertised: 25 January 2019  
Representation deadline: 08 February 2019

Timeous representations: 11 representations from 8 households

Late representations: 2 representations from 8 households

4.2 Material considerations raised are summarised as follows:

**For -**

- a) The proposal will have minimal visual impact whilst seeking to prevent further damage to the monument from the activities of visitors.

**Against –**

- a) Lack of parking facilities with resultant inappropriate parking damaging the local environment;
- b) Inadequate pedestrian access paths exclude less able visitors;
- c) The proposal will result in an incongruous addition to ancient monument.

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Assynt Community Council:** No response received.

5.2 **Historic Environment:** Fully support the proposal.

5.3 **Transport Planning:** No objection. Recommend a condition requiring approval of a Construction Traffic Management Plan.

5.4 **Historic Environment Scotland:** No objection. The sensitive design and siting of the development would have no physical impact on the broch and limited impact on its character. The platform would contribute positively to the conservation of the broch.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

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

6.2 **Caithness and Sutherland Local Development Plan 2018**

No specific policies apply.

6.5 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy, June 2014

### **7.2 Historic Environment Scotland**

Historic Environment Circular 1, June 2016

Managing Change in the Historic Environment: Accessibility, 2010

Managing Change in the Historic Environment: Setting, 2016

Managing Change in the Historic Environment: Works on Scheduled Monuments, 2016

## **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.

### **Determining Issues**

- 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.

### **Planning Considerations**

- 8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) the siting and design of the structure;
- c) any other material considerations.

### **Development plan/other planning policy**

- 8.4 The site is located within the Assynt - Coigach National Scenic Area (NSA) and the proposed development directly affects a Scheduled Ancient Monument. Policy 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan (HwLDP) provides the main starting point for assessing the acceptability of the proposal and requires proposals to be assessed taking into account the level of importance of the heritage feature, the form and scale of development, and the impact on the feature and its setting. In this case both designations relate to features of national importance where development will be supported where it can be demonstrated that it would not compromise the natural environment, amenity or cultural heritage resource.

- 8.5 Policies 28 (Sustainable Design) and 29 (Design Quality and Place-Making) of the HwLDP support development that can demonstrate sensitive siting and high quality design, do not adversely impact on landscape or cultural heritage features and make a positive contribution to the visual quality of the place in which it is located.

- 8.6 Scottish Planning Policy states (para. 145) that where there is potential to have an adverse effect on a Scheduled Monument or on the integrity of its setting, permission should only be granted in exceptional circumstances.
- 8.7 The proposal is seeking to discourage visitors to the heritage facility from inadvertently damaging the structure by providing a suitable means to view the broch and its internal layout without necessarily having to physically climb over its walls. Consequently the development would actively contribute to the conservation of the broch by reducing further erosion. Subject to the proposal having no adverse impact in terms of its siting and design, the proposal would comply with the development plan and other relevant planning policy.

### **Siting and design**

- 8.8 The applicant has considered a number of design proposals for the viewing deck as evidenced in the submission of the pre-application advice form in 2015. At that time seven proposals were presented, each with varying degrees of visual prominence and scale. The preferred option was a design featuring a series of steps leading to a viewing platform, with the development being largely contained within the remains of the broch.
- 8.9 As submitted, the current proposal has evolved this minimalist approach and presents a design that features an elegant teardrop shape to the viewing deck expanding out over the western side of the broch where parts of the structure have eroded away. It would be concealed from the most popular approach point from the east and is designed to accommodate up to 20 adult visitors at any one time.
- 8.10 The deck would be constructed of steel with a galvanised handrail 1.1m in height with wire mesh infill. Steel columns and steel cross ties would anchor the structure to the ground, affixing it into the existing solid base rock. It has been designed to be as minimalist as possible. It is intended to be finished in a matt paint finish to avoid reflection from the sun and would feature a special marine coating system to provide maximum protection to the steel.
- 8.11 Overall, the deck has been designed to be a discrete and visually unobtrusive structure that would integrate well with the existing remains of the broch, providing visitors with the opportunity of viewing the interior of the broch without causing further damage to the stone walls and therefore making a positive contribution to the long term conservation and viability of the broch as a significant structure of historical importance. Furthermore, the proposal would not be detrimental to the integrity of the Assynt – Coigach NSA and would enable greater access to, and appreciation of, the special landscape qualities of the NSA.

### **Other material considerations**

#### **Parking, Access and Construction Traffic**

- 8.12 The Council's Transport Planning team has advised that the proposed development would likely result in minimal implications for the public road network, given the distance of the road from the site. However, if parking and access arrangements were a concern, further details should be provided by the applicant.

In addition, Transport Planning has recommended a condition requiring approval of a Construction Traffic Management Plan to control certain activities during the construction phase.

- 8.13 Concerns over parking have been highlighted by objectors to the development and it is noted that there is no provision within this application to provide any specific car or coach parking. The submitted design statement simply acknowledges that visitor access to the site is difficult and whilst cars and coaches arrive at Clachtoll on the B869, the broch is not visible from the public road nor is it immediately accessible, the latter point also highlighted as a concern for objectors.
- 8.14 Whilst parking and access may very well be legitimate concerns raised by third parties, it is important to note that the primary function of the viewing deck is not to seek to attract more visitors to the broch; rather it seeks to ensure the long term preservation and conservation of the existing structure to reduce the likelihood of visitors climbing on the remaining stone walls with the resultant damage that may ensue. Consequently, whilst it may be desirable in the longer term to look at options to better facilitate visitors to this important cultural heritage asset, it is not considered to be an overriding factor of importance in the determination of this application as the proposal does not seek to specifically increase visitor numbers.

