

Agenda item	<b>5.4</b>
Report no	<b>PLN/062/17</b>

## **THE HIGHLAND COUNCIL**

**Committee:** North Planning Applications Committee

**Date:** 17 October 2017

**Report Title:** 16/04389/FUL Land to west of Doelcam, Jamestown

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

### **1. Purpose/Executive Summary**

#### **1.1 Madison Sol Ltd**

Formation of two house plots, installation of access road, turning area and footpath

06, Wester Ross, Strathpeffer and Lochalsh

Local Development

Representations received from 6 different households

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. Recommendation**

#### **2.2** Members are asked to agree the recommendation to grant planning permission as set out in section 13 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 The application is to form two serviced house plots within the garden grounds of Doelcam, and associated road improvements. If granted, separate applications would be required for the proposed houses.
- 3.2 Informal pre-application discussions took place.
- 3.3 The site is accessed off the end of the adopted eastern access road through Jamestown. The existing private access driveway to Doelcam will be utilised, and a new access formed between Doelcam and the house to the north (Glenview) to access the garden grounds to the west side of Doelcam where it is proposed to locate the house plots.
- 3.4 This application is for the formation of 2 serviced house plots within the garden grounds of Doelcam. Access to the site will be via the existing private driveway to Doelcam, with a new driveway being formed along the boundary between Doelcam and Glenview to access the proposed house plots. A new section of footpath is included as part of the proposals. This will run between the footpath approved as part of application 16/04777/FUL and the access driveway to Burnside Croft at the end of the adopted road.
- 3.5 A drainage statement, private access checklist, species protection plan (Scottish Wildcat) and supporting statement have been submitted by the applicant.

3.6 **Variations:** none

### **4. SITE DESCRIPTION**

- 4.1 Doelcam is the last house in Jamestown accessed off the eastern internal access road. It is orientated north/south, with rear garden grounds and views over farmland to the south, and the front facing the house to the north, Glenview. It has extensive garden grounds to the west (side) with the west boundary lining through with the rear boundary of the houses accessed off the western access road through Jamestown.
- 4.2 The site is split into two sections by an access track to Scottish Water's treatment area which lies immediately to the south west of the site. This track runs from the end of the western Jamestown access track through the garden of Doelcam in a north south direction, and has a high evergreen hedge along the east side within the garden of Doelcam.
- 4.3 There is a high evergreen hedge along the boundary with the houses to the north, Glenview and Tigh na Gharradh, which links to the internal hedge alongside the Scottish Water access track.
- 4.4 The garden area to the west of the Scottish Water access track contains the ruins of a former croft house. It has an open outlook to the south and west over established farmland. A replacement dwelling, Miltoga, has recently been completed to the north.

### **5. PLANNING HISTORY**

- 5.1 10/04171/PIP Erection of two houses (permission in principle) – Refused – Appeal to Review Body - Dismissed (due to the substandard road network in Jamestown and substandard junction with the A834).

### **Related applications :**

12/02388/FUL – Improvement works to existing road junction with Jamestown eastern access road (U3066) and the A834 – Approved by Committee. Works have commenced, keeping this consent 'live'.

13/01882/FUL – 2 serviced house plots and associated road improvements to south of Cul Mor – Approved by Committee - 01/11/17

16/04777/FUL - Formation of 2 serviced house plots and associated road improvements to south of Cul Mor – Approved by Committee 27/02/17

The site adjacent to Cul Mor (13/01882/FUL renewed by 16/04777/FUL) includes improvements to the U3067 on the approach to the site the subject of this application. It lies immediately to the north east of the site, between Cul Mor and the end of the adopted road.

## **6. PUBLIC PARTICIPATION**

6.1 Advertised : unknown neighbour; potential departure from development plan  
Representation deadline : 04/11/16.

7 households submitted representations.

6.2 Material considerations raised are summarised as follows:

- Substandard road network in Jamestown
- Blind accesses onto the internal access road
- Dangerous junction with the A834
- Previous refusal 10/04171/PIP. No change since then.
- Consented road improvements have not yet been implemented
- Roads are not treated in winter
- Cumulative impact of traffic from all the consented developments in Jamestown
- Shared walkway does not protect pedestrians and is out of character with the rural setting
- Inappropriate 40mph speed limit in Jamestown
- Increase in traffic raises safety concerns
- Private access road to Rose Cottage, Glenview and Doelcam is narrow with an awkward angle where it joins the classified road, making it dangerous. Additional 2 houses will exacerbate this.
- Private access road should be brought up to an adoptive standard in view of number of houses it will now serve
- In 1990 consent was granted for this ruined croft house to be replaced, and this has been built. A further replacement croft house should not be allowed.

