

Directorate for Planning, Architecture and Regeneration

Planning and Development Delivery Division

Environment, Net Zero and Planning Decisions



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Barry Property Limited  
c/o CM Design  
By email

Our ref: NA-270-011  
Planning Authority ref: 24/02439/FUL

25 March 2026

Dear Craig Mackay

**CHANGE OF USE OF LAND TO FORM HOLIDAY PARK AT FORMER BRIDGEND BUILDING SUPPLIES YARD, BRIDGEND, THURSO, KW14 8JZ ('the proposed development')**

1. This letter contains the Scottish Ministers' decision on the above planning application submitted to The Highland Council by CM Deign on behalf of Barry Property Limited on 16 July 2024 (council reference: 24/02439/FUL).
2. The application was called in for the Scottish Ministers' determination on 13 October 2025 by direction under section 46 of the Town and Country Planning (Scotland) Act 1997 in view of objections raised by SEPA and Transport Scotland, and the potential impacts on flood risk and road safety on the trunk road.
3. The reporter submitted a report to the Scottish Ministers on 3 March 2026. All references to paragraph and chapter numbers, unless otherwise stated, are to those in the report. The reporter's report is available at: [Scottish Government - DPEA - Case Details](#)

**Reporters' recommendation and the Scottish Ministers' Decision**

4. The reporter has recommended that planning permission should be refused. The Scottish Ministers have carefully considered all the evidence presented and the reporter's conclusions and recommendation. For the reasons given below, the Scottish Ministers agree with the Reporter's recommendation and refuse planning permission for the proposed development. The Scottish Ministers disagree with the reporter regarding the relevance of NPF4 policy 16 part a) to the proposed development but agree with the reporter's overall conclusion.

**Legal and Development Plan Context**

5. Under the terms of section 25 of the Town and Country Planning (Scotland) Act 1997 the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the proposed development comprises National Planning Framework 4 (NPF4) and the Highland-wide Local Development Plan 2012 (HwLDP) and the Caithness and Sutherland Local Development Plan 2018 (CaSLDP)

## Main issues

6. The Scottish Ministers agree with the reporter in paragraph 10 that the main issues in the determination of this application are the principle of the proposed development; flood risk and any mitigation; road safety and impact on the trunk road; preserving the setting of the Category B-listed River Thurso Bridge; redevelopment of a brownfield site; economic benefits of the proposed development: and biodiversity.
7. In terms of the principle of development, the Scottish Ministers agree with the reporter in paragraphs 11, 13 and 14. The application site is located in the settlement of Thurso and is allocated for mixed use (housing, business, community, retail) as Site TS08 in the CaSLDP. Both the HwLDP and CaSLDP contain policies which support development within Settlement Development Areas, of which Thurso is one. In principle, the proposed development can meet the requirements of the relevant LDP policies, although it is a proposal for holiday units, not housing. It is located within an identified settlement and Settlement Development Area, it is consistent with the LDP spatial strategy, is within a 20-minute walk to a range of services and has access to public transport and walking routes.
8. The Scottish Ministers disagree with the reporter in paragraph 12 regarding the applicability of NPF4 policy 16 part a). The Scottish Ministers consider the proposed developments are not designed to be used as housing. The Scottish Ministers do not consider the proposed development would increase housing supply within The Highland Council area (nor contribute towards the indicative capacity of site as allocated in the CaSLDP) but should instead be considered as tourism development.
9. The Scottish Ministers agree with the reporter in paragraph 15 that proposals for new tourism facilities or accommodation are supported by the development plan. While tourism is not specifically mentioned in the CaSLDP TS08 site description, the Scottish Ministers are satisfied that tourist related development could reasonably be encompassed in the business category of uses and so the proposed development complies with the tourism policies of NPF4 and the LDP.
10. In summary, in terms of the principle of development, the Scottish Ministers are satisfied that although policy 16 part a) is not relevant to the proposed development, there is other policy support from NPF4, HwLDP and CaSLDP which demonstrates the principle of the proposed development is acceptable.
11. The Scottish Ministers agree with the reporter in paragraphs to 16 to 19 regarding NPF4 policy 22. The Scottish Ministers are satisfied the LDP has identified a need to bring the application site into beneficial use and agree the proposed development also needs to demonstrate that long-term safety and resilience in accordance with SEPA advice can be secured.
12. The Scottish Ministers agree with the reporter in paragraphs 21 to 32 and find it has not been demonstrated that long term safety and resilience of the site can be secured. In reaching this conclusion, the Scottish Ministers have attached weight to SEPA's advice that there are no conditions which would make the proposed development acceptable in terms of flood risk policy and that land raising on the site is unlikely to be acceptable.
13. Overall, in regard to flood risk, the Scottish Ministers agree with the reporter in paragraph 32 that the proposed development would not meet the policy criteria of either NPF4

