

Agenda item	7.3
Report no	PLN/039/17

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 13 June 2017

Report Title: 16/02150/FUL George Douglas and Co
Upper Bighouse, Forsinard

Report By: Area Planning Manager

1. Purpose/Executive Summary

1.1 Description of development - Change of use of barn from agricultural to Class 4 and installation of biomass system including external flue (as amended)

Ward 1 - North, West and Central Sutherland

Local Development

Reasons Referred to Committee - More than 5 objections.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

2. Recommendations

2.1 Members are asked to agree the recommendation to grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 Planning permission is sought for the installation of a biomass system at Upper Bighouse, including the erection of a single flue which is 12m in height from the ground level. The proposed development has been amended during processing of the application with the initial proposal comprising of installation of 31 boilers each with individual flues. The revised proposal represents a significant reduction in the overall scale of the proposal. The proposed development now comprises installation of 4 boilers which would each have a generating capacity of 199KW; the heat and hot water created would be utilised across each of the buildings within the landholdings i.e. agricultural buildings and farm cottages. The system would also allow for manufacture of pellets for sale on the open market. Regrettably some work was undertaken prior to the submission of the application however this has now been removed. This had comprised the installation of the scheme, as originally proposed i.e. a considerable number of boilers with individual flues. These were subsequently removed following contact from the Planning Authority. No retrospective consent is sought.
- 3.2 No pre-application advice was sought in advance of submission of the planning application.
- 3.3 The proposed development would be located within an existing agricultural shed, which is served by a single track access road from the main A897 road which ends at Upper Bighouse, and also serving a number of other buildings within the landholdings of Upper Bighouse.
- 3.4 The application is accompanied by a Supporting Statement, Biomass Boiler Questionnaire and Air Quality Assessment (revised in February 2017)
- 3.5 **Variations:** The proposal has been significantly reduced in scale, initially comprising 31 boilers with individual flues. This has been amended to 4 boilers with a single external flue.

4. SITE DESCRIPTION

- 4.1 The site comprises an existing large agricultural shed at Upper Bighouse farm. The shed joins onto other agricultural buildings. A residential property, No.27 Upper Bighouse, is located south of the site. The site is within Strath Halladale to the western side of the public road through the Strath. It is backdropped by rising landform to the west. A further agricultural shed to the north of the site is proposed; for which prior approval was not required (16/05712/PNO). The nearest residential properties are the farm cottages at Upper Bighouse located 100m south of the site; these houses are financially involved with the project. The nearest non-involved properties are located over 500m eastwards of the site, to the other side of the Strath. The site is outwith any landscape or natural heritage designations. The Strath Halladale area generally comprises a farmed landscaping with gently rolling topography to either side.

5. PLANNING HISTORY

- 5.1 No relevant planning history.

6. PUBLIC PARTICIPATION

6.1 Advertised: Schedule 3 Development - 24th June 2016, re-advertised 10^h March 2017

Representation deadline: 24th March 2017

Timeous representations: 4

Late representations: 2

6.2 Material considerations raised are summarised as follows:

- Purpose of the development is unclear;
- Excess smoke from development including on the A897;
- Adverse impact on road safety/ use of HGV's unsuitable for the local road network;
- Adverse impact on the integrity of the River Halladale fish stocks;
- Pollution impacting on the environment for salmon and sea trout in the Halladale River;
- Adverse visual impact on the scenic nature of Strath Halladale;
- Commercialisation of Strath Halladale;
- Adverse impact on tourism in the area.

6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

7. CONSULTATIONS

7.1 **Environmental Health:** Initially objected on the basis of air quality concerns. These have subsequently been resolved. No conditions required.

7.2 **Transport Planning:** No objections. Operational traffic associated with the development will be limited and unlikely to cause any significant concerns. No information has been provided regarding the movement of construction traffic, however, and in order to protect the Council's interests, as roads authority, the developer may be required to enter into a Wear and Tear Agreement in accordance with the Section 96 of the Roads (Scotland) Act 1984. A Construction Traffic Management Plan will also be required prior to development starting in order to ensure HGV's and other construction traffic is efficiently managed.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 **Highland Wide Local Development Plan 2012**

29	Design Quality and Place-making
30	Physical Constraints
42	Previously Used Land
67	Renewable Energy Developments
72	Pollution

8.2 **Sutherland Local Plan (2010) (As Continued in Force)**

The general policies which applied previously have been superseded by the provisions of the Highland-wide Local Development Plan.

9. **OTHER MATERIAL CONSIDERATIONS**

9.1 **Draft Development Plan**

Caithness and Sutherland Local Development Plan (Modified Proposed Plan, 2016)

9.2 **Highland Council Supplementary Planning Policy Guidance**

Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
Sustainable Design Guide (Jan 2013)

9.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

10. **PLANNING APPRAISAL**

10.1 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.

10.2 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.

10.3 **Development Plan Policy Assessment**

The application concerns the installation of a biomass system within an existing agricultural shed within the landholdings at Upper Bighouse Farm. The proposal has been subject to a number of revisions to address air quality concerns as well as visual impact and the final plans show the installation of 4 boilers, each with a generating capacity of 200kW, and the erection of 1 single flue of 6.7m in height which is a total height from ground level of 12m. The scheme initially submitted comprised the installation of 31 boilers with individual flues. As noted previously, regrettably this was installed prior to the granting of planning permission however no generation took place following the instruction from the Planning

Authority that all operations should cease on site until such time as a planning application has been fully considered. The individual flues have now been removed.

The proposal requires to be assessed primarily against the general policies of the Highland-wide Local Development Plan particularly with respect to siting and design, access and amenity issues.

10.4 **Material Considerations**

10.4.1 **Intended Usage:** The proposal has a total generating capacity of 800kW and is both domestic and commercial in nature with the biomass system generating heating and hot water to the farm buildings and farm cottages; however wood pellets will also be created for sale on the open market. The initial proposals contained a number of discrepancies and in particular it was stated that the proposed development would create a combined heat and power plant. The proposed boilers are however not concerned with generating power, and are only to provide heating and hot water. This was clarified with the applicant who confirmed that no electricity is to be generated and that this was an oversight within the application.

