

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE
25 October 2011**

Agenda Item	4.5
Report No	PLC/054/11

**11/02567/FUL : Mr W Munro
Land 250m South East Of Kindeace House Invergordon**

Report by Area Planning Manager

SUMMARY

Description : The application is in detail for a single house.

Recommendation - APPROVE SUBJECT TO PRIOR CONCLUSION OF S75 LEGAL AGREEMENT

Ward : 08 - Tain And Easter Ross

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : More than 5 representations.

1. PROPOSED DEVELOPMENT

1.1 The application is in detail for the erection of a single house, garage and formation of a new access onto the single track public road at Kindeace.

House Design – the building is a two storey modern design and centred around a central staircase with four wings extending out into the landscape. The wings vary in height, length and function with the bulk of the accommodation located along the east-west axis and are connected into the landscape through the use of a stone base course. The roof is a hipped design finished using a standing seam proprietary metal system. The external walls are untreated larch cladding, with a natural stone basecourse. Windows are painted timber. There are also glass balustrade and glazed canopy detailings to the house.

The building is large with a ground floor of approximately 310m² and first floor of 150m². The accommodation comprises an open plan ground floor living area with kitchen, living, dining and lounge area leading to a covered external space to the west elevation. There are also two bedrooms and a study with utility room and hallway. The first floor has four bedrooms and a gym.

To the north of the house is a detached garage and parking area. The grounds of the house are proposed to be set out to lawn to the south with a kitchen garden and

orchard to the north west of the house.

Access to the site is from the south with a new track sweeping round to the east and rear of the proposed house. Visibility onto the public road can be achieved with a combined bellmouth and service bay providing a splay of 180m.

- 1.2 Various informal pre-application discussions have been undertaken between the applicant and the Planning Service. These have taken place on both the current planning application and the previous outline application (09/00150/OUTSU) for a site bordering the current site to the west within the same agricultural field.
- 1.3 The discussions related to the most appropriate type of planning application to be submitted, the siting and design of a house, as well as the planning policy which an application would be assessed against and the supporting details which would be required. The Planning Service advised that the application should be submitted in detail, to ensure that an adequate level of information was provided. This would allow the proposals to be fully assessed. A high standard of design was sought. The aim of this process was to integrate the position of the house into the topography and landscape and avoid siting the building in the central part of a productive field – as was the case with the previous application.
- 1.4 There is no known existing infrastructure within the field.

1.5 **Supporting Documents:**

1. **Operational Needs Assessment** – The agent has noted that the previous application was accompanied by an Operational Needs Assessment (ONA) which indicated that the construction of a house serving the agricultural unit was necessary and reasonable. The applicant has confirmed their agreement to entering into a s75 legal agreement to tie the house to the land in their direct ownership. An updated ONA has been prepared by the Scottish Agricultural College on behalf of the applicant and submitted with the application (see below), along with a plan showing field ownership and the agricultural unit.

2. **Supporting Statement** – produced by Neil Sutherland Architects

The statement sets out the background and context to the design strategy employed for the proposal. It notes that the house aims to exemplify Ultra Low Energy Housing, dramatically reducing inputs of energy to maintain user comfort and maintain building fabric integrity. Fundamental to our approach is the principle of Passive Solar Design combining;

- Higher than statutory required levels of thermal Insulation,
- Air-tightness with voluntary pressure testing,
- Increased thermal storage with thermal mass, and
- Careful solar orientation and fenestration.

Energy conservation measures are therefore inherent in the fabric of the building.

The house has also been designed to conserve the use of water and minimise waste water production. The house will be served by its own separate private sewage systems comprising a treatment plant discharging to a soak-away.

The timber panel constructed house will make full use of the main Highland

renewable construction resource – Timber; sourced, processed and fabricated into components locally. All timber materials will be sourced in Highland from certified sources including:

1. Structural components; studwork, joists, beams & posts
2. External finishes; cladding, soffit, fascia, decking
3. Internal finishes; cills, skirtings, panelling

The design proposed has no intention of mimicking the character of local housing either Victorian or more recent kit houses. The proposed house has been designed on the basis of a number of clear design principles (set out in the Design Statement) and it makes no apology for mindfully contributing to the evolution of a suitable contemporary vernacular for the region – a process well underway and recognised by many within and outwith the Highland region. The house is 'of its own time', just as traditional Scottish vernacular and Victorian houses were of their own time.

The house proposed has a relatively large number of functions suiting its intended purpose; the home for a locally successful business man and his large family, with a long term commitment to a productive agricultural unit. The applicant wishes to live in a well designed property and surroundings from which he can continue to manage livestock on his adjacent farm.

The stretched cruciform plan allows separation and integration of relationships with public and private functions as appropriate. The interior spaces relate well to the landscaped site and its surroundings. The setting of the house will continue to improve over time as the landscape plantings relate directly to those already surrounding the site. By contrast a similarly scaled vertically organised proposal more common and representative of a Victorian period house would in our view create a dominant imposing structure and would not sit as comfortably or successfully on this site.

3. a) **email from applicant** (23.09.2011) – An amended plan has been provided showing the area of land owned by Mr Dingwall at Heathfield. Reference has been made to Heathfield Farmhouse and to the adjacent cottages. Neither of these could be made suitable for our occupation as my wife is disabled and her present needs and those in the years ahead require special measures.

When our family took over the remnants of Kindeace Estate 30 years ago, all the houses and steadings were in a state of collapse. All of these have been upgraded to modern standards, the houses and steading conversions to provide affordable homes or rented accommodation for families, some of whom are first time buyers. Some properties were sold to provide funds for other improvements. Certainly some house plots which received planning permission were not developed. These in the main were those requiring substantial investment in lengthy access roads or other exceptional costs which made their development unviable. As temporary curators of the major part of the former Kindeace Estates, for that is all we are, we are proud of our achievements. All properties on the Estate are presently rented out. Heathfield Cottage has been occupied for the past four years by one of our staff, who looks after the administration for the farms and house lets. Four Acres is not owned by me nor any of my Companies. None of the properties on the farms are owned by me or my wife.

The site chosen for the house is situated close to Kindeace Mains which has four modern buildings and houses the majority of cattle over winter and during calving. This is also the location of the fodder store and mixing plant, the calving and bull pens. An application was submitted several years ago for another house site next to The Glen, which would have been ideal and slightly nearer to Kindeace Mains. This application went as far as appeal but was refused. The present application is for a house sited at one end of one of the least productive fields on the farms. It sometimes produces one cut of silage per year, as opposed to two or three cuts elsewhere on the farms. The house will occupy only a small area of the field with the rest of the field remaining in its present use.

b) **email from applicant** (12.10.2011) - The business plan for the farms is directed towards increasing the production of prime cattle. Munro Farms have an established reputation for quality cattle. Kindeace prime cattle attract high prices and beef from our herd stocks the shelves of many of our local butchers. Major investments have been made in breeding stock, new cattle buildings, handling and feed preparation facilities to ensure the maximum potential of every animal is achieved with regard to quality and commercial result.