Policies 1 and 22 or the elements of HwLDP Policy 64 which have not been superseded by NPF4.

14. In regard to road safety and impact on the A9 trunk road, the Scottish Ministers agree with the reporter in paragraphs 33 to 38 and find it has not been demonstrated that it would be possible to access the proposed development in a safe manner. The Scottish Ministers also agree with the reporter that the impact on road safety on the A9 trunk road would be adverse and would negatively impact traffic flow on a major route into Thurso.
15. In regard to redevelopment of a brownfield site, the Scottish Ministers agree with the reporter in paragraph 41 and 42 and are satisfied the proposed development could meet the requirements of NPF4 Policy 9 and HwLDP Policies 28 and 42, other than those relating to flooding.
16. In regard to the economic benefits of the proposed development, the Scottish Ministers agree with the reporter in paragraphs 43 to 45 that the proposed development would meet criteria set out in NPF4 Policy 27 relating to city, town, local and commercial centres and is also supported by NPF4 policy 30 and HwLDP policies 43 and 44 which relate to tourism. The Scottish Ministers agree with the reporter that although there would be some economic benefit from the reuse of the application site for tourist purposes and associated local employment opportunities, this is not sufficient to overcome the proposed development's inability to comply with the other relevant policies of NPF4 and the LDP.
17. In regard to preserving the setting of the Category B-listed River Thurso Bridge, the Scottish Ministers agree with the reporter in paragraphs 39 and 40 and finds the proposed development would not be read in conjunction with the bridge and would have no impact on either the preservation or the setting of the bridge.
18. In regard to biodiversity, the Scottish Ministers agree with the reporter in paragraphs 46 to 48 and is satisfied that matters relating to biodiversity may be addressed by appropriate conditions.
19. In regard to other matters, the Scottish Ministers agree with the reporter in paragraph 49 and are satisfied that the proposed development would not raise any issues in relation to impacts on neighbouring residential amenity, light pollution, noise or air quality, subject to any appropriate conditions and there is no conflict with the relevant development plan policies.
20. The Scottish Ministers agree with the reporter in paragraph 51 that although the proposed development would bring a disused site back into a beneficial use, its re-use raises the vulnerability level of the site in relation to flooding and there are also issues of road safety and traffic flow on the A9 trunk road which have not been demonstrated to be capable of resolution.
21. In conclusion, the Scottish Ministers agree with the reporter that the proposed development does not accord overall with the relevant provisions of the development plan. Although the reuse of a brownfield site allocated for mixed use within the development plan and provision of holiday accommodation are supported by policy, and their associated economic benefits are material considerations weighing in favour of the

proposed development, these benefits do not outweigh the development plan conflicts and material considerations relating to flood risk and public safety issues.

### **Right to challenge**

22. This decision of the Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

23. A copy of this letter and the reporter's report will be sent to The Highland Council.

24. Those parties who lodged representations will also be informed of the decision.

Yours sincerely

*Catherine Kelham*

### **Planning Decisions**



## Report to the Scottish Ministers

### Town and Country Planning (Scotland) Act 1997

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Report by Sinéad Lynch, a reporter appointed by the Scottish Ministers

- Case reference: NA-270-011
- Site Address: Former Bridgend Building Supplies Yard, Bridgend, Thurso, KW14 8JZ
- Appeal by Barry Property Limited
- Application for planning permission, reference 24/02439/FUL dated 16 July 2024
- The development proposed: change of use of land to form holiday park

Date of this report and recommendation: 3 March 2026

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### **Recommendation**

Refuse planning permission.

