

Agenda item	<b>6.3</b>
Report no	<b>PLN/053/17</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** Tuesday 12 September 2017

**Report Title:** 16/05325/PIP – Land 40m North of Lochslin Cottage, Fearn

**Report By:** Area Planning Manager – North

### 1. Purpose/Executive Summary

#### 1.1 Applicant : EJ Mackenzie and Co

**Description** :Formation of two house plots, new shared access and installation of septic tanks

**Ward** : 07 – Tain and Easter Ross

**Category** : Local Development

**Reason for Referral** : The application has been referred to committee due to a Community Council objection.

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

### 2. Recommendations

#### 2.2 Members are asked to agree the recommendation to grant as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The application seeks permission for the formation of two house plots and associated infrastructure on land which is located within the Balnagall area to the east of Tain. The site is currently undeveloped and lies to the west of Balnagall Cottages and to the north of Lochslin Cottage. The land appears undulating, covering various levels and is relatively overgrown in parts with grass and areas of gorse. The public road bounds the north of the site.
- 1.2 There were no Pre-Application discussions prior to the application being submitted.
- 1.3 There is no existing infrastructure on site, as noted above the site is undeveloped.
- 1.4 The following supporting information was submitted:
- Private Access Checklist
  - Percolation Test Report
- 1.5 **Variations:**
- Site Layout Plan showing amended indicative layout.
  - Additional Site Layout Plan showing levels across the site
  - Submission of Percolation Test Result Report.

## **2. SITE DESCRIPTION**

- 2.1 The site is located to the south side of the U1428 public road. As noted above the site is undeveloped and the land is undulating covered in overgrown grass and gorse. The site is bound to the north by the public road, to the east by Balnagall Cottages, to the south by Lochslin Cottage and to the west by an open ditch and field beyond. The wider area is characterised by a number of small groups of houses including Lochslin Cottages to the east and the group of houses at Loch Eye to the south west. There are also a number of individual houses scattered around the area.

## **3. PLANNING HISTORY**

- 3.1 There is no recent planning history on site.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Unknown Neighbour (14 days)

Representation deadline: 06.02.2017

Timeous representations : 6 objections received from 2 addresses and 1  
Community Council objection.

Late representations : 0

- 4.2 Material considerations raised are summarised and addressed throughout the report and in paragraph 8.9 below.

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Community Services:** They have advised the culvert is partially blocked and it is the Council's responsibility to address this and has therefore been placed on a programme for investigation. Subsequent to this response they have since advised verbally that a section of culvert will be replaced with new pipe.

5.2 **Flood Risk Management Team:** No objection - Initially objected pending submission of detail on the watercourse/open ditch which included photos; level information across the site and up to the watercourse and submission of percolation test results in order to demonstrate ground conditions are suitable.

11.04.2017 – Correspondence was received from the Flood Team which outlined that the Percolation Test result report demonstrated that there was sufficient drainage on site in order to accommodate a private foul drainage solution. It was noted that levels from the adjacent field to the west of the site had not been undertaken.

In August 2017 a spot level survey of the above field to the west of the site was submitted for review.

29.08.2017 – the Flood Team commented on the information submitted as follows:

Levels provided on the site plan indicate that land to the west of the ditch is lower than the land to the east. It is therefore probable that, should the ditch overtop in a severe weather event, the water will flow down the west bank and away from the development. We are therefore satisfied that there is little risk of flooding to the development from the ditch.

It is noted in email correspondence between the Agent and the Case Officer that the Highland Council's Community Services team have recently assessed the condition of the culvert under the public road on the northern boundary of the site.

As any blockage of this culvert could pose a flood risk to the site, The Flood Team request that the results of this investigation, along with details of any proposed remedial works to the culvert, are provided for review and that this is secured by condition.

A buffer zone of a minimum of 6 metres is maintained free of development between the top of the bank of the ditch and the development for access and maintenance purposes.

- 5.3 In response to representations regarding the potential effect of the new development on existing drainage systems - it is a requirement of any new development that, in order to avoid increasing the flood risk to neighbouring developments or land, the post-development runoff rate from the site must not be greater than the pre-development runoff rate. In order to help meet this requirement, any new drainage system must be designed to strict quality standards and an appropriate rate of attenuation within the system must be determined and maintained. Percolation tests have demonstrated that local ground conditions are suitable for soakaway use; therefore an appropriately designed drainage system is unlikely to increase flood risk to neighbouring properties and drainage systems. The Flood Team outline that they are confident that the existing ditch is large enough to accommodate additional runoff without damage or additional risk to neighbouring properties and drainage systems, furthermore, it is the responsibility of individual property owners to ensure that their drainage systems are appropriate for ground conditions and are maintained and function efficiently. It is unlikely that these proposals could have a negative effect on any existing efficiently-functioning drainage systems.

The Flood Team further note, that from the Percolation Test Report that the results of the percolation tests appear to have been inaccurately calculated. However, according to Flood Team calculations, the accurate average Vp value of 17secs/mm is satisfactory and they remain satisfied that ground conditions on the development site are suitable for soakaway use. A condition that the final foul and surface water drainage layout is recommended for review and approval of the Flood Team at any subsequent detailed application stage.

- 5.4 **Transport Planning:** No objection subject to conditions. Objectors have referred to existing drainage issues nearby the site; the applicant should clarify that the proposed plots will be free from the effects of flooding and will not exacerbate any existing drainage problems within or adjacent to the site. The development should comply with the requirements of the Access to Single Houses and Small Housing Developments guidance.
- 5.5 **Inver Community Council:** Object – they advised they had been asked to comment by all of the residents of Balnagall Cottages and Lochslin Cottage. They have highlighted concerns relating to the higher elevation of the proposed buildings and the effect on soakaway provision which could result in flooding; there is a blocked drain which will add to drainage problems of the boggy ground.  
Concerns relating to sighting distances for site access, disruption to local wildlife and a reduction in privacy.
- 5.6 **Crofting Commission:** The Crofting Commission is unable to determine if this land is subject to crofting tenure from the information that is available to us. As such the Commission has no remit on this application.

## 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
29	Design Quality and Place-making
36	Development in the Wider Countryside
57	Natural, Built and Cultural Heritage
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage

## 6.2 **Inner Moray Firth Local Development Plan (2015):**

No relevant site specific policies, refer to HwLDP

## 7. **OTHER MATERIAL CONSIDERATIONS**

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

Housing in the Countryside and Siting and Design Guidance  
Sustainable Design Guide

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

Scottish Planning Policy (The Scottish Government)(2014)

## 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 site is located outwith any Settlement Development Area or hinterland area, as defined in the Highland-wide Local Development Plan, as such the proposal requires to be assessed against Policy 36 – Development in the Wider Countryside. The policy assesses proposals for the extent to which they are acceptable in terms of siting and design and whether they are sympathetic to the existing patterns of development in the area. This is also covered under Policy 28 – Sustainable Design which lists a number of criteria against which all developments are assessed. Of particular relevance to this proposal is the impact upon individual and community residential amenity; and, demonstration of sensitive siting and high quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials.

