

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
20 NOVEMBER 2007

Agenda Item	4
Report No	37/07

**07/00372/FULCA: alterations to workshops (revised plans) at units north west of
Radio Station, Neil Gunn Drive, Ormlie Industrial Estate, Thurso.**

Report by Area Planning and Building Standards Manager

1. BACKGROUND

- 1.1 Members will recall that a situation has arisen at Ormlie Industrial Estate, Thurso whereby industrial units were being erected on the industrial estate in terms of planning permission reference 03/00434/FULCA granted on 4 December 2003 but where the units being erected are not the same as those which had been approved. That being the case, the developer was instructed to cease operations and to apply for planning permission for the units he was erecting. That application was duly submitted. The difference between the units, ostensibly, was that the originally approved units had an external height of 4m to the eaves and 8m to the roof ridge but the revised units, the subject of the current planning application, have a height of 5.6m to the eaves and 7.2m to the ridge. The footprint of both proposals is the same, and both proposals comply with the Local Plan, being industrial units on land allocated for industrial purposes. The original application attracted no objections from the public but the revised (current) application has attracted 8 letters of objection from residents of the adjacent residential area. A copy of the report of the Area Planning and Building Standards Manager to the Caithness, Sutherland and Easter Ross Planning Applications and Review Committee of 28 August 2007 is appended to this report.
- 1.2 The recommendation to the Committee was that the revised application should be granted permission. The Committee, however, decided to continue consideration of the application in order for a site inspection by Members to take place and thereafter to make its decision.
- 1.3 The site inspection duly took place on Tuesday 4 September 2007 following which a Special Meeting of the Committee was held in the Pentland Hotel, Thurso (copy of the minute of the meeting attached) at which the Committee agreed to continue consideration of the application until a future meeting in order to offer the applicant the opportunity to produce to the Planning Officer a scheme for improving the appearance of the front elevation of the building using appropriate materials and landscaping and boundary treatments which would ameliorate the impact of the building on neighbouring properties to the satisfaction of the Committee.

- 1.4 Amended plans were thereafter submitted by the applicant's agent to satisfy the Committee's concerns and the amended scheme was presented to the meeting of the Caithness, Sutherland and Easter Ross Planning Applications and Review Committee on 23 October 2007 for determination.
- 1.5 The Committee, however, "agreed that the application be deferred in order that the applicant could present a more satisfactory solution in relation to the location and design of the building".

2. UPDATE

- 2.1 Following communication of the Committee's decision to the applicant's agent, I have received two letters from him, both dated 6 November 2007 (copies attached), from which Members will note that it is now his client's intention to submit an appeal to the Scottish Government against the failure of the Council to determine the application within the prescribed two month period.
- 2.2 Once I have received the necessary appeal paperwork I will again revert to the Committee in order to receive its instruction as to how it wishes to conduct its defence on the issue.

Signature:

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart, Team Leader (01955 607751)

Background Papers: As referred to in the report above and case file reference number 07/00372/FULCA

Date: 12 November 2007

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Date: 6 November 2007
Yr Ref: 07/00372/FULCA
Our Ref: 16376/P Knight/AH

Area Planning & Building Control
The Highland Council
Market Square
WICK
Caithness
KW1 4AB

Dear Sirs

Workshop/Stores, Ormlie Industrial Estate, Thurso

Following the Planning Committee meeting held in the Assembly Rooms, Wick, on the morning of Tuesday 23 October 2007 and with reference the above planning application we have noted that your offices have yet to officially confirm to us the reasons for the deferral, again, of this application although we have noted from the verbal advice given to the writer by Mr Ewart is as below.

"This matter is deferred for the applicant to reconsider the siting and design of the building."

On the above, and the reason for the deferral, we would like to record the fact that in our opinion such a statement is not quite how the Committee requested the deferral to be made, and we would evidence the article written by Noel Donaldson, a member of the Caithness Courier staff, who was in attendance as a member of the Press at that meeting and we are enclosing a copy of the Press report placed in the Courier on Wednesday 24 October 2007 on which we have highlighted the statement made by Councillor Rosie and, as you will no doubt be aware, taken up by Councillor Bremner in terms of the amendment to Councillor Smith's proposal to approve the application.