### **Background**

1. This proposal seeks planning permission to redevelop the site of the Former Bridgend Building Supplies Yard in Thurso, to form a holiday park with 13 short term holiday units, a reception and laundry building and associated infrastructure.
2. The site is approximately 0.56 hectares in area and sits on vacant industrial land above the north-east bank of the Thurso River and east of the town centre. To the south-east of the site is Sir George's Park, to the south-west is a warehouse, traditional stone housing and a petrol station. These uses and buildings separate the application site from the A9 trunk road and the Category 'B'-listed Thurso Bridge.
3. The proposed 13 self-catering holiday units would each have a floor area of approximately 27.2 square metres. They would be elevated on piers above ground level, accessed by stairs or ramps. The drawings submitted indicate a finished floor level to ceiling height of 3.2 metres, but the actual height of each unit would vary depending on where it would be located on the appeal site. The proposal also involves the importation of soil to level parts of the site and to infill existing areas, with the effect of raising the existing ground level in parts of the site.
4. Access is proposed to be taken via a private driveway between Bridgend Houses and the petrol filling station, from the A9 trunk road to the application site's access point next to the existing warehouse on the south-western boundary of the site. A one-way system is proposed, with egress from the site via the lane bounding Sir George's Park to the A9 on the southern side of the petrol filling station.

5. The application was notified to Scottish Ministers on 15 September 2025 and called in for Scottish Ministers determination on 13 October 2025 in accordance with section 46 of the Town and Country Planning (Scotland) Act 1997, in view of the proposed development's potential conflict with the application of national policy on flooding and road safety on the trunk road.

6. I determined that a site inspection was not necessary in this instance and have reached my decision based on written submissions from the parties.

7. This report identifies the main issues for Ministers' consideration, my conclusions on those issues and my recommendation as to whether planning permission should be granted.

## **Policy context**

8. The development plan for this case comprises National Planning Framework 4 (NPF4) and the Highland-wide Local Development Plan 2012 (HwLDP) and the Caithness and Sutherland Local Development Plan 2018 (CaSLDP).

9. Other relevant policy and guidance documents include:

- Flood Risk and Land Use Vulnerability Guidance (2018)
- Planning Background Paper on Flood Risk (2018)
- Planning Information Note 4: SEPA position on development protected by a Flood Protection Scheme (2018)
- Technical Flood Risk Guidance for Stakeholders (2022)
- Climate Change Allowances for flood risk assessment in land use planning (2023)
- Roads and Transport Guidelines for New Development (Highland Council)

## **The relevant issues for Ministers' consideration**

10. Having considered all the evidence before me, my advice is that the main considerations for Ministers in deciding this application are:

- The principle of the proposed development;
- Flood risk and any mitigation;
- Road safety and impact on the trunk road;
- Preserving the setting of the Category B-listed River Thurso Bridge;
- Redevelopment of a brownfield site;
- Economic benefits of the proposed development: and
- Biodiversity

## **The main points for the applicant**

- The applicant submitted a [statement](#) in support of the application but did not submit any additional information following the recall notice;
- The site is an allocated site in the CaSLDP;
- The use for which it is allocated is a more vulnerable use than that proposed in the application;

- The proposal would assist and promote tourism on Thurso and the wider area;
- The site is a prominent derelict site in adjacent to the town centre and should be reused productively; and
- The proposed development is capable of complying with consultee requirements.

### **The main points for the planning authority**

- The Highland Council North Planning Applications Committee voted to grant planning permission;
- It is acknowledged that the proposed development would be contrary to NPF4 Policies 10, 13, 18(b) and 22, and to HwLDP Policies 56 and 64;
- The benefits of the proposal are considered to outweigh the detrimental impacts;
- The site has been derelict for a long period, and the redevelopment is considered to improve the local area and wider environment;
- Th support for the local economy and the tourist sector would be in accordance with NPF4 Policy 30 and HwLDP Policy 43; and
- Issues relating to biodiversity, trees and landscaping could be addressed by condition.

