

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE
4 April 2017

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| Agenda Item | 5.1 |
| Report No | PLN/026/17 |

15/03542/PIP: Mr Calum Nicholson
Land 140M NW of Florafield, Kingsburgh, Snizort, Isle of Skye

Report by Area Planning Manager

SUMMARY

Description: Erection of a dwelling house, installation of a secondary treatment tank and improvements to the existing access track.

Recommendation - APPROVE

Ward: 11 - Eilean A' Cheò

Development category: Local Development

Pre-determination hearing: Not required

Reason referred to Committee: Number of objections.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks planning in principle permission (PIP) for the erection of a single dwelling house. As this is a PIP application the submitted information does not provide anything more than an indicative siting for the house. Access to the site will be via an existing private access track which will be upgraded with the creation of two passing places. In addition, the installation of a secondary foul drainage treatment tank with discharge to a burn is proposed.
- 1.2 14/04420/PREAPP: Erection of two houses – informal advice given. In addition further advice was provided following the withdrawal of the previous planning application for two houses on the site (15/03542/PIP).
- 1.3 There is an existing access track down to the site. This is currently used by two other dwellings - Florafield and Kingsburgh House. Beyond the access point to Kingsburgh House, the track is largely an informal dirt track. No other services are currently available on the site.
- 1.4 The application was accompanied by a Design Statement and a Tree Surgeon summary report
- 1.5 **Variations:** An amended land ownership certificate, design statement and site layout plan (JG2588 Rev 03) received 05.09.2016.

2. SITE DESCRIPTION

- 2.1 The application site is located on an area of grazing land (not the subject of crofting tenure) which is located on the western side of the settlement of Kingsburgh. The site is located approx. 180m to the north west of the termination point of the lower public road which runs through Kingsburgh. From this point the site will be accessed via an existing private access track which currently serves the dwellings of Kingsburgh House and Florafield. The private track runs to the west of Florafield then descends in a north westerly direction to Kingsburgh House where it bends back round to run parallel down to the application site.

Within the northern portion and beyond the site's northern boundary there is a depression in the land which has created a natural pond. There is existing woodland to the west of the private access track and a number of mature trees are located on and around the boundary of the application site. Due to the site's location in relation to the public road and the intervening land level changes and woodland the site cannot be viewed from the public road.

The nearest neighbouring property is Florafield – a modern house located approximately 59m to the south east of the site's boundary and at a higher land level. This house is a single storey rendered building. Kingsburgh House is located some 140m to the north of the proposed boundary for the house plot. Kingsburgh House is a stone built category C(S) listed building, two-storey with an attic, the core of which dates to the early 19th century. A previous building on the site was home to the Scottish heroine Flora Macdonald. Approx. 205m to the west of the site is Loch Snizort Beag and two further properties - Crionach, which is a 2½ storey rendered dwelling house and Kingsburgh Boathouse which is a 1½ storey stone built dwelling.

3. PLANNING HISTORY

- 3.1 **15/03542/PIP:** Erection of two dwelling houses and associated works. Application withdrawn on advice of the Planning Authority – 10.07.2015
14/04420/PREAPP: Erection of two houses – informal advice given.

4. PUBLIC PARTICIPATION

- 4.1 Initial consultation period:

Advertised : Unknown Neighbour – Expiry 16.10.2015

Representation deadline: 19.10.2015

Timeous representations: 5 letters of representation received from 5 different households.

Late representations: 1 further joint letter received from two of the timeous objectors

Following the submission of further information the contributors were again consulted on the application. Representation deadline: 13.12.2016

Timeous representations: 5 letters of representation received from 5 different households.

- 4.2 Material considerations raised are summarised as follows:
- Inadequate water supply
 - Loss of agricultural land
 - Flooding and drainage issues
 - Impact on the setting and tourist attraction of the listed building of Kingsburgh House
 - The private access road is not suitable to serve the development
 - Impact upon trees and wildlife
 - Loss of amenity to neighbouring properties
 - Township road in a poor state of repair

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 **Building Standards:** No comment to make on Building Warrant matters as the application is in principle only.
- 5.2 **Development and Infrastructure Flood Team:** No objection – request conditions be attached to the planning in principle consent.
- 5.3 **Crofting Commission:** Confirmation that the Crofting Commission has no remit on this application.
- 5.4 **Scottish Water:** No response received at the time of writing.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