Policies 65 and 66 require appropriate provision to be made for foul and surface water drainage, with Sustainable Drainage Systems (SUDs) being a requirement in relation to surface water.

#### 8.4 **Siting and Residential Amenity**

As noted above the site is located within the Wider Countryside, this applies a broadly supportive approach to new housing ensuring a fit with any established pattern of development and landscape character. Current development adjacent to the site comprises four former farm labourers cottages (Balnagall) which are within a terraced row located to the east of the site and Lochslin Cottage to the south. Given there is development adjacent to the site, an extension to this is considered acceptable in relation to Policy 36 subject to the houses being appropriately sited within the plots. The application is in principle and the plans accompanying it show indicative building locations. The indicative houses have been re-sited following representations from neighbouring properties, as such the suggested siting of the houses on the submitted plans has now been framed by the need to retain residential amenity of current and future residents alongside establishing a more appropriate layout in terms of settlement pattern.

8.5 The original indicative layout of Plot 2, the southernmost plot, showed a house footprint which was towards the eastern side of the site looking onto Lochslin Cottage. Following the submission and consideration of representations from the residents of this property, the suggested indicative layout and building footprints have been adjusted; Plot 1 to the north, closest to the road, with Plot 2 to the south of it and north of Lochslin Cottage. A single access to the public road services both plots, located to the northeast of Plot 1. The indicative building layout now suggests the houses relocated to the south western corner of the site in order to prevent direct overlooking between the two properties; and in order to protect the amenity and privacy of Lochslin Cottage.

8.6 The now suggested indicative layout has been orientated in such a way as there should be no direct overlooking from the property into any windows of Lochslin Cottage which is considered appropriate. As the application is in principle only, no detailed building plans or layouts have been submitted, and these would be for a further application to detail and confirm. These details can be addressed by condition.

8.7 The indicative house footprint within Plot 1, which is closest to the road has been re-orientated to reflect the re-orientation of Plot 2, this is considered to allow for a more cohesive relationship between the two plots. This indicative layout is not considered to have an undue impact on individual or community residential amenity as detailed by Development Plan policy 28.

#### 8.8 **Design**

The application is for Permission in Principle only. The design will be considered at a subsequent detailed planning application stage. Conditions will be applied to any permission which restricts the height of houses to single storey in order that they do not dominate the existing single storey houses, or landscape. A detailed application will also require to show existing and proposed levels across the site in order that it can be ensured that the houses will sit within and not on top of the land. An

appropriate design will also be conditioned which is in keeping with the traditional Highland vernacular as supported by the Housing in the Countryside and Siting and Design Supplementary Guidance. This includes a house which is predominantly rectangular in shape with square gable ends, a 40° pitched roof and windows with a strong vertical emphasis. Materials shall include slate to the roofs or a slate substitute and materials such as wet dash render, natural stone work or timber cladding to the walls. As noted above the designs will be further considered at the detailed planning application stage.

## 8.9 Access and Servicing

A new shared access is proposed to serve the sites. Shared accesses are supported within the Council's Roads Guidelines and Access to Single Houses and Small Housing Developments; this is subject to sufficient visibility splays and construction. A Private Access Checklist submitted with the application assesses the speed near the access as 40mph. Visibility of 160m in each direction is quoted as being achievable within the checklist. It is considered given the position of the proposed access that the required sightlines can be achieved within the corridor of the carriageway. Within the Access to Single Houses and Small Housing Developments Guidance, table 4.3.1 outlines that where the speed is 40mph visibility of 2.4 x 120m in each direction should be available; in this instance the available 2.4m x 160m splay exceeds this therefore the proposal accords with the road servicing requirements of Development Plan policy 28. The Transport Planning Team have no objections and the visibility splays will be conditioned to secure in the interest of road safety; in addition to this an SDB 2 access will require to be constructed to allow a service bay for refuse collections and other servicing as appropriate.

- 8.10 The sites are to be served by individual private foul drainage arrangements using septic tanks and soakaways. Following representations received, the Flood Team were consulted in order to provide advice on drainage. The submission of percolation test results and levels across the site was requested in order to demonstrate that the ground was suitable for the proposed drainage solution. The Flood Team have now confirmed that the results demonstrate that there is sufficient drainage on site to accommodate the proposed drainage solution. It was noted that a buffer zone of a minimum of 6 metres should be maintained free of development between the top of the bank of the ditch and the development to allow for access and maintenance purposes – this will be conditioned to secure. The Flood Team commented that the application should be conditioned to secure detail on the fixing of the culvert, however, as this is not the responsibility of the applicant it would be unreasonable to secure any detail on this by condition and the issue has not been caused as a result of this application. As noted above Community Services have confirmed that a section of pipe is to be replaced to address the issue.

## 8.11 Material Considerations

Representations relate to the following matters:

- Two new builds would be out of character with the area and would look out of place next to the farm cottages and out of character of the rural nature of the area

*Planning Comment* - There is development adjacent to the south and eastern boundaries of the site. It is agreed that the original indicative site layout did appear to present an awkward settlement pattern as such this was re-considered with the houses being re-sited within the plots to allow a grouped and more visually cohesive relationship between them and the existing houses.

- Overlooking from the house to conservatory and bedroom resulting in a loss of amenity

*Planning Comment* – This relates to the western most cottage forming Balnagall Cottages located to the east of the proposed site. The conservatory is currently screened from the site by an extensive area of overgrown gorse; as noted above the houses have been re-orientated in order that there is no direct overlooking. It is likely that the original layout of Plot 2 would have had the most significant impact however this has been pushed to the south western corner of the site and is unlikely to impact on amenity of this property in its current indicative location subject to appropriate landscaping and screening measures.

- Loss of privacy and overlooking into bedroom windows and gardens. Any south facing windows on the house in plot 2 will directly overlook a bedroom and bathroom (Lochslin Cottage).

*Planning Comment* – As noted above the house was re-sited in order that there is no direct overlooking from the property into Lochslin Cottage. The permission will be conditioned to secure detail on landscaping, this will include fencing and screening along the southern boundary of Plot 2, this will again assist in safeguarding amenity.

- The site becomes waterlogged and the added water from foul and surface water drainage would pose a flood risk to properties and shared soakaways and septic tank systems.

*Planning Comment* – The site is not indicated as being at risk of flooding. Percolation tests were requested and submitted in order to demonstrate that there is sufficient drainage on site to accommodate the proposed systems. It was demonstrated that the land to the west of the site lies lower than the ditch as such any flooding would not be within the site, the Flood Team do not object to the application on the grounds of flood risk; this matter will be further dealt with at a subsequent detailed planning application stage and is further scrutinised under the Building Regulations by Building Standards.

- Proposed soakaway for Plot 2 is at a higher elevation and close to existing soakaways which may affect other drainage systems.