### **The main points for Scottish Environment Protection Agency (SEPA)**

- In accordance with SEPA's [Land Use Vulnerability guidance](#), the current use is considered to be a 'least vulnerable use', whereas the proposed use is considered to be a 'highly vulnerable use'
- The site is shown to be at risk of flooding based on the SEPA Future Flood Maps;
- There are records of tidal flooding events in the area;
- Including an allowance for climate change, the coastal flood level for the area is 4.65 metres AOD (above ordinance datum). All development on the site should be limited to land higher than 4.65 metres AOD, with a sperate freeboard allowance;
- The AECOM Flood Study 2018 demonstrates that the site is fully at risk from fluvial and coastal dominated flood events; and
- In such an event, access to and egress from the site would not be possible.

### **The main points for Transport Scotland**

- There would be an intensification of both waiting and right turn manoeuvres from the A9 trunk road, where current design standards are not met
- There is inadequate visibility, affecting the safety and flow of traffic on the A9 trunk road

## **Other parties' cases**

- There were three representations to the application, two objecting and one supporting. Those objecting raised issues of access, visual impact, inaccurate plans, road safety, water quality, habitat disturbance and cultural impact. In support, the reuse of a derelict site was commended, positive visual impact was noted as was the potential contribution to tourism in the town and wider area;
- Highland Council's Flood Risk management Team objected to the proposal on the grounds of flood risk;
- Highland Council's Transport Planning Team are unable to support the application, requiring additional information including A Transport Statement, dimensions of parking bays, cycle parking provision, swept path analysis and a Construction Traffic Management Plan (CMPT); and
- Highland Council's Forestry Officer objects as the proposal is contrary to NPF4 Policy 3 and to HwLDP Policy 51;
- Scottish Water do not object to the proposed development.
- Highland Council's Contaminated Land Officer has not objection subject to conditions requiring a Contaminated Land Assessment and a Phase II Intrusive Site Investigation.

## **Reporter's findings**

### **The principle of the development**

11. The application site is located within the settlement of Thurso and is allocated for mixed use (housing, business, community, retail) as Site TS08 in the CaSLDP. A number of developer requirements are listed in the allocation as follows: 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). The indicative housing capacity of the site is listed as 16.

12. NPF4 Policy 16 Quality homes supports development proposals for new homes on land allocated for housing in LDPs. Although allocated as a mixed-use site, the indicative capacity of the site for 16 houses is included in the HwLDP and CaSLDP housing land calculations. I find that part a) of Policy 16 is met.

13. Both HwLDP and CaSLDP contain policies which support development within Settlement Development Areas, of which Thurso is one. These are the preferred areas for development including housing.

14. I consider that in principle, the proposed development can meet the requirements of the relevant LDP policies, although it is a proposal for holiday units, not housing. It is located within an identified settlement and Settlement Development Area, it is consistent with the LDP spatial strategy, is within a 20-minute walk to a range of services and has access to public transport and walking routes.

15. Policy 30 Tourism of NPF4 sets out at part a) that proposals for new tourism facilities or accommodation will be supported. HwLDP Policy 43 and Policy 44 support tourism development and the provision of tourist accommodation within settlements will generally be supported. Although tourism is not specifically mentioned in the CaSLDP TS08 site description, I am satisfied that tourist related development could reasonably be encompassed in the business category of uses and so the proposed development complies with the tourism policies of NPF4 and the LDP.

16. NPF4 Policy 22 Flood risk and water management part a) only supports development proposals on land that is “at risk of flooding or in a flood risk area” where one of four circumstances applies to that proposal (as set out in parts a) i to a) iv)). Land that is at risk of flooding or in a flood risk area is defined in the glossary to NPF4 as land which has an annual probability of being flooded of greater than 0.5% (a 1 in 200-year return period event), which must include an appropriate allowance for climate change.

17. I find that parts a) i, ii and iii of NPF4 Policy 22 do not apply to the proposed development.

18. Part a) iv of Policy 22 states that proposals will be supported if they are for the ‘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.’

19. I am satisfied that the LDP has identified a need to bring the application site into beneficial use, as set out at paragraph 113 of the settlement statement for Thurso in CaSLDP. However, the proposal also needs to demonstrate that long-term safety and resilience in accordance with SEPA advice can be secured, and I discuss that in more detail in the section below on flood risk and any mitigation.

20. Overall, I am satisfied that the policy support from NPF4, HwLDP and CaSLDP demonstrates that the principle of the proposed development is acceptable.

### **Flood risk and mitigation**

21. The use of the site for a building supply yard (last known use) is considered to be a ‘least vulnerable land use’ in accordance with SEPA’s Land Use Vulnerability guidance. The proposed development of 13 holiday units and associated reception and laundry buildings would change that categorisation to a ‘highly vulnerable land use’.

22. The applicant did not submit a Flood Risk Assessment (FRA) with the application but did note that one would be carried out later in the determination period after discussion with the council Flood Risk Management Team. The applicant advises that the removal of the hardstanding and concrete from the site would significantly reduce the impact of any fluvial issues. The council decided against requesting an FRA from the applicant, following the consultation response from SEPA.

23. SEPA was consulted on the planning application and objected in principle, as did the council’s Flood Risk Management Team.

24. SEPA advises that the approximate coastal flood level of the area is 4.65 metres Above Ordnance Datum (AOD), including an allowance for climate change. The level does not account for the effects of wave action, funnelling or local bathymetry. SEPA require all development on the site to be on land which is higher than 4.65 AOD. The topographic

drawings provided by the applicant demonstrate that existing ground levels at the site vary, but are predominantly below 4.00 metres AOD, with the exception of the raised area to the northeast. SEPA advises that the lowest lying land on the site is at risk of flooding in the 1 in 10-year event, and at the 1 in 200-year event, almost the whole site would be inundated.

25. When the impacts of climate change are accounted for, the 1 in 10-year event fully inundates the site and surrounding area. Coastal flooding has the most significant impact on the site, although a fluvially dominated event would still result in almost the full site being flooded during a 1 in 200-year event when the impacts of climate change are included. Depths of flooding on site during a 1 in 200-year event including climate change are expected to be up to 1 metre for parts of the site when the impacts of coastal still water flooding are considered alone and not accounting for any influence arising from river levels.

26. In mitigation, the holiday units are proposed to be raised on piers, with the finished floor level of individual units varying dependant on where they are located on the site. The holiday units themselves may not become inundated if the floor level is above the flood level. However, the site itself and the one-way access road would be inundated and there would be no access to or egress from the site for occupants. SEPA advises that there is no flood warning for Thurso. SEPA also advises that landraising on the site is unlikely to be acceptable, as there is no land available above the flood level to provide compensatory storage for the loss of the floodplain.

27. The structural integrity of the holiday units may also be at risk in a flood event, given the potential water depth on site.

28. NPF4 Policy 22 sets out at part a) iv that the redevelopment of previously used sites in built up areas will be supported, 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. As set out above, the proposed development is on a site where the LDP has identified a need to bring it into positive use. However, I find that it has not been demonstrated that long term safety and resilience can be secured. Policy 22 goes on to set out that where the criteria of part a) iv are met, then developments must demonstrate that the first occupied/utilised floor, and the underside of the development are 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.

29. HwLDP Policy 64 Flood Risk says that development proposals should avoid areas susceptible to flooding. The majority of the policy has been superseded by NPF4.

30. I note that safe access and egress cannot be achieved to or from the site in a flood event, and that safe evacuation of the site in a flood event would be problematic, given the ground levels of the proposed one-way access road. The potential mitigation available to reduce the risk of flooding is limited due to the existing ground levels. The change in use would give rise to an increase in vulnerability to risk. The potential access to the site would be inundated in a future flood situation, with a consequential impact on evacuation and public safety. SEPA advises that there are no conditions that could be attached to a consent to mitigate the impact of flooding on the proposed development.

31. NPF4 Policy 1 Tacking the climate and nature crises sets out that when considering all development proposals, significant weight will be given to the global climate and nature crises. Given the impact the predicted climate change would have on flooding at the site, as shown on the SEPA Future Flood maps, I am satisfied that the proposal is not in accordance with NPF4 Policy 1.

32. Overall, I find that the proposal would not meet the policy criteria of either NPF4 Policies 1 and 22 or HwLDP Policy 64.

### **Road safety and impact on the A9 trunk road**

33. Access to the site is proposed to be taken from the A9 trunk road, between the existing petrol filling station and the homes fronting the road. The access is adopted for a limited length. The access route would traverse the site to the north-east and an exit point would be created onto Sir George's Park Lane (public road U4232), with egress on to the A9. The access route would be one-way. The applicant advise that both junctions are compliant with transport requirements.

34. Transport Scotland provided a consultation response and advised that planning permission be refused. The reasons for refusal were that there would be an intensification of waiting and right turning manoeuvres from the A9, at the entrance point to the proposed development, at a location where the current layout does not meet existing standards. There would be interference with the safety and free flow of traffic on the trunk road. Current design standards area not met, as there is inadequate visibility, which would unduly affect the safety and free flow of traffic on the trunk road.

35. The council's Transport Planning Team is unable to support the application. At the initial stages of the determination process, it was noted that additional information relating to a Transport Statement, a Construction Traffic Management Plan, details of parking, cycle parking, and a swept path analysis for waste and emergency vehicles had not been submitted with the application.

36. An objection to the application was received from a resident of one of the homes on the access road, who would have to traverse the site on the proposed one-way system to leave his home by vehicle. I agree that road safety and access issues may arise if non-holiday traffic would require 24 hour access across the site.

37. I find that it has not been demonstrated that it would be possible to access the proposed development in a safe manner. The impact on road safety on the A9 trunk road would be adverse and would negatively impact traffic flow on a major route into Thurso.

38. Overall, I find that the proposal would have a negative impact on road safety and the trunk road.

### **Preserving the setting of the Category B-listed River Thurso Bridge**

39. In assessing the potential impact of a development on a listing building, I am required by section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

40. In this instance, the listed building in question is the Category B-listed River Thurso Bridge, which lies to the south-west of the application site. Although the design proposed is non-traditional in design terms, I find that it would not be read in conjunction with the listed bridge and would have no impact on either the preservation or the setting of the bridge.

### **Redevelopment of a brownfield site**

41. As a brownfield site, the principle of redevelopment of the application site can draw support from NPF4 policy 9. Part a) sets out that where the proposed reuse is sustainable, the biodiversity value of the site which has been naturalised should be taken into account. I discuss this further below in terms of biodiversity. The spatial strategy of the LDP directs development to where there is access to existing services and where there are opportunities to re-use and redevelop brownfield sites. HwLDP Policy 28: Sustainable design supports in principle proposals which make use of brownfield sites. HwLDP Policy 42: Previously Used land supports development that brings previously used land back into beneficial use, subject to compliance with other relevant policies.

42. I am satisfied that the proposed development could meet the requirements of NPF4 Policy 9 and LDP Policies 28 and 42, other than those relating to flooding.

### **Economic benefits of the proposed development**

43. NPF4 Policy 27 City, town, local and commercial centres encourages economic activity in town centres. I find the proposal could meet the criteria set out in the policy, as it would reuse an existing redundant site; would contribute to centre vitality and viability; and increase the mix of uses in the centre. NPF4 Policy 30 Tourism aims to encourage, promote and facilitate tourism development. The proposal is capable of complying with all relevant criteria.

44. HwLDP Policies 43 and 44 support proposals for tourist facilities and tourist accommodation within settlements.

45. Although there would be some economic benefit from the reuse of the application site for tourist purposes and associated local employment opportunities, I do not consider this sufficient to overcome the proposal's inability to comply with the other relevant policies of NPF4 and the LDP.

### **Biodiversity**

46. The application site is not subject to any environmental designations, local, regional or national. The adjacent River Thurso is an SAC.

47. NPF4 Policy 3 Biodiversity seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. HwLDP Policy 51 Trees and Development will support proposals which protect trees on and around development sites. The council's Forestry Officer has objected to the proposal on the basis that a Tree Protection Plan and Arboriculture Method Statement are required, and a detailed landscape and maintenance schedule.

48. I am satisfied that the above matters could be addressed by appropriate conditions of consent.

### **Other matters**

49. Based on the evidence before me, I am satisfied that the proposal would not raise any issues in relation to impacts on neighbouring residential amenity, light pollution, noise or air quality, subject to any appropriate conditions. Therefore, I find no conflict with the relevant NPF4 and HwLDP and CaSLDP policies.

50. Representations were received from three individuals. Where the matters raised were material, I have considered them in my reasoning as set out above.

51. The Highland Council North Planning Applications Committee gave weight to the beneficial reuse of a vacant site in the settlement. The proposal was considered an acceptable departure from development plan policy. It was considered that the redevelopment of the site would benefit the wider area and be in accordance with NPF4 Policy 30 Tourism and HwLDP Policy 43. I am satisfied that the proposal would bring a disused site back into a beneficial use, but that re-use raises the vulnerability level of the site in relation to flooding. Both the site and the access road are shown to be currently at risk of flooding, but it is the future flood risk, which is greatest, and cannot be mitigated through design. Compensatory flood water storage also cannot be accommodated. In addition, there are issues of road safety and traffic flow on the A9 trunk road which have not been demonstrated to be capable of resolution.

### **Proposed Conditions**

52. The planning authority has proposed 16 conditions to be imposed in the event of the Scottish Ministers deciding to grant planning permission. Subject to minor editing these are set out in appendix 1 at the end of this report. The applicant has not raised any objections to these.

53. I have considered these conditions in terms of the six tests set out in Circular 4-1998 regarding the use of conditions in planning permissions and I am satisfied that the tests are met.

54. No developer contributions would be required, and so no legal agreement or obligation is required.

### **Conclusions and recommendation**

55. I conclude that the proposal does not accord overall with the relevant provisions of the development plan. The productive reuse of a vacant building and the provision of holiday accommodation are material considerations which weigh in favour of the proposal. My assessment above on flood risk and evacuation lead me to conclude that overall, these benefits do not outweigh the flood risk and public safety issues.

56. I have considered all the submissions and documents drawn to my attention. There are no other material considerations that would cause me to change my conclusion.

57. Therefore, I recommend that planning permission is refused.

58. If Ministers disagree with the above recommendation and are minded to grant planning permission, then I recommend that this is subject to the conditions listed in Appendix 1.

*Sinéad Lynch*

Reporter

## **Appendix 1: Recommended conditions**

1. Commencement of Development 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. Forestry (1)

No development shall commence, including tree felling or site clearance, until the following information has been submitted and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction):

- Arboricultural Impact Assessment
- Tree Protection Plan
- Arboricultural Method Statement
- Details of Site Supervision and Compliance Monitoring
- Landscape Plan (including 5-year Maintenance Schedule)
- Details of Factoring Arrangement
- Tree Management Plan

Reason: To ensure the protection of retained trees during construction and thereafter.

### 3. Forestry (2)

A suitably qualified arboricultural consultant must be employed at the developer's expense to ensure that the approved Tree Protection Plan and Landscape Plan are implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development, including tree felling or site clearance, shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project. All landscaping shall be implemented in full and with the written approval of the Planning Authority prior to first occupation.

Reason: To secure the successful implementation of the approved Tree Protection Plan and Landscape Plan.

### 4. Land Contamination

No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:

- a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;

b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;

c) measures to deal with contamination during construction works;

d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;

e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site

## 5. External Lighting

No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

Reason: In the interests of visual amenity, to prevent permanent lighting and minimise light pollution and to ensure the development does not have an adverse impact on nearby residents and nocturnal animals.

## 6. Landscaping and Biodiversity Enhancement

No development shall commence until details of a scheme of hard and soft landscaping works (demonstrating biodiversity enhancement) have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

ii. A plan showing existing landscaping features and vegetation to be retained;

iii. The location and design, including materials, of any existing or proposed walls, fences and gates;

iv. All soft landscaping and planting works to conserve, restore and enhance biodiversity levels, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and

v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Biodiversity enhancement measures may include, but are not limited to, inclusion of soft screen planting and/or installation of bird/bat boxes. Generous tree planting shall also be incorporated to compensate for any tree removal.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In the interest of biodiversity net gain.

## 7. Construction Traffic Management Plan (CTMP)

No development shall commence on site until a finalised Construction Traffic Management Plan has been submitted to, and approved in writing by, The Council in consultation with Transport Scotland. The Construction Traffic Management Plan shall include:

- a) Identification of the routes to site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period;
- b) Scheduling and timing of movements, avoiding local school peak travel times, and any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network;
- c) Traffic management measures on the routes to site for construction traffic including details of traffic management proposals to prevent HGVs meeting on the private access to the site or at its junction with the public road. In addition, measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Local Roads Authority before delivery commences;
- d) Measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
- e) A procedure for condition surveys of the site access and construction traffic routes along with the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- g) Provisions for emergency vehicle access;
- h) A timetable for implementation of the measures detailed in the CTMP; and

i) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

(2) In the event that Abnormal Indivisible Loads (AIL) are required, prior to the delivery of any AIL to the site, the CTMP shall be updated to include the proposed route for any AIL on the public road network along with any accommodation measures required, including the removal of street furniture, junction widening, and traffic management measures.

