Agenda Item	6.6
Report No	PLN/052/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 06.08.2025

Report Title: 24/02439/FUL Barry Property Ltd

Former Bridgend Building Supplies Yard

Bridgend Thurso

Purpose/Executive Summary

Description: Change of use of land to form holiday park

Ward: 02 - Thurso And North West Caithness

Development category: Local development

Reason referred to Committee: called in by local Ward Members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

The application is recommended for REFUSAL as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to reuse a derelict former building merchant site to develop a holiday park comprising 13 self-catering tourist accommodation 'capsules', designed in a futuristic style. One of the 13 units would be wheelchair accessible, with a ramp included. A standard capsule would contain two bedrooms and possess a floor area of 8.5.x 3.2 metres, set on piers with a glazed adjoining balcony. While each capsule itself would possess a unit height of 3.2 metres, the extent to which each capsule would be elevated on piers would vary and so it is not possible to indicate a typical capsule's overall roof height. A reception/laundry building and refuse/recycling enclosure are also proposed.
- 1.2 Pre-Application Consultation: none of relevance. Largely positive pre-application advice was given in 2020 for residential development of the application site.
- 1.3 Supporting Information: Drainage Impact Assessment; Geo-Environmental Risk Assessment; Supporting Statement; Drawing Registers.
- 1.4 Variations: Minor clerical alterations made to submitted plans on 1 August 2024.

2. SITE DESCRIPTION

2.1 The site forms approximately 0.56ha of derelict former industrial land on raised ground above the north-east bank of the Thurso River. To the south-east of the site is Sir George's Park, to the south-west a warehouse, traditional stone housing and a petrol station separate the application site from the A9 trunk road at the Category 'B'-listed Thurso Bridge. The site could be accessed from the A9 trunk road by the partly adopted Sir George's Park Lane, which ends at the builder's yard approximately 130m northeast of the site and does not link to any other public road. Access is however proposed to be taken via a private driveway between Bridgend Houses and the petrol station that also links the A9 trunk road to the application site's access point next to the warehouse. Along with the site's mixed-use allocation in the current CaSPlan there are a number of constraints at the location and its Developer Requirements are set out below in Section 6.3.

3. PLANNING HISTORY

3.1 None found.

4. PUBLIC PARTICIPATION

4.1 Advertised: John O'Groat Journal; 'Unknown Neighbour' and 'Schedule 3 Development' – 14 days

Date Advertised: 2 August 2024

Representation deadline: 16 August 2024

Timeous representations: Two objection comments from two households

Late representations: One support comment from one household

- 4.2 Material considerations raised are summarised as follows:
 - Proximity to River Thurso (water quality and ecology implications).

Officer comment: this proximity to the River Thurso gives rise to flooding concerns, attracting objections from the FRM Team and SEPA. These issues are addressed below in the 'Flood Risk and Drainage' section.

Impact on character of town and surrounding area.

Officer comment: this is addressed below under the 'Siting and Design' heading.

Negative visual impact.

Officer comment: the proposed development would possess a futuristic appearance, which is considered below under 'Siting and Design' matters.

• Impact on daily life of neighbours.

Officer comment: this issue is addressed below under 'Privacy and Amenity' and also under 'Parking and Access' headings.

• Traffic volume and road congestion concerns.

Officer comment: these issues are addressed further below in the 'Parking and Access' section. Transport Scotland's objection on the grounds that the proposed development would unduly affect the safety and free flow of the traffic on the trunk road at this location is noted. A CTMP would be required by a condition attached to any permission granted in order to mitigate these concerns.

Reuse of a derelict site on NC500 tourist route.

Officer comment: the proposed redevelopment of a brownfield site is indeed supported in principle. Overall, however, the proposed development would be inappropriate for the reasons set out later in this report.

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 <u>Contaminated Land Officer</u>: no objection. Our records indicate that the site has an historic use as a Timber Works, which may have resulted in land contamination. It is noted that a Phase 1 Geo-Environmental Desk Study by Envirocentre, March 2024 was submitted with the application. Having completed a review of the Phase 1 Geo-Environmental Desk Study I am in agreement with the conclusion that report in that a Phase 2 Intrusive Site Investigation is necessary to demonstrate whether the site is suitable for the proposed use. Contaminated Land Assessment requested by condition.
- 5.2 <u>Flood Risk Management Team</u>: objection lodged. The Flood Risk Management Team has reviewed the information provided by the Applicant and objects to the proposals on the grounds of flood risk.
 - i). SEPA's online strategic flood mapping shows that the site lies within the coastal

flood plain during a 200 year + climate change storm event. This suggests that the site may be at medium to high flood risk from this source.

- ii). SEPA's online strategic flood mapping shows that the site lies partly within the 200 year + climate change flood plain of the River Thurso. This suggests that the site may be at medium to high flood risk from this source.
- iii). SEPA's online strategic flood mapping shows that the site lies adjacent an area of pluvial flooding, to its east, during a 200 year + climate change storm event. This suggests that the site may be at medium to high flood risk from this source.
- iv). The mapping of the combined sources listed above suggests that there may be hydraulic connectivity between the coastal flooding and the area of pluvial flooding. This suggests that there may be an element of addition coastal flooding risk. v). An estimate of the minimum required levels to avoid coastal flooding (before any additional fluvial effects) is,
 - Minimum development level: = SEPA's nearest extreme still sea water level (T200) + a climate change allowance from SEPA's guidance = T200 at 3.76 mAOD + 0.89m = 4.65m AOD
 - Minimum Finished Floor Level (FFL): = Minimum development level + a freeboard of 0.60m for model inaccuracies and wave action = 4.65 + 0.6 = 5.25 mAOD
- vi). Comparing the levels shown above to the levels provided in the Drainage Layout Plan, CTCH-J5611-001 Rev -, it can be seen that the site ground level generally lies below the minimum development level and the proposed FFLs lies below the minimum required FFL level. For clarity, the minimum required levels do not take account fluvial flooding which may increase the flood risk and therefore further raise the required minimum levels.
- vii). As the proposed site ground levels and FFLs lie below the minimum required levels, it appears that the site may be at flood risk. Although the site is already developed for commercial use, it appears that these proposals would increase the flood risk vulnerability to the site by introducing overnight accommodation to flood risk area. Given this and in the belief that the site is unlikely to be considered an exemption under Policy 22a) of the NPF4, the FRM Team must object to the proposals on the grounds of flood risk.
- viii). The Highland Council conducted a flood Risk Assessment of the Area, with a report provided in August 2018. The study showed that the site was likely at flood risk form the River Thurso and from coastal flooding. Cost/ benefit analysis showed that significant flood protection works would be required along a significant stretch of the river and that this would be cost prohibitive. Unfortunately, there are no plans at present for a flood protection scheme at the proposed site location.
- ix). For information, the use of walls or bunds whether existing or proposed cannot be taken into account for the purpose of land use planning, with respect to flood risk. This is because their ability to function as flood barriers and the necessary future maintenance are not guaranteed. Indeed, collapse could create an additional, sudden inundation risk.
- x). The concept artwork appears to show buildings on stilts. SEPA should be consulted on this aspect as the FRM Team understands that this is not acceptable

for flood mitigation purposes.