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|-----------|--------------------------------------|
| Policy 28 | Sustainable Design |
| Policy 29 | Design Quality and Place-making |
| Policy 34 | Settlement Development Area |
| Policy 51 | Trees and Development |
| Policy 57 | Natural, Built and Cultural Heritage |
| Policy 61 | Landscape |
| Policy 64 | Flood Risk |
| Policy 65 | Waste Water Treatment |
| Policy 66 | Surface Water Drainage |

6.2 **West Highland and Islands Local Plan (Adopted 2010)**

Policies 1-2 in respect of settlement development area boundaries and other land allocations

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not Applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside and Siting and Design (March 2013)

Access to Single Houses and Small Housing Developments (May 2011)

Sustainable Design Guide (Jan 2013)

Trees, Woodland and Development (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

7.3 **Scottish Government Planning Policy and Guidance**

PAN 67- Housing Quality

PAN 79 – Water and Drainage

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The application site is located within the Settlement Development Area (SDA) for Kingsburgh and therefore, Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas, if they are compatible with the existing pattern of development, landscape character, surrounding land uses, and meet the Design for Sustainability requirements of Policy 28.

Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan

repeats this emphasis on good design in terms of compatibility with the local settlement pattern. Policy 61 further emphasises the need for development to respect the landscape character of their surroundings.

The site is located near Kingsburgh House which is a category C(S) listed building which is feature of local or regional importance. Policy 57.1 of the Highland-wide Local Development Plan states that developments will only be supported where they can be shown not to have an unacceptable impact on the natural environment, amenity and heritage resource.

In addition, policy 51 states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around the site. The Council will secure additional tree/hedge planting to compensate removal.

Policies 64, 65 and 66 require developments to deal with foul and surface water drainage in a manner which minimises the risk of pollution and flooding.

8.4 Material Considerations

Siting, Design and Landscape Impact: The proposed site is located within the settlement development area for Kingsburgh. The settlement exhibits no obvious uniform character and consists of a number of clustered as well as individual isolated dwellings and other buildings. In terms of design, other than Kingsburgh House and “Crionach”, the existing properties are generally modest in scale and limited to single and 1½ storeys in height.

As this is an application for planning permission in principle (PIP), no details of the final siting or design of the dwelling have been submitted.

In terms of siting, although there is almost no public view of the site, it is considered that the position of the house is important in respect of its general integration with the landscape and consequently its compatibility with the wider setting of the nearby listed building. The indicative siting places the house on the western, seaward portion of the site which is the opposite side to its eastern access from the private track. This would result in an overly prominent visual impact for the building and is not supported. The aforementioned condition also controls this aspect of design in respect of a future Matters Specified in Condition (MSC) application. A more easterly position will integrate more successfully with the access, gradient and tree cover of the site.

Such siting sensitivity could be compromised by subsequent unregulated extension and outbuilding development. Consequently, it is considered necessary to remove the permitted development rights of any dwelling approved. A condition is recommended to this effect.

In terms of design, a condition is recommended which sets a number of parameters the authority considers the final design should comply with and on which this assessment has been based. These suggest a traditionally proportioned building of no more than 1½ storeys on a narrow rectangular footprint under a steep, slate-clad roof. As described above the proximity of the listed building is considered to justify this traditional design approach.

Impact upon the Historic Environment: The previously withdrawn planning application (15/01659/PIP) proposed two dwellings with one plot located directly adjacent to the boundary of the listed building of Kingsburgh House. This was considered to be unacceptable and have a negative impact upon its setting. In response, the current application has reduced the scheme down to one dwelling. However, the setting of the listed building still remains a material consideration for this application.

A number of objectors have maintained that the current proposal will undermine the setting of the listed building and its potential as a tourist attraction. The northern boundary of the current plot is located approximately 140m from the listed building, and the grounds of the listed building are largely enclosed by substantial vegetation and mature trees. It is considered that due to the separation distance and vegetation there will be limited inter-visibility between the proposed house and the existing listed building and therefore only limited weight can be placed on these direct impacts.

However, as mentioned above, the general historic character of the wider area is also a material consideration and, in this regard, comments have also been received regarding the significance of the portion of the existing track shared with Kingsburgh House. Works are proposed to this historic route to the listed building and in particular the upgrading to the existing hairpin bend next to the entrance to Kingsburgh House. However, in principle it is not considered that either the road improvement works or the general level of vehicle movements associated with the single proposed dwelling will have a material impact on the special qualities of the listed building and the historic means of access to it will remain unchanged. However, it is considered necessary to carefully control the nature, extent and visual appearance of the proposed road works and a condition is recommended to achieve this.

