

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS COMMITTEE
17 September 2013

Agenda Item	6.4
Report No	PLN/085/13

13/02115/PIP: Ms E Munro

Land to north of Lower Dalnaclach Lamington IV18 0PE

Report by Area Planning Manager

SUMMARY

Description : Erection of house

Recommendation - GRANT

Ward : 8 – Tain and Easter Ross

Development category : Local

Pre-determination hearing : Not Required

Reason referred to Committee : Relates to area where Capacity review has been carried out.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks to establish the principle of developing the site for a single house, with access from an existing track running along the north boundary, joining the public road adjacent to the property of Dalnaclach to the east.
- 1.2 No pre-application consultation was carried out.
- 1.3 There is no existing infrastructure on site and the proposal includes the installation of a private foul drainage system.
- 1.4 A planning statement and drainage assessment report have been submitted as supporting information.
- 1.5 No variations have been made to the application.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of sloping scrub woodland located immediately to the west of the existing kennels at Lower Dalnaclach to the north of the Scotsburn public road at Lamington. The site presently contains a static caravan and a timber shed. An existing track runs to the north of the site which joins the public road at the Forestry Commission Car Park adjacent to the property of Dalnaclach to the east. A large area of mature commercial woodland lies to the north of this track forming a backdrop to the site.

3. PLANNING HISTORY

3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour
Representation deadline : 05.07.2013
Timeous representations : None
Late representations : None

5. CONSULTATIONS

5.1 **Development Plans:** No Objections. The site lies within the Scotsburn Settlement Boundary in the Ross and Cromarty East (RACE) Local Plan. Therefore the key policies in assessing this proposal are the Development of small rural settlements policy of the RACE Local Plan and Highland wide Local Development Plan (HwLDP) policies 34 (Settlement Development Areas) and 28 (Sustainable Design).

Approximately 13 houses have been given planning permission since the RACE Plan was adopted. However the 12 house capacity given in RACE is only indicative and an important consideration is the assessment of the site's suitability from a settlement pattern and landscape perspective and the ability to appropriately service it.

As endorsed by Members at Committee in November 2012, a capacity review of the area within the Scotsburn/Lamington Settlement Development Area has been carried out in consultation with TECS (Transport) and this report is appended for Members to note. This concludes that there remain some limited opportunities for rounding off and infilling established groups within the linear settlement whilst ensuring existing gaps between the clusters are retained to help protect the landscape setting and restrict further pressure on the fragile infrastructure of the area.

In this regard, when considering this planning in principle application, it appears that the site's location fits with the pattern of housing in this cluster and will round off the current grouping.

5.2 **TECS (Transport)** : No Objections. Conditions are recommended with regard to parking and turning for vehicles within the site and also with regard to the requirement for an additional passing place to be provided at the developer's expense on the public road.

5.3 **Access Officer** : No Objections. The access track is part of a Core Path and public right of way and as such a condition or footnote is recommended to ensure that any development does not obstruct or deter use of the route, before, during or after construction.

5.4 **Scottish Water** : No Objections. Public water supply available. No public drainage.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 34 Settlement Development Areas

Policy 65 Waste Water Treatment

Policy 66 Surface Water Drainage

6.2 Ross & Cromarty East Local Plan

Within Scotsburn Settlement Development Area

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside and Siting and Design

7.3 Scottish Government Planning Policy and Guidance

SPP

8. PLANNING APPRAISAL

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

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

8.3 Development Plan Policy Assessment

As noted in the response from the Council's Development Plans officer at 5.1 above, the site lies within the Scotsburn Settlement Boundary in the Ross and Cromarty East (RACE) Local Plan. In this respect, the site appears compatible with the established settlement pattern and nestles well into the wider landscape with no servicing difficulties.

Advice from the Council's Development Plans team is that the intention through the emerging Inner Moray Firth Local Development Plan (IMFLDP) is that Scotsburn/Lamington will not have a Settlement Development Area and proposals will instead be considered against the Housing in the Countryside and Siting and Design Interim Supplementary Guidance.

It is not intended that the recently completed capacity review will form part of the Local Development Plan process. It is intended that when the IMFLDP alongside the HwLDP forms part of the adopted Development Plan there will be a need to assess each application that comes forward on its merits against policy compliance or exceptions for the hinterland area, and that the capacity review will form part of the assessment as to whether the proposal is compliant with the Development Plan.

