

Agenda Item	5.4
Report No	PLN/015/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 2 March 2021

Report Title: 20/03834/S42: Lochalsh and Skye Housing Association
Land 85M South Of 12 Boreraig Place, Broadford

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

- 1.1 **Description:** Application under Section 42 to develop land without compliance with conditions 18a, 18c and 18d of planning permission 19/05003/PIP and seek their removal from the consent
- 1.2 **Ward:** 10 - Eilean A' Cheò

Development category: Major Development

Reason referred to Committee: Local Member request following circulation of report recommending refusal

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

2. Recommendations

- 2.1 Members are asked to agree the recommendation to Refuse planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (As Amended) and relates to Conditions 18a, 18c and 18d of planning permission in principle 19/05003/PIP granted on 17 March 2020 in respect of Phase 4 of the Campbell's Farm development which comprises 54 residential units, access roads, paths, drainage, landscaping and open space.
- 3.2 When considering the original application at the meeting of the North Planning Application Committee on 03 March 2020, the committee were minded to grant planning permission in principle for the development subject to payment of developer contributions and a series of planning conditions to secure details of the proposed development. The first sub-phase of the development was granted approval on 23 July 2020 and comprised 24 residential units. Work on this sub-phase of the development has commenced on site.
- 3.3 The applicant now seeks to modify this permission via the modification of Condition 18 through the removal of parts 18a (delivery of footpath between the site and Broadford Primary School), 18c (design and delivery of a pedestrian crossing of the A87(T) and 18d (Provision of bus stops on the A87(T) related to off-site infrastructure for non-motorised users. Condition 18 states:

Any details pursuant to condition 2 shall include:

- a. a scheme for the location, design and installation of the a 2m wide footpath to be constructed to adoptable standards (including street lighting) from the Glen Road to a suitably surfaced location within the school playing fields as agreed with the Broadford primary school that provides reasonably level access;*
- b. a scheme for the location, design and installation of the a 2m wide footpath to a standard to be agreed following consultation with SEPA, the Councils Access officer and the Roads Authority from the north west corner of the development to the footway on Strath Suardal Way including any dropped kerbs required;*
- c. a scheme for the design and delivery of a signal-controlled pedestrian crossing of the A87(T) for the approval of the Planning Authority in conjunction with Transport Scotland. The scheme for delivery shall include the design, location, delivery mechanism and timing for installation of the crossing. Thereafter, the approved details shall be implemented in accordance with the approved timescales;*
- d. a scheme for the provision of new bus shelters with Real Time Information Services on the A87(T) to be approved in writing by the Planning Authority, to a layout and location to be agreed with Transport Scotland . Thereafter, the approved details shall be implemented prior to the occupation of the first residential unit within the development and maintenance be provided for a period of no less than 3 years.*

Reason: To ensure that infrastructure is designed appropriately, is delivered timeously, meets the needs of non-motorised and motorised users and mitigates the impact of the development to ensure the safe and efficient operation of the trunk road.

- 3.4 A copy of the planning permission in principle is contained within Appendix 2.
- 3.5 No modifications have been made to the application following validation of the application.
- 3.6 This application has been supported by the following information:
- Supporting Statement;
 - Correspondence from Broadford and Strath Community Council to the Planning Authority; and
 - Emails between the applicant and Scottish Government outlining cost estimates for the mitigation works.
- 3.7 The applicant undertook informal pre-application advice with the Planning Authority to discuss procedure.

4. SITE DESCRIPTION

- 4.1 The proposed development forms phase 4 of the Campbell's Farm Masterplan. The primary access is proposed via Boreraig Place and a secondary access is proposed via Suisnish Place. The access roads were constructed with Phases 2 and 3 of the Campbell's Farm Masterplan. The phases as delivered on the wider site to date and the numbers set out in this application are set out below:

Phase	Unit Numbers	Status	Running Total
1	21	Constructed and occupied	21
2	24	Constructed and occupied	45
3	28	Constructed and occupied	73
4	54	Development commenced (application subject to this report)	127

- 4.2 The development site undulates with a slope generally from south west to north east. Wet woodlands run through the centre of the site. A drainage ditch runs along the northern boundary of the site and a further drainage ditch down the centre of the site. A watercourse Allt A' Bhraicadh forms the western boundary of the site.
- 4.3 There are no natural or cultural heritage designations covering the site.
- 4.4 As is the case on a number of sites in Skye, the land comprises of wet rough moorland. The peat and topsoil on the site vary in depth between 0.2m and 0.8m. Groundwater Dependent Terrestrial Ecosystems (GWDTEs) are present on the site with the dominant NCV community being M15b Wet Heath.
- 4.5 There are largely open views from the site across Broadford and across the Inner Sound. The site is not covered by any national, regional or local landscape designations. The site lies within the Farmed and Settled Lowlands Landscape Character Type as identified by Scottish Natural Heritage.