Access and Parking: Several third party comments have suggested that the settlement road and access track are not capable of accommodating the extra traffic associated with the proposed development. There are suggestions of subsidence, accessibility problems for large vehicles and the state of repair of the public and private road. There is also a concern that the hairpin bend works could disrupt existing land drainage in the vicinity.

As stated above, a condition is recommended to control the hairpin bend improvement construction works. This, in conjunction with the requirement for the approval of a Drainage Statement (recommended by the flood risk management team – see below), will ensure that this element of the proposal does not have any negative implications in respect of the stability of the existing access to Kingsburgh House and improves rather than damages the existing drainage arrangements.

The traffic volumes associated with a single dwelling are not considered likely to have any materially detrimental impact upon existing users of the public and private routes which are to be used. However, the shared private track does not appear suitable for some heavy construction traffic. In respect of this issue, it is recommended that a condition is imposed requiring pre-commencement approval of a construction traffic management plan. This should allow sufficient control and mitigation of any detrimental impacts from the construction phase of the development.

There has also been some suggestion that the applicant does not enjoy the necessary control of the land associated with the proposed road improvements. The ownership of the land is not a material consideration in its own right. However, given the complex land ownership situation in respect of this proposal it is considered necessary to use a 'Grampian' form of condition to ensure that the remaining parts of the development cannot proceed until these necessary access improvement works are completed. If landowner permission is not forthcoming then the development will be unable to proceed.

In terms of parking an appropriate level of on-site parking can be controlled by a planning condition.

Wildlife and Trees: Although there is no statutory protection for the trees surrounding this development, their general amenity value in this location is recognised and it is considered that any losses due to the proposal should be minimised and/or mitigated.

The submitted design statement states that the proposal will result in the removal of two Ash trees and that the construction of one of the passing places may result in damaging the roots of a further Ash and two Sycamores. To mitigate these losses the applicant is proposing to plant a further six trees. This can be secured by condition alongside any required tree protection measures. This level of tree loss is not considered likely to result in any material detriment to local wildlife

It is acknowledged that the burn identified to be used by the foul drainage outfall provides habitat for otters. This will be a consideration for SEPA in the administration of the required CAR licence but, given the inclusion of secondary effluent treatment, this is not likely to be a problem as the treated water quality is high.

Neighbour Amenity: The nearest neighbouring property to the site is Florafield which is located approx. 59m to the south-east of the sites boundary and at a higher land level. In addition, Kingsburgh House is located some 140m to the north of the proposed boundary for the house plot. Approx. 205m to the west of the site is Loch Snizort Beag and two further properties of Crionach and Kingsburgh Boathouse. Due to the separation distances, a proposed house on this site is not considered to have an impact upon neighbouring amenity in terms of any direct overlooking of habitable windows or overshadowing of the existing properties.

The main impact on the adjacent properties will be from the intensification of the use of the private access track which currently serves Kingsburgh House and Florafield.

The applicant has responded positively to planning authority advice to include passing bays on the upper shared section of the access track. These will ensure that the increased likelihood of vehicles meeting head-on is mitigated and that no loss to existing amenity will result. Their provision can be conditioned.

The occupants of Florafield have suggested that increased use of the access passing their property will result in a loss of privacy and amenity. Again, the level of extra traffic associated with a single dwelling is not considered likely to result in a material loss of privacy.

Loss of amenity during the construction phase will be mitigated to some degree by the required construction management plan and will only be an issue for a relatively short period of time.

Flood Risk: The application site is not located within a designated flood risk area as defined by SEPA flood risk maps. However, within the northern portion of the site and beyond its northern boundary there is a depression in the land which has created a pond. In addition, third party comments have raised concerns about the access track being subject to flooding. As such the issue of pluvial (rain water) and fluvial (surface water) flooding on the house site and access is a material planning consideration.

In response, the agent has submitted topographical information and a supporting statement. The application contends that the watershed level for the pond overflow drain is 2.29m when set against the site's base datum point, which is indicated on the site layout plan as the existing strainer post in the south western corner of the site. If the overflow drain ever blocked then the lowest land, to the west of the pond, is 2.50m above the site datum. From this point westwards the land falls continuously all the way to the sea, so the pond can never flood above this level. The indicative finished floor level for the house (FFL) will be 3m above site datum, so in normal circumstances the FFL will be 0.71m above the pond water level. If the overflow drain blocks, the FFL will be 0.50m above pond level.