Section 5 of the Operational Needs Assessment – Labour requirement provides details of cropping acreages. 89.92 hectares out of 343.62 (26%) are down to cereal production. Approximately 50% of the total cereal production is retained for use in cattle diets. Only a small proportion of the farm income is derived from cereal sales.

Our present address is in Alness, a distance of 7 miles from Kindeace farm. The present full time employee resides at Kindeace Mains. It should be noted that the 48hr Working Time Agreement applies equally to agricultural employees. There are a further 120 hours in every week which require varying degrees of supervision. Stockmen are also entitled to daily and weekly rest periods. They are entitled to compensatory rest should they be required to work during a rest period. This can be simply checking on a cow during the calving periods. They are entitled to 35 days holiday per annum. In addition, it is not unreasonable to expect annual absence of 7-10 days due to ill-health or other circumstances.

All these periods of unavailability fall to be covered by me. The calving period extends to four months of the year and is the most demanding. My busiest Sunday involved seven visits to the farm within a sixteen hour period, almost 100 miles of travel. This is what makes a house near the farms essential. Housing young cattle in the Autumn also bring its own problems such as pneumonia, staggers etc which if not identified and treated quickly can lead to the death of an animal within a very short time.

c) **email from agent / applicant** (14.10.2011) showing fields which could be included in the s75. The area covers the three fields entirely in the applicant's ownership, plus those at Kindeace Mains amounting to a total of approximately 76ha.

1.6 No variations have been made to the application since lodging.

2. SITE DESCRIPTION

2.1 The site is a relatively flat agricultural field. A sense of enclosure is provided due to the backdrop of mature trees to the north and east and along the southern boundary

on the public road.

The nearest properties are:

- Kindeace Lodge 170m to the east
- Inchfuir Farm 230m to the southwest
- Kindeace House 270m to the northwest

3. PLANNING HISTORY

3.1 No previous application on the site. On the land immediately to the west of the current application site, within the same field:

09/00150/OUTSU Erection of house. Installation of biological treatment plant and soakaway. Improvement of existing access (Outline) at Land 250m South East Of Kindeace House Invergordon. Application withdrawn.

4. PUBLIC PARTICIPATION

4.1 Advertised : Potential Departure, Neighbours, expiry 12.08.2011

Representation deadline : 12.08.2011

Timeous representations : 7

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Design of house inappropriate to site and area. Proposal does not fit with traditional 'feel' of Kindeace, which was built in the 1790s and the adjacent Victorian era properties
- Applicant has other accommodation available on farm unit or within area from which to manage farm
- Contrary to planning policy
- Accuracy of the operational needs assessment
- Site drainage
- Increased traffic
- Loss of agricultural ground
- Precedent
- Land ownership

4.3 All letters of representation can be viewed online www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **Kilmuir and Logie Easter Community Council** : None received.

5.2 **Scottish Water** : No objections

5.3 **Area Roads and Community Works Manager** (previous application 09/00150/OUTSU): No objections. A combined bellmouth and service bay finished in bituminous macadam with 180m visibility splay is required.

Planning Authority Agricultural Adviser (11.10.2011)

1. In terms of the Operational Needs Assessment (ONA) the labour assessment based on the current enterprises is considered reasonable. The total labour requirement which is in excess of 4 labour units is therefore more than sufficient to justify the 2 full time workers – one full time employee and the applicant.
2. The justification for Mr Munro to reside at Kindeace is based mainly on weekend and holiday cover.
3. The arable enterprises often involve some work by contractors and do not in any event require the same degree of close management that the livestock enterprises require. It is however desirable that someone resides on the unit in terms of the security of farm machinery and fuel stores, and the effectiveness of this will depend on how close to the main farm buildings the proposed and existing residences are.
4. In terms of the current livestock enterprises it is highly desirable that someone resides on or close to the farm for animal husbandry and welfare reasons. Again it is not clear from the ONA where Mr Munro or the full time employee presently reside in relation to main the grazing/calving fields and cattle housing, and what added benefit there would be in this regard from moving to the proposed site.

It is clear from Section 6.37 of the ONA that a Section 75 agreement should be considered in this case, to tie the house to the operational land holdings. The letter from the agent of 08.07.2011 states that the applicant accepts this but only in relation to the land in 'direct ownership of the applicant', which from the ONA may extend to only 12.79ha. I would recommend as in other cases that the area of land included in the Section 75 agreement should relate more closely to the extent of the total holding used to support the requirement for residency. In this case I would suggest that as the applicant is a 31% shareholder in one land owning company (Munro Construction (Highland) Ltd and a 50% shareholder in the other land owning company (William Munro Construction (Highland) Ltd Retirements Benefit Fund) that approximately one third of the total holding, circa 100ha, would be tied to the house. This would also more fairly reflect the area required to justify one labour unit, circa 72ha, based on a total area of 312ha and a total labour unit requirement of 4.3. This could be discussed with the applicants but it may be that Kindeace Mains or Heathfiled could be tied to the house along with the Kindeace lower fields which are in sole ownership of the applicant.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G2

Design for Sustainability

H3 Housing in the Countryside

6.2 Ross and Cromarty East Local Plan

BP2 The Council will permit development unless this would be likely to have a significantly adverse effect on, or be significantly adversely affected by, the features for which the area has been designated. Where it is concluded that any such adverse effects are likely to arise, development will only be permitted where it is considered that these would be outweighed by social or economic benefits.

GSP1 Design and Sustainable Construction

GSP10 Housing in the Hinterland Area

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Wide Local Plan (Proposed Plan September 2010)

Policy 29 Sustainable design

Policy 36 Housing in the Countryside (hinterland areas)

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance: Housing in the Countryside

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 application is in detail for a single house. The site lies within an area of Easter Ross where the Council's restrictive Structure Plan policy H3 Housing in the Countryside and policy 36 Housing in the Countryside (hinterland areas) applies. Associated with these is the Interim Supplementary Guidance: Housing in the Countryside (August 2011).

Within this area, new housing is generally restricted, unless it can meet one of the exceptions to the policy. The exceptions mainly relate to:

- the conversion or reuse of traditional buildings
- the redevelopment of derelict land

- where it is assessed that a house is essential for land management or family purposes related to the management of the land

Where an exception has been justified, the proposal still has to accord with the general policies of the plan, including those relating to siting and design guidance.

The application is being made on the basis of the last exception – management of the land. The **Operational Needs Assessment (ONA)** prepared by the SAC has suggested that:

Although the main farm is Kindeace the farming enterprise is made up of a number of farms, which include Kindeace Mains, Heathfield, Upper and Lower Calrichie, Rhicullen and Coillymore but there is only one farmhouse on the farm at Kindeace Mains. There is a real need for another house on the farm for Mr Munro to manage the farm at close quarters. Subject to planning permission the intention would be to build a house on the farm for Mr Munro to reside in. At present Mr Munro stays off the farm and it is difficult to check stock regularly, which is especially true when cows are calving. The fields are located to the northwest of the A9, at Tomich beside Invergordon. They are generally flat with undulating topography. There is a good mix of permanent grass, temporary grass and arable cropping.