#### **Scheduled Monument Consent**

- 8.15 Although not directly relevant to the consideration of this application, members may wish to note that Historic Environment Scotland has granted Scheduled Monument Consent for the viewing platform. This has been granted subject to a condition requiring submission and approval of a construction method statement. Consequently, and in the event that Members are minded to grant planning permission for this development, it is not considered necessary or appropriate for the Planning Authority to impose any planning conditions that relate directly to the ancient monument itself.

#### **Matters to be secured by Section 75 Agreement**

- 8.16 None.

### **9. CONCLUSION**

- 9.1 Planning permission is sought to install a viewing deck on the Scheduled Ancient Monument known as Clachtoll broch, a complex and substantial roundhouse dating from the Iron Age. The purpose of the viewing deck is twofold. Firstly, it will enable visitors to gain access to the tops of the remaining broch to view the inside of the structure following recent works to clear debris from within it. Secondly, it will afford protection to the vulnerable tops of the existing walls where previously visitors have been able to climb the western section of the broch where the walls have been substantially eroded.
- 9.2 The viewing deck has been sensitively designed to sit discretely within the western section of the broch where the walls have been substantially eroded, a location chosen to provide a sense of enclosure from within the broch as well as presenting

visitors with the best vantage point to view the interior. The construction materials consisting of galvanised steel for the main structure with woven mesh panels would provide minimal visual impact whilst helping to ensure the long term protection and conservation of the broch for the enjoyment of future visitors to this important cultural heritage asset.

- 9.3 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

**Subject to the above**, it is recommended that planning permission be **GRANTED**, subject to the following:

### Conditions and Reasons

1. No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
  - i. Details of the number and type of vehicles that will be generated during the construction and operational phases of the development.
  - ii. Details of all temporary access points from the B869 public road, including the following:
    - a) Details of construction and geometry, including proposed junction;

- b) visibility splays in relation to the assessed speed of main road traffic in each direction;
  - c) Details to demonstrate that the largest vehicles requiring access will be able to enter and leave each junction safely and efficiently; and
  - d) Details of any improvement works proposed to enable safe access and egress for larger vehicles.
- iii) Details of any traffic management measures to be established and maintained at junctions with the public road for the duration of the construction period.
- iv) Measures to ensure that all affected public roads are kept free of mud and debris arising from construction traffic.
- v) Measures for the reinstatement of any temporary access points and associated works following completion of the development.

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period. Within three months of completion of the development any temporary works required to facilitate access to the site shall be removed and the land reinstated in accordance with the details approved under part (v) of this condition.

**Reason:** In order to ensure the safety and free flow of traffic on the public road, facilitate servicing outwith the carriageway, maintain the integrity of the public road carriageway and to ensure the restoration of any disturbed land in the interests of amenity.

## **REASON FOR DECISION**

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.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **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.

