

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 19 AUGUST 2008

Agenda Item	4.1
Report No	44/08

08/00108/FULSU: Change of use from hotel to four residential units
at Nigg Ferry Hotel, Nigg

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is to change the use of the hotel to four residential units.

No representations have been received.

The Recommendation is to Refuse planning permission.

Ward Number 8 – Tain and Easter Ross

Applicant – Mr Norman Kimber

1. PROPOSAL

- 1.1 The hotel is located at Nigg Ferry on the north side of Nigg Bay adjacent to the seasonal ferry slip and to the east of the currently disused fabrication yard at Nigg Point. The public road terminates at the hotel with a roundabout and ferry slipway.
- 1.2 The hotel is a collection of buildings, with the original hotel of traditional Highland architectural form with two storeys and a slated roof. The hotel building has expanded over many years with several unsympathetic low pitched sections. The overall appearance is of a spread of linked buildings on an east-west axis running parallel to the shore, with a scenic outlook towards Cromarty and the Sutors.
- 1.3 The owner is seeking to change the use of the existing hotel building to four residential units. The existing building is to be broken down into the original constituent parts to form four units. The three western units would be 2 storey, with the upper floors being either in the existing roof space, or the upper floor of the original hotel building. The fourth unit to the east would be the existing single storey cottage.

- 1.4 The owner has indicated that the hotel was put up for sale in December 2006 as he proposes to retire from the hotel business. The property has been marketed by agents for the owner since the summer of 2007, with advertisement in the trade press, local press, Highland Solicitors Property Centre and various property websites. Copies of the marketing information have been provided in support of the application. The marketing agents have indicated in the region of 15-20 viewers. One formal offer was made, although it was subsequently withdrawn.

2. PLANNING HISTORY

- 2.1 A planning application for the erection of two houses and associated services (06/00057/OUTSU) was considered by Committee on 1 July 2008. This application was immediately to the east of the current application site. A copy of the report is attached for reference.
- 2.2 The application was refused by Committee. The main reason for refusal was:

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.

3. PUBLIC PARTICIPATION

- 3.1 No representations have been received on the proposal.

4. CONSULTATIONS

4.1 Internal Consultees

Area Roads and Community Works Manager – No objections. The applicant should be made aware that the roundabout outside the hotel is part of the public road and, as such, cannot be altered without prior consultation with the Roads Authority. One way signs will need to be erected to ensure that egressing traffic continues around the roundabout in a clockwise direction. A service layby will also be required for servicing vehicles.

Archaeology – No objection. The application will affect a building that is considered to be of historic interest. A photographic record of the building should be undertaken (ARC 3 condition).

Development Plans – The Ross and Cromarty East Local Plan identifies the hotel under paragraph 39 of Chapter 6 Landward section. The policy text indicates that the Council will consider proposals for appropriate commercial development of the hotel. There is a presumption against residential development at this location given the proximity to the large scale petrochemical allocation (detailed at paragraph 38) and to the existing Nigg Yard (detailed at paragraph 37). In addition a further area of land (detailed at paragraph 44) is allocated for uses ancillary to the Nigg Yard or for future petrochemical development. Whilst the use of the Nigg Yard has diminished significantly, current investigations are seeking to determine appropriate future uses for the collective industrial allocations through the preparation of a development masterplan. This work follows on from the existing Inner Moray Firth Ports and Sites Strategy which furthered thinking on the future of sites and strategic locations throughout the Inner Moray Firth. In addition, the Council’s response to the recent consultation on the National Planning Framework 2 affirms the intention to continue to support the redevelopment of the Nigg Yard, and the potential of associated sites.

In regard to the application, **there is a clear presumption against residential development at the Nigg Ferry Hotel on the basis that it is considered incompatible with the potential industrial development on surrounding sites.**

4.2 External Consultees

Scottish Water – No objections.