In total the 7 separate units which make up the overall farm enterprise, covering an area of 312 ha. These are owned by a mix of tenures, but typically are William Munro Construction (Highland) Ltd Retirement Benefit fund and William Munro.

The ONA notes that:

the land is capable of growing high yielding arable crops and grassland. Thus the unit is capable of growing good arable crops with high production of grass. This ensures adequate winter feeds are made. The fields are split into 48 fields, allowing for easy management of stock and good grazing control and that the farm is more suitable for grassland and therefore is predominantly a livestock unit capable of carrying large numbers of cattle.

The ONA indicates that the unit has a total of 8174 hours/anum – this equates to 4.3 labour units – and that the *applicant carries out all the necessary work on the farm, along with his full-time employee but that he is totally responsible for the farm during holiday periods and time off.*

The ONA concludes by saying that the applicant *does not own a house on the farm and there is a real need for a house as dictated by the number of hours worked. The size of the business indicates that it is very viable producing a large number of quality livestock.*

The hours worked indicate that it is essential a minimum amount of time is spent travelling to and from the farm. This is especially important at peak times of labour demands such as calving and harvest.

The proposed new house will ensure the long-term viability of the business and thus will guarantee a high standard of animal welfare is maintained.

On the basis of many aspects of the ONA there is a persuasive argument that a house is required for the working of the farm unit – and that it therefore accords with the land management exception to policies H3 and 36. However, the overall

agricultural unit is extensive with a number of sub-units. Over an extended period of time there have been conversions of existing agricultural buildings to residential use; others have been renovated/upgraded; others sold on and these could have been used for the management of the unit.

Members will note that the supporting statement at section 1.4.3 above states that the farm has been in the applicant's (or his companies, or companies pension fund) ownership for 30 years. The farm appears to have been successful without the applicant living on the unit to manage it. However, the ONA concludes by suggesting that there is a need for someone to work the farm.

The applicant has noted that all the houses and steadings on the units have been modernised and upgraded to modern standards, with some being sold off. Accordingly there is no existing housing on the agricultural units available to the applicant to live in in order to manage them. This lack of forward planning by the applicant in this regard is unfortunate. The applicant has advised that Heathfield Farmhouse and the adjacent cottages are not suitable for adaptation to meet his wife's medical requirements.

Policy 36 of the emerging Highland Wide Local Development Plan is a strong material consideration in the assessment of the proposal. It only allows for the provision of a house where it can be demonstrated that:

- A house is essential for land management or family purposes related to the management of the land.
- The dwelling is for a retiring farmer and their spouse; or for a person retiring from other rural businesses on land managed by them for at least the previous ten years, where their previous accommodation is required for the new main operator of the farm, or rural business.

The ONA concludes by suggesting that there is a need for someone to work the farm, but not retirement from it as is suggested by the applicant. Members will also note that the Supplementary Guidance requires that:

Applicants must provide an independent statement prepared by a suitably qualified professional to support the need for a house in relation to the proper functioning of the farm holding. Justification will be judged against the information provided by the applicant in support of operational need. Section 75 legal agreements will be used to tie the houses to operational land holdings. (para 6.38)

Accordingly a s75 would be required to tie the proposed house to the operational land holding – the area highlighted by the Operational Needs Assessment. The applicant has indicated that he is willing to enter into a s75. Members will note that the policy requirement is that the s75 agreement must cover the whole of the unit.

It is clear from Section 6.37 of the ONA that a Section 75 agreement should be considered in this case, to tie the house to the operational land holdings. The letter from the agent of 08.07.2011 states that the applicant accepts this but only in relation to the land in 'direct ownership of the applicant', which from the ONA may extend to only 12.79ha. I would recommend as in other cases that the area of land included in the Section 75 agreement should relate more closely to the extent of the total holding used to support the requirement for residency. In this case I would suggest that as

the applicant is a 31% shareholder in one land owning company (Munro Construction (Highland) Ltd) and a 50% shareholder in the other land owning company (William Munro Construction (Highland) Ltd Retirements Benefit Fund) that approximately one third of the total holding, circa 100ha, would be tied to the house. This would also more fairly reflect the area required to justify one labour unit, circa 72ha, based on a total area of 312ha and a total labour unit requirement of 4.3. This could be discussed with the applicants but it may be that Kindeace Mains or Heathfield could be tied to the house along with the Kindeace lower fields which are in sole ownership of the applicant.

A plan submitted with the application shows the extent of the overall agricultural unit. The application site is not centrally located on the unit, being positioned to the south and east side. A further plan from the **agent / applicant** (14.10.2011) shows fields which could be included in the s75. The area covers the three fields entirely in the applicant's ownership, plus those at Kindeace Mains amounting to a total of approximately 76ha. This area is therefore larger than the land in 'direct ownership of the applicant', which from the ONA indicates may extend to only 12.79ha.

It is recognised that a labour unit requirement of 4.3 has been stated. Clearly it is disappointing that a number of houses have been disposed of over the years which may have been able to meet this need in operational terms. There are however particular circumstances which are applicable in this instance which may have rendered these houses as being unsuitable for adaptation. On the basis of the stated operational need for the house there is justification to allow for support for this house in this instance. Where such a need is demonstrated the house must be tied to the land through a Section 75. In this instance it has been argued the house is required to allow the management of the entire farm and landholding it would be appropriate therefore to ensure the house should be tied to that landholding to reflect the operational justification put forward. A house would not normally be permitted in the absence of such a justification.

In terms of the policy assessment of the proposal **with regards to the design and siting of the house only**, Members are advised that the design in itself is considered to be a modern house, contemporary for the area. It is a large house and the proposed use of local timber and a metal sheet roof are different from much of the new housing in the area, adding interest to the design, and being a sustainable material resource. The design has been well considered for the site, taking cognisance of the wooded backdrop in its use of local timber cladding to relate it back to the setting. The building is a one-off design and Members are advised that it would fit comfortably onto the site in design terms and could be supported on that basis as it demonstrates sensitive siting and high quality design and makes use of appropriate materials, all as required by Structure Plan policy H3 and policy 29 of the emerging Highland Wide Local Development Plan. Therefore with regards to matters of siting and design, the proposal is considered to be acceptable and accords with policy.

8.4 **Material Considerations**

Representations on the application relate to the following:

- Design of house inappropriate to site and area. Proposal does not fit

with traditional 'feel' of Kindeace, which was built in the 1790s and the adjacent Victorian era properties – It is considered that whilst the building is modern, the design, orientation and positioning has been well considered for the site. It does lie within around 270m of Kindeace House, but has its own setting as a result of the backdrop of trees and feeling of enclosure which these provide within the field. Therefore, the development of a house here is not assessed as having any impact on the setting of the house, or the other houses within the garden policies.