**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).

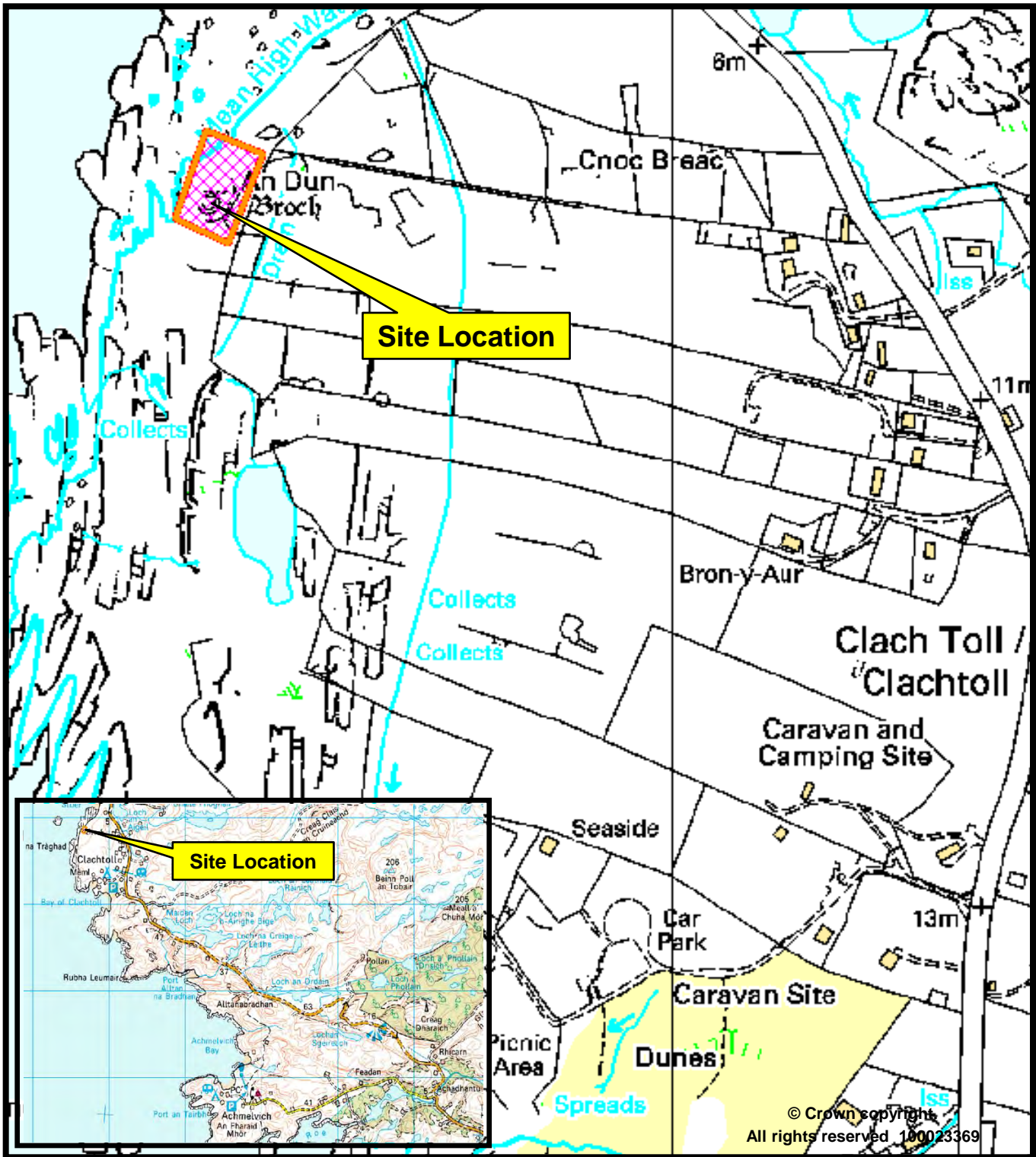
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Acting Head of Development Management - Highland  
Author: John Kelly  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan PP-100  
Plan 2 - Proposed Site Plan PP-103 Rev A  
Plan 3 - Platform Plan PP-106  
Plan 4 - East Elevation Plan PP-108 Rev A  
Plan 5 - West Elevation Plan PP- 109 Rev A  
Plan 6 - Platform Detail PP-111  
Plan 7 - Perspective View 1 PP-117



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**The Highland Council**  
**Comhairle na Gàidhealtachd**

**Development & Infrastructure Service**

**19/00075/FUL**  
**Installation of viewing deck for historic Broch at An Dun N Broch, Clachtoll, Lochinver.**  
**April 2019**







SITE

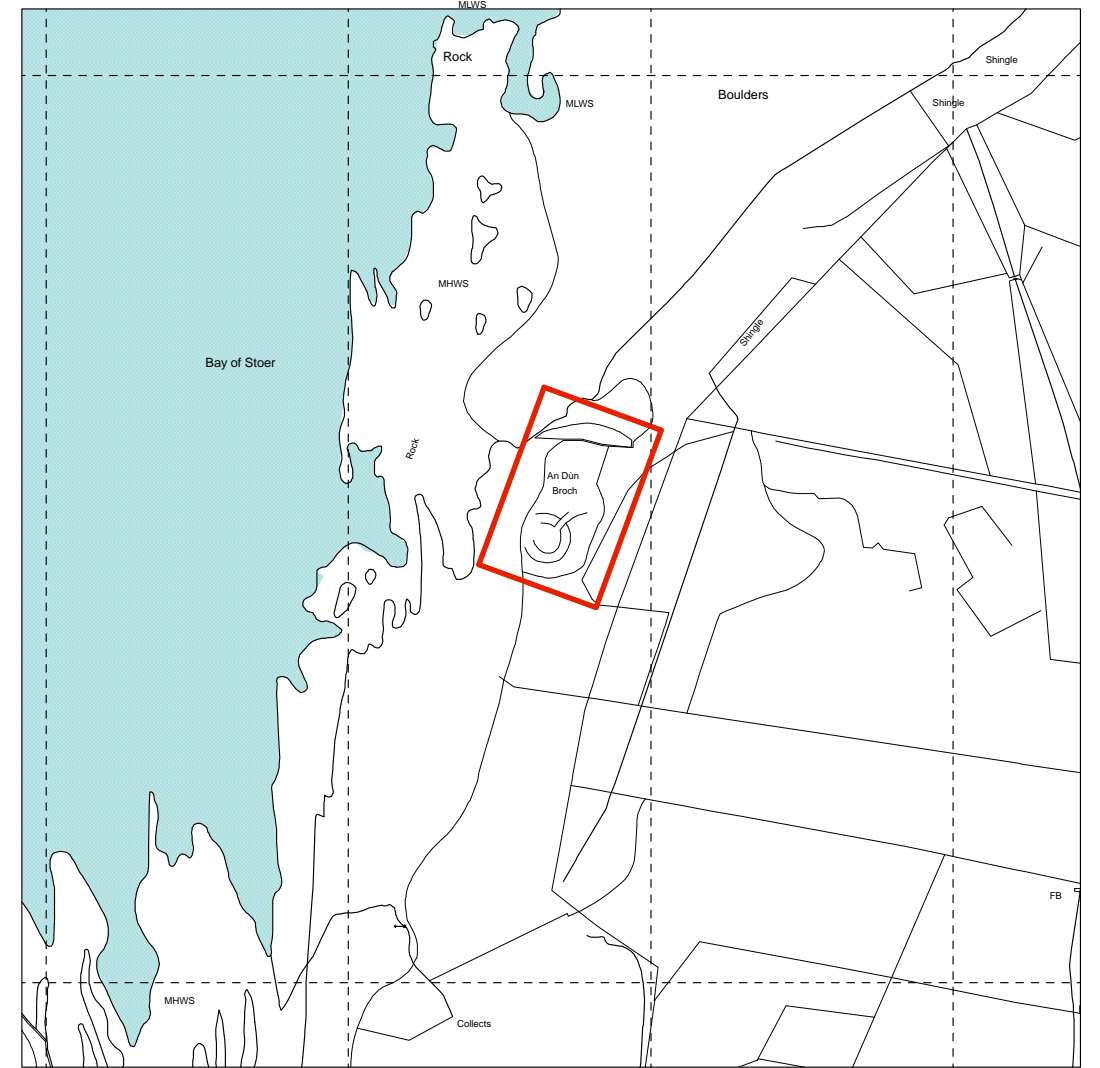
Location Plan (N.T.S)



