

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 10 August 2010

Agenda Item	
Report No	

**07/00913/FULRC: Robert Paterson
Tomich Farm Steadings, Invergordon**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Conversion of steading to form six houses and erection of four houses

Recommendation - GRANT

Ward : 7 – Cromarty Firth

Development category : Local

Pre-determination hearing : Not applicable

Reason referred to Committee : Community Council objection

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application comprises the conversion of a disused traditional steading building to six terraced houses, (three two-bedroom and three three-bedroom units.) In addition, it is proposed to demolish a further steading and cottage and erect two blocks of two-bedroom semi-detached bungalows. This creates ten houses in total to be served from a new access onto the Tomich – Newmore public road to the west. The development is to be finished in natural stone and render with natural slate roofs throughout. The layout includes a communal biodisc treatment plant, car parking and vehicle turning areas, and substantial landscaping.
- 1.2 There has been considerable discussion over development on this site, dating back to informal pre-application advice prior to submission of the previous withdrawn application in March 2007.
- 1.3 The site is currently accessed via a track which joins the public road very close to its junction onto the A9 trunk road at Tomich. This track also serves (and will continue to serve) four other properties at 1-3 Tomich Farm Cottages and the former Tomich farmhouse. It is proposed that this track will be stopped up to vehicle access beyond the access to 3 Tomich Farm Cottages. Public water supply exists to the site however there is no public drainage.
- 1.4 The application has been supported by a Drainage Report, a Bat Survey and Mitigation Plan, an Archaeological Photographic Record and a Landscape Plan.

1.5 A number of variations have been made to the application since its submission in September 2007. The majority of those are relatively minor correcting inaccuracies and amending landscaping and drainage details in response to consultee comments. Proposals for adjusted access arrangements in March 2008 were subject to revised neighbour notification and re-consultation with Invergordon Community Council and TECS(Transport).

2. SITE DESCRIPTION

2.1 The site comprises the former working area associated with Tomich Farm and includes a traditional stone/slate U-shaped steading, with several more modern infilled sections and extensions; a second large rectangular footprint stone/slate steading immediately to the east of this; a corrugated metal open sided former cart shed; and a stone/slate single storey cottage. The site is relatively self-contained, situated immediately to the east of the Tomich – Newmore public road and roadside burn. A number of scattered houses lie to the south, between the site and the old A9. Agricultural land and buildings lie to the north and east. Existing trees around the burn and on the embankment to the north provide screening from adjoining uses.

3. PLANNING HISTORY

3.1 07/00250/FULRC Conversion of steading to form five houses and erection of seven houses – Withdrawn 31.08.2007.

4. PUBLIC PARTICIPATION

4.1 Advertised : Section 34 and Potential Departure

Representation deadline : 05.10.2007

Timeous representations : 2

Late representations : 1

4.2 Material considerations raised are summarised as follows:

- Concerns that all construction traffic should use new road and not existing access;
- Development will increase pressure at the junction with the A9 and it is suggested that this would be an appropriate time to take measures to alleviate this, such as speed restrictions, traffic lights or street lighting;
- Concerns that the corrugated shed to be used as car port will be subject to building regulations and upgraded to a suitable condition;
- Note that there is colony of bats using the barns and this must be checked before any demolition or development;
- Inaccuracies in site plan highlighted;
- Concerns over drainage proposals;

- Adjacent farmer highlights proximity of agricultural unit and need for the developers to provide a secure and robust boundary between the two uses.

4.3 All letters of representation can be viewed at the Area Planning Office and will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **Invergordon Community Council** : Objecting on the grounds of increased amount of traffic at the Tomich junction onto the A9 trunk road. Also concerned that access onto the Tomich – Newmore road does not appear to have sufficient visibility.

5.2 **TECS (Transport)** : No objections. Access arrangements now agreed and will be subject to Road Construction Consent.

5.3 **TECS (Contaminated Land)** : No objections. Satisfied with completed questionnaire which indicated presence of fuel store. Condition should be attached requiring site investigation.

5.4 **Forestry Officer** : No outstanding objections subject to conditions.