- The land containing the ruined croft house was sold to the owners of Doelcam as agricultural land following the replacement of the ruined croft house elsewhere
- Increase in noise
- Loss of privacy to existing houses
- Replacement house Miltoga has been designed with 1<sup>st</sup> floor terrace, living room full height window, and open bathroom to take advantage of the views over the most westerly plot.
- Access road is in part dirt track so unsuitable for construction traffic
- Safety implications on the servitude access for Glenview.
- Ruined cottage is part of heritage and should be retained
- Sufficient housing land in Contin and Strathpeffer; Jamestown is not suitable for expansion.
- Premature proposal – relies on 12/02388/FUL and 16/04777/FUL both being implemented before it can go ahead

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

## 7. CONSULTATIONS

7.1 **Historic Environment Team** : Request a photographic record of the ruined cottage prior to any works to it taking place.

7.2 **Access Officer** : There is a claimed right of way following the eastern boundary, but it is uncertain if it is still used and its exact line. It is presumed that it would not be affected by this proposal.

7.3 **Transport Planning** : Initially objected on road safety grounds due to the increased conflict between vehicles and pedestrians, particularly on the U3067 East Jamestown Road.

Consent has since been obtained (16/04777/FUL) for 2 serviced house plots adjacent to Cul Mor, and this includes the construction of a footway along the U3067. This has however not yet been implemented (16/04777/FUL). The junction of the A834 and the U3006 is significantly substandard. There is consent for this to be improved (12/02388/FUL), and this work would need to be completed prior to any further development accessing from this junction.

Objection now withdrawn subject to road improvements and parking and turning being implemented, and submission of detailed proposals for refuse collection and surface water culvert, and Construction Traffic Management Plan.

7.4 **Scottish Wildcat Action** : Walkover survey recommended. There were wildcats in Jamestown a few years ago, but they have declined in 'purity' since then; the odd wildcat seems to pass through, but it is not known whether any are denning close to the town.

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **8.1 Highland Wide Local Development Plan 2012**

- 28 Sustainable design
- 29 Design quality and place-making
- 35 Housing in the Countryside (Hinterland)

### **8.2 Inner Moray Firth Local Development Plan 2015**

Outwith Settlement Development Area; within Hinterland.

## **9. OTHER MATERIAL CONSIDERATIONS**

### **9.1 Draft Development Plan**

Not applicable

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

Housing in the Countryside and Siting and Design 2013

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

Scottish Planning Policy 2014

## **10. PLANNING APPRAISAL**

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

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

### **10.3 Development Plan Policy Assessment and other Material Considerations**

#### **Housing Group**

10.3.1 There is allocated housing land in both Strathpeffer and Contin. Jamestown falls outwith any housing land allocation and within the Hinterland. This does not preclude it from future development, but leaves it to be assessed in the light of Policy 35 of the Highland-wide Local Development Plan. This presumes against housing development, unless it meets one of the exceptions as set out in the adopted Supplementary Guidance: Housing in the Countryside and Siting and Design. One such exception relates to small scale housing to infill and round off existing housing groups.

- 10.3.2 Jamestown is a large housing group, and Doelcam is the last house within this group, with its extensive garden being bounded by housing to the north, and agricultural land to the south and west.
- 10.3.3 The formation of 2 house plots within the garden grounds would therefore round off the housing group and not encroach into the surrounding countryside. The plots are sufficiently proportioned to reflect the spacing of neighbouring houses and to accommodate houses of a similar scale to those on adjacent plots. Therefore, they are in keeping with the surrounding houses and meet the criteria for new houses within existing housing groups.

### **Road Safety**

- 10.3.4 The road network in Jamestown is generally single track 'country lanes' with few formal passing places. It is not designed for modern HGV's so it is awkward to pass service or construction vehicles, even in a car. Although the speed limit is 40mph, this is a maximum speed limit and not the speed that traffic has to travel at. Within Jamestown, due to the constrained alignment and narrow road width the assessed traffic speed is 20mph.
- 10.3.5 Furthermore, there are no footways on the roads which provide access to this development. The carriageway is only single width, and the verge on the east side of the U3067 is narrow and on the west is overgrown and obstructed by a ditch. Planning permission 16/04777/FUL includes the construction of a footway along the U3067, and a condition requiring the provision of road markings along the section of road between the proposed footway and the junction with the A834 in order to overcome these constraints. This is yet to be implemented. Without the footway and road markings, there is no safe area for pedestrians (including wheelchair users and those with buggies) to step out of the way of vehicles. The increased conflict in vehicular and pedestrian traffic from 2 additional houses would be contrary to the interests of road safety. It is therefore essential that these approved road improvements are provided in advance of the construction of any additional houses.
- 10.3.6 The application includes a short extension to the proposed footway forming part of 16/04777/FUL to take it to the end of the adopted road. Thereafter, no alterations to the existing private access driveway (which also serves Glenview and Rose Cottage) are planned.
- 10.3.7 The private access currently serves 3 existing houses, and the proposal would increase this to 5. Although it is desirable for private driveways to be brought up to adoptive standards if they will be used by over 4 houses, this is a guideline only. In this instance, Rose Cottage takes its access off the driveway adjacent to the end of the adopted road, and it can therefore be argued that there will be 4 houses using the majority of the driveway. On balance, in these circumstances, it is not assessed as essential that this section of driveway is upgraded to adoptive standards.

