

|             |            |
|-------------|------------|
| Agenda Item | 6.5        |
| Report No   | PLS 008/18 |

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 30 January 2018  
**Report Title:** 16/05283/FUL: Canmac Developments Ltd  
Land 50M NW of Mehalah Tirindrish, Spean Bridge  
**Report By:** Area Planning Manager – South/Major Developments

### Purpose/Executive Summary

**Description:** Erect 9(no) dwellings (including affordable houses) and farm shop/cafe  
**Ward:** 11 - Caol and Mallaig

**Development category:** Local

**Reason referred to Committee:** timeous objections on material planning grounds from members of the public residing at five or more separate addresses and where such objections cannot be addressed by condition; also unresolved objections from the Community Council as statutory consultee

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** planning permission as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for 9 houses, reduced from 10 as initially submitted, plus a farm shop and café on 1.12Ha land opposite the primary school at Spean Bridge. This is a full application. The proposed layout shows a linear form of development, with the farm shop and café at the west end of the site, and a pair of semis next to it, then a row of 7 detached houses with the access road running along the north side of the houses, parallel with the main road and terminating in a cul de sac head. The detached houses would be 2 storeys, 4 bedrooms with a gable feature facing the road, and conventional steeply pitched roofs. Four of the detached houses would have sun rooms on the south facing elevation. The pair of semis would be a simple rectangular shape, single storey, 2 bedrooms with a gabled pitched roof. The walls would be finished in render with elements of timber, and the roofs would be tiled. At least 25% (ie.3) of the houses would be affordable.

The farm shop and café would be in an agricultural/ industrial style shed 44m by 15.5m in size, and 3.75m in height to the eaves and 6m to the ridge. It would have a pitched roof at a shallow angle. The walls would be finished in vertical larch cladding and green profiled sheeting is proposed for the roof. The farm shop would occupy 660m<sup>2</sup> and the café 78m<sup>2</sup> of the floor area.

A car park is proposed in front of the farm shop and café with 33 parking spaces (as shown on the amended layout). Each of the detached houses would have an attached single garage and sufficient space on the driveways for at least 2 cars, whilst the semis would have just enough space on their driveways to accommodate 2 cars, one behind the other.

- 1.2 The proposed access to the development as a whole would be off the A86, next to the proposed farm shop at the west end of the site and opposite the school. The site would be served by mains water supply. Foul drainage would be to the public sewer, and a sustainable surface water drainage scheme is now proposed, incorporating filter beds beneath driveways and parking areas to attenuate surface water flows.

There is an overhead power line across the site, which would have to be re-aligned or undergrounded.

- 1.3 Pre Application Consultation: No pre-application discussions.

- 1.4 Supporting Information: Planning Statement, Drainage Impact Assessment 23 Feb 2017, Tree Survey and Tree Report 28 March 2017, Ecological Assessment 1 Dec 2017, Compensatory Tree Planting Plan 1 Dec 2017

- 1.5 Variations: one house deleted, layout revised, materials for farm shop revised from profiled metal cladding to timber cladding for the walls, tree survey and report submitted, Tree Constraints Plan and Arboricultural Method Statement, sustainable drainage scheme incorporating retention of riparian strips along watercourses through the site, and ecological assessment submitted.

## **2. SITE DESCRIPTION**

- 2.1 The site is partly covered in wet woodland, most of the trees being along the road frontage, with a clear strip providing a wayleave under the powerlines behind. There are 2 watercourses, the larger one bounding the east boundary of the site, which has more of a V shape, and a smaller watercourse approximately two thirds of the way along the site towards the eastern end. This comes under the road in a culvert, crosses the top half of the site as an open burn, then drops away sharply and goes underground before emerging where it joins into a larger open watercourse just south of the site.
- 2.2 There are some larger, older birch trees around the west and north site boundaries, and dense tree cover with regenerated birch immediately behind the site frontage and along the smaller watercourse. A number of trees were felled in November 2017 around the east boundary and outside of the site, along and in the general vicinity of the larger watercourse. Approximately two thirds of the site is covered by Ancient Woodland designation, which extends across the eastern two thirds of the site, excluding the site frontage and western boundary.
- 2.3 There is a driveway bounding the west side of the site, which serves several houses including a detached dwelling house, Mehala, which sits within an extensive residential curtilage to the south of the proposed farm shop and the proposed semi detached houses at that end of the site. A guest house, Distant Hills, which also has a large curtilage, sits on the main road frontage to the west of this driveway. The primary school building is immediately opposite the proposed farm shop and café, with its grounds opposite the proposed houses. To the south of the site is woodland, leading to the river bank, and to the east is woodland, with some open glades which have been enlarged by recent tree felling.
- 2.4 The site is reasonably level at the west end, and there is a marked fall to the south, at the east end of the site, particularly by the small watercourse.