It is intended to utilise roadside and wind blown trees for the biomass system. The applicant has also confirmed that he has agreements in place with the Forestry Commission concerning a number of Christmas tree plantations in the locale, from which additional trees will be utilised. Plantations from the farm itself will also be utilised.

10.4.2 **Air Quality/Emissions:** A development of this nature will generate smoke; the key policy test as set out in Policy 72 is whether the development will result significant pollution (including air). The initial scheme was considered to be unacceptable to Environmental Health in terms of air quality with respect to nitrogen dioxide and particulates. The agent was therefore recommended to undertake more detailed dispersion modelling. The outcome of this was that flues of a total height of 15m from ground level would be required to ensure sufficient dispersion of pollutants. Revised plans were submitted on this basis, however a significant number of 15m flues was considered to be unacceptable in visual terms. The agent was asked to completely revise the design of the biomass system and has subsequently reduced the number of boilers from 31 to 4 with one single flue. An updated Air Quality Assessment has been produced; this is considered to be acceptable to Environmental Health on the basis that the single flue is over 10m high.

In terms of impact on the River Halladale, which has been raised as an area of concern by objectors, the agent has confirmed that the application is not considered to be able to impact water quality as pollutants will be adequately dispersed due to the stack height. In addition, no contamination is present on site that could leach to ground water.

10.4.3 **Road Impact:** As noted above it is regrettable that the development proceeded ahead of planning approval being granted. It is understood that a number of HGVs were therefore using the local road network including use of an area

under the ownership of a third party for turning. The Council's Community Services team are currently investigating whether any damage has been caused to the public road; if this is found to be the case the Council is able to secure financial reimbursement from the developer under the Roads (Scotland) Act 1984. In terms of the proposal going forward, the agent has confirmed that HGV movements are likely to be 1 delivery per week. The Council's Transport Planning team do not consider that the proposed development will cause any significant concerns with proposed volumes of traffic being relatively low. The Transport Planning team have however noted that a Section 96 Agreement is required. This is highlighted to the developer via an informative and should be agreed prior to commencement of development. This will ensure the developer is responsible for any damage to the public road caused by HGV movements in relation to the proposed development.

10.4.4 **Visual Impact:** The application concerns use of an existing building with the addition of a single external flue with a height of 12m from ground level. However this is within the context of wider agricultural buildings and it is not considered that it would result in such a significantly adverse visual impact that refusal of the application would be warranted. The re-design of the proposed system and the reduction to a single flue (from 31 individual flues) has resulted in a significantly reduced impact in this regard. The building and flue will be backdropped by rising landform to the rear in many views.

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

None

11. CONCLUSION

11.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

12. IMPLICATIONS

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

13. RECOMMENDATION

Action required before decision N issued

Subject to the above, it is recommended the application be **Approved** subject to the following conditions and reasons / notes to applicant:

1. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority in conjunction with the Roads Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In order to ensure the safety and free flow of traffic on the public road, facilitate servicing outwith the carriageway and maintain the integrity of the public road carriageway.

2. For the avoidance of doubt, planning permission is hereby granted for the installation of 4 no. boilers each with a generating capacity of 199kW and the installation of a single external flue with a total height from ground of 12m.

Reason: To ensure that the proposed development accords with the provisions of the Highland-wide Local Development Plan Policies 67 (Renewable Energy Developments) and 73 (Air Quality).

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all 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 (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

Mud and Debris on Road

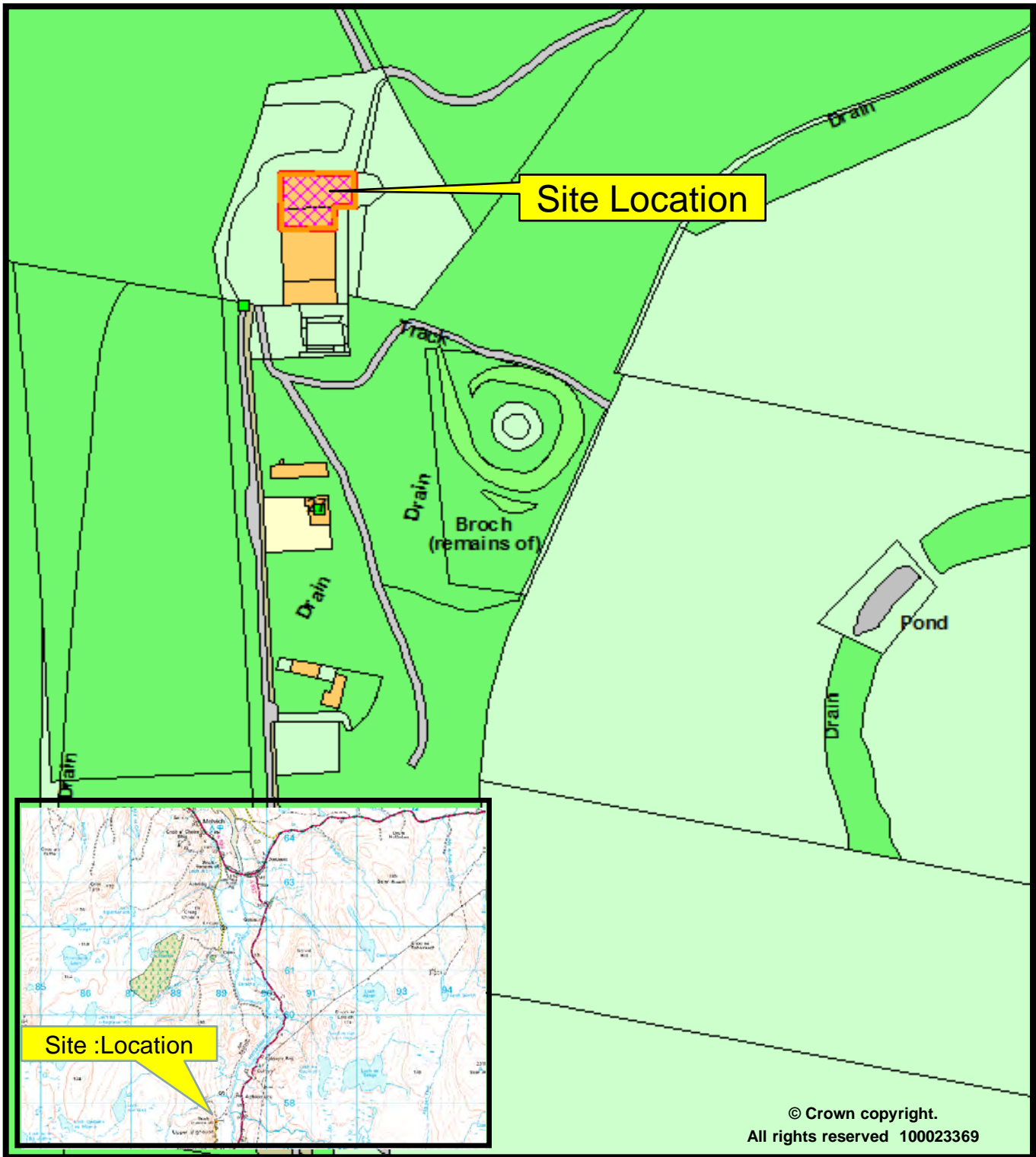
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Section 96 Legal Agreement