- 10.3.8 The private access, within the site, includes a severe bend which would prevent access by construction traffic or larger servicing vehicles. Transport Planning suggest that the road alignment within the site is amended to take account of this.
- 10.3.9 The junction of the A834 with the U3006 is significantly substandard. There is consent in place for junction improvements, 12/02388/FUL, and since works have commenced this consent remains 'live'. The improvement works would, however, need to be completed prior to any further development accessing from this junction.
- 10.3.10 There have been a number of recent applications and consents granted in Jamestown. Each application stands to be assessed on its merits, in relation to planning policy and other material considerations. However, the previously consented road upgrades, if they are implemented in their entirety, are sufficient to accommodate all of the consented development, in addition to this current proposal. This can be covered by condition. What is being proposed and secured by conditions for improvements for this proposal is consistent with recently granted permissions
- 10.3.11 Transport Planning recommend a condition requiring the submission of a Construction Phase Traffic Management Plan due to the narrow and fragile nature of the road network in Jamestown and problems which could be caused by Heavy Goods Vehicles. This will enable any construction damage to be monitored and help provide for the safety of pedestrians and vehicles during construction.

### **Residential Amenity**

- 10.3.12 A substantial conifer hedge runs along the boundary between Doelcam and the houses to the north, Glenview and Tigh na Gharradh. This provides screening of Plot 1 from these properties. Furthermore, there are mature trees within the garden grounds of Tigh na Gharradh which provide additional screening.
- 10.3.13 The house immediately adjacent to the boundary with Plot 2, Miltoga, enjoys its main views to the west and not towards Plot 2. There is however very little natural screening along this boundary, facilitating views of the gable and terrace of Miltoga from this plot. The gable contains a full height lounge window, but this is a secondary window, with the main aspect being via the bi-folding doors on the rear (west) elevation. Furthermore, there is approximately 11m between the gable of Miltoga and the boundary with the western plot, and this area forms a parking / turning area for Miltoga rather than formal garden grounds.
- 10.3.14 The proposed house plots are substantial in size and there is no reason why a house could not be suitably designed and sited to provide adequate privacy and amenity for both the existing adjacent residents and the proposed houses.
- 10.3.15 The access to both house plots will run through the front garden grounds of Doelcam, and past the front of this house. The access will be sited alongside the boundary with Glenview, and this will retain a large front garden area for Doelcam and ensure some separation between the access and the house. This

will effectively result in Doelcam facing onto a road instead of facing onto the neighbouring garden grounds. The main views from Doelcam are onto the rear garden grounds and the countryside beyond, and not to the frontage. Adequate standards of privacy will be retained.

- 10.3.16 The remaining garden grounds of Doelcam are adequate to continue to provide for the amenity of the residents, and adequate access and parking will be retained.

### **Noise**

- 10.3.17 Construction noise is inevitable with any development. Consideration can, however, be shown regarding the hours worked in order to minimise noise and disturbance.
- 10.3.18 The increased activity from an additional 2 houses will inevitably result in some noise. This should be low key and not be of a level to materially impact upon existing residents.

### **History**

- 10.3.19 Application 10/04171/PIP for 2 house plots within the garden grounds of Doelcam was refused on 12<sup>th</sup> May 2011. The Planning Review Body dismissed the request for a review of the decision at their meeting on 3<sup>rd</sup> November 2011. Whilst they accepted that it integrated into the Jamestown settlement pattern and would not result in any material loss of amenity to the inhabitants of Doelcam, and complied with Housing in the Countryside Supplementary Guidance, they agreed that the internal road network and the junction with the A834 were severely substandard and incapable of accommodating additional development without compromising road safety.
- 10.3.20 Subsequently, applications 12/02388/FUL and 16/04777/FUL have both been permitted, and include road and junction improvements which have an implication for the assessment of this current application.

### **Protected Species**

- 10.3.21 There have recently been sightings of Scottish Wildcat in the Jamestown area. A wildcat survey has therefore been carried out. This found no signs of wildcat within the site. It is, however, possible that wildcats might use this area as a link between areas of more suitable habitat, and mitigation should be carried out in connection with any development to reduce the risk to wildcats. This can be the subject of a suitably worded condition.



## **Archaeology**

- 10.3.22 The ruined cottage lying within the garden grounds is shown on the OS 1<sup>st</sup> Edition of 1876 and is therefore of historic interest. The Historic Environment Team suggest that the proposed house could potentially be sited to enable its retention as a feature within the garden of the proposed house, with dismantling of walls to safer levels where required. A photographic record of the building should be made prior to any site works commencing.
- 10.3.23 The cottage, although of historic interest, is not listed and has no formal historic designation. It is currently in a ruinous condition, and, although its retention in some form would be desirable, it is not of sufficient historic interest to justify its retention.