In addition, at no point does the access track serving the house fall below 2.85m above site datum so it is contended by the agent that it will not flood and isolate the occupants of the proposed house. The application also states that improvements will be made to the lower part of the private access track which will incorporate repairs to the existing drain and stone wall and surface improvements.

The Council's Flood Risk Management Team have assessed the application and supporting information and have offered no objection to the principle of a single house on this site. However, they have requested that any planning consent is the subject of a number of conditions. This will require the submission of a Drainage Statement which will include full measures of the proposed surface water drainage for the house site and the access track. In addition, it is requested that there be no raising of the ground levels in the low-lying area of the site around the pond and no infilling of the pond. Finally, the existing ditch is to be cleared prior to the commencement of construction works.

On the basis of the above technical advice from the Flood Risk Team the application is considered to be acceptable in principle subject to the aforementioned planning conditions.

Water Supply and Foul Drainage: Connection is proposed to the public water supply. A number of contributors have suggested that the current water supply is inadequate and cannot support additional development. Scottish Water has been formally consulted on this application but no response has been received. Consequentially, without an objection from the service provider, the Planning Authority could not substantiate a reason for refusal of this planning in principle application.

Moreover, it must be noted that a separate application must be made by the applicant to Scottish Water to request a mains connection. Planning permission granted by a Local Planning Authority does not secure the provision of water services and it does not guarantee that there is sufficient network capacity available for new connections. The applicant will be advised of this through a footnote attached to any planning consent.

Further details regarding the water supply will be required as part of the subsequent MSC application. If a connection to the public water supply is not forthcoming due to capacity constraints or a failure to gain the necessary legal wayleaves then a private water supply maybe required. The technical details of this will be controlled by the Environmental Health legislation.

In terms of foul drainage, percolation tests have been undertaken which has informed the proposed use of a secondary treatment tank with a partial soakaway and discharge to the burn along the site's northern boundary. The Council's Flood Risk Management Team have assessed this application and offered no objection to this proposal in principle, but have requested that a Drainage Statement is submitted, as part of the subsequent detailed planning application, detailing the proposed foul and surface water measures. This will be conditioned as part of any planning approval. In addition, to the necessary legal wayleaves, the technical and ecological details of the foul drainage system are controlled by the Building Standards legislation and SEPA through the CAR licence regulations.

Impact on Agricultural Land: The site appears to be freehold land which is not the subject of crofting tenure. In agricultural terms it is currently set to grassland but is not part of an agricultural holding.

8.5 Other Considerations – not material

Land Ownership: A number of contributors have suggested that the permission of adjacent landowners for the required wayleaves for service provision (i.e. water, electricity, foul drainage discharge) will not be forthcoming. This is a civil matter rather than a planning matter and one which the applicant will have to address in order to develop the site. For the purposes of the planning application, the applicant is legally required under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to serve notice on all landowners which are owners of any part of the land to which the application relates. The Planning Authority has not received any evidence which would indicate that this has not been carried out correctly. As such this is a legally valid application which the Planning Authority can only determine on material planning matters.

Precedent: The issue of this application setting a development precedent has been raised. It must be acknowledged that each planning application is assessed on its own merits, and it must be noted that the previous planning application for two houses was considered to be unacceptable for a number of reasons and was withdrawn on the advice of the case officer.

Broadband Speed: A number of contributors have raised the issue that the existing broadband speeds in Kingsburgh are not sufficient and additional development will exacerbate this situation. This is not a material planning matter

and cannot form part of the Planning Authority's consideration for this application. The responsibility for this matter lies with the internet service/infrastructure provider.

Planning Policy Statement (PPS) 1 and 3: Reference has been made to these planning policy documents, however, these are English policy documents and do not form part of Scottish Planning Policy, as such they have no material weight in the consideration of this application.

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

None

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 N

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

1. No development shall commence 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 of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

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

2. Any details pursuant to Condition 1 above shall show a development of traditional form and proportion, with the following elements:
 - i. walls finished predominantly in a white/off-white render or natural larch cladding
 - ii. a roof covering of natural slate;
 - iii. single storey or 1½ storeys in height;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 35° and not greater than 45°

- vi. predominantly rectangular in shape with a span not exceeding 7.0m.
- vii. the house positioned within the eastern half of the site.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. Notwithstanding the provisions of Article 3 and Classes 1, 2 and 3 of 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 development of a type identified in the aforementioned classes shall take place within the curtilage of the dwelling house hereby approved without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

4. Any details pursuant to condition 1 above shall include full details of the following access improvements as indicated on approved plan JG2588 rev.3;
- i. the hairpin bend improvement including existing and proposed cross-sections, construction method and landscaped finish,
 - ii. the two passing places including construction method and surfacing materials,
 - iii. improvements to the surfacing of the existing private road.