The development shall be subject to a separate agreement in terms of Section 96 of the Roads (Scotland) Act under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys shall be carried out by the developer to the satisfaction of the Roads Authority.

Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Gillian Webster
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan 000001
Plan 2 – Site Layout Plan DS-15-UBH S and L
Plan 3 – Chimney Plan DS-15-UBH10 Rev F
Plan 4 - Foundations Plan DS-15-UBH2 Rev F
Plan 5 - Roof Plan DS-15-UBH5 Rev F
Plan 6 - West Elevation Plan DS-15-UBH7 Rev F
Plan 7 - North Elevation Plan DS-15-UBH8 Rev F
Plan 8 - South Elevation Plan DS-15-UBH9 Rev F
Plan 9- East Elevation Plan DS-15-UBH6 Rev F



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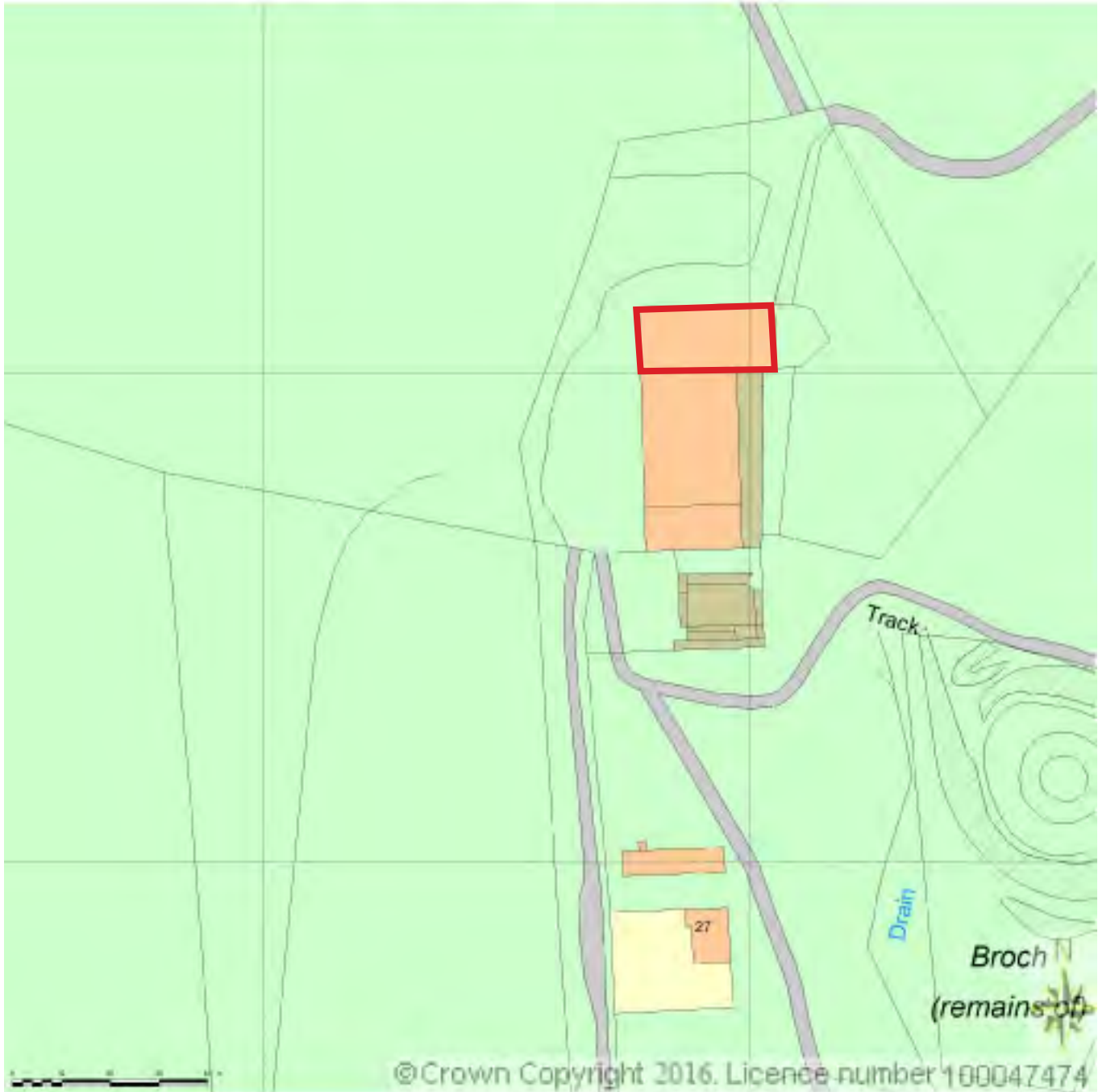


Development & Infrastructure
Service

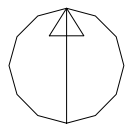
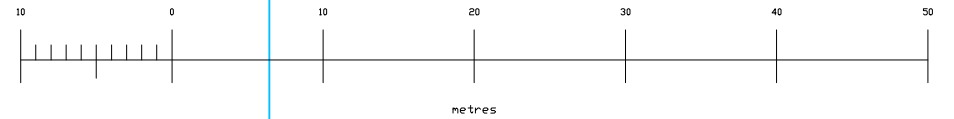
16/02150/FUL
Change of use of barn from agricultural to Class 4
and installation of biomass system including
external flue (as amended) at Upper Bighouse,
Forsinard
Date:05.06.2017



SITE LOCATION PLAN
AREA 5 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 288859 , 957564



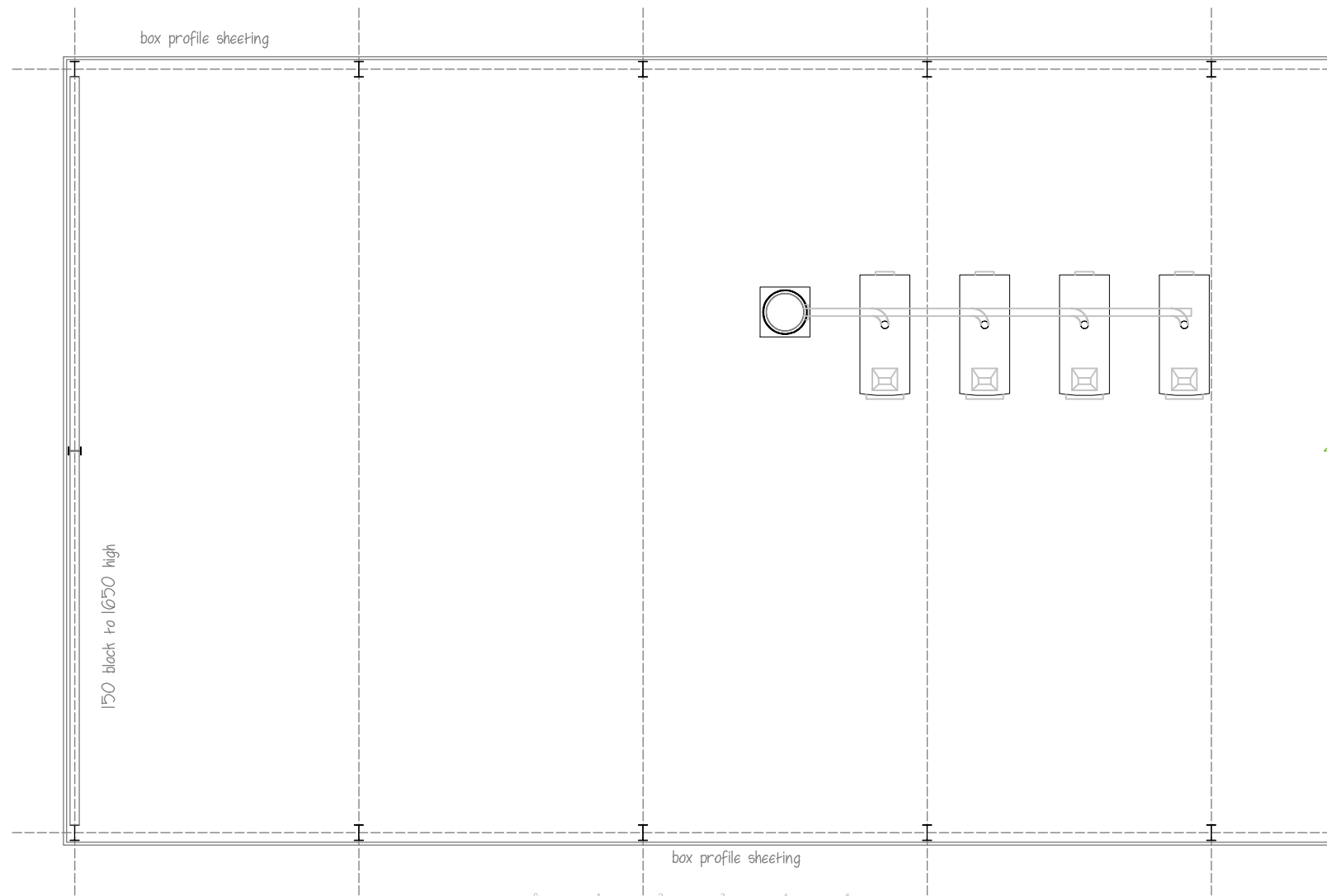
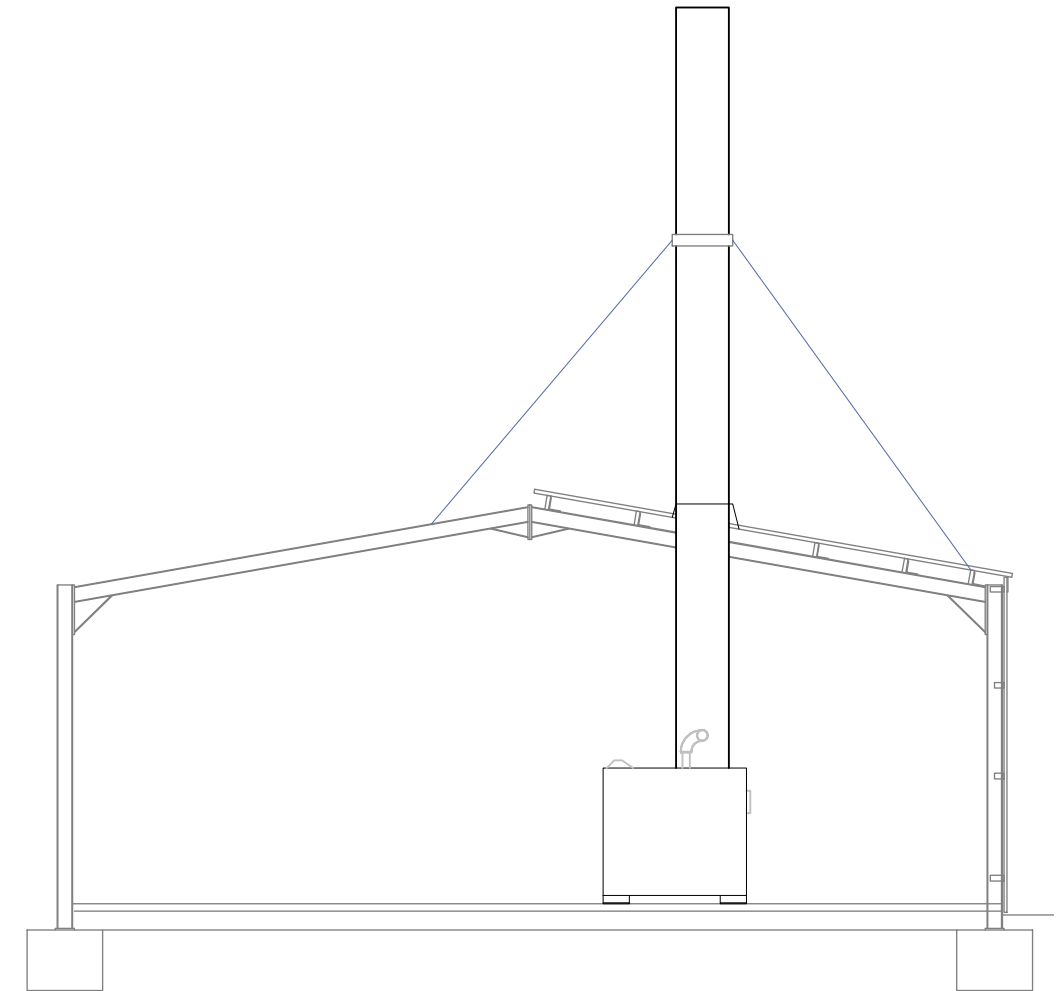
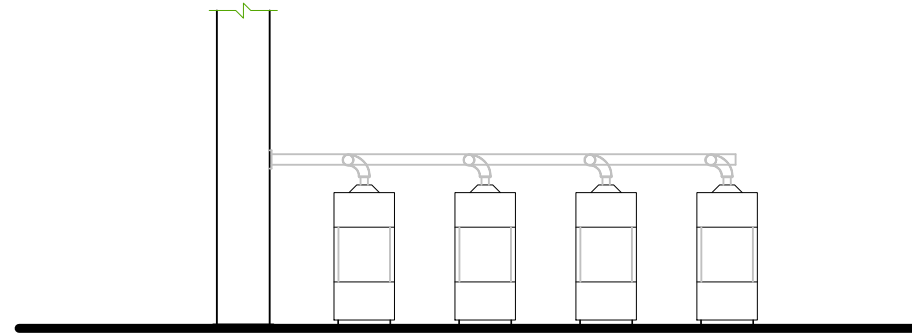
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Drawing No:	DS/15/ubh s&l (F)
Title	Site plan Upper Bighouse dev F) new farm building
Scale	1:500 Drawn hm
Checked	Date may 2016