**3. PLANNING HISTORY:** None

## **4. PUBLIC PARTICIPATION**

4.1 Advertised: Unknown Neighbour

Date Advertised: (initially 22.12.16) 15.12.17

Representation deadline: 28.12.17

Timeous representations: 5

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Poor design and materials for the farm shop
- b) Concern over the viability of the shop
- c) The 1.8m high boundary fence would look unsympathetic to the area, and concerns about its quality and maintenance

- d) Impact of surface water run-off onto neighbours property
- e) The school is full to capacity
- f) Hedging should be provided around the site boundary
- g) Concern that farm shop and cafe could turn into a heavier commercial use such as for commercial vehicle storage in future
- h) This site should not be developed whilst there are brownfield sites within the village remaining undeveloped – these should be developed first rather than this site which extends into green field land
- i) There is no extension to the pavement or cycle path to join it to the rest of the village
- j) Highways safety concerns for children crossing to or from the primary school
- k) Concern about construction traffic and its impact on the village bridge
- l) The proposed access is too close to existing accesses including to the school and to the secondary school bus stop at Burnbank road end – which itself has 12 holiday lodges, and Distant Hills Guest House – all within the 20mph speed limit area
- m) Loss of mature native woodland
- n) The proposed development exceeds the number of units stated in the Local Plan
- o) The water pressure is not adequate to serve this additional development
- p) The water treatment plant would not have sufficient capacity
- q) Concern whether there is sufficient space for deliveries and parking at the farm shop

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

### 5.1 Spean Bridge Roy Bridge and Achnacarry Community Council :

12 Jan 2017 : No objection, but concerns expressed as set out below:

- Concern that although the site is allocated in the WHILP with an indicative capacity for 8 units, the Community Council supports the proposal in the Main Issues Report for the revised WHILD to place the site in the non-preferred sites because it would create unnecessary ribbon development and extension of the settlement and potential loss of woodland
- Poor water pressure
- Sewerage capacity may not be able to cope with the extra demand
- The school and nursery are at full capacity despite the addition of 2 demountable classrooms
- Density of housing proposed
- Design of shop and café – not in keeping with the surrounding properties, and unsympathetic type of fence surrounding the site
- The shop/café use should be restricted to prevent alternative uses
- Developer contributions needed for the school and nursery
- The affordable housing should meet local needs and not be addressed by a commuted sum which is delivered elsewhere
- Scale of the farm shop/café too large

- Significant loss of trees – need for replanting as part of a landscaping scheme
- Position of 20mph and 30mph speed limits will need to be reviewed
- Pavements in the new development will not link to existing
- Lack of local support for the development

Further response 18 Dec 2017 to amended plans : The developer's actions and refusal to listen to the Community Council's concerns has led them to escalate their position to formally object for the reasons given above plus the following:

- Lack of need given the other allocated site [at the other side of the village] for 80 units which is also being progressed
- Poor quality of design and materials proposed for the farm shop and 1.8m high solid timber fence
- Loss of an affordable unit [the requirement remains at 3 affordable units]
- Lack of demand for the type of detached housing proposed.

5.2 **Transport Scotland (A86 Trunk Road)** : 22 Dec 2016; No objection subject to conditions relating to the details of the new junction on to the A86, visibility splays, and no drainage to the trunk road drainage system;

Further responses 25 August 2017 & 13 Dec 2017 following receipt of revised plans: condition added regarding pedestrian crossing of the Trunk Road.

Further response 15 January 2018: further details of the pedestrian crossing and footpath connections to link the development to the school are sought by condition.

5.3 **Transport Planning**: 6 Sept 2017; Object due to insufficient parking for the shop and café – 44 parking spaces are required to meet Transport Guidelines, however this may be relaxed to 33 on the basis that most trips would be shared. No disabled parking has been included – 2 spaces or 6% should be provided; covered cycle parking is needed – 1 space per 8 car parking spaces; and detail on the expected pedestrian routes through the car park. In particular a dropped kerb should be provided across the car park entrance. Further information is also needed on refuse collection for the shop/café and houses, including deliveries, and a drawing to demonstrate the refuse vehicle can manoeuvre and turn in the cul de sac head. The road should be constructed to adoptable standard given the scale of the development. Pedestrian connectivity should be addressed in line with the emerging WHILD - the scheme should contribute towards the pedestrian crossing to the Primary school and the extension to the 30mph limit, subject to Transport Scotland's requirements. The proposal to discharge surface water from the road into a roadside filter drain before discharging to the surface water sewer will not provide adequate attenuation.

