

Agenda Item	6.2
Report No	PLN/091/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 7 December 2021

Report Title: 21/02588/FUL: Arquiva Ltd

Land 25m NE of Culag Hotel, Culag Road, Lochinver.

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Installation of 20m high tv broadcasting mast and associated infrastructure within fenced compound

Ward: 01 – North, West and Central Sutherland

Development category: Local

Reason referred to Committee: number of representations and an objection from the Community Council

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The applicant seeks to install a 20m tall TV broadcasting mast and associated infrastructure within a fenced compound. A shrouded transmitter is fitted to the top of the mast bringing the overall height to 22.8m; the current transmitter has a height of 22.2m to the tip. This development seeks to replace the current mast that is fixed to the Ice Plant buildings at Lochinver Harbour; these buildings are programmed to be dismantled and a new site is required to allow installation of the replacement mast, prior to its demolition to ensure that the TV service is maintained. Decommissioning has been undertaken and the buildings will be demolished as soon as practicable following the installation of a replacement mast.

The Ice Plant facility comprises two, large and square corrugated metal clad structures (Ice Store is 12m x 11m in area and 18.6m tall and the Refrigeration Building is 9m x 12m in area and 7.85m tall); they are located on the quayside to the east of the main fish quay at Lochinver Harbour and 19m north of the proposed site.

- 1.2 The application is supported by:

- Certificate of Conformity for the radio equipment
- Response to objections including the reason for the installation and justification for the site location

- 1.3 Site Layout Drawing amended to show the proposed access route across the current tarmac hardstanding.

2. SITE DESCRIPTION

- 2.1 The site is located 67m east of the fish quay and 19m south of the current Ice Plant building at Culag Road Lochinver.

The site lies within Assynt-Coigach National Scenic Area and on Highland Council land; it is currently used as informal parking at the harbour given its easy access to Culag Road. Various private properties and businesses lie to the south of the site including the Council Offices, Culag Hotel, Peets Restaurant and the Wheelhouse Apartments. The main quayside and industrial area lie to the west and north of the site.

- 2.2 The wider area to the west and southwest provides further hardstanding's and buildings associated with the fishing industry and also the Coastguard and Lifeboat Services. Assynt Leisure Centre lies some 250m SW of the site.

3. PLANNING HISTORY

- 3.1 A pre- application enquiry was received for the erection of a TV mast on an area to the north of the currently proposed site – 20/04359/PREAPP. However, this application proposes a different site position.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 20th August 2021

Representation Deadline: 5th November 2021

4.2 Timeous Representations: 5No. objections from 5No. individuals and an objection from Assynt Community Council.

Following receipt of information addressing representations, no objections have been withdrawn.

4.3 Late representations: None.

4.4 Material considerations raised in objections and correspondence are summarised as follows:

- a) Concerns regarding “minor” discrepancies in the description of the site and the address quoted by the applicant.
- b) Road safety concerns regarding loss of public parking and manoeuvring space for large vehicles.
- c) Impact of development on neighbouring businesses – Hotel, AirB&B, Restaurant etc.
- d) Impact of development on private properties.
- e) Visual Impact on the area (National Scenic Area).
- f) Impact on Tourism.

Consider the development to be contrary to policy.

4.5 g) 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.

5. CONSULTATIONS

5.1 No consultations

5.2 DEVELOPMENT PLAN POLICY

6. The following policies are relevant to the assessment of the application

Highland Wide Local Development Plan 2012

6.1 Policy 28 - Sustainable Design

Policy 29 - Design Quality and Place-making

Policy 41 – Business and Industrial Land

Caithness and Sutherland Local Development Plan 2018 (CaSPlan)

Lochinver – Settlement Development Area

Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

8. PLANNING APPRAISAL

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.

8.1 Determining Issues

The application requires to be assessed against all policies of the Development Plan relevant to the application and all national and local policy guidance and all other material considerations relevant to the proposal.

8.2 Planning Considerations

The key considerations in this case are:

compliance with the development plan and other planning policy.

8.3 Development plan/other planning policy

The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan and all statutorily adopted supplementary guidance.