- Applicant has other accommodation available on farm unit or within area from which to manage farm – The applicant has provided a statement relating to this (see section 1.4.3 above)
- Contrary to planning policy – It is considered that elements of the proposal do, and others do not, accord with development plan policy – see section 8.3 above.
- Accuracy of the operational needs assessment
- Site drainage – The site can be adequately drained.
- Increased traffic – It is not considered that the development of a single house, albeit one with six bedrooms, will lead to a significant increase in traffic in the area.
- Loss of agricultural ground – The existing field is of good agricultural quality. The application has been made on the basis of the house being required for the management of the land.
- Precedent – The proposal is not considered to establish any precedent as each application is assessed on its own merits against the specific planning policies applying to it at that point.
- Land ownership – The matter of land ownership at one individual property has been highlighted to the agent. An adjusted land ownership plan has been provided by the applicant to take this into account.

8.5 Other Considerations – not material

None

8.6 Matters to be secured by Section 75 Agreement

In order to meet the requirements of the Structure Plan policy H3 Housing in the Countryside and the Interim Supplementary Guidance, a s75 legal agreement would be required to tie the house to the operational land holding as set out in the Operational Needs Assessment.

9. CONCLUSION

9.1 Members will appreciate that there is a balance to be struck in the assessment of the proposal. On the one hand a large contemporary house whose design, choice of materials, orientation and layout, has been carefully considered for the site is considered to meet the Development Plan policy requirements relating to the siting design aspects of policies G2 and H3 of the Structure Plan and policies 29 and 36 of the emerging Highland Wide Local Development Plan.

However Members will note that there is an existing farm employee housed on the farm and also that there have been previous opportunities for existing housing on the farm unit, either currently or previously under the control of the applicant or his business interests, to be used for actively managing the farm from. Whilst the supporting ONA concludes by suggesting that there is a need for someone to live on the farm unit in order to work it, based on the standard SAC labour requirements, the farm appears to have been successfully run without this for many years. In view of the disposal of a number of houses off the farm previously and based on the stated and proven requirement for a house on operational grounds it is necessary to tie the house to the farm in this instance through a section 75 to allow support for the development.

The applicant has previously indicated that he was willing to enter into a s75 legal agreement restricting the development of any further housing over the whole of the agricultural unit as show in the supporting ONA. The restriction would relate to the land itself (that highlighted in the email referred to at 1.5.3.e above) rather than the house, but would not prevent the erection of additional cattle buildings or shelters which may be required in relation to the farming business in the future.

Members will be aware that the legal agreement must be concluded before the issuing of any planning permission.

On this basis only, the proposal is considered to accord with the development plan policies and approval is recommended.

10. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Agreement y

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons; and the **prior conclusion of a s75** legal agreement restricting the development of any further housing on the agricultural unit.

- (1.) The external finishes of the house shall be:
- roof - a standing seam proprietary metal system
 - external walls - untreated larch cladding with a natural stone basecourse
 - painted timber windows

Reason: In the interests of amenity.

- (2.) All drainage arrangements shall be to the satisfaction of the Planning Authority in consultation with the Building Standards Authority. For the avoidance of doubt, foul drainage shall be by means of a secondary treatment plant with land, or as may otherwise be agreed in writing by the Planning Authority.

Reason: In the interests of amenity and for the avoidance of doubt.

- (3.) All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the first occupation of the house and in accordance with the attached Schedule. For the avoidance of doubt, the access onto the public road shall be provided by means of a combined bellmouth and service bay surfaced in bituminous macadam and with a visibility splay of 180m.

Reason: In the interests of road safety.

- (4.) Notwithstanding the provisions of Classes 1 and 3 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, the express approval of the Planning Authority shall be required for any extension to the house, or erection of any building within the curtilage of the house.

Reason: In order to allow the Planning Authority to retain effective control over the development of the site and in the interests of amenity.

- (5.) No development shall commence on site until the developer has submitted a detailed written planting and species specification for the landscaping measures shown on plan no. 1220 11 P02 (Site Plan) docquetted hereto. The planting and landscaping details thereby approved shall be undertaken in the first planting season following the completion of the house.

Reason: In the interests of residential amenity.

- (6.) With effect from the date of this permission, no trees along the southern boundary of the site adjacent to the public road are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority. Any trees proposed for removal in order to provide the required visibility splays from the new private access onto the public road are to be clearly marked and approved in writing by the Planning Authority prior to the commencement of development.

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

FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 11/02567/FUL

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.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), 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.

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.

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. The Council reserves the right to recover all costs for repairing any damage to the public road which can be attributed to construction works for this development, over what is a fragile section of Council road infrastructure. Under the New Roads & Street Works Act (1991) s109, a Road Opening Permit is required to be obtained by the applicant from the Roads Authority for the installation of the access across the verge.

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.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Bob Robertson

Background Papers: Highland Structure Plan, Ross and Cromarty East Local Plan, Highland Wide Local Plan (Proposed Plan September 2010)

Relevant Plans:

P01 Location Site Plan A3

P02 Site Layout A1

P03 Floor Plans A1

P04 Sections Plan A1

P05 Elevations Plan A1

P06 visual Info & section Plan A1

P07 General (Garage) Plans A3

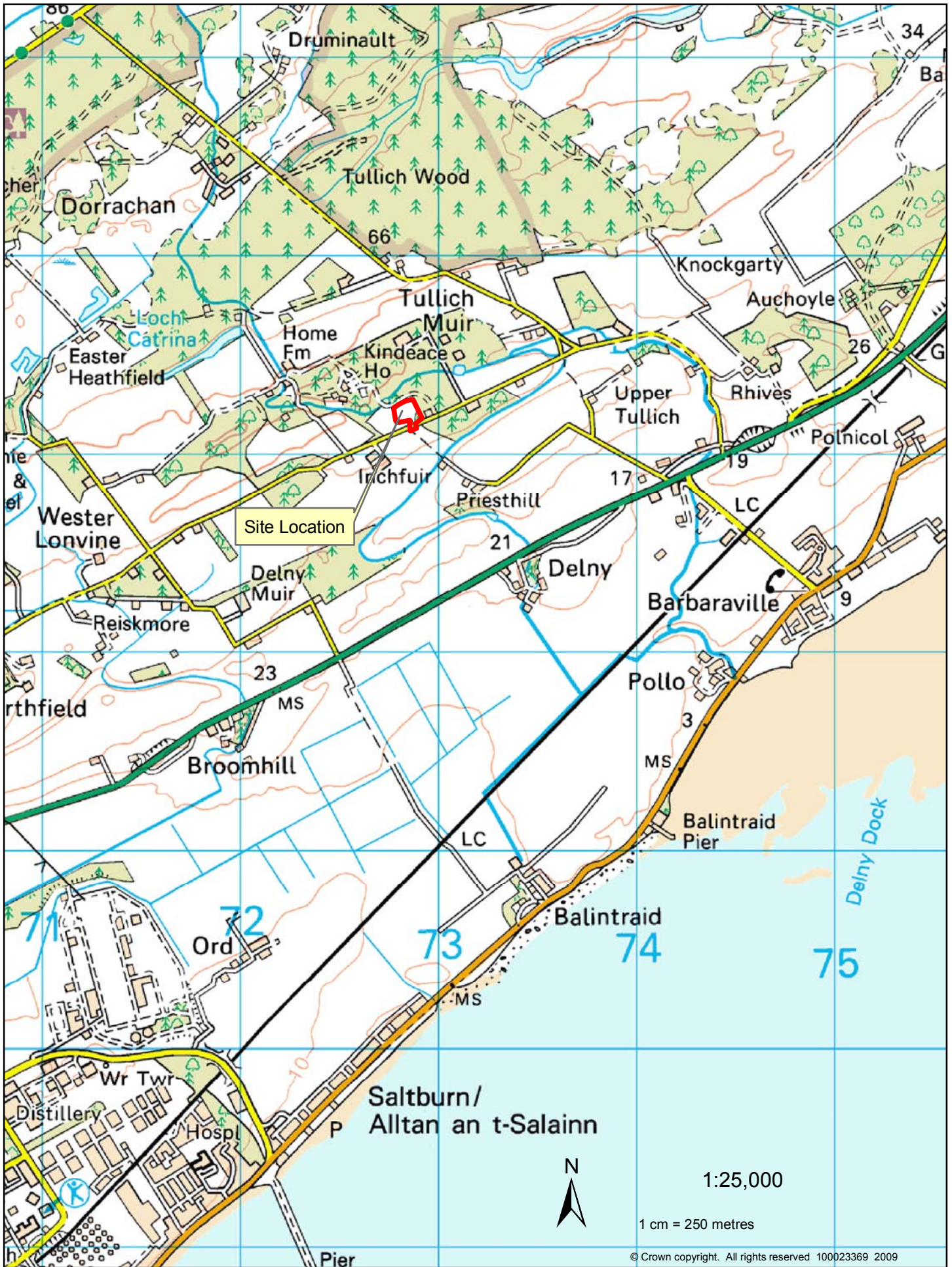
Operational Needs Assessment

Supporting Statement

Appendix – Letters of Representation

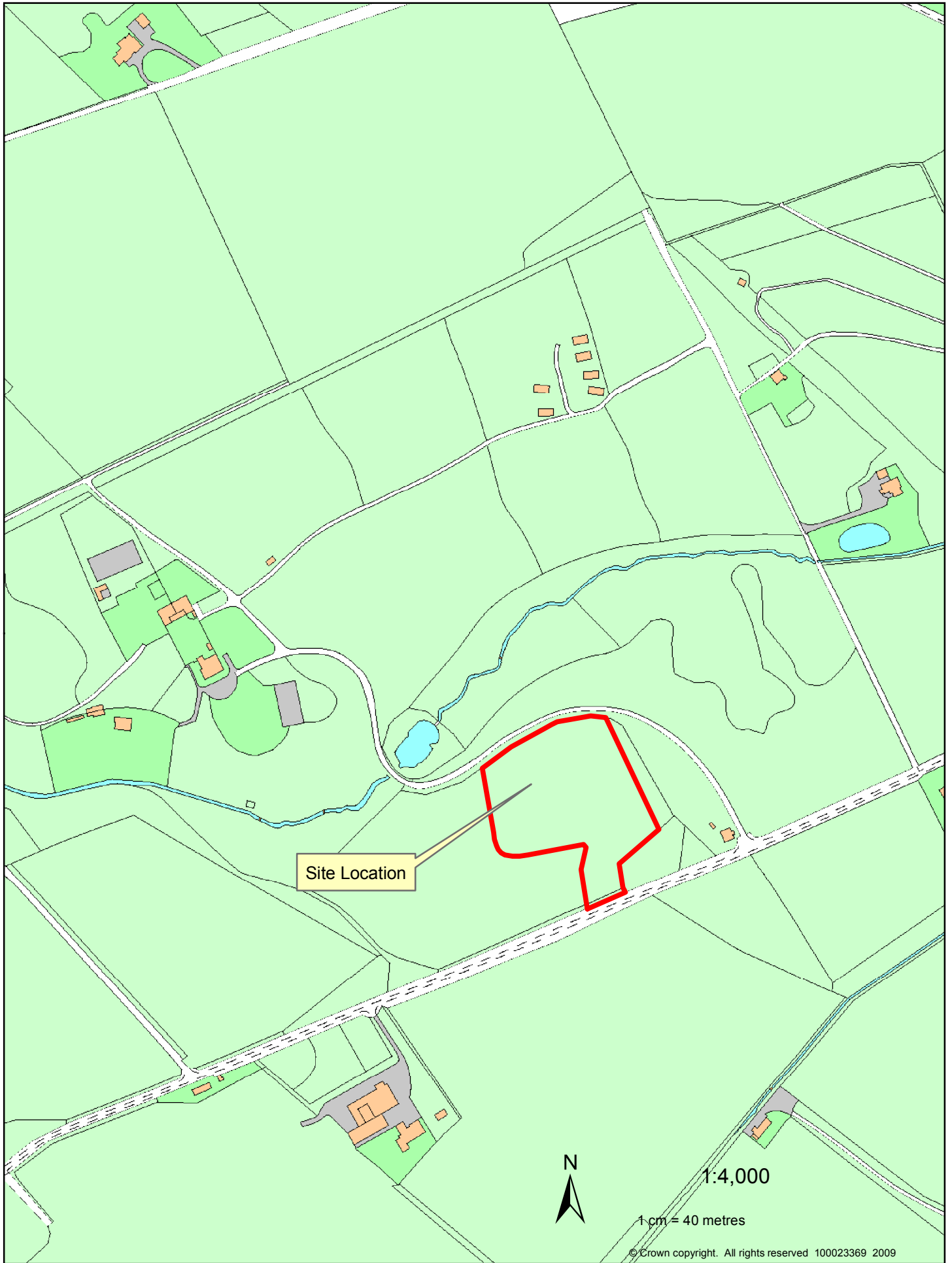
OBJECTORS

Name	Address	Date Received	For/Against
Mr & Mrs PJ & VJ Dunford	Reiskmore, Delny Muir	09.08.2011	A
Mr & Mrs L & J MacDonald	Coach House East, Kindeace	02.08.2011	A
Mr Douglas Dooner	Walled Garden, Kindeace Estate	02.08.2011	A
Ms Shannon Watson	Kindeace House West	01.08.2011	A
Mrs Helen Downie	Garden Flat West, Kindeace House	02.08.2011	A
Mr George Dingwall	Garden House, Heathfield, Heathfield Road, Invergordon	26.07.2011, 27.07.2011	A
Norman & Christina Chisholm	The Glen, Kindeace	28.07.2011	A



11/02567/FUL
 Erection of a house and garage and formation of new access at
 Land 250m South East of Kindeace House, Invergordon.