12 Dec 2017 : Objection maintained due to inadequate levels of treatment being provided for roads surface water drainage; further information still sought regarding refuse collection, deliveries and pedestrian connectivity, including details of the A86 crossing. Previous comments stand regarding disabled parking provision and cycle parking.

#### 5.4 **Flood Risk Team:**

9 Mar 2017 : No objections subject to conditions regarding sustainable surface water drainage and a 6m minimum buffer zone from the top of the bank of the 2 watercourses across the site.

8 June 2017 : Object following receipt of further information regarding the watercourses across the site. Further topographic information, cross sections, and if necessary a Flood Risk Assessment are sought together with an amended layout to ensure the drainage ditches remain open and are protected by a 6m buffer strip from the top of both banks.

30 Nov 2017 : the removal of 1 dwelling unit to provide an adequate stand-off distance to the watercourses is welcome. Objection removed subject to conditions to prevent any development within the 6m buffer either side of the watercourse, future maintenance arrangements for the watercourse, and minimum finished floor levels be applied to the houses, and further details to show that post development run-off rates will be no greater than pre-development run-off rates for all storms up to and including a 1 in 200 year event. Details of a cut off drain should be included.

19 Dec 2017 : no objections subject to the provisions set out in the previous response.

5.5 **SEPA:** 9 June 2017 : No objection on flood risk grounds from the river, however the site lies adjacent to two small watercourses which present a risk of flooding. A minimum buffer of 6m should be maintained between the development and the top of the bank of the watercourses.

18 Dec 2017 : no objection to the amended layout

5.6 **Scottish Water:** No objection; there is currently sufficient capacity at the water treatment works, and there is sufficient capacity at the Spean Bridge Waste Water Treatment Works. However further investigations may be required once a formal application has been submitted to Scottish Water.

Scottish Water will not normally accept surface water connections into the combined sewer system. If the developer wishes to enquire about water pressure in the area they should write to the Customer Services dept.

5.7 **Forestry Officer:** 19 Jan 2017 : Objects; approx 40% of the site is woodland comprising juvenile birch regeneration with mature and semi mature birch along the north side adjacent to the road and towards either end of the site. The site is allocated for mixed use in the WHILP with the objective to safeguard exceptional trees and semi natural woodland. Part of the site is within an Ancient Woodland designation – which covers most of the site except the western end and a strip immediately alongside the main road. Policy 52 of the HwLDP, SPP and the Scottish Government's Control of Woodland Removal Policy state that development will only be supported where they offer a clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required. There will be a stronger presumption against development within Inventoried Woodland.

The intention appears to be to remove all of the trees. A professional Tree

Survey, constraints plan and Impact Assessment are required and this information should be used to design a layout which retains and safeguards an appropriate level of trees on the site.

The applicant needs to set out the public benefits the development would present, quantify the tree cover to be removed and provide details of compensatory planting.

Mar 2017 Tree Survey Impact Assessment and Method Statement Submitted

Forestry Officer further response (22 March 2017) :

- Welcomes submission of Impact Assessment & Method Statement, however
- No Tree Protection Plan submitted
- Layout not revised to take account of the trees
- No landscaping plan submitted

16 Nov 2017 Trees felled just beyond eastern end of site; reported to the Forestry Commission and to the police by the developer's agent – no felling licence had been obtained and it is not known who undertook the felling. No further action taken.

1 Dec 2017 : Development Site Impact Assessment and Method Statement submitted.

**5.8 Development Plans:** The site is within the Settlement Development Area of Spean Bridge, allocated (MU1) for mixed use including business use, with an indicative housing capacity of 8 houses. The developer requirements include a shared access to serve both uses with justification for any new junction onto the trunk road, a pedestrian/cycle crossing over the A86 to the school, to retain trees and high quality design. Relevant supplementary guidance: Developer Contributions, Open Space in new Residential Development, Flood Risk and Drainage Impact, and Trees, Woodlands and Development.

