

Agenda Item	6.2
Report No	PLN/053/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 9th August 2023
Report Title: 23/02242/FUL: Seaboard Memorial Hall Ltd.
Seaboard Hall And Community Centre, East Street, Balintore IV20 1UA
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Extension to Coastal Sculpture Park

Ward: 7 – Tain and Easter Ross

Development category: Local

Reason referred to Committee: Manager's Discretion (Non-Statutory Community Council objection)

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 application seeks consent to form a hard landscaped structure/artistic feature, incorporating a merman sculpture, which at its widest points would measure 34m by 21m with a height from 1m to 2.5m. The structure would consist of a low perimeter Caithness dry stone wall formed in a semi circular shape with a Caithness flagstone path; the merman sculpture will be sited on the eastern side of the wall where integrated seating is also proposed. The applicant has outlined that this would comprise of a composite core coated in fibreglass resin with pure bronze powder added to enable it to patina over time. In future, should funding allow, it will cast in bronze. The development is intended to celebrate the maritime history of the area.
- 1.2 There is no infrastructure on site currently. The development is intended to be an extension of, and further addition to, the existing Seaboard Sculpture Trail which spans the coastal villages of Balintore, Hilton and Shandwick and includes salmon sculptures, compass rose, plaques and the renowned Mermaid of the North which lies to the north east of the site.
- 1.3 No pre-application advice was sought in advance of the submission of the planning application.
- 1.4 The applicant has provided a Supporting Statement in response to the objection from the Community Council and to provide further detail on the background to the proposal as well as outlining the various factors taking into consideration when developing the proposal. The Statement notes that:
- Planning permission for a similar project was granted in 2003 however this did not proceed due to insufficient funds being available. The Community Council at that time supported the proposal;
 - This application is intended to enable the community to complete what was set out back in 2003;
 - The Seaboard Villages have, anecdotally, seen an increase in trading following the branding of the 'NC500' which has allowed the area to benefit from a seasonal increase in tourism;
 - The project has taken into account safety noting that this is paramount – the road junction laying opposite the site is of a sufficient regulatory standard with good visibility splays with the vast majority of road users taking due diligence;
 - Any impediment to the flow of traffic or parking in a junction should be dealt with by the appropriate authority;
 - The site is overgrown with invasive ivy and self-seeding trees would obstruct the view of the Moray Firth – this project will address this and add another asset to already completed projects which were all supported by Highland Council, HIE, lottery and many voluntary hours;
 - Whilst the project will not generate any specific income for the community, it is hoped that if sufficient funds are achieved that training in stonework could be provided.

1.5 There have been no variations to the proposed development since the application was lodged.

2. SITE DESCRIPTION

2.1 The site extends to 0.17 acres and lies to the south of East Street which, alongside Main Street, is the main thoroughfare through Balintore; with the coast lying further to the south. It is largely flat and comprises a maintained grassed area to the front where it adjoins East Street with the portion further south containing whins and scrub. A large car park associated with the Balintore Inn lies to the north east and there are traditional cottages to the other side of East Street. There are no natural, cultural or landscape designations covering the site.

3. PLANNING HISTORY

3.1 30.04.2003 03/00218/FULRC: Landscaping and Creation of Application
Footpaths Permitted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 26.05.2023

Representation deadline: 09.06.2023

Timeous representations: 2

4.2 Material considerations raised are summarised as follows:

The Balintore and Hilton Community Council (now in abeyance) have raised an objection on the following grounds:

- The primary objection stems from the location which is situated at a busy junction. Placing a new structure at this junction raises significant road safety concerns. The increased volume of pedestrians and vehicles navigating this area could lead to a heightened risk of accidents
- Concern is also raised regarding dangerous parking around the new sculpture – the existing sculpture (the Mermaid of the North) has already experienced problems with irresponsible parking, causing inconvenience and safety issues. Such issues also negatively impact the overall aesthetic value and enjoyment of the Coastal Sculpture Park
- There are hazards for visitors to the new development – individuals will have to cross a road or walk alongside a car park creating a potential safety risk.