SITE

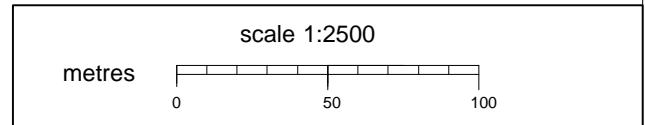
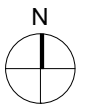
ULLAPOOL

Location Plan (N.T.S)



Location Plan (1:2500)

Application Site



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Clachtoll

**Location Plan**

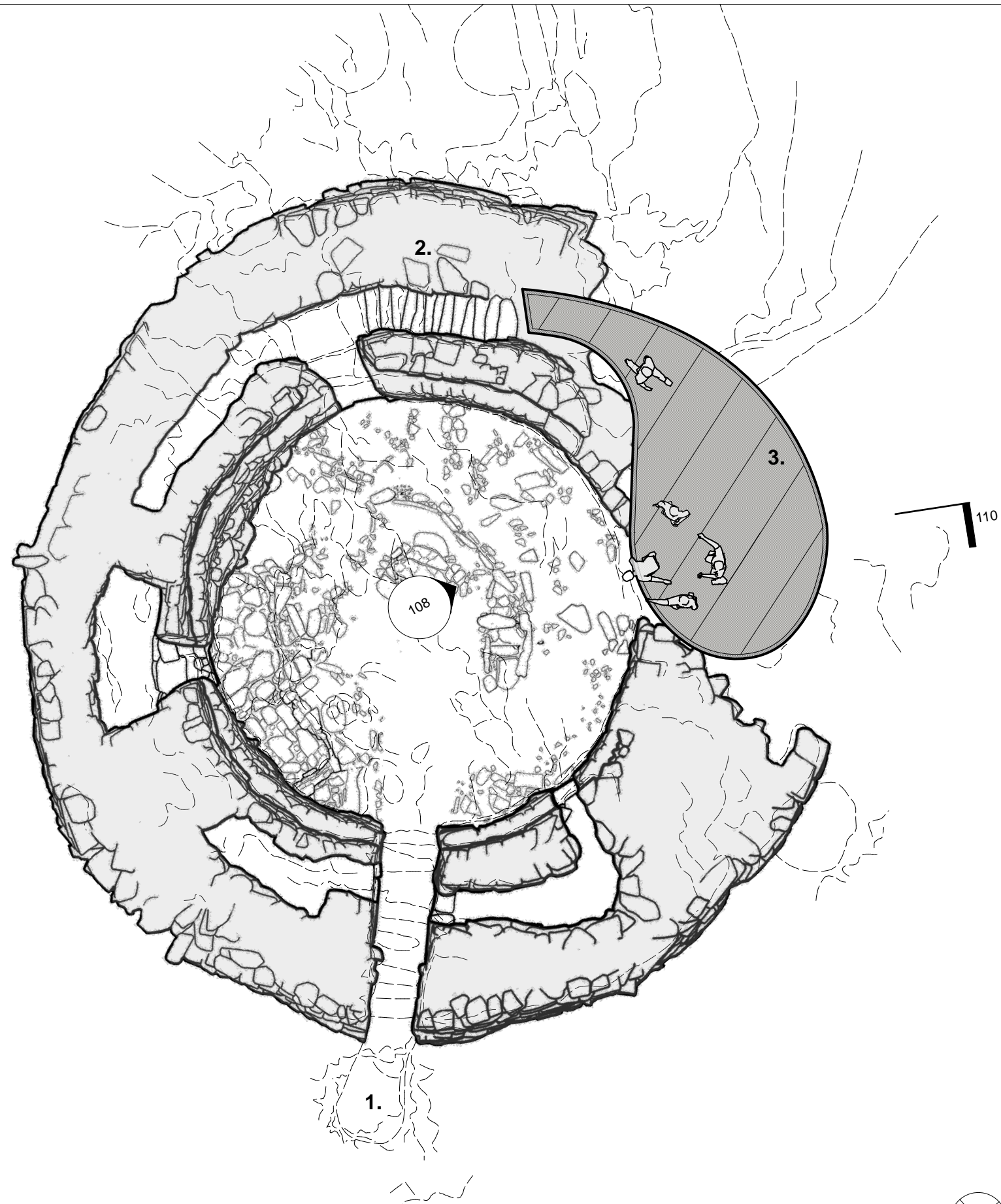
PP-100

Date : Oct 2018

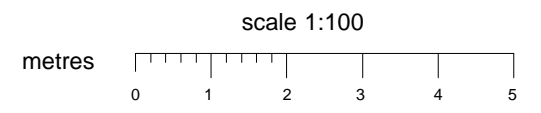
Scale : 1:2500

Job No : 1811





- 1. Existing approach and access point.
- 2. Existing stairs/steps to upper level.
- 3. Proposed viewing deck / platform.