## **Refuse Collection**

- 10.3.24 Although there is sufficient space to facilitate bin collection at the end of the adopted road, it is not detailed on the submitted plans. A condition is therefore required to ensure that appropriate provision is made, and to enable these details to be agreed.

## **Drainage**

- 10.3.25 The principle of amending the ditch / watercourse at the end of the public road is acceptable. However, the indicated details do not tie in appropriately with the turning head and culvert works approved by planning permission 16/04777/FUL. A condition is therefore required to ensure that further details in relation to the amended drainage arrangement are provided.

## **10.4 Other Considerations – not material**

- 10.4.1 The access roads within Jamestown are not treated during winter weather. This is not unusual and is not a reason to refuse development. There is a grit bin on the U3067 which can be used by existing and future residents if they desire.
- 10.4.2 The proposal relies on both the internal road network being upgraded and the junction with the A834 being improved before either are capable of accommodating any additional development. Although this reliance on other development being implemented is not ideal, the applicant is aware of the situation and conditions can be used to require these consented works to be implemented before any work on this proposal commences.
- 10.4.3 This proposal is not being assessed as a replacement croft house, but as the rounding off of an existing housing group. Therefore, the previous replacement of the croft house with a new dwelling is not in this instance a material planning consideration.
- 10.4.4 The western portion of the garden grounds of Doelcam within which the ruined croft house is sited may have been sold to the owners of Doelcam approximately 27 years ago as agricultural land. However, it has clearly formed part of the garden grounds of Doelcam for a number of years prior to the previous planning

application in 2010, and can therefore falls to be assessed as garden ground in relation to planning policy. Furthermore, regardless of its previous use, it can clearly be seen to 'round off' the settlement of Jamestown, and therefore falls to be viewed in terms of rounding off the housing group, rather than expanding it into an undeveloped field.

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

None

11. **CONCLUSION**

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

12 **Implications**

12.1 Legal – not applicable

12.2 Community – not applicable

12.3 Risk – not applicable

12.4 Gaelic – not applicable

13. **RECOMMENDATION**

**Action required before decision N issued**

**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 full details of the road improvements at the junction of the A834 with the eastern Jamestown Access Road (U3066) shown on drawing 2358:103 approved under application 12/02388/FUL (or another such scheme which has been submitted to and approved in writing by the Planning Authority) have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. For avoidance of doubt these works shall include provision of the visibility splay of 4.5m x 120m at the junction of the U3066 with the A834, appropriate road drainage and the relocation of all the equipment and street furniture affected by the road junction improvement. The detailed proposals shall comply with the Council's Roads and Transport Guidelines for New Developments. Thereafter the junction improvements shall be completed in full accordance with these details and be available for use before any other works commence.

**Reason** : In the interests of road safety, as the alignment and visibility at the junction is currently severely substandard.

2. No other development shall commence until the pedestrian footpath and the public turning head as shown on drawing No 2358:102/01 rev D approved under application 16/04777/FUL have been constructed to base course level. Thereafter, the pedestrian footpath and turning head shall be completed in full before the first occupation of either of the house sites hereby approved.

**Reason :** To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity, and to enable pedestrians to keep outwith the public road and the path of oncoming traffic, in the interests of road safety.

3. No other development shall commence until the pedestrian footpath link shown in drawing No PA04 to extend the footpath from the end of the footpath approved as part of 16/04777/FUL to the end of the adopted road has been constructed to base course level. Thereafter, the pedestrian footpath shall be completed in full before the first occupation of either of the house sites.

**Reason :** To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity, and to enable pedestrians to keep outwith the public road and the path of oncoming traffic, in the interests of road safety.

4. No other development shall commence until such time as road markings to delineate a shared surface area to accommodate pedestrians along the existing road from the entrance driveway to the Old Manse past the frontage of the former Church continuing to the junction with the A834 and the bus stop area has been carried out in full to the written satisfaction of the Planning Authority in consultation with the Roads Authority.

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

5. No development or work (including site clearance) shall commence until a photographic record has been made of the remains of any buildings and/or other features affected by the development/work, in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

**Reason :** In order to protect the archaeological and historic interest of the site, and in order to assist the Council with maintaining an accurate and current record of the historic environment.

6. All new and upgraded culverts within the development site shall be designed to accommodate a 1 in 200 year flood event, and shall be a minimum of 600mm diameter, as specified in the application details.

**Reason :** To ensure that all water crossings are free from flood risk and do not exacerbate flood risk elsewhere.

7. No development or works shall commence until detailed proposals for the culverting works at the access to the site from the U3067 have been submitted to and approved in writing by the Planning Authority. Thereafter, these works shall be completed in full prior to any other work commencing.

**Reason :** To ensure that the proposed culvert ties in to the adjacent infrastructure in a satisfactory manner, in the interests of public health and environmental protection.