*Planning Comment* – All drainage will require to be dealt with within the soakaway area, as such, subject to an appropriate soakaway design, this should not impact on existing soakaways in the area; this matter will be further dealt with at a subsequent detailed planning application stage and is further scrutinised under the Building Regulations by Building Standards.

- No Flood Risk Assessment, percolation tests or roadside drainage assessments have been undertaken and it is noted that there are no major ditches or watercourses near the site within the application form.



*Planning Comment* – The site is not indicated as being at risk of flooding, as such a Flood Risk Assessment would not be justified in this instance. Percolation Test results and investigation of ditches and culverts which could be impacted by the development were undertaken and submitted to the Flood Team for comment; initial objections to the application from the Flood Team were resolved. The culvert referred to is the responsibility of the Council to repair and the applicant has no control over this.

- Concern for wildlife as it is wetland, impact on badgers, pine martin, stoats, amphibians and birds.

*Planning Comment* – The site is not subject to any natural heritage designations.

- There is a bat roost adjacent to the site.

*Planning Comment* – The site is an empty and undeveloped site, generally bats would reside within existing buildings and potentially traditionally stone built walls and trees, none of which are on site; it is unlikely the development would have an impact on any bats surrounding the site, and informatives are placed on all planning permissions which advise the developer of their legal obligations should bats be present on site.

- Road safety concerns due to impaired visibility on the corner in the road with cars travelling in excess of 50mph could make the site access dangerous for accessing or emerging vehicles. An additional access could make it dangerous for people walking on or using the road. Children also disembark from the bus within a passing place.

*Planning Comment* – The permission will be conditioned to ensure visibility of 160m in each direction as noted above. The development will provide a service bay on the public road, these are often utilised as informal passing places and could provide a slight improvement to the current situation on site. Transport Planning have determined that the available visibility is proportionate to the assessed speed of traffic and this will be conditioned to secure.

- Building waste and garden waste may be deposited over fences to the west of the plots resulting in the road ditch and gardens becoming clogged.

*Planning Comment* – This is considered to be speculative, the disposal of waste is the responsibility of the developer, the developer owns the land to the west of the site and the drain is within the developers land, as such it is unlikely that this will occur.

- The proposed plot is grazed by sheep and would result in loss of agricultural land, the Scottish Government promote the redevelopment of brownfield sites.

*Planning Comment* – This site is undeveloped and requires to be assessed as submitted. Whilst the development of brownfield sites is promoted where appropriate it is also incumbent on the planning authority to consider development proposals as submitted. The Scottish Government support rural housing development which is underpinned in Scottish Planning Policy. The Crofting Commission confirmed that they had no remit in the application.

Further comment was received relating to the amended Site Layout Plans which were submitted.

- The level drawings do not show the drop in level between the land and property and this gives rise to concern of risk of flooding and the soakaway.

*Planning Comment* – There is a change in level between the existing houses and the site; Lochslin Cottage has been dug into the land, however the ground slopes from the top of the field down to the public road (south to north) and not in a southerly or easterly direction as demonstrated on the topographical drawings.

- Changes to the layout of soakaway shows Plot 2 abutting neighbouring properties; there are issues with the septic tanks flooding due to the high water table and this could cause sewage to enter the properties. The development should be turned down as it is likely to result in a material increase in the number of dwellings at risk of being damaged by flooding.

*Planning Comment* – the site is not located within an area which is identified as being at risk of flooding, it has been demonstrated by undertaking site levels across the site, and percolation tests, that there is sufficient drainage to accommodate private drainage systems on the land. This is a matter which would be further scrutinised at a subsequent detailed planning application stage and also through the Building Warrant process. The Flood Team have no objections to the application on the grounds of drainage.

#### 8.12 **Other Considerations – not material**

- Loss of value to property
- Loss of view
- Permission will not be given to cross land to connect to the waster supply.
- Electricity lines will have to be re-routed and the power supply should not be disrupted
- The availability of other land to the developer

#### 8.13 **Matters to be secured by Section 75 Agreement**

None

### 9. **CONCLUSION**

- 9.1 The proposal is considered to comply with the aforementioned policies of the adopted Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. All technical issues raised in third party representations and consultee comments have been addressed. It is therefore considered that the principle of developing the site for two houses can be supported, with issues around siting and design being controlled by conditions which will be further assessed in the consideration of further detailed planning application(s).

It is therefore considered that all relevant matters have been taken into account when appraising this application and 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. IMPLICATIONS

- 10.1 Resource – Not applicable
- 10.2 Legal –Not applicable
- 10.3 Community (Equality, Poverty and Rural) –Not applicable
- 10.4 Climate Change/Carbon Clever –Not applicable
- 10.5 Risk – Not applicable
- 10.6 Gaelic – Not applicable

## 11. RECOMMENDATION

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Notification to Historic Environment Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

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

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); for the avoidance of doubt there shall be no development within a 6 metre buffer area between the top of the bank and the ditch to the west of the development site;
  - 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 featuring the following elements:
  - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
  - ii. a roof covering of natural slate;
  - iii. single storey in height;

- iv. windows with a strong vertical emphasis;
- v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
- vi. predominantly rectangular in shape with traditional gable ends.

**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. Any details pursuant to condition 1 above shall show the site access constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 29.08.2017), with:

- i. the junction formed to comply with drawing ref. SDB 2; and
- ii. visibility splays of 2.4m x 160m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

No other development shall commence until the junction has been constructed in full and within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason :** To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

4. Any details pursuant to condition 1 above shall show car parking spaces and turning provided within the curtilage of each of the dwellinghouses and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation of the dwellinghouse to which it relates, 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

**Reason :** In order to ensure that the level of off-street parking is adequate.

5. Any details pursuant to condition 1 above shall include a landscaping plan with a scheme of hard and soft landscaping. Details of the scheme shall include:

- 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; including full details of screening and landscaping measures to be provided between Lochslin Cottage to the south and Balnagall Cottages to the east
- 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.

**Reason** : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site to assist the houses in assimilating into the surrounding area and in order to ensure that an adequate level of screening is provided between the site and neighbouring properties, Lochshin Cottage and Balnagall Cottages in the interest of residential amenity.

6. Any details pursuant to condition 1 above shall include full details of a communal wheelie/kerbside recycling bin storage area capable of accommodating bins for up to 2.No properties located outwith any visibility splays. The storage area shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation of the development and thereafter maintained in perpetuity.

**Reason** : To ensure that waste on site is managed in a sustainable manner in the interest of amenity and road safety.

### **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 LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE**

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**

#### **Initiation and Completion Notices**

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

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

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

### **Accordance with Approved Plans and Conditions**

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

### **Flood Risk**

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

### **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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2)

### **Mud and Debris on Road**

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

### **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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

### **Protected Species - Ground Nesting Birds**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act

1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: [www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

### **Sustainable Design**

Future designs for this site should draw on the principles contained within with The Highland Council's Sustainable Design Guide, in particular with regard to use of sustainable building materials, waste water re-use/recycling and energy conservation.