5. PLANNING HISTORY

5.1	19/01141/PAN -Construction of 54 affordable housing units and associated infrastructure	Closed	04 June 2019
5.2	19/05003/PIP - Construction of 54 affordable housing units and associated infrastructure	Granted	17 March 2020
5.3	20/01469/MSC - Submission of Matters Specified in Conditions 1 (Phasing); 2 (Design and Layout); 3 (Access Management); 4 (Construction Environment Management), 5 (Surface Water Drainage); 6 (Details for party responsible for suds), 7 (noise assessments for heat pumps); 8 (Waste Management Strategy); 9 (safeguarding future access); 10 (Construction Traffic Management), 11 (Car Parking); 12 Cycle Parking); 13 (Open Space); 14 (maintenance scheme for green space/play areas); 15 (Archaeological Investigation); 16 (Landscaping); 17 (Buffer From Watercourse); 18a And 18b (Off-Site Connectivity Mitigation); 20 (Electric Vehicle Charging Points); 21 (Public Art); 22 (confirmation of affordable housing); 23 (Land Drainage Details); 25 (Set Back From Peatland Area); 26 (Watercourse Improvements); and 27 (Watercourse Crossings) of Planning Permission in Principle 19/05003/PIP - Construction of 24 affordable housing units and associated infrastructure in Phase 4a	Matters Specified in Conditions Approved	23 July 2020
5.4	20/01571/MSC - Matters Specified in Condition 18c (crossing of A87(T)) and Condition 18d (bus stop provision on A87(T)) of planning permission in principle 19/05003/PIP	22.05.2020	Application Returned

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 30.10.2020

Representation deadline: 13.11.2020

Timeous representations: 3

Late representations: 0

6.2 Material considerations raised are summarised as follows:

- a) The need for delivery of the footpath to the primary school as the route is not currently fit for purpose;

- b) The need for delivery of the path to encourage active travel;
- c) The need for the crossing in the interests of road safety;
- d) The need for the bus stops to encourage use of public transport;

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.

7. CONSULTATIONS

7.1 **Broadford and Strath Community Council** do not object to the application. While not specifically commenting on the application it has supported the applicant in providing the correspondence that the Community Council sent to the Planning Authority in Summer 2020 which raised concerns related to the provision of this infrastructure and the potential impact on the viability of the proposed development. This correspondence set out that:

- In relation to the signalised pedestrian crossing
 - crossing would be 300m from the development;
 - the refurbishment of the retail store did not include conditions relating to improved access to the store.
 - The condition to provide this crossing would replicate work by BEAR Scotland which was rejected by the Community Council due to concerns related to congestion.
- In relation to the bus shelter provision
 - An existing bus top is located approximately 400m from the access to the development;
 - Limited local bus services currently exist and only two regional bus services pass through Broadford;
 - The existing arrangement of the bus stopping at whatever point is requested by a road users is acceptable to the Community Council;
 - A bus stop outside the Dunollie Hotel was removed at the request of the Community Council.
- In relation to the adoptable footpath from Glen Road to Broadford Primary School
 - It notes the footpath is over ground that was transferred to the Council at nil cost to enable access into the proposed new primary school and community hub site;
 - It notes that the development has paid a total of £56,000 as a developer contribution toward the delivery of the new primary school and community hub;
 - It is concerned that the cost of delivery of the path which will be in place on a temporary basis only given the proposed construction of the primary school in this area.

It suggests that the provision of the infrastructure required by these conditions should not be the responsibility of the applicant but should be provided by the relevant authorities (i.e. the Council and Tbroadfordransport Scotland). It considers that the monies which would be spent on this infrastructure would be better spent on delivery of housing.

7.2 **Transport Planning : object** to the application. In responding to the application Transport Planning consulted the Council's Access Officer and Public Transport Team. It continues to consider that the mitigation continued to be required to:

- Provide children from the development with safe and convenient access by sustainable means to the existing primary school;
- Provide mitigation to support sustainable and accessible travel on the key desire line to the main local shop and to the bus stop on the opposite side of the trunk road; and
- Provide residents (and secondary school children) from the development with appropriate access to the public transport network within the 400m distance set out in national policy and to provide shelter to those passengers.

It explains that national and local planning policy supports patterns of development which provide safe and convenient access by walking, cycling and facilitate travel by public transport.

Transport Planning note that discussions have been held with the applicant's agent with a view to reducing costs and would welcome further discussion on further savings that could be made or whether funding from other sources could be available. It considers that further consideration could be provided to phasing of the infrastructure requirements if required.

7.3 **Transport Scotland : object** to the application. It considers that the removal of the requirement for a signal controlled pedestrian crossing would be to the detriment of the safety and free movement of pedestrian on the trunk road. It highlights that the Transport Assessment which accompanied the application for the Planning Permission in Principle concluded that a pedestrian crossing would be beneficial and justified based on the current level of pedestrian demand and observed levels of traffic. It recommends that the requirement for the signal controlled crossing remains and discussion related to the design, location delivery mechanism and timing for installation between the applicant and Transport Scotland continues.