The emerging WHILDP (WestPlan) initially dropped the site (SBM3) in the Main Issues Report stage, but brought it back as an allocated site, SB08, in the proposed plan, identifying the site for mixed development, as before, adding in retail as a potential use, and upping the indicative residential capacity to 10 houses. The proposed café use is a technical departure from the site's allocation, however this would be integral to the farm shop and would not undermine the overall purpose of the allocation or the wider place making objectives for Spean Bridge, and particularly in reinforcing Spean Bridge as a local service centre. Consultation on the Proposed Plan has ended and all representations to it are a material consideration in the determination of the application. To ensure that the mix of uses are delivered, a planning condition is recommended that specifies only up to half of the total number of homes proposed can be developed before the serviced retail site is delivered. A further condition is recommended to ensure that the landscaping is delivered in stages if the scheme is developed in phases and not all at once.

20 Dec 2017: Regarding developer contributions the revised scheme for 9 houses requires the following to accord with the Developer Contributions Supplementary Guidance:

- 25% *affordable housing for developments of 4 or more dwelling units* generates a need for 2.25 affordable homes – which is rounded up to 3 units as required by the SPG
- *Spean Bridge Primary school* has a planning capacity of 125 pupils and has a current roll of 115 (92%). The school roll forecast (SRF) indicates that the numbers will exceed capacity in 2027. The development is predicted to generate a need for 3 additional primary school places (9 homes x 0.3 pupils per home = 2.7 (3)). As there is insufficient capacity to accommodate additional pupils from the development alongside other developments in the catchment, developer contributions are required towards increasing the primary school's capacity. This contribution has been calculated based on applying the following:  
 $\text{£2,547 (1 classroom extension rate index linked to Q3 2017 as set out in the draft DCSG – Table 2.1) x 9 houses} = \text{£22,923}$   
 Lochaber High Secondary school is under capacity throughout the SFR period and therefore no secondary school developer contributions are required.  
 No requirement for nursery school provision – no capacity problems anticipated
- *Community Facilities* – this is calculated at a rate of 0.69sqm of community facility space per dwelling - £1009 per home with this cost reflecting Q3 2017. For 9 homes this equates to a total contribution of £9,081
- *Transport and active travel* – A pedestrian/cycle crossing is required over the A86 to the school. The adequacy of Transport Scotland's recommended condition to secure an "uncontrolled dropped kerb pedestrian crossing of the Trunk Road", is questioned given the location opposite the primary school and likelihood for the site to be used for informal drop off and pick up of school children
- *Open space* – the development of 9 houses generates a need for the provision and maintenance of 520sqm (9 x 2.31 average home occupancy x 25sqm per person = 520sqm) of high quality, useable public open space. This can be provided in several forms including amenity green space, equipped play areas and natural green space. Where this cannot be delivered or maintained, the calculator in the SPG sets out the appropriate level of financial contributions towards improving open space provision in the vicinity.
- *Public art* – this may be an integral part of the overall design of the development. The preferred approach is to integrate public art into the design of fixtures and fittings in the public realm, and can be secured by planning condition. In exceptional cases a contribution up to the value of 1% of the capital budget could be collected by the Council for off site provision, and secured by means of a legal agreement.
- *Indexation and payments* – all costs are subject to indexation with sums reflecting the most up to date BCIS All-in tender Price Index figures. The Council's accepted contribution payment methods are set out in the draft Developer Contributions Supplementary Guidance. In order to avoid incurring legal fees and entering into a Section 75 legal agreement, the developer may wish to consider the option of an up front payment in full, should a minded to grant planning permission be reached.



5.9 **Housing** 11 Dec 2017: confirm there is a need for affordable housing on site; as the revised application is for 9 units, 3 of these are required to be affordable. The developer is invited to contact the Council's Housing Development Officer to discuss the unit type/size required.

5.10 **Access Panel:** Recommend making one of the type A houses accessible – which would mean re-arranging the ground floor layout. The café layout should also be accessible by wheelchair. The panel would be willing to meet with the developer to discuss further.

## 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 & Place-making

31 - Developer Contributions

32 - Affordable Housing

34 - Settlement Development Areas

40 - Retail Development

51 - Trees and Development

52 - Principle of Development in Woodland

56 - Travel

57 - Natural, Built & Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 - Landscape

64 - Flood Risk

65 - Waste Water Treatment

66 - Surface Water Drainage

75 - Open Space

### 6.2 **West Highland and Islands Local Plan 2010 (as continued in force)**

Site Allocation MU1 – Objectives for Spean Bridge:

- to reinforce Spean Bridge as a local service centre and promote a balanced village structure – including open spaces – either side of the river
- to maintain and enhance the local character deriving notably from the traditional buildings and spaces fronting the main thoroughfares
- to promote economic development