5. POLICY

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

Highland Structure Plan:

- G2 - Design for Sustainability
- B1 - Industrial and business sites – the large petrochemical site at Nigg is protected in the national interest.
- B5 - Oil related development at Nigg

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 the 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
- 6.3 The application is to change the use of the hotel to four residential units. The applicant has indicated that the hotel has been for sale for over a year and has not traded since March 2008. The application to convert it into residential units may provide an alternative use for the building to the current hotel use.
- 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 the 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. The application is therefore being reported to Committee as it is contrary to both Structure and Local Plan policy, and does not accord with National Guidance.
- 6.5 Whilst the application is different to the previous application 06/00057/OUTSU, as it is to convert the existing hotel, rather than to add new build residential units adjacent to the hotel buildings, it would, if approved, result in a new private residential use in close proximity to the Yard, rather than the existing commercial hotel. Whilst I have a degree of sympathy with the position of the applicant, who wishes to retire from the business and realise the value of the building and the site, I would advise Members that this is not material to the planning merits of the proposal.
- 6.6 The proposal does not accord with policy.

7. CONCLUSION

- 7.1 The proposed re-development of the hotel to residential, rather than commercial use, is contrary to policy. It could result in a conflict in use 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.

RECOMMENDATION

Refuse 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.

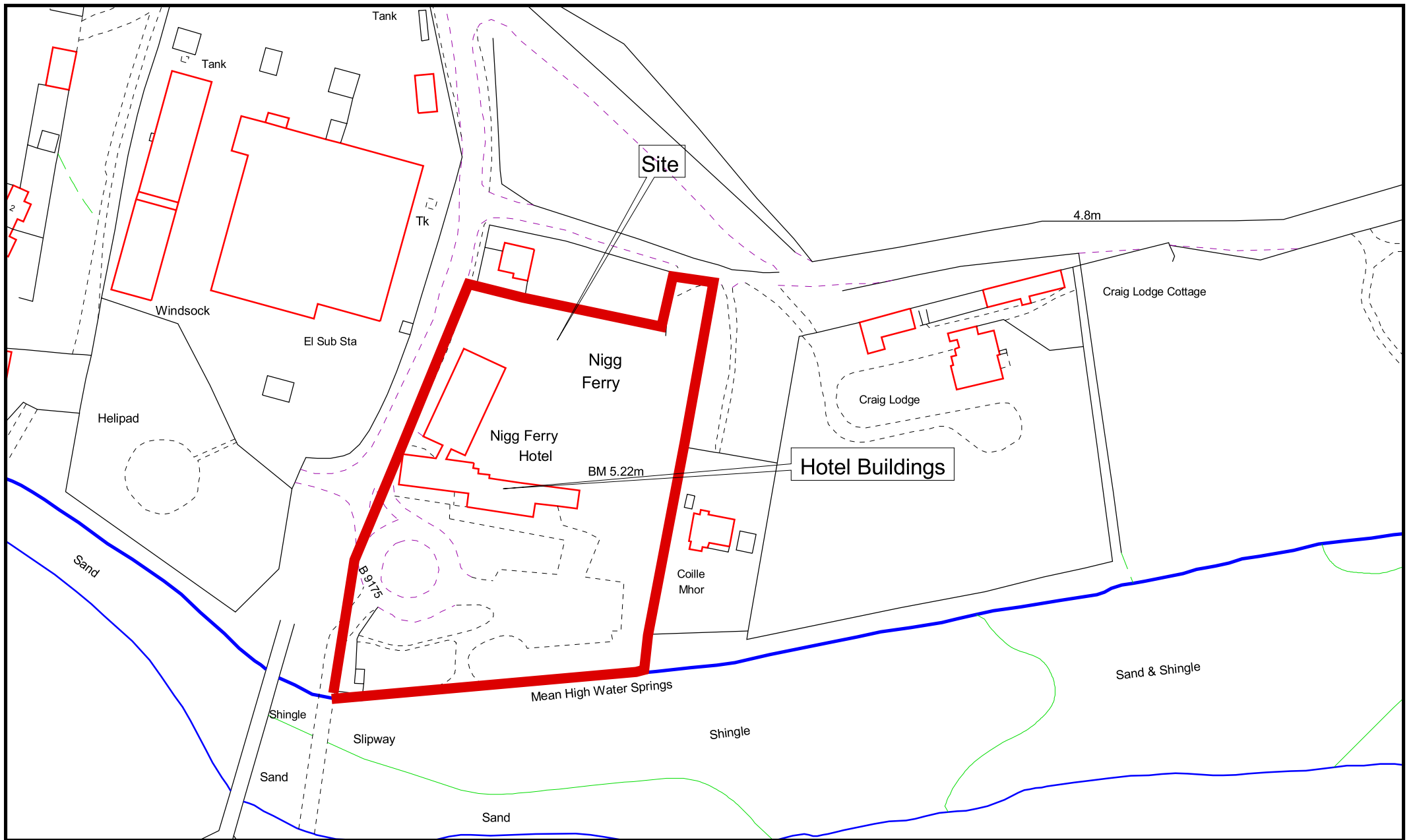
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01408 635371