TPS Planning
 per Mr R Heggie
 CBC House
 24 Canning Street
 Edinburgh
 EH3 8EG



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SOUTH ELEVATION

- MATERIAL KEY
1. Natural stone base course
 2. Unpainted brick cladding
 3. Standing seam metal roof
 4. Painted brick cladding
 5. Glass balustrade
 6. Claved Larch

REVISIONS

REV	DATE	DESCRIPTION

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE COMMENCING WORK.

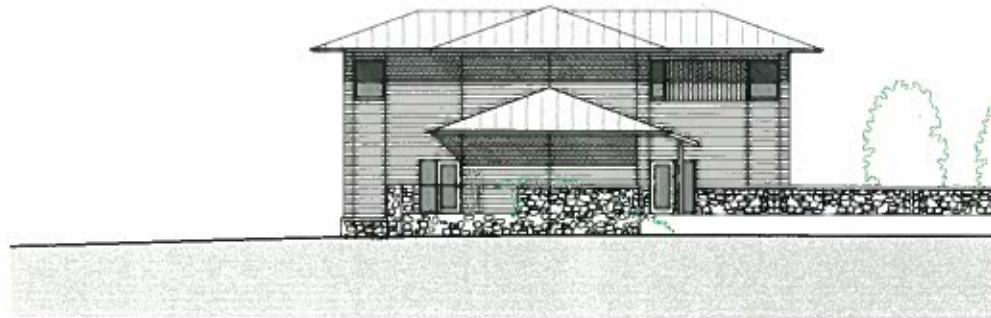
DO NOT SCALE DRAWING



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

PROJECT

**NEW HOUSE
 MUNRO**
 KINDEACE
 INVERGORDON

ELEVATIONS

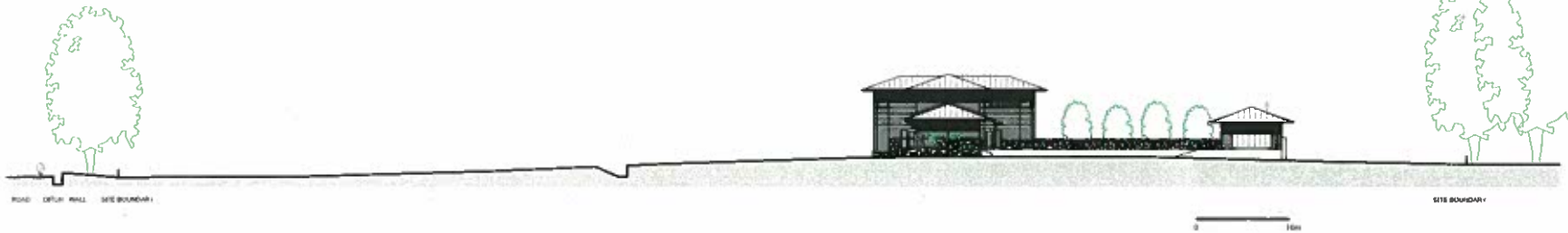
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ARCHITECT: CCH
 VERIFIED BY:
 DRAWN BY: CCH
 SCALE: 1:100 @ A1
 DATE: JUNE 2011

PROJECT NO. DRAWING NO.

1220 11 | P05





LONG SECTION LOOKING WEST
SCALE 1:250



RENDERED VIEW SHOWING SOUTH ELEVATION
(not to scale)

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REVISIONS

REV#	DATE	DESCRIPTION

NOTE:
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CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES
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DO NOT SCALE DRAWING

PROJECT
**NEW HOUSE
MUNRO**
KINDEACE
INVERGORDON

DESCRIPTION
**LONG SECTION +
RENDERED VIEW**

DRAWING ISSUED FOR: **Planning**

ARCHITECT: CCH
DESIGNED BY: CCH
DRAWN BY: CCH
SCALE: 1:250 @ A1
DATE: JUNE 2011

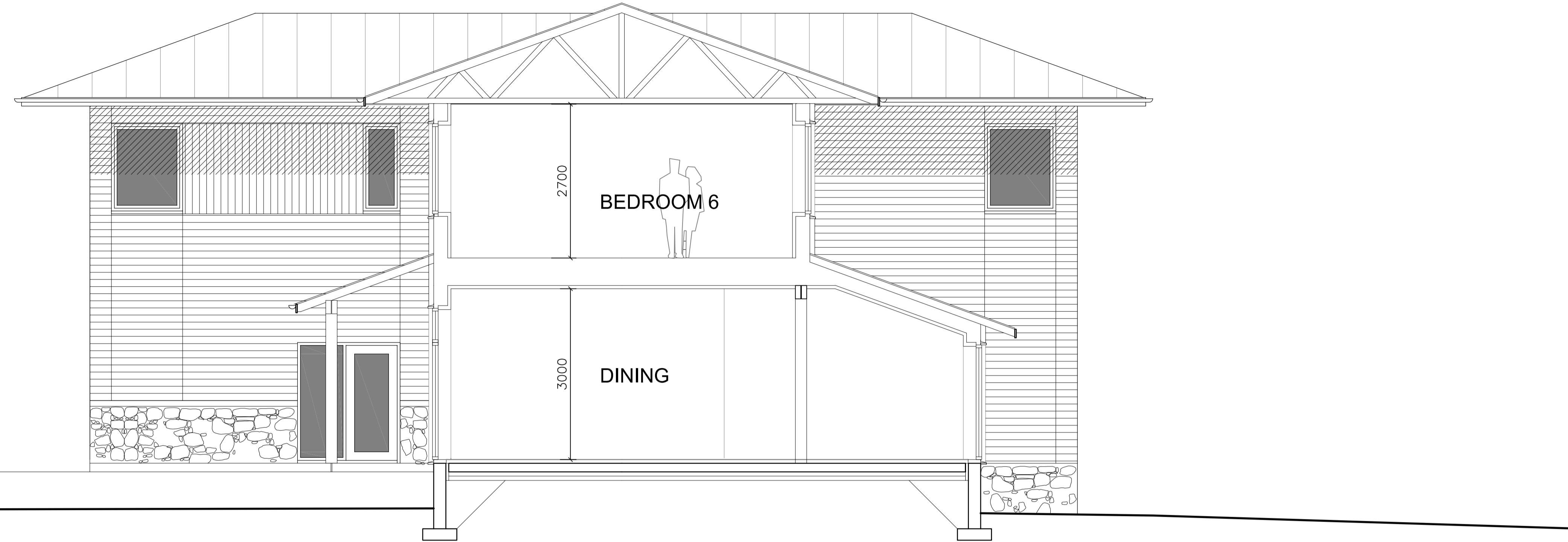
PROJECT NO. | DRAWING NO.