The most relevant Development Plan policies all refer to the ability to service the development. In this regard it is noted that TEC Services have commented that they are not objecting to this application as long as suitable measures are put in place. The capacity review has confirmed that the area can absorb limited additional development within established pockets and the group comprising of Dalnaclach, Mid Dalnaclach, Drovers House and Lower Dalnaclach is one of those pockets identified.

Within HwLDP Policy 28 Sustainable Design there are other important considerations for this proposal which state that the proposed developments should be assessed on the extent to which they: impact on individual and community residential amenity; and demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials. Policy 34 Settlement Development Areas requires compatibility with the pattern of development and landscape character, and with existing and approved adjacent land uses.

In this regard, this current proposal is considered to comply with the pattern and spacing of housing in this cluster and comfortably rounds off the group on its north-western edge, framed by commercial forestry to the immediate north and agricultural land to the immediate west.

8.4 **Servicing**

Vehicle access to the site exists along a rough track to the north. This will require upgrading to accommodate construction and domestic vehicles. The track is part of a Core Path and public right of way and as such it is essential that any development does not obstruct or deter use of the route, before, during or after construction. The Council's Access Officer does not object to the application but suggests a condition with regard to protecting the Core Path.

TECS(Transport) do not object to the application and acknowledge that a review of the level of development on the adjacent public road has been undertaken. Conditions are recommended with regard to parking and turning for vehicles within the site and also with regard to the requirement for an additional passing place to be provided at the developer's expense on the public road. The access point onto the public road is already finished in bitmac and visibility is good.

Connection to the public water supply is proposed and a private foul drainage system is shown on the indicative site layout plan, with septic tank effluent discharging via a puraflo system and soakaway to the nearby burn. The principle of such a system has been agreed with SEPA and will require to be subject to SEPA's Licencing requirements.

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations. It is important, given the elevated, sloping nature of the site on the edge of the existing settlement, that the house is set down into the site as far as is practicable; care is given to design and finishes; and trees are retained and new planting carried out. It is also important that the Core Path which forms access to the site is maintained free for public access throughout and after development; and that an additional passing place is formed on the public road prior to the house being first occupied.

On the above basis, it is recommended that permission be granted.

10. RECOMMENDATION

Action required before decision issued N

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

1. No development shall commence until 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;
 - ii. a plan showing site levels as existing and proposed and cross sections showing the finished floor level in relation to an agreed and fixed datum;
 - iii. the design and external appearance of the proposed development;
 - iv. landscaping proposals for the site of the proposed development. For the avoidance of doubt, from the date of this permission no trees on the site shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way without the written consent of the Planning Authority. The landscaping plan shall identify all trees that are to be retained, all trees that are to be removed, details of boundary treatments and all hard and soft landscaping.
 - v. details of access and parking arrangements;
 - vi. details of the proposed water supply and drainage arrangements and
 - vii. details of proposals for the disposal of surface water from the site incorporating the principles of SuDS.

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

2. Any details pursuant to Condition 1 above shall depict a development featuring the following elements:-

- i. walls finished predominantly in an off-white wet dash render or part rendered part natural timber clad;
- ii. a roof covering of natural slate or an approved slate alternative
- iii. single storey or 1½ storeys in height;
- iv. windows with a strong vertical emphasis;
- v. a symmetrically pitched roof of not less than 40° and not greater than 45°;
- vi. a house 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 and in the interests of amenity.

3. Any details pursuant to Condition 1 above shall include details for parking and access. Prior to the first occupation of the house all access and parking arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority and shall include parking and within curtilage turning for a minimum of two cars for a 1 – 3 bedroom house; or three cars for a 4 - 5 bedroom house.

Reason : In the interests of road safety.

4. Prior to any work commencing on site the developer shall provide an additional passing place on the public road at a location to be agreed by TEC Services and to the approved Highland Council design. Any details pursuant to Condition 1 above shall include details of the proposed passing place.

Reason : In the interests of road safety, particularly to mitigate the potential impact on the public road of additional development as proposed.

5. Any details pursuant to Condition 1 above shall include details of all foul drainage arrangements, which shall be to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, the Drainage Authority, and the Building Standards Authority.

Reason : In the interests of amenity and public health.

6. Public access to the Core Path lying to the north of the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or deterrent shall cover only the smallest area practicable and for the shortest duration possible, with way-marked diversions provided as necessary. Any damage to the route shall be re-instated to as good or better standard than pre-development to the satisfaction of the Planning Authority.

