

THE HIGHLAND COUNCIL

**PLANNING APPLICATIONS COMMITTEE
21 FEBRUARY 2017**

Agenda Item	7.2
Report No	PLN/013/17

**16/02270/PIP : The Scott Family
Land 175m southwest of Balachraggan Cottage Kildary**

Report by Area Planning Manager

SUMMARY

Description : Formation of 9 house plots, new accesses onto old A9, installation of private sewage treatment systems and landscaping

Recommendation - GRANT

Ward : 08 - Tain And Easter Ross

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : More than five representations from separate addresses.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks to establish the principle of up to 9 house plots.
- 1.2 Informal pre-application discussions were undertaken with agent.
- 1.3 Overhead electricity lines cross parts of the site. There are no other known services crossing the site; however, this would be for the developer of the whole, or any part of the site, to fully ascertain.
- 1.4 Supporting statement submitted to accompany the application.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site is located to the northeast of Kildary between the A9(T) and the village (and the U2072). The ground is relatively flat although generally sits below both the A9(T) and the U2072. The land, whilst agricultural, does not appear to be actively worked. There is a mix of vegetation on the site, with grasses in the central part of the site, sporadic clumps of seeded trees and whins within and along the southern, western and northern boundaries, and a more established line of mature trees (Scots Pine, Rowan, Silver Birch) along the northern edge onto the U2072.

Outside, and, at the northeastern corner of the site, is Balachraggan Cottage and its associated agricultural buildings. To the southwestern end of the site is the village of Kildary with a range of older and newer properties. The southwestern edge is formed by the new 4-house cul-de-sac of Parkside.

The site is generally well screened from Kildary by the existing housing and vegetation cover; however it is more open from the A9(T) and will have a significant and lengthy intervisibility from this.

3. PLANNING HISTORY

3.1 The site has been subject of several recent planning applications:

- 12/01130/FUL Provision of 20No. serviced house plots (Detail), new access road, landscaping and drainage. Approved by Committee (18.09.2012).
- 13/02587/FUL 4 serviced house plots including landscaping and connection to new drainage of neighbouring site (12/01130/FUL). Delegated approval 22.10.2013

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbours, expiry date 17.06.2016

Representation deadline : 17.06.2016

Timeous representations 4

Late representations : 1

4.2 Material considerations raised are summarised as follows:

- Access road (across from existing house)
- Development opposite existing house
- No amenity / privacy safeguard
- Lack of demand
- Increase in traffic
- Impact on wildlife
- Amenity separation with existing housing
- Flood risk
- Lack of footpath on U2072
- No detail of house types
- No detail of location of houses on plots

4.3 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.

5. CONSULTATIONS

5.1 **Transport Planning** : Proposal is acceptable subject to:

- Extension of the 30mph speed limit to the northeast to include all 9No. plots
- Construction of pavement on south side of the road with a crossing point to the existing pavement on the north side (at Birch Cottage).

Due to the large plot size, it is considered that there is ample space to have parking and turning for a minimum of 2No. cars within each house curtilage.

The details of the access arrangements can be controlled by condition.

- 5.2 **Housing Development Manager** : There is a current need for affordable housing in Kildary. Due to this, our preference would be that the affordable housing contribution would be met by the Developer providing housing units on-site. As this application is for 9 plots, we would require 3 of these units to be for affordable housing.

As stated in the Policy, if the Council are unable to attract funding for the affordable housing units and they cannot be delivered within 5 years, then we would seek an affordable housing contribution in the form of a commuted sum payment. The value of any sum being arrived at would be through negotiation based on valuation advice obtained from a Surveyor.

In the absence of any other agreement, if Planning Permission is granted we would expect an appropriate (section 75) agreement to be entered into. This will secure the provision of 3 units which must comply with Council's standards, and be delivered at a cost of no more than the benchmark figure in line with the Council's Supplementary Guidance: Developer Contributions.

We would encourage the developer to enter discussion with ourselves at the earliest opportunity.