Background Papers: As referred to in the report above and case file reference number 08/00108/FULSU

Date: 3 August 2008



08/00108/FULSU - Change of use from hotel to four residential units at Nigg Ferry Hotel, Nigg

SUPPLIED BY THE HIGHLAND COUNCIL

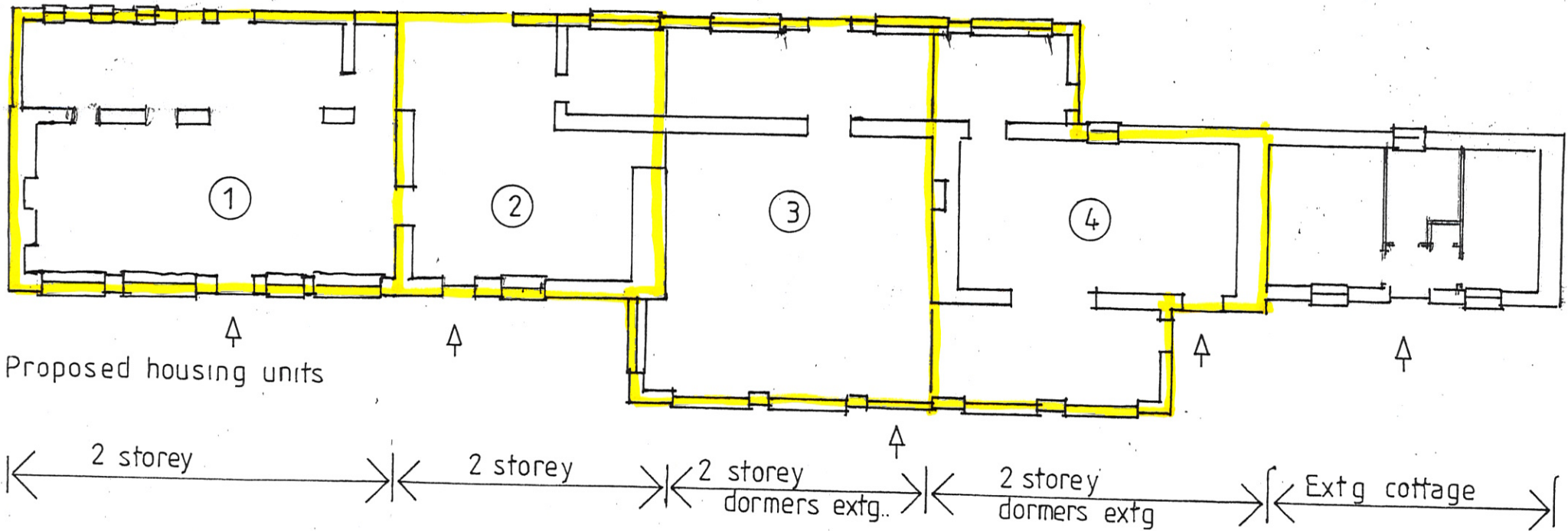
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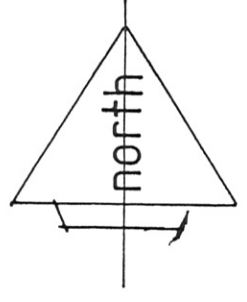
4 August 2008

NIGG FERRY PROPOSED CHANGE OF USE

PLAN 2 OF 4 OF APPLICATION REFERENCE
08/00108/FULSU
RECEIVED 6/5/08



Scale 1:200



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

Training School.