Reason : In order to ensure that access to the Core Path network is not obstructed as a result of this development.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. THREE YEARS from the date of this decision notice.
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused, or;
- iii. 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 latter. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

Accordance with Approved Plans & Conditions

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

Flood Risk

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

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

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

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

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

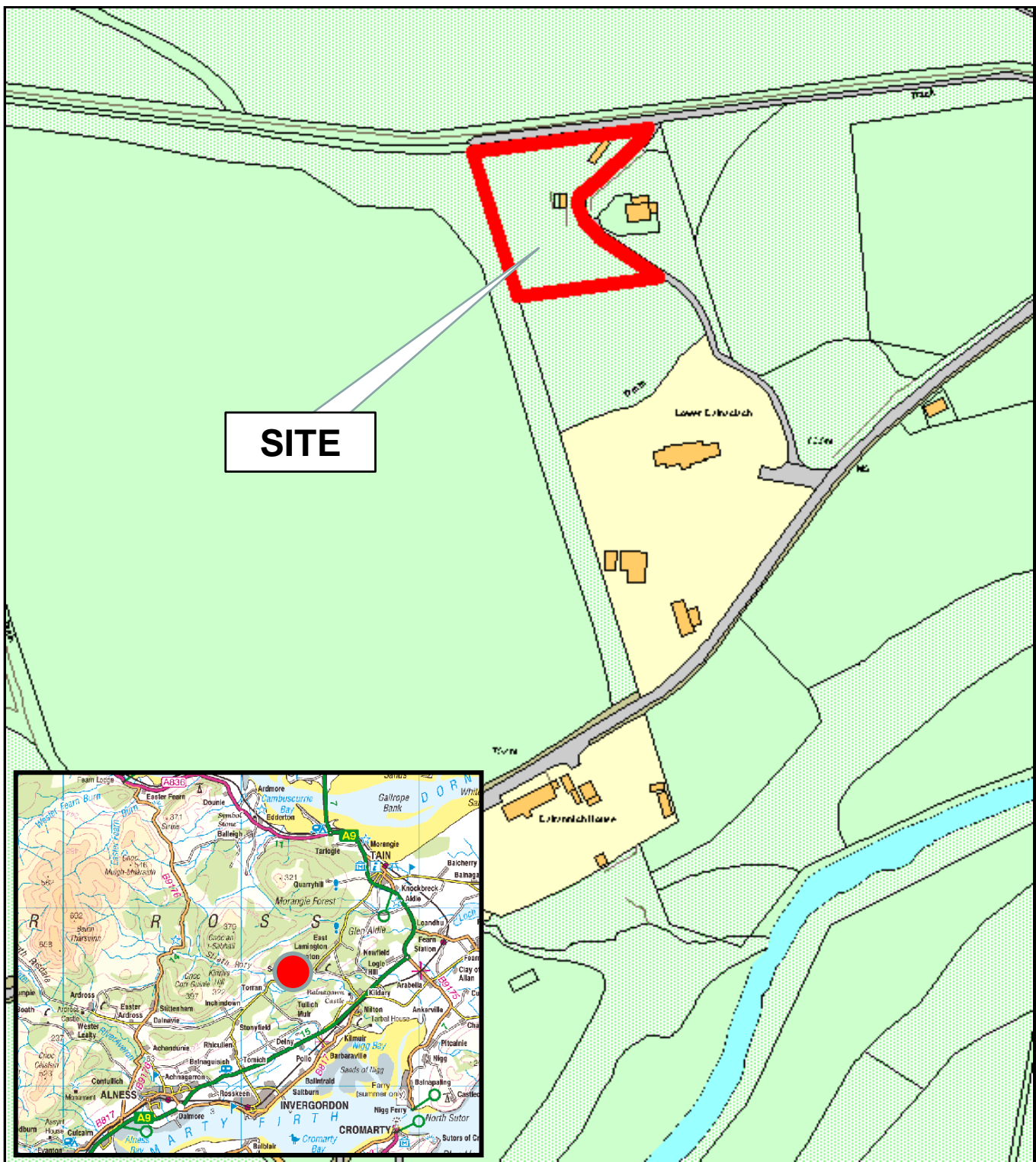
Protected Species - Halting of Work

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

Tree Felling

You are advised that a condition of this planning permission is that no trees within the application site are cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way without the prior written consent of the Planning Authority. This condition applies from the date of this consent and any unauthorised works may result in enforcement action and the service of a fixed penalty notice.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Scotsburn/Lamington Capacity Study (September 2013)(attached)
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Indicative Site Layout Plan