We do however note that Mrs Sinclair as the Clerk to the Planning Committee and your Council's legal representative did indicate to Councillor Bremner that the wording of his reason for deferral should perhaps be reconsidered, but the exact outcome of that is unknown to the writer other than that Councillor Bremner most certainly did not make any further statement from the floor - it is to be assumed that the wording that will now be noted on the deferral notice will be Mrs Sinclair's, and not Councillor Bremner's, and that perhaps it will accord with the deferral indication shown above.

In response to these matters however and at this stage, you will know that the writer and his client (the applicants) intend to appeal to the Secretary of State, through formal channels, against the Council's "refusal to determine an application" and we therefore confirm that both the writer and his clients are more than just a little aggrieved at the way in which your Committee have dealt with this application highlighting the fact that the application was placed before your Committee meeting in Lairg, back in August this year, that the outcome of your Committee's considerations at that meeting was to defer the application for a site visit, and following that site visit in September and the meeting that followed immediately thereafter (in the Pentland Hotel, Thurso) your Committee again deferred the application and, in quoting the Committee's own words which were unanimously supported by the six /...

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6 November 2007

Area Planning & Building Control
The Highland Council, Wick

six members in attendance, "the applicants are requested to reconsider the treatment of the front elevation of the proposed building, and to look at softening the site by means of site boundary landscaping".

In following these requests "strictly as requested" and amending the front elevation in accordance with informal discussions that the writer had with Committee members and your own offices immediately following the Pentland Hotel meeting, the drawings were amended, resubmitted, only for the writer and his client to find that the Planning Committee have chosen to defer the matter yet again, despite the amended application being exactly in accordance with their specific and unanimous wishes.

We must also highlight the fact that in our opinion, perhaps encouraged by Committee members who did not have a vote on this matter, that the deferral has again been made on the basis of an incorrect, unconstitutional, and unacceptable condition that the applicant look at other sites both in the High Ormlie area, but also around Janetstown – we must ask your own offices to quite categorically advise your Committee, perhaps through the Chair, that the application with which they were dealing was "site specific" but that just as importantly this was not a new application, it was an application to amend a previously approved project by means of a different material finish to the elevations, a lowering of the ridge height, and the raising of the eaves heights – all on the basis that there is an existing approval for a building that is on exactly the same footprint, and in principle the only difference being that the eaves height has been raised with the ridge height lowered and all this in order to accommodate vehicular access to the building through door heights that were already approved, but which "clashed" with the proposed 1st floor level within the building – ie the door heights as approved were at 3 metres but the ground floor ceiling height was only 2.4 – a practical matter overlooked by the previous applicants and their agents and which would prevent our clients operating and occupying the building in the manner intended.

We were quite specific in the design amendments to ensure that we did not propose those amendments to compromise the visual amenity of the neighbours and as we have stated, and as has your own office stated and quite categorically so, we have lowered the ridge height from the building originally approved and have amended the front elevation treatment to offer a more visually acceptable and perhaps more residentially orientated design than the building for which permission exists.

You may therefore take it that we and our clients have considered the resiting option and have, as advised above, confirmed that this is not feasible as our client has no other site in his ownership, and in terms of resiting the building within the existing land, by means, suggested by one or two members of your Committee, of lowering the ground level, then this too is impractical, and inappropriate, as it was the Highland Council who set the ground levels as seen at present and spent "public funds" in creating these industrial sites, the accesses to them, and the servicing of them.

We have also reconsidered the proposed treatment of the front elevation as requested, but are of the opinion that the proposals are perfectly adequate and appropriate, and therefore on both of these matters, again reiterating that the application is site specific, we must advise that an Appeal against your Committee's refusal to make a decision will be lodged.

Yours faithfully

PS / ...

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6 November 2007

Area Planning & Building Control
The Highland Council, Wick

PS

The above letter was dictated prior to receipt of your letter of 5 November 2007, an answer to which will be advised under separate heading.

cc:
Client

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... way of making recourse. She asked him if he had found money to pay for drink, but he replied: "No."

... could give him a hand to have a disorderly manner and committing a breach of the peace.

... of Orlig Place, Darryl Thomson (20), of Orlig Place, subject to a presumption that no objections had been received and that the council's technical services department was satisfied with the application.

CATHNESS COUNCIL - Wednesday 1st 1967

Decision on Ormlie workshop development is delayed

by Noel Donaldson

CATHNESS councillors yesterday succeeded in delaying a decision on a controversial workshop development on the Ormlie Industrial Estate at Thurso. They claimed that approving the partially-constructed units would "condemn" nearby residents to "a horrendous view" and called for a rethink. It was the latest twist in a saga involving the work-

ing planning permission would be "a grave injustice to the people of Henderson Court". In an impassioned plea he said that some degree of discretion, common sense and "natural justice" had to be exercised in favour of the residents who would otherwise be condemned to "looking out on this huge building". Mr Rosie went on: "I don't think anyone in this room would relish that," and he urged the commit-

amended application but defer it again and try to find a satisfactory solution "in relation to the location and design of the units". Councillors have given a Melvich camp-site extension their unanimous support - even though it represents a departure from policy. Owner Ian Fling, who operates the camp site in conjunction with the Halladale Inn, applied to the Carthness, Sutherland and Easter Ross

and Review Committee to add five new pitches for touring camper vans and caravans. The agricultural ground involved is subject to a presumption against development under the Tongue and Farr Local Plan. However, senior planner Bob Robertson told councillors at their meeting in Wick yesterday that the local plan did refer to opportunities to improve the prospects for tourism in the area and help local businesses to extend the

He added: "You could regard this extension as acceptable in the broader, general thrust of the planning policy." Members were told that no objections had been received and that the council's technical services department was satisfied with the application.

Councillor George Farlow, who represents North, West and Central Sutherland, said he welcomed anything that boosted tourism in north-

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granted planning permission four years ago but he was taken to task recently when he began work on the units because he had departed from the approved plan and altered their height.

The alteration sparked objections from nearby residents in Henderson Court and resulted in a site visit by members of the Caithness, Sutherland and Easter Ross Planning Applications and Review Committee.

The outcome was that Mr Petrie submitted an amended plan which reduced the impact on the houses. This was considered by councillors yesterday.

Councillor Marion Thurso, who represents the Thurso ward, said she was not 100 per cent happy with the amendments and commented: "It is still beyond me as to why we have houses right next to an industrial estate."

Councillor Graeme Smith, Wick, was sympathetic to the residents' plight but said that they were dealing with industrial units on an industrial estate. The applicant had taken steps, including landscaping, to reduce the impact on the nearby houses and the application should be granted.

However, Councillor John Rosie, Thurso, stood firmly on the residents' side and said that grant-

gate an alternative site for the units.

Members were advised that deterring the application could result in an appeal and it was pointed out that, in any case, Mr Petrie could still complete the units under the original planning permission granted to him.

Councillor Richard Durham, Tain and Easter Ross, said it appeared that the Highland Council had made a mistake in the first place by allowing houses to be built so close to an industrial estate and that whatever amendments were implemented the plan would still have a detrimental effect on the homes. It was up to the council to try to resolve the situation, he said.

Councillor David Bremner, Landward Caithness, said the committee appeared to be caught "between a rock and a hard place".

Summing up, Mr Rosie urged his colleagues to "go the last mile" to get an acceptable solution for the residents by deferring the application and examining the possibility of an alternative site on the industrial estate.

Councillor Robbie Rowantree, North, West and Central Sutherland, insisted they had to make a "yes" or "no" decision on the application.