- xi). Should the proposed development gain planning consent, it should be noted that site access may be challenging or not possible at times.
- xii). Any development which receives planning consent on this site should be constructed using water resistant and resilient methods and techniques.
- xiii). It may be possible to redevelop the site for an equal or less vulnerable to flooding land use, taking advantage of an exemption under Policy 22a.
- xiv). The Applicant has provided a Drainage information Assessment (DIA) by CainTech, March 2024 with Drainage Layout Plan, CTCH-J5611-001 Rev-. The FRM Team has no objection to this element of the proposals.
- 5.3 <u>Forestry Officer</u>: objection lodged. The proposed holiday park development is located within a redundant industrial site. There are a number of mature trees just outside the site boundary to the north, which extend along the bank of the River Thurso. There are mature trees outside the site boundary to the south which line the proposed access. These are an important feature within Sir George's Park.

Policy 3 of the National Planning Framework 4 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

The Highland-wide Local Development Plan (April 2012) explains the Highland Council's vision and sets out how land can be used by developers for the next 20 years. The HwLDP highlights the multiple benefits provided by trees and woodlands throughout the Highlands and in recognition of this there is a strong presumption in favour of protecting the existing woodland resource.

Policy 51 (Trees and Development) of the Highland-wide Local Development Plan states:

The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

With the necessary protection measures, there should be no direct impact on trees as a result of this development. The applicant must therefore submit a Tree Protection Plan and Arboricultural Method Statement to demonstrate how the mature trees surrounding the site will be protected during demolition and construction works.

Very little consideration has been given to landscaping within the site. This will be essential in order to create a setting for the proposed holiday park, provide an element of screening and privacy, and to demonstrate biodiversity enhancement.

Being an old industrial site, this is particularly challenging in terms of establishing trees. The Landscape Plan is only indicative and requires the input of a suitably

qualified landscape consultant which experience of brownfield site restoration. A detailed specification is required which focusses on ground preparation and species choice, to demonstrate that trees will establish successfully on this site.

A detailed maintenance schedule is also required, along with a factoring arrangement.

I therefore object to current proposals which do not comply with the above policies. I would hope to be in a position to support this application once the supporting information has been provided, as detailed above.

5.4 <u>Scottish Water</u>: no objection. There is currently sufficient capacity in Loch Calder Water Treatment Works and Thurso Waste Water Treatment Works to service your development.

5.5 <u>Scottish Environmental Protection Agency</u> (SEPA): objection

We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk as a first principle, and this is set out in National Planning Framework 4 (Policy 22).

We object in principle to the application and recommend that planning permission is refused. This is because the proposed development may put people or property at risk of flooding, which is contrary to the duties set out under the Flood Risk Management (Scotland) Act 2009, and the policy principles of National Planning Framework 4.

The site is shown to be at risk of flooding based on the SEPA Future Flood Maps. This indicates that there is a risk of flooding from the sea, the River Thurso and surface water. There are records of flooding in this area from all sources of flooding and in particular photos available online show significant flooding in January 2005 due to tidal flooding. You can view the SEPA Flood Maps (including the Future Flood Map) and find out more about them at Flood Maps | SEPA - Flood Maps | SEPA.

The approximate coastal flood level for the area is 4.65m Above Ordnance Datum (AOD) including an allowance for climate change. The flood level is derived from the 200 year still water level based on the Coastal Flood Boundary Method which does not account for the effects of wave action, funnelling or local bathymetry. The applied recommended sea level rise for the area by 2100 is based on the latest UK climate change predictions published in 2018 as outlined in SEPA's guidance. We therefore require that all development on the site is limited to land which is higher than 4.65mAOD.

The topographic information provided (Drawing CTCH-J5586-001-00) shows that ground levels across the site are mostly below 4mAOD and, other than a small area of raised ground, maximum levels are around 4.6mAOD. This means that the flood depths of up to around 1m are expected across the site in the design flood event. This level is based on coastal still water levels alone and makes no account of any increased risk due to the impact of the River Thurso. The SEPA Flood Maps also do not account for the joint probability of coastal and fluvial interactions.

The proposals are for the change of use of land previously used as Bridgend

Building Supplies Yard (a 'least vulnerable' land use) to a holiday park with glamping pods (a 'most vulnerable' land use). Redevelopment to a more vulnerable land use is generally not acceptable within a flood risk area unless it meets one of the exceptions set out in Policy 22a of NPF4. The Local Planning Authority have informed us that the development should be considered under exception iv of this policy as the site is allocated within the current LDP for mixed use, including residential. It is unclear whether the 'residential' use stipulated in the LDP would extend to include 'most vulnerable' accommodation types, however, our response is on the basis that this development meets the exception outlined.

An exception under Policy 22a is acceptable in a flood risk area where it meets the requirements outlined within the 5 bullet points listed in the policy. For exception iv sites, they must also demonstrate that they meet the additional 2 bullet point requirements. It has not been demonstrated that the development meets these requirements and unfortunately, we do not believe that the proposed development can meet the requirement "that the proposal does not create an island of development and that safe access/egress can be achieved". We therefore object in principle to this application.

The current proposal is for 13 glamping pods which will be raised above ground as part of their design. It would be achievable to meet the requirement for the underside of the floor levels to be raised above the flood level, including an allowance for climate change. However, each pod would be on ground which would be expected to be flooded to a depth of up to 1m, therefore not providing safe access and egress. Mitigation of flood risk, through landraising or elevated structures, may be acceptable for exception iv sites. However, landraising at this location is unlikely to be acceptable as there is no ground available above the flood level on which to provide compensatory storage for loss of floodplain. Elevated structures may be acceptable where safe access and egress can be provided. Mitigation through construction of informal flood prevention measures (i.e. those not constructed by the Local Authority under the appropriate legislation) are not considered acceptable due to the risk of failure.

We are aware that AECOM carried out a flood study on behalf of The Highland Council at Thurso and looked at the impact of flooding from coastal and fluvial sources and included joint probability analysis of the impacts. We do not hold a copy of this report, but it is our understanding from the information provided at the public consultation that this demonstrates that the site is fully at risk from both fluvial and coastal dominated events. Additionally, during a coastal dominated event, the area surrounding the site is also inundated showing that access/egress for the site would not be possible. This study was carried out in 2018 and therefore would likely have been using climate change allowances lower than those currently required.

Based on the above, we object in principle to this application, and we do not believe a site-specific FRA would show that proposals accord with NPF4. Further, based on the information from the study carried out by AECOM, we believe it is unlikely that any development proposed under exception iv of NPF4 could meet the requirements for safe access/egress. Any re-use of the site should consider proposals for Water Compatible use or development in line with the existing use under exception iii.

Transport Scotland: objection lodged. The proposed access would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where the existing layout does not meet current design standards thus creating interference with the safety and free flow of the traffic on the trunk road. The proposed development does not meet current design standards by reasons of inadequate visibility / design and would unduly affect the safety and free flow of the traffic on the trunk road.

5.7 **Transport Planning Team**

At this stage, the Transport Planning Team is **unable to support** the application. Further information is required to enable a full assessment of the transport implications of the development. Specifically, we request the following:

- A Transport Statement to assess accessibility and justify the level of car parking proposed.
- Dimensions of the proposed car parking bays to confirm compliance with Section 6.3.4 of Roads and Transport Guidelines for New Developments (RTGND).
- Details of cycle parking provision.
- A swept path analysis is required to confirm safe access and manoeuvrability for both private waste collection vehicles and emergency services.
- A Construction Traffic Management Plan, subject to agreement with Transport Scotland.

<u>Access</u>: As the proposed access is taken directly from the A9 trunk road, all matters relating to:

- · Access design and visibility splays
- Drainage associated with the access
- Waste collection (unless via private contractor)

fall under the remit of Transport Scotland. We note that Transport Scotland has objected to the application on the grounds of:

- 1. Intensification of right-turn manoeuvres at a substandard access point.
- 2. Inadequate visibility and design, affecting trunk road safety and traffic flow.