The approved details to be fully implemented prior to the commencement of any other development.

Reason : In the interests of amenity and visual impact

5. Any details pursuant to condition 1 above shall show vehicle turning and car parking spaces provided within the curtilage of the dwelling house and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:
- i. Two spaces per 1 to 3 bedrooms;
 - ii. Three spaces per 4 to 5 bedrooms; and
 - iii. Four spaces per 6 or more bedrooms.

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the private road.

6. Any details pursuant to condition 1 above shall include a construction phase Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority. The Plan shall include full details of the types of vehicles to be used as well as any arrangements for the transfer of materials from larger to smaller

vehicles as dictated by site access constraints. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason : In the interests of the amenity of other users/owners of the private road access to the site

7. Any details pursuant to condition 1 above shall include a Drainage Statement written in accordance with The Highland Council's Supplementary Guidance: *Flood Risk and Drainage Impact Assessment* and detailing the proposed management of surface and foul water. It should include the following details;
- i. percolation test results,
 - ii. confirmation of landowner permission for the proposed effluent pipe location shown on approved plan JG2588 rev.3,
 - iii. positive access track drainage measures to avoid flooding at the Kingsburgh House access,
 - iv. positive access track drainage measures to avoid flooding of the proposed house site from the access,
 - v. confirmation of finished floor levels set at 600mm above the surrounding ground level,
 - vi. confirmation of the use of permeable materials to surface the parking and turning areas,
 - vii. confirmation that works will not have a physical impact on the adjacent pond,
 - viii. confirmation of clearance works to existing ditch.

Reason : In the interests of the avoidance of flooding

8. Any details pursuant to condition 1 above shall include full details of the six compensatory trees as detailed on plan JG2588 rev.3 and in the revised design statement received Sept 2016. The approved trees shall be planted during the first planting season following occupation of the dwelling hereby approved.

Any trees 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.

Reason: In the interests of visual amenity.