5.5 **Housing Officer** : No objections subject to Section 75 agreement securing commuted sum for the provision of affordable housing.

5.6 **Archaeology Unit** : Copy of archaeological photo record received. No further work is necessary.

5.7 **Transport Scotland** : No objections.

5.8 **SEPA** : Further to information provided by the applicant's consultants with regard to flood risk no outstanding objections.

5.9 **Scottish Water** : No objections.

5.10 **SNH** : No objections. Satisfied with Bat Mitigation Report. In this case a licence to disturb European Protected Species will have to be applied for from the Scottish Government Habitats & Species Department.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G1	Conformity with Strategy
G2	Design for Sustainability
H3	Housing in the Countryside

6.2 **Ross and Cromarty East Local Plan (2007)**

GSP1 Design and sustainable construction

GSP10 Housing in the Hinterland Area

BP3 Background Policy

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside

Affordable Housing

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

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.

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.

8.3 **Development Plan Policy Assessment**

The site lies within the Hinterland Around Towns area as defined within the adopted Local Plan however involves the conversion of an existing disused traditional building and the erection of two small semi-detached cottage blocks on the site of buildings to be removed. The detail of the submission demonstrates compliance with the criteria under one of the named exceptions within the Supplementary Guidelines for Housing in the Countryside - that is, 'The conversion, reuse or redevelopment of buildings or land'.

The removal of later additions to the traditional steading and its sensitive conversion and productive re-use together with the demolition of two other buildings and their replacement with modest semi-detached cottages will bring about a net environmental benefit thereby complying with policy. The construction of a new access further from the A9 junction will reduce the traffic currently using the existing track which emerges almost immediately at the junction. The new access will also serve the adjoining agricultural holding, thus removing all non-domestic traffic from this existing track.

8.4 **Material Considerations**

- 8.5 **Servicing** – There are no objections from Scottish Water. A public water supply exists. Private foul drainage arrangements proposed consist of a communal biodisc treatment plant discharging to the Tomich burn. This has been agreed with SEPA. A separate SuDS system consisting of roadside filters, filtration attenuation tank and individual garden soakaways is proposed for surface water drainage. The Council's Contaminated Land Unit recommends a condition requiring a site investigation given the previous use of part of the site as a fuel store.

The main servicing issue is access. A previous application for redevelopment of the site was eventually withdrawn because of a number of issues including the proposal to use the existing access track. TECS (Transport) objected to this in view of the proximity of the junction of this access onto the public road just north of the Tomich junction onto the A9 trunk road. The track emerges at the same point as the junction with the old A9 and directly opposite the access into the Tomich Restaurant and Garden Centre. In order to address this concern, the current application proposes construction of a new access approximately 150 metres from the trunk road junction and details of this have been agreed with TECS. The existing track will be stopped up to vehicles beyond access to 3 Tomich Farm Cottages.

- 8.6 **Community Council objection** – It is noted that the Community Council has again expressed its concern over the safety of the Tomich junction and objected to the application on the basis of increased traffic at this junction. Transport Scotland has been consulted and confirms no objection. Similarly TECS (Transport) is now satisfied with the proposed new access road proposal. As Members will be aware, the successful appeal of the Council's decision to refuse the Energy From Waste Plant at Invergordon for road safety reasons (amongst others) demonstrates the fragility of using this as a reason for refusal. Thus, whilst it is recognised that there are ongoing concerns in the community over the safety of the junction, given the advice of Transport Scotland ratified by the Scottish Government it is not considered reasonable to resist the development on this basis. Indeed the proposal to remove any slow moving heavy agricultural use of the current track emerging at the junction should create an improvement to road safety.

- 8.7 **Third Party Representations** – The three representations lodged do not object to the application. The plans have been amended to address some of the issues raised and a bat survey and mitigation plan has been lodged as supporting information to address concerns over bats roosting in the old buildings. Quite separately, and notwithstanding any planning permission granted by the Council, prior to any work commencing on alterations or demolition of the buildings, a licence will be required to be obtained from the Scottish Government. Conditions can be attached to cover issues of boundary treatment and construction traffic access.