We defer to Transport Scotland for all matters relating to trunk road access and associated infrastructure.

<u>Car Parking</u>: The application form states that 24 car parking spaces are proposed. This has been verified against the submitted site layout drawing (230103.MSB HEALTH.04PP REV C), which shows 24 spaces.

For holiday accommodation with bedrooms and resident facilities only, the maximum parking levels stated in Table 6.4 of RTGND are 1 car parking space per bedroom, plus 1 space per 3 members of staff. The development proposes 13 units, each with 2 bedrooms, giving a total of 26 bedrooms. Staff numbers have not been provided.

The applicant must provide the expected number of staff members to enable

assessment of whether the proposed parking provision is appropriate. Additionally, the dimensions of the proposed car parking bays must be provided to demonstrate compliance with Section 6.3.4 of RTGND.

<u>Transport Statement</u>: Given the site's proximity to Thurso town centre and its potential for access by sustainable modes of travel, a Transport Statement should be submitted. This should:

- Justify the proposed level of car parking in the context of RTGND maximum standards.
- Assess the site's accessibility by walking, cycling, and public transport.
- Identify opportunities to promote active travel and reduce reliance on private car use.
- Consider the potential traffic impact of the development, including during peak tourist periods.

<u>Cycle Parking</u>: No cycle parking provision is shown on the submitted plans. In accordance with Table 6.9 of RTGND, cycle parking should be provided based on the number of staff and anticipated visitor demand. We recommend the following condition:

No development shall commence until details of the proposed cycle parking provision, including the number of spaces, type of stands, and their dimensions and weather protection, have been submitted to and approved in writing by the Highland Council. The cycle parking shall be designed in accordance with Section 6.3.6 of RTGND and implemented prior to first use of the development.

<u>Internal Layout</u>: The internal layout operates as a one-way system and appears to allow vehicles to enter, park, turn, and leave in forward gear. However, if waste collection is to be undertaken by a private contractor, a swept path analysis will be required to demonstrate that a refuse vehicle can safely access, turn within, and exit the site in forward gear. A separate swept path analysis is also required to confirm that emergency vehicles can safely access and egress the site.

<u>Construction Traffic Management</u>: Given the constrained access from the A9 and the site's proximity to the town centre, we recommend that a Construction Traffic Management Plan be secured by condition, subject to agreement with Transport Scotland.

<u>Drainage and Flood Risk</u>: While drainage from the access is a matter for Transport Scotland, we note that the Highland Council Flood Risk Management Team has no objection to the drainage proposals submitted with the application. However, they have issued an objection on the grounds of flood risk, citing the site's vulnerability to coastal, fluvial, and pluvial flooding. The proposed finished floor levels are below the minimum thresholds recommended for flood resilience.

<u>Waste Collection</u>: A refuse/recycling store is illustrated on drawing 230103.MSB HEALTH.04PP REV C, located adjacent to the reception/laundry building. However, further information is required regarding the proposed waste collection arrangements — specifically, whether waste will be collected by Highland Council refuse vehicles or by a private contractor.

If a private contractor is to be used, a swept path analysis must be submitted to

demonstrate that a refuse vehicle can safely access, turn, and exit the site in forward gear.

- 5.8 **Access Officer:** No response.
- 5.9 **Thurso Community Council:** No response.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

6.1 National Planning Framework 4 (NPF4) (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 9 Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 10 Coastal Development
- Policy 13 Sustainable Transport
- Policy 14 Design Quality and Place
- Policy 18 Infrastructure First
- Policy 22 Flood Risk and Water Management
- Policy 23 Health and Safety
- Policy 30 Tourism

6.2 Highland-wide Local Development Plan (HwLDP) (2012)

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 31 Developer Contributions
- 34 Settlement Development Areas
- 42 Previously Used Land
- 43 Tourism
- 44 Tourist Accommodation
- 49 Coastal Development
- 55 Peat and Soils
- 56 Travel
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

6.3 Caithness and Sutherland Local Development Plan (CaSPlan) (2018)

Site is located within Thurso's Settlement Development Area.

Mixed-use allocation TS08: Land at Bridgend

Indicative housing capacity: 16 dwellings

<u>Developer Requirements</u>: Possible access from Sir Archibald Road; Flood Risk Assessment required (no development in areas shown to be at risk of flooding); Protected species survey may be required; Enhance active travel connections,

including providing a footpath to help connect footpath provision along the coast; Contaminated land survey; Development proposals must demonstrate that there would be no adverse effect on the integrity of the River Thurso SAC and SSSI through submission of a satisfactory Construction Environmental Management Plan (including pollution prevention).

6.4 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013) Flood Risk & Drainage Impact Assessment (Jan 2013) Physical Constraints (March 2013) Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Designing Streets
Creating Places

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) Privacy and Amenity
 - d) Road Safety, Parking and Access
 - e) Flood Risk and Drainage
 - f) Other Procedural Matters
 - g) Other material and non-material considerations

Development plan/other planning policy

8.4 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where

relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

- 8.5 NPF4 Policy 9(a) states that "development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported". Policy 9(c) continues that "where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use".
- 8.6 SEPA's Flood Risk Map (inc. future flood risk) identifies the application site to be at low-medium risk of coastal flooding at present, and at medium risk of future coastal flooding. NPF4 Policy 10 (Coastal Development) is therefore to be considered. Thurso is classed as a developed coastal area. NPF4 Policy 10 only supports development in these areas which do not result in the need for further coastal protection measures, increase the risk to people of coastal flooding and are anticipated to be supportable in the long-term, taking into account projected climate change.
- 8.7 NPF4 Policy 13(g) ('Sustainable Transport') states that

Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

- 8.8 NPF4 Policy 18(b) ('Infrastructure First') concurs, requiring that "the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure".
- 8.9 NPF4 Policy 22(a) states that "development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
 - i. essential infrastructure where the location is required for operational reasons;
 - ii. water compatible uses;
 - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
 - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases,

it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used;
 and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/ egress can be achieved".

NPF4 Policy 22(a)(iv) is of relevance when assessing the principle of the proposed development in this instance. The Planning Authority is informed by SEPA's detailed comments above which has raised significant concerns that a proposal can be secured without creating an island of development, with an access route compromised by high flood risk. Proposals have not demonstrated that long-term safety and resilience can be secured, with SEPA objecting to this application. It is therefore considered that there would be conflict with NPF4 Policy 22 and support is not recommended on this basis.

- 8.10 NPF4 Policy 30(a) states that "development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported".
- 8.11 NPF4 Policy 30(b) states that:

Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

Taking these criteria in turn it is considered that:

- The proposed development would be likely to increase footfall for local businesses and through correct marketing, should increase the length of time tourists remain in the area. This will be beneficial to the local economy including tourist attractions, restaurants, and businesses.
- Several guest establishments within Thurso town centre are located in the vicinity of the application site, demonstrating suitability for this type of development. Consideration has been given to the proposed development's impact on existing road infrastructure.
- Consideration has been afforded to guests with disabilities, through the provision of an accessible (ramp access) capsule.
- The site in question has long been vacant; no formal interest in the application site's residential development has been brought to the Planning Authority's attention for the past five years. No additional dwellings for local residents could therefore feasibly be provided within the application site in the immediate term.
- Carbon emissions would be minimised by reusing a previously-developed site.
- The natural environment is readily accessible, as the site adjoins the River Thurso.
- 8.12 Policy 28 of HwLDP requires sensitive siting and high-quality design in keeping with local character and historic and natural environments, the use of appropriate materials and use of brownfield sites. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 repeats this emphasis on good design in terms of compatibility with the local landscape setting.
- 8.13 HwLDP Policy 34 supports otherwise compliant proposals within Settlement Development Areas.
- 8.14 HwLDP Policy 42 states that "the Council will support development proposals that bring previously-used land back into beneficial use provided:
 - 1. site investigation and risk assessment are undertaken and demonstrate that the site is in, or is capable of being brought into, a condition suitable for the proposed development; and
 - 2. the proposed development accords with all other relevant policies of this plan".
- 8.15 HwLDP Policy 64 states that "development proposals should avoid areas susceptible to flooding and promote sustainable flood management".