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

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

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

Permitted Development Rights

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank

Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

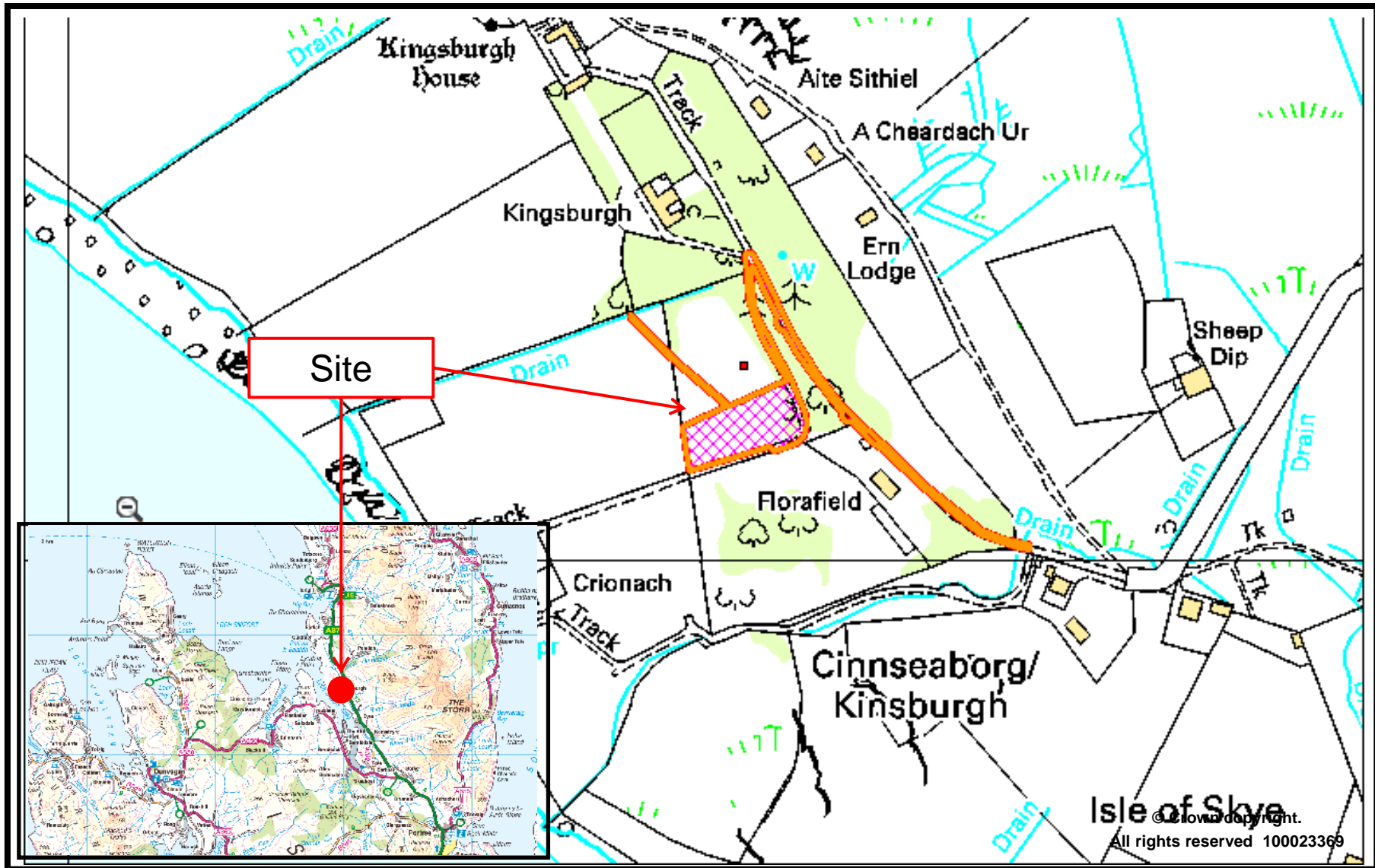
Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: Dafydd Jones
Designation: Area Planning Manager North Area
Author: Alison Harvey
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan JG2587 Rev 02
Plan 2 – Site Layout Plan JG2588 Rev 03

Appendix – Letters of Representation

| Name | Address | Date Received | For/Against |
|-----------------------|---|--|-------------|
| Mr Donald Batters | 2 Kingsburgh, Snizort, IV51 9UT | 08.10.2015 13.12.2016 | Against |
| Ms Amelia Colborne | Kingsburgh House, Snizort, IV51 9UT | 14.10.2015 29.10.2015 07.12.2016 | Against |
| Mr Hugh MacKay | 7 Kingsburgh, Snizort, IV51 9UT | 15.10.2015 06.12.2016 | Against |
| Mr and Mrs Jones | Florafield, Kingsburgh, Snizort, IV51 9UT | 16.10.2015 29.10.2015 07.12.2016 | Against |
| Mrs Marjory Robertson | 36 Shuna Place, Glasgow, G77 6TN | 14.10.2015 01.12.2016 | Against |



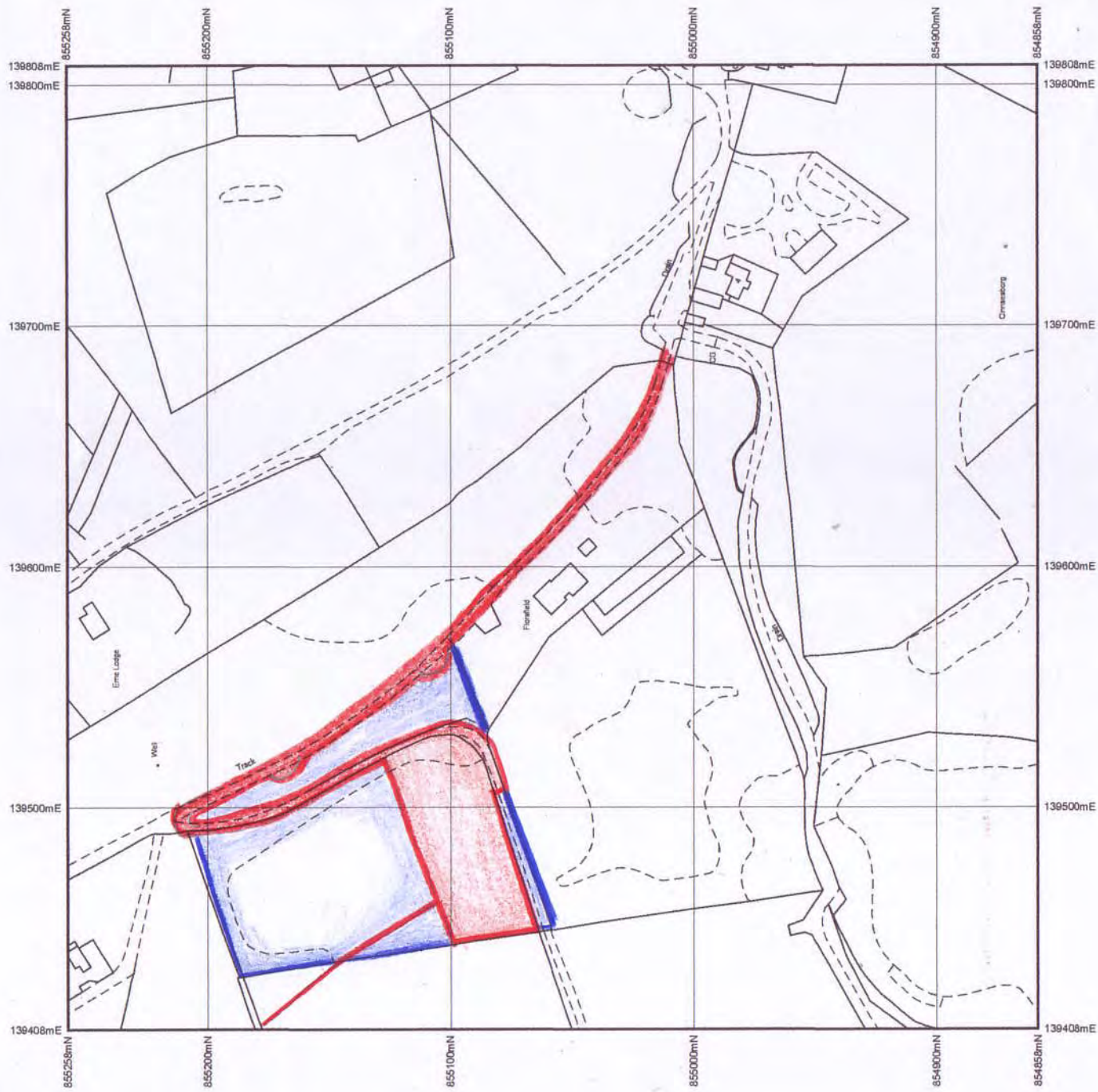
Planning and
Development Service

Location Plan
15/03542/FUL

Erection of a dwelling house, installation of a secondary treatment tank and
improvements to the existing access track.

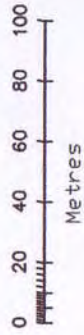
April 2017

Scale:



Location Plan 1:2500

Red line indicates extent of planning development area
 Blue Line indicates extent of land in applicants control