- to arrest pressure for ribbon development along the A86 approach
- to safeguard the exceptional trees, semi-natural woodland and walks associated with the river and avoid encroachment of development into areas at risk of flooding
- to promote pedestrian connection improvements
- to protect the Tree Preservation Order, Ancient Woodland, and SSSI features within the settlement

### 6.3 **West Highland and Islands Proposed Local Development Local Development Plan 2017**

Site Allocation SB08 -

Developer requirements:

- Minimum 6 metre buffer between watercourses and development;
- Drainage Impact Assessment;
- Retain existing woodland where it will provide direct amenity benefit, for example on the site boundaries.
- Compensatory tree planting to enhance boundary planting and the green network;
- Protected species survey;
- new /enhanced junction required onto the A86 trunk road;
- Possible Traffic Regulation Order to extend the existing A86 trunk road 30mph speed limit further east;
- Active travel connections to village centre and potential A86 crossing to primary school;
- High quality siting and design

## 7. **OTHER MATERIAL CONSIDERATIONS**

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

Developer Contributions (March 2013)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Public Art Strategy (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

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

Para 125 : Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach.

Para 129 : Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution is required, this should

generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy.

216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

217. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

218. The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

## **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) layout and design

- c) trees and Ancient Woodland
- d) surface water drainage
- e) access and parking
- f) developer contributions
- g) any other material considerations.

#### Development plan/other planning policy

8.4 The fact that the site is allocated for mixed use in the adopted Local Plan carries significant weight. The emerging West Highland and Islands Local Development Plan (West Plan) is well advanced and will replace the WHILP (as continued in force) once adopted. The Lochaber elements of the Proposed West Plan were agreed by Members in January 2017. Consultation ended on 21 July 2017, and the proposed plan is a material consideration in the determination of planning applications. There are 3 objections to this site's continued inclusion as an allocated site, SB08, in the proposed plan however, and these are relevant, "material" considerations. Similar objections have been made to this planning application. Nevertheless, the Local Development Plan Examination has not yet taken place, and so the adopted Local Plan currently takes precedence.

The fact that this is an allocated site means that there is no justification for another site to be developed first, or for a need for the housing to be demonstrated, or for the viability of the development to be demonstrated. Provided the development would meet the objectives set out in the Local Plan for that site and for Spean Bridge generally, it should be supported. The proposal is for 9 units, whilst the adopted Local Plan allocation is for 8, and the allocation in the proposed West Plan is for 10 units. The layout is such that the density of development proposed is considered acceptable.

8.4.1 The developer accepts the need for an element of affordable housing and is prepared for it to be delivered on site, at a level that meets policy. A planning condition is recommended to ensure that the serviced retail element of the site is delivered in a timely fashion; and it is considered reasonable for no more than half of the houses to be delivered before the farm shop and café element are provided. Similarly a condition can ensure that landscape planting and other development associated with the scheme is delivered in a staged manner, to ensure that it is delivered in a timely fashion if the whole of the housing element is not developed altogether. A planning condition would also ensure that the proposed farm shop and café uses remain as such, and cannot subsequently be converted into a less suitable use in this primarily residential area. The planning obligations to which the development is subject may be secured by conditions and a S75 Legal Agreement.

The proposal would therefore accord with policy 34 of the HwLDP in principle, subject to meeting the criteria addressed below.

#### Layout and design

8.5 The layout, with the farm shop and café at the west end of the site, would relate satisfactorily with the adjacent properties, by virtue of the distance between them

and their orientation. The side elevation of Distant Hills would be approx. 27m away from the side of the farm shop building, and separated by a private lane serving several properties. There is some screening within the grounds of Distant Hills which would assist in mitigating the impact of the building from that property, and boundary fencing and landscape planting around the development is sought as a requirement of planning permission, and the retention of some trees along the boundary are also sought to assist with this. The height and design of fence can be controlled by condition to ensure it is appropriate to the village setting and not too severe in visual amenity terms.