Siting and Design

8.16 While, as stated above, redevelopment of a brownfield site is supported in principle, the application site's known flood risk issues mean that the proposed development's siting would not be appropriate.

8.17 The proposed design would be futuristic in appearance – there is little precedent for this stye in the local area and so support for it is not forthcoming in this instance. It is considered that while the proposed design may be appropriate in some locations, it is however not considered appropriate in this particular riverside setting as it is considered to be at odds with historic environment assets, namely adjacent properties at 1 and 2 Bridgend (each subject to individual Highland Historic Environment Record entries) and the Category B-listed River Thurso Bridge, located within 25 metres of the application site. Furthermore, no information has been provided as to each capsule's exact proposed external materials - the submitted supporting statement asserts that these would be cleanable and resilient, but it has not been confirmed whether the proposed capsules would be constructed of e.g. a certain type of metal, plastic or fibreglass. The submitted supporting statement claims that the bold proposed design would reflect "the county's growing reputation for space exploration and rocket technologies" - while this is acknowledged and would indeed result in an unusual development, it is considered that Caithness and Sutherland's involvement in space technologies is a fairly recent departure; adopted Planning policy (HwLDP Policy 28) requires proposed developments to "demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials". The proposed development's futuristic design style is weak in its compliance with this policy requirement.

Privacy and Amenity

The proposed development's location within a Settlement Development Area is noted, where some amenity impact is anticipated, due to the close concentration of neighbouring uses. An objection comment asserts that the proposed development's restriction of its existing access track to one-way traffic would cause inconvenience to neighbouring residential properties, requiring them to exit their properties by passing through the proposed development and merging onto St George's Park Lane – this assertion is accepted and is considered further in the below 'Parking and Access' section. Given the proposed units' elevation on stilts, it is considered that there would be little overlooking risk to neighbouring properties 1 and 2 Bridgend, which are screened from the application site by an existing concrete-block boundary wall of approximately two metres' height. The same wall would also adequately screen existing properties' rear amenity spaces. Only one first-floor window of 1 Bridgend would be visible from the application site.

Parking and Access

8.19 Access is proposed via a narrow entryway immediately north of Bridgend Filling Station; this would be continued in a loop through the site and emerging again onto Sir George's Park Lane, to reconnect with the A9 trunk road. Where it does so is on the other side of the fuel station, off a lane which serves a builders' merchant and other commercial operators. The proposed access point itself is considered to be constrained; significant intensification of its use is considered to be problematic and the creation of a potential pinch-point could lead to traffic tailbacks on the A9 trunk road. It is considered that the access point as existing offers little capacity for further improvement works. The proposed egress point at the western end of Sir George's Park Lane is likewise constrained, sandwiched between a fuel station and

- an interiors showroom and emerging onto a left-hand-turn filter lane controlled by traffic lights.
- 8.20 To address access constraints, a one-way system is proposed, using two existing access points. Egress would be taken via St George's Park Lane. A submitted visibility splay plan contended that visibility in either direction to 90 metres as required is demonstrated; this is considered to be realistic.
- 8.21 It is furthermore considered that a proposed one-way traffic system passing through the application site would also apply to existing private neighbours what is currently an approximate 35-metre journey for these individuals to access the A9 trunk road, rerouted via the proposed development and St George's Park Lane, would extend to in excess of a 400-metre journey. This might give rise to road safety concerns and possible conflict between various site users.
- 8.22 Up to 25 parking spaces are proposed within the application site, which is considered to be acceptable.
- 8.23 Consultation responses have been received from the Transport Planning Team and Transport Scotland. The latter has formally objected on road safety grounds in view of the concerns related to the proposed arrangements which provide ample context to access and traffic considerations.

Flood Risk and Drainage

- 8.24 As stated elsewhere, SEPA's Flood Map considers the application site to be at risk of both present and future coastal flooding. SEPA's objection comments are referred to as they are considered to be a comprehensive appraisal of flood risk issues and have led this case's assessment. Tourist accommodation is considered to be a more vulnerable use in relation to flood risk and so the proposed development is not considered to be acceptable in its riverside location. According to SEPA's Land Use Vulnerability Classification, the application site comes under the heading of "Most Vulnerable Uses". Therefore, this category of site, located within a high risk area within a Settlement Development Area, is generally considered to be unsuitable for development of this type. In line with SEPA's Land Use Vulnerability Guidance, development types such as tourist accommodation are considered to be a Most Vulnerable land use and should be assessed against the 1 in 1000-year flood level (plus a freeboard of 0.60m and an allowance for Climate Change) with the provision of dry vehicular emergency access/egress routes. Taking this into consideration it was not considered necessary to request a Flood Risk Assessment as the proposed development at this location would be contrary to SEPA's guidance and would incur additional expense for the applicant where the premise of the development itself could not be supported given these overriding concerns.
- 8.25 NPF4 Policy 10's requirements are explained above in section 8.6. Compliance with this policy is not considered to have been demonstrated SEPA's Flood Risk Map shows that the application site's flood risk is likely to increase over time, as a result of future sea level change (bearing in mind the application site's location close to the mouth of the River Thurso, which flows past the application site into Thurso Bay and eventually the Pentland Firth). The proposed development is

therefore not anticipated to be supportable in the long-term, taking into account projected climate change. SEPA's conclusion that the proposed development would likely create an island of development is also taken into account, as an increase in coastal flood risk would gradually exacerbate the risk to people spending time within the application site.

- 8.26 HwLDP Policy 64 requires proposals to be assessed to the extent that they are at risk of or could exacerbate flooding. Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding. NPF4 reinforces this as it aims to build resilience to future climate change in terms of flooding, with proposals on future functional floodplains not supported other than in limited circumstances such as low vulnerability development as set out in SEPA's Land Use Vulnerability classification. New infrastructure must include flood risk mitigation. Furthermore, impermeable surfaces are discouraged, and proposals must use blue and green infrastructure where practicable for drainage of surface water.
- 8.27 It is proposed that the building will connect to the existing water supply and foul drainage network. Scottish Water was consulted on this proposal and confirmed that there is sufficient capacity to service this development. Surface water drainage arrangements would be by means of an existing tile drain. Surface water runoff should be managed to minimise pollutants reaching the watercourse and should be provided with the appropriate levels of SuDS treatments to receive this.

Other Procedural Matters

8.28 It should be noted that should the Planning Authority propose to grant permission contrary to both SEPA's advice objecting on flood risk grounds and Transport Scotland's objection on road safety, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria that the proposed development would be required to be referred to the Scottish Ministers as it is likely to fall within the scope of this Direction.

Other material and non-material considerations

8.29 Potential land ownership issues as queried in a submitted public comment are not a material Planning consideration.

Developer Contributions

- 8.30 In accordance with Policy 31, the Council's Developer Contributions Supplementary Guidance is used to determine which proposals have to make proportionate financial developer contributions towards meeting service and infrastructure needs in areas of Highland where clear deficiencies are identified.
- 8.31 There are no school capacity constraints or other infrastructure needs for which a developer contribution would be required. Developer contributions would furthermore not be required in connection with this type of development.