- 5.3 **Urban Design Officer** : It is important to create a safe, convenient pedestrian link between the new plots and the remainder of the village. There may not be a need for a raised curb, but pedestrian space should be articulated in some way, and a safe crossing point established to connect with the footpath on the opposite side of the road. The retention of the mature trees should also be considered.

For each plot:

- Show building/frontage line (12-17m from boundary with Old A9)
- Boundary treatment to Old A9
- Tree belt/ planting facing old A9
- Phasing - so that plots are developed sequentially, beginning from Plot 1
- Also consider identifying maximum percentage of plot that could be taken up by building - and (possibly) limit height to 2.5 storeys

- 5.4 **Trunk Road Network Manager** : No objections, subject to conditions
- There shall be no means of direct access to the Trunk Road either pedestrian or vehicular.
 - An unclimbable barrier of a type approved by the Planning Authority, after consultation with the Trunk Roads Authority, shall be provided and maintained by the developer, or subsequent owner of the land along the boundary of the site with the Trunk Road.

- 5.5 **Scottish Water** : No response received.

5.6 **Legal Services** : A s75 Discharge application will be required for the existing S75 and a new one entered into as this proposal entails a significantly different development to what was previously approved.

5.7 **Kilmuir and Logie Easter Community Council**

- (08.06.2016) Would like to respond to the application which reduces the number of potential residential properties on the site from 20 to 9.
- (09.02.2017) –Advise verbally that concern was expressed regarding the number of access points to the public road

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 Sustainable Design

Proposed developments will be assessed on the extent to which they (amongst other matters):

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- impact on individual and community residential amenity;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- contribute to the economic and social development of the community.

All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of Highland communities.

29 Sustainable Design

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places.

31 Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Such contributions will be proportionate to the scale and nature of the development proposed and may be secured through a Section 75 obligation or other legal agreement as necessary.

32 Affordable Housing

34 Settlement Development Areas

57 Natural, Built and Cultural Heritage

64 Flood Risk

66 Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015)

Policy 3 Other Settlements

Development within or adjoining the settlement (Kildary) must address the relevant criteria listed below to be supported. Proposals will be assessed against the extent to which they:

- are located within active travel range of at least one community/commercial facility and the proposal is likely to help sustain that facility;
- are similar in terms of its spacing, scale and density to development within or adjoining that existing settlement, including consideration of and respect for whether the local facility serves a wider dispersed rural settlement or concentrated village;
- may harm the character and social balance of that community or may regenerate a community that is losing facilities, services and/or its permanently resident population. In this case proposals will be assessed as to whether the number and capacity of permissions granted within that settlement over the five year period prior to the proposal being determined suggest that these changes may occur;
- can utilise spare, existing capacity in the infrastructure network (education, roads, other transport, water, sewerage etc.) within or close to that settlement or new/ improved infrastructure could be provided in a cost efficient manner;

- avoid a net loss of amenity / recreational areas significant to the wider local community; and
- would result in an adverse impact on any other locally important heritage feature (which may include a war memorial, burial ground, important public viewpoint/vista or open space).

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide: Supplementary Guidance

7.3 Scottish Government Planning Policy and Guidance

n/a

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

8.3.1 Since the consideration of the previous applications, the **Development Plan policy** has changed, with the adoption of the **Inner Moray Firth Local Development Plan (2015)**. Unlike the now superseded Ross and Cromarty East Local Plan (2007), the IMFLDP does not allocate the site for a specific use, instead identifying the land under Policy 3 which provides a degree of support for development of the site, subject to assessment against various criteria (see section 6.2), including:

- Located within active travel range of at least one community/commercial facility e.g. the shop and school in Milton, and shop/garage at Kildary
- Similar in terms of its spacing, scale and density to development within or adjoining that existing settlement

8.3.2 As the site is not specifically allocated for housing, nor is within a defined Settlement Development Area (although is on the edge of an established community), the broader and more strategic level policies set out within the Highland Wide Local Development Plan (see section 6.1) also have to be considered.

8.3.3 **Policy 28** of the HWLDP states that proposals should be assessed on the extent to which they “impact on individual and community residential amenity” and “demonstrate sensitive siting and high quality design in keeping with local character”.