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Clachtoll

**Proposed Plan**

PP-103

Date : Aug 2018

Scale : 1:100

Job No : 1811







- 1. Existing access point.
- 2. Existing stairs/steps to upper level.
- 3. 170 step onto platform.
- 4. Proposed viewing deck.
- 5. Inner broch.
- 6. View to sea.
- 7. Information board.

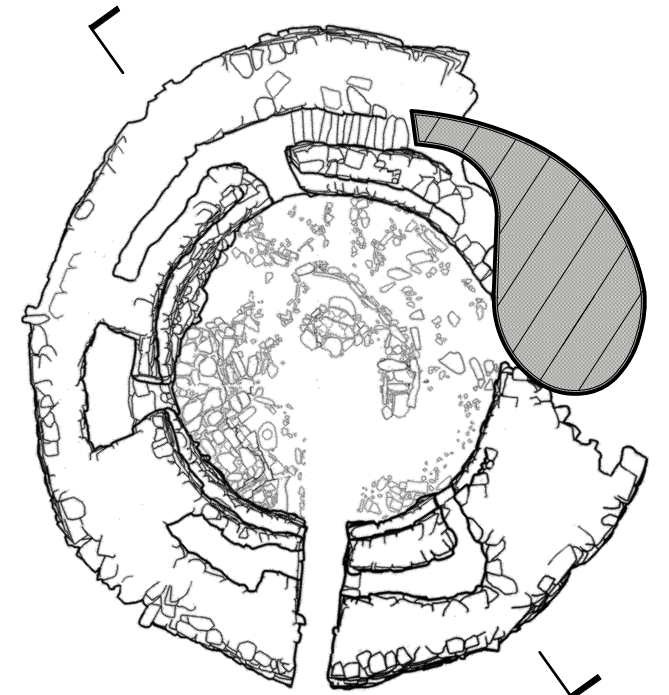
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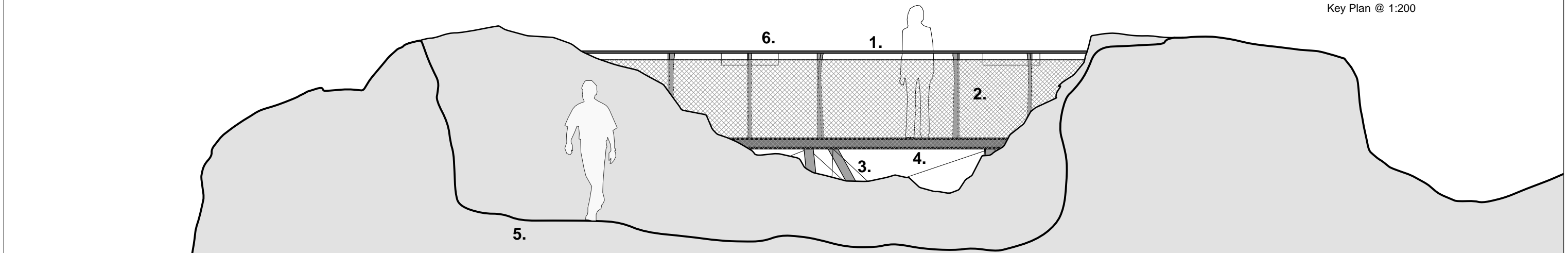
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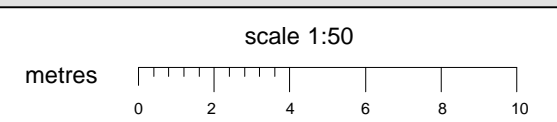
Clachtoll  
**Platform Plan** PP-106  
 Date : Aug 2018 Scale : 1:50 Job No : 1811



Key Plan @ 1:200



- 1. Handrail - dark grey galvanised finish.
- 2. Webnet wire mesh.
- 3. Columns / cross ties.
- 4. Perimeter channel - dark grey galvanised.
- 5. Inner broch floor.
- 6. Information boards at agreed intervals