Designation: Area Planning Manager - North

Author: Laura Stewart

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

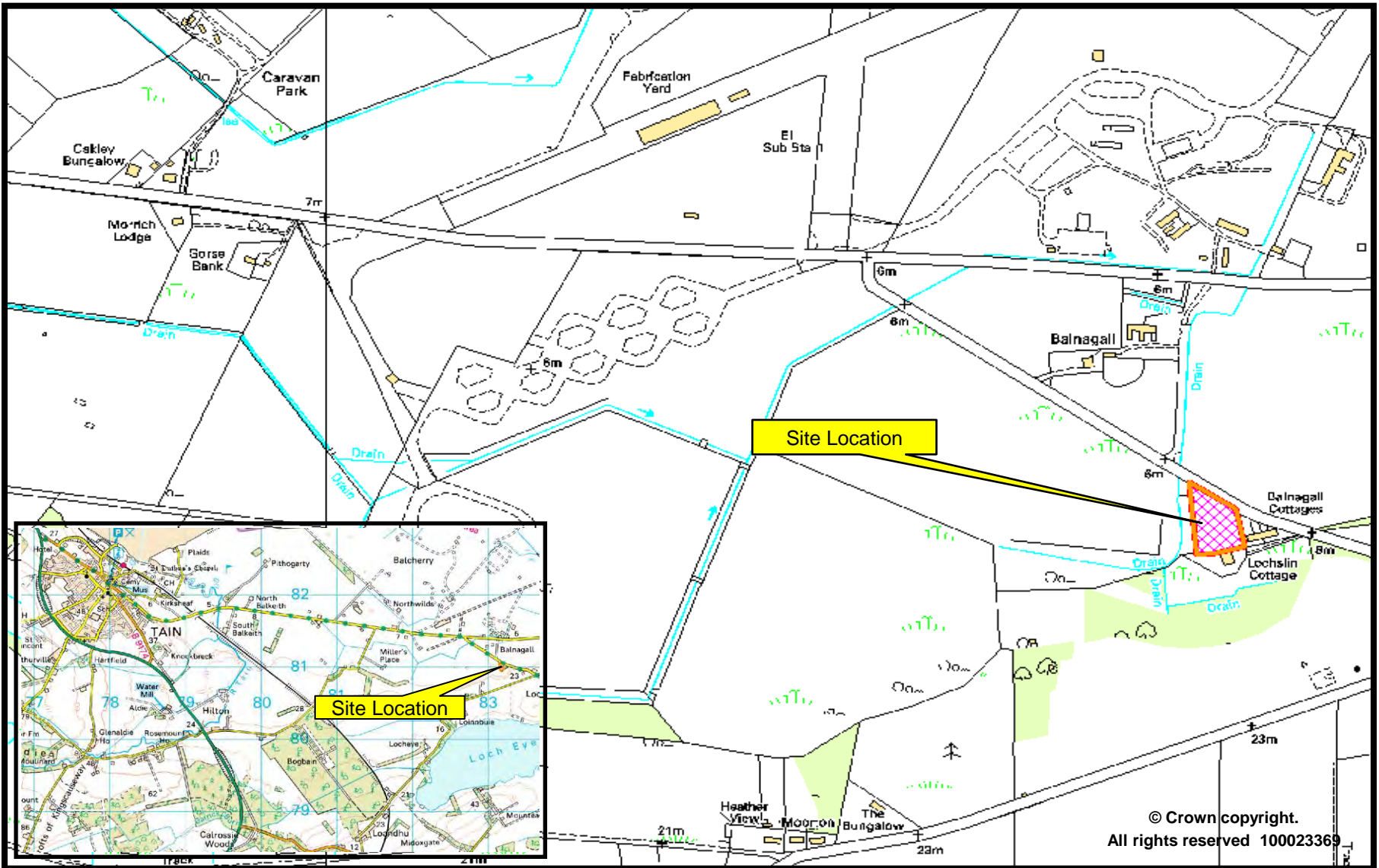
Relevant Plans:

- M589-PL02 REV A Site Layout Plan
- M589 - PL01 REV A Location Plan



## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Graeme Gardiner	Lochslin Cottage, Fearn, Tain,	18.01.2020.and 12.201617 and	A
Mr Barry Nicolson	4 Balnagall Farm Cottages, Fearn, Tain	19.12.2016	A
Mrs Nadine Nicolson	4 Balnagall Farm Cottages, Fearn, Tain	12.01.2017	A
Mr Barry Brice on behalf of Inver Community Council	Tigh Na Mara, 2 Shore Street, Inver, Tain	16.01.2017	A
Mr Joe Gardiner	Lochslin Cottage, Fearn, Tain	13.01.2017	A
Mr Danny Gardiner	Lochslin Cottage, Fearn, Tain	13.01.2017	A



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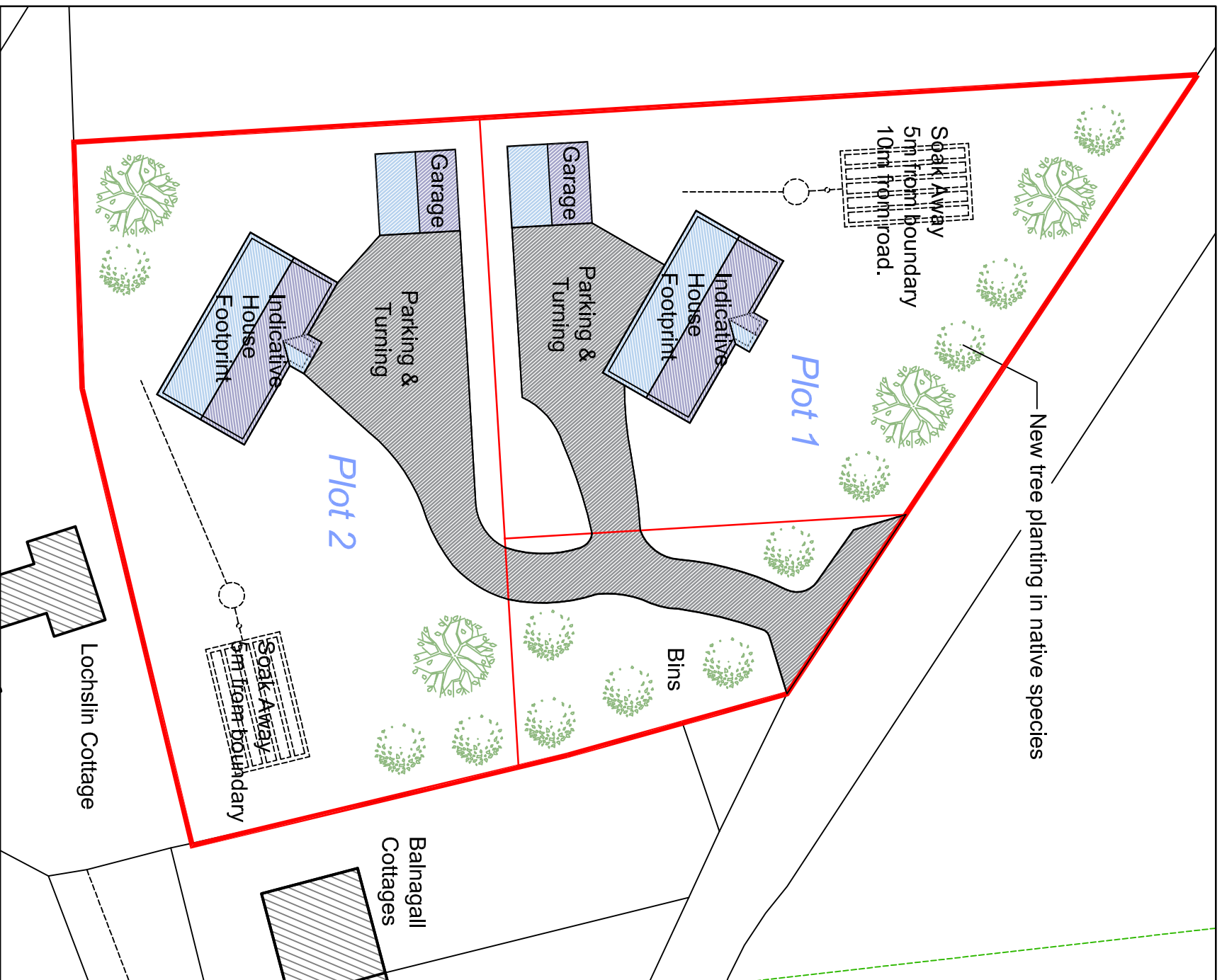
Development &  
Infrastructure Service