A further individual objection has been received, raising the following material considerations:

- Traffic concern – the junction opposite the site is very busy and there is existing off street parking between East Street and the shops. To consider placing a new visitor attraction opposite this would be madness;
- There are no car parking facilities – offloading passengers would cause chaos.

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.

5. CONSULTATIONS

5.1 Transport Planning have no objection to the proposed development. Taking account of the applicant's comments and given the scale and nature of the works proposed, we consider the impact on general road safety will not be significant. Should planning permission be granted it is recommended that a condition is attached to ensure a suitable Construction Traffic Management Plan has been agreed with the roads authority.

5.2 Flood Risk Management Team have no objection to the proposed development. The response notes that the site is adjacent to the coast and so potentially at risk of flooding. However, this type of recreation/amenity use is considered 'Water Compatible' under SEPA's Flood Risk and Land Use Vulnerability Guidance' and so the Flood Risk Management Team has no objection to the application.

5.3 Access Officer has no objection to the proposed development. It is noted that there is a core path (RC42.05) leading from the Balintore Inn car park to the harbour area. This informal path has suffered from storm damage with stones from the shore decreasing the desire line. There is generally a requirement to maintain public access above the shoreline. This development does not directly affect this but care should be taken not to place any excavated material on the ground above the shoreline with the potential for the works to help redefine the core path.

5.4 SEPA has no objection to the proposed development. The development is for an extension to a Coastal Sculpture Park, including hard landscaping to comprise of a low perimeter wall and paving. Under SEPA's Flood Risk and Land Use Vulnerability Guidance such a land use may be considered as a 'water compatible use'. Within National Planning Framework 4 policy 22 a) development proposals at risk of flooding or in a flood risk area will be supported for such water compatible uses.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 2023

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 4 - Natural Places

Policy 5 - Soils

Policy 10 - Coastal Development

Policy 14 - Design Quality and Place

Policy 22 - Flood Risk and Water Management

Policy 25 - Community Wealth Building

Policy 29 - Rural Development

Policy 30 - Tourism

Policy 31 - Culture and Creativity

6.2 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
34 - Settlement Development Areas
64 - Flood Risk
77 - Public Access

6.3 Inner Moray Firth Local Development Plan 2015

The site is within the Seaboard Villages Settlement Development Area and is 'grey' land flanked by protected open space.

6.4 Inner Moray Firth Local Development Plan 2022 (Proposed Plan)

As above

6.6 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Not Applicable

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) siting and design
- c) amenity impact
- d) road and pedestrian safety
- e) coastal development and flood risk
- f) any other material considerations

Development plan/other planning policy

- 8.4 The application requires to be considered against National Planning Framework 4 which was adopted in February 2023 and forms part of the development plan alongside the Highland-wide Local Development Plan and in this instance, the Inner Moray Firth Local Development Plan (IMFLDP).
- 8.5 The principal general policies against which the application requires to be assessed are Highland-wide Local Development Plan Policies 43 Tourism, 34 for Settlement Development Areas, 28 for Sustainable Design, and 29 for Design Quality and Placemaking. These Policies set out the Council's support for development within SDAs that promote and enhance the social, economic, and environmental wellbeing of the people of Highland and provide tourist facilities which are of a scale proportionate to their location; complement existing facilities and enhance cultural heritage features. This is echoed through the provisions of NPF4 Policy 30 (Tourism) which outlines that proposals will be assessed against the extent which they take into account compatibility with surrounding area in terms of the nature and scale of the activity and impacts of increased visitors. The Placemaking Priorities detailed in the IMFLDP for the Seaboard Villages also include an aspiration to build on the growing reputation of the villages as a place for tourists.
- 8.6 Both the HwLDP and NPF4 seek to ensure that sites are not at risk of flooding; NPF4 in particular takes a harder line towards flood risk, specifying that only certain types of development will be supported where they lie in areas identified as being at risk of flooding. This includes 'water compatible uses' such as the development proposed. Policy 10 Coastal Development also seeks to avoid inappropriate development of the coastline; the site in this instance lies within an area of already developed coastline as indicated in the Highland Coastal Strategy.
- 8.7 All development now requires to be assessed Policy 1 - 3 of NPF4 which are intended to ensure development addresses climate change, reduces emissions and enhances biodiversity. The national policy context also sets out a renewed emphasis for communities to be increasingly self sufficient which is reflected in Policy 25 Community Wealth Building; this sets out that communities should consider how to be more resilient and generate income.
- 8.8 The application is considered against the above policy context below:

Principle of Development, Siting and Design

- 8.9 The Inner Moray Firth Local Development Plan and its forthcoming successor, the IMFLDP2, include the site within the defined Settlement Development Area for the Seaboard Villages. The accompanying map reflects the existence of the previous permission and includes the site as grey land within a wider area of protected green space and accordingly there is a presumption in favour of development.
- 8.10 The proposal seeks to extend, and add to, an existing Sculptural trail along the coastal Seaboard villages thereby capturing existing visitors to the area. It is of a modest scale and addresses the policy requirement to be compatible with, and complementary to, its surroundings as well as adhering to relevant Placemaking Priorities such as the desire to build on the growing reputation of the Seaboard

Villages as a tourist destination. In doing so the proposal addresses Policy 25 of NPF4 which relates to Community Wealth Building noting that proposals which contribute to local community wealth building strategies/local economic priorities should be supported. The policy notes that this can include supporting community led proposals and increasing spending within communities and local job creation; all of which may be spin off benefits arising from the proposed development.

- 8.11 The finished development will make excellent use of high-quality natural materials in the form of Caithness flagstone and stone to create a new path and enclosure respectively. It will form a new and attractive addition to the area with its detailing in the form of the integrated merman, clearly reflective of its coastal setting and contributing further to the established coastal trail which already includes the nearby Mermaid of the North.

Amenity Impact

- 8.12 Part of the site lies directly opposite No's 1 and 2 East Street which are both traditional 1.5 storey cottages. The proposed structure will however, in the main, be relatively minor in height and where it reaches its tallest point, 2.5m, it is offset from either property and therefore it will not intrude significantly into the view currently available across the coast from East Street. As a sculptural attraction it is not a noise generating use and does not pose any risk in this respect; moreover its design will create a largely enclosed space. Overall the development is of a scale and usage which is of relatively low key as well as one which is likely to capture existing visitors to the area rather than generate additional footfall in its own right. As such it is not considered to result in any significantly detrimental impact to established residential or local amenity.

Road and Pedestrian Safety

- 8.13 The key issue which has been raised in representations relates to the site's suitability due to its proximity to an existing junction (East/Main Street connecting to Hill Street, which is one of the road's in or out of Balintore). Like many coastal villages, on street parking is prevalent due to the traditional forms of housing and specifically this arrangement is required along East and Main Street; this can result in slow moving traffic where a number of cars are parked simultaneously at any one time.
- 8.14 The proposed attraction may generate some additional traffic however this is unlikely to be significant as the area is already renowned for existing attractions, largely the Mermaid of the North and as such the development is not likely to exacerbate any existing issues with the junction or the free flow of traffic in the area.
- 8.15 There are no restrictions on parking within Balintore and there are public car parks available including adjacent to the existing Mermaid. There are a series of core paths than run along the coastline which would be the likely means of pedestrian access to the site; there are however pavements either side of East/Main Street should pedestrians be looking to access the site from the main thoroughfare.
- 8.16 The concerns which have been raised are understood however the site has evidently been earmarked for the proposed development for a considerable number of years and the proposal is supportable through the terms of the development plan as

detailed above. It is not considered that the development will result in any significantly adverse road or pedestrian safety impact due to its overall scale and its location within close proximity to the existing sculpture trail.