1220 11 | P06

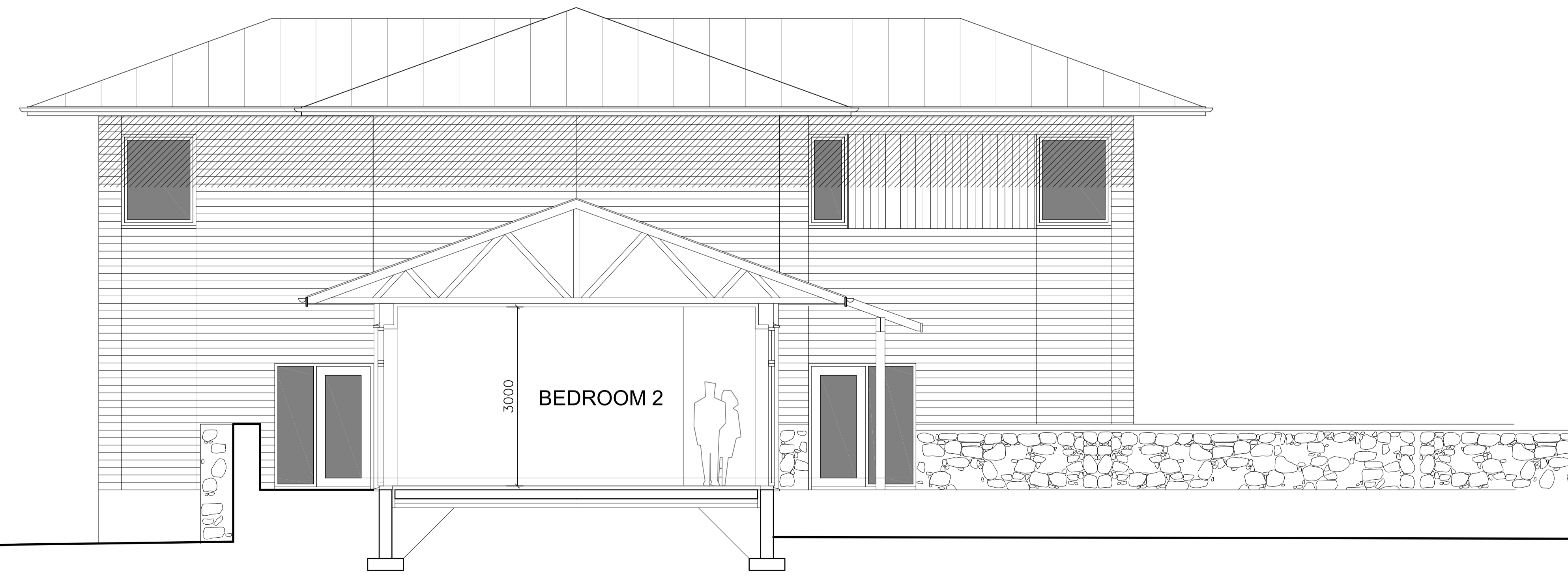
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 REV01: DD/MM/YY, DESCRIPTION:

NOTES:
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DO NOT SCALE DRAWING



SECTION AA



SECTION BB



PROJECT:
**NEW HOUSE
 MUNRO**
 KINDEACE
 INVERGORDON

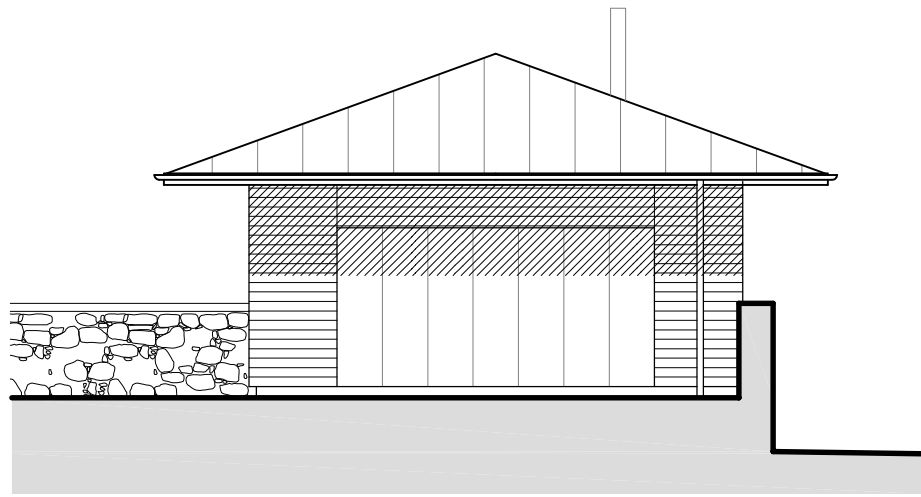
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SECTIONS

DRAWING ISSUED FOR: Planning

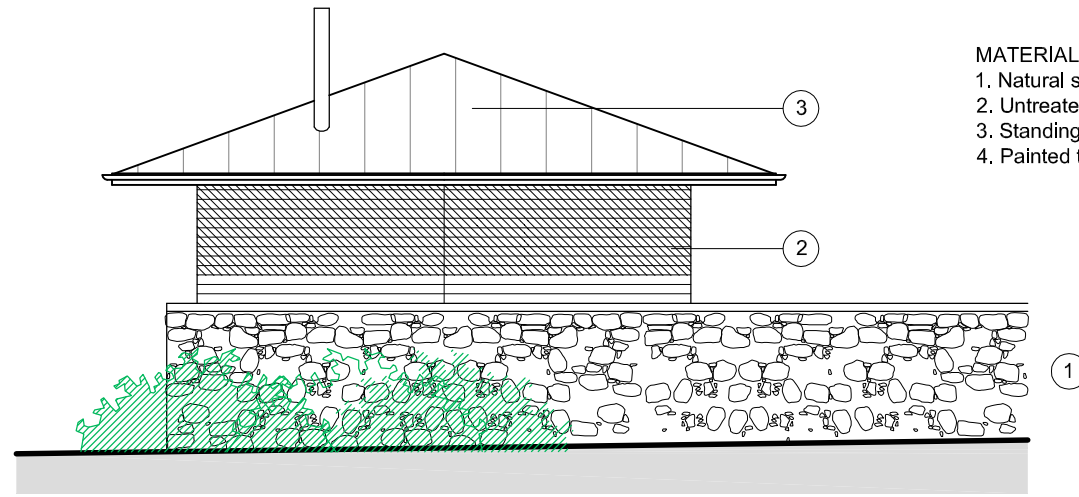
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PROJECT NO | DRAWING NO