SITE



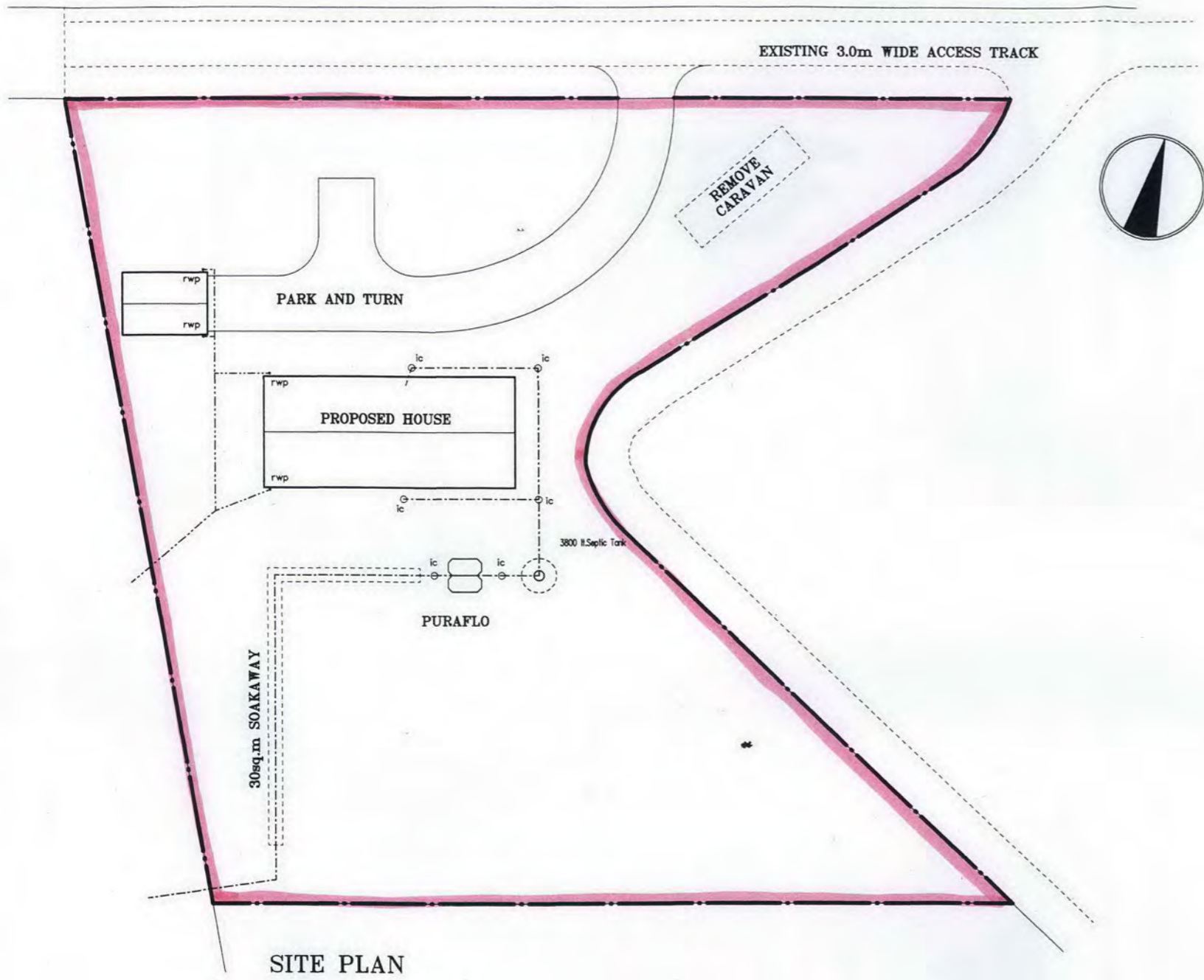
Planning & Development Service

Plan 1
13/02115/PIP

Erection of house at Land to North West of Dalnaclach, Lamington, Invergovordon

17 September 2013





LOCATION PLAN

RECEIVED 06 JUN 2013

DO NOT SCALE
Use written sizes only.

