

Agenda Item	6.7
Report No	PLN/010/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 25 January 2023
Report Title: 22/02675/PIP : Reay Farms Ltd
Land 65M SE Of Safari Croft, Reay
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of House
Ward: 02 – Thurso and North West Caithness
Development category: Local Development
Reason referred to Committee: Community Council Objection

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

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The applicant seeks planning permission in principle for the erection of a house and formation of new access (Plot 1). The indicative site layout plans illustrate a moderate 'T' shaped house, with a parking and turning area. It is proposed to create a new shared (Plot 2) private access point from the A836 (North Coast 500 main tourist route), located to the north east corner of the site. The proposal includes a new connection to the public water supply and public waste water system.
- 1.2 The applicant also has an application for a house on the adjacent site (Plot 2) to the west of the proposed development (ref. 22/02676/PIP) which is currently before members for consideration.
- 1.3 Pre Application Advice was sought (19/01702/PREAPP) for the erection of 8 houses. Concerns were raised in relation to the number of houses proposed and siting of Plots 3 – 8, with current policy favouring the development of Plots 1 and 2 (as submitted). The applicant was encouraged to explore other locations, particularly west of The Terrace, in the first instance for the remainder of the development as this location remains problematic. An 8 houses proposal would not be reflective of the existing village structure and may result in a generic suburban street that would be detrimental to the character of the village and its setting.
- 1.4 The application was supported with the following information:
- Letter of Support
 - Private Access Statement
 - Supporting Statement
- 1.5 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site lies to the south side of the A836 on the main North Coast 500 (NC500) tourist route on undeveloped agricultural in New Reay, Reay, Caithness. The site lies directly to the west of a group of houses known as The Crescent, and, to the east of the rear garden grounds of Corner Cottage and Safari Croft. Further to the west of the site lies a road called The Terrace (which becomes the Limekiln Forest track where The Terrace turns west). The Crescent consists of two blocks of semi-detached housing. Corner Cottage consists of a traditional single storey stone build cottage, Safari Croft is a 1½ storey traditional stone build house.
- 2.2 The land slopes down towards the A836 northward and to the west away from the Torran Na Circe, a rocky hillock to the south of the site. The site includes an area of improved pastures, with the soil principally consisting of humus iron podzols. Humus iron podzols are naturally acidic and nutrient deficient and would not be of high agricultural value. There is a traditional stone wall and core path bounding the northern boundary. There are overhead powerlines to the south, running across the east of the site.

- 2.3 The majority of New Reay's housing developments are located south of the A836 where the settlement pattern is defined by the large portion of croftland that The Terrace sweeps around and encloses, effectively creating a formal Common or Green with a northern boundary along the main road (although this area has previously been allocated for housing). The Terrace is relatively formally laid out with mostly single-storey housing following a regular building line or with an appropriate setback. There is some housing along the north side of the A836 at New Reay with a small housing group extending north along Sandside Road; garden grounds in the area are typically bound with low stone walls. Further east, the larger expanse of croftland, which the site forms the northwest part of, separates New Reay from Old Reay and remains free of development excepting The Crescent.

3. PLANNING HISTORY

- 3.1 07.06.2019 19/01702/PREAPP Proposed development of eight houses Issued
- 3.2 22/02676/PIP Erection of House Pending Consideration

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 24.06.2022
Representation deadline: 08.07.2022
- Timeous representations: 1
Late representations: 0

Material considerations raised are summarised as follows:

- 4.2 a) The land is Common Grazing Ground under Section 47 of the Crofters (Scotland) Act 1993. The land has been crofting tenure since its establishment in 1906 by then Mr T Pilkinton, Sandside Estate Landlord.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Caithness West Community Council** objects to the application. The proposed site is believed to be on common grazing land, granted to the village of Reay by Sandside Estate. As such the land should be available for the use of the village of Reay.
- 5.2 **Forestry Officer** does not object to the application.
- 5.3 **Crofting Commission** does not object to the application. General comments provided in relation to siting to ensure any proposed development should not restrict the continuing cultivation of a croft, restrict proper access to all other areas of a croft, avoids using the better quality land on a croft and consideration be given to the number of existing developments relating to a croft to ensure that the croft should

retain its identity as a crofting unit. The Crofting Commission favours developments on croft land where there is an operational need that will be beneficial to the croft.

