

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE – 28 June 2011**

Agenda Item	<b>2.1</b>
Report No	<b>PLC/029/11</b>

**11/00064/FUL : Mr James Gagan  
Land at Coul Croft, Edderton**

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

**Summary**

Members will recall that this application was reported to Committee on 7 June 2011. Committee agreed to defer determination of the application for further information and a site inspection to be held on 28 June directly before a special meeting of the Planning Applications Committee to determine the application.

Since the last meeting of the Committee detail of the further information requested has been received. This information has been provided to the Committee member however to ensure the whole Committee has this information available to them to make an informed decision on the application, the request for information has been summarised and included in this supplementary report.

In addition, a further letter of objection to the application was received from one of the original contributors between publication of the Committee report and prior to the last meeting. This letter was circulated to those members present at the last meeting and is available in the case file. The further issues raised have been addressed in this report. Following advice from Legal Services it is suggested that amendments are made to Conditions 16 and 19 of the original report. These are detailed more fully in Paragraph 2.1 of this report.

A summary of all the material considerations raised in representations is included in paragraphs 4.2 and 4.3 of my original report with an assessment of these included in paragraph 8.4. All of the letters of representation can be viewed online at <http://www.highland.gov.uk>, at the Area Planning Office in Golspie and for Councillors will be available for inspection immediately prior to the Committee meeting.

The application is therefore being reported back to Committee for determination in accordance with the original report (attached) subject to the recommended changes to Conditions 16 and 19 included in paragraph 3.1 of this report.

**Recommendation – Grant Planning Permission subject to conditions.**

## **1. Request for additional information by Committee Member**

### **1.1 Further information was requested on the following issues:**

#### **Access from the A836, visualisation and proposed method of excavation**

A sketch of the proposed access has been prepared by the applicant and is available at <http://wam.highland.gov.uk/wam/> and then typing in the application number, or in the case file. This indicates graded banks which will be seeded and allow natural re-growth. A retaining wall may be required however this will not be known until a detailed engineering report has been prepared. The applicant does not intend to use drilling or blasting to excavate the access. Given the ground conditions in this area it is the intention that the access will be excavated using a mechanical digger.

#### **Type of water connection proposed and the effect on the amenity for other householders.**

A connection to the Scottish Water water network is being sought by the applicant. The main runs along the rear of the applicant's house and this is the end of the line. It is the intention that the Scottish Water connection would be taken from here. The applicant has been advised both by the Planning Authority and Scottish Water themselves 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. I do not believe that the provision of a connection in this area will have an adverse affect on the amenity of other users of the water network.

#### **Detail on the future of the 33kV overhead line and potential impact on historical drainage**

If required by Scottish and Southern Energy then it is the intention that the cable would be under-grounded. The applicant is unaware of any historical drains within the proposed site. However, all drainage would have to be dealt with by the applicant and the recommended conditions for the application ensure that all drainage would be to the satisfaction of the Planning Authority.

#### **Detail on the siting and construction of the proposed sewage treatment plant**

No specific details have been submitted by the applicant/agent regarding the type of sewage treatment plant proposed. The location of the sewage treatment plant is shown on the site layout 25m to the east of the reception/ablutions building. The final scheme installed will be in accordance with all relevant standards from SEPA and Building Standards. The recommended conditions for the application ensure that the foul drainage is to the satisfaction of the Planning Authority.

#### **Some neighbours claim no neighbour notification has been received**

Standard neighbour notification procedures have been followed. All residences within 20m of the red line boundary of the development have been notified. As there are some areas of land which fall within 20m of the red line boundary but do not have a residence associated with them they have been notified by an advert in the Ross-shire Journal.

## **Recreational access from the site and the potential burden on neighbouring land owner**

The proposed gate to be provided would allow access to the footpath network on Edderton Hill only. There are access rights provided over this land through the Land Reform Act. There would not be an extended occupation of the land and an access right is not being claimed as this access would be for casual use only. With this being the case that would be a legal matter between the applicant and their neighbour, outwith the control of the planning system, and would not be a material consideration in the determination of this planning application.

## **Siting and size of the recreation area and compliance with Highland Council standards**

The Highland Council standards for provision of an equipped recreation area apply to new residential developments only and therefore do not apply in this instance. However, if this standard was to be applied a recreation area of 98m<sup>2</sup> should be provided. The detail of the recreation area will be subject to approval in writing by the Planning Authority as secured through the recommended conditions.

## **2. Issues raised in further letter of representation**

- 2.1 The additional letter of representation related to the contents of the report presented to Committee on 7 June 2011. Advice has been sought from Legal Services on the following issues raised in the letter from the respondent:

### **Failure to consider matters material to the application**

The respondent has raised two points under this heading. First, whether “feasibility” (i.e. financial viability) of this development is a material consideration and, secondly, whether the Planning Authority must have before it a detailed assessment of the economic benefits of this development before it can reasonably grant planning permission.

On the first point, the financial viability or feasibility of the development is not, in itself, a material consideration for the Planning Authority to consider. Case law establishes that where a development (if it were to fail) might sterilise a site for alternative use, the authority may have regard to its financial viability as this has direct planning implications. However, as there is no question that this development, if abandoned, would sterilise the site for alternative use the lack of a feasibility or financial viability assessment in this case is not material.

On the second point, the respondent has assumed that there is a “presumption against development in this area” which requires to be rebutted by detailed evidence of economic benefit before this tourism development could be approved. The only presumption against development in the hinterland, however, is a presumption against new permanent housing. There is no presumption against tourism developments. On the contrary, policy is supportive of such developments and already assumes economic benefit through the encouragement of tourism.

On this basis, a detailed economic benefit assessment is not essential to the determination of the application. It is sufficient that the development is a tourism development and, in terms of policy T2 of the Highland Structure Plan, it should be particularly encouraged if there is some basis on which to conclude that it would be likely to “spread economic benefits more widely”.

As discussed in Section 8.4 of my original report to Committee, responses have been made both supporting the application in terms of the economic development it will bring to the area and also against the application in terms of the lack of economic development it will bring to the area. It is my view that the application will bring economic development to the area for the following reasons:

- A further area for tourists to stay to explore the wider area; and
- Increase in potential custom for local businesses including the caravan sales and spares business, local pub/restaurant and the distillery.

### **Visibility from access**

The required visibility to the east and west is achievable and this has been confirmed by TEC Services. The recommended conditions ensure that that visibility is provided and maintained in perpetuity. To achieve the visibility some work will be required to the bank (cutting back of vegetation and minor earth works) and all of the land required for these works is within the control of the applicant.

### **Validity of conditions**

The respondent had raised concerns related to the validity of the following recommended conditions as set out in my original Committee report:

#### **Condition 3**

This is a valid type of suspensive condition and it is as competent to suspend occupancy entitlement using such a condition as it is to suspend commencement of development. The condition is not expressed as a true negative condition or “condition precedent” in legal terms (i.e. “no development shall commence until ...”) but does not require to be so as the applicant has (or will have with the permission of the Council as Roads Authority) sufficient control over the relevant land to allow him to comply with the access construction requirements. In terms of paragraph 36 of Circular 4/1998 – The Use of Conditions in Planning Permissions “sufficient control” is all that is required.

#### **Condition 16**

Although this condition as drafted would be enforceable to prevent occupation of the chalets as a sole or main place of residence, the respondent’s point in relation to the lack of definition of the expression “tourism purposes” is perhaps well-founded. As an alternative, therefore, a more specific occupancy restriction commonly used in Highland is recommended. This recommended revision is included in Paragraph 3.1 of this report.

#### **Condition 19**

While the authority may find it difficult to police compliance with this condition and difficult to prove that persons arriving between 10 pm and 7 am are in fact “new guests”, it does not follow that the condition is legally unenforceable if the necessary evidence of “new guest” arrivals in breach of the condition is obtained. The test in Circular 4/1998 is whether a condition is sufficiently precise for the applicant to be able to ascertain what he must do to comply with it. It is considered that condition 19 as drafted meets this test. Nevertheless, in order to clarify further, it is recommended that the expression “new guests” in condition 19 be amended to “unregistered new customers”. This recommended revision is included in Paragraph 3.1 of this report.

### **Failure to require a Section 75 Legal Agreement**

The use of a Section 75 agreement to add further detail to conditions is not necessary as the conditions are sufficiently clear. The use of a Section 75 agreement in this instance would not meet the tests contained within Circular 1/2010 – Planning Agreements.

### **3. Recommendation**

3.1 Subject to the above, and contents of the original report, it is recommended that the application be **GRANTED** subject to the conditions and reasons/notes to applicant set out in the original report and the following amendments to conditions 16 and 19:

16. None of the Chalets hereby approved shall be made available for occupation as a permanent residence and none of them shall be occupied by the same persons or group of persons for more than three consecutive months or for more than six months in total in any calendar year.

**Reason:** In order to ensure that the chalets are occupied for tourism purposes only and not as permanent residential accommodation.

19. The camping and caravanning site shall not be open to unregistered new customers between the hours of 10pm and 7am.

**Reason:** In the interests of amenity.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager  
Caithness, Sutherland and Easter Ross

Author: Simon Hindson

Background Papers: Documents referred to in report and in case file.

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE – 7 June 2011**

Agenda Item	<b>3.2</b>
Report No	<b>PLC/023/11</b>

**11/00064/FUL : Mr James Gagan  
Land at Coul Croft, Edderton, Tain**

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

**SUMMARY**

**Description** : Construction of camping/caravan site and associated access roads, services, reception/ablutions building, temporary camping shelters and self catering lodges.

**Recommendation - GRANT**

**Ward** : 05 - East Sutherland and Edderton.

**Development category** : Local Development.

**Pre-determination hearing** : No.

**Reason referred to Committee** : Community Council Objection, more than 5 objections as per scheme of delegation.

**1. PROPOSED DEVELOPMENT**

- 1.1 A caravanning/campsite is proposed with capacity for up to 30 touring caravans and 17 tents. Accommodation will also be provided in the form of 5 self catering timber chalets and 4 camping shelters (small covered areas for tents). A reception/ablutions building is also proposed. Drainage is to be via a private system with discharge to an infiltration field. Access to the site is to be taken from the A836. Given the type of development, the site will remain largely green, with additional landscaping provided to the northern boundary of the site.
- 1.2 Informal pre-application discussion had taken place in the form of a site meeting between officers of the Planning and Development Service and Transport, Environment and Community Services (Roads).
- 1.3 There is no existing infrastructure on the site.
- 1.4 The following information has been submitted in support of the application:
  - Percolation tests;
  - Swept Path Analysis;

- Protected Species Survey; and
- E-mail detailing proposed waste management arrangements

1.5 A revised site layout plan has been submitted to ensure the proposal meets with licensing requirements for a caravanning/camp site and to show a revised access arrangement, recreation area and revised foul drainage arrangements. A revised location plan has also been submitted to ensure the site of application includes all of the proposed development.