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
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 63 - Water Environment
- 64 - Flood Risk

65 - Waste Water Treatment
66 - Surface Water Drainage
72 - Pollution
74 - Green Networks
75 - Open Space
77 - Public Access

8.2 **West Highland and Islands Local Development Plan 2019**

Policy 2 – Delivering Development
Within Broadford Settlement Development Area
Allocation BF03 – Long Term Housing

8.3 **Highland Council Supplementary Planning Policy Guidance**

Construction Environmental Management Process for Large Scale Projects (August 2010)
Developer Contributions (November 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Managing Waste in New Developments (March 2013)
Open Space in New Residential Developments (Jan 2013)
Physical Constraints (March 2013)
Public Art Strategy (March 2013)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

OTHER MATERIAL POLICY CONSIDERATIONS

8.4 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (2014)
National Planning Framework 3 (2014)
National Transport Strategy (2020)
Designing Streets (2010)
Creating Places (2013)
PAN 42 Archaeology
PAN 61 Planning for Sustainable Urban Drainage Systems (SUDS)
PAN 68 Design Standards
PAN 74 Affordable Housing

PAN 77 Designing Safer Places

PAN 79 Water and Drainage

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.

Determining Issues

- 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.

Planning Considerations

- 10.3 The principle of the development has been established through the original planning permission granted in 2020, which has been implemented. This is an application to modify condition 18 to remove the requirements set out in parts (a), (c), and (d) of the condition. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with development plan policy and take into consideration any other material considerations if this condition is removed. The remainder of this report will consider the modification proposed and assess its compatibility with the Development Plan taking into consideration the key changes to the proposal and the likely impacts of these, including:

- a) compliance with the development plan and other planning policy;
- b) Viability of development and proportionality of proposed mitigation

Development plan/other planning policy

- 10.4 Development Plan Policy is set out in the Highland-wide Local Development Plan (HwLDP), the West Highland and Islands Local Development Plan (WestPlan), and statutorily adopted supplementary guidance.
- 10.5 The site is located within the Broadford Settlement Development Area as defined within WestPlan. The site is allocated to meet long term housing need. Policy 2 (Delivering Development) of WestPlan sets out that such sites are not being invited for development within this plan period and allocated sites are expected to be delivered before any long term sites can be considered. The supporting text for Policy 2 (paragraph 1.33) explains that if an applicant wished to bring forward a long term site within the plan period they would have to argue an exceptional case for its “early” development. Through the planning permission in principle the case for early development of the site has been accepted.
- 10.6 Policy 56 (Travel) of the HwLDP states that development should be well served by the most sustainable modes of travel having regard to key travel desire lines and should incorporate appropriate mitigation on site and/or off site which might include

improvements to the walking/cycling network and public transport services. The mitigation required by condition 18 is considered to make the proposal acceptable in regard to Policy 56.

10.7 Policy 28 (Sustainable Development) mirrors the provisions of Policy 56 and requires consideration of the extent to which the proposal would be accessible by public transport, cycling and walking as well as cars. It is considered that the development would be accessible by to motorised and non-motorised users if the mitigation is removed. However, the opportunity to encourage walking and cycling between the site and key locations within Broadford would be compromised and public transport use would not be facilitated. This would be due to less facilities being provided thus making use of non-car based transport to and from the site less attractive.

10.8 Scottish Planning Policy (SPP) paragraph 270 sets out that the planning system should support patterns of development which provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport. SPP continues on to set out that planning permission should not be granted for developments which would rely on car use and where

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

The mitigation secured by condition ensured that the three above criteria were met and the proposed mitigation measures set out in the Transport Assessment carried out by the applicant could be secured.

10.9 The National Transport Strategy embeds the Sustainable Travel Hierarchy in decision making by promoting walking, wheeling, cycling, public transport and shared transport options above the use of single occupancy private cars for the movement of people. The removal of the proposed mitigation would reduce the compatibility of development with the Sustainable Travel Hierarchy by removing the provision for enhanced facilities for non-motorised users and those using public transport.

10.10 It should be noted that while concern has been raised by the Community Council over the location of the proposed signalised crossing and bus stops and shelters, neither the Council nor the Trunk Road Authority have identified or agreed a location for the infrastructure. The condition requires a scheme to be brought forward by the applicant, the applicant may choose to also engage with the community in identifying the location for the infrastructure as well as engaging with the Council and the Trunk Road Authority.

10.11 The applicant submitted an application for this infrastructure in April 2020 under reference 20/01571/MSC, showing the location of a crossing at the front of the retail store and bus stops located outside the public toilets and adjacent to the village car park. However, insufficient information was provided to allow consultation with the community and consultees and subsequently insufficient information was available

to allow the application to be determined. The applicant withdrew the application prior to validation. At the time the applicant advised that Transport Scotland required further information and discussions were ongoing with them in relation to this infrastructure. The Planning Authority subsequently advised that while the provision of the infrastructure is still required, flexibility would be provided to the applicant to allow the development of the houses on the site prior to the provision of the off-site infrastructure to allow funding deadlines to be met. Further the applicant was encouraged to continue the discussions and design work for the off-site mitigation with Transport Scotland and the Council.