5.4 **Scottish Water does** not object to the application. Currently sufficient capacity at Loch Calder Water Treatment Works to service the proposed development. There is currently capacity to connect to Sandhill public wastewater network. The applicant should contact Scottish Water to confirm capacity as it is liable to change. A soakaway within the site will be required to address any surface water runoff, Scottish Water do not accept a connection to the public wastewater network. The applicant should contact Scottish Water directly to resolve any issues at an early date.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions
34 - Settlement Development Areas
47 - Safeguarding Inbye/Appportioned Croftland
56 - Travel
58 - Protected Species
65 - Waste Water Treatment
66 - Surface Water Drainage
77 - Public Access

6.2 Caithness and Sutherland Local Development Plan (CasPlan) 2018

Policy 3: Growing Settlements: Reay

Development proposals that are contained within, round off or consolidate the Growing Settlement of Reay will be assessed against the extent to which they:

- take account of the issues and placemaking priorities identified for Reay;
- are likely to help sustain, enhance or add to facilities with proposals being located within active travel distance of any facility present;
- are compatible in terms of use, spacing, character and density with development within Reay and demonstrate high quality design;
- can utilise spare capacity in the infrastructure network (education, roads, other transport, water, sewerage etc.) or new/improved infrastructure can be provided in a cost efficient manner, taking into account the Council's requirement for connection to the public sewer other than in exceptional circumstances;
- avoid a net loss of amenity / recreational areas significant to the local community; and
- would not result in an adverse impact on any other important heritage feature (including natural or built), important public viewpoint/vista or open space.

Proposals which demonstrate overall conformity with the above criteria will be in accordance with this policy.

6.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Managing Waste in New Developments (March 2013)
Physical Constraints (March 2013)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

National Planning Framework 3

Designing Streets

Creating Places

PAN 61 – Sustainable Urban Drainage Systems

PAN 67 – Housing Quality

PAN 2/2011 – Planning and Noise

National Planning Framework 4 will, in due course, supersede Scottish Planning Policy and form part of the Development Plan. Revised Draft National Planning Framework 4 was laid before the Scottish Parliament in November 2022. It comprises four parts, summarised below:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes priorities, spatial principles and action areas.
- Part 2 – sets out proposed national developments that support the spatial strategy.
- Part 3 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. It is clear that this part of the document should be taken as a whole, and all relevant policies should be applied to each application.
- Part 4 – provides an outline of how Scottish Government will implement the strategy set out in the document.
- The Spatial Strategy sets out that we must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, build a wellbeing economy and create great places. It makes it clear that new development and infrastructure will be required to meet the net zero targets by 2045. To facilitate this, it sets out that we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our decisions. It sets out that

significant weight should be given to the global climate emergency when considering development proposals.

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) any other material considerations.

Development plan/other planning policy

- 8.4 The site is located within the settlement boundary of the Growing Settlement Development Area (GSDA) of Reay, meaning that the proposal is principally assessed against Policy 3 (Growing Settlements) of the Caithness and Sutherland Local Development Plan (CaSPlan). For Growing Settlements development allocations are not provided and developments are guided by a criteria based policy, which provides a series of factors for assessing development proposals on matters such as the type, scale, siting and design of development. Each Growing Settlement has identified issues and placemaking priorities. In the case of Reay it has benefited from a relatively high level of renovation of historical buildings and relatively little new housing within the village. Both the edges of Reay and the south side of the road between New Reay and Old Reay is safeguarded from development to protect the character of the village. Policy 3 also sets out that house developments should have shared accesses onto the A836 to ensure road safety.
- 8.5 Development proposals may be supported if they are judged not to be significantly detrimental under the terms of the above policies. In this instance it is considered that the proposal generally accords with Policy 3 (Caithness Growing Settlements) in terms of access, drainage, scale, siting and design. These considerations are discussed in more detail below.