- 8.5.1 Similarly the boundary treatment between Mehalah, which is approx. 23m behind the farm shop/café, can be prescribed by planning condition. There are several trees on either side of the boundary at present. Distant Hills faces the road, whereas Mehalah faces towards the river, and so both properties would not have their principal elevations facing the development. The primary school building would be opposite the farm shop/café, however the separation distance would be over 60m given the car park in front of the proposed shop. The relationship with adjacent properties is therefore satisfactory.
- 8.5.2 The linear form of the proposed houses would follow the generally linear pattern of development along the A86, and it would fit the allocated site satisfactorily, with the houses set back off the main road, the access road providing separation, and thereby contributing to the amenity of residents. Land to the east of the site is not allocated for development in the Local Plan and it is not within the Settlement Development Area. Whilst any future proposal to expand in this direction would be treated on its merits at the time, current policy would not support any such expansion to the proposed development in this direction. Compensatory planting for the trees lost as part of this development are also proposed in this area.
- 8.5.3 The land to the south of the proposed development would be where the open space requirements for the development would be provided. With proximity to the river this area would present challenges to development regarding drainage and the immediate riverbank is obviously a flood risk zone. This land is also outwith the SDA, and within the Ancient Woodland designation.
- 8.5.4 The design of the farm shop is plain and fairly utilitarian. However it would not significantly detract from the appearance of the village as a whole, or have a significantly adverse impact on neighbouring properties or the school. The use of larch cladding for the walls rather than profiled metal sheeting, as originally proposed, would be more appropriate to the village location, and this may be secured by condition. Signage may also be made the subject of a planning condition. To ensure it is appropriate to the village location.
- 8.5.5 The house designs are similar to other new houses in the area, and there is sufficient variation in their design so that they would not appear overly uniform. The proposed use of a grey tile for the roofs and render for the walls would fit in with, and be in keeping with other houses in the area.
- 8.5.6 The development would therefore accord with policies 28 and 29 of the HwLDP.

## Trees Woodland and Ancient Woodland designation

- 8.6 The site is allocated for development within the Local Plan. Although the Plan does seek the retention of trees and safeguard of the woodland, its inclusion as an allocated site does mean that it has nevertheless been considered as an appropriate site for the strategic development of Spean Bridge. It is recognised that such settlements should grow and be the focus for development, in preference to development in the wider countryside because proximity to services and facilities make such locations more sustainable. It would not be possible to develop the site without a substantial amount of tree loss. The Scottish Government's Control of Woodland Removal Policy states that removal should only be permitted where it would achieve significant and clearly defined additional public benefits. There will be a stronger presumption against development within Inventoried Woodland. The development for a mixed use including a shop, café and housing in accordance with the Local Plan allocation would however present a public benefit in helping sustain Spean Bridge as a main settlement. The proposal would not therefore conflict with the Government's Control of Woodland Removal Policy and SPP.
- 8.6.1 An amended site layout plan was sought to reduce the impact on trees, and ensure the riparian strip on either side of the watercourses would be safeguarded. Whilst a large proportion of the site and woodland would be cleared to make way for the development, it would be possible to retain some of the trees along the site frontage, behind the necessary visibility splays, and along the boundary with the lane to the west, and the boundary with Mehalah to the rear. In addition the reduction from 10 houses to 9 has resulted in the smaller watercourse being retained as a natural feature through the site and trees along its length would be retained. There is sufficient space within the site beyond the last house to keep those trees that are existing, and to plant additional trees to ensure sufficient screening from the east, and to safeguard the wooded approach to Spean Bridge in views from the A86.
- 8.6.2 Behind the main road frontage much of the site is in fact open as it is a wayleave strip under overhead powerlines. This is included in the area covered by the Ancient Woodland designation whilst the site frontage and woodland at the west end of the site, perversely, is not.
- 8.6.3 Conditions are recommended to ensure those trees that can be retained within the development site, are retained and protected, and that the compensatory planting to the east of the site is delivered, together with new tree planting where necessary around the site boundaries to provide an attractive setting for the development. It is recommended that the submitted Tree Protection Plan and Arboricultural Method Statement are updated to reflect the revised layout and made the subject of planning conditions. The development would thereby not conflict with policies 51 and 52.
- 8.6.4 An Ecological Assessment of the site, and surveys for bats, otter, pine marten was undertaken. No evidence of these species was found on the site, and the age and character of the (mainly) juvenile birch trees on the site are such that they are unlikely to support and roosts, holts, or dens. It is likely that these

species will be active in the area, and it is recommended that a pre-commencement survey is undertaken prior to commencement of construction and prior to any tree felling on the site.

### Surface Water Drainage

- 8.7 The amended layout has resulted in the deletion of one dwelling unit in order to avoid encroaching on one of the watercourses. Both the larger watercourse bounding the east end of the site and the smaller watercourse, two thirds of the way along the site, now include adequate buffer zones that would help to mitigate surface water flows. The retention of riparian trees would also assist in reducing the impact of flooding and help to stabilise the land in these areas.
- 8.7.1 Conditions are recommended to secure a 6m minimum stand off distance for all development from the watercourses crossing the site, finished floor levels of the houses in relation to these burns, further details of surface water run off rates and arrangements for the future maintenance of sustainable drainage features on the site. The development would thereby accord with policy 66 of the HwLDP.