8.4 The site lies within the general Settlement Development Area of Lochinver. Although there are no site-specific allocations or policies within the CaSPlan at the application's location, the development is therefore, principally assessed against the general policies of the HwLDP.

The policy is reinforced by HwLDP Policies 28 and 29 for Sustainable Design, and Design Quality and Placemaking.

8.5 The principle of the development is supported by the Local Development Plan subject to the proposal being acceptable in all other aspects, which are considered in detail below.

8.6 Siting and Design

The application seeks to site a new TV transmitter mast on land adjacent to the industrialised harbour at Lochinver.

The site lies adjacent to the current transmitter which will be lost when the supporting structure is removed (Ice plant building). The site has been chosen as a preferred location given the requirement for “line of sight” connection with a large transmitter at Eitshal, Isle of Lewis. The new mast will occupy a site approximately 19m from its current position and will allow the safe removal of the large Ice plant structure. By moving the structure away from the quayside, it permits a larger frontage to be accessed from the hardstanding area and “frees-up” land for future development. The area to the north of the proposed site is part of the previous land reclamation and does not provide good foundation strata on which to erect a tall structure.

The design shows a 20m tall, slimline lattice mast with a shrouded transmitter fitted to the top, it is very slightly taller to the tip (approximately 600mm) than the current antenna. A 7.5m x 5m fenced compound provides protection to the lower part of the mast and associated equipment cabin.

8.7 Amenity

Assynt Community Council have objected to the development, supporting the views of the people making representation and the reasons for these objections.

Representations made against the application assert that the development will result in impact on businesses, loss of visual amenity at the harbour area and also impact on view (non-material consideration). These issues are understood. However, this is given detailed consideration in the context of the surrounding industrial operations, as provided below.

8.8 It is acknowledged that the distance from the site to the hotel to the south is reduced to 25m. However, as noted above, the proposed mast is of slimline lattice design and will have a greatly reduced impact on the hotel than the existing ice plant which greatly obscures the northern outlook. Representations have also been received from the owners and operators of a restaurant (Peets) and private and B&B / Air B&B properties some 50m to the south east of the site. The representations relate to the impact on their businesses, loss of tourist trade and reduction in property value in addition to the loss of a view. As noted above, the current industrial structures obscures much more of the outlook than the proposed slimline mast and compound will. The outlook from these properties is more oblique than that from the hotel and the impact of the mast is greatly reduced by that angular view. The properties will have a generally more open outlook with the removal of the ice plant.

8.9 A further claim has been made that the development will result in road traffic problems that would impact the amenity of the surrounding area. However, it is noted that the site is located on a hardstanding area and lies approximately 6.5m from the edge of the public road. The land is owned by The Highland Council and there is no formal parking arrangement at this location.

It is noted that it is the “understanding” of the owner of the hotel that there is an agreement allowing the hardstanding area adjacent to the site to be used as parking for the hotel and others, as compensation for land lost during the re-alignment of the public road. The Highland Council Harbour Master is unaware of such an agreement but is aware of the use of the land for informal parking.

8.10 **Visual Impact**

It has been suggested that the mast will have an unacceptable impact on the harbour area when the ice plant buildings are removed, given it will be the tallest structure at the harbour. The site lies within Assynt-Coigach NSA. However, it is considered that the mast, whilst isolated to the east of the fish quay and main harbour, remains within the industrialised area and is backgrounded by the rising ground to the south (when viewed from Baddidarroch and the main part of the village). Culag Hotel itself is a tall structure and more prominent in respect of visual receptors; there is no appreciable impact on the wider NSA.

In addition to the visual impact, a suggestion has been made that there could be unacceptable wind noise from the structure given its lattice design. No assessment has been made on this aspect. Given the separation between the site and the nearest property, it is not considered that there will be an unacceptable increase in the overall background noise such as to impact on noise sensitive properties. However, as a precaution, a condition in respect of noise has been attached to the decision.

8.11 **Access and Parking**

Details in respect of access and parking are addressed in the above paragraphs. However, it should be noted that there will be no requirement for permanent parking at the site and there is ample parking available for any maintenance visits that may be required. No formal dedicated access is required.