Siting and Policy Allocation

- 8.6 As noted above there are no land allocations in Reay as set out within the Caithness Local Development Plan (CaSPlan). The CaSPlan sets out the specific Placemaking Priority to safeguard the south side of the road between the New and Old Reays in order to protect the character of the area. The proposed site is considered to be located within New Reay and as such complies with the placemaking priority.

The land between The Crescent and the garden grounds of Corner Cottage and Safari Croft was considered in the previous plan to provide opportunity for infill for two detached or four semi-detached houses and accordingly the proposal is still be considered acceptable.

- 8.7 Given the majority of New Reay's housing developments are located south of the A836 and the site sites between housing groups on the south side of the A836, the proposed site presents as an infill site. As such it is considered that the proposal is reflective of the local vernacular and original character of New Reay. In terms of siting, the proposed house does not reflect that of the adjacent housing at The Crescent, however the indicative site layout does not raise any significant concerns as the site relates well to the wider mix of house siting within plots along the A836 through Reay and New Reay. The siting of the proposed development will reinforce the start of New Reay, distinguishing it from the open croftland between Reay and New Reay. The croftland is considered to positively contribute to the local character of the area and is therefore protected by policy.
- 8.8 As noted in the Applicant's Supporting Statement, the well-defined physical boundaries created by the road and existing development provide the landscape setting for the key natural features adjacent to the site, Cnoc Dachow & Torran na Circe, rocky outcrops. This rising ground to the south/southeast of the sites is a strong defining feature which gives a clear opportunity for any development to be provided with a natural backdrop. Corner Cottage and Safari Cottage are traditional stone cottages with mature treed garden settings. These established properties, coupled with other adjacent properties, would help integrate the proposed development into the landscape without having a significant effect on the existing landscape character and setting.
- 8.9 In terms of layout, the site is of sufficient size to accommodate the detached house and associated services and leave adequate private amenity space. The house is positioned rationally within the site in relation to surrounding physical features including the surrounding development and the field's boundary. The site is of sufficient size and distance from neighbouring properties that there are no concerns that a development here will negatively impact on existing residential amenity. The applicant will have to consider privacy and overlooking the adjacent site prior to submitting a detailed application. Furthermore, the design of the house will be secured at the detailed stage. It is therefore not considered wholly out of character for the area.
- 8.10 Taking the wider site into consideration, the applicant has demonstrated that the site can comfortably accommodate two houses (Plots 1 and 2) and does not raise any significant concerns. Both housing plots will be served by a shared access which aligns with Policy 3 of CaSPlan. The houses relate well to one another, fronting the A836 on the crust of New Reay, infilling the gap between The Crescent and The Terrace. The development of both plots would be seen to strengthen and enhance the streetscape at this location.
- 8.11 A planning condition will be attached to ensure there is no significant ground raising or underbuild proposed at the detailed planning stage as the proposed house would be sited on a slope. This will protect the landscape feature the Torran Na Circe hillock

which provides a unique backdrop and visual amenity for the proposed development and the setting of Reay.

- 8.12 A letter of representation and Caithness West Community Council raised an objection to the proposed development as it is believed the site is common grazing land, granted to the village of Reay by Sandside Estate. However, there has been no objection from the Crofting Commission and the applicant has provided correspondence from the Crofters Commission (dated 2016), confirming the land was not registered as common grazings. Thus, it appears from the supporting information the applicant has provided that this represents a legal matter between the affected parties.
- 8.13 In terms of the proposed development, it has been assessed against Policy 47 (Safeguarding Inbye/Appportioned Croftland) of the Highland-wide Local Development Plan (HwLDP). Similarly, to the Crofting Commission's consultation response, Policy 47 sets out the same criteria whereby developments will be favoured that minimise the loss of croft land, along with the value and access to the croft land. The proposed development is located on poorer quality land in terms of agricultural value and will not impede the use of the remaining croft land. As such the proposal meets the criteria of Policy 47 and can be supported.