9. CONCLUSION

9.1 The principle of reuse of a brownfield site in itself is to be supported. There is however an obligation on the Planning Authority to ensure that what is proposed is compatible and represents an appropriate land use. This is not considered to be the case for the reasons set out above as two statutory consultees have objected SEPA on the basis of flooding and the Trunk Roads Authority in response to concerns over road safety. The proposed development of a holiday park containing 13no. futuristic accommodation capsules is recommended for refusal on flood risk and road safety grounds.

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

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

- 1. The proposed development would be located and sited within land at present and future risk of fluvial and coastal flooding; the Planning Authority, in consultation with SEPA, is not satisfied that the proposed development site's long-term safety and resilience can be secured. The proposed development is furthermore not considered to comply with NPF4 Policy 10(a), nor meet any of the exceptions set out in Policy 22(a) of NPF4. Redevelopment to a more vulnerable land use is generally not acceptable within a flood risk area. Accordingly, it is considered that the proposal is contrary to NPF4 Policy 22 (Flood Risk and Water Management), and Highland-wide Local Development Plan Policy 64 (Flood Risk).
- 2. The proposed access would result in an intensification of waiting and right turning manoeuvres from the A9 trunk road at a location where the existing layout does not meet current design standards thus creating interference with the safety and free flow of the traffic on the trunk road. The proposed development does not meet current design standards, as assessed by Transport Scotland, by reasons of inadequate visibility / design and would unduly affect the safety and free flow of the traffic on the trunk road. The proposed development is therefore considered to conflict with the provisions of NPF4 Policy 13(g) (Sustainable Transport).

Policy 18(b) (Infrastructure First) and the Highland-wide Local Development Plan Policy 56 (Travel).

The proposed development includes insufficient landscaping measures for biodiversity enhancement and could potentially impact adjacent mature trees, which are important amenity assets. It is therefore

wide Local Development Plan Policy 51 (Trees and Development).

considered to conflict with NPF4 Policy 3 (Biodiversity) and Highland-

Signature: Dafydd Jones

Designation: Area Planning Manager - North

Author: Craig Simms

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

Relevant Plans: 1 - CTCH-J5611-001 DRAINAGE LAYOUT PLAN

2 - CTCH-J5586-001-00 REV A TOPOGRAPHY PLAN

3 - CTCH-J5586-001-01 REV A TOPOGRAPHY PLAN - 1 OF 2 4 - CTCH-J5586-001-02 REV A TOPOGRAPHICAL SURVEY -

LAYOUT 2

5 - 230103.MSB HEALTH.04PP PROPOSED SITE LAYOUT

REV C PLAN

6 - 230103.MSB HEALTH.05PP VISIBILITY SPLAY PLAN

REV C

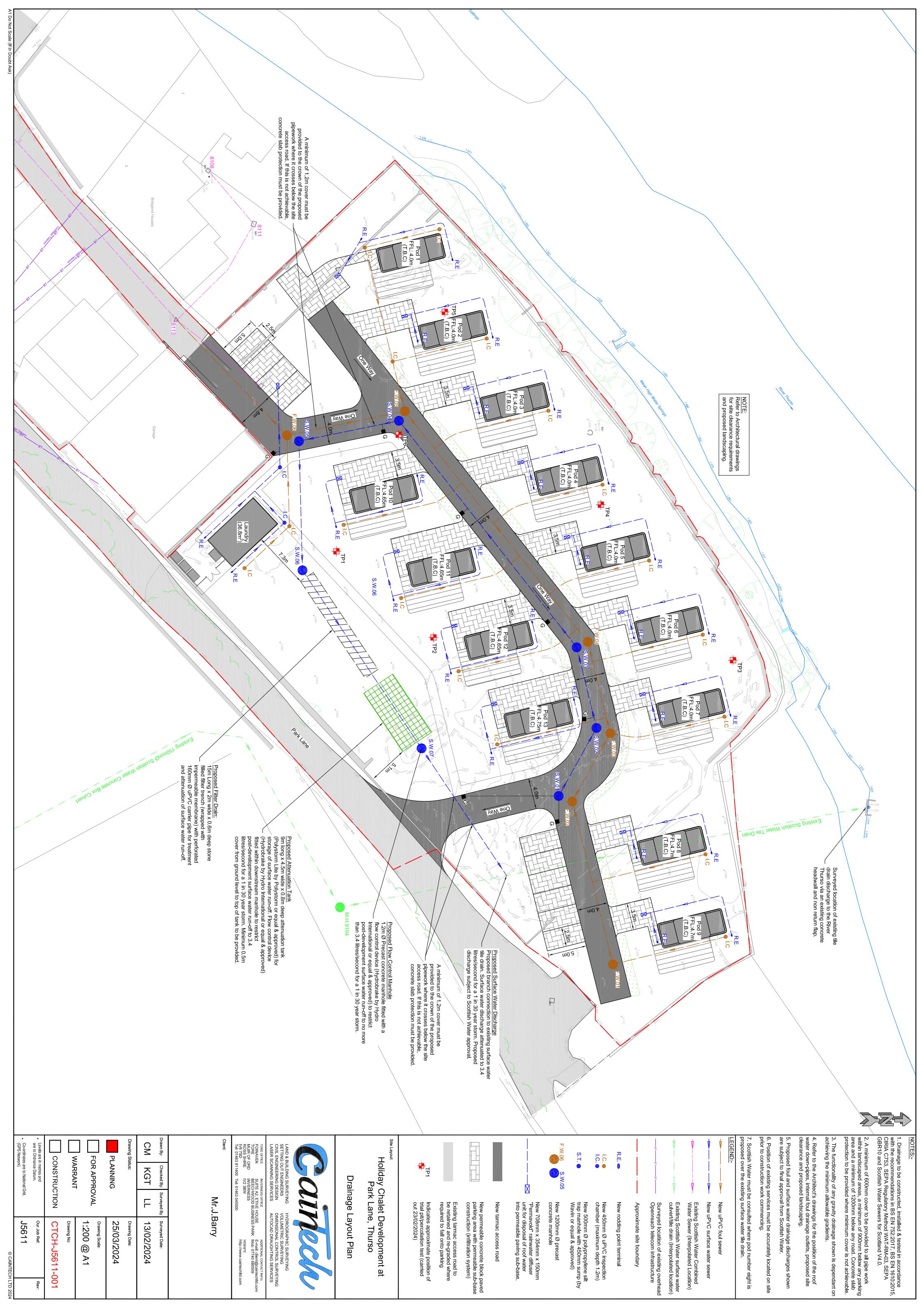
7 - 230103.MSB HEALTH.06PP PROPOSED FLOOR /