- 8.17 The Access Officer notes that the site lies close to the existing core path network however shall not impact on it; an informative is added to ensure no material is placed on any existing paths during construction in order to ensure access is sufficiently maintained.

Flood Risk and Coastal Development

- 8.18 Part of the site is identified as being at risk of coastal flooding. The development represents low risk in terms of vulnerability with the proposed pedestrian access from East Street lying outwith the flood risk area therefore ensuring access should remain flood free during any flood event. Both SEPA and the Council's FRM team the development to be a 'water compatible' use as outlined in SEPA's Flood Risk and Land Use Vulnerability Guidance. As such the application can be considered to accord with NPF Policy 22 which allows development for such uses to be supported in areas at risk of flooding.
- 8.19 The site lies within an area which is identified as being developed coastline in Highland's Coastal Strategy. NPF4 Policy 10 outlines that proposals in such areas will only be supported where there is no requirement for further coastal protection measures with no increase in risk of flooding or coastal erosion. As the proposal would generate neither it can be supported under the terms of the policy.

Developer Contributions

- 8.20 Due to the nature of the development, and in the absence of any identified infrastructure projects, no developer contributions are required in connection with the application.

9. CONCLUSION

- 9.1 The application seeks to add a further sculptural attraction to the existing coastal trail which has been designed as a high-quality addition to the area. The policy context is favourable towards such a development, and it is not considered to result in any adverse impact to existing amenity nor significantly exacerbate any existing traffic or road safety issues. Furthermore, it address the specific policies of, and overall ethos contained within NPF4.
- 9.2 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 N

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

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

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

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.

Core Path Network

Public access to any Core Path adjacent to the application site shall at no time be obstructed or deterred by construction-related activities such as storage of materials or excavated material, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or deterrent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

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.

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.

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_for_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.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:

Designation: Area Planning Manager – South / Acting Head of Development Management

Author: Gillian Pearson

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

Relevant Plans: Plan 1 - Location Plan 00001
Plan 2 - Location Plan 1 of 2
Plan 3 - Elevation Plan 2 of 2