Access and Parking

- 8.14 The access to the development (and plot 2) is from the publicly adopted road A836. The speed limit for this road is 30 mph. Therefore, the required visibility splays for this are 2.40m x 90m in both the right and left directions from the access. The submitted Private Access Checklist indicates visibility of 90m+ in both directions. However, from site it is considered that 200m+ in both directions can be achieved. A condition will be applied to ensure the access complies with the Council's guidance, Access to Single Houses and Developments, this means that from a driver's eye height of 1.05m above the road level, an object of 0.6m in height must be clearly visible at 90m away.
- 8.15 An area for parking and turning is shown set back from the public road, within the curtilage and is therefore acceptable. As the access is likely to form a key gateway to this development site it is expected that the house design coming forward would be of high-quality aspect elevation (facing the A836) with no gable walls facing the road. Boundary treatments at this key location will also be an important aspect of the streetscape, it would be preferred that this includes maximum retention of the existing traditional stone wall to the north boundary. The wall is an important feature and adds to the character of the site, it is therefore important to retain as much as possible.
- 8.16 The core path that runs parallel to the north boundary between the site and the A836 should not be obstructed during or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer, a condition will be imposed to safeguard public access.

Water, Flooding and Drainage

- 8.17 The site is not identified as at risk of flooding on SEPA's online strategic flood risk mapping constraint. Nevertheless, planning policy requires foul and surface water drainage infrastructure to meet standards that minimise the risk of pollution and flooding. It is proposed that the development would connect to the public water and sewer network. No details have been provided in terms of surface water drainage. A planning condition will be applied to ensure full details are provide with any further application.

Landscaping and Biodiversity Gains

- 8.18 A standard landscaping condition is included that requires to demonstrate biodiversity improvements at the detailed application site.

Protected Species

- 8.19 As this site is well maintained it is unlikely that there will be any protected species (including bats), therefore it is not considered necessary to request submission of a protected species survey but an informative is attached advising the developer of their responsibilities in relation to the potential of the development to impact breeding birds and bats will be included in an informative included.

Climate Change

- 8.20 The Council recognises the importance of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, as the legislative tool for addressing Scotland's Climate and Ecological Emergency, which the Council committed to under its own Climate and Ecological Emergency declaration in May 2019. To facilitate the Council moving towards achieving net zero, it is expected that the new house will be designed to be sustainable and energy efficient. The Council is also committed to delivering low carbon transport solutions and as such the proposed house will include cabling at an appropriate point (typically a backplate in-garage or next to driveway) to facilitate a connection to charge electric vehicles.

Developer Contributions

- 8.21 As there are no capacity constraints at either Reay Primary or Thurso High Schools, within whose catchment areas the application site lies within, it is considered to comply with Policy 31 no developer contributions when determination an application.

Other material considerations

- 8.22 There are no other material considerations.

Non-material considerations

- 8.23 There are no other non-material considerations.

9. CONCLUSION

- 9.1 Policy 3 – Growing Settlements of the Caithness and Sutherland Local Development Plan states that proposals will be assessed for the extent to which they take account of issues and placemaking priorities identified within the individual 'Caithness

Growing Settlement'. The proposed site is considered to be an infill site between The Crescent and The Terrace and therefore would not compromise the village's distinctive split settlement pattern. The principle of the erection of a house is supported. On review of all relevant material planning considerations, the proposal has been considered and found to be acceptable on siting, design and amenity grounds. Access and parking as well as impact on private properties have been assessed and are considered to be acceptable.