to AINW
TAIN

Public road
kerb boundary

SEABOARD MARINE SERVICES
NIGG FERRY, TAIN

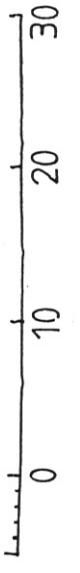
Public road

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

Public road

PROPOSED
RESID'L, DEV'T,

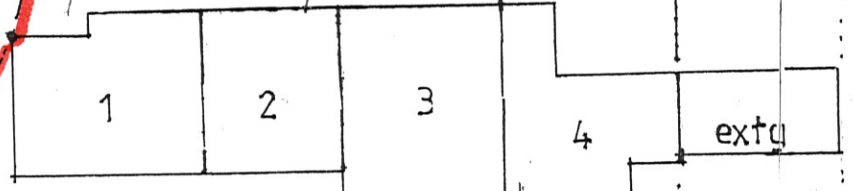
BLOCK PLAN
Scale 1:500



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

A. M. CLARK.
Coilley Mhor
NIGG. FERRY TAIN

boundary



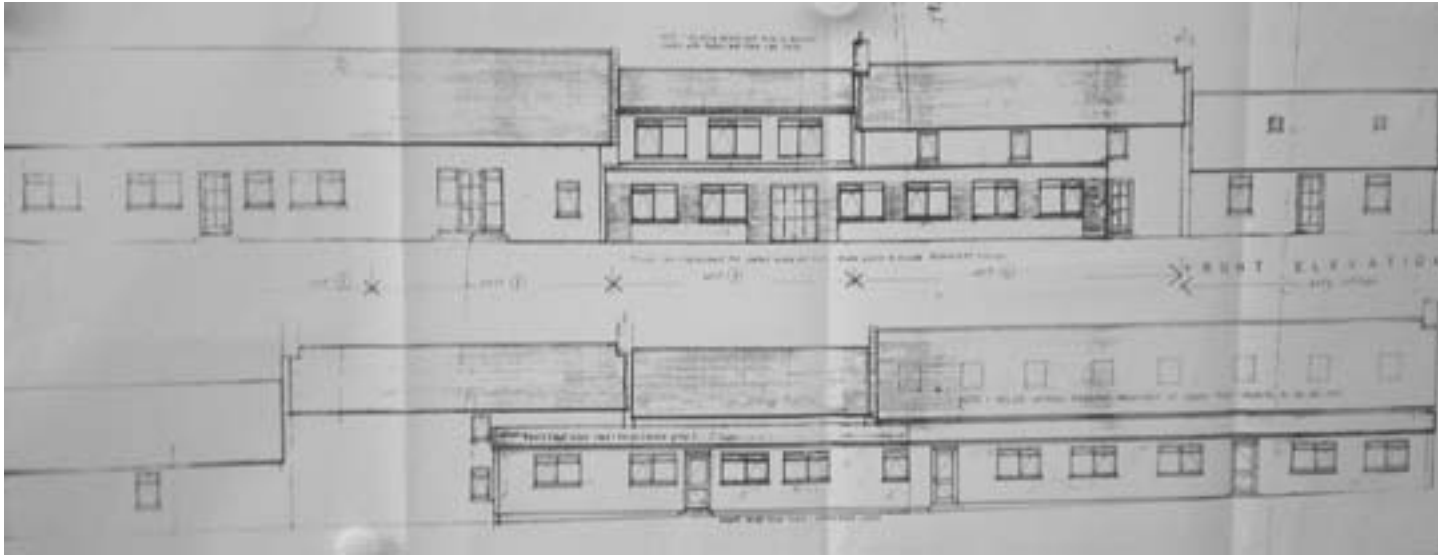
grass area

boundary

FRESHORE

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

RECEIVED
c8/10108/1715108
PLAN 3 of 4
EDINBURGH



THE HIGHLAND COUNCIL