1220 11 | P04

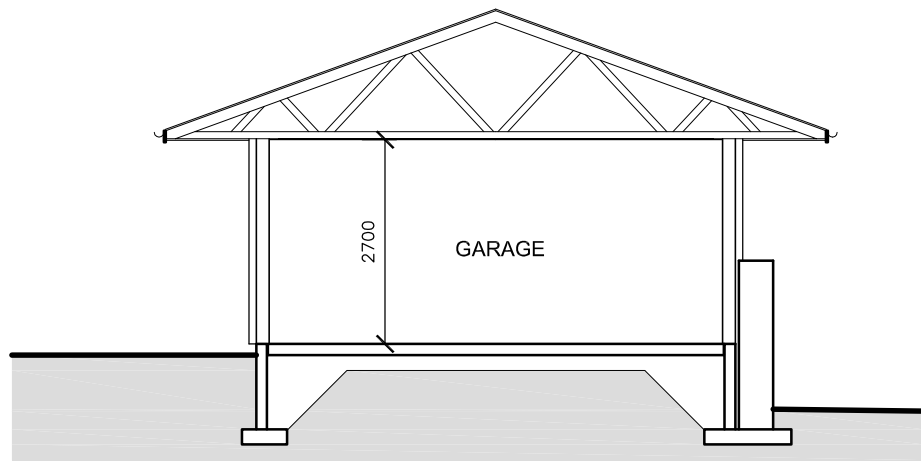


EAST ELEVATION

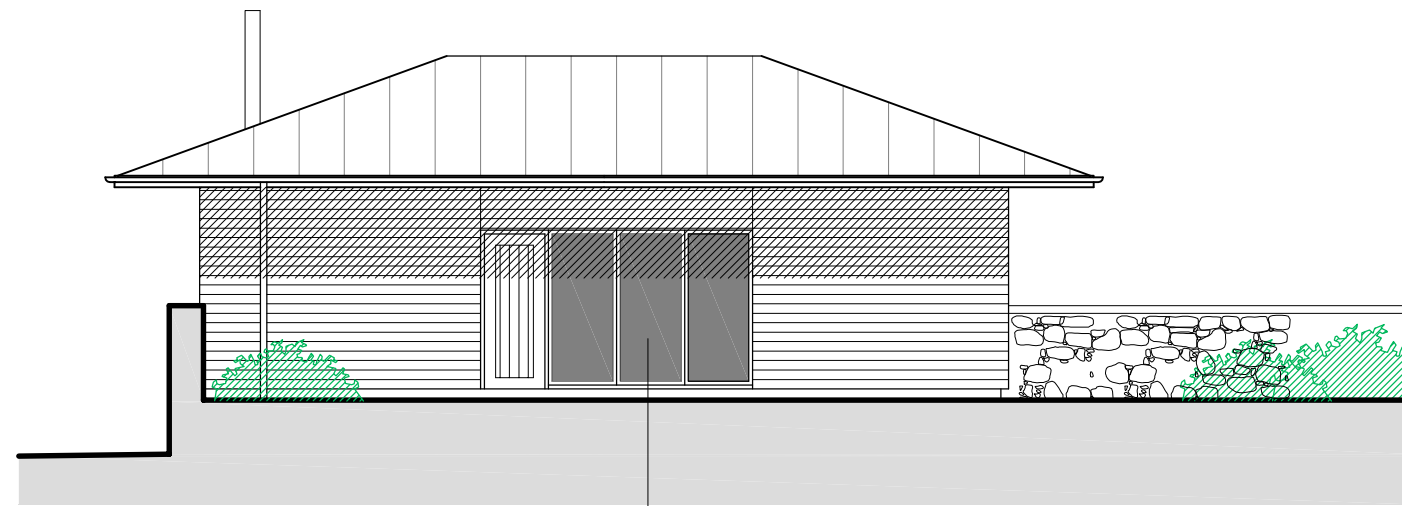


WEST ELEVATION

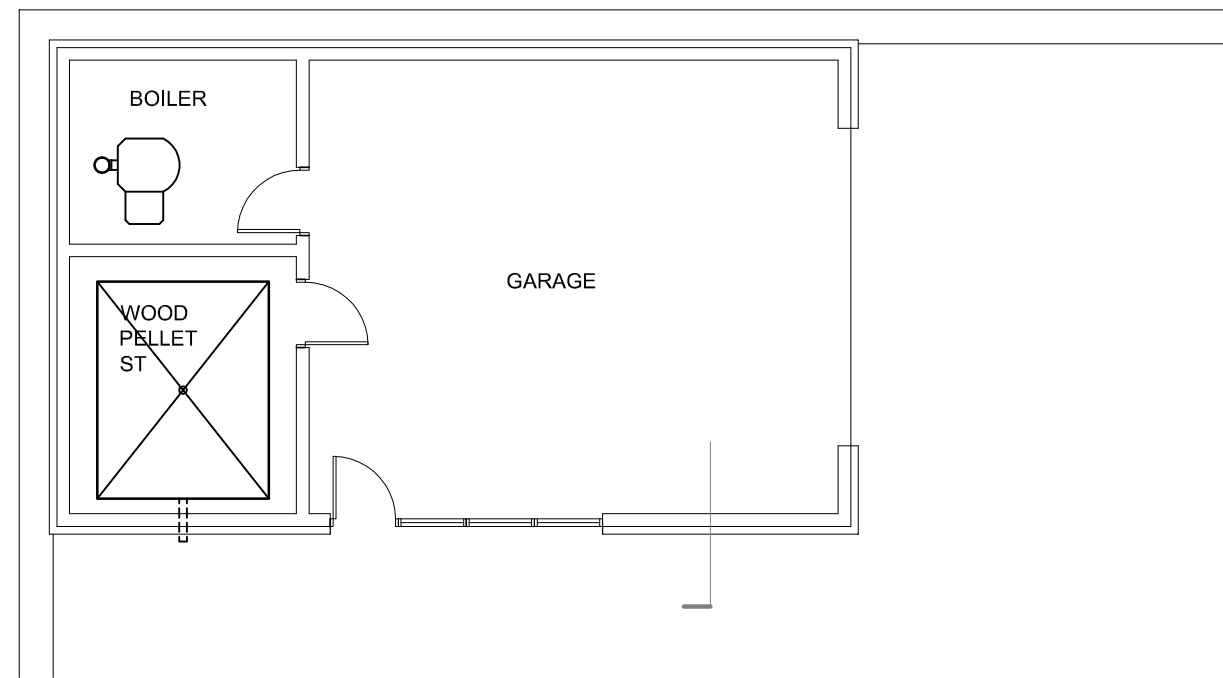
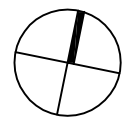
- MATERIAL KEY:
- 1. Natural stone base course
 - 2. Untreated larch cladding
 - 3. Standing seam metal roof
 - 4. Painted timber windows



SECTION



SOUTH ELEVATION



PLAN

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REVISIONS:

REV	DD/MM/YY	DESCRIPTION
REV01	DD/MM/YY	DESCRIPTION

NOTES:
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DO NOT SCALE DRAWING

PROJECT:
**MUNRO
NEW HOUSE**
KINDEACE
INVERGORDON

DRAWING:
GARAGE

DRAWING ISSUED FOR: **Planning**

ARCHITECT: CH
VERIFIED BY:
DRAWN BY: CH
SCALE: 1:100 @ A3
DATE: JULY 2011

PROJECT NO | DRAWING NO

1220 11 | P07