8.3.4 **Policy 29** of the HWLDP aims to ensure that development makes a positive contribution to the architectural and visual quality of the place in which it is located. In particular, the design and layout of new residential development should focus on the quality of environments for pedestrians rather than the movement of vehicles.

8.3.5 **Policy 34** (Settlement Development Areas) supports proposals within settlement development areas if they accord with the requirements of Policy 28 of the Local Development Plan. Proposals are also judged in terms of how compatible they are with the existing pattern of development, how they conform with existing and approved adjacent land uses, and the effect on any natural and cultural heritage feature. Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Local Plan.

8.4 **Proposal**

8.4.1 This application is for permission in principle for 9 house plots. The development of the site has previously been agreed as set out in section 3.1 above, however the current proposal now seeks to establish the principle of a smaller scale development of the site with significantly fewer houses proposed.

8.4.2 The overall **site covers an area** of 1.97ha, thereby making each plot a generous 0.21ha, measuring between 80m and 88m long, and 26m wide. The plots run perpendicular to the A9(T) and U2072. The ground between the plots and the A9(T) is owned by the applicant and measures between 18m and 27m in depth.

8.4.3 The **supporting statement** submitted by the agent has indicated that the site has been marketed since the granting of the original permission (12/01130/FUL). However, this has not proved successful, with the developer highlighting significant capital costs involved in the provision of a new access road and a combined drainage system. As a result of this, the agent has advised that the number of plots has now been reduced (to 9No.), with individual plot access points off the U2072. Each plot would also have a single private foul drainage system.

8.4.4 The **planning history** (see section 3) is material to the consideration of the proposal, with the most recent application (13/02587/FUL) having lapsed on 22.10.2016. The site history shows that the previous permissions had different and detailed plot layouts; the original 2012 permission (12/01130/FUL) being for a larger (20 unit) and more diverse development proposal than the latter 2013 permission (13/02587/FUL) (4 units).

8.4.5 The **previous permissions** on the site provided a carefully considered designed layout, extending the village in a planned way which would then allow for a degree of homogeneity and considered urban function and form. However, due to market conditions, this strategy has not been successful and the agent now seeks to pursue an amended layout with a reduced number. Regrettably this is not considered to be as attractive a development as previously approved however it is necessary to assess its suitability as submitted.

8.4.6 In order to provide some **cohesiveness and structure to the plot layout and have some homogeneity in the overall layout**, various matters are considered to be required to be subject of detailed conditions. This will provide a framework for the longer term for individual plots within a broader context. The main material planning matters which will require conditions relate to:

8.4.7 **Landscaping** – notably the retention of much of the existing mature screening along the U2072; and the provision of significant strategic screen planting from the first available planting season following the granting of planning permission. This will therefore help screen the site both visually and aurally from the busy A9(T) adjacent. Such screening needs to be professionally designed for the site and should also be subject to a long-term management and maintenance (factoring) agreement. In addition to screen planting along the A9(T) edge, further landscaping within each site will be required, as well as along plot boundaries.

The details of landscaping measures for both strategic planting and individual plots can be controlled by condition.

8.4.8 **Access** – The proposal details the development of 6 new access points from the U2072, rather than several communal points (3No. joint access points for 2 plots each, 3 individual plots access points). Transport Planning have indicated that the current proposal is acceptable subject to:

- Extension of the 30mph speed limit to the northeast to include all 9No. plots
- Construction of pavement on south side of the road with a crossing point to the existing pavement on the north side (at Birch Cottage).

Due to the large plot size, it is considered that there is ample space to have parking and turning for a minimum of 2No. cars within each house curtilage.

The details of the access arrangements can be controlled by condition.

8.4.9 **Drainage** - The nearest existing Scottish Water foul sewer is understood to be located to the south-west of the development adjacent to the 'Parkside' cul-de-sac.

8.4.1 0 The original permission (12/01130/FUL) involved the connection of the housing site to the public **foul sewer**. However, due to the infrastructure costs involved in this, the current development proposal has individual sewage treatment plants and soakaways at the southeastern end of each plot, towards the A9(T).