Viability of development and proportionality of proposed mitigation

- 10.12 The applicants and the Community Council have raised concerns over the cost of delivery of the mitigation identified by the conditions attached to the Planning Permission. In doing so, a cost estimate has been provided by a contractor acting on behalf of the applicant. Through, and following, the determination of the planning permission in principle application the applicant was encouraged to discuss the funding of the pedestrian crossing element with Transport Scotland. While the cost estimate is not being questioned through this report, it is not clear whether the applicant has sought external funding for the delivery of the identified mitigation.
- 10.13 The development will be part funded by the Scottish Government. In doing so the Scottish Government has assessed the proposal against the published benchmark figure for affordable housing delivery and found that the cost of delivery of the proposed development to be over the benchmark values. As a result the applicant has suggested that the development is not viable. Given that the proposed development comprises affordable housing and a viability assessment would not be appropriate to assess this tenure of development, a formal viability assessment has not been sought. However, on review of the costs submitted to us, it is considered that the cost of mitigation for the scale of development proposed do not appear to be disproportionate to development of other recently consented housing sites. It should also be noted that earlier phases of the wider Campbell's Farm development have not made developer contributions to the mitigation identified and limited infrastructure contributions have been made either in-kind or financially.
- 10.14 The applicant and the Community Council have suggested that the level of mitigation is disproportionate when considered against other recent developments in Broadford, in particular the recent extension to the superstore. However, when considering this further, the scale of development at the superstore was limited to an increase of 118m², which comprised a 93m² extension for the petrol filling station and 25m² extension to accommodate external refrigeration units of a store which has a gross floor area of approximately 1,700m². It is not considered that the scale of development within the superstore development would increase footfall. However, the housing development would be increasing the footfall toward such facilities through the delivery of an increased population and as such it is reasonable to seek delivery of the crossing facilities.
- 10.15 The required pedestrian crossing is located on the A87 which is the only route to the north of Skye when travelling from the mainland. The applicant and the Community Council have highlighted that the trunk road operator BEAR Scotland had previously proposed a crossing in Broadford which the Community Council were not in support of due to the potential congestion it may cause. It is understood

from correspondence with Transport Scotland that work on the proposal was held in abeyance to consider the comments from the Community Council. Transport Scotland remain of the view that a controlled pedestrian crossing on the A87 is justified and that a contribution from the Developer is appropriate. This is also the view of the Council's Transport Planning Team. A crossing of the A87 will facilitate movement by non-motorised users within the village given the way in which the trunk road segregates the majority of residential development from local amenities. Taking into consideration the scale of housing now proposed as part of the development at Campbell's Farm, delivery of such infrastructure is considered proportionate. The applicant had been encouraged to enter discussion with Transport Scotland regarding the design, location, delivery mechanism and timing for installation of the crossing. It is understood that such discussions did commence but further discussions were required. Transport Scotland have stated that these discussions should continue. It is considered that these discussions will enable the delivery of a proportionate solution and will enable a partnership approach to funding delivery of the infrastructure.

- 10.16 Encouraging the use of public transport remains a priority. The proposed provision of bus stops with shelters would enhance the experience for existing bus users through provisions of shelters which would be of benefit in inclement weather. Through correspondence, it is noted that the Community Council are supportive of delivery of bus stops but do not consider it should be for the developer to provide these. It has also raised concern about the location of the proposed bus stops. However, no locations have been agreed by the Council and the applicant have not submitted these for approval. Representations have highlighted local support for the provision of bus stops and it remains the case that the provision of bus stops enables the application to be consistent with national policy by ensuring that the public transport network is accessible within the 400m distance set out in National Policy.
- 10.17 The applicant considers that the delivery of a path to the Primary School following development of an earlier phase of development is sufficient and that the proposed development of a new school new negates the need for the path required by conditions. It is however still considered that a path connecting to the school is required for both this phase of 54 homes and the earlier phases of Campbell's Farm development, which includes 73 homes, to encourage walking and cycling to and from the existing school until the new school is delivered. It is agreed that the new school will negate the need for this link therefore the applicant has been provided advice on lower cost, temporary solutions to enable the delivery of the link in the short term. If such a link is not provided, pupils will have to walk either along an unmade path to the rear of the school, which is not suitable for use in inclement weather or walk much further through the centre of the village adjacent to the A87 to reach the school.
- 10.17 The Community Council and the applicant have highlighted the developer contribution which has been made toward to the delivery of community facilities within the proposed new Broadford Primary School and the need to balance this against the cost of the proposed road infrastructure. Policy requires all contributions sought and conditions attached to planning permission to be proportionate. It is considered that the proposed mitigation is not unreasonable given the scale of development.

Other material considerations

- 10.18 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 10.19 None.