8.8 **Landscaping and Ecology** – The original proposals were deficient in terms of landscaping detail and in addition amended details relating to access and drainage have involved continued correspondence and consultation with the Council’s Forestry Officer. An updated landscaping plan has however now been submitted and the Forestry Officer is content with this subject to three conditions being attached. As intimated at paragraph 8.7 above, a bat survey and mitigation report was lodged with the application and contains detailed proposals to deal with the displacement of the Long Eared and Natterer bat roosts during construction and within the new development. SNH advises that the mitigation report is excellent however a formal licence will be required from the Scottish Government prior to any work taking place.

8.9 **Matters to be secured by Section 75 Agreement**

As the application proposes ten houses there is a requirement under Council policy to secure 25% affordable housing provision. Whilst the applicant had originally hoped for an agreement with a social housing provider to deliver 2-3 units, in the present economic climate this has not been achieved. It is therefore proposed that if Committee is minded to grant permission then this is held pending prior conclusion of a Section 75 Agreement to cover payment of a commuted sum from the developer to the Council in lieu of 25% affordable provision.

9. **CONCLUSION**

9.1 It is submitted that further to considerable correspondence, consultation and adjustments to plans, the development proposals are now sufficiently designed and detailed to address all technical concerns and comply with Council policy. The sensitively designed redevelopment proposals will create an attractive enclave of houses within a kilometre of Newmore primary school. Accordingly it is considered that permission should be granted subject to the conditions listed below.

10. **RECOMMENDATION**

Action required before decision issued	Y	
Notification to Scottish Ministers	N	
Notification to Historic Scotland	N	
Conclusion of Section 75 Agreement	Y	(Required to secure commuted sum for the provision of affordable housing)
Revocation of previous permission	N	

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

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice, immediately after which period, should development not have commenced, this planning permission shall expire.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority. From the date of acknowledgement, the Site Notice attached to it shall be posted in a publicly accessible part of the site until the development is completed.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).

4. Prior to any development commencing the Applicant shall provide, by way of an assessment of potential contamination issues, evidence that the site is suitable for its proposed use. Such an assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33, and with the British Standard for investigation of potentially contaminated sites (BS10175:2001). Should contamination be found, the Applicant shall submit a written remediation strategy and effect remediation in consultation with the Council's TEC Services, that the site is suitable for use, all before any work commences on site.

Reason : To ensure that the site is suitable for residential use.

5. Prior to the commencement of all other development on site, the proposed access road onto the Tomich – Newmore public road shall be subject to Road Construction Consent and formed in accordance with the Council's Roads Guidelines for New Developments. On formation of this road, the existing track shall be permanently stopped up to vehicular traffic and a turning area provided within the applicant's land opposite the entrance to 3 Tomich Farm Cottages, to be completed to the satisfaction of the Planning Authority prior to commencement of all other development on site. For the avoidance of doubt, all construction traffic shall use the new access.

Reason : In the interests of road safety and in order to safeguard the established amenity of existing residential properties adjacent.

6. With effect from the date of this permission, no trees shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

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

7. Prior to any development commencing (including the construction of the access) a Tree Protection Plan shall be submitted for the approval of the Planning Authority in accordance with BS5837:2005 (Trees in Relation to Construction) which includes details of appropriate protection measures for all retained trees before and for the duration of the development. For the avoidance of doubt, the willow tree shall be retained adjacent to plots 9 and 10 as shown on the approved landscape plan.

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

8. Prior to any development commencing a detailed landscape plan (showing hard and soft landscaping) and maintenance programme shall be submitted for the approval of the Planning Authority, including details of a factoring agreement. The plan shall clearly show details of all proposed boundary treatment and for the avoidance of doubt this shall include a robust unclimbable fence with rabbit netting along the northern boundary with the agricultural building and land to the north. The plan shall clearly detail the proposed finishes of all hard surfaces including the car parking areas and footpath linking the site with the old track to the south. All planting thereby approved shall be carried out during the first planting season following approval and all hard surfacing and boundary treatment as approved shall be installed prior to first occupation of the development.