8.12 **Drainage**

Surface water drainage already serves this area, and this development is not anticipated to increase demand on existing provision.

8.13 **Flooding**

It is noted that the site lies within a coastal flooding area. However, the use is not considered to be a vulnerable one and no formal flood prevention arrangements are necessary.

8.14 **Developer Contributions**

No developer contributions are due for this type of development.

8.15 **Other material considerations**

The investigation and use of alternative sites have been suggested by Assynt Community Council and those making representations. The developer has provided technical information in support of the application and the reasons why the site has been selected. It is noted that discussions in respect of alternative sites have been unsuccessful in securing a suitable location.

In addition to the technical reasons given for the siting, realignment of local aerials (265 core coverage) would be required should an alternative site have been selected. This would not be at the cost of the developer but would fall on individual subscribers to pay for the adjustment.

8.16 Non-material considerations

This proposed development has received a large volume of correspondence, which has been duly considered for matters material to the assessment. Issues material to planning have been considered above, however, non-material issues were raised and are summarised as follows:

- a) View
- b) Perceived impact on property values.

8.17 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

The principle of the replacement of the TV transmitter is supported in Highland and Scottish Planning Policy. The application has attracted local interest and the issues raised given due consideration in the course of the application's assessment. As stated, it is understood that the development represents a change in the local area and concerns have been raised about its perceived impact on the established residential amenity, private businesses and tourism. However, on review of all relevant material planning considerations, the proposal has been assessed and found to be acceptable on siting, design and amenity grounds. Access and parking as well as impact on local business concerns have been assessed and are considered to be acceptable given the overall reduction in visual intrusion by the removal of the large and unsightly ice plant buildings.

- 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. 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

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. Any noise associated with the installation of the approved mast (wind noise) must not exceed NR 20 when measured or calculated within the bedroom of any noise-sensitive premises with windows open for ventilation purposes.

OR

the operating noise Rating level must not exceed the Background noise level by more than 5dB(A) including any characteristics penalty.

Terms and measurements to be in accordance with BS 4142: 1997 Rating industrial noise affecting mixed residential and industrial areas.

(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 the interest of neighbouring residential and commercial 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.

INFORMATIVES

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.

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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_f_or_working_on_public_roads/2

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 for more information.

Designation: Area Planning Manager – North

Author: David Borland

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

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Location Plan	141073-00-004-ML003	REV 3	23 June 2021
Proposed Site Layout Plan	141073-01-100-MD006	REV 6	03 August 2021
Proposed Elevation Plan	141073-01-150-MD004	REV 4	26 May 2021