8. No development or works shall commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the Planning Authority, in consultation with the Roads Authority. For the avoidance of doubt, this shall include agreed access routing for HGV's, photographic and or video condition surveys of the U3066 and U3067 before commencement and within a month of completion and traffic management proposals to safeguard pedestrian and road safety on the narrow roads within Jamestown.

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

9. All development shall be carried out wholly in accordance with the mitigation identified in the Scottish Wildcat Species Protection Plan by Dr Eric Donnelly and Yvonne Brown (A9 Consulting Ltd), dated 14<sup>th</sup> August 2017. This shall include:

1. A preconstruction survey shall take place two months in advance of the commencement of construction, or one month in advance of the commencement of construction if works start in January – June. This will involve the use of trail cameras placed at likely identified entrances for a minimum of two weeks prior to any works on site, with follow up surveys on site and within 200m of the site if any signs are seen on the cameras during this period;
2. Timing of the start of works shall avoid wildcat breeding season (January – May inclusive)
3. No works between half hour before sunset and half hour after sunrise;
4. If wildcats or any other protected mammals are seen on site during the works, SNH must be contacted;
5. In the unlikely event that a wildcat or other mammal is found trapped on site, it must not be approached and SNH must be contacted immediately;
6. A toolbox talk for all new workers on the site in relation to good practice in relation to wildcats and other mammals;
7. Protected species information boards in offices and welfare units to make all staff and visitors aware of good practice in relation to wildcats and other mammals;
8. No pits left uncovered and all pits and trenches shall have an escape route for wildcats and other mammals;
9. All wastes shall be securely stored and disposed of. All skips and bins shall be covered and not allow animals to crawl inside;
10. No food wastes or food packaging rubbish shall be left on site which may attract animals;
11. No wire or metal mesh or fencing shall be left uncovered to avoid cats getting stuck;

12. All plant shall be checked before use to ensure that no cats have crawled into gaps; and,
13. No hazardous materials (oil, chemicals, paint, cement) shall be left uncovered to avoid poisoning animals, with all placed in COSSH cabinets when not in use.

**Reason :** To ensure that Scottish Wildcat (a protected species) are not adversely impacted by the proposal.

10. No development shall commence until full details of all surface water drainage provision within the application site (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) have been submitted to, and approved in writing by, the Planning Authority. 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 :** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

11. No development shall commence until details of the proposed bin storage and collection area at the end of the adopted road have been submitted to and approved in writing by the Planning Authority. Thereafter, the bin storage and collection area shall be available for use before the first occupation of either of the houses on the plots hereby approved.

**Reason :** In the interests of health and safety.

12. The layout within each of the serviced house plots shall make provision for within curtilage parking and turning in accordance with the Highland Council's Access to Single houses and Small Developments, on the following basis:
  - i. Two spaces per 1 to 3 bedrooms;
  - ii. Three spaces per 4 or 5 bedrooms; and
  - iii. Four spaces per 6 or more bedrooms.

Thereafter, the parking and turning areas shall be provided prior to the first occupation of the house to which it relates, and maintained for this use in perpetuity.