drafting services
 28 grove lane
 Inurso
 KW14 8AE
 tel: 01847 896253
 e-mail: hurhmackay110@btinternet.com

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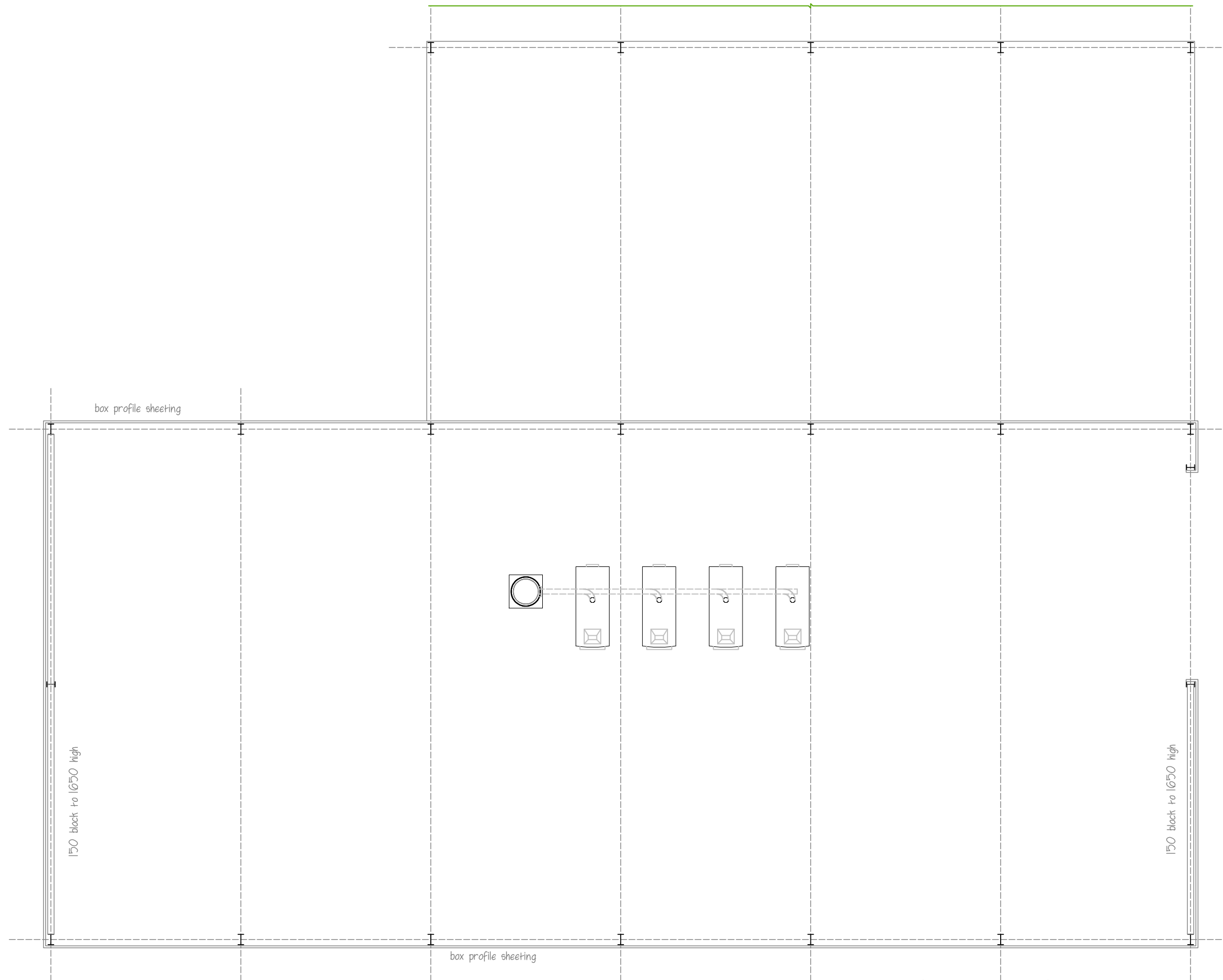


Part plan 1:100

Drawing No: DS/15/ubh/10F
 Title: Upper Bighouse dev
 F) twin wall s/steel chimney: 600 dia
 Scale: 1:100 Drawn: hm
 Checked: Date: may 2015

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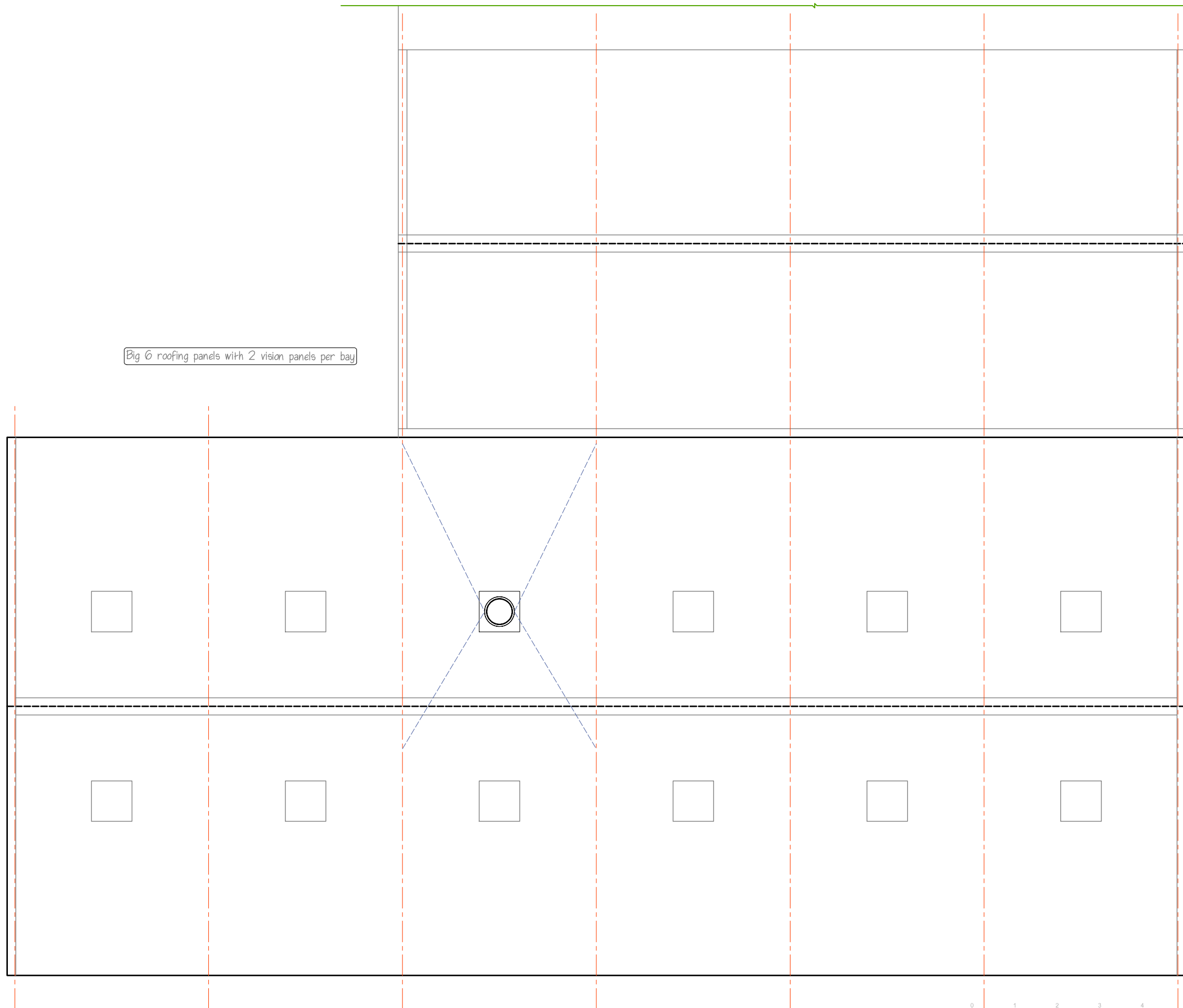
Plan 1:100



Drawing No: DS/15/ubh 2 (F)
 Title: Upper Bighouse dev
 F) boiler layout and chimney
 Scale: 1:100 Drawn: hm
 Checked: . Date: may 2016
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Big 6 roofing panels with 2 vision panels per bay