Reason : In order to ensure that the development is undertaken with sensitivity to its surrounds in the interests of amenity and safety.

9. Prior to any development commencing full details of all proposed finished materials shall be submitted for the approval of the Planning Authority. For the avoidance of doubt this shall include as far as is possible the use of existing natural stone, wet render and natural slate. Full details of the proposed refurbishment of the cart shed shall form part of this submission. Development shall thereafter progress on the basis of the approved plans.

Reason: In order to ensure that the development is undertaken with sensitivity to its surrounds in the interests of amenity.

10. Prior to any development commencing full details of all bat mitigation measures shall be submitted for the approval of the Planning Authority, as recommended in the Bat Mitigation Plan dated September 2008 submitted with this application, or as otherwise may be required by any licence issued by the Scottish Government. This shall include the bat boxes to be erected prior to development commencing and the provision of a new roost within the converted steading building.

Reason: In order to ensure adequate provision is made within the development for European Protected Species.

11. Hours of construction in relation to any works audible at the site boundary shall be limited to 8.00am – 6.00pm Mondays – Fridays; 8.00am – 1.00pm Saturdays; and not at all on Sundays.

Reason : In order to safeguard the established residential amenity of adjoining properties.

12. Notwithstanding the provisions of Article 3 and Classes 1, 2 and 3 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), and with the exception of a single garden shed not exceeding 4 square metres in area, no development of a type identified in the aforementioned classes, nor the erection of any decking structures, shall take place within the curtilage of the houses hereby permitted without planning permission being granted on an application made to the Planning Authority.

Reason: In order to safeguard the character of the redevelopment of the site as approved and in view of the restricted curtilage of each proposed house.

FOOTNOTE

Please note: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Permitted Development Rights: Please note that certain permitted development rights have been removed from the land in question, as explained in the conditions above. This means that certain developments, for which planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

Road Openings Permit / Road Construction Consent: You may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Street Names: In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

Scottish Water: You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

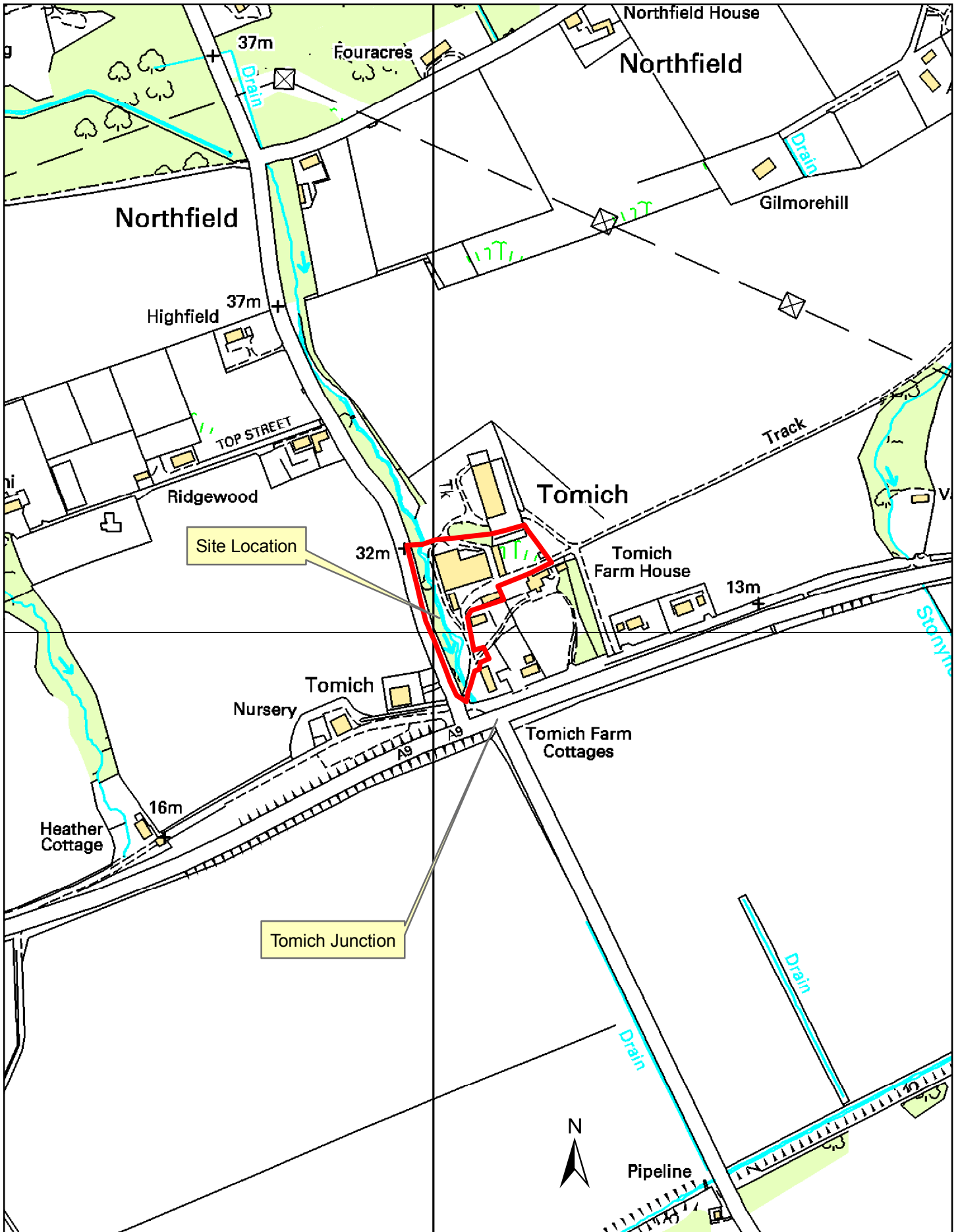
Section 75 Legal Agreement: You are advised that this planning permission has been granted subject to a Section 75 Legal Agreement. The terms of the agreement must be read in conjunction with the planning permission hereby approved. The terms of the Agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