8.4.1 1 Due to the large plot size, it is considered that they are large enough to accommodate **surface water drainage** within curtilage by conventional land soakaways using best practice SuDS.

8.4.1 2 The details of both the private foul and surface water drainage (SuDS) can be controlled by condition.

8.4. As had previously been set out given the layout and prominence of the site it is considered appropriate that a **Design Brief** should be sought. This Design Brief would set down the detailed design parameters for the buildings, their form, and materials, thus providing an overall development framework for the site. Whilst the Plots are large, it is considered that any houses should be no higher than 1½-1¾ storeys. The details and terms of the Design Brief can be controlled by condition.

In order to recognise the importance of the A9(T) frontage, it is considered that the designs of building should include the concept of double frontage, and that their **Permitted Development Rights** should be removed in order to provide a degree of control over residential clutter, such as sheds, garages, extensions.

8.5 Material Considerations

Representations relate to the following matters:

- Development and access road opposite existing house – *Planning comment* – There is no access point to Plots 2 or 3 directly opposite Birch Cottage. A single joint access is shown, opposite the northern end of the garden of Birch Cottage.
- No amenity / privacy safeguard – *Planning comment* – The application is in principle for a plot layout and it would be for a further detailed application for housing on any individual plot(s) to set out the details of the buildings siting, design, external appearance, materials and access matters. Opportunity would exist for interested parties to make comment on such detailed applications with respect to matters of general amenity.
- Increase in traffic – *Planning comment* – The development of the site would result in an increased level of traffic. This was identified in the original allocation of the site by the previous Ross and Cromarty East Local Plan (2007) and the subsequent detailed planning permission (see section 3); the original permission was for a development of more than twice the density. Notwithstanding this, Transport Planning have made not objected on road safety grounds.
- Lack of footpath on U2072 – *Planning comment* – Transport Planning have indicated that a footpath will be required on the U2072.
- Impact on wildlife – *Planning comment* – There are no natural heritage designations on the site.
- Flood risk – *Planning comment* – Some of the area of ground adjacent to the A9(T) – within the applicant's ownership, but outwith the application site – is identified on the SEPA Flood Map as potentially being at risk from Surface Water Flooding.
- No detail of house types or location of houses on plots – *Planning comment* – The application is in principle only and it would be for a further detailed application for housing on any individual plot(s) to set out the details of the buildings siting, design, external appearance, materials and access matters. There would be an opportunity at that stage for interested parties to make comment on such detailed applications.

8.6 Summary

The proposal differs in detail from both of the previous approvals as detailed in the Planning History (see section 3.1). Whilst the application is in principle, much of the detail which was part of the previous applications, and in particular the first application (13/02587/FUL), is not contained within the current submission. Accordingly, various conditions are suggested as a means of providing a detailed framework to guide future applications. Notwithstanding this, the proposal is considered to accord with the Development Plan policies.

8.7 Other Considerations – not material

- Lack of demand

8.8 Matters to be secured by Section 75 Agreement

Affordable Housing Provision

Policy 33 of the adopted HWLDP states that on sites with an indicative overall capacity of four or more houses, the Council will expect to negotiate a Section 75 agreement with the landowner/s and other interested parties, or use other mechanisms, which provide for a contribution towards affordable housing.

Matters to be secured by Section 75 Agreement

A s75 Agreement was secured for the site in relation to the previous permission (12/01130/FUL) for affordable housing.

9. CONCLUSION

- 9.1 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.

10. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	n
Notification to Historic Scotland	n
Conclusion of Section 75 Agreement	y
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.