The Planning Permission in Principle secured an upfront payment toward the provision of a new community hub within the proposed new Broadford Primary School. The contribution equates to £56,186.19. The scheme is to be delivered as affordable housing. As this is an application by a Registered Social Landlord, the requirement for delivery of affordable housing was secured by condition on the Planning Permission in Principle.

11. CONCLUSION

- 11.1 Transport Scotland and Transport Planning have objected to the removal of the required mitigation for the development. It is considered that the connectivity between the proposed development and local facilities is still required. Further, Members of the public have commented that the infrastructure will be important to upgrade existing provision (footpath), enhance road safety (pedestrian crossing) and provide environmental benefits (use of bus stops and provision of enhance connections). While the need, location and delivery mechanism have been questioned by the Community Council, and the other contributions made in the form of land transfer, delivery of a path and contribution toward community facilities are acknowledge, it is considered that the provision is proportionate and required to mitigate the impact of the scale of the proposed development.
- 11.2 Some limited contributions have been provided for this development however what is sought is deemed both reasonable and proportionate as a path to the school is required for both this phase of 54 homes and the earlier phases of Campbell's Farm development, which included 73 homes, to encourage walking and cycling to and from the existing school until the new school is delivered. Overall, there is a continued need for the delivery of this infrastructure to support residents of this development and enhance connectivity for the wider community (including the earlier phases of development at Campbell's Farm) by sustainable modes of transport and reduce the reliance on the use of private cars for short local journeys, in line with the Sustainable Travel Hierarchy set out in the National Transport Strategy. It is considered that the infrastructure identified through the conditions attached to the planning permission in principle for the proposed development is necessary and the application for non-compliance with conditions should be refused.
- 11.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.
- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: If the application is approved it would remove requirements to deliver improvements for non-motorised users and those using public transport, which would may increase the use of private cars by those living within the development.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **REFUSED**, subject to the following:

Reasons for Refusal

1. The application is contrary to Policy 28 (Sustainable Development) and Policy 56 (Travel) of the Highland-wide Local Development Plan and Scottish Planning Policy as the development would rely on car use and infrastructure would not be delivered for this generator of traffic due to: direct links to local facilities via walking and cycling networks not being made available; and access to facilities via public transport networks would involve walking more than 400m to the nearest bus stop.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Designation: Acting Head of Development Management – Highland
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – 19:06:00 REV A Location Plan
Plan 2 – 19:06:20 REV D – Site Layout Plan

PLANNING PERMISSION IN PRINCIPLE

Reference No: 19/05003/PIP

To:
Lochalsh And Skye Housing
Association
Morrison House
Bayfield
Portree
IV51 9EW

Per:
Wittets Ltd
Per: Mark Womble
Wittets Ltd
Riverbank
Broadford
IV49 9AB

**Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006**

DECISION NOTICE

**Construction of 54 affordable housing units and associated infrastructure
Land 85M South Of 12 Borerraig Place, Broadford**

The Highland Council in exercise of its powers under the above Acts grants **planning permission in principle** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Location Plan	19-06-00	REV A	12.11.2019
General Plan			11.02.2020

CONDITIONS and REASONS

This permission is granted subject to the following conditions and reasons:

1. Planning Permission in Principle is hereby granted for a residential development upon 4.2 hectares of land to be developed in accordance with the indicative Master Plan hereby approved in three sequential residential phases.

No development shall commence on each phase or sub phase until a phasing plan setting out the proposed number of units within each phase or subphase has been submitted to and approved in writing by the Planning Authority.

Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority.

A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

2. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the approved Master Plan, Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:

- a. submission of a Design Code for the development as a whole has been submitted to and approved by the planning authority in advance of the submission of any other application(s) for the approval of matters specified in conditions for any phase or sub-phase. The design code shall be produced using the principles set out in the Indicative Masterplan and shall include details of the following:
 - i. Place-making and public realm;
 - ii. Street character and design including material palette;
 - iii. Phasing, implementation and integration

Thereafter each application within each phase or sub-phase shall accord with the terms of the Design Code and the phasing strategy to be approved under Condition 1 of this planning permission in principle.

- b. the siting, design and external appearance of all buildings and other structures which shall be no more than 2 storeys in height;
- c. details of sustainable design considerations inclusive of energy strategy;
- d. the means of access to the site including connections to the Boreraig Place and Suisnish Place for all modes of transport;
- e. the layout of the site, in accordance with Designing streets principles;
- f. road layout including:
 - i. the road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. junction layouts and design;
 - iv. junction and forward visibility requirements;
 - v. vehicle tracking at junctions and standard radii;
 - vi. details of connections to potential development sites to the east and west of the site;
 - vii. details of the proposed design speed and details of any and all traffic calming features within the development to ensure the design speed can be achieved;
 - viii. details of safer routes to school ;
 - ix. details of the location and type of service strips within the intended adoptable road boundary;
- g. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;

- h. the provision of covered cycle parking including resident cycle parking in houses and communal covered cycle parking at flats and external secure, covered visitor cycle parking at flats;
- i. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- j. details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- k. the details of, and timetable for, the hard and soft landscaping of the site;
- l. details of management and maintenance arrangements of the areas identified in (h), (i), and (j) above;
- m. details of all boundary treatments within the development;
- n. the provision for service vehicles following occupation of the development;
- o. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
- p. details of the water and waste water connections, with connection to the public water and waste water networks;
- q. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' (or any superseding guidance prevailing at the time of submission);
- r. details of existing trees or shrubs to be retained;
- s. details of bat boxes to be included on properties within the development;
- t. details of existing and proposed site levels with fall arrows;
- u. details of finished floor levels;
- v. details of any and all engineered structures or platforms including details of any cut and fill required; and
- w. details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase or sub-phase.