Protected Species Licence: You are advised that no development should commence on site until a protected species licence has been obtained from the Scottish Government with regard to the proposal to disturb bat roosts.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager (C, S & ER)
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 –Location Plan
Plan 2 –Proposed Site Layout
Plan 3 –Elevations as Proposed of Steading
Plan 4 – Elevations as Proposed of Cottages

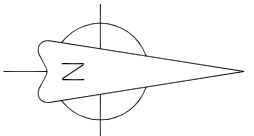
Appendix – Letters of Representation

Name	Address	Date Received	For/Against/Neutral
Dr JM Kirk	2 Tomich Farm Cottages	03.09/2007	N
Brian Cooper	Tomich Farm House	18.09.2007	N
Middleton Ross and Arnot on behalf of Anderson Rae and Partners	7 High Street Dingwall	01.10.2007	N



07/00913/FULRC
Conversion of steading to form six houses
and erection of four houses (Detail) (Resubmission) at
Steadings, Tomich Farm, Invergordon.

Mr R Patterson
per G H Johnston Building Consultants Ltd
Willow House
Stoneyfield Business Park
Inverness

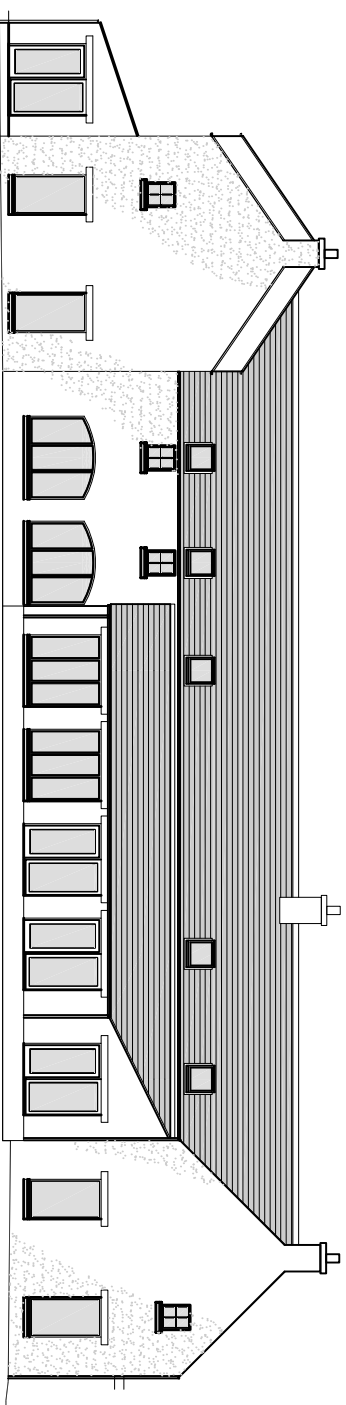


REVISIONS			
rev.	description	date	scale
D	site boundary & access updated	Mar 09	
E	access updated further to meeting of 15th March 2009	Mar 09	
F	access updated further to meeting	Apr 09	
G	Site layout updated	Apr 10	
H	Drainage added	Jun 10	

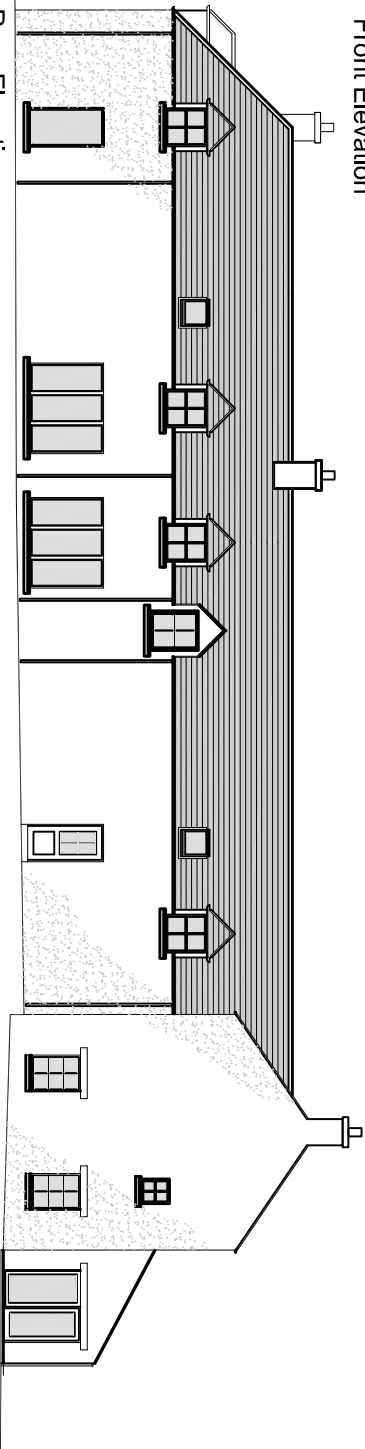
Client	Mr R Paterson
Project	Proposed Redevelopment at Tomnich Farm Steadings Invergordon
Drawing	Proposed Site Layout
Scale	
NTS	
Project no	1625
Dwg no	PL 102
Rev	H
Date	Mar 2007
Drawn by	DM

G.H. JOHNSTON BUILDING CONSULTANTS LTD	WILLOW HOUSE STONEFIELD BUSINESS PARK INVERNESS NZ 79	TEL: 01463 23223
		FAX: 01463 24258
		EMAIL: sales@ghj.co.uk

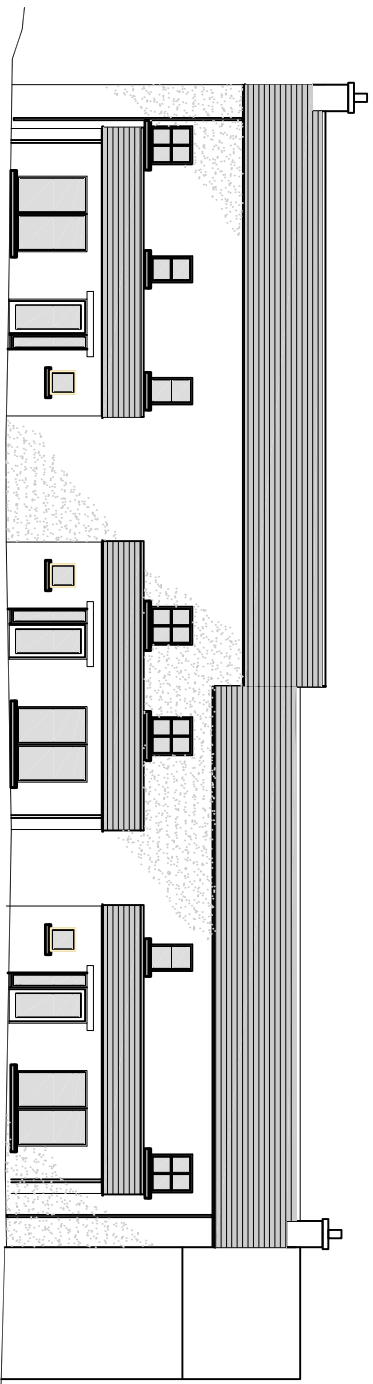
DO NOT SCALE. IF IN DOUBT PLEASE ASK
 All setting out must be checked on site prior to
 commencement. Any discrepancy must be reported to
 G. H. JOHNSTON Building Consultants Ltd



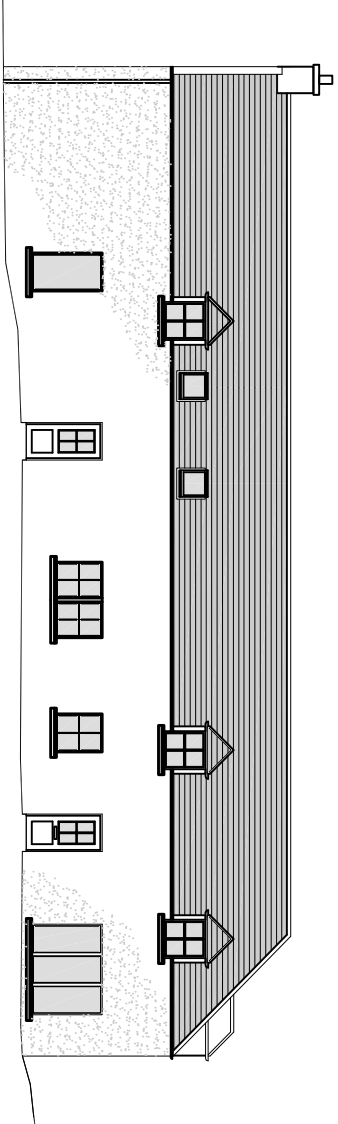
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

REVISIONS

rev.	description	date
A	Number of units increased from 5 to 6	May 07
B	Elevation Only	Jun 10

Client
 Mr R Paterson

Project
 Proposed Redevelopment of
 Tomnich Farm Steadings
 Invergordon

Drawing
 Elevations of Steading Conversion
 As Proposed

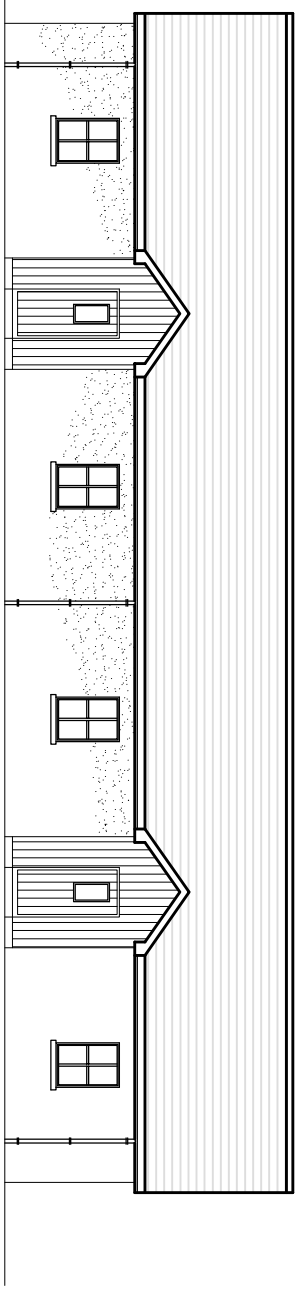
Scale	Date	Drawn by
NTS	Mar 2007	DM
Project no	Dwg no	Rev
1825	PL100	B