## **2. SITE DESCRIPTION**

2.1 The site lies approximately 2.5km to the west of the Meikle Ferry Roundabout on the A836. The site gently slopes and sits above the road overlooking Seafield Farm, Edderton sands and Cambuscurrie Bay to the north. The land to the south comprises of woodland on Edderton Hill. One neighbour has been identified within 20m of the site.

2.2 The site is currently undeveloped with agricultural holdings in the surrounding area.

## **3. PLANNING HISTORY**

3.1 None.

## **4. PUBLIC PARTICIPATION**

4.1 Advertised : Neighbour Notification, Potential Departure from Development Plan

Representation deadline : 22 April 2011

Timeous representations : 47 timeous representations (38 against and 9 in support) have been submitted from 38 households.

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Access and road safety
- Amenity
- Biodiversity
- Visual impact
- Impact on existing industries
- Drainage
- Increased risk of landslip
- Pedestrian access
- Block existing Right of Way
- Contrary to Development Plan

- Public consultation
- Waste management
- Impact on category B Listed Building
- Community economic benefit
- Lack of information – facility opening times, boundary treatment
- Set precedent for random development in rural areas

4.3 All letters of representation can be viewed online [www.highland.gov.uk](http://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 **Archaeology** : No objection. Request a condition securing a programme of archaeological work if the Council are minded to approve the proposal. This work is to be secured given the proposal lies within an area of archaeological potential.

5.2 **TEC Services (Roads)** : No objection. Recommend a set of conditions to ensure there is no detrimental impact on the local road network.

5.3 **TEC Services (Environmental Health)** : No objection. Environmental Health sought clarification on a number of matters related to the application and are satisfied that the application meets the requirements for a licence under The Civic Government (Scotland) Act 1982.

5.4 **Access Officer** : No objection. Would like to secure access to the network of paths around Edderton Hill from the development.

5.5 **Edderton Community Council** : Object. The grounds of objection are as follows:

- Road safety concerns related to the access;
- Potential for surface water on the A836; and
- Lack of information on sewage treatment.

5.6 **Scottish Water** : No objection. The applicant is advised to discuss the proposal directly with Scottish Water.

5.7 **Scottish Hydro Electric** : No objection. All electrical facilities must be undergrounded/diverted if required before carrying out any work. All construction should be carried out in line with guidance from the Health and Safety Executive.

5.8 **Scottish Natural Heritage** : No objection. Scottish Natural Heritage requested a Protected Species walk over survey to be carried out. They are satisfied with its findings and request conditions related to the findings of the report.



- 5.9 **Royal Society for the Protection of Birds** : No objection. Suggests that a Recreational Access Management Plan be prepared given the potential for additional recreational access taking place in Morangie Forest Special Protection Area.
- 5.10 **Scottish Environment Protection Agency** : Withdrawn objection. SEPA are satisfied with the foul drainage arrangements, results and methodology of the percolation tests. They have requested conditions related to the provision of a Sustainable Drainage System on site and the detailed design of the road to be submitted prior to the commencement of development to ensure the design of the road would not adversely affect the groundwater and flood risk.

## **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 Sustainable Design
- B7 Business Development in Rural Areas
- T2 Tourism Developments
- T3 Self Catering Tourist Accommodation
- BC1 Preservation of Archaeological Sites

### **6.2 Sutherland Local Plan 2010**

- Policy 4 Natural, Built and Cultural Heritage
- Policy 7 Waste Water Treatment
- Policy 10 Physical Constraints
- Policy 11 Protected Species
- Policy 14 Surface Water Drainage
- Policy 18 Design Quality and Place-making
- Policy 19 Travel

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland wide Local Development Plan – Proposed Plan**

- Policy 29 – Sustainable Design
- Policy 30 – Design Quality and Place-making

Policy 31 – Physical Constraints

Policy 37 – Wider Countryside

Policy 44 – Tourism

Policy 45 – Tourist Accommodation

Policy 57 – Travel

Policy 58 – Natural, Built and Cultural Heritage

Policy 59 – Protected Species

Policy 64 – Water Environment

Policy 66 – Waste Water Treatment

Policy 67 – Surface Water Drainage

## 7.2 **Highland Council Supplementary Planning Policy Guidance**

Waste Management in New Developments: Interim Supplementary Guidance.

## 7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy.

## 7.4 **Other**

Not Applicable.

## **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 proposal was advertised as a potential departure to the development plan as it is located within the Hinterland. As the proposal is for a commercial enterprise rather than any permanent residences this proposal is not a departure from the development plan. The proposal is located outwith a settlement boundary and therefore is not allocated for a particular type of development. The Highland Structure Plan and the emerging Highland wide Local Development Plan are supportive of this type of tourist accommodation. The proposal accords with the provisions of the development plan.

## 8.4 Material Considerations

**Access and Road Safety** – Numerous comments have been received regarding the suitability of the access arrangement onto the A836 and potential issues with road safety.

- **Access Arrangement** - TEC Services (Roads) were consulted on the application and they consider the access arrangement to be satisfactory. Following a request by the Planning Authority, a swept path analysis has been carried out. TEC Services (Roads) are satisfied with its findings.
- **Road Safety** - Given the number of comments related to accidents on this stretch of road, comment was also sought from the Council's Policy Standards and Safety Team who have indicated that the number of accidents in this area are not significant (3 non-fatal accidents within 200m of the proposed site access between January 2000 and December 2010).
- **Increased Traffic on A836** – An increase in traffic may occur as a result of this proposed development. The A836 has the capacity to cope with an increase in traffic without having an adverse impact on the flow of traffic in the area.

**Amenity** – Comments have been submitted related to the impact this development is likely to have on residential amenity through noise, light pollution, privacy and smell.

- **Noise:** To ensure noise pollution is not an issue during construction of the proposed development a condition should be added to any permission which may be granted restricting working hours. To ensure that noise is not an issue in the operational stage of the proposed development, a condition should be added to any permission which may be granted limiting its opening hours, for when new customers will be permitted onto the site.
- **Light:** An element of lighting will be required to ensure the safety and security of users of the proposed development. While this is the case a sensitively designed lighting scheme would not have a significantly detrimental affect on the area. Prior to commencement of development a lighting scheme should be submitted and agreed by the planning authority in consultation with Environmental Health.
- **Privacy:** The proposed development is a significant distance from most properties in the area. The nearest property to any occupied element of the site is that owned by the applicant. Given the layout of the site there will be no direct overlooking issues from the occupied elements of the site.
- **Smell:** SEPA does not believe that the type of foul drainage system proposed will have an adverse smell.

**Biodiversity** – Comments have been made regarding the potential presence of a number of protected species in the surrounding area and the impact of this proposal. A protected species survey has been completed which found no evidence of protected species within 500m of the proposed development. SNH is satisfied with the results of this survey. While this is the case, it is recommended that conditions be attached to any planning permission which may be granted to ensure there is no detrimental impact on nesting birds and the Capercaille interest of the adjacent Morangie Woods SPA.

**Visual Impact** – The site lies outwith the Dornoch Firth National Scenic Area, however is visible from within it. The site can be seen from the Dornoch Bridge and from the coastline along the north of the Dornoch Firth. The site is to remain largely green with limited built development. The majority of the built structures on the site (and the temporary structures in the form of the caravans and tents) will be screened from view by an existing wooded area on the site which is to remain. In addition the materials to be used for the built structures on the site are to be predominantly timber. This will fit well with the landscape and overall contribute to a site which will have limited visual impact.

**Impact on existing industries** – The site is adjacent to agricultural holdings and a number of respondents consider that a campsite would have an adverse impact on the existing agricultural industry of the area. The concerns relate to:

- **Additional recreation pressures:** This is unlikely to affect the existing industries given that the provisions of the Land Reform (Scotland) Act 2003 already apply to this site. While an increase in potential users of the land in the area may occur they will be encouraged to utilise the existing paths and trails network. This will be an element of an access recreation management plan which will require to be submitted and agreed by the planning authority prior to the commencement of development.
- **Introduction of domestic animals:** There are concerns that domestic animals (dogs) would “worry” sheep in the surrounding area. While the responsibility for the behaviour of any dogs or other domestic animal is with its owners it would be appropriate that stock proof fencing should be made a condition of any planning permission which may be granted for this proposal.

**Drainage** – Concerns have been raised related to the drainage arrangement for the site.

- **On site drainage** - Certified percolation tests have been submitted and a revised site plan has been submitted showing an infiltration field which is suitable for the size of development and ground conditions. SEPA are satisfied with the methodology.

- **Ground works affecting the aquifer** – Concerns have been raised about ground works required for the construction of the access disturbing the aquifer. SEPA are seeking conditions which will ensure that the proposed development will not have an adverse impact and will work with the planning authority to secure appropriate mitigation.
- **Flood Risk** – Flood risk is raised by respondents as a potential issue given the disturbance of the aquifer and the type of drainage proposed on the site. The site does not sit within the 1 in 200 year indicative flood risk area and there are no local records of flooding for this site. Sustainable Drainage Systems should be a condition of any planning permission which may be granted to ensure that this site is not subject to an increased flood risk.

**Increased risk of landslip** – Given the engineering work which will need to be carried out to form the access some respondents have raised the issue of landslip. Prior to commencement of the access an engineer's report and drawings detailing the proposed access and any necessary retaining wall should be submitted and agreed in writing by the planning authority. It is anticipated that a retaining wall will be required in forming the access to the site. Depending on the scale of this retaining wall then a building warrant may be required.

**Pedestrian Access** – Respondents have raised concerns that no pedestrian access exists between the site and the village of Edderton. While this is the case it is anticipated that for recreational access the paths in and around Edderton Hill can be utilised.

**Adverse effect on established Right of Way** - Concerns have been raised regarding the blocking up of a right of way to the west of the site access. A limited element of this right of way at its junction with the A836 is likely to be affected during the construction period for the access of the proposed development only. A condition should be attached to any planning permission which may be granted ensuring that the Right of Way remains accessible throughout the construction period and any alteration to the right of way should be agreed in writing with the planning authority.

**Contrary to Development Plan** – Respondents have raised concerns with regard to conformity with the Development Plan as in the Sutherland Local Plan (2010) the site is not allocated for development. The site is outwith the settlement boundary for Edderton and as such would not have a land allocation associated with it. As discussed in section 8.3 of this report the proposed development accords with the relevant policies of the Development Plan.

