

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS AND REVIEW COMMITTEE – 1 July 2008**

Agenda Item	3.5
Report No	28/08

**06/00057/OUTRC Erection of two houses and associated services on land at Nigg  
Ferry Hotel, Nigg**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

The development of this site adjacent to the Nigg Ferry Hotel for 2 houses is contrary to Policy and could result in a conflict of uses.

**The Recommendation is to REFUSE outline planning permission.**

Ward Number 8 – Tain and Easter Ross

Applicant – Mr Norman F Kimber, Nigg Ferry Hotel, Nigg

**1. PROPOSAL**

- 1.1 The proposal is in outline for the erection of two houses on land at the Nigg Ferry Hotel.
- 1.2 The Hotel lies adjacent to the Ferry Pier at the end of the B9175 road to Nigg. The site is within the existing hotel grounds, to the east of the hotel buildings, and towards the existing neighbouring house, 'Coille Mhor'. The area is currently grassland. Access is off the existing roundabout through the hotel grounds, and the proposals include the rearrangement of the existing hotel car park.

**2. PLANNING HISTORY**

- 2.1 A previous application for three houses in the same general area, 05/00100/OUTRC, was refused by the Ross & Cromarty Area Planning Committee at its meeting of 26 April 2005 for the following reasons:
  1. The proposal is contrary to the Adopted Structure Plan and Easter Ross Local Plan (Policy 7.17b), and Ross and Cromarty East Local Plan (Deposit Draft Modifications (Policy 41) which both maintain a presumption against residential development in this area due to the potential of a conflict of uses with the nearby Nigg industrial site and the safeguard of the Pitcalzean Mains Site for petrochemical development.

As such, any residential development at this site would also be contrary to Scottish Planning Policy PP2 (Economic Development) and Structure Plan Policy B1 which safeguards the Pitcalzean Mains site for petrochemical uses. The proposals if approved may prejudice the wider planning policy objectives designed to secure maximum benefit from allocated land adjacent to deep water berthage opportunity.

2. Site 3 is sandwiched between the rear of the accommodation block at the Hotel and an industrial development with considerable potential for nuisance and disturbance. It will look West to the former Platform site at Nigg. As such, the site does not offer suitable opportunity for residential uses because the development will be non conforming with established uses.
3. The applicant has not demonstrated that proper servicing provisions can be made, in particular the access road is private and there is no submitted evidence that the development of 3 houses can be adequately drained.

### **3. PUBLIC PARTICIPATION**

- 3.1 The application was advertised on 27 January 2006 under Section 34 of the Act and as being a potential departure from the provisions of the development plan. The period for representations to be made expired on 17 February 2006. There have been no representations to this proposal. However, a neighbouring resident has pointed out that an underground power cable crosses the site, and that the area shown for a soakaway floods during periods of heavy rain.

### **4. CONSULTATIONS**

- 4.1 **TEC Services (Roads)** have no objections subject to appropriate conditions in relation to access and parking arrangements.
- 4.2 **SEPA** comment that percolation tests have not been undertaken.
- 4.3 **Archaeology** comment that there are a number of reported archaeological sites in this area. When detailed plans are drawn up, there will be an archaeological interest to be considered.

### **5. POLICY**

- 5.1 The following policies are relevant to the assessment of the proposal

#### **Highland Structure Plan**

- Policy B1 – The large petrochemical site at Nigg is protected in the national interest.

## **Ross and Cromarty East Local Plan**

- Policy 38 – At Nigg Point, the Council will safeguard approximately 312ha of land extending from Pitcalzean Mains Farm to Nigg Beach for major petrochemical development. The Council will presume against proposals that would prejudice its long term potential.
- Policy 39 – The Council will consider proposals for the commercial development of the Nigg Ferry Hotel on their merits. Arrangements to facilitate access and parking to the Nigg beach area will also be encouraged. A presumption will be maintained against further development of housing and other uses considered incompatible with a major industrial site at Nigg.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- SPP2 – Economic development

## **6. PLANNING APPRAISAL**

6.1 **Determining issues** - 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.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 A previous application (05/00100/OUTRC) for the development of 3 houses was refused. The present application is similar to the previous proposals - Plot 3 has been omitted, reducing the development to two houses, and the access has been amended to being by way of the hotel car park, rather than off the unadopted rear access road. The previous reason 2 for refusal has therefore been overcome, and reason 3 partially overcome in that the access has been amended. However, the main reason for refusal remains unaltered since the application is still contrary to policy.