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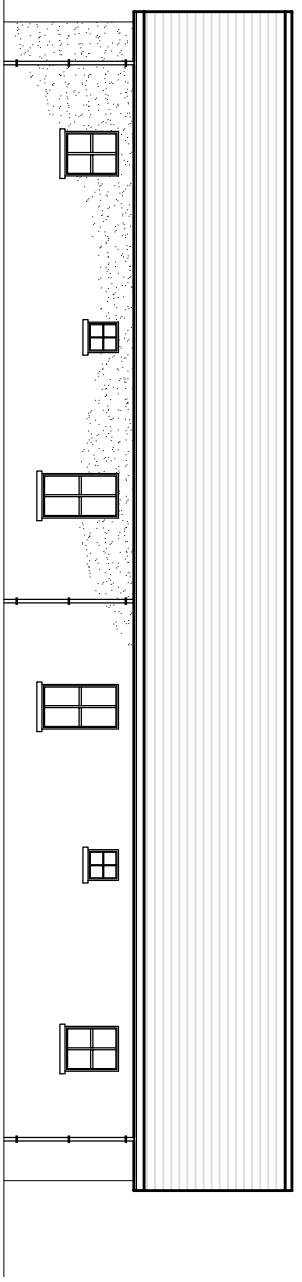
BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 TEL: (01463) 237229
 FAX: (01463) 243238
 Email: technical@ghjohnston.com

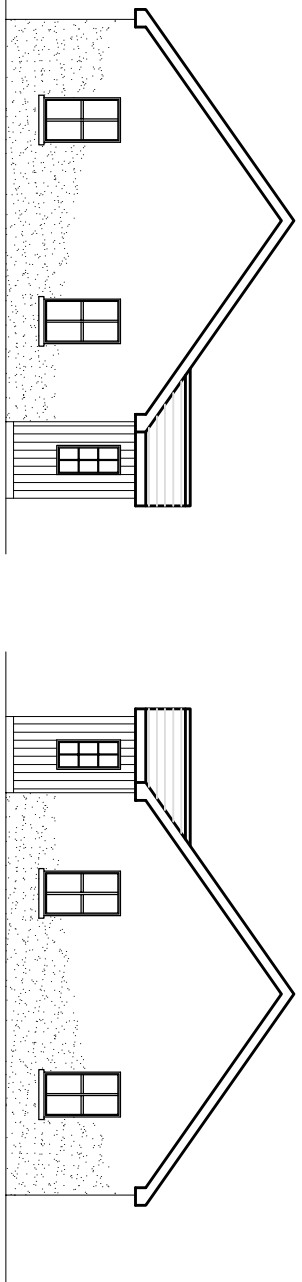
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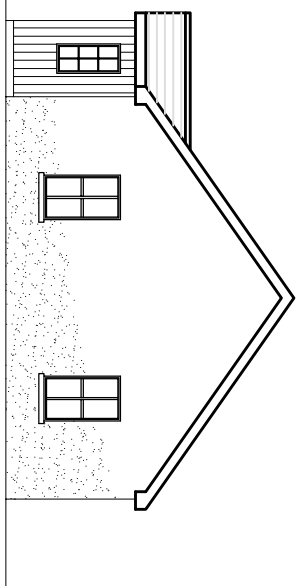
South Elevation



North Elevation



West Elevation



East Elevation

REVISIONS		
rev.	description	date
A	Elevations Only	Jun '10

Client	
Mr R Paterson	
Project	
Proposed Redevelopment at Tomich Farm Steadings Invergordon	
Drawing	
Proposed House	

Scale	Date	Drawn by
NTS	Aug 2007	D.C
Project no	Dwg no	Rev
1625	PL 101	A

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