**Public Consultation** – Respondents have raised concerns regarding the lack of public consultation prior to the submission of this application. As the proposal is not a major development as defined in the Town and Country Planning (Hierarchy of Development) Regulations 2009 public consultation is not a statutory requirement.

**Waste Management** – Respondents have raised concerns that waste management has not been adequately addressed as part of this proposal. This is something which will be addressed through licensing where the applicant would be required to provide adequate waste facilities. However, the applicant has submitted information on how the proposal is likely to be serviced in terms of waste management. This will include provision for recycling and general waste at each pitch. This would be collected daily by the site owner and then removed by a private contractor.

**Impact on Category B Listed Building** – A respondent is concerned about the impact this proposal will have on the setting of Eastburn House. It is not considered that the application will have an impact on the Category B listed building as it is approximately 250m as the crow flies from this proposed development.

**Community Economic Benefit** – A number of respondents have considered that there would be limited or no benefit to the community. Others who have written in support of the application are of the opinion that there would be significant economic benefit to the community arising from the proposal. On balance it is considered that there may be benefit to the existing businesses in the village but also in the surrounding areas given the potential for increased tourists in the area.

**Recreation Facilities** – A number of respondents are concerned that there was a lack of recreation facilities within the proposal. The applicant has now agreed to locate a recreation area within the site. This should be secured by condition on any planning permission which may be granted.

**Lack of information** – A number of respondents consider that there is not sufficient information on facility opening times and boundary treatments to ensure meaningful engagement on the proposal. This information has been sought from the applicant and it is considered satisfactory.

**Set precedent for development in rural areas** – Highland Council planning policy and Scottish Planning Policy support the diversification of the rural economy and an increase in tourist accommodation in suitable locations. This proposal meets with the aims of these policies and the precedent for development in rural areas is acceptable set at a national and regional level.

**Design and Materials** – The design of the proposal takes into consideration its setting and the topography of the site to ensure fit with the landscape and the surrounding uses. The materials chosen for the built structures on the site fit well with the landscape and will avoid any significant adverse impact on the surrounding area. The road within the development will have the most significant impact on the visual amenity of the site. To ensure that this is minimised it should be finished in a dark material to aid its integration into the landscape.

**Landscaping** – A scheme of landscaping should be submitted to ensure the proposed development's integration with the landscape. This should include a detailed scheme of maintenance for the landscaped areas of the site.

## 8.5 Other Considerations – not material

The following issues have been raised. Members will note that these are not material planning considerations:

- Disturbance by bikers
- Devalue property
- Lack of feasibility study
- Health of nearby neighbour
- Disturb view
- Increase in crime

## 8.6 Matters to be secured by Section 75 Agreement

Not Applicable.

## 9. CONCLUSION

- 9.1 This proposal accords with the provisions of the development plan. The proposal can demonstrate that it will fit with the existing uses in the area and subject to conditions can mitigate any potential adverse effects of the proposed development.

## 10. RECOMMENDATION

**Action required before decision issued** N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

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

### General

- 1 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.

**Reason :** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- 2 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) Acts.

### **Vehicular Access**

- 3 All access arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority, and in accordance with the Schedule attaching to this permission, prior to occupation of the development. The access from the A836 shall be constructed by the developer prior to the commencement of any other element of the development and shall be used by all construction traffic.

**Reason :** In the interests of amenity and road safety.

- 4 Car parking provision including disabled parking to serve the proposed development shall be in accordance with National Standards as set out in Scottish Planning Policy and in accordance with Highland Council standards where national standards are not applicable unless otherwise agreed in writing with the Planning Authority.

**Reason:** To ensure adequate car parking in accordance with Scottish Planning Policy.

5. No development shall start on site until full details of the proposed vehicular access arrangements, accompanied by a Chartered Engineer's Report certifying their adequacy and that they do not threaten the stability of the land to the south of the A836, are submitted by the developer for the consideration and written approval of the Planning Authority.

**Reason:** In the interests of public safety.

6. The internal roads and pathways shall be finished in a dark grey, non-reflective, semi-porous material.

**Reason:** In the interests of amenity.

### **Wider Access**

7. No development shall start on site until an access recreational management plan including details of footpaths and cycleways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure) is submitted by the developer for the written approval of the Planning Authority. The plan shall show:

a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;

b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;



- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc;
- d) Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e) Links to the Council's Core Paths and wider access network; and
- f) Information on the way potential path users will be educated regarding the presence of protected species in the area.

The agreed plan shall thereafter be implemented prior to the commencement of construction on the site.

**Reason:** To ensure the development is adequately connected with the existing and proposed pedestrian and cycle routes, to accord with the Land Reform (Scotland) Act 2003 and to ensure qualifying species of the Morangie Woods Special Protection Area are not adversely affected.

- 8. The development shall not be occupied until an internal path network is formed to connect to the existing Edderton Hill path network. Access to the existing path network shall comprise of an unlocked 1.2m wide gate and constructed on level, well drained ground to British Standard 5709 and to the satisfaction of the Planning Authority.

**Reason:** In the interest of amenity.

- 9. During the construction of the development the Right of Way to Coul Croft from the A836 shall remain accessible at all times unless otherwise agreed in writing by the Planning Authority.

**Reason:** To ensure access is maintained under the Land Reform (Scotland) Act 2003 and also as a claimed public right of way as per the Countryside (Scotland) Act 1967.

## **Drainage**

10. All drainage arrangements shall be to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency and the Drainage Authority.

**Reason :** In the interests of amenity and public health.

11. No development shall start on site until the developer submits a Sustainable Drainage Scheme in the form of a report and plans, where necessary, for the whole site (including the access from the A836) for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency, and the Roads Authority. All work shall thereafter be carried out in accordance with the approved scheme.

**Reason:** To ensure adequate protection of the water environment from surface water run-off and in the interests of road safety.

12. No development shall start on site until the developer submits a full ground survey and investigations. For the avoidance of doubt this shall include:

- detailed design of the access arrangement from the A836;
- details of the elevation of the groundwater table along the route of all internal roads; and
- if the groundwater table is affected, the mitigation measures (including modifications to the road if necessary) as proposed.

The scheme shall be submitted by the developer for the consideration and approval in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. Any mitigation approved shall thereafter be carried out in accordance with the approved scheme.

**Reason:** To ensure ground water is adequately protected.

## **Natural, Built and Cultural Heritage**

13. No development shall start on site until a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, is submitted to and approved in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

**Reason:** In order to preserve the archaeological and historical interest of the site.

14. No scrub clearance shall take place between 1<sup>st</sup> April and 31<sup>st</sup> August.

**Reason:** To avoid disturbance to nesting birds.

## **Construction**

15. Hours of construction in relation to any works audible at the site boundary shall be limited to 7.30am - 7.00pm Monday - Friday, 7.30am - 1.00pm Saturday, and not at all on Sunday.

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

### **Occupancy and Opening Times**

16. The chalets hereby approved shall be used for tourism purposes only and shall not be occupied at any time as the sole or main place of residence of any occupant.

**Reason:** In order to ensure that the chalets are occupied for tourism purposes only and not as permanent residential accommodation.

17. The camping and caravanning elements of the development shall not be permitted to open any earlier than 1<sup>st</sup> February and any later than 31<sup>st</sup> October in any one year.

**Reason:** To ensure the development is not used for permanent accommodation.

18. The caravan pitches shown on drawing number 11/00132/01 Rev. E shall be used exclusively for touring caravans.

**Reason:** For clarification of the use and for the avoidance of doubt.

19. The camping and caravanning site shall not be open to new guests between the hours of 10pm and 7am.

**Reason:** In the interests of amenity.

### **Landscaping and Boundary Treatments**

20. The development shall not be occupied until the developer erects stock proof fencing to a height of 1.2m around the entire site.

**Reason:** To ensure compatibility with existing land uses.

21. No development shall start on site until the developer submits a fully detailed scheme of landscaping for the site, including a scheme of maintenance, details of existing trees to be retained and details of the proposed recreation area, all to be approved in writing by the Planning Authority. All planting thereby approved shall be undertaken in the first planting season following occupation of the development and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species. The approved recreation area shall be completed prior to the approved development being brought into use.

**Reason:** In the interests of visual amenity.

### **Materials and Design**

22. No development shall start on site until the developer submits details of the materials, finishes and colours of the buildings, including samples where required, to be approved in writing by the Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

**Reason:** In the interest of amenity and for the avoidance of doubt.

## Waste

23. The development shall not be occupied until the developer submits arrangements for the storage and uplift of commercial waste arising from the development to be approved in writing by the Planning Authority in consultation with the Environmental Health Authority. The arrangements thereby approved shall be implemented prior to the approved development being brought into use.

**Reason:** In order to ensure that satisfactory arrangements for the storage and uplift of waste are in place before the development is brought into use.

## Lighting

24. No development shall start on site until the developer submits details of the lighting system designed for use on the site to be approved in writing by the Planning Authority in consultation with the Roads Authority. The approved details shall thereafter be implemented prior to any part of the development being brought into use.

**Reason:** In the interests of amenity and to avoid light pollution.

## Informatives

**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.

**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.

**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, planning permission does not remove the liability position of developers or owners in relation to flood risk.

**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. A copy of Scottish Water's response to the application is attached.

**Scottish and Southern Energy:** You are advised that a 33,000 volt overhead line runs through the site. The granting of planning permission does not mean that the overhead line can remain in its current position. You are advised to consult The Health and Safety Guidance Note GS6 to ascertain the most suitable course of action. A copy of Scottish and Southern Energy's response to the application is attached.

**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.

**Damage to the Public Road:** 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 which is a fragile section of the Council Road Network.