Client
MS. E. MUNRO

Project at:
NORTH OF LOWER
DALNACLACH, SCOTSBURN

revision

date drawn by

Drg.No. AANO / 01	
scale 1:400	drawn
date 02/05/2013	

HIGHLAND COUNCIL

PLANNING AND DEVELOPMENT SERVICE

SCOTSBURN AND LAMINGTON POLICY ASSESSMENT AND
CAPACITY STUDY

SEPTEMBER 2013

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1 BACKGROUND

Introduction

Given the recent development pressure in this area, it was decided that the Scotsburn Lamington area could benefit from some analysis as to the remaining potential for housing development that can still accord with the Development Plan provisions. The principal concern for the Development Plan within this study area is to ensure that the capacity of the landscape, and its character, settlement pattern and local road network is not significantly adversely affected by development. In consultation comments on an application within the area (ref 12/03368/FUL) both TECs and Policy had highlighted the need for a capacity study to be undertaken in advance of any further development proposals within the area. The North Planning Applications Committee endorsed this approach at its meeting on 27 November 2012 and asked that a capacity study be undertaken by TECs (Transport) and Planning and Development (Development Plans) within 12 months of the Committee date.

To date since the adoption of the Ross and Cromarty East (RACE) Local Plan in February 2007 there have been 13 houses granted planning permission. This compares to the indicative capacity for 12 homes identified in RACE Local Plan.

The indicative capacity of 12 houses identified in RACE Local Plan was not however based on detailed analysis, this figure is just indicative. It is the detailed assessment of any planning application against the provisions of the RACE Local Plan and the Highland wide Local Development Plan (HwLDP) general policies that determines whether a planning application accords with the Development Plan and whether there is capacity for any proposed development.

The aim of this study is therefore to consider how these landscape, character, settlement pattern and local road network factors affect any remaining potential for development, and provide the necessary spatial guidance.

Current Policy Context

The extent of the study area is defined by the RACE Local Plan Scotsburn settlement boundary which remains part of the current Development Plan until the Inner Moray Firth Local Development Plan (IMFLDP) is adopted. Please see the map on page 5 which indicates the area covered by the study and the key development constraints present within this area.

The following Highland-wide Local Development Plan (HwLDP) Policies are relevant, these are in particular (but not restricted to) the following

- Policy 28 Sustainable Design
- Policy 29 Design Quality and Place-making
- Policy 31 Physical Constraints
- Policy 34 Settlement Development Areas (before RACE Local Plan is superseded by IMFLDP)
- Policy 51 Trees and Development
- Policy 52 Principle of Development in Woodland

- Policy 56 Travel
- Policy 57 Natural, Built and Cultural Heritage
- Policy 61 Landscape
- Policy 65 Waste Water Treatment

The Changing Policy Context

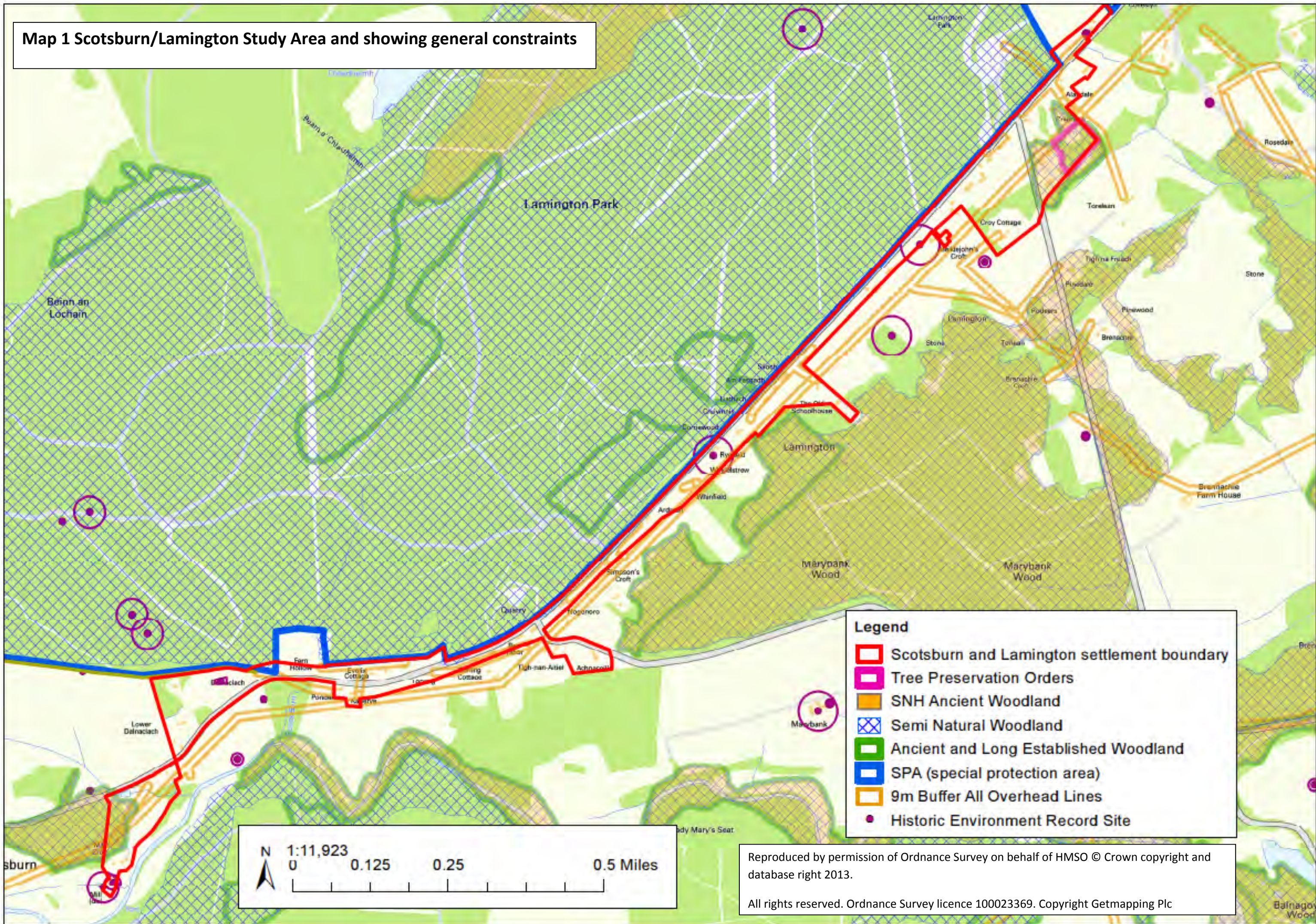
After the IMFLDP is adopted proposals will also be primarily assessed against