3. Any details pursuant to Condition 2 above shall be informed by and include an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority for each phase or sub-phase of the development. The plan shall show:-
 - a. All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
 - b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
 - c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to;

- i. Pedestrian access to any and all core paths;
 - ii. Construction details of all paths, inclusive of material finishes and drainage details;
- d. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e. Links to the Highland Council's core paths.

The Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

4. No development shall commence within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:
- a. An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
 - b. Processes to control / action changes from the agreed Schedule of Mitigation
 - c. The following specific Construction and Environmental Management Plans (CEMP):
 - i. Habitat and Species Protection Plan
 - ii. Pollution prevention plan
 - iii. Dust management plan
 - iv. Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise
 - v. Site waste management plan;
 - d. Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
 - e. Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
 - f. Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved Construction Environmental Management Document.

Reason: To protect the environment and amenity from the construction and operation of the development.

5. Any details pursuant to Condition 2 above shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time), unless any subsequent waiver is approved by Scottish Water. This shall include simulations for the full drainage network and ensure that the greenfield run-off rates in a 1 in 2 year storm are limited to the pre-development run off rates.

Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

6. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

7. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 20 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.

Reason: In the interests of amenity.

8. Any details pursuant to condition 2 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

Reason: In the interests of amenity, to manage waste and prevent pollution.

9. The location for all roads, paths and services intended to link with future phases of development or to other adjoining sites shall safeguarded from development with no

impediments, and where agreed with the Planning Authority shall be delivered up to the boundary of the site.

Reason: To ensure that future roads and routes can be provided without impediment.

10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction, must include:
 - a. The CTMP shall make provision for all construction access being taken via the proposed site access as shown on the approved site layout.
 - b. a dilapidation survey of the local road from the site to the junction with the A87T including a procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction periods;
 - c. A detailed protocol for the delivery of loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of larger load movements in the local media. All such movements on Council maintained roads shall take place outwith peak times on the network, including pick up and drop off times for Broadford Primary School, and shall avoid local community events.
 - d. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
 - e. Wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
 - f. Appropriate reinstatement works shall be carried out, as identified by Highland Council, at the end of the construction of the development.
 - g. Measures to ensure that construction traffic adheres to agreed routes and that ensure no vehicles associated with the construction of the proposed development park on existing residential streets.

Thereafter the approved Construction Traffic Management Plan shall be implemented in full, unless otherwise approved in writing by the Planning Authority.

Reason: In the interests of road safety, to limit the impacts on the local and trunk road networks and to limit the amenity impacts of the construction phase of the development on local residents.

11. Any details pursuant to condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking

12. Any details pursuant to condition 2 above shall show secure, covered cycle parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of each of the flatted units to which it relates, thereafter being maintained for this use in perpetuity.

Reason: to ensure that the proposed cycle parking is safe and secure for use by the public.

13. Any details pursuant to condition 2 above shall include details, including full specifications, for the layout, design and construction of green spaces, equipped play areas and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

14. Before the first occupation of each Phase, or sub-Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or play areas, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase of sub-Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that communal infrastructure on the site are maintained in accordance with the Council's standards.

15. Any details pursuant to condition 2 above shall include and be informed by a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This will include a timetable for investigation, all in accordance with the attached specification which shall require to be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

Reason: To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

16. Any details pursuant to Condition 2 for each phase or sub-phase shall include details of a scheme of hard and soft landscaping works related to that phase or sub-phase. Details of the scheme shall include:

All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

- a. A plan showing existing landscaping features and vegetation to be retained;
- b. The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, within each open space including 1:20 scale plans showing the detail of the feature;
- c. The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
- d. 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
- e. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works;
- f. Details of the proposed wet woodland planting.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of that phase of development to which the scheme relates.

Any trees or plants which within a period of five years from the completion of the phase of development to which they relate, 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 order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

17. Any details pursuant to Condition 2 shall include a 6m buffer from the top of the bank of any watercourse where no development can take place.

Reason: To ensure access to the watercourses can be maintained for maintenance and in the interest of avoiding impact on the watercourse which has the potential to increase risk of flooding.