- 9.2 The application has attracted an objection from Caithness West Community Council and 1 letter of representation. The issue raised has been given due consideration in the course of the application's assessment. As stated, concerns have been raised about the belief the site was common grazing land. It is accepted that the proposal will result in a loss of croft land, however the proposed site is located on poorer quality land in terms of agricultural value and will not impede the use of the remaining croft land. As such it is considered that the proposal meets the criteria of Policy 47 and can be supported.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: EV charging point and biodiversity enhancements through site specific high-quality landscaping.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

It is recommended to **GRANT** the application subject to the following conditions and reasons:

1. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:
 - i. The expiration of THREE YEARS from the date on this decision notice;
 - ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or

- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

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

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed and finished floor levels);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments - retention of existing traditional stone wall shall be included and biodiversity enhancements);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

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

3. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate or good slate effect substitute;
 - iii. single storey or 1½ storeys in height;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - vi. predominantly rectangular in shape with traditional gable ends.

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

4. Any details pursuant to condition 1 above, shall show a minimum of two cross sections through the site running north to south, showing the existing land contours and the proposed finished levels of the ground, the floor levels of the proposed house and its exposed underbuilding which shall be no more than 450mm, the associated garden area and car parking/turning area, and public road, all relative to a fixed datum point, shall be submitted to and approved in

writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: In order to ensure the development results in a satisfactory relationship with existing properties in order to safeguard the character and qualities of the surrounding area.

5. Any details pursuant to Condition 1 above shall show a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

6. Any details pursuant to Condition 1 shall show the site access formed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule SDB3, with:
 - i. the junction formed to comply with drawing ref. SDB3; and
 - ii. visibility splays of 2.4m x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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

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

Reason: In the interests of road safety

8. Any details pursuant to condition 1 above shall show a vehicle turning area within the application site formed in accordance with The Highland Council's Road Guidelines for New Developments. The turning area shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

Reason: In order to ensure that sufficient vehicle manoeuvring space is contained within the development site.

9. Any details pursuant to Condition 1 above shall show a development that connects to the public sewer.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

10. Any details pursuant to Condition 1 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

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. Any details pursuant to condition 1 above shall include full details of a bin storage area located outwith any visibility splays. The storage area shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation of the development and thereafter maintained in perpetuity.

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

12. Any details pursuant to Condition 1 above shall show 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 the proposed house

Reason: To ensure that access to the charging facilities for electric vehicles to allow for to low carbon transport options.

13. The public path running along the northern boundary of the site shall remain accessible and free from obstruction throughout the construction phase of the development.

Reason: In order to safeguard public access during the construction phase of the development.

14. For the avoidance of doubt, the house position and associated infrastructure layout shown in the approved drawings is indicative only and is not approved as part of this permission.

Reason: Planning permission is granted in principle only and the house position and drainage layout must be approved as part of an MSC / detailed planning application.

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.

INFORMATIVES

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.

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

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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:

Designation: Area Planning Manager - North

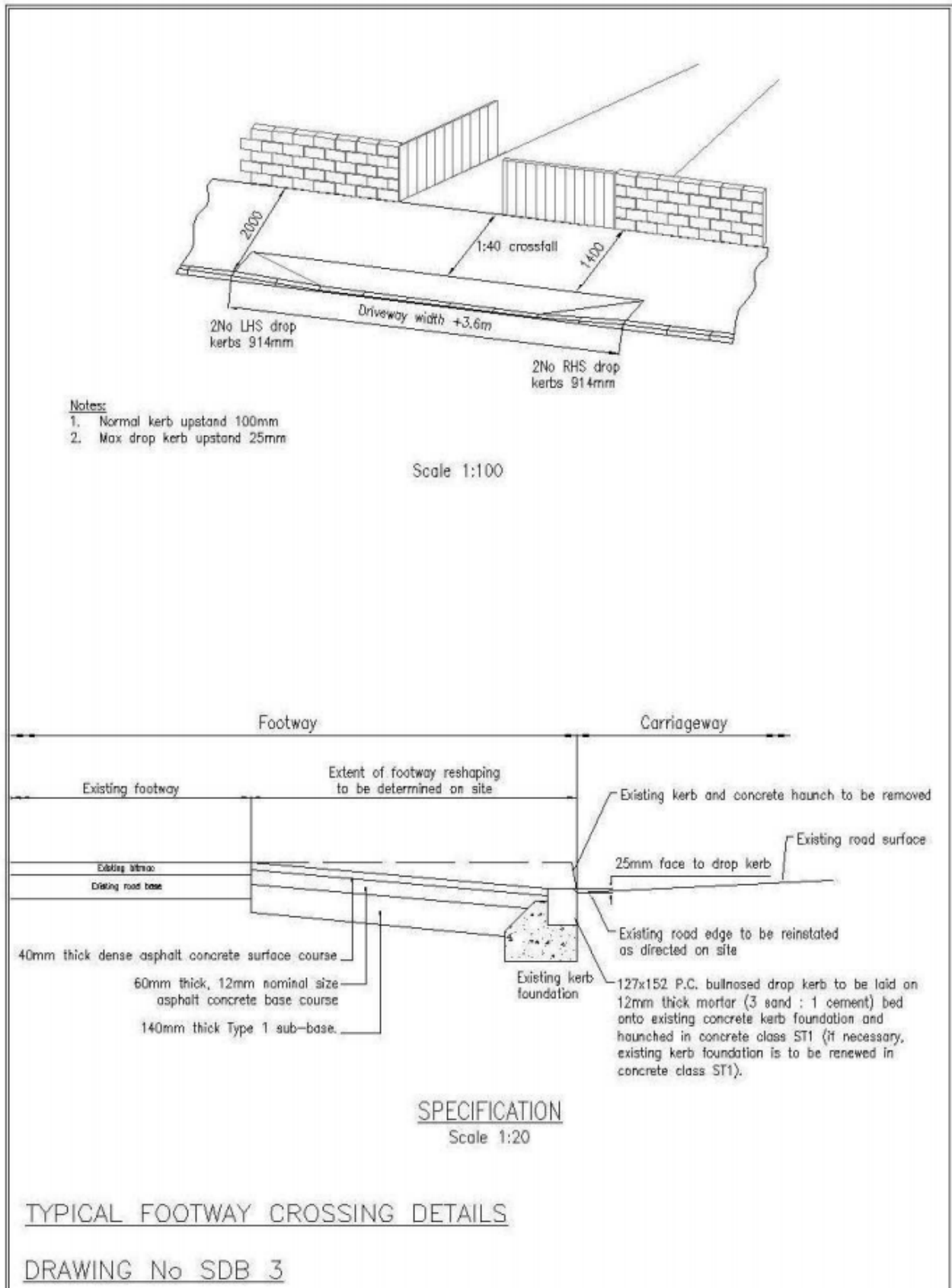
Author: Claire Farmer - Planner

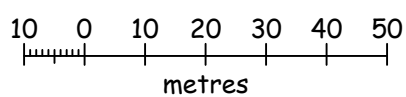
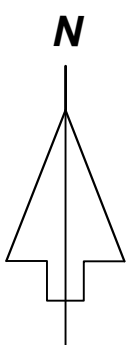
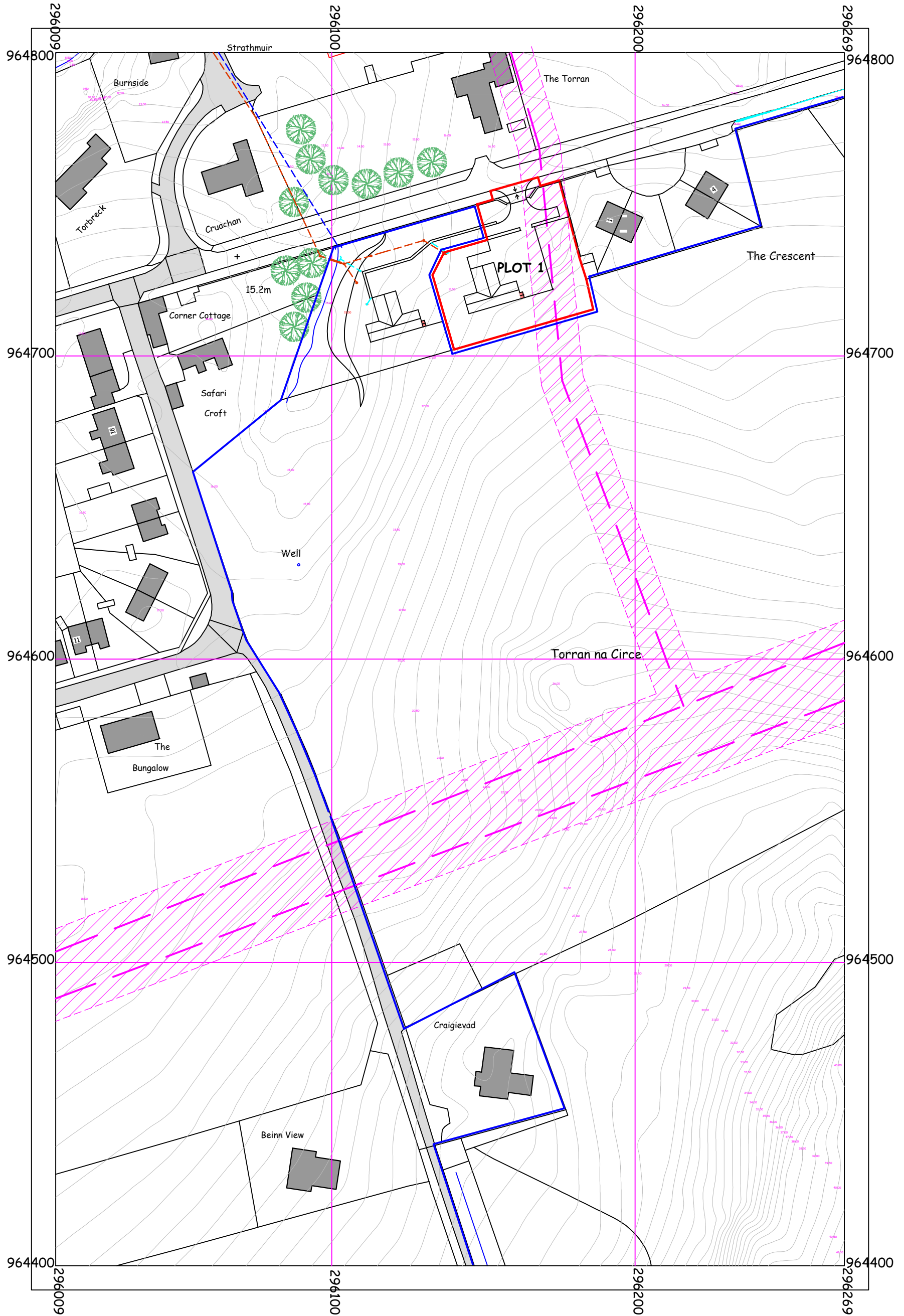
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan 05

Plan 2 - Proposed Site Layout Plan 07

Appendix 2 – Access Schedule SBD3





KNIGHT & McDONALD ARCHITECTS			
"Grianan", 14 Beinn Ratha Court, Reay, Caithness, KW14 7RH			
Tel: 01847 893811			
E-mail: admin@knightandmcdonald.co.uk			
Project: REAY FARMS, THE TERRACE, REAY			
Client: Mr & Mrs Calder			
Drawing Title: PROPOSED LOCATION PLAN PLOT 1			
Scale: 1:1250@A3	Date: 30.05.22	Drawn: DM	Checked:
Job No: 17355	Code: AL(0)	Drng No: 05	Rev:

