

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
14 January 2014**

Agenda Item	5.1
Report No	PLN/002/14

**13/00191/FUL : Caithness Craft Art Skate Surf Ltd
Land 600M West Of 7 West Murkle, Murkle Thurso**

Report by Area Planning Manager

SUMMARY

Description : Change of use from former US Naval Communications Base to artists studios/ workshops, cafe, gallery and skatepark

Recommendation - GRANT

Ward : 04 – Landward Caithness

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Objection from Community Council & more than 5 objections from 5 separate addresses.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks to change the use of the former military installation at West Murkle to create a multi functional artist studio and workshop facility with café, gallery and internal skatepark. The site is approximately 2km to the North East of Thurso, in a rural/coastal setting overlooking Thurso Bay.

The existing cluster of buildings take the form of a large dominant industrial type building with an approximate floor area of 717m² together with three smaller ancillary buildings. This application seeks to utilise the main building on the site together with existing access and parking provision. Very little indication of the sites original purpose is evident apart from the security fence surrounding the buildings, a squat sentry building and a number of faded signs. The building is currently disused. Access is via the unclassified U2205 and U2858 roads off the main A836 coast road. The unclassified roads are single track with passing places with fencing/walling to fields to either side.

- 1.2 The developer entered into non-statutory pre-application discussions in 2012. Favourable advice pending detail and evidence that any impacts to wider amenity and road access was manageable.

- 1.3 All services are understood to be present.
- 1.4 Suite of photographs, supporting statement, example programme of activities
- 1.5 **Variations:** No variations have been made.

2. SITE DESCRIPTION

- 2.1 The site is comprised of a main building with three ancillary detached buildings finished in dry dash render and profile sheet roof. The buildings are located within a fenced compound. The complex of buildings is set in a remote rural location the nearest neighbour is approximately 500 meters from the site.

3. PLANNING HISTORY

- 3.1 09/00088/FULCA Change of use from ex communications base to storage and distribution warehouse for food. Application granted 21.05.09.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour
Representation deadline : 22.02.2013

Timeous representations
from separate addresses: 12; 9 against, 2 in support, 1 neutral.

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

Against

- Visitor numbers are unlikely to reach the numbers projected
- The road access is single track with passing places and unsuitable for the projected numbers of visitors given former level of usage and leading to possible conflict with other road users, pedestrians, cyclists, livestock etc
- A bridge on the road was subject to partial collapse in the past
- The proposed cycle parking is unworkable due to the availability of ground for cycle storage at the junction of the A836 and U2205, discharge of passengers from buses without an identified bus stop and numbers of unsupervised children that are the potential issues
- The junction of the unclassified road with the A836 road is inadequate/hazardous
- The A836 is already hazardous with 50 mph speed restriction in place
- Residents of West Murkle were not informed in advance of the Application submission.
- Traffic calming will be required
- Lack of footpath to link with A836 road
- The coastal path would require street-lighting with cliffs being hazardous – mirroring concerns for unlit rural road
- Existing provision of skatepark in Thurso
- The proposal is a waste of money
- The proposal would be better situated in Thurso as being more accessible
- The Scottish Water access to the West would be preferred resulting in a reduced impact on amenity.
- Opening hours to 10pm and possibly 11pm

- Impacts upon privacy and amenity through an inability to use garden or letting dogs out
- Impacts upon human rights under article 8
- Impacts upon existing land use – specifically agricultural uses
- Impacts to property values
- Increases in people raises the probable increase of dogs and the problems associated with such for agricultural businesses

Support

- There is precedent for volumes of vehicles and people as when the base was in military use 3 shifts of staff, together with contractors and deliveries occurred 365 days a year.
- The bridge is part of the public highway and is not subject to weight restriction.
- The road remains in the same condition as when the site was in active use as a military base.
- Local residents were informed by letter delivered by hand of the proposal
- Local residents will be aware of the former use of the site as a military base.
- Will have a positive impact on employment and the local economy.
- The indoor skate park would provide a year round facility unlike the outdoor skate park at Ormlie, in Thurso, which is weather dependent.
- The development would provide an out of school activity for youngsters.
- The café development would have great views across the sea.

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 **TECS Roads** : No objection. Passing Places On U2858 (unclassified) Murkle Receiving Site Access Road – this is the section of the road running East – West accessing West Murkle holdings on the seaward side of West Murkle. The section of the U2205 from the junction with the A836 to link with the U2858 remains unchanged. TECS Roads request that an additional three passing places on the U2858 are pursued in addition to improvement to existing passing places on this section of road.

5.2 **TECS Environmental Health** : No objection.

5.3 **Historic Environment Team** : No objection. This application will affect a building that is considered to be of historic interest. A photographic record is requested prior to any commencement of works on site.

5.4 **Access Officer** : No objection. Commends the aim of use of non vehicular access and public transport. Notes ideal requirements for bicycle storage and flags the issue of ensuring liaison with bus operator to clarify public transport arrangements. Notes that the coastal route for non-vehicular access is aspirational.

- 5.5 **Castletown Community Council** : Objection. The Community Council cite the following reasons against the development:
- Increase in traffic;
 - Issues with the safety of the junction with the A836 (noting history of speeding on this road);
 - Suitability of the unclassified road – suggesting that it would require to be upgraded;
 - Inconvenience to local residents and danger to children;
 - Lack of bus stop by the junction of the unclassified road and the A836;
 - Query the wisdom and practicalities of the use of free bicycles;
 - Opening hours would conflict with safe usage, particularly in the darker months of the year when using the unclassified road.

6. DEVELOPMENT PLAN POLICY

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 & Place-making

Policy 36 - Development in the Wider Countryside

Policy 41 - Business and Industrial Land

Policy 42 - Previously Used Land

Policy 43 - Tourism

Policy 49 - Coastal Development

Policy 56 - Travel

Policy 57 - Natural, Built & Cultural Heritage

Policy 64 - Flood Risk

Policy 65 - Waste Water Treatment

Policy 66 - Surface Water Drainage

6.2 **Caithness Local Plan (2002)**

This local plan is relevant only insofar as it continues in force post-adoption of the Highland-wide Local Development Plan.

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable

7.3 **Scottish Government Planning Policy and Guidance**

SPP

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

The proposal is in detail for the redevelopment of the existing buildings on site to form artists studios/workshops, cafe, gallery and skatepark. The reuse of redundant buildings of this nature is generally supported at all levels of policy if it can be adequately demonstrated that the proposed use does not conflict with other policies and guidance.

8.4 Material Considerations

The concerns associated with the development have primarily been focussed on two particular elements that of concerns over the existing road network and the other being its impact on residential amenity.

Amenity

The rural, isolated setting aids in the reduction of most amenity impacts that the development may have in consideration of site based activities, such as noise. The buildings meet the needs of the proposed development by providing the space and scope for the proposed uses within a single site. The site is separated from the nearest residential property by 500m, which is an interested party as landowner, and approximately 690m from the nearest uninvolved residential property. It is therefore considered that direct amenity impacts from the use of the building will not impact on amenity directly and can be managed by through the use of conditions. It is however noted that the projected user numbers will lead to a significant increase in vehicle movements, of particular concern owing to the nature of the unclassified section of road leading to the site from the A836.

Road Access and Traffic Issues

The site is accessed off the unclassified roads from the A836 coastal road between Thurso and Castletown. Concerns have been voiced by a number of parties including the community council about the ability of this network to cater for the projected increase in visitor numbers. It should be noted that whilst the road has been very quiet in recent years, owing to the site being disused, when operational it would have experienced significantly greater volumes of traffic.

TECS Roads have raised no objections subject to conditions. They have advised that 3 passing places are required in the latter section of the public road – the U2858 and that existing passing places were to be improved. It is considered that three new passing places to meet TECS Roads requirements are appropriate given the absence of any passing places along this stretch of road, between the T

junction and the site and a positive enhancement to the existing road infrastructure. This can be secured by condition. However improvements to existing passing places south of the T junction and the A836 are not considered appropriate given the additional improvements proposed above on the remaining section of road in the context of the scale of development and the level of traffic generated through the former use of the site.

The proposal has sought to incorporate non-motorised forms of transport through encouragement of walking and cycling via the unclassified roads from the main coastal road, the A836, together with the aspirational use and promotion of the coastal path which would link the site with Thurso. This is in accordance with sustainability policy and is to be encouraged.

Public transport by bus, is likewise noted as offering a means to limit vehicle numbers on the unclassified road, possibly through the added provision of bicycles at the junction between the unclassified roads and the A836 which those using the bus service can then cycle to and from the site/bus stop. It is considered that whilst laudable and in accordance with policy this component of the application may be considered as aspirational and will require further detailed consideration to ensure public transport and non-vehicular forms of access can meet the suggested level of use.

The unclassified roads linking the site with the main road is subject to a number of amenity and agricultural concerns. In consideration of such it should be noted that the road access to the site is part of the adopted highway and is secured from adjoining agricultural land and domestic gardens by either fences or dykes. As the site is remote from occupied dwellings and given the public nature of the road, dictating hours of operation in the interests of amenity are not justified on the basis of the use of the public road.

8.5 Other Considerations – not material

A number of issues raised by third parties against the scheme are not considered as material planning matters and are subjective in context and include comment regarding the viability of the proposal.

8.6 Matters to be secured by Section 75 Agreement

None

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

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant :

1. Prior to the first occupation of the development hereby approved, three new passing places shall be created on the U2858 (unclassified) Murkle Receiving Site Access Road. These shall widen the road to 5.5m over a 12m length and have 12m tapers on both ends and shall be constructed and finished to an agreed standard. Details of all works impacting upon or within the public road including plans specifying the new passing places shall be submitted to, and approved in writing by, the Planning Authority in liaison with the Roads Authority with agreed details being undertaken at the developers expense prior to the first use of the development hereby approved.

Reason : In order to ensure the safety and free flow of traffic on the public road.

2. All plant, machinery and equipment associated with ventilation, air conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan

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

3. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

Reason : In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

4. Any noise originating from the operation of the premises shall be inaudible within any noise sensitive premises. For the purposes of this condition, "noise sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential

caravan.

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

5. Any music, singing, speech, electronic video games or other amusement machines (whether amplified or not) originating from the operation of the premises shall be inaudible within any noise sensitive premises. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

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

6. Prior to the commencement of development, an extensive photographic record shall be made of the remains of old buildings and / or other features affected by the proposed development, in accordance with the attached specification, and shall thereafter be submitted to the Planning Authority. No site clearance work shall take place until confirmation in writing has been received from the Planning Authority that the record made has been lodged and is satisfactory.

Reason : To protect the historic interest of the site.

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

Please note: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

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.198), 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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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. Consent may also be required for any works impacting upon the road surface, the verge, drainage or any roadside footway or pavement.

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.

Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

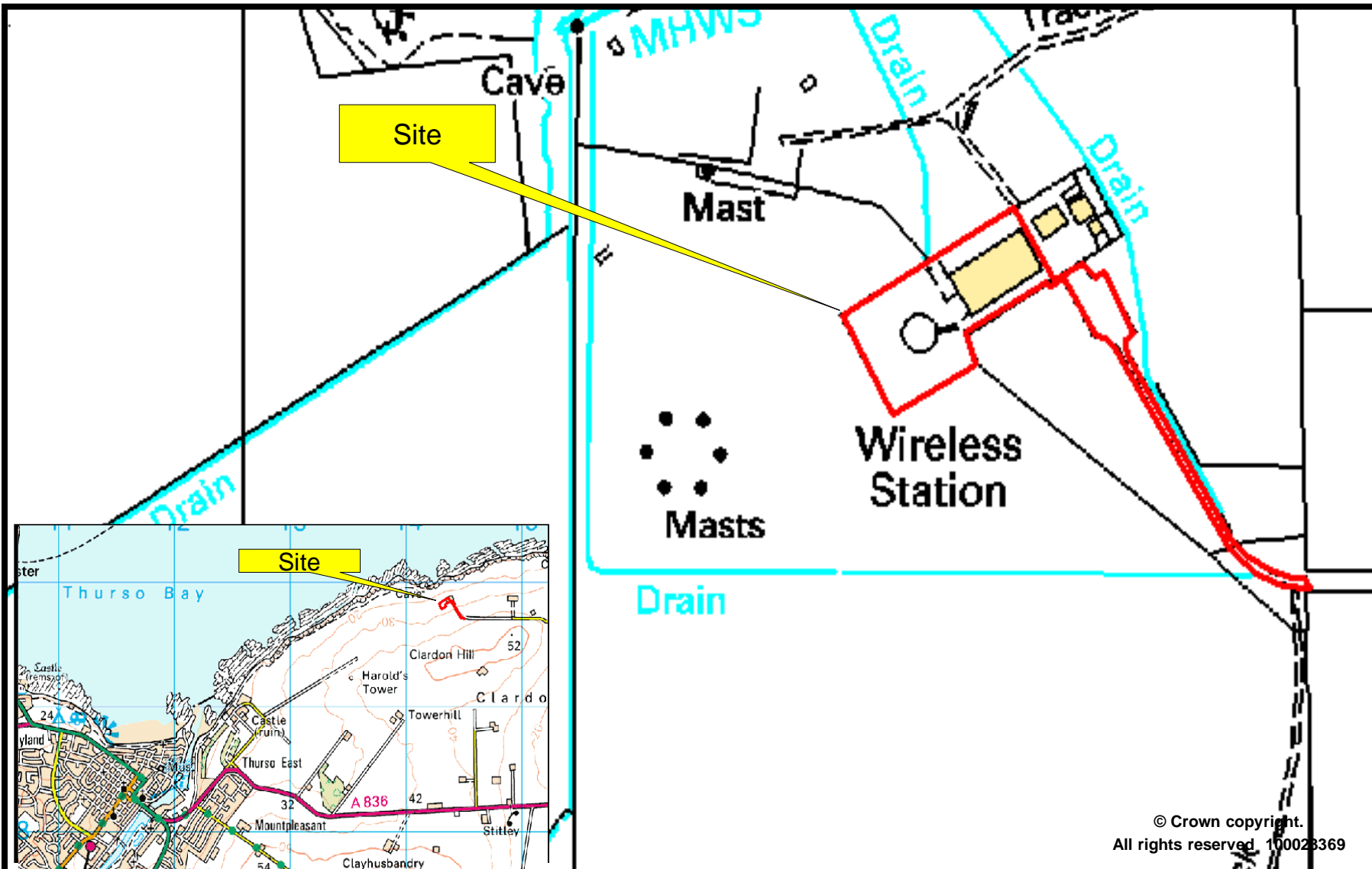
Coastal Access

Liaison with The Highland Council Access Officer is advisable in consideration of the coastal path referenced within the proposal. Please contact Mr Mathew Dent, Caithness and Sutherland Area Access Officer, The Highland Council, Planning & Development Service, Drummie Area Office, Drummie, Golspie, Sutherland KW10 6TA Tel. No. 01408 635377. Email: matt.dent@highland.gov.uk