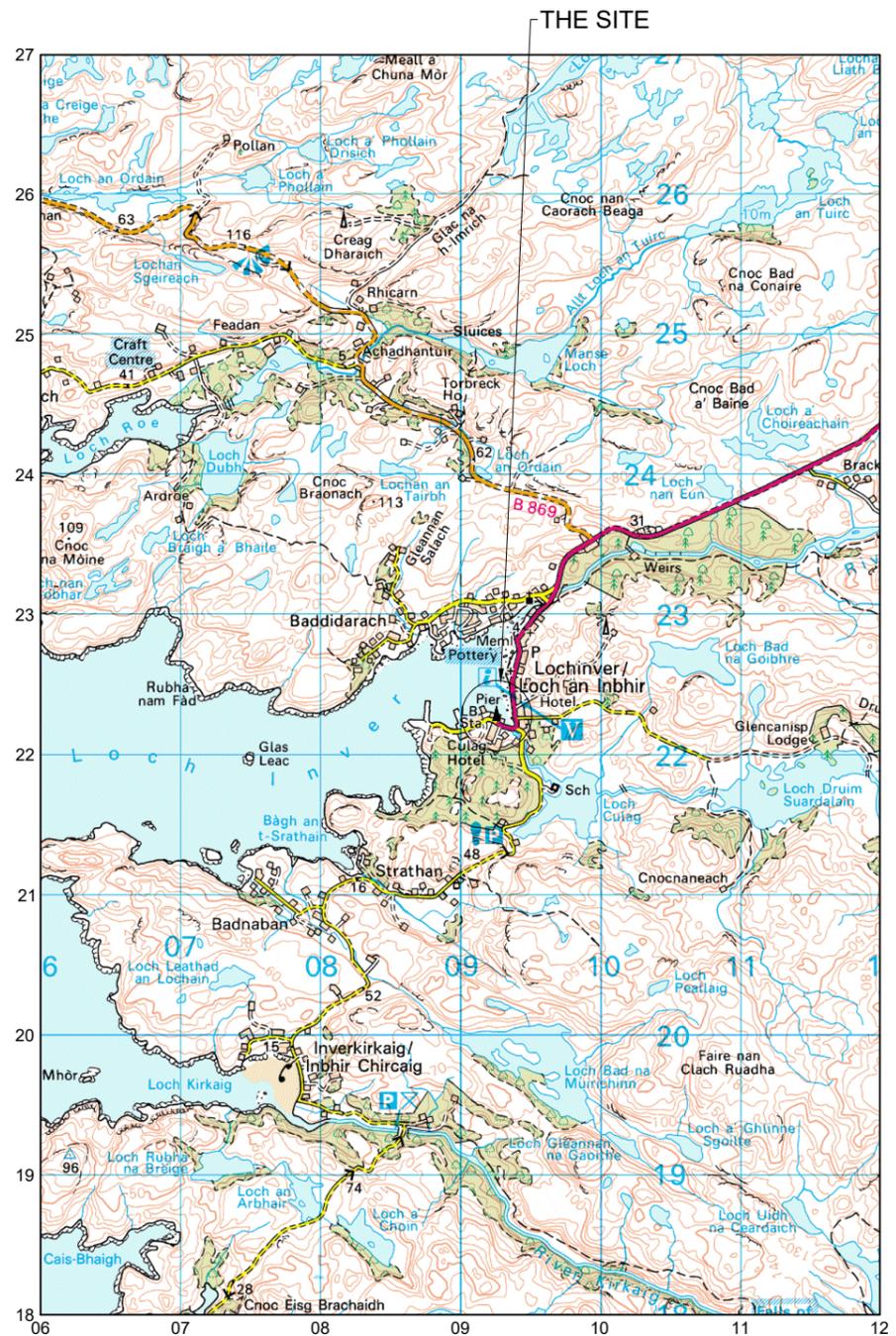


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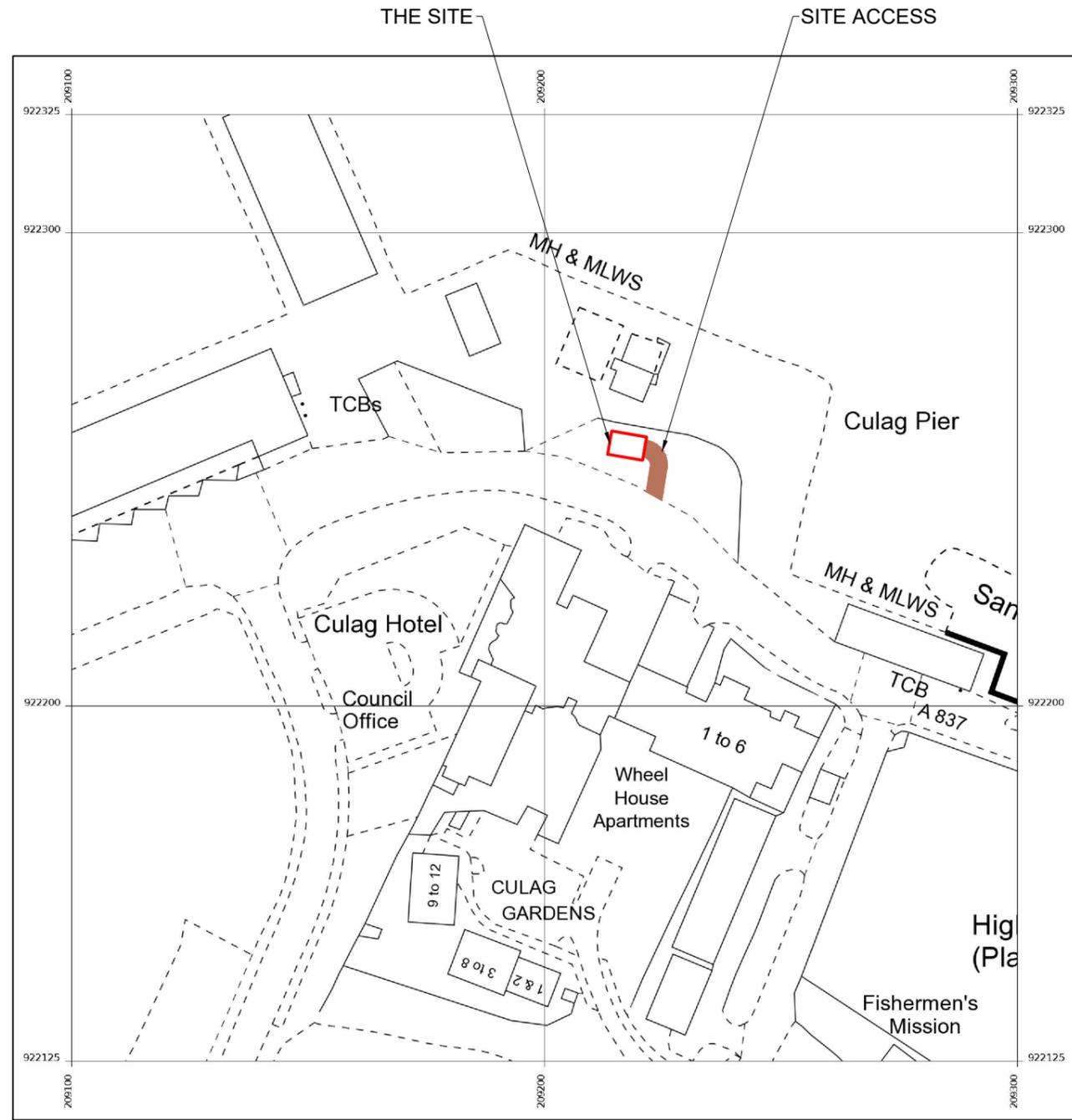
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O.S. LANDRANGER MAP No. 015



LOCATION PLAN
 SCALE 1:50,000



LOCATION PLAN
 SCALE 1:1250

ISS	REVISION	DATE	DRN	APP
3	PROJ No N/A	14/07/20	KML	IM
2	PROJ No N/A	18/06/20	KML	IM
1	PROJ No N/A	10/06/20	KML	IM
0	PROJ No N/A	24/05/11	IM	IM



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SITE No 141073
 LOCHINVER
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 CULAG PIER
 LOCHINVER
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NGR NC 09201 22200