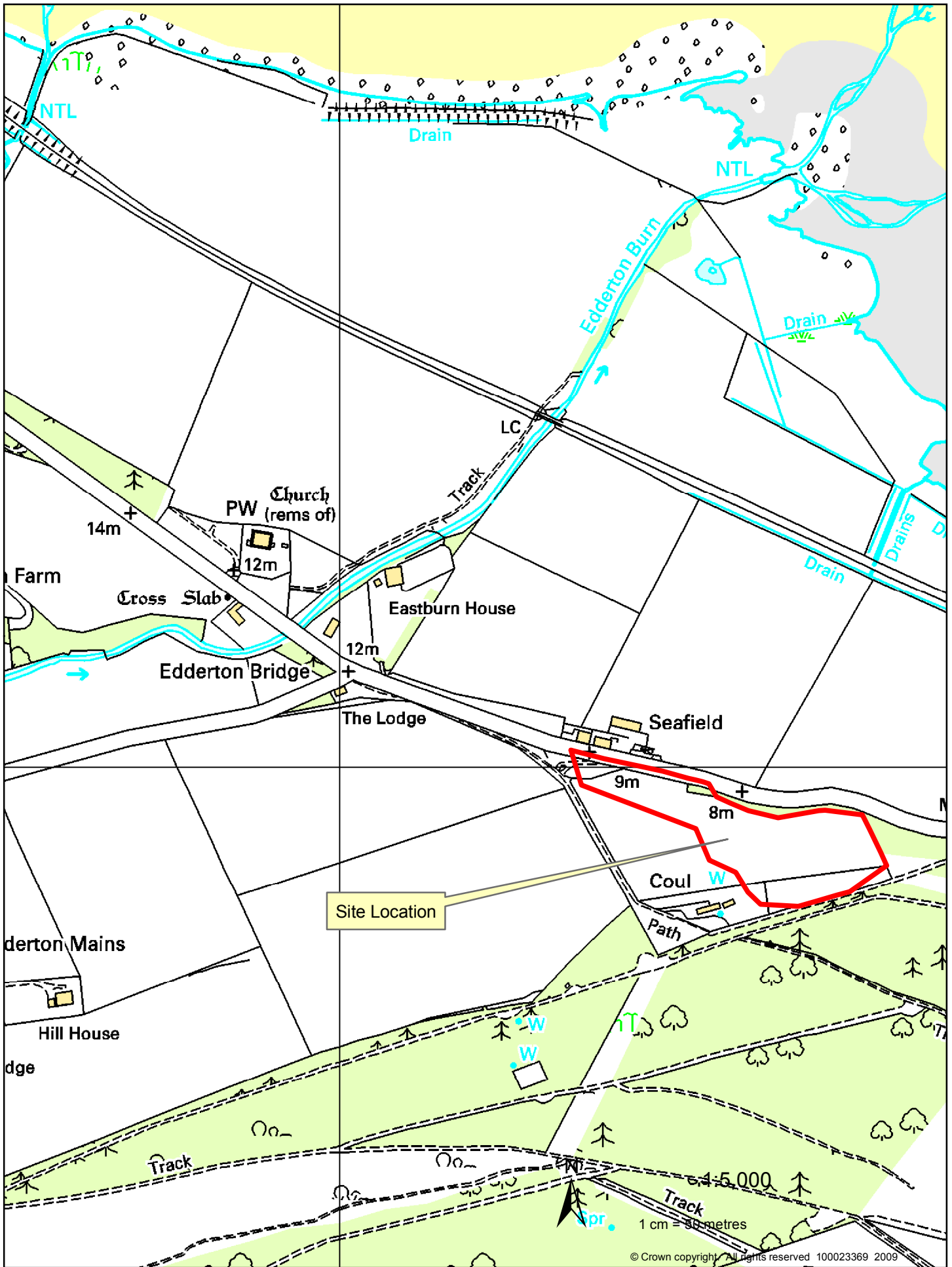
**Environmental Health:** A licence is required to operate a camping/caravanning site. You are advised to contact Environmental Health on 01408 635323 for further advice.

Signature: Allan J Todd  
Designation: Area Planning & Building Standards Manager  
Caithness, Sutherland and Easter Ross  
Author: Simon Hindson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – General Site Layout  
Plan 3 – Site Survey and Sections  
Plan 4 – Reception Building Elevations/Plan  
Plan 5 – Nonagon Lodge Elevations/Plan  
Plan 6 – Camping Shelters Layout Plan/Elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Ms C Pumphrey,	No address - comment by e-mail	01/02/2011	Against
Mrs R M McKenzie	Eastburn House,Edderton,Tain,Ross-Shire,IV19 1JU	02/02/2011	Against
Mr R D G Clarke	Edderton Farm,Edderton,By Tain,IV19 1JU	02/02/2011	Against
Mr P Griffin	Hill House,Bog Row,Edderton,IV19 1LJ	02/02/2011	Against
Mrs S Griffin	Hill House,Bog Row,Edderton,IV19 1LJ	02/02/2011	Against
Mr N Archer	Hillview,Redburn,Edderton,By Tain,IV19 1JU	02/02/2011	Against
Mr and Mrs Bell	The Clocktower,Edderton Mains,Tain,Ross-shire,IV19 1LJ	02/02/2011	Against
Mrs M Urquhart	Ullevi,Edderton,IV191LQ	02/02/2011	Against
Mrs W Whelton	30 Camore Crescent,Dornoch,IV25 3HU,	03/02/2011	Against
Mr R J Shand	Bridge Cottage,Edderton,Tain,Ross-shire,IV19 1JU	03/02/2011	Against
Ms D Christie	Bridge Cottage,Edderton,Tain,Ross-shire,IV19 1JU	03/02/2011	Against
Mrs R Sutherland	Kylarrick,Bogrow,Edderton,Tain,Ross-shire,IV19 1LJ	03/02/2011	Against
Mr Alistair Sutherland	Kylarrick,Edderton,IV19 1LJ	03/02/2011	Against
Mrs C O'Keeffe	Little Gluich,Edderton,Tain,IV19 1LQ,	03/02/2011	Against
Mr K J Weidner	No address - comment by e-mail	03/02/2011	For
Mr D Robbins	No address - comment by e-mail	03/02/2011	For
Ms N Robbins	No address - comment by e-mail	03/02/2011	For
Mr P Whelton	30 Camore Crescent,Dornoch,IV25 3HU,	04/02/2011	Against
Mrs P Ross	8 Station Road,Edderton,IV19 1LA	04/02/2011	For
Mr M Balls	Brae Lodge,Bogrow,Edderson,IV19 1LJ	04/02/2011	Against
Ms N Beesley	Ivy Cottage,Edderton,Tain,IV19 1LF,	04/02/2011	For
Ms T Wallace	No address - comment by e-mail	04/02/2011	Against
Mrs D MacLeod	Rowanlea,Edderton,Tain,Ross-Shire,IV19 1LF	04/02/2011	For
Mr J Stewart	Shepherds Cottage ,Bogrow Road,Edderton ,IV19 1LJ	04/02/2011	Against
Mrs S Stewart	Shepherds Cottage ,Bogrow Road,Edderton ,IV19 1LJ	04/02/2011	Against
Mr R Wylie	Little Gluich,Edderton,By Tain,Ross-shire,IV19 1LQ	07/02/2011	Against
Mr K Bailey	Upper Bogrow,Edderton,Ross-Shire,IV19 1LJ	08/02/2011	Against
Mr G Bowie	Brewers House,Edderton,IV19 1LB	09/02/2011	For
Mr P Owen	No address - comment by e-mail	10/02/2011	Against
Mr J Croft	Leathly Lodge ,Bogrow,Edderton,IV19 1LJ	14/02/2011	Against

Mr J Hoskins	No address - comment by e-mail	15/02/2011	Against
Ms E Hoskins	No address - comment by e-mail	15/02/2011	Against
Mr J Ross	11 Carri Blair Crescent, Edderton, Tain, IV19 1JZ,	16/02/2011	For
Mr D Richie	25 Jubilee Drive, TAIN, IV19 1LT	18/02/2011	For
Ms M Ross	Brae Cottage, Bogrow Road, Edderton, IV19 1LJ	21/02/2011	Against
Mr G Ross	The Lodge, Edderton, IV19 1JU	22/02/2011	Against
Mrs E Kennedy	41 Bellfield Road, North Kessock, Inverness, IV1 3XU,	23/02/2011	Against
Dornoch Firth Caravan Park	Meikle Ferry South, Tain, IV19 1JX	27/02/2011	Against
Mrs L Hallford	Tigh An Uilt, Edderton, Ross-shire, IV18 1JU	28/02/2011	Against
Mr J Clarke	Seafield, Edderton, Tain, IV19 1JU,	07/04/2011	Against
Ms C Balls	No address - comment by e-mail	13/04/2011	Against
Ms J F Clarke	3 Livera Street, Evanton, Ross-Shire, IV16 9YA	22/04/2011	Against
Mr I McKenzie	Eastburn House, Edderton, Tain, Ross- Shire, IV19 1JU	22/04/2011	Against
Mr P Snape	Redburn Cottage, Edderton, By Tain, IV19 1JU	24/04/2011	Against
Ms C Powell	Redburn Cottage, Edderton, Tain, Ross- Shire, IV19 1JU	24/04/2011	Against
Mr D Mackay	Dridgaig Cottage, Edderton, Ross- Shire, IV19 1JU	26/04/2011	Against
Mrs E Archer	Redburn Cottage, Edderton, Ross- shire, IV19 1JU	26/04/2011	Against

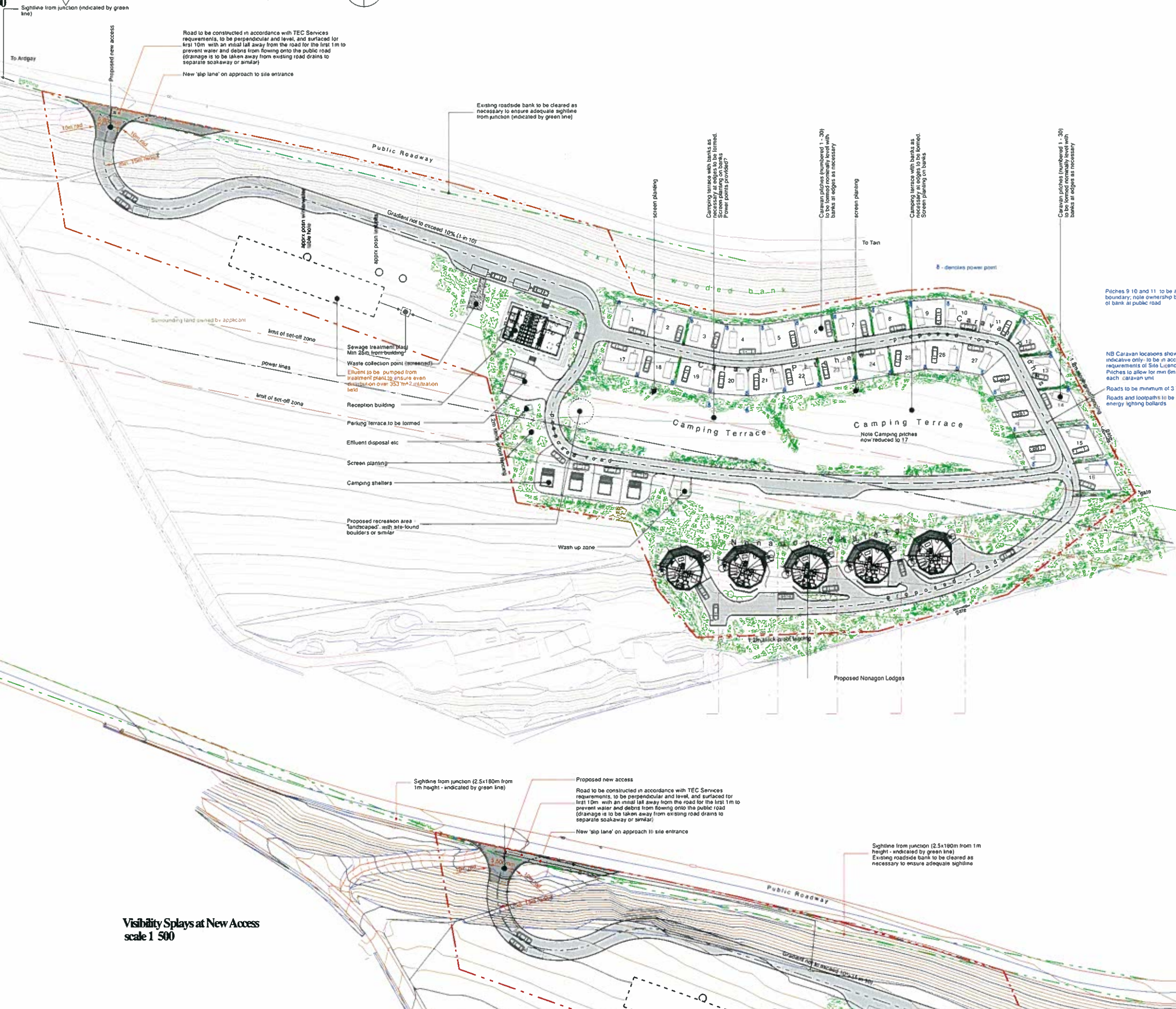


11/00064/FUL  
 Construction of camping/caravan site and associated access roads, services, reception / ablutions building, temporary camping shelters and self catering lodges at Land at Coul Croft, Edderton.

Mr J Gagan  
 per Macbeath Associates Architects  
 6 Clayton Court  
 Castle Avenue Industrial Estate  
 Invergordon  
 IV18 0SB



**GENERAL SITE LAYOUT PLAN**  
scale 1 500



Sightline from junction (indicated by green line)  
To Ardgar  
Proposed new access  
Road to be constructed in accordance with TEC Services requirements, to be perpendicular and level, and surfaced for first 10m with an initial fall away from the road for the first 1m to prevent water and debris from flowing onto the public road (drainage is to be taken away from existing road drains to separate soakaway or similar)  
New 'slip lane' on approach to site entrance

Existing roadside bank to be cleared as necessary to ensure adequate sightline from junction (indicated by green line)

Camping terrace with banks as necessary at edges to be formed. Power points provided?  
Caravan pitches (numbered 1 - 30) to be formed normally level with banks at edges as necessary  
Camping terrace with banks as necessary at edges to be formed. Screen planting on banks  
Caravan pitches (numbered 1 - 30) to be formed normally level with banks at edges as necessary

Caravan pitches (numbered 1 - 30) to be formed normally level with banks at edges as necessary

Pitches 9 10 and 11 to be at least 3m from boundary; note ownership boundary is at base of bank at public road

NB Caravan locations shown on sites are indicative only; to be in accordance with requirements of Site Licensing standards. Pitches to allow for min 6m distance between each caravan unit  
Roads to be minimum of 3.7m wide  
Roads and footpaths to be provided with low energy lighting bollards

Surrounding land owned by applicant  
limit of set-off zone  
power lines  
limit of set-off zone  
Sewage treatment plant  
Min 25m from building  
Waste collection point (separated)  
Effluent to be pumped from treatment plant to ensure even distribution on over 350m<sup>2</sup> infiltration field  
Reception building  
Parking terrace to be formed  
Effluent disposal etc  
Screen planting  
Camping shelters  
Proposed recreation area 'landscaped' with site-found boulders or similar  
Wash up zone

Gradient not to exceed 10% (1 in 10)

Camping Terrace  
Note Camping pitches now reduced to 17

Proposed Nonagon Lodges

**Visibility Splays at New Access**  
scale 1 500

Sightline from junction (2.5x180m from 1m height - indicated by green line)  
Proposed new access  
Road to be constructed in accordance with TEC Services requirements, to be perpendicular and level, and surfaced for first 10m with an initial fall away from the road for the first 1m to prevent water and debris from flowing onto the public road (drainage is to be taken away from existing road drains to separate soakaway or similar)  
New 'slip lane' on approach to site entrance

Sightline from junction (2.5x180m from 1m height - indicated by green line)  
Existing roadside bank to be cleared as necessary to ensure adequate sightline

**Planning Application Drawings**

**General Notes**  
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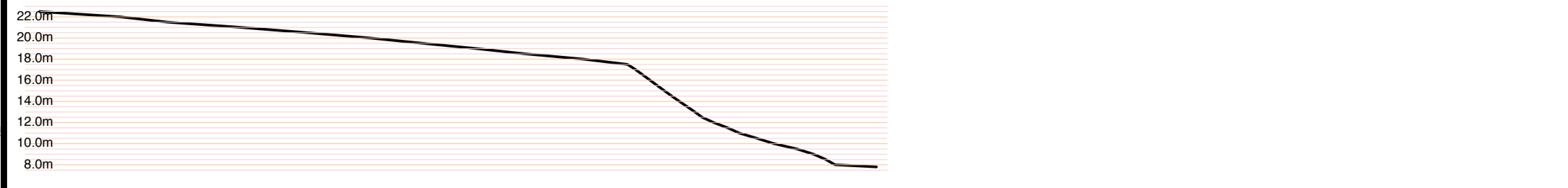
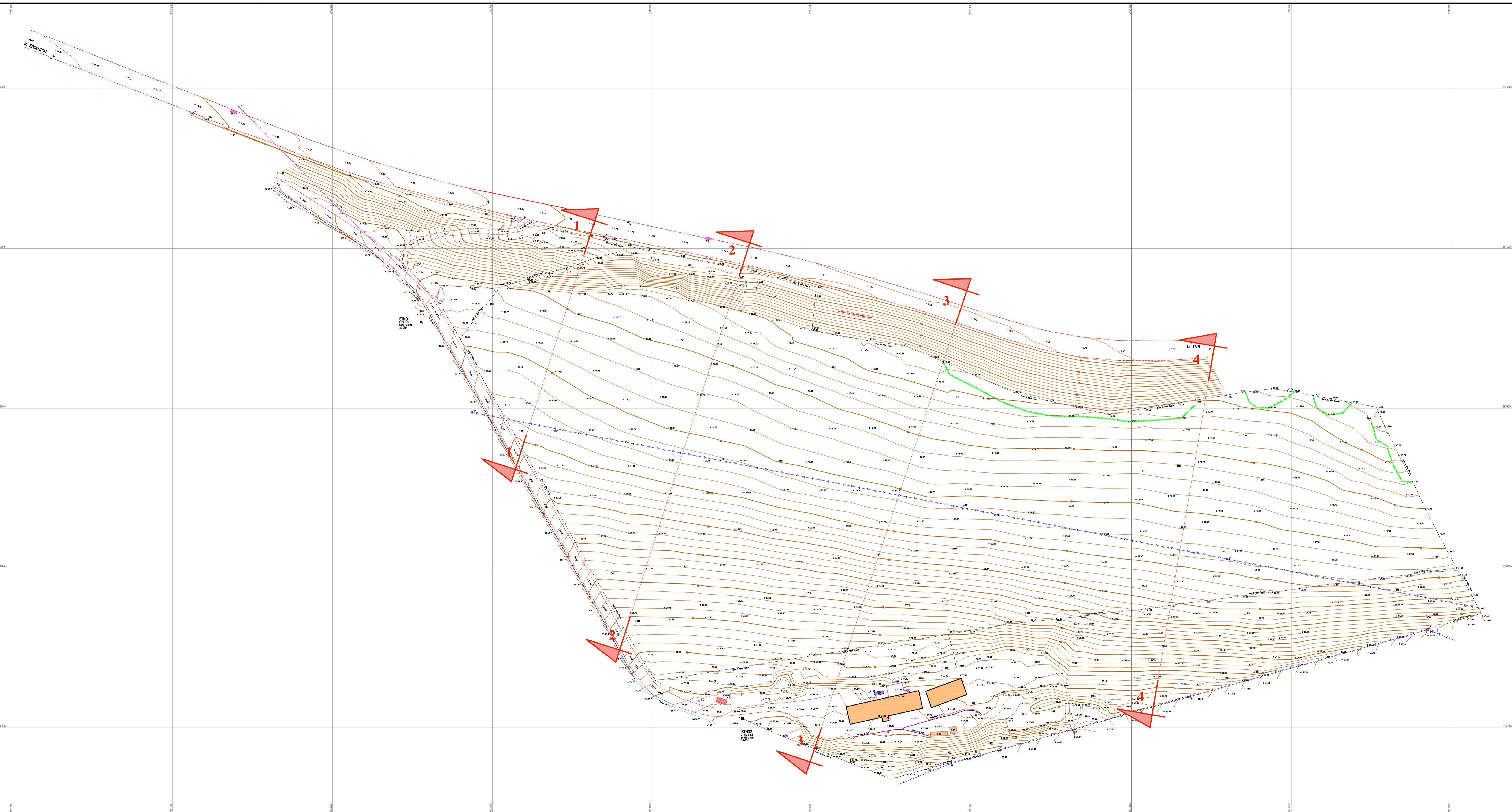
- Preliminary Feasibility
- Application Drawings
- Working Drawings
- Draft Work in Progress

Drg. no. 11/00132/01  
March 2011

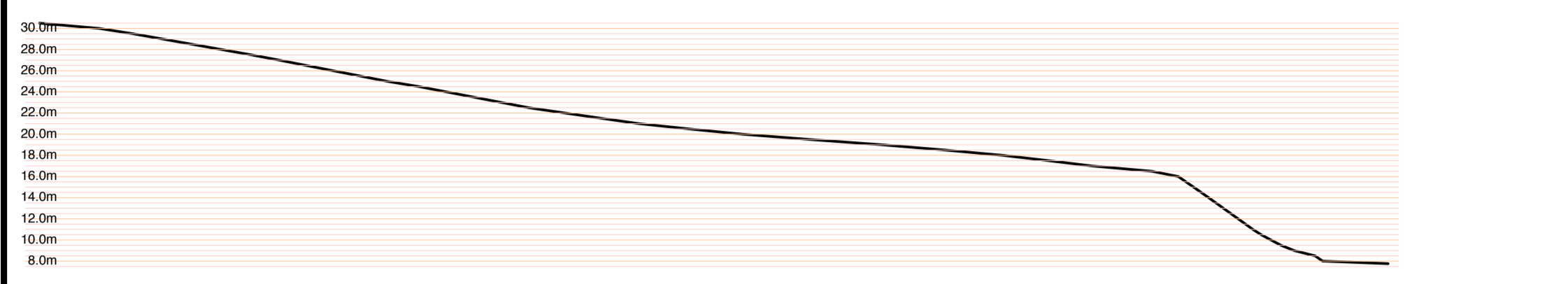
**GENERAL SITE LAYOUT PLAN**

**Client**  
J Gagan  
**Project**  
Caravan Site etc Edderton

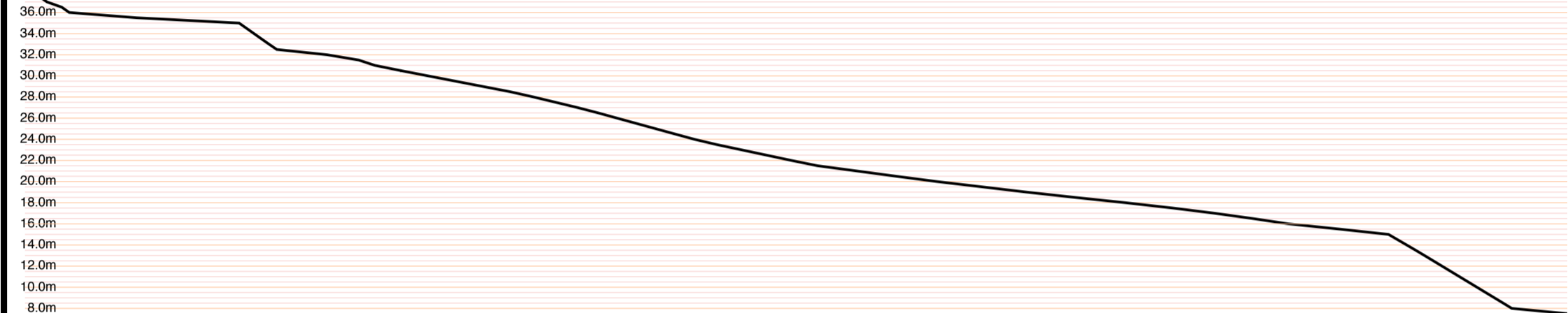
**architect**  
**MACBEATH ASSOCIATES**  
6 Clayton Court Invergordon  
Ross-shire IV18 0SB  
T/F 01349 854590  
im@kinderace.plus.com



Section 1



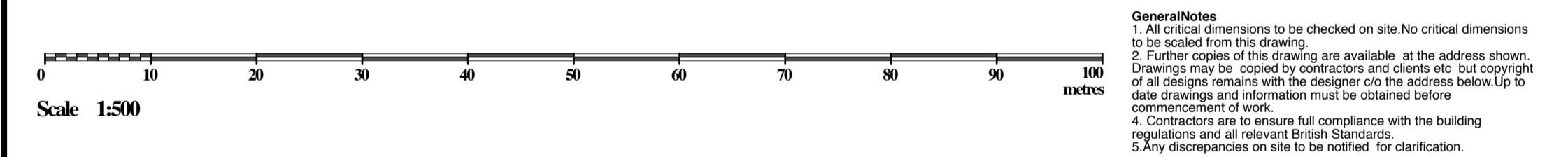
Section 2



Section 3



Section 4



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- Preliminary feasibility
- Application drawings
- Working Drawings
- Draft Work in Progress

Drg. no. 11/132/02  
 January 2011

**Site Survey and Sections**

*Client*  
 J Gagan

*Project*  
 Proposed Caravan Site at Edderton

*architect*  
**MACBEATH ASSOCIATES**  
 6 Clayton Court Invergordon  
 Ross-shire IV18 0SB  
 T/F: 01349 854590  
 im@macbeath.plus.com

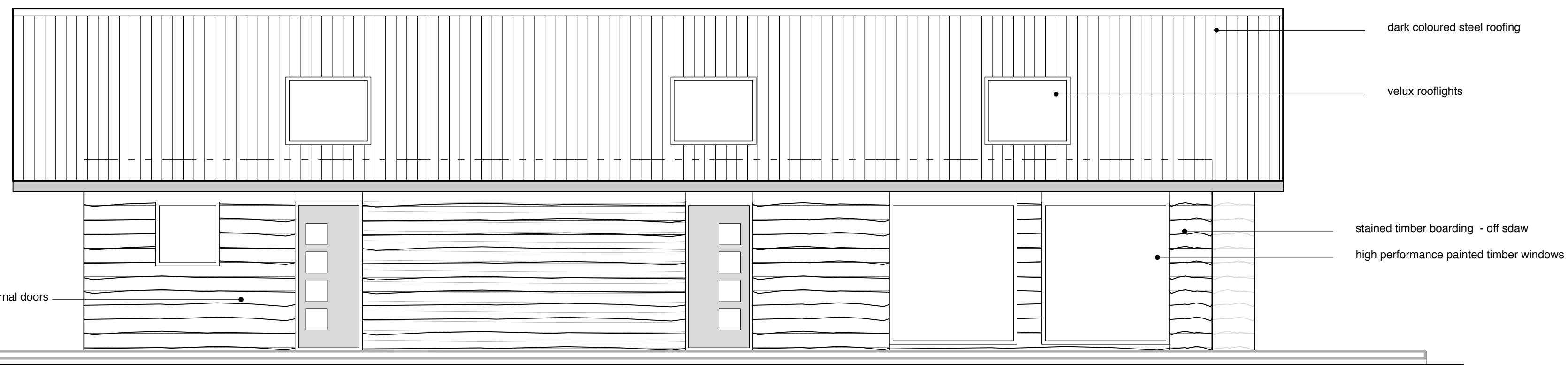
**PROPERTY & LAND SURVEYS (HLDS) LTD.**  
 Floors Lodge, Athole Court, DINGWALL, Ross & Cromarty IV15 9SH  
 Telephone 01349 862393 Fax 01349 865358  
 E-mail: mail@propertylandandsurveys.co.uk

- \* Survey Station
- Sign / Stay
- ⊗ Lamp Post
- ⊗ Telegraph Pole
- ⊗ Electricity Pole
- Stop Valve
- ◆ Fire Hydrant
- × Marker Post
- Post & Wire Fence
- - - Chainlink Fence
- Water Main
- Gas Main
- Telephone Line
- Electricity Line
- Wood / Tree Cover
- Stream / Ditch

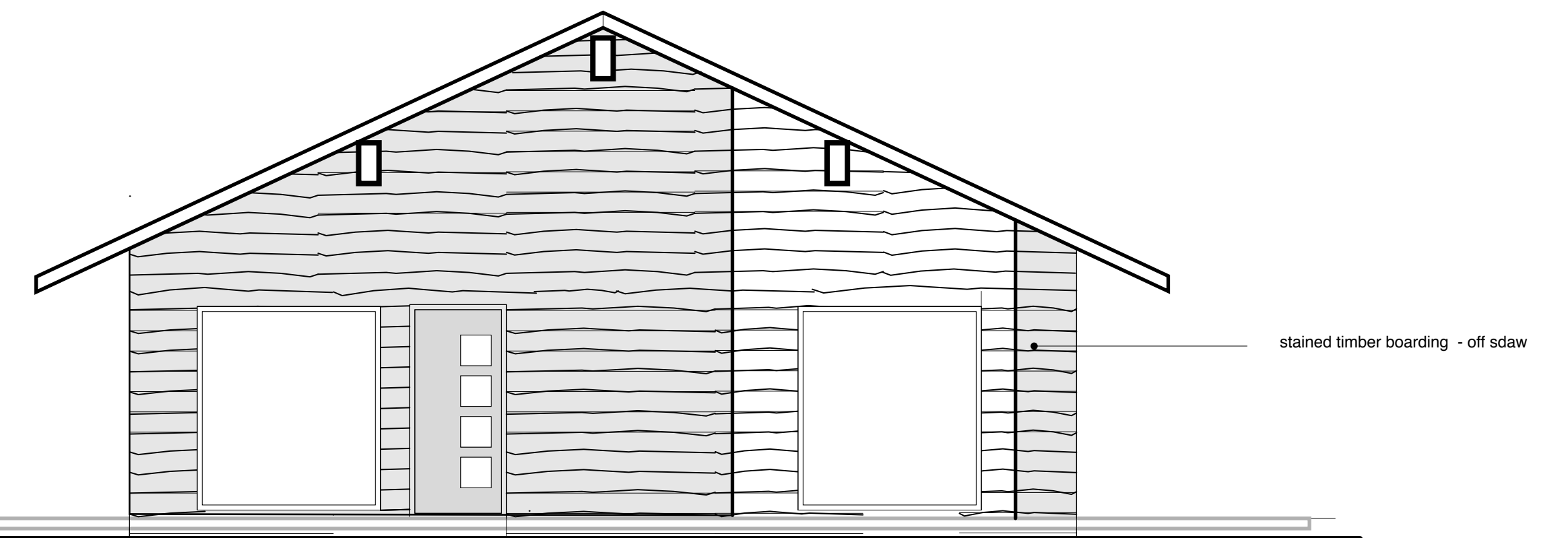
Title  
**Coul Croft  
 by EDDERTON  
 Survey of Site**

Client	James Gagan Coulcroft EDDERTON, IV19 1LJ		
SCALE:	1:500	Surveyed at 1:250 scale	Surveyed by: EH / RW
DATE:	9th August 2010	Checked by:	MAH
ACAD File No.	794101.DWG	Sheet	1 of 1
			Drawing No. 794101