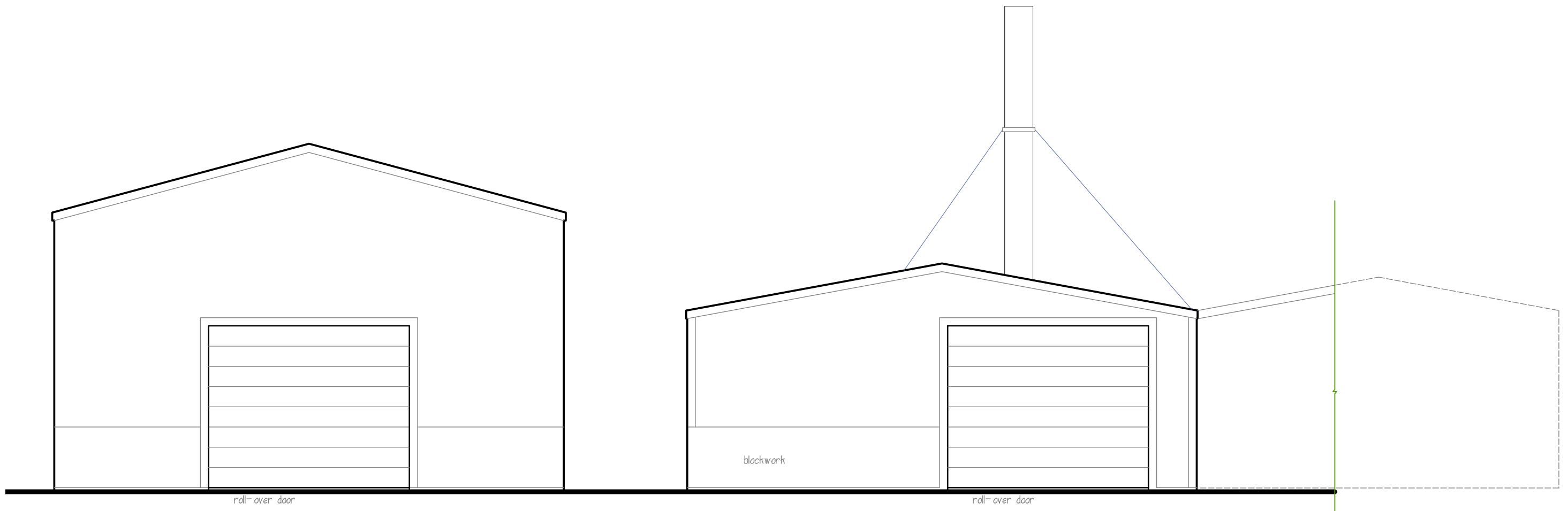
Roof plan 1:100



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	F) twin wall s/steel chimney: 600 dia
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Checked	Date may 2015

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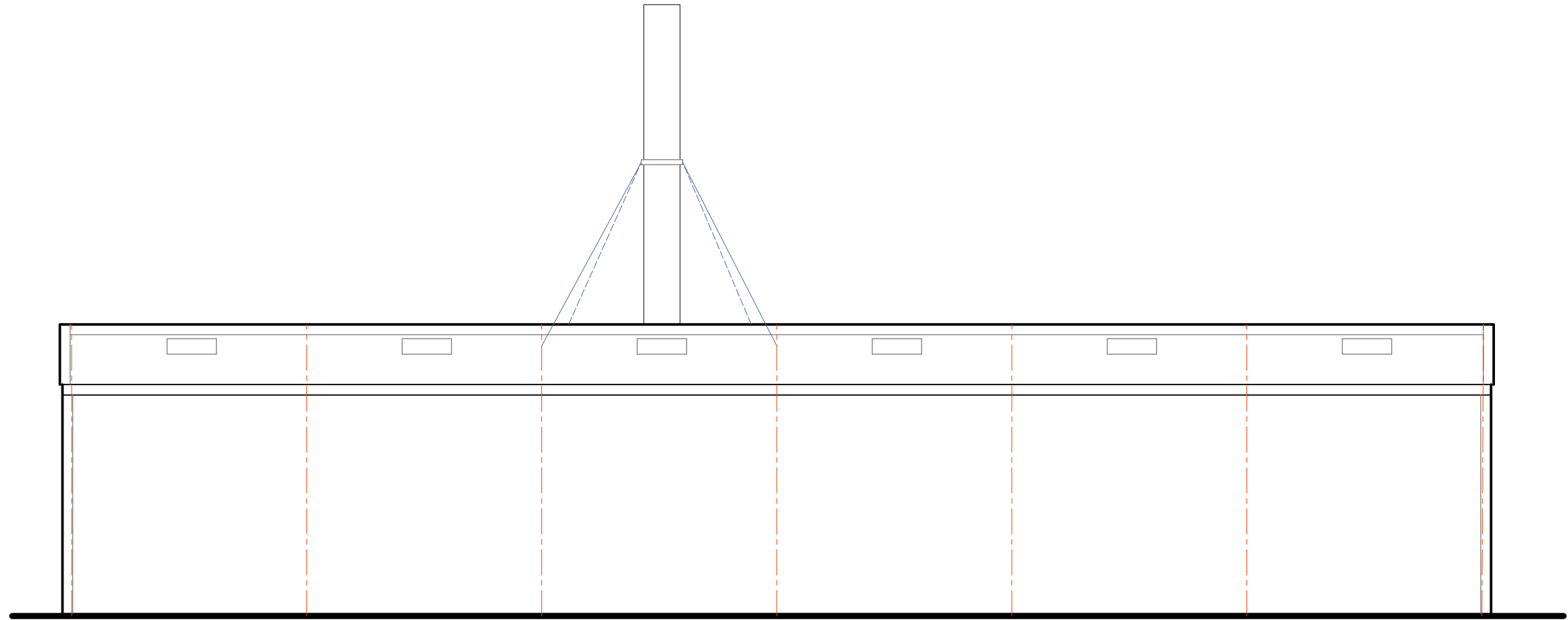
West elevation 1:100