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

Agenda Item	
Report No	

**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.

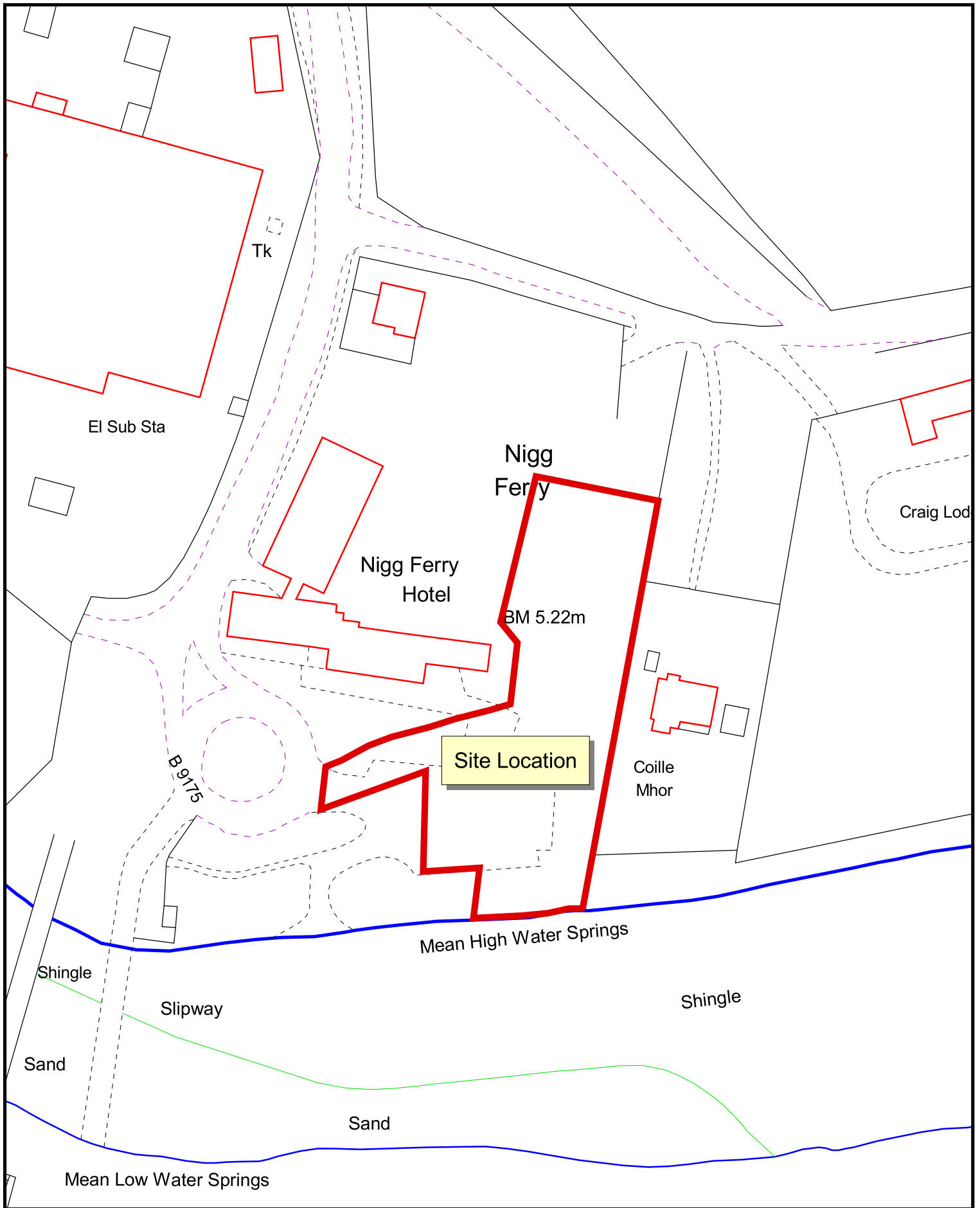
Signature: Allan J Todd

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.

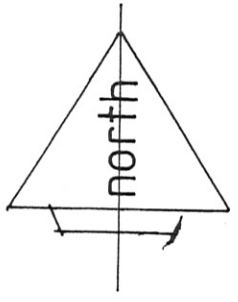


Date: 20 June 2008

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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

parking

NOTE - std. sgl. sty
2 bed houses

screen fence

septic tk

grg

grg

septic tk

boundary fence

FRESHORE

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