OS GRID NC 09201 22200

TITLE
 LOCATION PLAN

SCALE SEE DRAWING

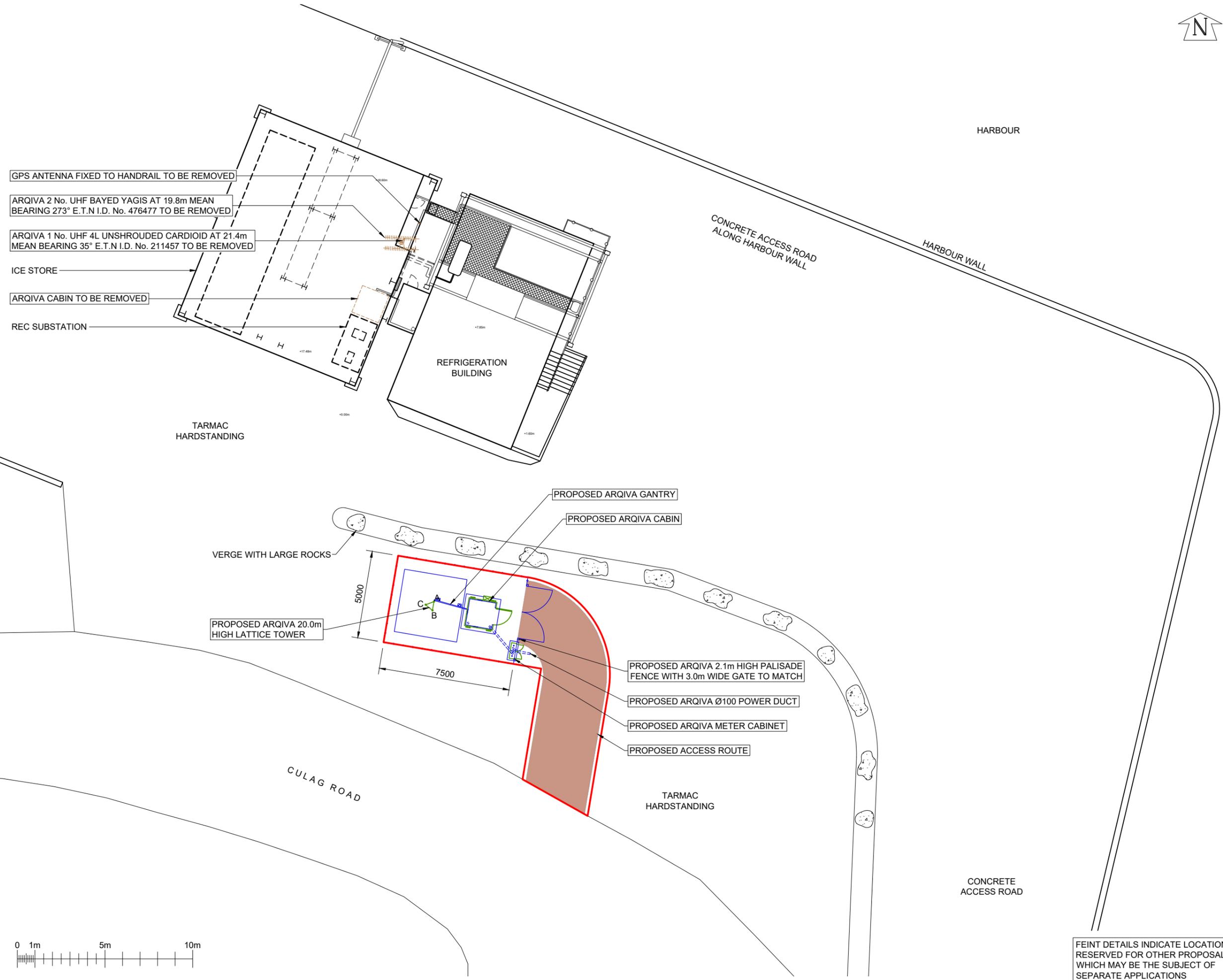
DRAWN	IM	24/05/11
APPROVED	IM	14/07/20

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ISS	REVISION	DATE	DRN	APP
6	PROJ No N/A PLANNING ISSUE	29/07/21	KML	PS
5	PROJ No N/A PLANNING ISSUE	12/07/21	KML	PS
4	PROJ No N/A PLANNING ISSUE	14/07/20	KML	IM
3	PROJ No N/A PLANNING ISSUE	10/06/20	KML	IM
2	PROJ No 108167 AS BUILT	20/08/12	JJ	PS