**16/05325/PIP**  
**Formation of two house plots, new shared access and installation of septic tanks at Land 40m North of Lochslin Cottage, Fearn**

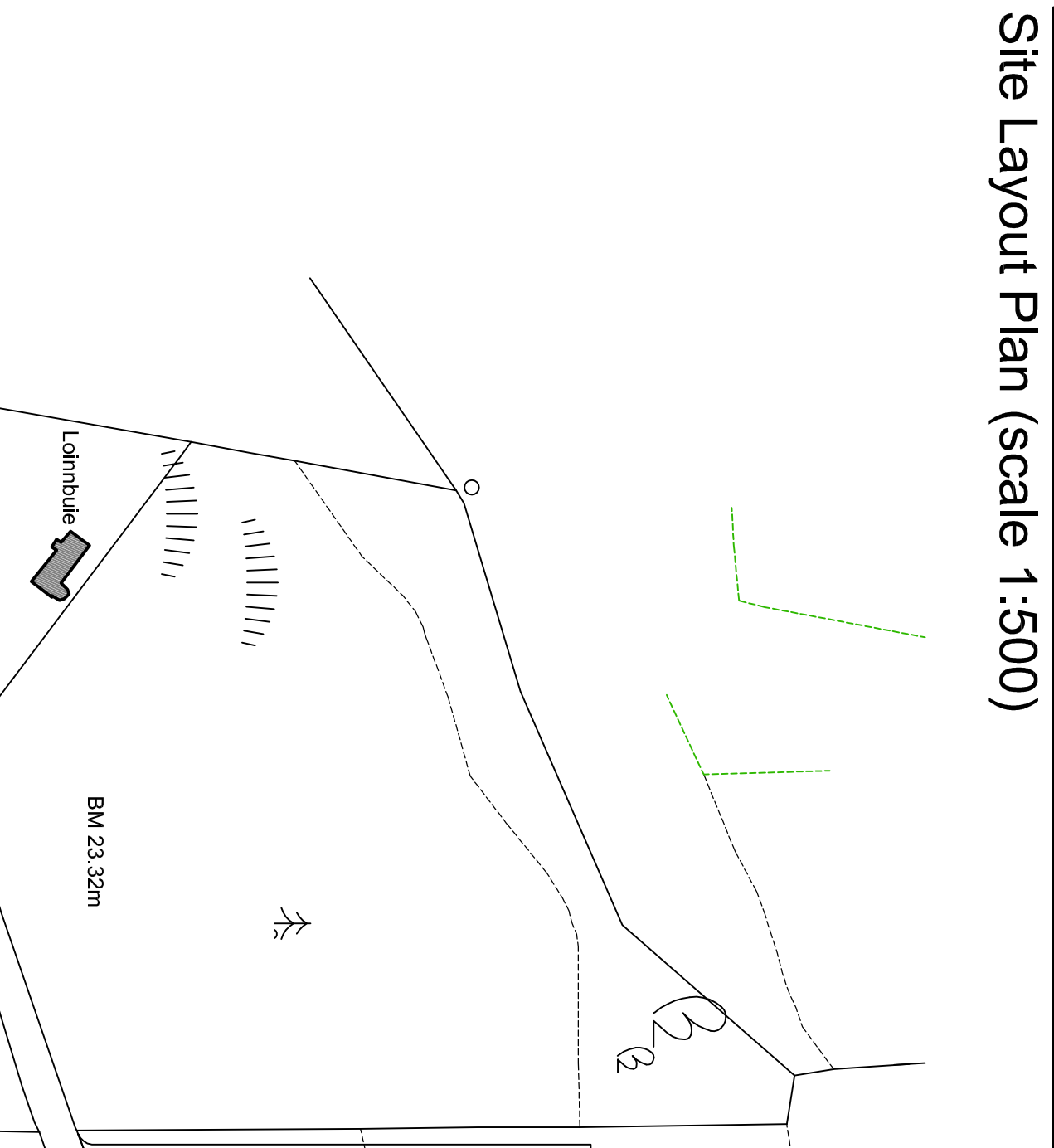
**30/08/2017**



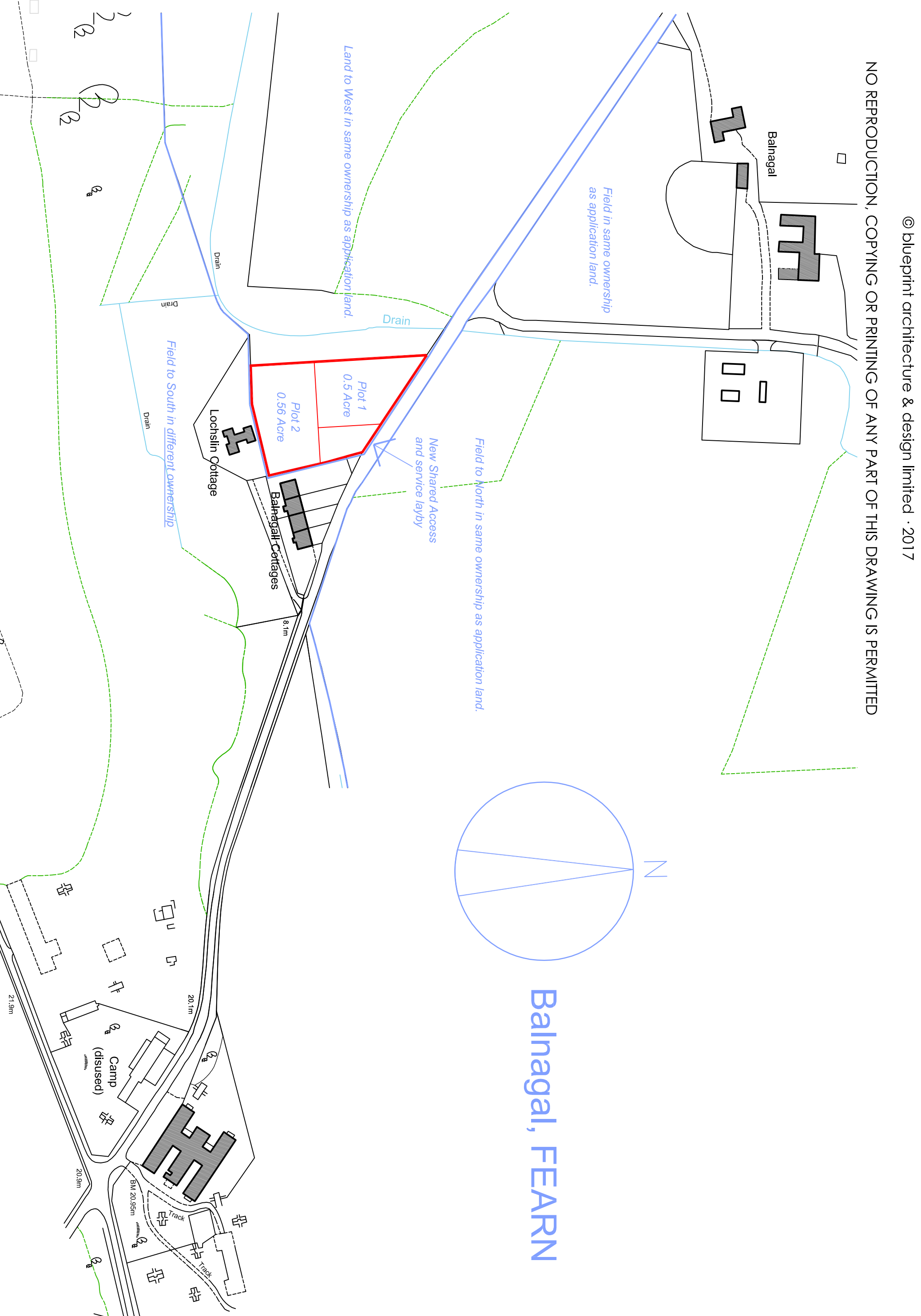
NO REPRODUCTION, COPYING OR PRINTING OF ANY PART OF THIS DRAWING IS PERMITTED



Site Layout Plan (scale 1:500)



Location Plan (scale 1:2000)



# Bainagall, FEARN



RIBA CHARTERED ARCHITECTS  