18. Any details pursuant to condition 2 shall include:

- e. a scheme for the location, design and installation of the a 2m wide footpath to be constructed to adoptable standards (including street lighting) from the Glen Road to a suitably surfaced location within the school playing fields as agreed with the Broadford primary school that provides reasonably level access;
- f. a scheme for the location, design and installation of the a 2m wide footpath to a

standard to be agreed following consultation with SEPA, the Councils Access officer and the Roads Authority from the north west corner of the development to the footway on Strath Suardal Way including any dropped kerbs required;

- g. a scheme for the design and delivery of a signal-controlled pedestrian crossing of the A87(T) for the approval of the Planning Authority in conjunction with Transport Scotland. The scheme for delivery shall include the design, location, delivery mechanism and timing for installation of the crossing. Thereafter, the approved details shall be implemented in accordance with the approved timescales;
- h. a scheme for the provision of new bus shelters with Real Time Information Services on the A87(T) to be approved in writing by the Planning Authority, to a layout and location to be agreed with Transport Scotland . Thereafter, the approved details shall be implemented prior to the occupation of the first residential unit within the development and maintenance be provided for a period of no less than 3 years.

Reason: To ensure that infrastructure is designed appropriately, is delivered timeously, meets the needs of non-motorised and motorised users and mitigates the impact of the development to ensure the safe and efficient operation of the trunk road.

- 19. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented , the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

- 20. Any details pursuant to Condition 2 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:
 - a. identification of locations for communal electric vehicle charging points serving flatted developments in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
 - b. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
 - c. a timescale for implementation for infrastructure within each phase or sub phase; and
 - d. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

21. Any details pursuant to Condition 2 shall include a scheme for the inclusion of public art within the development. The scheme shall include:
- a. Detailed design of public Art provision including but not limited to provision of interpretation panels related to the history of the area,;
 - b. locations of any and all public art provision;
 - c. the management and maintenance of any and all public art provision; and
 - d. a timetable for implementation.

Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained in perpetuity.

Reason: To ensure the delivery of a development with a unique identity which facilitates the creation of place.

22. No development shall commence on site until a scheme for the provision of on-site affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Developer Contributions Supplementary Guidance 2018 (as amended, revoked or replaced; with or without modification)) as part of the development hereby approved has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include:
- a. the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 100% of the total number of housing units proposed within the application site;
 - b. the timing of the construction of the affordable housing; and
 - c. the arrangements for the management of the affordable housing.

Thereafter, the affordable housing shall be provided in accordance with the approved scheme.

Reason: To ensure that affordable housing is provided as part of the development, in accordance with the development applied for and the need for affordable housing within the area, which has been established through the Council's Developer Contributions Supplementary Guidance.

23. Any details pursuant to Condition 2 above shall include full details of the design, construction and maintenance of the proposed land drainage required on the south eastern boundary of the site.
Thereafter, only the approved details shall be implemented and all land drainage for the relevant phase or sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

24. For the avoidance of doubt, there shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

25. Any details pursuant to Condition 2 above shall ensure that any and all built development is excluded from areas marked as "Peatland area kept clear" on the approved indicative masterplan (Drawing number 19:06:20D).

Reason: To ensure that the areas of deepest peat on the site are safeguarded.

26. Any details pursuant to Condition 2 above shall include details of any and all improvements to the watercourses which run through the site. Details shall include any proposed works to ensure increased meandering of the burn that runs through the middle of the site and diversion of the Allt a' Bhrachaidh.

Reason: To ensure that the water environment is protected and enhanced in a manner which facilitates a more natural watercourse.

27. Any details pursuant to condition 2 shall include full details of watercourse crossings which shall comprise either oversized bottomless arched culverts or traditional style bridges.

Reason: to ensure that the required watercourse crossing do not have an adverse impact on the water environment or increase the risk of flooding.

Variations

1. None.

Section 75 Obligation

1. None.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

The Highland Council hereby makes the following Direction under Section 59(5) and (7) 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—

For Phase 1

- i. The expiry of THREE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For Phase 2

- i. The expiry of FOUR YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For Phase 3

- i. The expiry of FIVE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

In respect of each phase, this permission will lapse on the expiration of the period of TWO YEARS from the date of the requisite approval of any matters specified in conditions applicable to that phase (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, unless that phase of the development to which the permission relates is begun before that expiration.

IMPORTANT INFORMATIVES

Please read the following informatives and, where necessary, act upon the requirements specified

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 (paragraph 259), 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_for_working_on_public_roads/2

As required by the Roads (Scotland) Act the developer shall obtain Road Construction Consent from the Council as Roads Authority prior to commencement of construction of any of the houses or the roads within the development.

In accordance to comply with the relevant statutory regulations for implementing traffic calming and road signage the applicant will be required to apply to the Council as Roads Authority for promotion of a 20mph zone; all necessary costs associated with the promotion, making and enactment of any required Traffic Order shall be at the applicant's expense and this application shall be made prior to occupation of any of the units.

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.