### Access and Parking

- 8.8 The position of the proposed access serving the development off the A86 is acceptable in principle to Transport Scotland, and conditions are recommended to secure the details of the geometry and visibility standards. The road serving the houses would be required to be to an adoptable standard, given the scale of the development, and this would necessitate the cul de sac head being suitable for the bin lorry to turn, and drainage from the road to meet Highland Council standards for roads. The development would accord with Policy 28 in this respect.
- 8.8.1 The amended plan includes 33 parking spaces for the shop/café which is considered acceptable, and at least 2 car parking spaces per dwelling units which would accord with the Council's minimum parking standards. A planning condition can ensure at least 2 of the shop/café parking is suitable for disabled persons, and secure a minimum of 5 covered cycle parking spaces.

### Services

- 8.9 It is for the developer to discuss with Scottish Water connections to the mains water supply and adopted foul sewer. They have indicated that there is capacity to accommodate this development. The developer would be obliged to carry out further investigations prior to securing any connections, and any issues regarding, for example, water pressure, would be addressed at this stage.

### Developer Contributions

- 8.10 Road Crossing and Active Travel: The developer has agreed in principle to providing a crossing from the site to the primary school side of the road. Details have yet to be finalised with Transport Scotland and this can be secured by way of a negatively worded planning condition. Footpath links from the development to the existing footpath to the west of the school, providing connectivity with the

rest of the village are also required.

The position of the existing 30mph and variable 20mph speed limit signs would also need to be reviewed, and moved to the east if necessary.

- 8.10.1 Affordable Housing: 3 of the units on this site would be affordable, and the developer is in discussion with the Council's Housing Service regarding the various potential forms of tenure. This will be secured through a S75 Legal Agreement to ensure the houses remain affordable in perpetuity unless the developer has legally entered into a contract with a housing association prior to the determination of the planning application. At the time of writing therefore a S75 is required.
- 8.10.2 Primary School: The Developer Contributions SPG requires a financial contribution based on the provision of additional classrooms to be applied on a per housing unit basis. The figure calculated in this instance is £22,923 – see Development Plans Consultation response above.
- 8.10.3 Community Facilities: A residential development of 4 or more houses which will have an impact on current provision will be subject to a contribution to the enhancement or creation of new community facilities. This is calculated at £9,081 for this site - see Development Plans Consultation response above.
- 8.10.4 Open Space: Again, for residential developments of 4 or more houses a minimum amount of open space provision should be provided on site and only in exceptional circumstances would contributions be accepted in lieu of on site provision. In this case, the required 520sqm could be provided on the land immediately adjacent to the site in between the development and the river. This land is within the applicant's ownership. Given the sensitivity of this environment, which is an attractive wooded river bank and within the Ancient Woodland designation, an informal network of paths would be appropriate, providing a route to the river bank from the end of the road serving the houses, and a loop of paths providing a circular route alongside the river and back to the road via the minor watercourse.
- 8.10.5 Public Art: This could be integrated into the "public realm" structures associated with the development. A condition is recommended to secure details of an appropriate public art contribution as part of the development.

#### Other material considerations

- 8.11 The suitability of the development for disabled persons is addressed primarily through Building Standards and other legislation. Nevertheless, the willingness of the Lochaber Disability Access Panel to meet with the developer to input at an early stage will be brought to the developer's attention.

There are no other material considerations.

#### Non-material considerations

- 8.12 The issue of construction traffic is an inevitable consequence of development, and is relatively short lived. Other legislation deals with what are reasonable hours of



working in residential areas, and this is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.13
  - a) Affordable Housing
  - b) Financial Contribution towards Primary school provision
  - c) Financial contribution towards Community Facilities
- 8.14 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

**9. CONCLUSION**

- 9.1 The proposed development would accord with the site's allocation in the adopted Local Development Plan.
- 9.2 Key considerations, namely trees and Ancient Woodland, surface water drainage and the retention of open watercourses across the site, together with the provision of a road crossing over the A86 can be adequately accommodated as part of the development. All other matters may be satisfactorily addressed through planning conditions, as set out below.
- 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: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

**11. RECOMMENDATION**

|   |          |
|---|----------|
| <b>Action required before decision issued</b> | <u>Y</u> |
| Notification to Scottish Ministers            | N        |
| Conclusion of Section 75 Obligation           | Y        |

Revocation of previous permission                      N

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

### **Conditions and Reasons / Reasons for Refusal**

1. No more than 5 of the houses hereby permitted shall be constructed before the farm shop and café is constructed on the site.