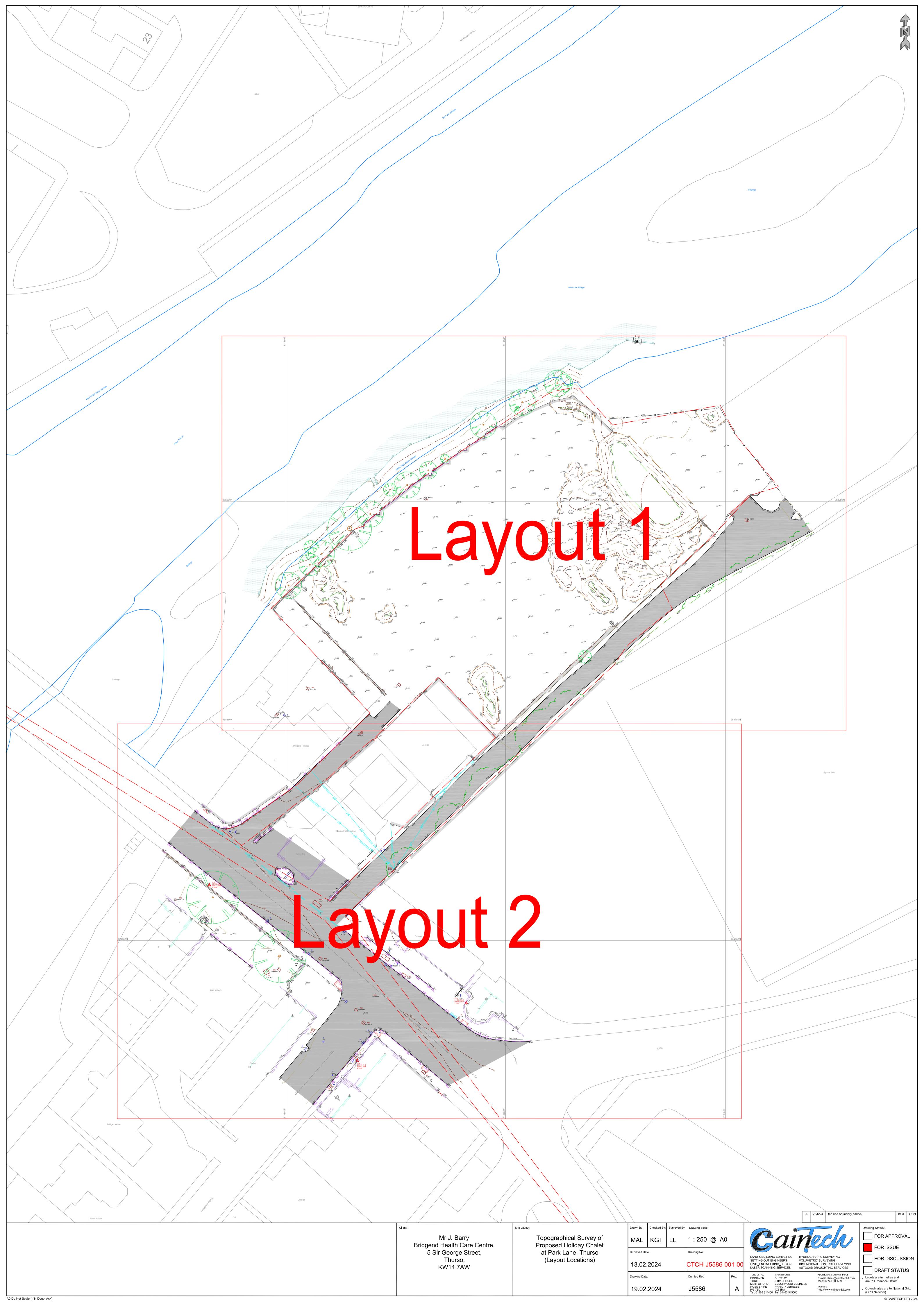
REV C ELEVATION PLAN

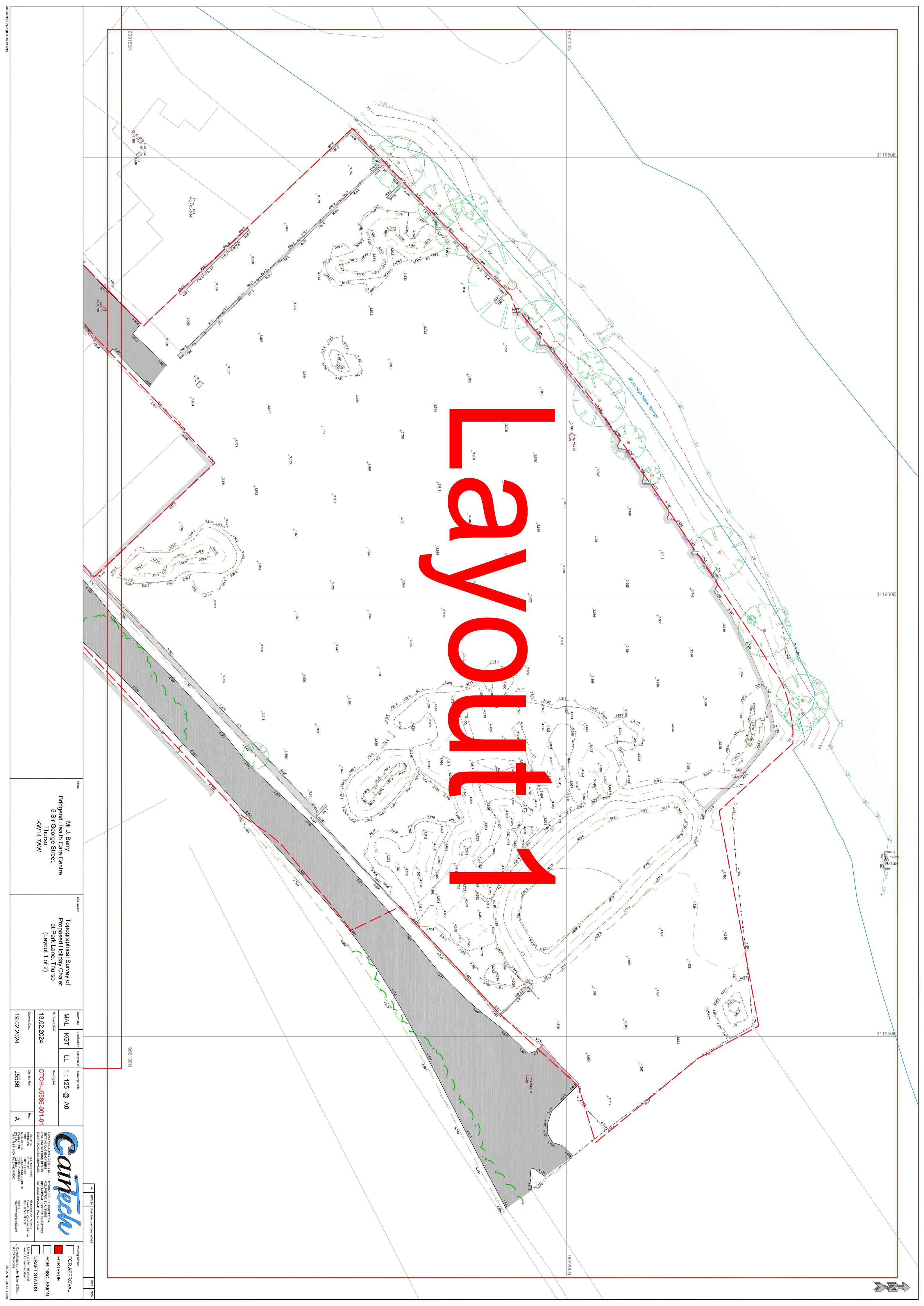
8 - 230103.MSB HEALTH.07PP PROPOSED

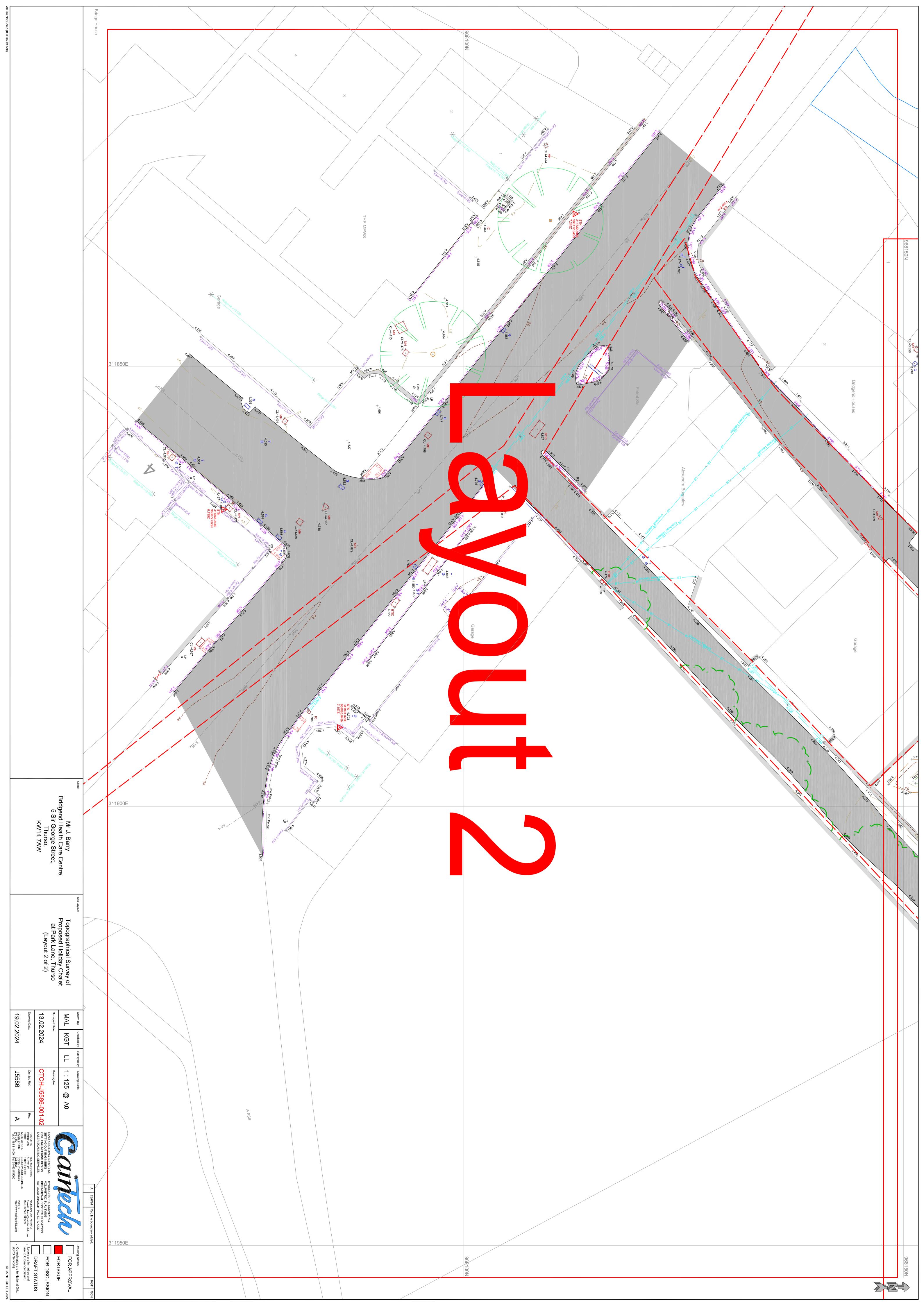
REV B FLOOR/ELEVATION PLAN -

LAUNDRY REFUSE STORE