- Policy 35 Housing in the Countryside (Hinterland Areas) and its associated Housing in the Countryside: Siting and Design Supplementary Guidance

The scope for new development under the Housing in the Countryside: Siting and Design Supplementary Guidance relating to housing groups is restricted to infill and rounding off. When explaining the potential for infill the guidance says this must be, “within or round off an existing housing group” and should be, “respecting the character of the group and spacing of the individual houses.” With regard to rounding off, the following caveat is made, “further applications on the edge of a group that has already been rounded off will be considered as an inappropriate extension to the group.”

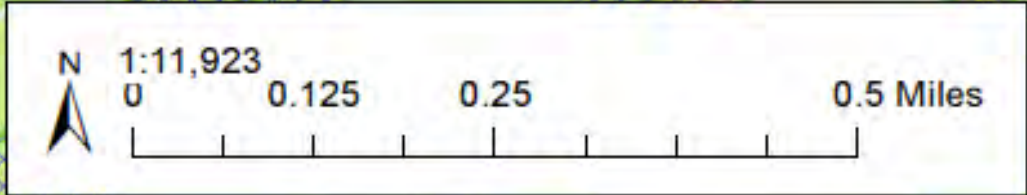
In light of the above, it is considered that the conclusions of this study should also be applied after the IMFLDP supersedes the RACE Local Plan. This is because the same principles as those identified for housing groups in the Housing in the Countryside: Siting and Design Guidance were used to define the RACE Local Plan settlement boundary for Scotsburn/Lamington. Therefore whilst the RACE Local Plan settlement boundary will no longer be part of the Development Plan in practice the housing group guidance detailed above will result in a continuation of the same spatial boundaries for Scotsburn and Lamington.

Map 1 Scotsburn/Lamington Study Area and showing general constraints



Legend

- Scotsburn and Lamington settlement boundary
- Tree Preservation Orders
- SNH Ancient Woodland
- Semi Natural Woodland
- Ancient and Long Established Woodland
- SPA (special protection area)
- 9m Buffer All Overhead Lines
- Historic Environment Record Site



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ANALYSIS

Methodology

This study was prepared using a combination of desk-based analyses of existing and approved housing developments using the Council's geographical information system (GIS) and the Council's planning and building standards case management system (Uniform), supplemented with a site visit.

The initial GIS based analysis examined physical constraints such as forestry and woodland interest and mapped the existing and approved housing within the area using data from uniform.

A joint site visit was then carried out by the Council's Development Plan, Development Management and TECs road colleagues. This joint site visit allowed officers to assess the remaining capacity for development from a landscape, visual, character, settlement pattern and roads perspective.