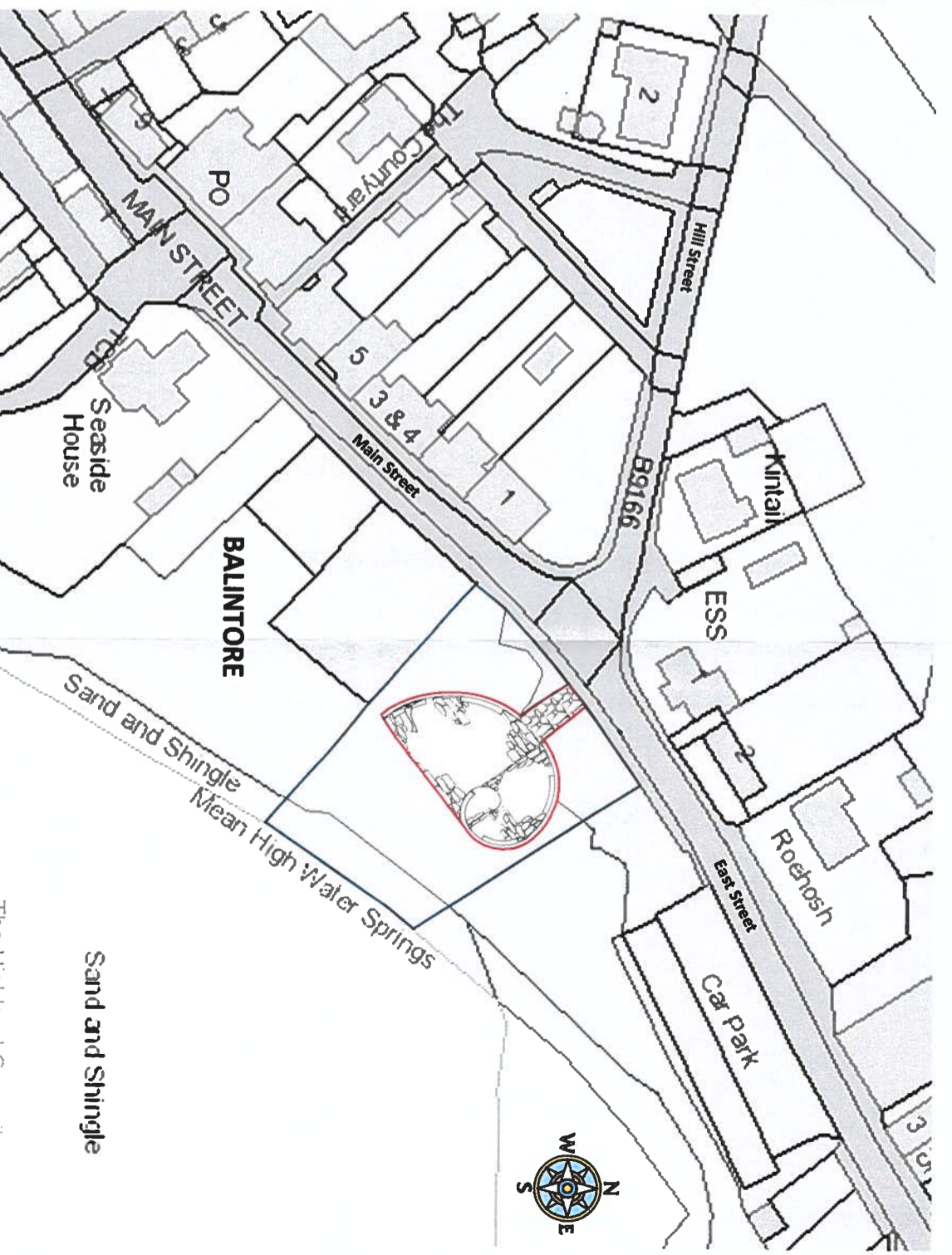
The Highland Council
eProcessing Centre
Date Received:

05 MAY 2023

MTS.