Thereafter the approved CTMP shall be implemented in full prior to development commencing and remain in place until the development is complete.

Reason: In the interest of road safety and to mitigate any impacts of construction traffic and the delivery of abnormal loads on the public road network

## 8. Vehicle Parking Provision

Prior to the first occupation of the development hereby approved, the car parking spaces detailed on approved site layout plan 230103.MSB HEALTH.04PP REV C shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate.

## 9. Use Limitation

The development shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason: To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

## 10. Materials Specification

No development or work shall commence until a detailed specification for all proposed external materials and finishes (including RAL codes or similar, trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles

11. Structural Stability Prior to the first occupation of the development hereby approved, a report by a suitably-qualified structural engineer shall be submitted to and approved in writing by the Planning Authority, in order to confirm that the approved capsules' supporting blockwork piers are constructed to a suitable standard able to withstand inundation from a 1-in-200 year (plus climate change) flood event.

Reason: In the interests of flood risk mitigation and capsule occupants' safety.

## 12. Cycle Storage

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 Planning Authority. The cycle parking shall be designed in accordance with Section 6.3.6 of 'Roads and Transport Guidelines for New Developments' (2013) and implemented prior to first use of the development.

Reason: In order to facilitate the use of a variety of modes of transport.

### 13. Dust

No development shall commence on site until a scheme for protecting properties adjacent to the development site from dust has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented before any part of the development is brought into use and thereafter be maintained.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

### 14. Sustainable Drainage Systems

All surface water drainage provision within the application site shall be implemented in accordance with the approved Drainage Layout Plan ref. CTCH-J5611-001 and Drainage Impact Assessment (submitted 10 June 2024) and shall be completed prior to the first occupation of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

### 15. Operational Management Plan

Prior to the first occupation of the development hereby approved for short-term holiday letting accommodation, an Operational Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include, but not be limited to, details of:

1. Guest arrival and departure procedures, including check-in/check-out times and parking arrangements;
2. Noise management measures, including how guests will be informed of expected behaviour and how complaints will be handled;
3. Waste management, including refuse storage and collection arrangements;
4. Maintenance and servicing arrangements, including cleaning schedules and property upkeep;
5. Contact details for a local responsible person or management company, available 24/7 to respond to any issues arising from the use of the property;
6. Maximum occupancy levels and how these will be monitored and enforced; and
7. Measures to prevent anti-social behaviour and ensure the amenity of neighbouring properties is protected.

The approved Operational Management Plan shall be implemented in full prior to the first use of the accommodation and shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

#### 16. Traffic Management Plan

No development shall commence until a Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. The plan shall include, but not be limited to, the following details:

1. Internal circulation arrangements, including the layout and operation of a one-way traffic system within the site;
2. Signage strategy, including the location, design, and wording of signs to clearly direct vehicles through the one-way system and to the designated entry and exit points;
3. Access arrangements, including how vehicles will safely exit the site onto St George's Park Lane, with visibility splays and any necessary improvements to the junction;
4. Pedestrian safety measures, including footpaths, crossing points, and any separation from vehicular routes;
5. Measures to manage peak arrival/departure times, to avoid congestion within the site and on the public road network.

The approved Traffic Management Plan shall be implemented in full prior to the first use of the development and shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of road safety

## **Appendix 2: Application drawings**

CTCH-J5611-001 - Drainage Layout Plan

CTCH-J5586-001-02 - Topographical Survey – Layout

230103.MSB HEALTH.07PP(B) - Proposed Floor Elevation Plan - Laundry refuse Store

230103.MSB HEALTH.06PP(C) - Proposed Floor Elevation Plan

230103.MSB HEALTH.04PP(C) - Proposed Site layout Plan

CTCH-J5586-001-01 - Topography Plan 1 of 2

CTCH-J5586-001-00 - Topography Plan 2 of 2

230103.MSB HEALTH.05PP(C) - Visibility Splay Plan