

**THE HIGHLAND COUNCIL**

**PLANNING APPLICATIONS COMMITTEE  
4 AUGUST 2015**

Agenda Item	5.4
Report No	PLN/041/15

**14/04453/FUL : Brora Golf Club**

**Land at Brora Golf Club, 25m east of Little Drumornie Golf Road Brora**

**Report by Area Planning Manager**

**SUMMARY**

**Description** : Retrospective planning permission for drainage works to deal with surface water ingress from adjacent land

**Recommendation - GRANT**

**Ward** : 05 - East Sutherland And Edderton

**Development category** : Local Development

**Pre-determination hearing** : None

**Reason referred to Committee** : More than 5 representations.

**1. PROPOSED DEVELOPMENT**

1.1 The application is in retrospect for the provision of drainage works on the western boundary of the Golf Course (17<sup>th</sup> fairway) and the eastern boundary of the housing at Golf Road.

1.2 Pre-application discussions related to the procedure of application.

1.3 No existing infrastructure on the site.

1.5 **Variations**: None

**2. SITE DESCRIPTION**

2.1 The site is Brora Golf Course. To the west of the site are the gardens of the houses on Golf Road.

**3. PLANNING HISTORY**

- 3.1
- No relevant planning history on immediate site.
  - Adjacent site to west - 12/02018/FUL Erection of 1.5 Storey House, new parking area, SUDS and infilling of existing pond at Akaslompolo 12 Golf Road Brora. Approved 02.07.2012. This house has now been built

#### 4. PUBLIC PARTICIPATION

4.1 Advertised : Neighbours. Expiry date 16.01.2015

Representation deadline : 16.01.2015

Timeous representations : 5

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- The golf course is the joint lessee of the ground with a number of crofters, who use the golf course to graze cows and sheep. Cattle grazing on course attracted to water and consequently churn up ground and defecate in area
- Pond at new house site (12/02018/FUL) has been drained to golf course
- Drainage works by Golf Club have no outlet and are located on poorly draining heavy clay, without an effective outlet to the system
- Extending or altering their present excavations would not solve the flooding problem, which needs to be tackled at or near the source of the surface water outflow
- Planning Application for the new house (12/02018/FUL); drainage by SuDS set out by condition, including surface water drainage within the site
- Ground restoration required
- Loss of pedestrian access to golf course from adjacent gardens
- Size and depth of water pose safety risk
- Solution to problem suggested as:
  - Install a surface water drainage pipe running from the new house boundary across the golf course to the beach or a suitable drainage area
  - Require the new house owner to adhere to Condition 1 of the Planning Permission (12/02018/FUL), and to install a SUDS system that contains the surface water drainage to within his site

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). Access to computers can be made available via Planning and Development Service offices.

#### CONSULTATIONS

5. **Access Officer** – Service boardwalk has been provided to cross the drainage ditch. This should be maintained by the Golf Club whilst the drainage ditch is there.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

##### 6.1 Highland Wide Local Development Plan

28 Sustainable Design

66 Surface Water Drainage

##### 6.2 Sutherland Local Plan (as continuing in force, April 2012)

## **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 and is for a new drainage system (in retrospective). The purpose of the system is to address surface water drainage issues on the western boundary of the golf course on the 17<sup>th</sup> fairway. The drainage issues in the immediate area have become more significantly pronounced following the construction of a house within a paddock area previously associated with the house 'Four Winds', to the west of the golf course.

The proposal includes the development of a drainage ditch from the northern end of the new house site (12/02018/FUL) to the northeast of Four Winds for approximately 65m, parallel with the boundary of the golf course and the house gardens. The ditch then terminates at a pond/soakaway area to the north east of the garden of 'Tigh Fada'.

The pond/soakaway is approximately 10m in diameter and the ditch around 2.6m wide. A small pedestrian bridge has been installed over the ditch. An additional area to the southeast of the ditch serves as a larger soakaway area of 1000sqm.

There is an electric fence around the area, typical to an agricultural area.

The development of a drainage feature in this location to address surface water drainage is considered to generally accord with the Development Plan policies 28 and 66.