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Clachtoll

**East Elevation**

PP-108

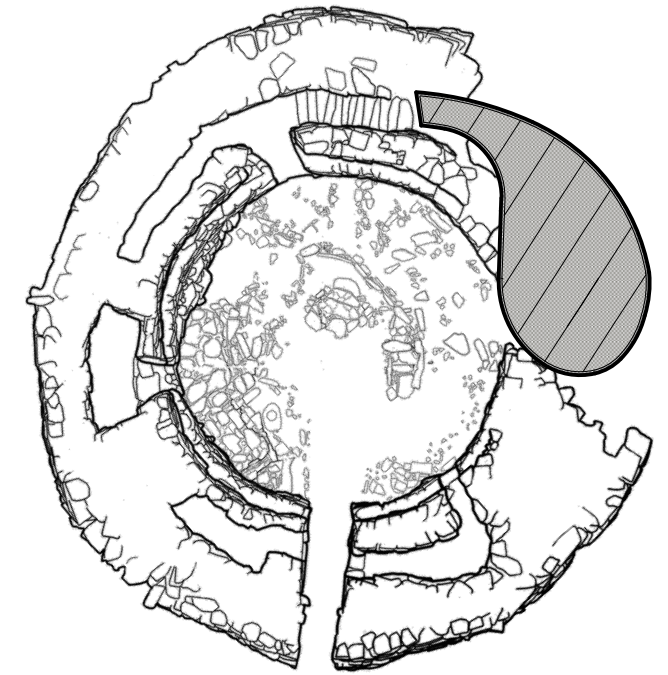
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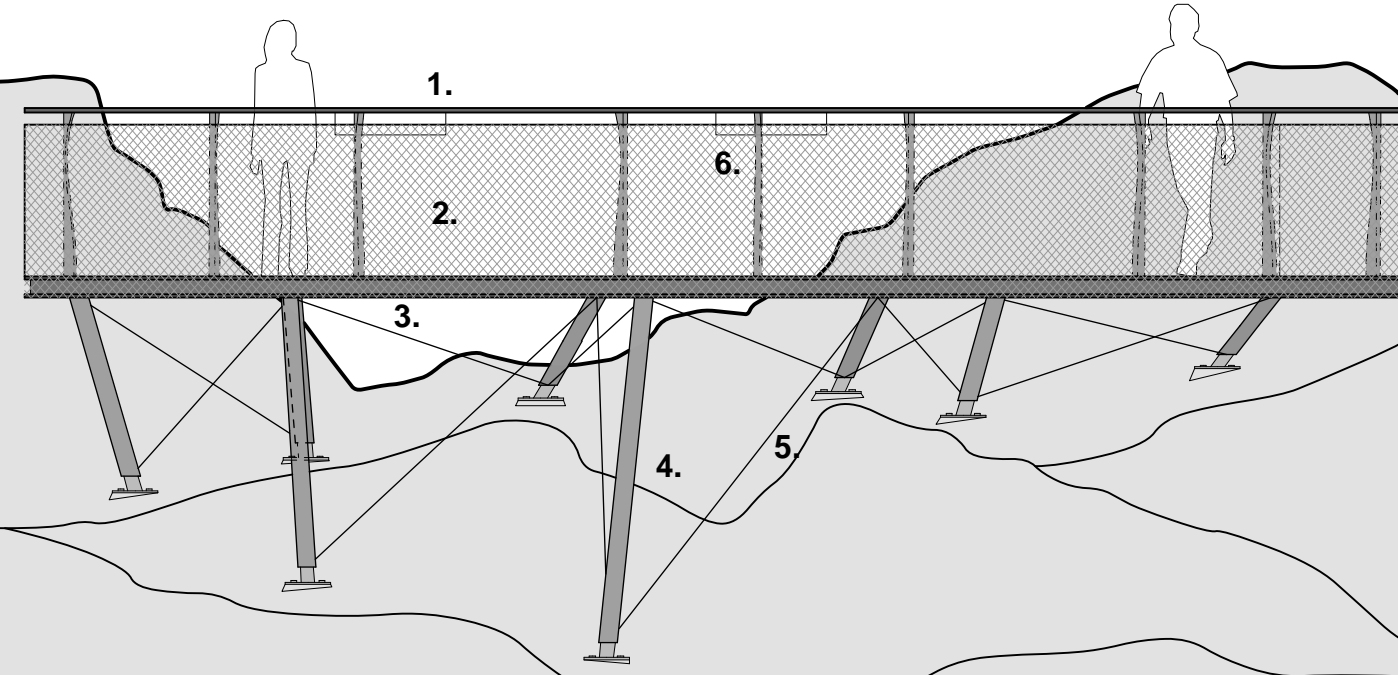
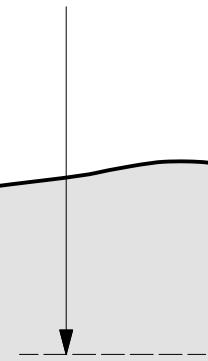




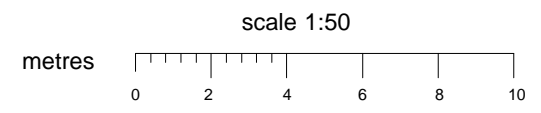


Key Plan @ 1:200

Level set by top tread of existing stair.