However, it was decided not to grant the

Bunnie Works her Majik in Wick

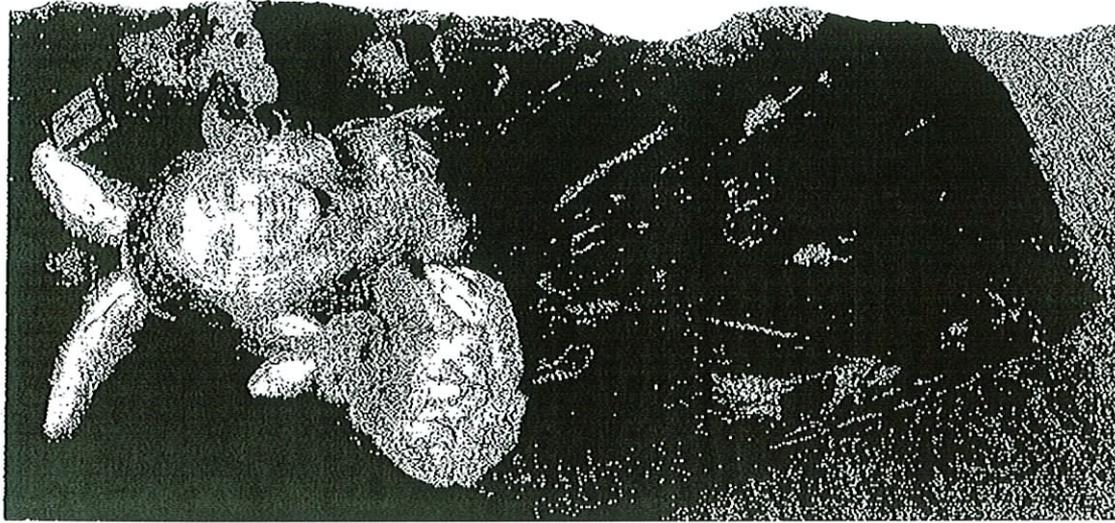
PRIMARY 1-3 schoolchildren in the Wick area have been enjoying a visit by the Majik Bunnie. Debi Ireland's colourful show delivers stories with a moral, and is aimed at raising self-confidence while delivering an anti-bullying message and promoting friendship among young pupils.

Debi, from Dunblane, has been bringing her stories - which she writes herself - to nurseries and infant classes throughout the country for the past three years. Her first visit to Wick has been sponsored by Murray and Ellie Lamont, of Mackay's Hotel.

Our photographer caught up with Debi yesterday morning at Pulteneytown Academy where, assisted by P3 pupil Lucie Harper, she had just completed a storytelling session with P2/3 pupils. In the afternoon Thrumster Primary School children travelled to Pulteneytown Academy to see the show.

Today (Wednesday) she is at Hillhead Primary School, where she will be telling her stories to P1-3 pupils from Hillhead and Wick North.

Photo: Robert MacDonald.



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Date: 6 November 2007

Yr Ref: IE/SHS 07/00372/FULCA

Our Ref: 16376/P Knight/AH

Area Planning & Building Standards Manager
Planning and Development Service
The Highland Council
Market Square
WICK
Caithness KW1 4AB

For the attention of Mr I Ewart, Team Leader

Dear Sir

Workshop/Stores, Ormlie Industrial Estate, Thurso

Your letter of 5 November 2007 with enclosure map refers and as per our previously dictated, but today's dated letter we confirm that our client has instructed us to lodge an Appeal to the Secretary of State against the Planning Committee's "refusal to determine the planning application lodged under the above reference number".

We reiterate that the application was site specific, that the final details of the submission were strictly in accordance with the unanimous decision/request of the six Committee members who were entitled to vote on this matter and we further remind you that the site carries full planning consent, with exactly the same conditions your offices have recommended for the present application, for a larger building, on exactly the same footprint/setting within this site.

Our client purchased the site with that planning consent in place, a little over a year or so ago, and as your records are not as up to date as ours, then we can confirm to you that the two sites to which you refer as Sites A and B are unavailable and for the following reasons.

Site B was purchased around 18 months ago, from the same owner as the site purchased by our client, and the company who purchased that site are John Munro Builders & Joiners and who have purchased the site for the construction of a builders yard/workshop, and on that basis the site is not available to our client.

Site A, and it surprises us just a little that your Committee are not aware of this, is actually owned by the Highland Council, but leased, when Ashley Ann gave up their option on it, to Calder Engineering, and that company, as far as we are aware, have no intentions of giving up their lease on the land and certainly as matters stand at present will most certainly not be offering a sub-lease to our client.

Finally /...

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Planning and Development Service
The Highland Council, Wick

Finally we add that our client specifically purchased the application site with a view to erecting the six units for which consent was granted and you may therefore advise your Committee, or certainly the parties with whom we assume you met to view the alternative sites, that those sites are not available.

The Appeal will be lodged shortly and the appropriate paperwork forwarded to your offices.

Yours faithfully

cc:
Client

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