Conceivably, the development of this drainage proposal may need to be augmented with further additional drainage works, depending on the level of technical success of the works currently proposed. It is regrettable that the long standing informal level of direct access from houses adjacent to the golf course and beach beyond has been affected, particularly during wet weather, by the formation of the drainage feature. Pedestrian access can still be obtained but it is

necessary to go around the pond/soakaway to the north or over the ditch by a new pedestrian footbridge to the south. The level of deviation at the northern end of the pond/soakaway is around 30m.

#### 8.4 **Material Considerations**

Representations have been made on the application:

- The golf club is the joint lessee of the ground with a number of crofters, who use the golf course to graze cows and sheep. Cattle grazed on course attracted to water and consequently churn up ground and defecate in area. Size and depth of water pose safety risk – *Planning comment* – Fencing off of the site would help to mitigate people and animals entering the drainage area. This can be addressed by condition.
- Pond at new house site (12/02018/FUL) has been drained to golf course
- Drainage works by Golf Club have no outlet and are located on poorly draining heavy clay, without an effective outlet to the system
- Extending or altering the present excavations would not solve the flooding problem, which needs to be tackled at or near the source of the surface water outflow
- Ground restoration required - *Planning comment* – Can be controlled by condition
- Loss of pedestrian access to golf course from adjacent gardens - *Planning comment* – This is a private matter for the various parties to address. It is noted that a small pedestrian bridge has been installed over the drainage ditch.
- Solution to problem suggested as:
  - Install a surface water drainage pipe running from the new house boundary across the golf course to the beach or a suitable drainage area
  - SUDS system for new house (12/02018/FUL) to contain the surface water drainage to within the application site, as condition No. 1 – *Planning comment* – it is understood that part of the surface water drainage system for the house uses drainage to the combined foul and surface water public sewer in the area. Although this does not correspond with what had originally been proposed the use of this for some of the surface water drainage provision is considered to be acceptable, taking water off-site in this instance.

#### 8.5 **Other Considerations – not material**

none

#### 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

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

1. Within one month from the date of this permission, the developer shall have submitted full details in writing and on plan of measures to:
  - stock proof the drainage area
  - landscape and seed the drainage area

for the approval in writing of the Planning Authority. Within a further month from the approval of such measures, or the first available planting season, whichever is the most practicable, the developer shall have had these measures put in place on site to the satisfaction of the Planning Authority, and the agreed measures shall remain in place in perpetuity.

**Reason** : In order to ensure that the drainage area is satisfactorily stock-proofed, to allow the landscaping of the site to be undertaken and in the interests of safety.

## 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

### 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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Signature: Dafydd Jones

Designation: Area Planning Manager - North

Author: Bob Robertson

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Committee location plan
- Section Plan DP-02
- Location Plan DP-01-Rev A

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Roderick MacLean on behalf of	1/2 West Cherrybank, Stanley Road, Edinburgh	15.01.2015	A
	Mr Craig F ulton Tigh Fada, 18 Golf Road, Brora	13.01.2015	A
	Mrs Angela Metaclafe, Drumornie, 16 Golf Road,	13.01.2015	A
	Mr and Mrs Beaney, The Have, Golf Road	13.01.2015	A
Richard Chase	Tarmachan, Dalchalm, Brora	02.01.2015	A
Miss J Dunn	25 Dalchalm, Brora	06.01.2015	A
Mrs June Ross	29 Muirfield Road, Brora	15.01.2015	A
Bernard Ledwith	Four Winds, Golf Road, Brora	08.01.2015	A



The Highland Council  
Comhairle na Gàidhealtachd

Planning and Development Service

Case No: 14/04453/FUL

Description: Retrospective planning permission for drainage works to deal with surface water ingress from adjacent land