**Reason :** In the interests of road safety, and in order to ensure that the level of parking is adequate.

## **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 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

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

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

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

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

### **Flood Risk**

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

### **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.

### **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.

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

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

### **Protected Species – Contractors' Guidance**

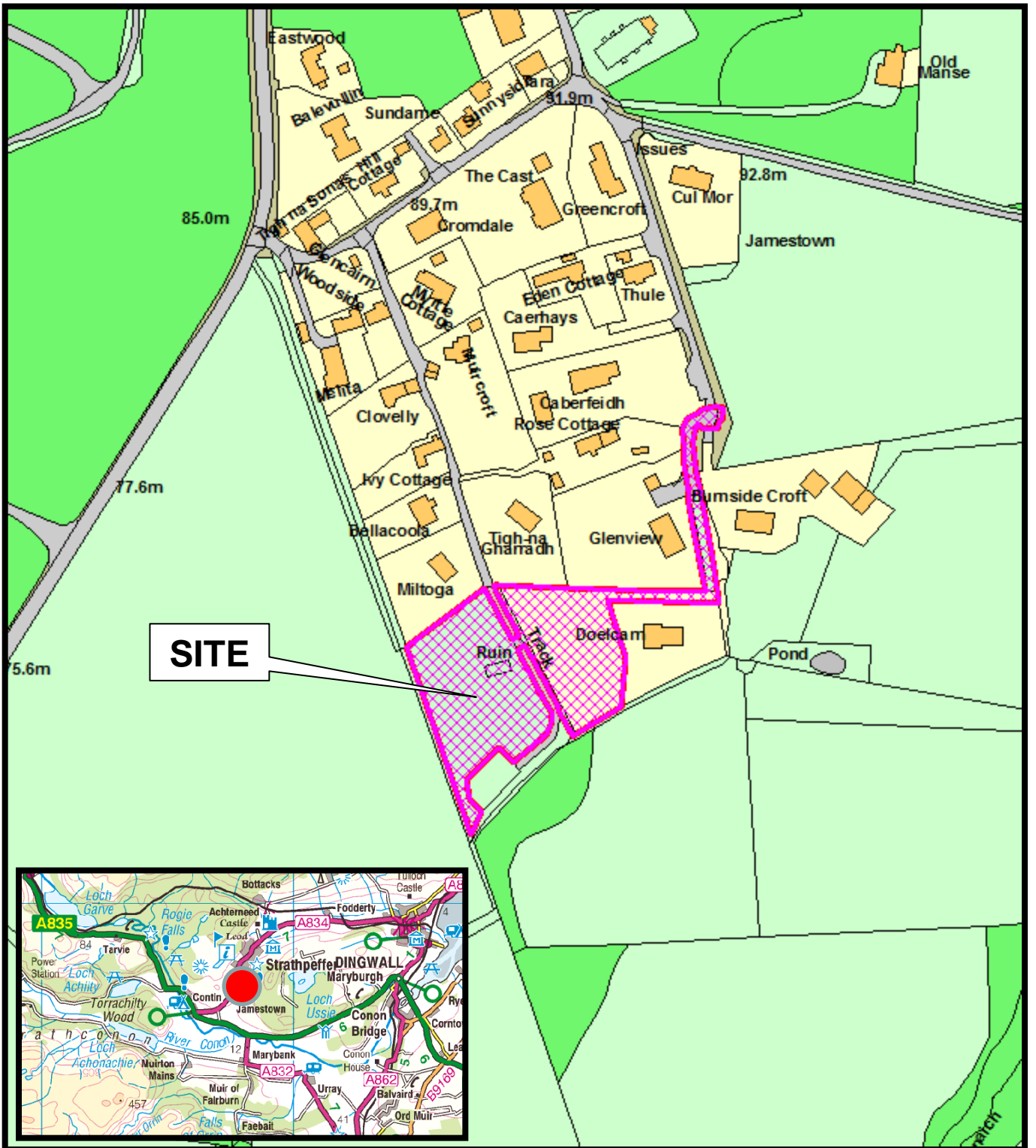
You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable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

Signature:	Dafydd Jones
Designation:	Area Planning Manager – North
Author:	Susan Hadfield
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan Plan 2 – Proposed Site Layout Plan Plan 3 – Access / Footpath Plan



## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Jack and Sandra MacDonald	Rose Cottage, Jamestown	27/10/17	Against
Craig Colclough	Glenview, Jamestown, Strathpeffer	02/11/16	Against
Robert E Williams	Waterairn, Contin	02/11/16	Against
Charlie and Sonia Ramsay	Cul Mor, Jamestown	03/11/16	Against
Andrew Moffat	Fife Lodge, Strathpeffer	04/11/16	Against
Valerie Moffat	Fife Lodge, Strathpeffer	04/11/16	Against
Simon Bates	Miltoga, Jamestown	04/11/16 and 10/01/17	Against