 8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY  
 MAIL@BLUEPRINTARCHITECTURE.COM | 01842 892900

Client	E J Mackenzie & Co, Pitligary Farm, Tain	Scale	Noted
Project	Proposed House Plots at Land to North of Lochslin Cottage, Fearn, Tain IV20 1RT		
Title	Location Plan & Indicative Site Layouts for Planning		

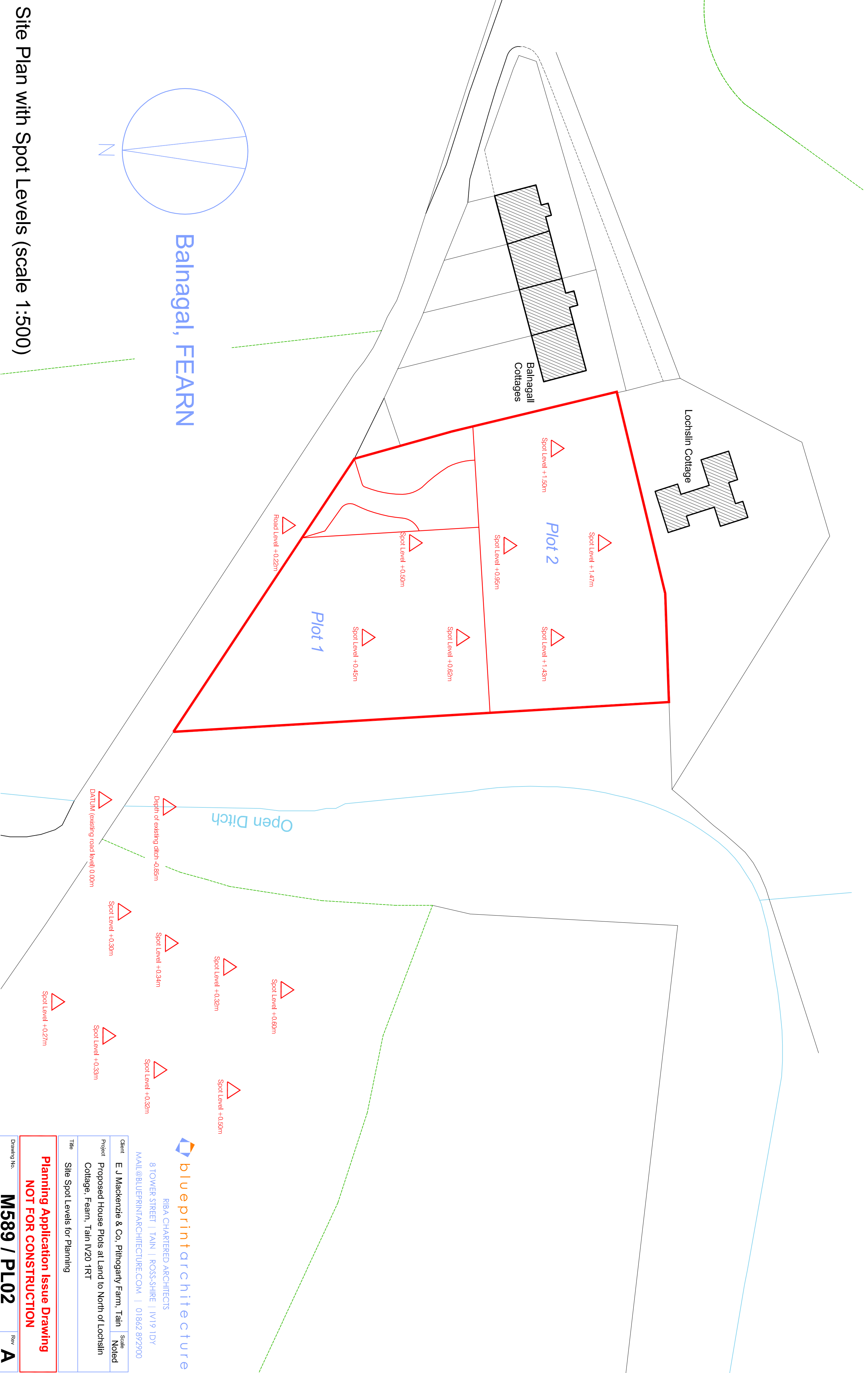
**Planning Application Issue Drawing**  
**NOT FOR CONSTRUCTION**