6.4 The industrial site at Nigg is of national importance, and policy has accordingly been designed to protect the site. Although currently lying largely vacant, the industrial use of Nigg Yard could resume to its former level. A conflict naturally arises where industrial and residential uses are in close proximity, and this is recognised by Policy 39 of the Local Plan. In view of the national importance of the Nigg Yard, this has to be protected over and above local uses.

Residential development is considered to be incompatible with the industrial significance of the adjacent Nigg Yard, and is not acceptable. This is reflected in Policy 39 of the Local Plan.

- 6.5 Furthermore, the nearby Pitcalzean Mains site continues to be safeguarded for petrochemical development in SPP2 Economic Development as well as in the Ross and Cromarty East Local Plan (Policy 38) and Structure Plan Policy B1. There is therefore also a potential for a conflict between the petrochemical allocation and residential usage. Further residential development must therefore be resisted.
- 6.6 The proposed houses are intended for occupation by the owners on their retirement, and for their daughter to provide continuous health care needs for both parents. In the applicant's opinion, the proposed houses will provide an acceptable continuity of habitable buildings to the east of the hotel when viewed from the shore line and the south soutar. This might be considered remedial in light of the removal of the original crofts, houses and holiday accommodation which were in the Nigg area prior to the construction of the fabrication yard, and which were removed after being allowed to fall into dereliction by the yard owners.
- 6.7 Since the application was lodged, the hotel has ceased trading. An application has recently been received (08/00108/FULSU) for the change of use of the hotel to 4 residential units. This has not yet been determined.
- 6.8 Percolation tests have not been undertaken. It is therefore not known whether adequate percolation exists from the proposed soakaway area. The applicant states that the area of the proposed soakaway has previously been used informally for parking which has compacted the ground resulting in puddles in times of rainfall, which do clear.
- 6.9 The parking area shown will be for hotel patrons only, and not available for use by the public wishing to access the beach area.
- 6.10 The applicant has no record of underground power cables crossing the site. However, if any were discovered, he has indicated a willingness to re-route them away from the buildings.

## **7. CONCLUSION**

- 7.1 The proposed development of two houses on the site is clearly contrary to policy and could result in a conflict in uses between the major industrial site at the adjacent Nigg Yard, the Pitcalzean Mains site which is safeguarded for major petrochemical development, and the proposed residential development. This would also be detrimental to the amenity of any potential residents at the site.
- 7.2 The applicant has also failed to demonstrate that the site can be adequately drained.

## **RECOMMENDATION**

**Refuse outline planning permission** for the following reasons:

1. The proposal is contrary to the Ross and Cromarty East Local Plan (Policy 39) which maintains a presumption against residential development in this area due to the potential of a conflict of uses with the nearby Nigg industrial site (Structure Plan Policy B1) and the safeguard of the Pitcalzean Mains site for petrochemical development (Local Plan Policy 38). As such, any residential development at this site would also be contrary to Scottish Planning Policy SPP2 Economic Development. The proposals, if approved, may prejudice the wider planning policy objectives designed to secure maximum benefit from allocated land adjacent to deep water berthage opportunity.
2. The applicant has not demonstrated that the site can be adequately drained.