**SITE**



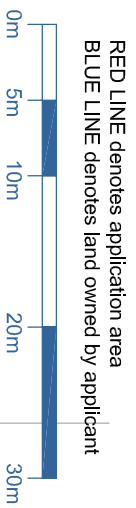
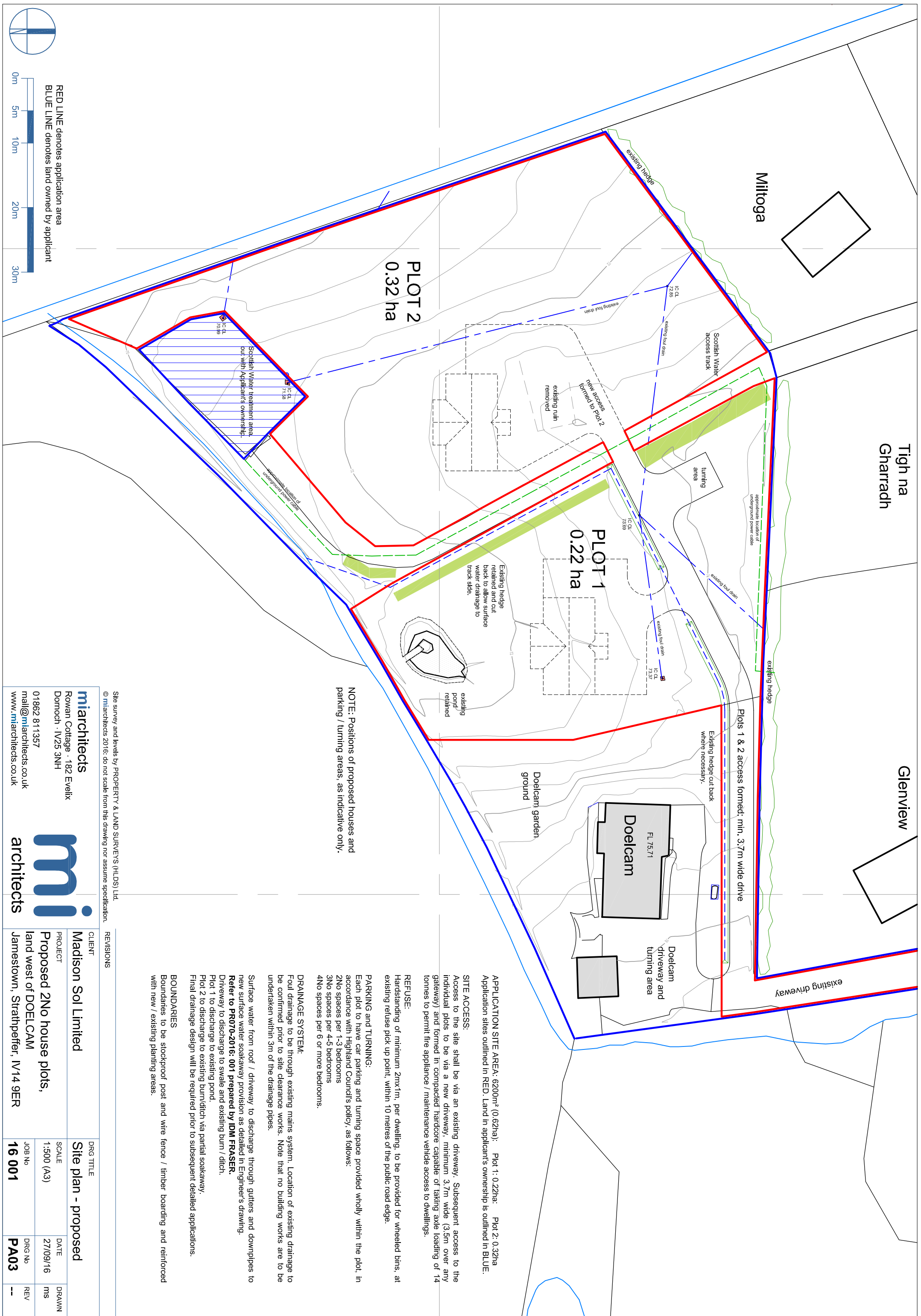
**The Highland Council**  
**Comhairle na Gàidhealtachd**

**Planning & Development Service**

**16/04389/FUL**

**Formation of two house plots, installation of access road, turning area and footpath at Land to West of Doelcam, Jamestown, Strathpeffer**





RED LINE denotes application area  
 BLUE LINE denotes land owned by applicant

NOTE: Positions of proposed houses and parking / turning areas, as indicative only.

APPLICATION SITE AREA: 6200m<sup>2</sup> (0.62ha): Plot 1: 0.22ha: Plot 2: 0.32ha  
 Application sites outlined in RED. Land in applicant's ownership is outlined in BLUE.

SITE ACCESS:  
 Access to the site shall be via an existing driveway. Subsequent access to the individual plots to be via a new driveway, minimum 3.7m wide (3.5m over any gateway) and formed in compacted hardcore capable of taking axle loading of 14 tonnes to permit fire appliance / maintenance vehicle access to dwellings.

REFUSE:  
 Hardstanding of minimum 2mx1m, per dwelling, to be provided for wheeled bins, at existing refuse pick up point, within 10 metres of the public road edge.