FINDINGS

Spatial Guidance

Applying the Development Plan policy provisions relating to landscape, character, settlement pattern, and local road capacity results in the following spatial guidance for new development.

Four separate distinct denser development groups: have been identified where there is potential to further infill and round off the existing groups. This recognises and responds to the character of the existing settlement pattern and allows for opportunities that will reinforce the existing settlement pattern.

Three less developed sections: have been identified where there is a need to resist further development. Retaining the more open nature of the areas between the denser housing groups ensures that the overall area retains its rural character; and prevents the area from becoming one continuous densely developed linear housing group. From a local road network perspective if there is no further development in the two open sections (sections 2+3) between these denser housing groups this gives a greater chance of drivers sticking to a reasonable speed through the more built-up sections rather than having the whole 3km densely built up and expecting drivers to slow down for this entire length.

There are 2 distinct less developed sections identified (sections 2+3) that should remain less developed to retain the rural settlement pattern, and to assist from a local road network perspective. There is a further less developed section (section 1) which is identified purely from a landscape, and a rural settlement pattern perspective to maintain the rural character of the area.

The map overleaf provides the interpretation of these Development Plan provisions into spatial policy.

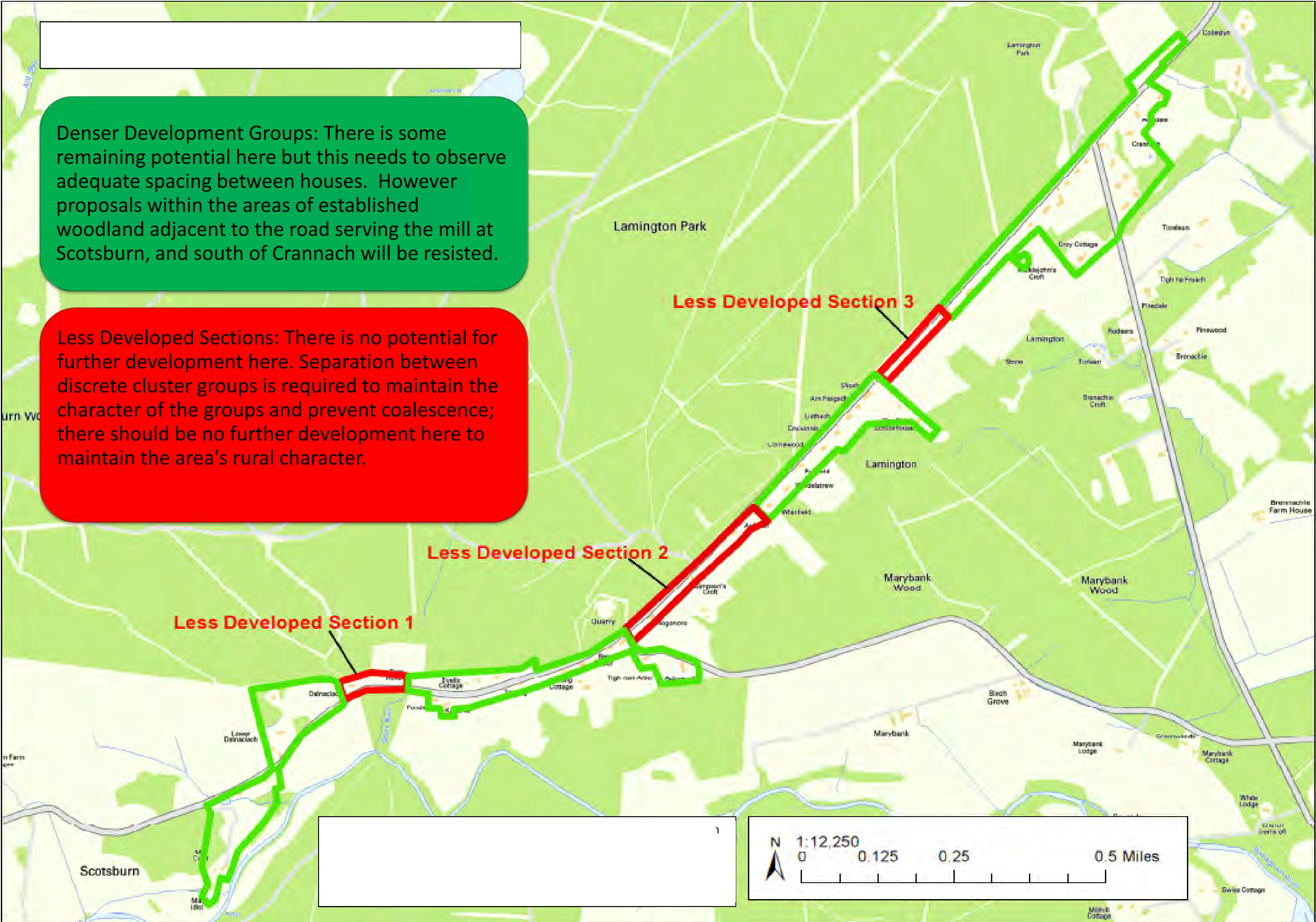
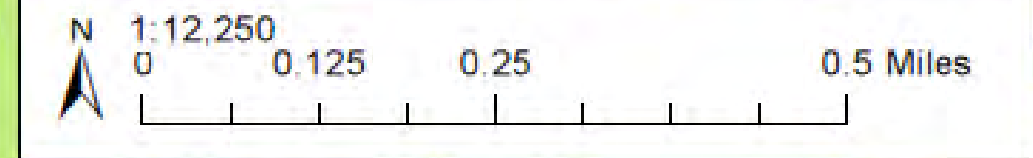
Denser Development Groups: There is some remaining potential here but this needs to observe adequate spacing between houses. However proposals within the areas of established woodland adjacent to the road serving the mill at Scotsburn, and south of Crannach will be resisted.