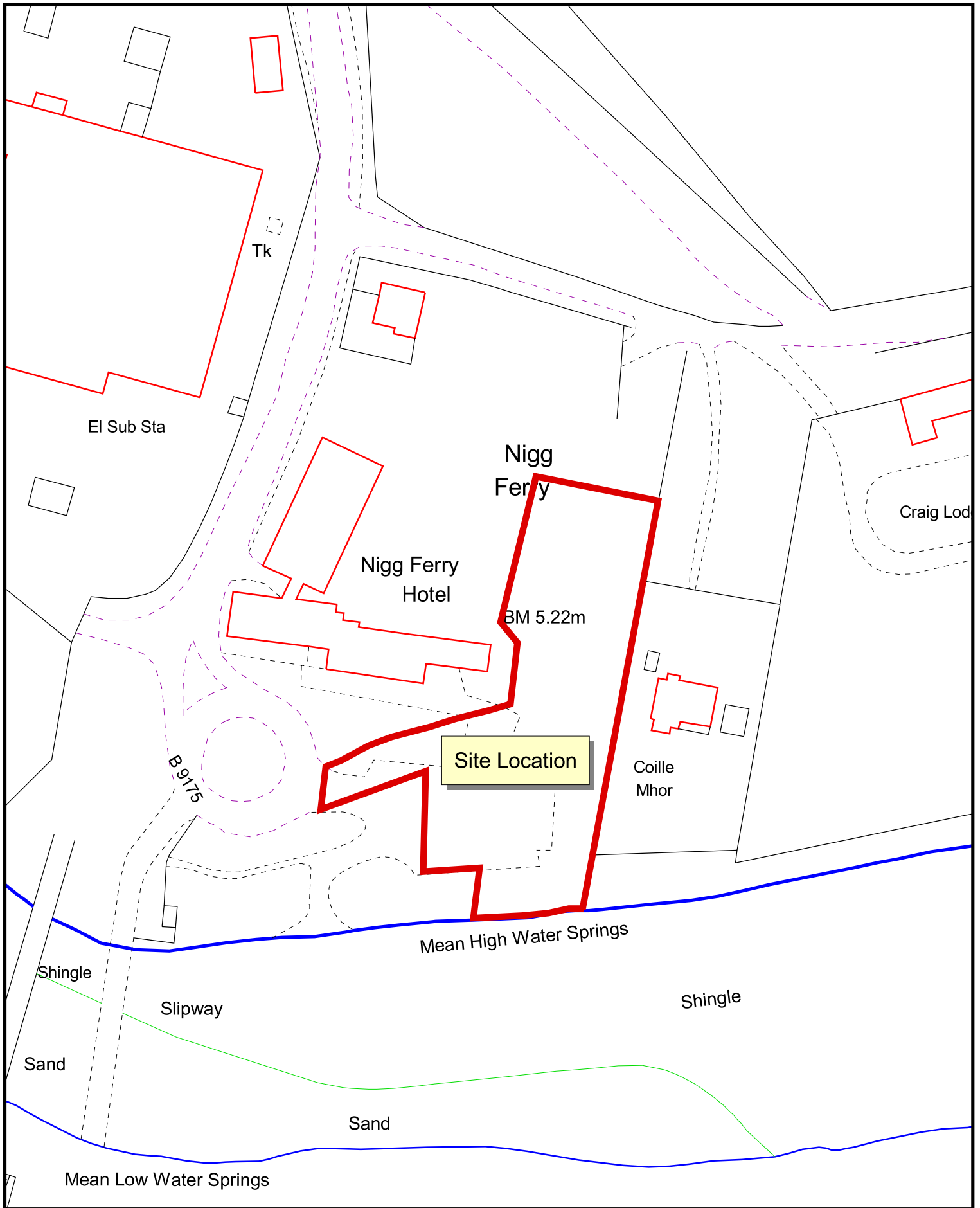
Signature: Allan J Todd

Designation: Area Planning and Building Standards Manager

Author: Susan Hadfield, Planner (01349 868663)

Background Papers: As referred to in the report above and case file reference number 06/00057/OUTRC.

Date: 18 June 2008



06/00057/OUTRC  
 Erection of Two Houses (Outline) (Resubmission)  
 at Land To North East of Nigg Ferry Hotel, Nigg

Mr Norman F Kimber  
 per Mr C Thomson  
 c/o 2 Shop Street  
 Inver  
 Tain.

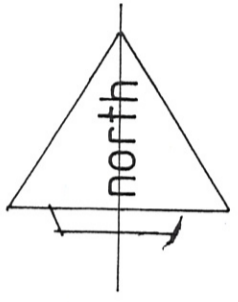


Date: 20 June 2008

**SUPPLIED BY THE HIGHLAND COUNCIL**

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K.B.R. CALEDONIA  
Fabrication Yard  
NIGG, TAIN, ROSS-SHIRE



Training School

THE HIGHLAND COUNCIL  
PLAN 1 OF 3 SUBMITTED WITH  
PLANNING APPLICATION NO: 06/00057/OUTRC  
DATE OF RECEIPT: 25TH MARCH 2008

to A.Y.  
TAIN

Public road  
kerb  
boundary

NIGG FERRY HOTEL

MR. N.F. KIMBER  
(owner / proprietor)

Entrance

SEABOARD MARINE SERVICES  
NIGG FERRY, TAIN  
boundary

DOW CHEMICALS  
per DR. J. JENKINS  
DUNSKETH HOUSE  
NIGG, TAIN  
Public road

PROPOSED  
RESID'L, DEV'T,  
revised (16/03/08)  
BLOCK PLAN

Scale 1:500



J&M. BROWN.  
Castle-craig Lodge  
NIGG FERRY TAIN

A. M. CLARK.  
Coilley Mhor  
NIGG FERRY TAIN

boundary

grass area

boundary

FRESHORE

per CROWN ESTATES COMMISSION  
CROWN ESTATE OFFICE.. 10 CHARLOTTE SQ.  
EDINBURGH, E.H.2 4DR

NOTE - std. sgl. sty  
2 bed houses

screen fence

septic tk

grg

grg

septic tk

septic tk

soakaway  
area

boundary  
fence

parking