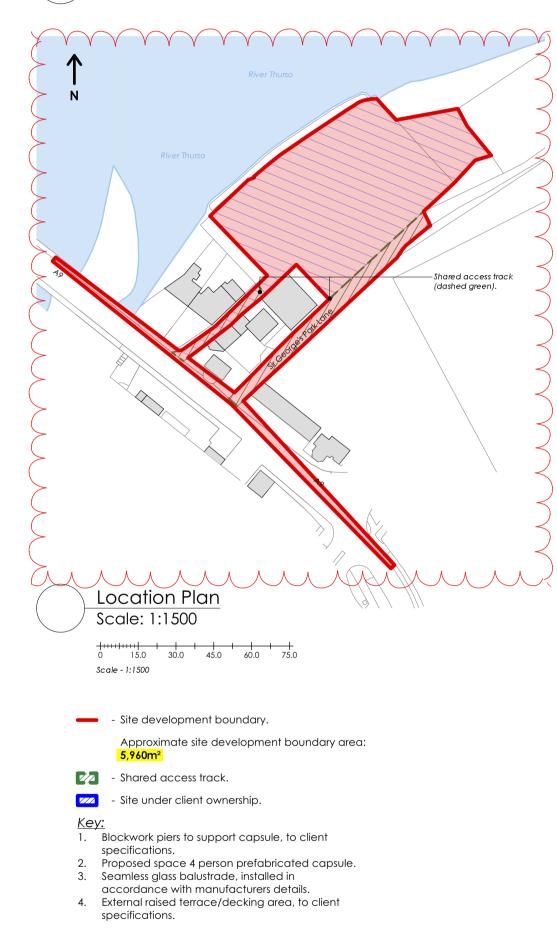


DO NOT SCALE OFF DRAWINGS.ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

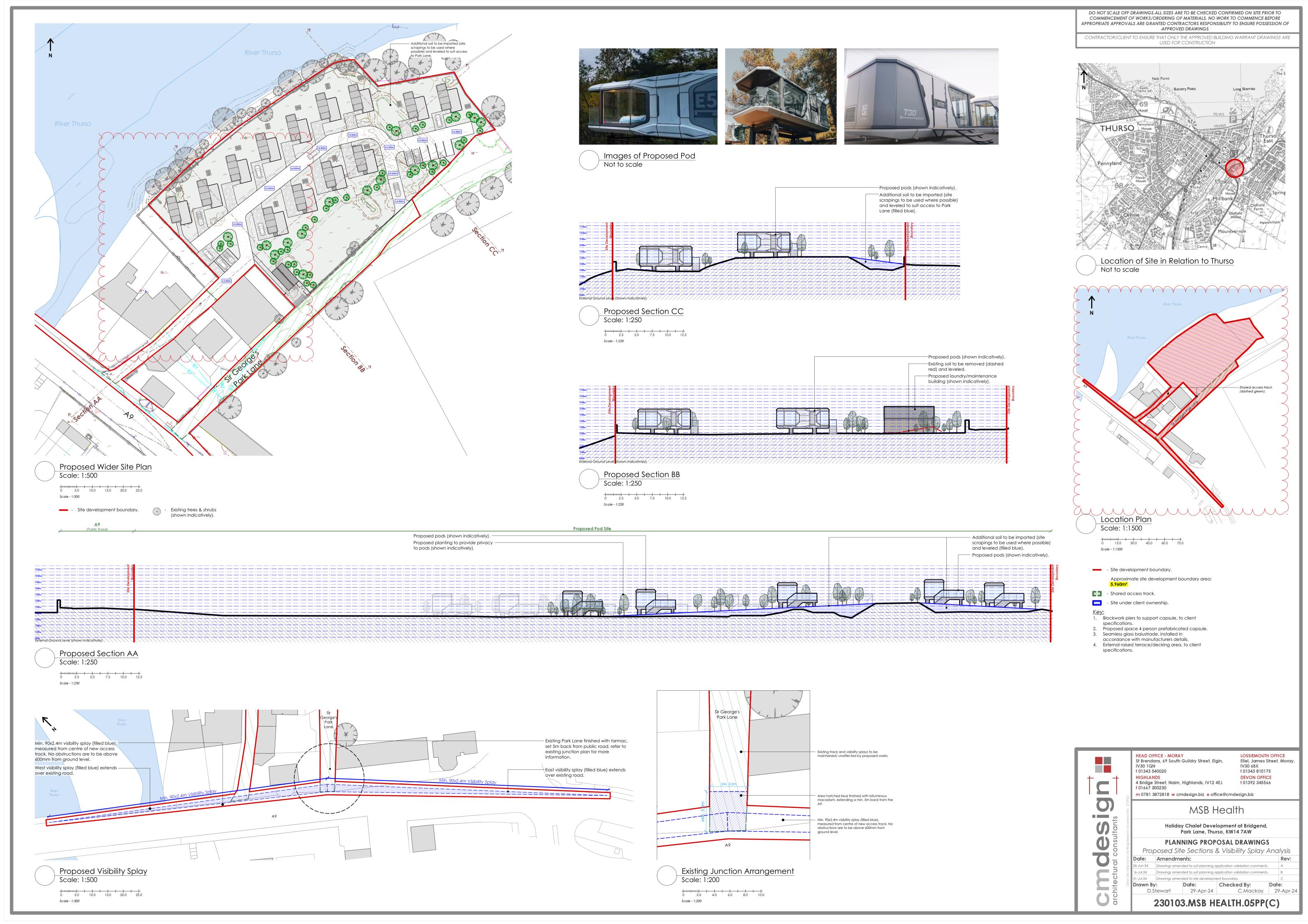
CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