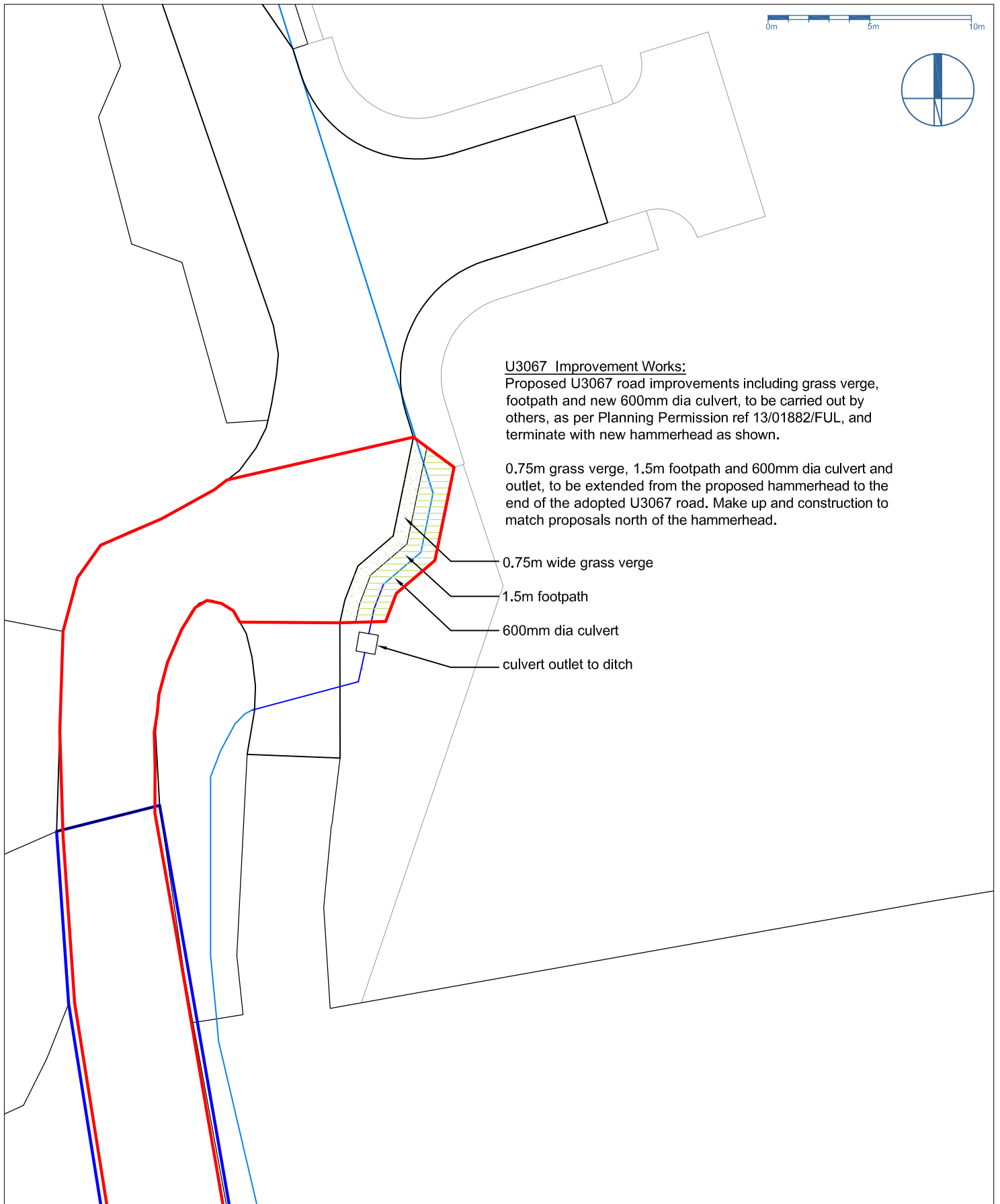
PARKING and TURNING:  
 Each plot to have car parking and turning space provided wholly within the plot, in accordance with Highland Council's policy, as follows:  
 2No spaces per 1-3 bedrooms  
 3No spaces per 4-5 bedrooms  
 4No spaces per 6 or more bedrooms.

DRAINAGE SYSTEM:  
 Foul drainage to be through existing mains system. Location of existing drainage to be confirmed prior to site clearance works. Note that no building works are to be undertaken within 3m of the drainage pipes.

Surface water from roof / driveway to discharge through gutters and downpipes to new surface water soakaway provision as detailed in Engineer's drawing.  
**Refer to PR070-2016: 001 prepared by IDM FRASER.**  
 Driveway to discharge to swale and existing burn / ditch.  
 Plot 1 to discharge to existing pond.  
 Plot 2 to discharge to existing burn/ditch via partial soakaway.  
 Final drainage design will be required prior to subsequent detailed applications.

BOUNDARIES  
 Boundaries to be stockproof post and wire fence / timber boarding and reinforced with new / existing planting areas.

<p>Site survey and levels by PROPERTY &amp; LAND SURVEYS (HLDS) LTD.          © miarchitects 2016; do not scale from this drawing nor assume specification.</p>	
<p><b>miarchitects</b>          Rowan Cottage · 182 Evelix          Dornoch · IV25 3NH          01862 811357          mail@miarchitects.co.uk          www.miarchitects.co.uk</p>	<p><b>mi</b>          architects</p>
<p>CLIENT  <b>Madison Sol Limited</b></p>	<p>DRG TITLE  <b>Site plan - proposed</b></p>
<p>PROJECT  <b>Proposed 2No house plots,          land west of DOELCAM          Jamestown, Strathpeffer, IV14 9ER</b></p>	<p>SCALE  <b>1:500 (A3)</b></p>
<p>DATE  <b>27/09/16</b></p>	<p>DRAWN  <b>ms</b></p>
<p>JOB No  <b>16 001</b></p>	<p>DRG No  <b>PA03</b></p>
<p>REV  <b>--</b></p>	<p>REV  <b>--</b></p>



Site survey and levels by PROPERTY & LAND SURVEYS (HLDS) Ltd.  
 © miarchitects 2016; do not scale from this drawing nor assume specification.

REVISIONS

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 www.miarchitects.co.uk



CLIENT  
**Madison Sol Limited**

PROJECT  
**Proposed 2No house plots,  
 land west of DOELCAM  
 Jamestown, Strathpeffer, IV14 9ER**

DRG TITLE <b>U3067 improvement works</b>		
SCALE 1:250 (A4)	DATE 27/09/16	DRAWN ms
JOB No <b>16 001</b>	DRG No <b>PA04</b>	REV --