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Checked	Date nov 2016

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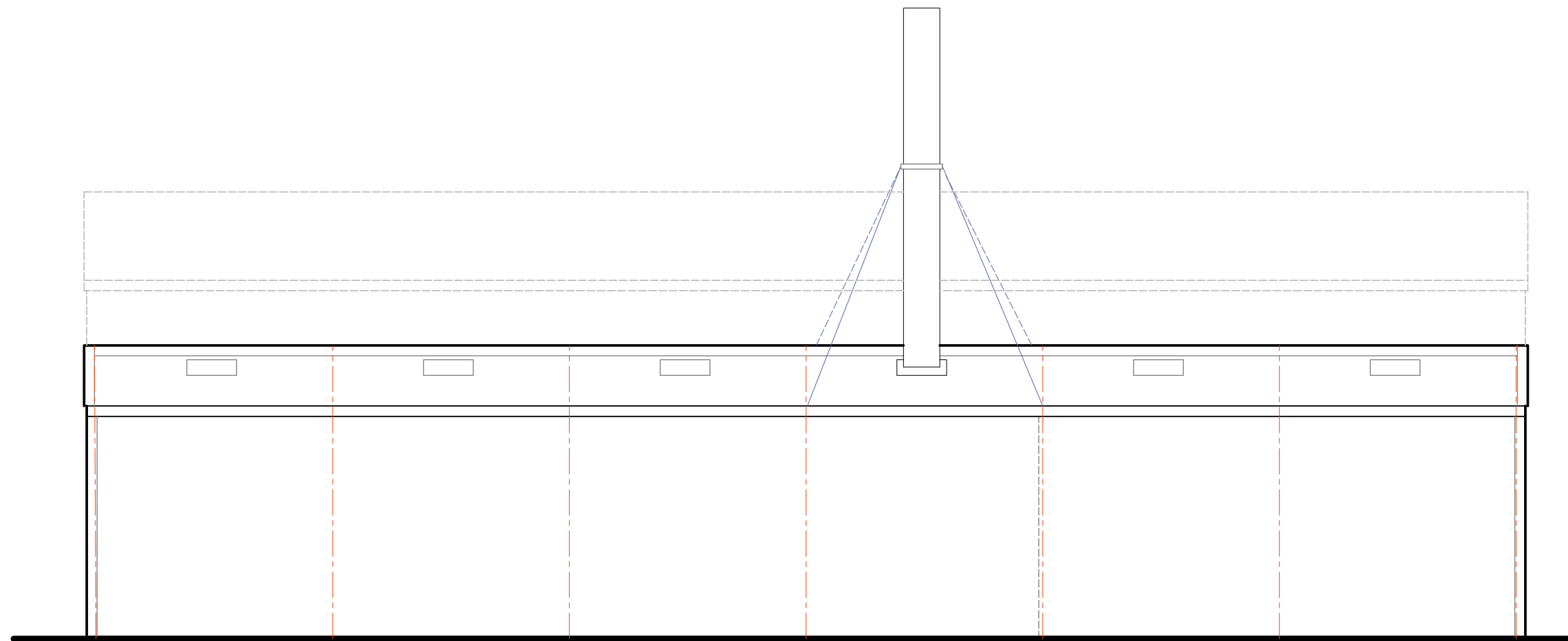
North elevation 1:100



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Checked	Date nov 2016

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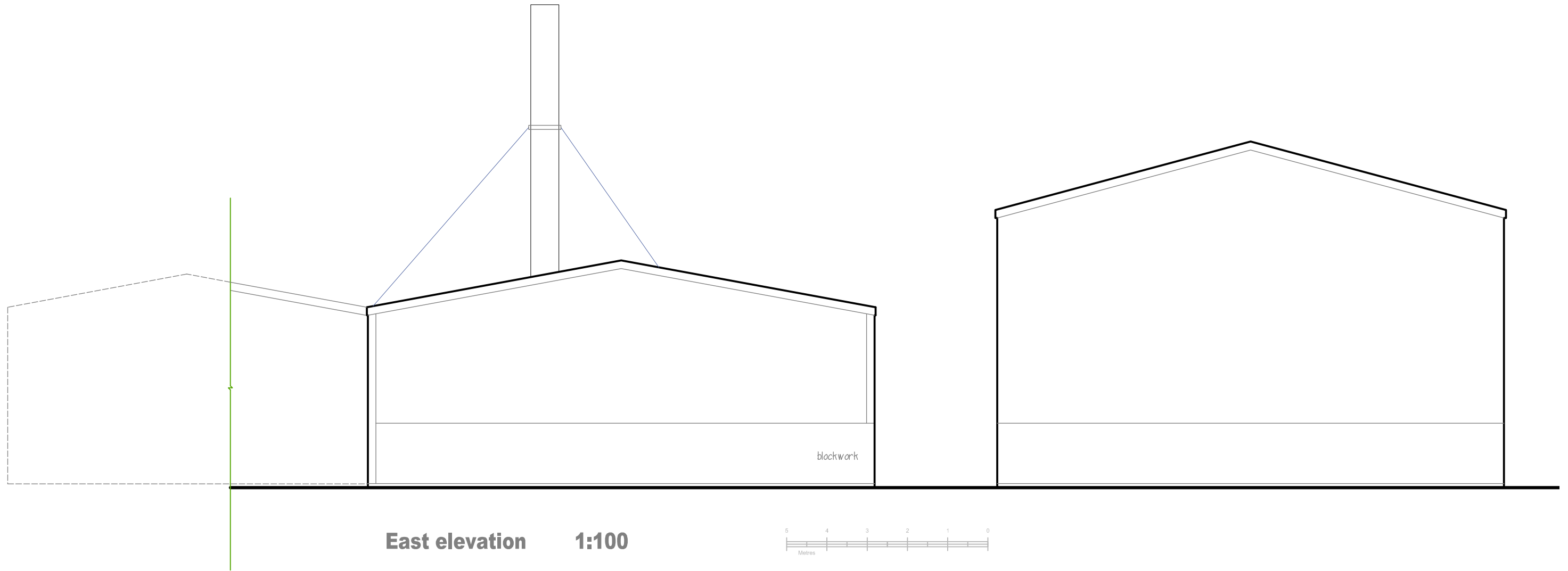
Part elevation: South 1:100



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Checked	Date nov 2016

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Drawing No:	DS/15/ubh 7F
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Checked	Date nov 2016

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