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance (Design Brief) of the proposed development;
 - iii. hard and soft landscaping proposals for the site of the proposed development;
 - iv. details of access, parking arrangements, footways; and
 - v. details of the proposed public water supply and surface and foul water drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. No development shall commence on site until a **Construction Method Statement** shall have been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction; and
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

3. Any details pursuant to condition No.1 above shall include:

1. A **Design Brief** covering all 9No. Plots. For the avoidance of doubt, the Brief shall set out full details in writing and on plan of the following for each Plot:
 - Scale, Massing and Form of each house, adopting the principle of double frontage, and with each house being no higher than houses should be no higher than 1½-1¾ storeys.
 - Palette of proposed external materials and finishes
 - Building Line, set-back and no-build zones from both the A9(T) and U2072; and between adjacent Plots
 - Ground Levels and Underbuilding
 - Delineation of plot boundaries and details
 - External lighting to be used within each Plot and/or along its boundaries and/or access shall, including full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to allow the Planning Authority to retain effective control over the development.

4. Any details pursuant to condition No.1 above shall have upgraded the **plot access** in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (Drawing No.SDB3). For the avoidance of doubt there shall be no means of direct access to the A9(T) from any plot for either pedestrians or vehicles. The developer shall provide written and plan details for the approval in writing of the Planning Authority in consultation with the Trunk

Roads Authority, of an unclimbable barrier along the A9(T) boundary. The agreed details shall thereafter be installed and maintained in perpetuity by the developer, and any subsequent owner(s) of the site.

Reason: In the interests of road safety and for the avoidance of doubt.

5. Any details pursuant to condition No.1 above shall have extended the 30mph **speed limit** on the U2072 to the northeastern part of Plot 9, as shown on Approved Plan No.S261/PL06 Rev C docquetted hereto, all to the satisfaction of the Planning Authority, in consultation with the Roads Authority.

Reason: In the interests of road safety and for the avoidance of doubt.

6. Any details pursuant to condition No.1 above shall include the construction of a **footway** on the south side of the U2072, including a crossing point to the existing footway on the north side of the U2072 (at Birch Cottage), all to the satisfaction of the Planning Authority, in consultation with the Roads Authority. For the avoidance of doubt, the footway shall be designed and constructed in accordance with The Highland Council's Road Guidelines for New Developments.

Reason: In the interests of road safety and for the avoidance of doubt.

7. Any details pursuant to condition No.1 above shall have **in-curtilage parking and turning facilities** for 2No. cars within the curtilage of each individual plot, all to the satisfaction of the Planning Authority, in consultation with the Roads Authority.

Reason: In the interests of road safety and for the avoidance of doubt.

8. Any details pursuant to condition No.1 above shall have **foul water drainage** for each individual Plot by means of an individual secondary sewage treatment plant and land soakaway, as shown on Approved Plan No.S261/PL06 Rev C docquetted hereto, all to the satisfaction of the Planning Authority, in consultation with the Drainage Authority.

Reason: In the interests of amenity.

9. Any details pursuant to condition No.1 above shall include full details of all **surface water drainage provision** which shall be contained within each Plot (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time). Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: In the interests of amenity.

10. Any details pursuant to condition No.1 above shall have a scheme of **hard and soft landscaping** works for the site, with details including:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works
 - vi. Retention of the existing mature screening along the U2072; and the provision of significant strategic screen planting from the first available planting season following the granting of planning permission along the northeastern and southeastern site boundaries;
 - vii. A long-term management and maintenance (factoring) agreement; landscaping and boundary treatments within as well as along individual Plot boundaries.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

For the avoidance of doubt, from the date of this permission, no **trees** within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to provide strategic long term landscaping and screening for the development site and as no details have been provided.

11. Notwithstanding the provisions of Article 3 and Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence on any individual Plot until full details of any **temporary site compounds and storage areas** (including their location, scale and means of enclosure) shall have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of any house on each Plot being completed.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

12. Notwithstanding the provision of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), **no residential caravan(s)** shall be sited within the curtilage of any house on each Plot without planning permission being granted on application to the Planning Authority.

Reason: In order to safeguard the privacy and amenity of occupants of the adjacent properties.

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 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- I. The expiration of THREE YEARS from the date on this decision notice;
- II. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- III. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

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.

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.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Bob Robertson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan S261/PL01 Rev C Plan 2 – Proposed Plot Layout S261/PL06 Rev C