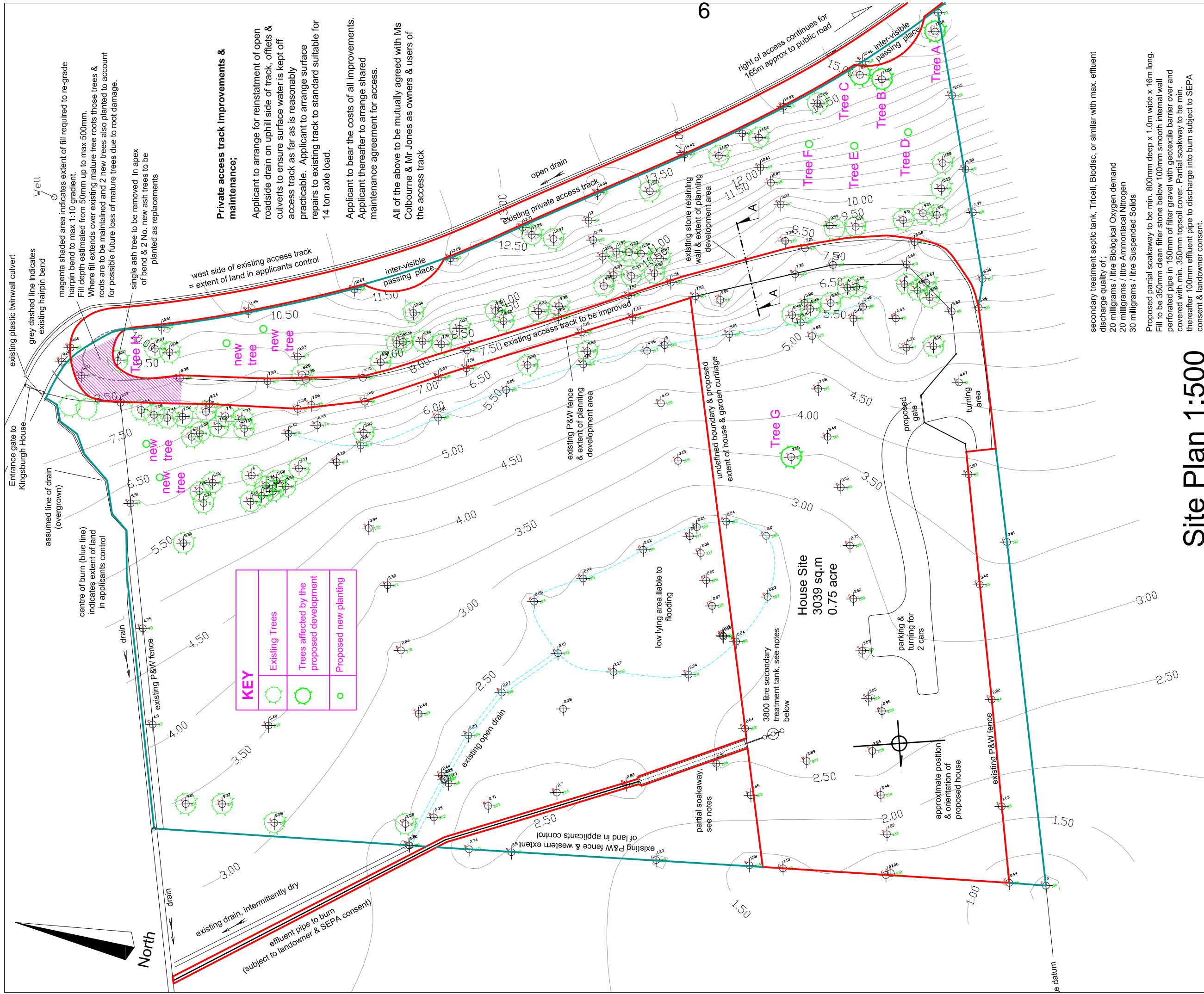
Jock Gordon BA (Hons)
Design & Planning
 30 Borneiskitig, Kilmuir, Isle of Skye IV51 9YS
 01470 552 392 07799 210 799
 jockgordon30@btinternet.com

Rev:02 amend planning development area

| | | | |
|-----------------|-----------------|----------|-------|
| Rev: 02 | Date: 24.8.2015 | Drawn JG | |
| Rev: 01 | Date: 27.4.2015 | Drawn JG | Chk'd |
| Drg. No. JG2587 | | | |

Status: Pre- planning permission – do not use for construction

| |
|--|
| Title: Location Plan |
| Project: Policy Park, Kingsburgh, Isle of Skye |
| Client: Calum Nicolson |
| Scale: 1: 2500 |
| Planning ref: |



Site Plan 1:500

metres
0 10 20

red line indicates extent of planning development area = 4590 sq.m
House site cutilage = 3039 sq.m
Drainage = 82 sq.m
Access = 1469 sq.m

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| | | | |
|--------|-----------------|----------|-------|
| Rev:03 | Date: 31.8.2016 | Drawn JG | Chk'd |
| Rev:02 | Date: 7.8.2015 | Drawn MK | Chk'd |
| Rev:01 | Date: 27.4.2015 | Drawn JG | Chk'd |

Drg. No. JG25588

Status: Pre- planning permission - do not use for construction

Title: Site Plan

Project: Policy Park, Kingsburgh, Isle of Skye

Client: Calum Nicolson

Scale: 1:500

Planning ref:

secondary treatment septic tank, Tricell, Blodisc, or similar with max. effluent discharge quality of:
20 milligrams / litre Biological Oxygen demand
30 milligrams / litre Ammoniacal Nitrogen
30 milligrams / litre Suspended Solids

Proposed partial soakaway to be min. 800mm deep x 1.0m wide x 16m long. Fill to be 350mm clean filter stone below 100mm smooth internal wall perforated pipe in 150mm of filter gravel with geotextile barrier over and covered with min. 350mm topsoil cover. Partial soakaway to be min. thereafter 100mm effluent pipe to discharge into burn subject to SEPA consent & landowner consent.