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

Factoring of the Development

Shared elements of the development are to be factored. The applicant is advised that it is their responsibility to ensure compliance with the provisions of the Property Factors (Scotland) Act 2011.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

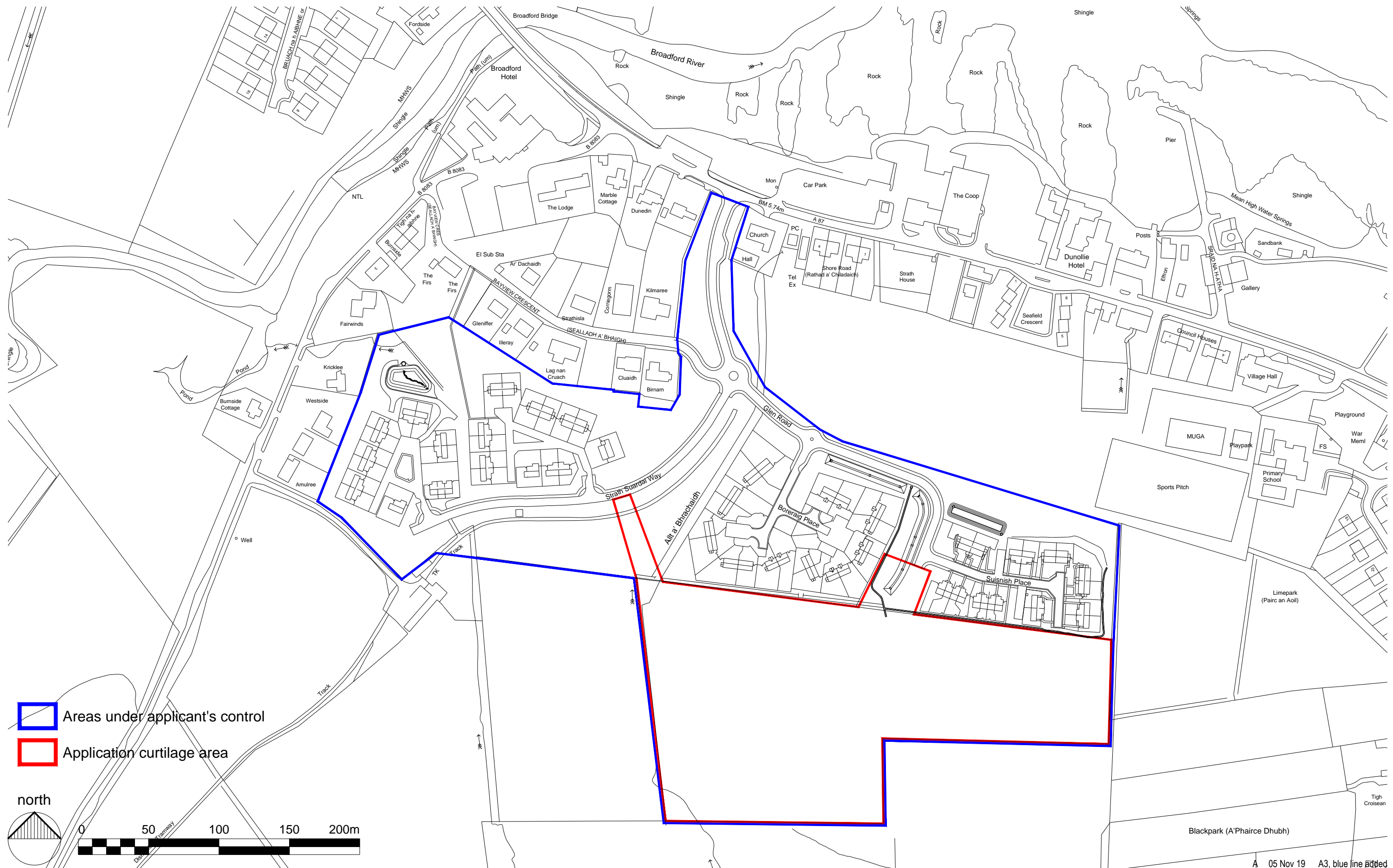
RIGHT OF APPEAL ETC

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

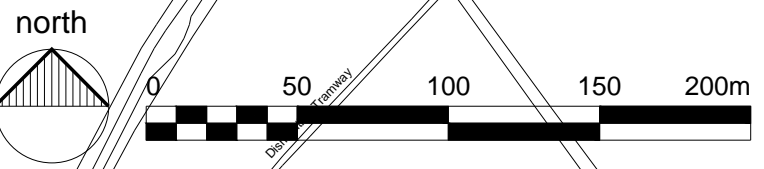
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at: <https://www.eplanning.scot>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



Areas under applicant's control
 Application curtilage area



A 05 Nov 19 A3, blue line added

WITTETS
ARCHITECTS

Riverbank, Broadford, Skye IV49 9AB
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**Campbell's Farm Phase 4, Broadford
 for Lochalsh & Skye Housing Association**

Location Plan

19:06:00A

Scale: 1:2500

Date: 8 March 2019

Drawn by: mw / pd

A3



- D 11 Feb 20 PIP amendments
- C 10 Feb 20 Traffic calming
- B 27 Jan 20 Planning amendments
- A 20 Dec 19 red line amended