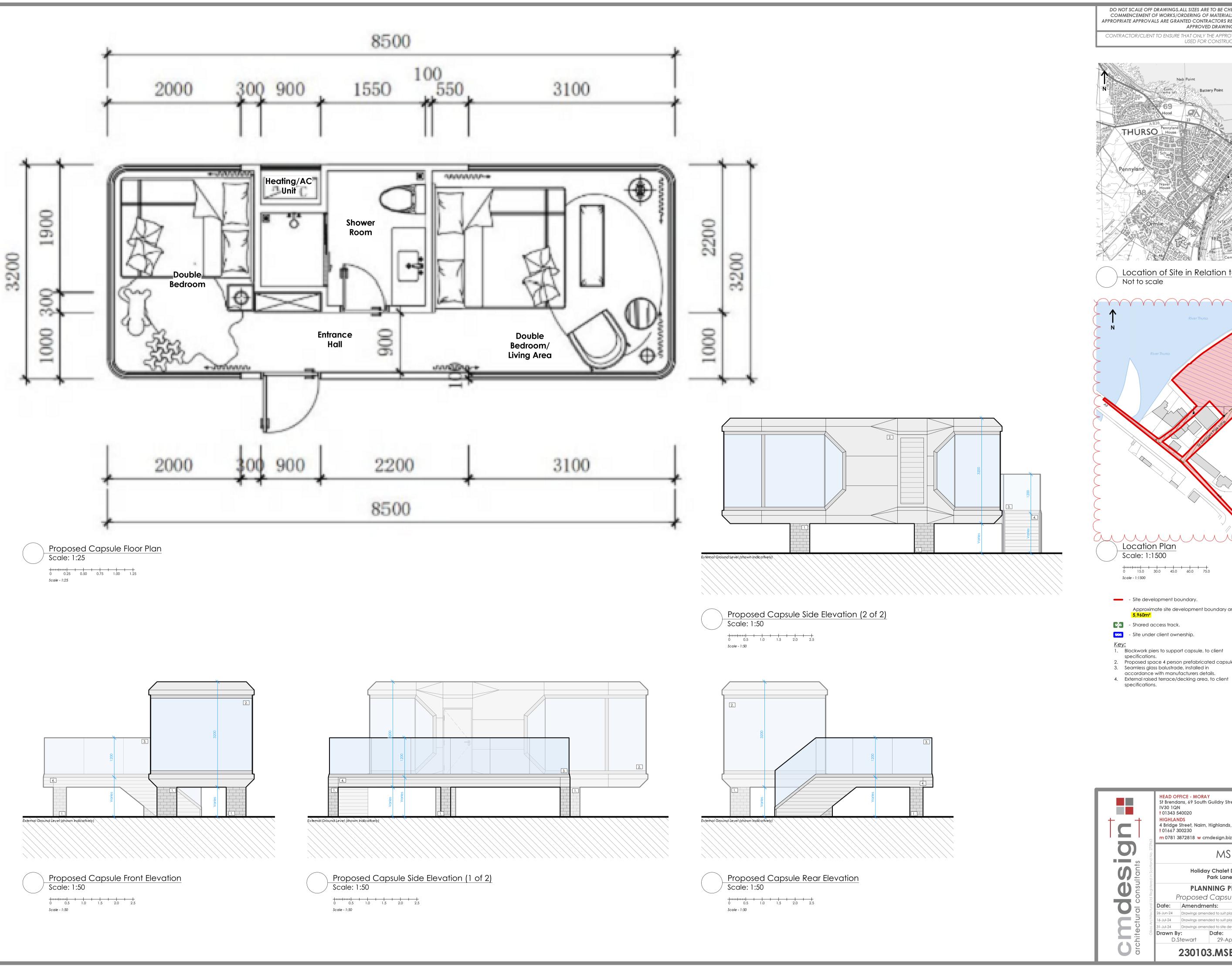


Location of Site in Relation to Thurso
Not to scale



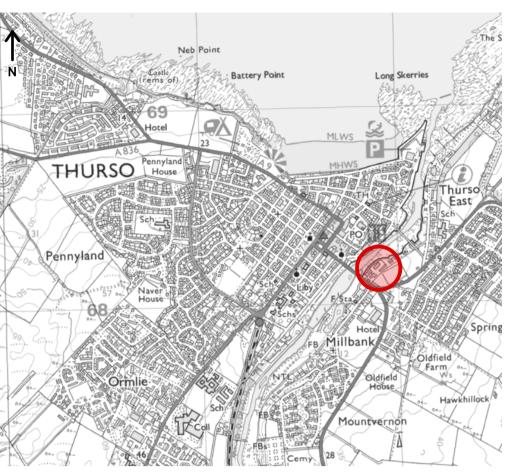






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CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



Location of Site in Relation to Thurso Not to scale







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CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



Location of Site in Relation to Thurso Not to scale



- Shared access track.

Site development boundary.

Site under client ownership.

Vertical timber clad wall, to client specifications.
 Horizontal timber clad wall, to client

Approximate site development boundary area:

specifications. Metal profile roofing, to client specifications.
 Anthracite grey, aluclad double glazed windows & doors, to client specifications.

commercial bins, to client specifications.

5. Profiled metal sign, to client specifications.6. Grey brickwork underbuild, to client specifications. 7. Timber fence to hide refuse/recycling

* All rainwater goods to be uPVC anthracite grey.



St Brendans, 69 South Guildry Street, Elgin, IV30 1QN † 01343 540020 HIGHLANDS

4 Bridge Street, Nairn, Highlands, IV12 4EJ † 01667 300230 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

MSB Health

Holiday Chalet Development at Bridgend, Park Lane, Thurso, KW14 7AW

Ellel, James Street, Moray,

IV30 6BX

t 01343 810175

DEVON OFFICE

t 01392 345566

PLANNING PROPOSAL DRAWINGS

Proposed Laundry/Refuse Store Floor Plan & Elevations Date: Amendments:

Drawings amended to site development boundary. Checked By: Date: D.Stewart 27-Jun-24 C.Mackay 27-Jun-24

230103.MSB HEALTH.07PP(B)