Drawing No.	<b>M589 / PL01</b>	Rev	<b>A</b>
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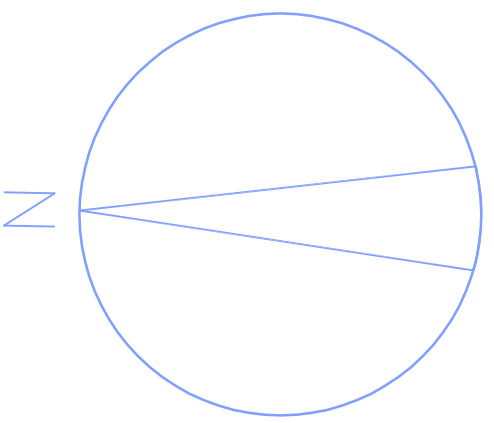


Refer to written dimensions only - DO NOT SCALE - if in doubt ask.





Bahnagall, FEARN



Site Plan with Spot Levels (scale 1:500)

**blueprint architecture**  
RIBA CHARTERED ARCHITECTS

8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY  
MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client	E J Mackenzie & Co, Pitligary Farm, Tain	Scale	Noted
Project	Proposed House Plots at Land to North of Lochsliin Cottage, Fearn, Tain IV20 1RT		
Title	Site Spot Levels for Planning		

**Planning Application Issue Drawing**  
**NOT FOR CONSTRUCTION**

Drawing No. **M589 / PL02** Rev **A**

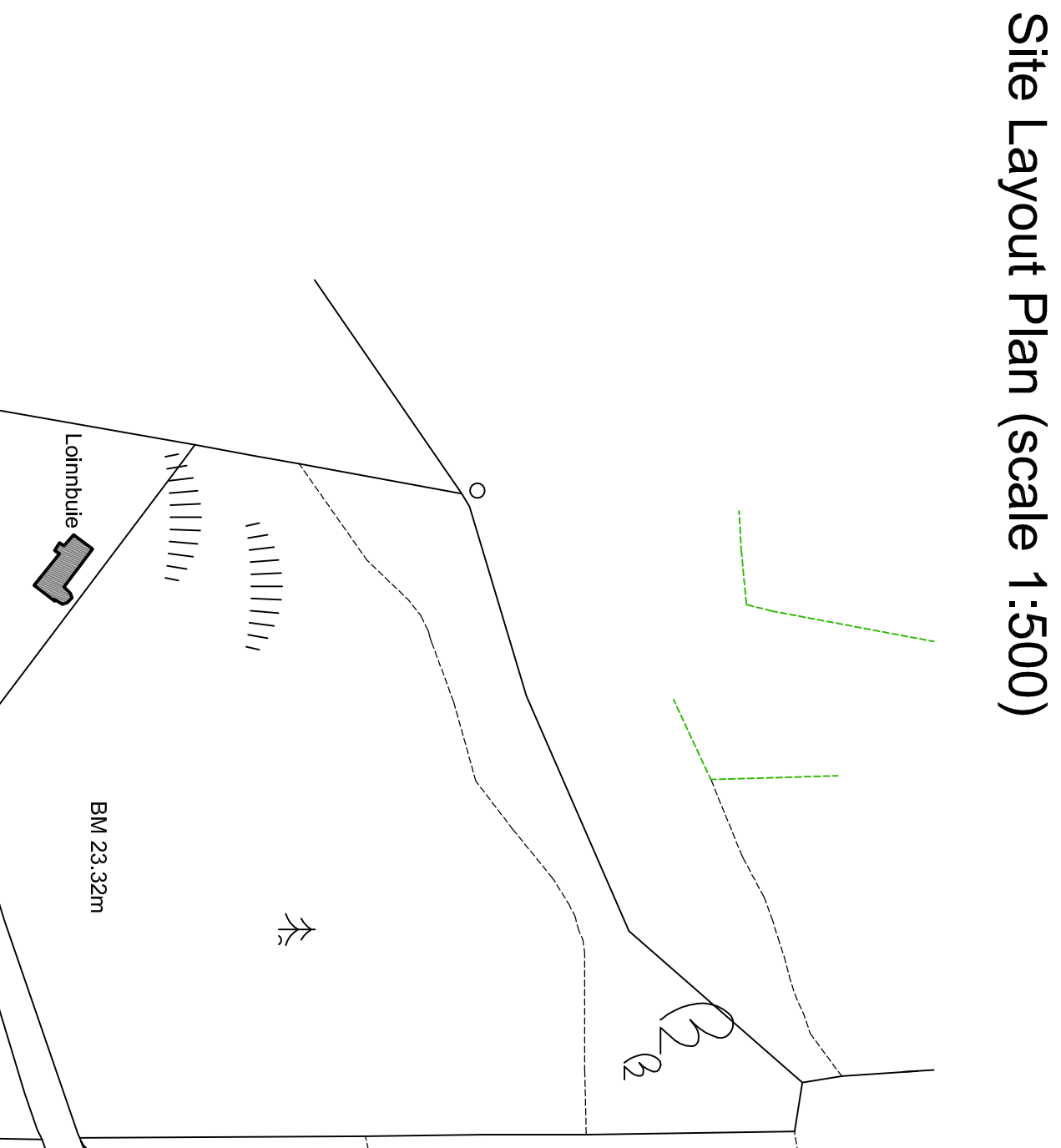


Refer to written dimensions only - DO NOT SCALE - if in doubt ask.