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TITLE
 SITE PLAN
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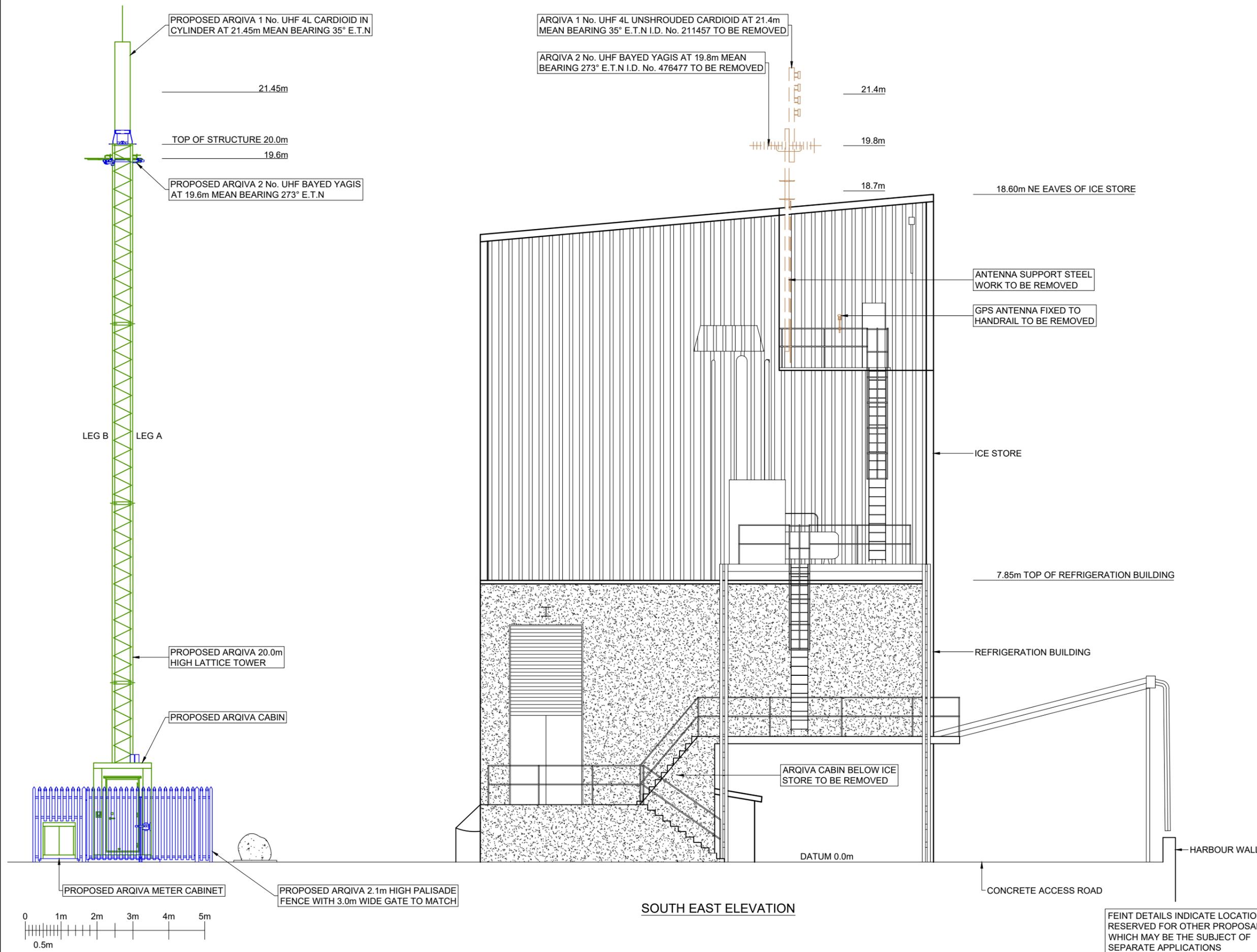
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APPROVED	PS	29/07/21

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FEINT DETAILS INDICATE LOCATIONS RESERVED FOR OTHER PROPOSALS WHICH MAY BE THE SUBJECT OF SEPARATE APPLICATIONS

NOTES



ISS	REVISION	DATE	DRN	APP
4	PLANNING ISSUE	14/07/20	KML	IM
3	PLANNING ISSUE	10/06/20	KML	IM
2	AS BUILT	20/08/12	JJ	PS
1	MASTER CONVERSION	10/05/12	PAB	LJ
0	0 DRIVE MIGRATION	27/05/11	IM	IM

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TITLE
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DRAWN	IM	27/05/11
APPROVED	IM	14/07/20

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FEINT DETAILS INDICATE LOCATIONS RESERVED FOR OTHER PROPOSALS WHICH MAY BE THE SUBJECT OF SEPARATE APPLICATIONS