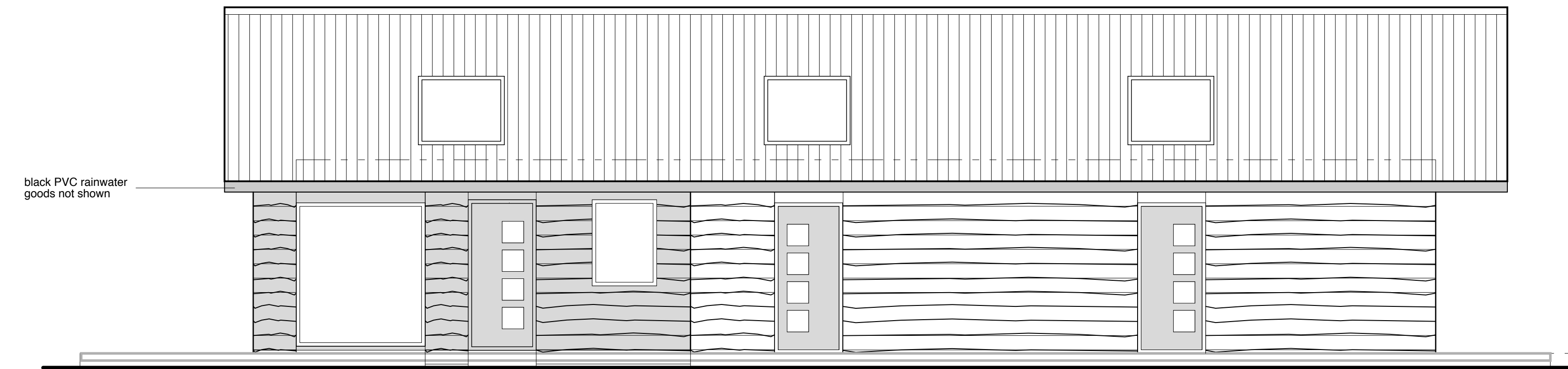
GRID used Local Based on NG LEVEL DATUM used Ordnance Datum (GPS)



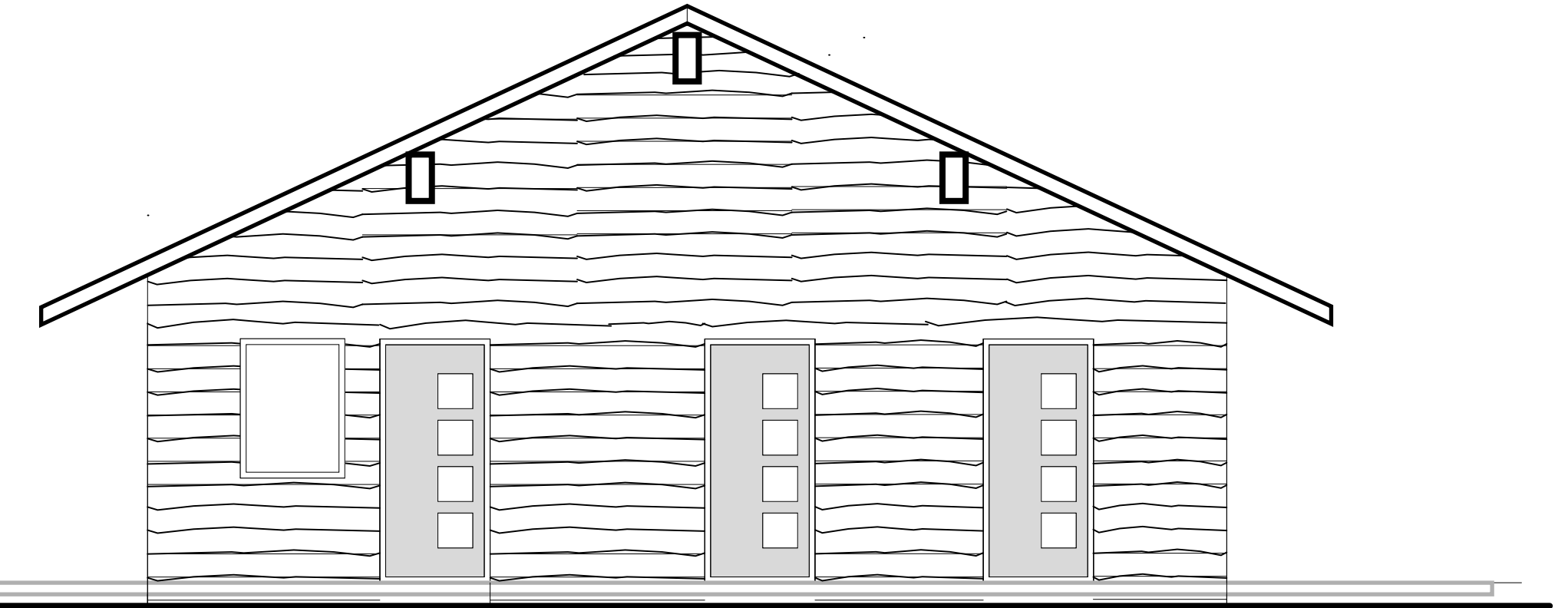
**SOUTHELEVATION**  
scale 1 50



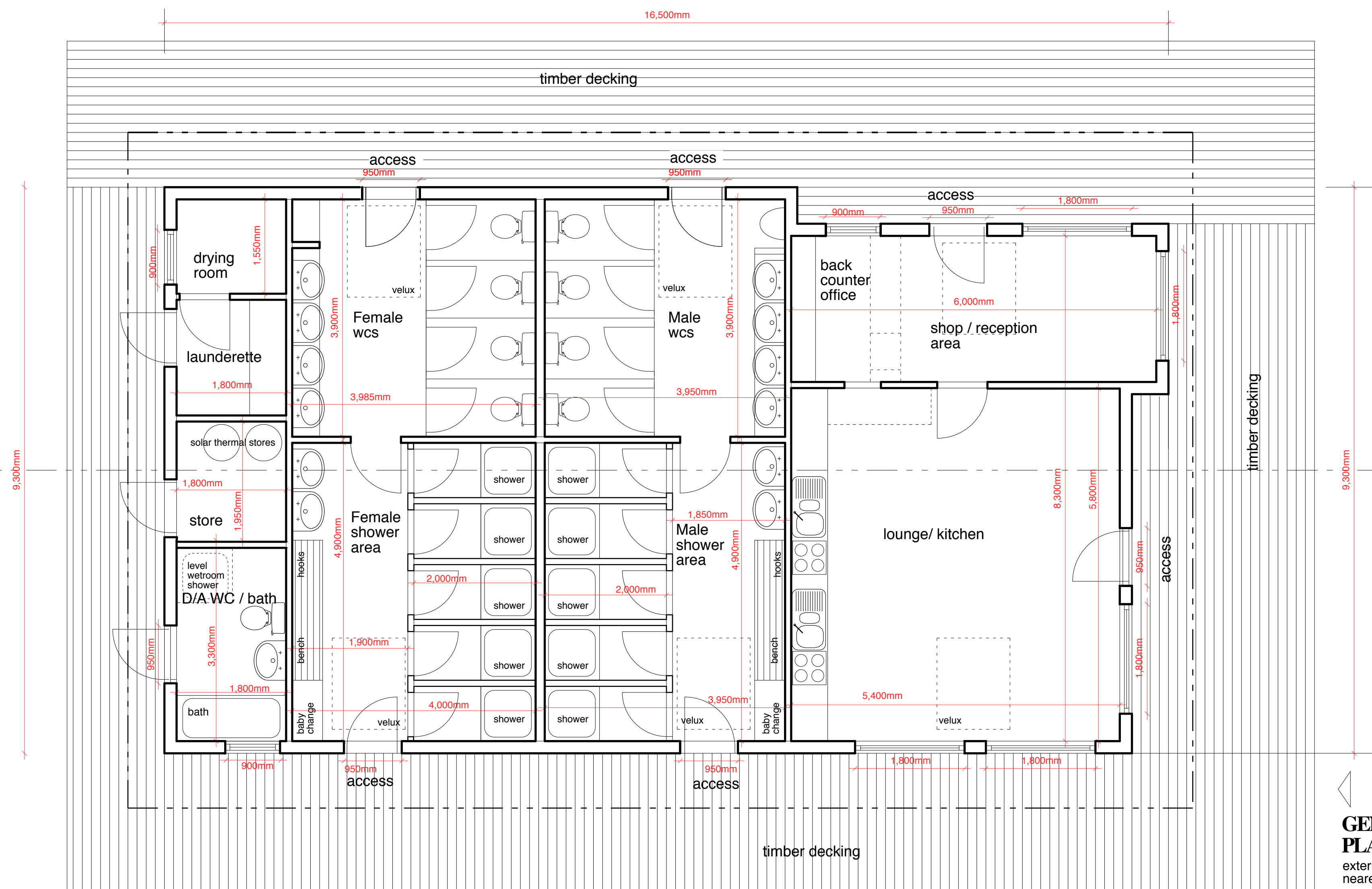
**EAST ELEVATION**  
scale 1 50



**NORTHELEVATION**  
scale 1 50



**WEST ELEVATION**  
scale 1 50



**GENERAL LAYOUT**  
**PLAN scale 1 50**  
external wash up  
nearer camping area

**Planning Application Drawings**

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- Preliminary feasibility
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Dr. no. 11/00132/03  
Jan 2011