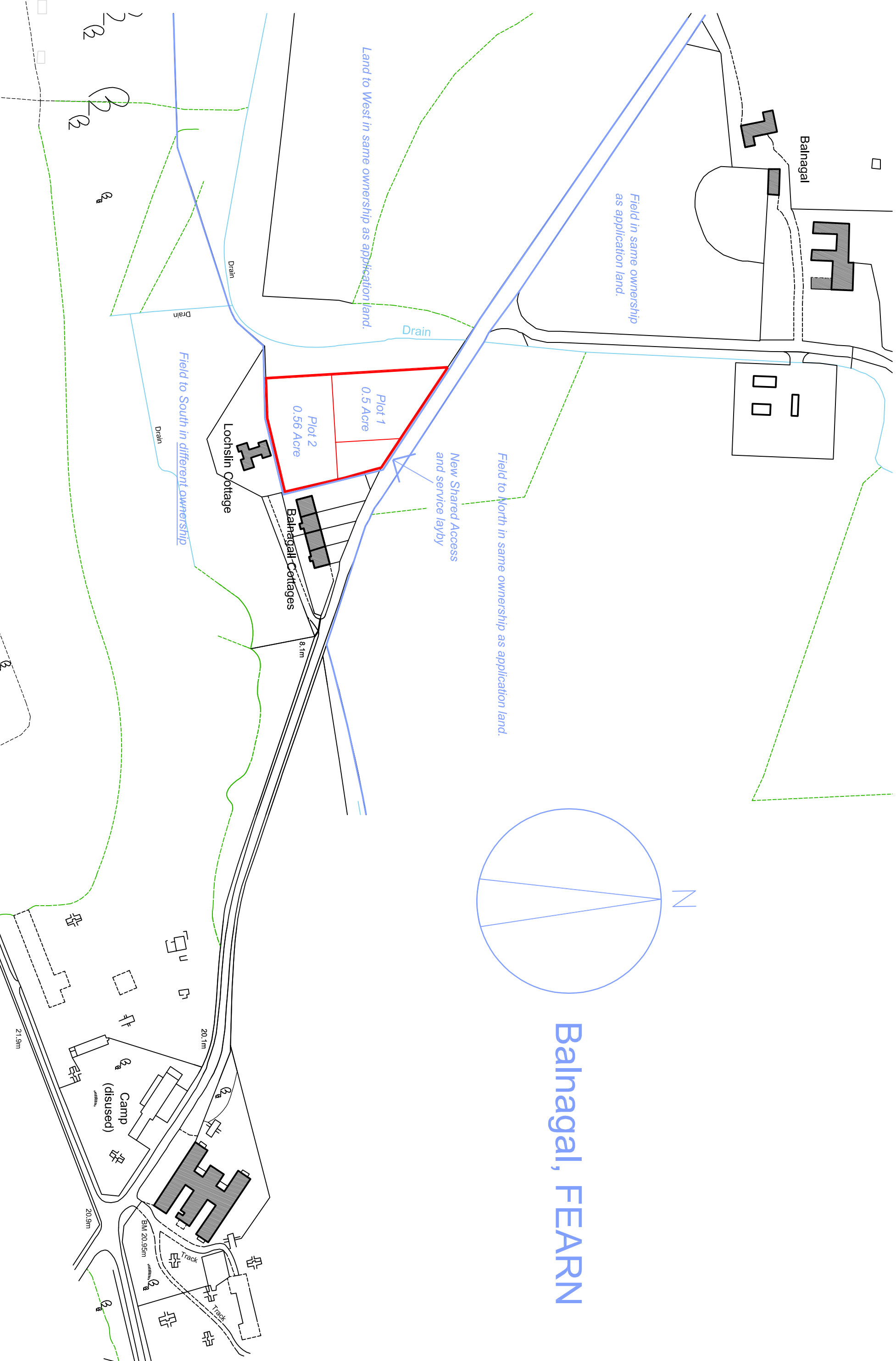
NO REPRODUCTION, COPYING OR PRINTING OF ANY PART OF THIS DRAWING IS PERMITTED



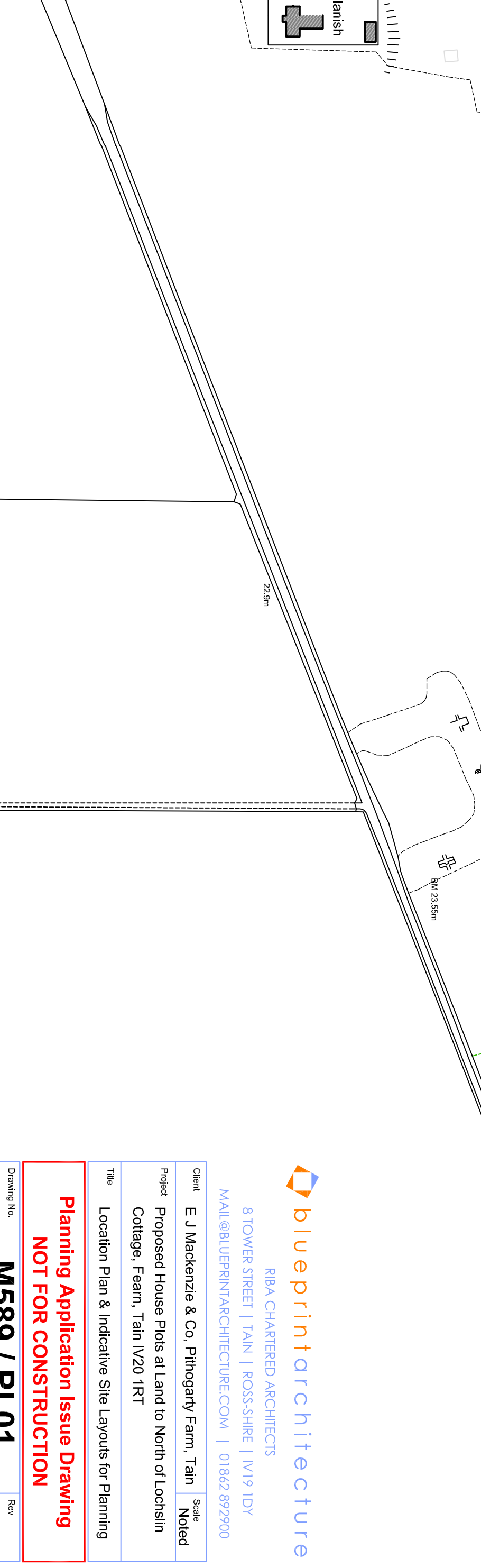
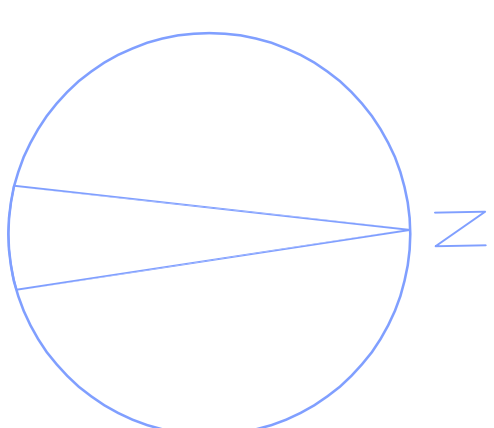
Site Layout Plan (scale 1:500)



Location Plan (scale 1:2000)



# Bainagall, FEARN



Refer to written dimensions only - DO NOT SCALE - if in doubt ask.



RIBA CHARTERED ARCHITECTS  
 8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY  
 MAIL@BLUEPRINTARCHITECTURE.COM | 01842 892900

Client	E J Mackenzie & Co, Pitligary Farm, Tain	Scale	Noted
Project	Proposed House Plots at Land to North of Lochsliin Cottage, Fearn, Tain IV20 1RT		
Title	Location Plan & Indicative Site Layouts for Planning		

**Planning Application Issue Drawing**  
**NOT FOR CONSTRUCTION**

Drawing No.	M589 / PL01	Rev	
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