Block Plan
Scale 1:500



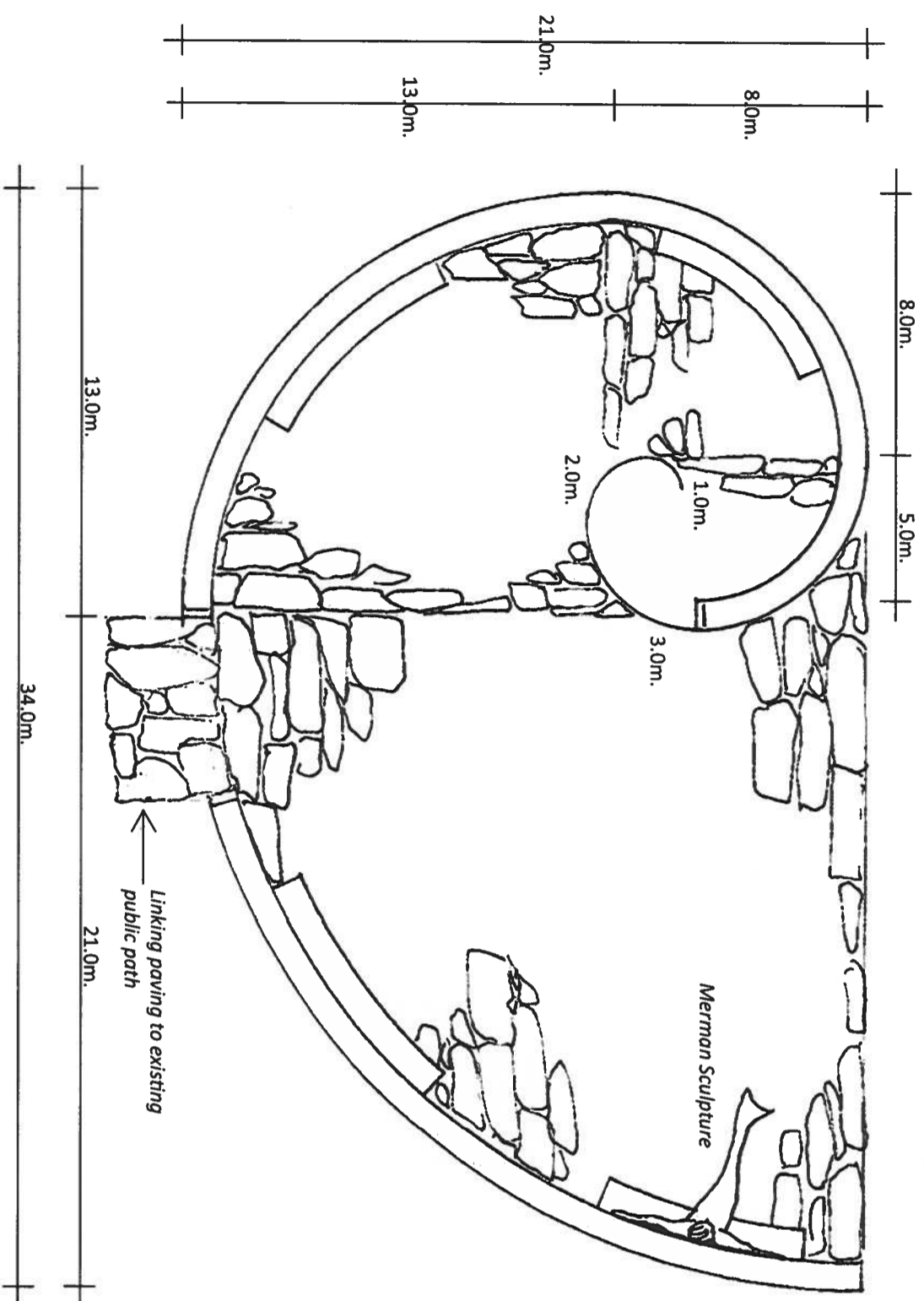
Location Plan
Scale 1:1000



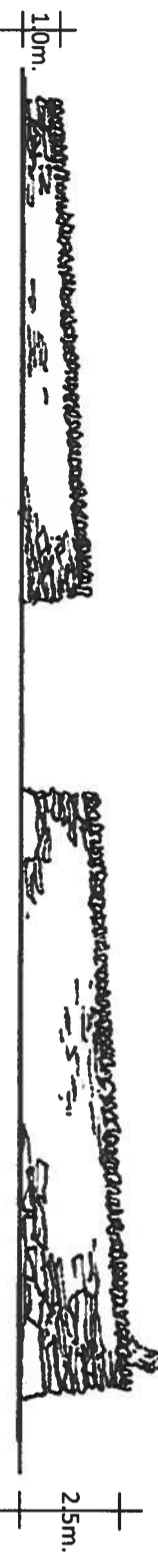
Proposed Extension to Coastal Sculpture Park
at
East St., Hill St., Main St. Junction, Balintore, Ross-Shire
for
Seaboard Memorial Hall Ltd.



The Highland Council
eProcessing Centre
Date Received:
05 MAY 2023



Plan



Front Elevation

Scale 1:200
 0 2 4 6 8 10m.

Hard landscaping to comprise of a low perimeter Caithness drystone walling, Caithness flagstone paving with link path to East Street. A Merman Sculpture will be sited on one of the seats incorporated in the walling.
 On completion the site ground to be graded and reseeded in rye grass.

The Highland Council
 eProcessing Centre
 Date Received:
 05 MAY 2023

Proposed Extension to Coastal Sculpture Park
 at
East St., Hill St., Main St. Junction, Balintore, Ross-Shire
 for
Seaboard Memorial Hall Ltd.



April 2023
 Plan & Front Elevation
 Scale 1:200
 Sheet 2 of 2