**RECEPTION BUILDING ELEVATION / PLANS**

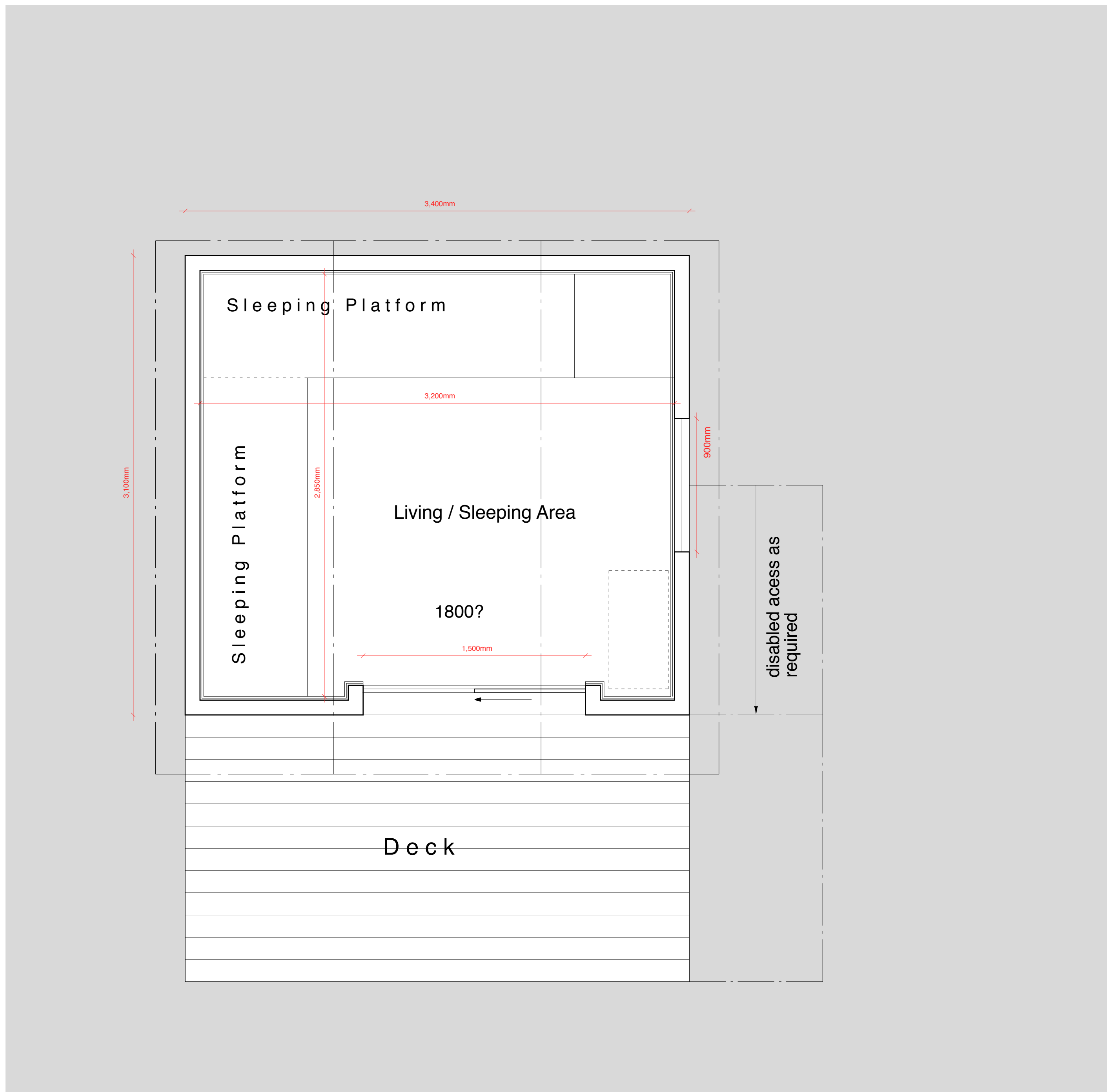
Client  
**J Gagan**

Project  
Caravan Site etc Edderton

architect  
**MACBEATH ASSOCIATES**

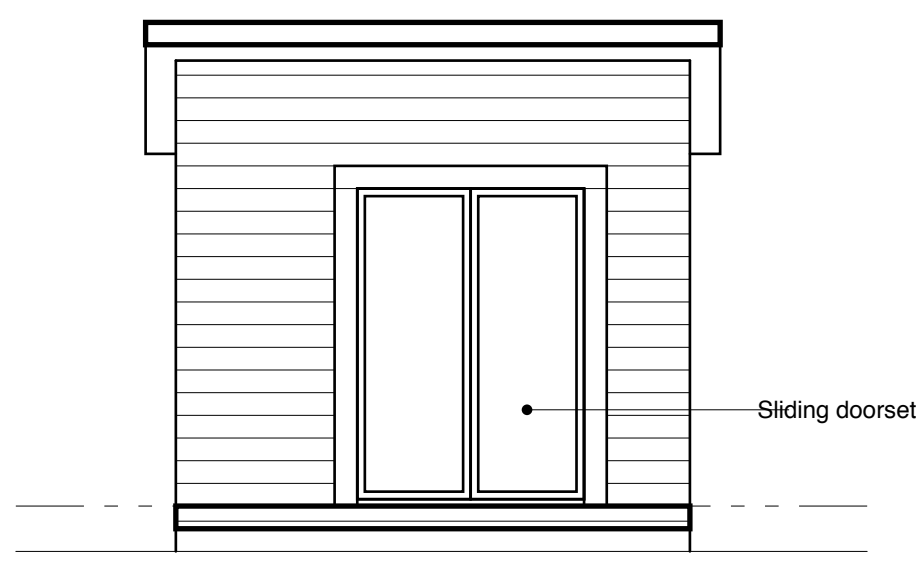
6 Clayton Court Invergordon  
Ross-shire IV18 0SB  
T/F 01349 854590  
im@kindeace.plus.com



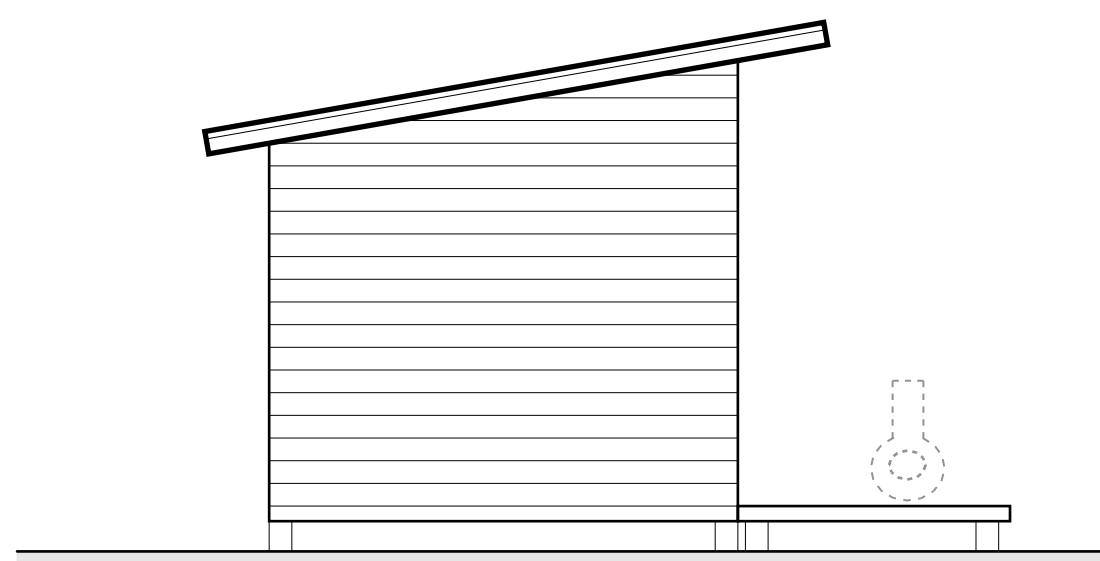


# Layout Plan

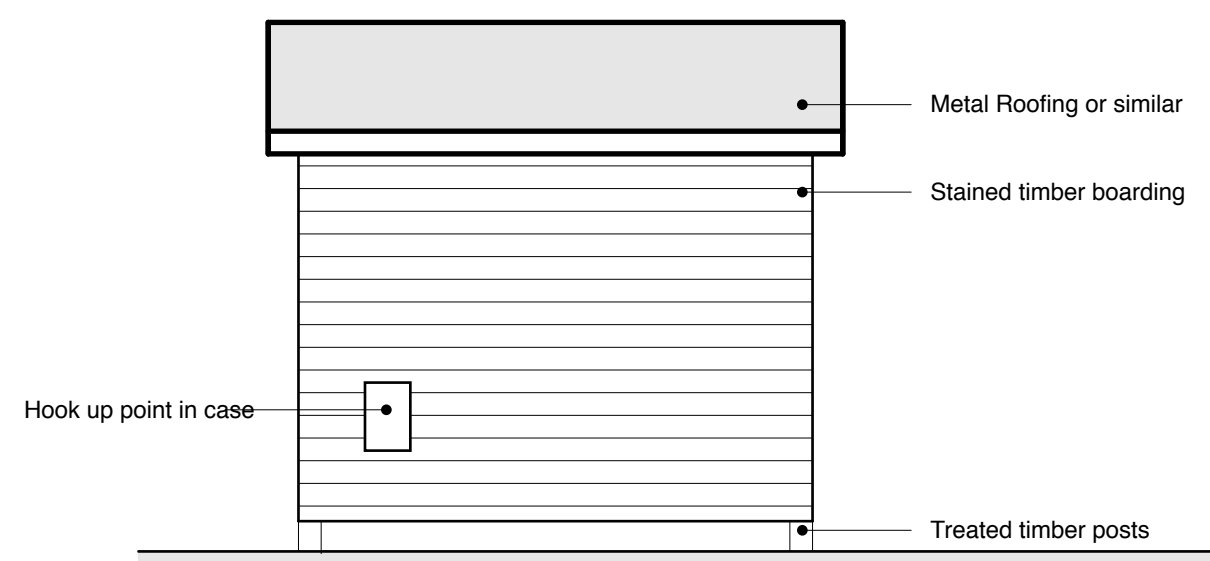
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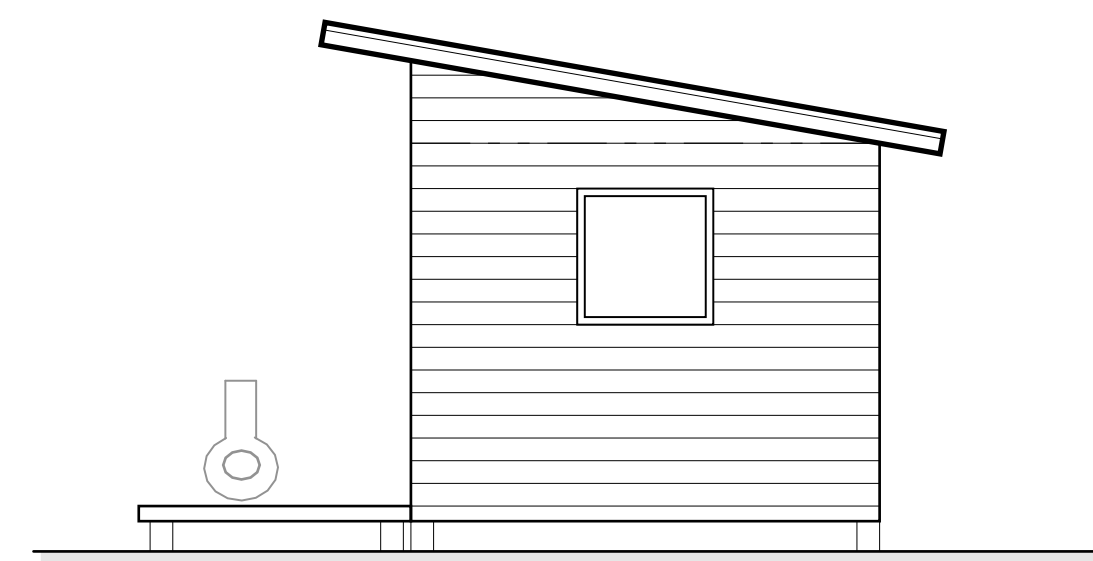
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

## Planning Application Drawings

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- Preliminary feasibility
- Application drawings
- Working Drawings
- Draft Work in Progress

Drg. no. 11/00132/05  
 Jan 2011

## Camping Shelters LAYOUT PLAN and ELEVATIONS

Client  
 J Gagan

Project  
 Caravan Site etc Edderton

architect  
 MACBEATH ASSOCIATES

6 Clayton Court Invergordon  
 Ross-shire IV18 0SB  
 T/F 01349 854590  
 im@kindeace.plus.com