Less Developed Sections: There is no potential for further development here. Separation between discrete cluster groups is required to maintain the character of the groups and prevent coalescence; there should be no further development here to maintain the area's rural character.

Less Developed Section 1

Less Developed Section 2

Less Developed Section 3



General constraints

Highland-wide Local Development Plan (HwLDP) Policies are relevant, these are in particular (but not restricted to) those identified in the Current Policy Context section. Also whilst not comprehensive the following are some key issues that require consideration in relation to development proposals in the green areas identified on Map 2 that have some remaining potential for development:

Access and road network: It is apparent that traffic on the public road serving Scotsburn and Lamington has increased to the extent that there is extensive edge overrun and the formation of informal passing places at a number of locations along the full route between Tain and Badachonacher. Whilst widening of the road to two-way is not considered necessary at this stage, the road would benefit from the provision of additional and improved passing places to address capacity concerns. Developer contributions will therefore be sought toward such with a minimum requirement of provision of a new passing place for each new house proposed or alternative equivalent improvements depending on location and scale of new development in relation to narrow sections of road, bends and distance to nearest passing place etc. This will be in addition to any service bay provided at the house access. As the road remains subject to the national speed limit, and is predominantly rural in character, the number of new individual accesses onto it should be minimised.

Trees and Woodland: There is a need to secure necessary setback from forest edge, need to minimise/avoid tree loss, secure appropriate native planting, and avoid areas of established woodland adjacent to the road serving the mill at Scotsburn and south of Crannach (see map 1), please refer to Trees, Woodland and Development Supplementary Guidance.

Housing design and boundary treatment: There is a requirement for houses to have traditional proportions, clean simple design, and larger houses should break down their mass, stone wall or post and wire fencing are acceptable boundary treatments. Please refer to Housing in the Countryside: Siting and Design Supplementary Guidance.

Waste Water treatment: The Council's preference is that any private system should discharge to land rather than water. Within areas of cumulative impact (as defined by SEPA), applicants will be required to submit evidence to Scottish Environment Protection Agency and the Council that their proposal will not result in or add to significant environmental or health problems.

Archaeology: Please refer to the general constraints map, and where there are Historic Environment Records consult the Council's Historic Environment Team for guidance.

Further Information

This guidance is intended to clarify and summarise the existing planning policy for the Scotsburn/Lamington area to help applicants, Planning Officers and Members assess future development proposals and planning applications for new housing.

The advice provided here is by its very nature generic, and the specific issues associated with a particular proposal and its site require individual consideration based on a number of factors unique to that development.

Applicants and developers are therefore advised to seek early discussions with their local Area Planning Office in order to ascertain how this document and its supporting planning policies/Supplementary Guidance relate to their specific proposal.

Contact details for the Highland Council's Area Planning Offices can be found here:

<http://www.highland.gov.uk/yourenvironment/planning/planning-and-development-contacts.htm>

In order to enhance the level of service and standard of advice given to our customers, we offer [pre-application advice services](#). We have done this in order to enhance the level of service and standard of advice provided to our customers, and improve speed of delivery and consistency. Other than brief verbal advice which can still be given over the phone or in person at the planning office, all pre-application advice requests must now be made using this service (electronically or via post).