- 1. Handrail - dark grey galvanised finish.
- 2. Webnet wire mesh.
- 3. Perimeter channel - dark grey galvanised finish.
- 4. Steel column - dark grey galvanised finish.
- 5. Cross ties.
- 6. Information boards at agreed intervals



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Clachtoll

**West Elevation**

PP-109

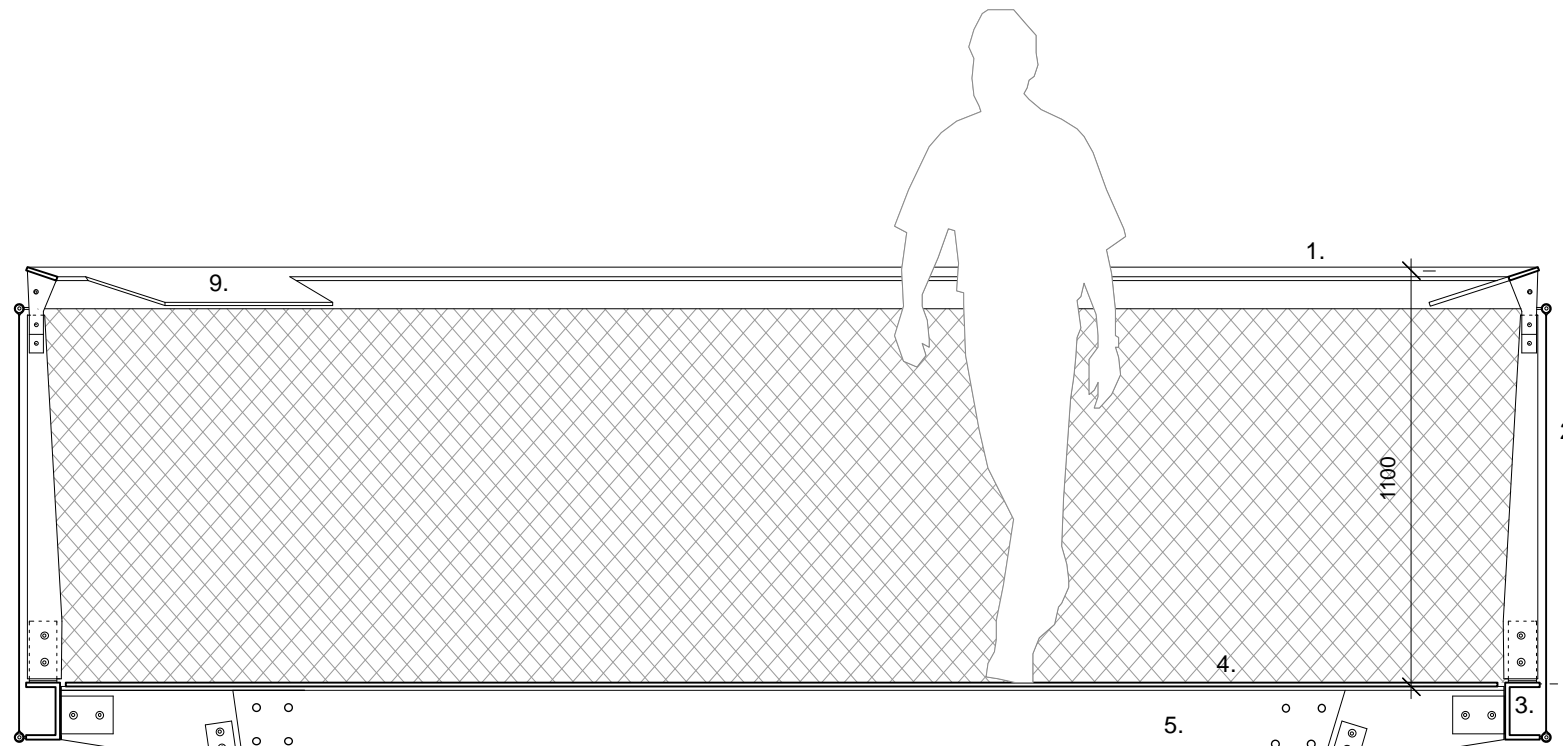
Date : Aug 2018

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Job No : 1811







Level set by height to top of existing stone stairs

1. Handrail - dark grey galvanised finish.
2. Webnet wire mesh.
3. Perimeter PFC channel - dark grey galvanised.
4. Galvanised steel plate with resin/gravel non-slip finish.
5. Galvanised steel beams/'T' sections - dark grey finish.
6. Steel column - dark grey galvanised.
7. Steel cross ties.
8. Steel connection plates to rock - dark grey galvanised.
9. Information boards at various intervals to be agreed.