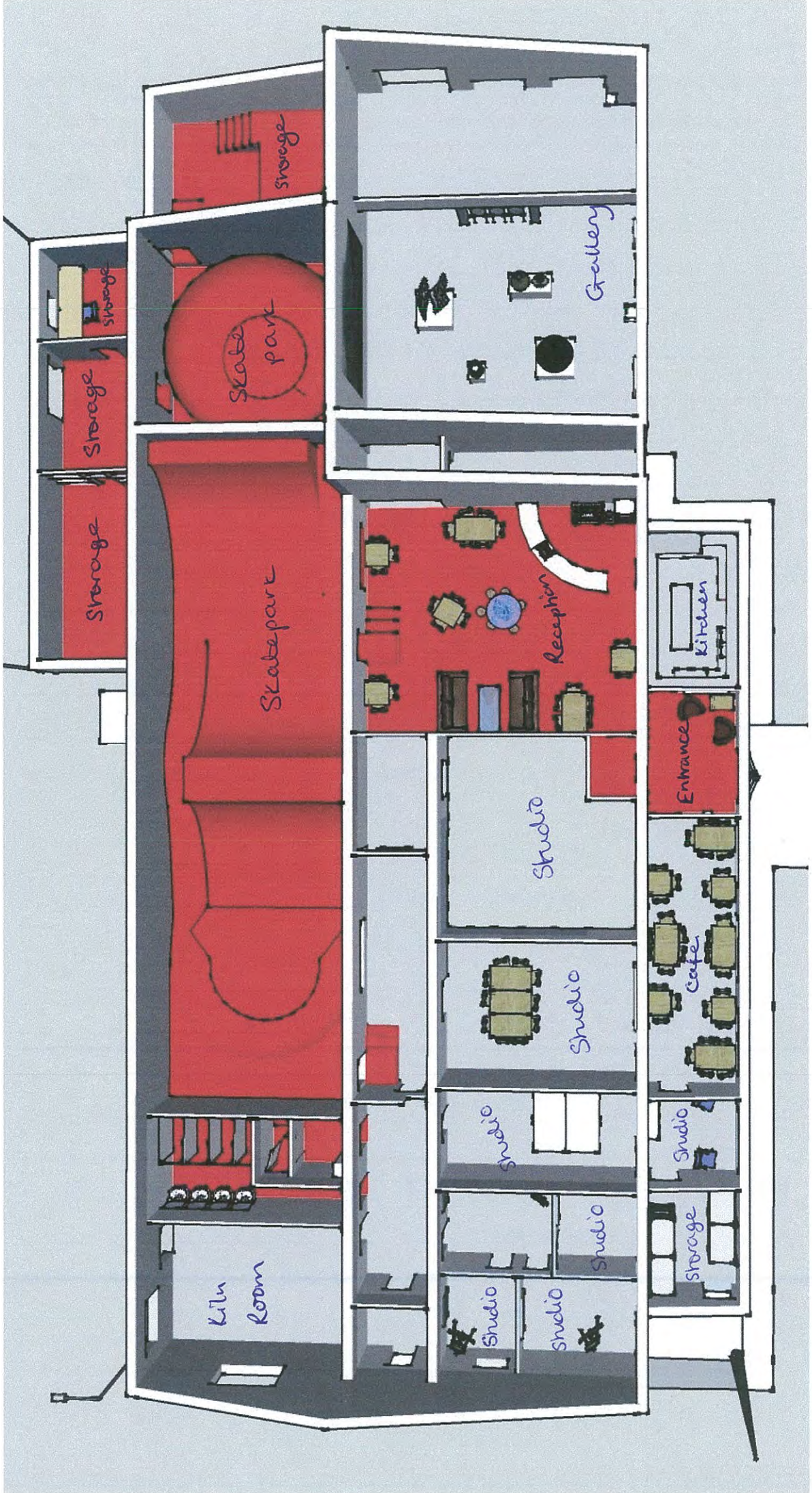
Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: David Barclay
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan. Serial No. 18942
Plan 2 – Floor Layout

Appendix 1 – Letters of Representation

Name	Address	Date Received	For/Against
Mr Douglas Fraser	Kylerhea, Harbour Rd., Castletown	10.02.13	Against
Mr & Mrs J. Bremner	Burnside House, West Murkle, Thurso KW14 8YT	12.02.13	Against
Mark Jamieson & Maureen Jamieson	Karahm, West Murkle, Murkle, Thurso KW14 8YT	13.02.13	Against
Michael Mackay	6 West Murkle, Thurso, Caithness KW14 8YT	13.02.13	Against
Mr & Mrs P. Shewell,	Leston House, Murkle, Thurso Caithness KW14 8YT	13.02.13	Against
Billy Campbell	5 West Murkle, Thurso, Caithness KW14 8YT	15.02.13	Against
Andrew Cambridge	4 Murkle View, Thurso KW14 8DG	19.02.13	Neutral
Andrew Campbell	5 West Murkle, Thurso, Caithness KW14 8YT	20.02.13	Against
Mr George Walker	7 West Murkle, Thurso	20.02.13	For
Mr Troy Bates	1 Falconerwaters Court, Thurso	20.02.13	For
Alan Wilcock	Baslow House, Battery Road, Castletown, Caithness KW14 8TF	21.02.13	Against
Mr & Mrs Morrison	4 West Murkle, Thurso KW14 8YT	21.02.13	Against
E. Sutherland	3 West Murkle, Murkle, By Thurso KW14 8YT	22.02.13	Against



© Crown copyright.
All rights reserved 100023369



storage

skate park

Gallery

Storage

Storage

Storage

Skatepark

Reception

Kitchen

Entrance

Studio

Cafe

Studio

Studio

Studio

Studio

Storage

Kiln Room

Studio

Studio