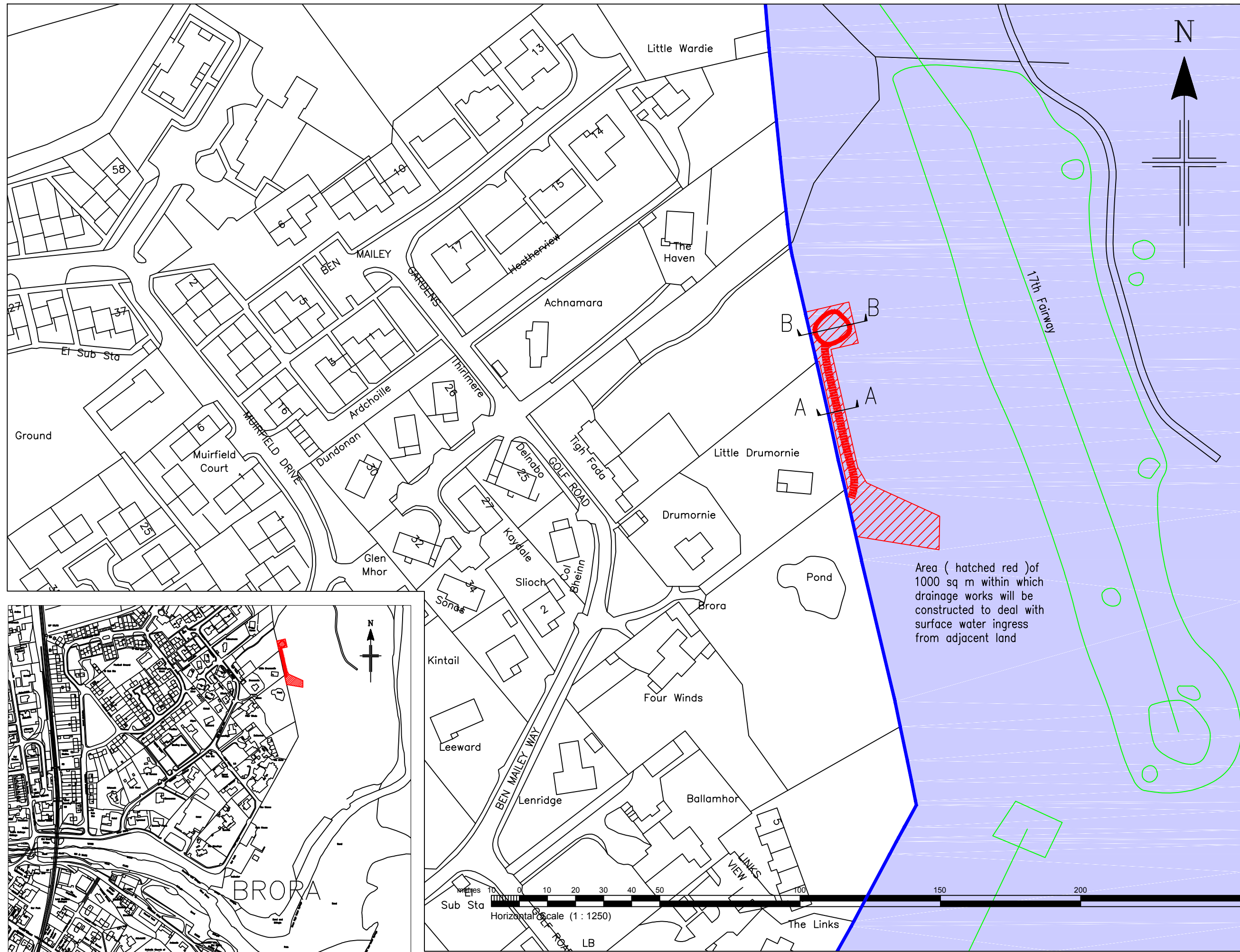
Date: 4<sup>th</sup> August 2015

N



Scale:





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**Notes:**

1. The area shaded blue on the plan indicates land owned by Sutherland Estates and leased to Brora Golf Club

Ditch and Pond added and area leased to Golf Club shown blue

Revision Details	Drawn By	Check By	Check Date	Surf.
	MM		03-12-14	A

Area ( hatched red ) of 1000 sq m within which drainage works will be constructed to deal with surface water ingress from adjacent land

Planning Application for Drainage Works on Brora Golf Course

Scale 1:1250 (@ A3)

Drawn MM Date 28-11-14

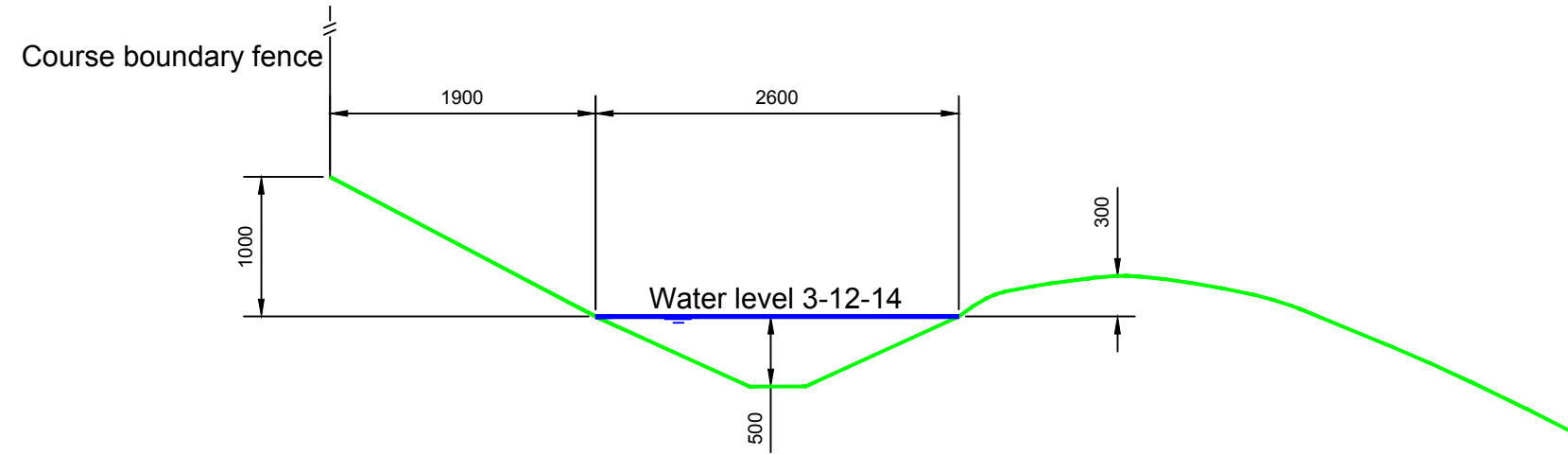
Checked Date

Project No:

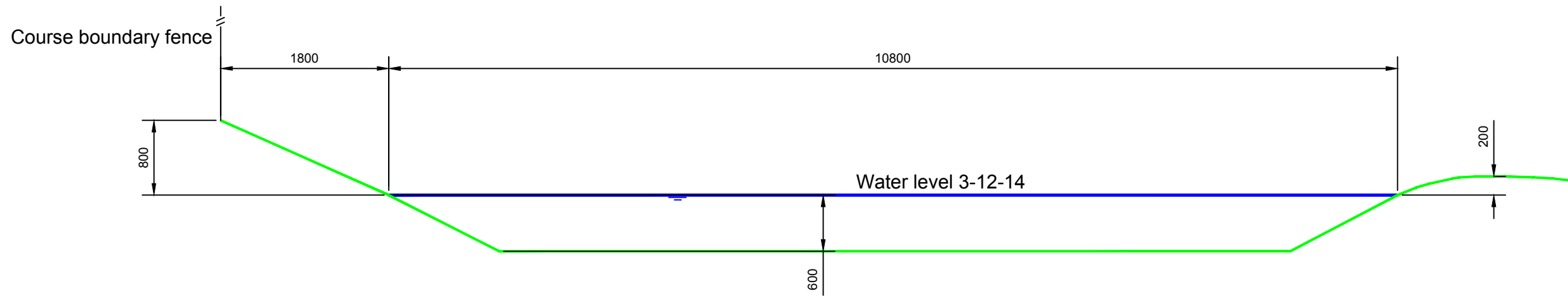
Drawing No: DP-01 Rev: A

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**Section A -A**  
 Through proposed ditch  
 1:50



**Section B -B**  
 Through proposed pond / soakaway  
 1:50

**Revision Details**

Drawn By	Check By	Check Date	Surf's

**Planning Application for Drainage Works on Brora Golf Course**

**Proposed ditch and pond details**

Scale	<b>1:50</b> (@ A3)		
Drawn	MM	Date	03-12-14
Checked		Date	
Project No:			
Drawing No:	DP-02	Rev:	