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Clachtoll

Platform Detail

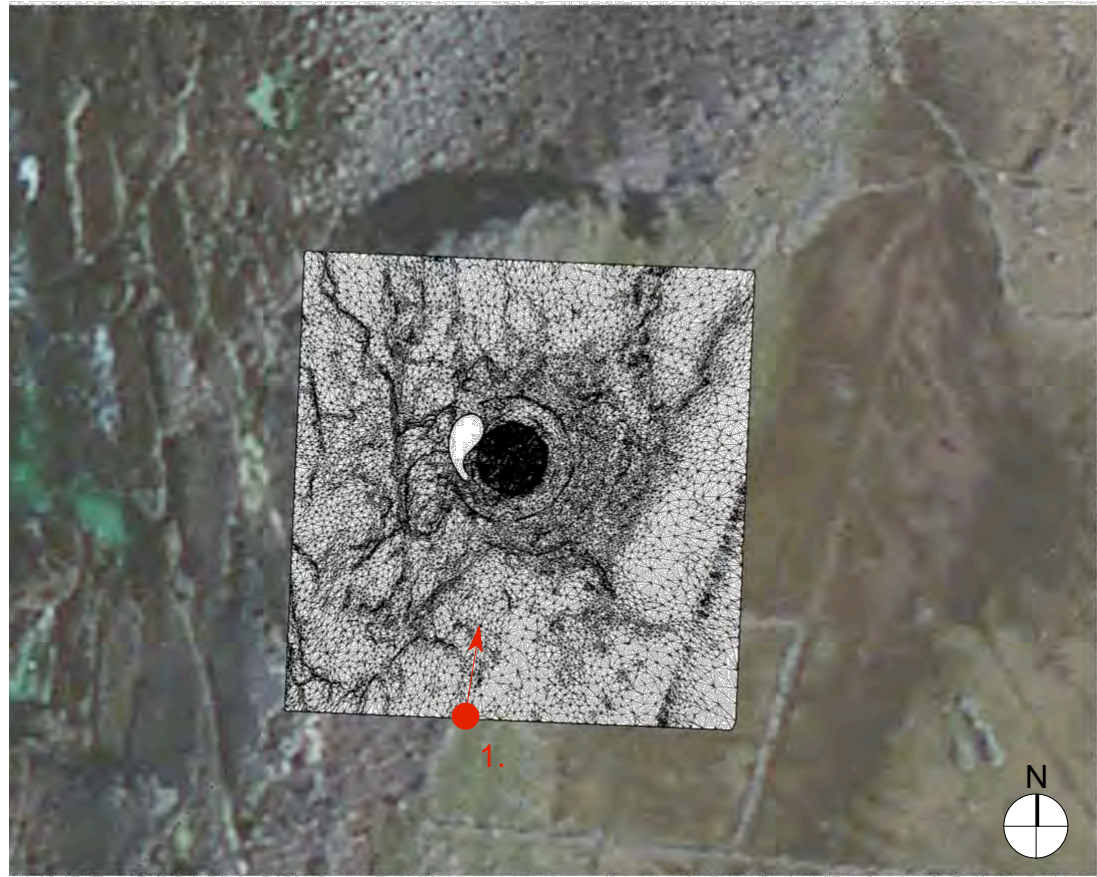
PP-111

Date : Aug 2018

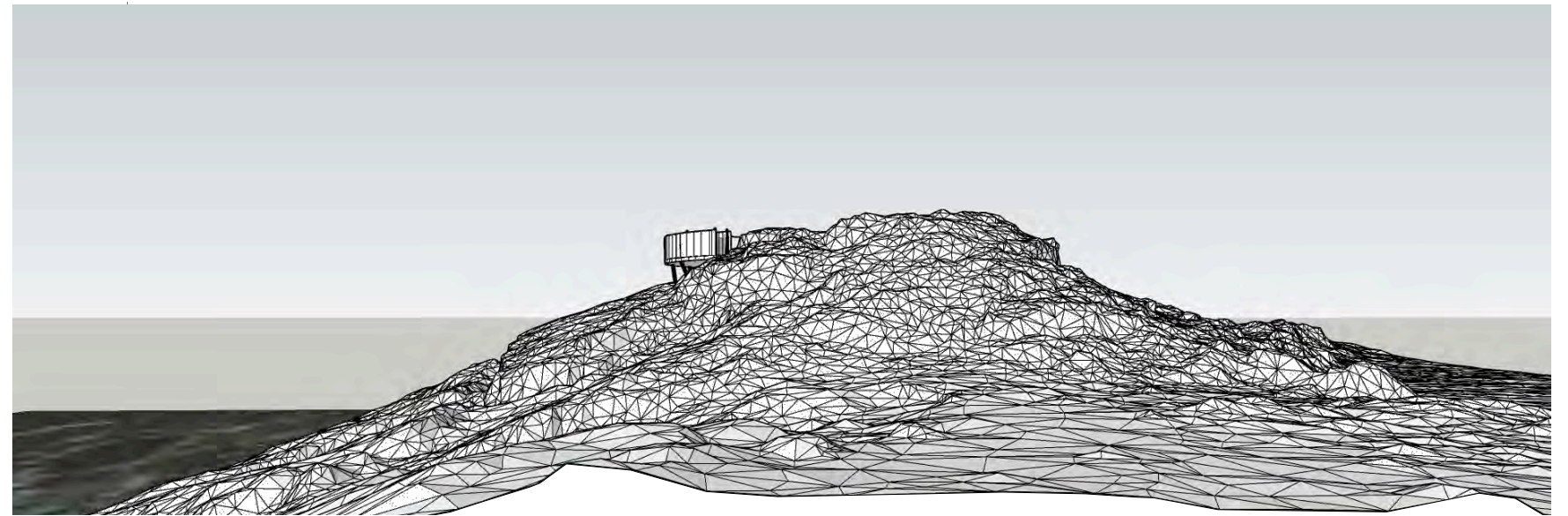
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Job No : 1811



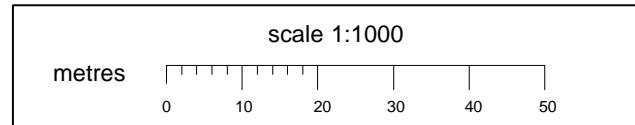


Site Plan 1:1000



View 1 Looking Towards Broch.  
View taken from western most edge of south approach.

N.T.S



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Clachtoll  
**Perspective View 1** PP-117  
Date : Dec 2018 Scale : 1:1000 Job No : 1811