**Reason:** In order to ensure that a mix of uses is secured on the site in accordance with the objectives of maintaining Spean Bridge as a service centre, in the West Highlands and Islands Local Plan 2010.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) and Article 3 and Classes 10 to 13 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), the development hereby approved shall be used solely for retail with an ancillary café element and for no other use or purpose.

**Reason:** In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area, in accordance with policies 28 and 34 of the Highland wide Local Development Plan, 2012.

3. The café area within the building shall not exceed 80m<sup>2</sup> (measured internally).

**Reason:** In order to enable the Planning Authority to retain effective control over the future use of the application site so that it is carefully managed and remains compatible with surrounding land uses and to ensure that infrastructure capacities are not exceeded; in accordance with policies 28 and 34 of the Highland wide Local Development Plan, 2012.

4. No development shall commence until details of 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 and floor levels in relation to an identified fixed datum point and in relation to the watercourses across the site;
- 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; for the avoidance of doubt a 1.8m high close boarded fence is unlikely to be acceptable on any of the

publicly visible site boundaries.

- 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; this shall include the timing and phasing of landscaping to tie in with any phased development of the site as a whole.

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, and implemented in a timely fashion, appropriate to the location of the site in accordance with policies 28 and 34 of the Highland wide Local Development Plan, 2012.

5. No development shall commence until full details of the re-aligned position of the existing overhead line have been submitted to and approved in writing by the Planning Authority.

**Reason:** In the interests of minimising the impact on trees and Ancient Woodland, and on amenity, in accordance with policies 28, 29, 34, 51 and 52 of the Highland wide Local Development Plan, 2012.

6. No development shall commence until an updated Development Site Impact Assessment (Trees), Tree Protection Plan and Arboricultural Method Statement have been submitted to and approved in writing by the Planning Authority. No trees within the application site, other than those identified in the approved Development Site Impact Assessment shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority. For the avoidance of doubt trees within the 6m riparian buffer zones of the watercourses across the site shall be retained within the development.

**Reason:** In the interests of minimising the impact on trees and Ancient Woodland, and on amenity, in accordance with policies 28, 29, 34, 51 and 52 of the Highland wide Local Development Plan, 2012.

7. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage in accordance with the details set out in the approved Arboricultural Method Statement. Notwithstanding the approved AMS, all retained trees shall be

protected using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason:** In the interests of minimising the impact on trees and Ancient Woodland, and on amenity, in accordance with policies 28, 29, 34, 51 and 52 of the Highland wide Local Development Plan, 2012.

8. No development shall commence and no tree felling shall take place until a pre-construction survey is carried out for bats, otter and pine marten, and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and the area of ground between the site and the riverbank and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat, in accordance with policies 58, 59 and 60 of the Highland wide Local Development Plan, 2012.

9. Compensatory tree planting shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees 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 accordance with Scottish Government policy on Control of Woodland removal, Scottish Planning Policy and policies 51 and 52 of the Highland wide Local Development Plan, 2012.

10. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place within any of the riparian buffer zones detailed on the approved plans without planning permission being granted on application to the Planning Authority.

**Reason:** To ensure that development which is normally permissible without the need for a planning application is carefully managed and does not encroach onto riparian buffer strips. Such buffers strips are required a) for the maintenance of watercourses within the application site, b) to account for natural watercourse migration, and c) in order to safeguard property from

flood risk, in accordance with policies 28, 34, 51, 52 and 66 of the Highland wide Local Development Plan, 2012.

11. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment in accordance with policies 28, 34 and 66 of the Highland wide Local Development Plan, 2012

12. No development or work shall commence until a detailed specification for all proposed external materials and finishes for the farm shop/café and for the houses (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To ensure that the development is sensitive to, and compatible with, its context and local architectural styles, in accordance with policies 28, 29 and 34 of the Highland wide Local Development Plan, 2012 .

13. Full details of all signage on the farm shop and café building, and within the development site hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their installation. For the avoidance of doubt any advance warning signs for the shop and café will require separate consent.

**Reason:** In the interest of amenity, in accordance with policies 28, 29 and 34 of the Highland wide Local Development Plan, 2012.

14. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

**Reason :** To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished, in accordance with policies 28 and 56 of the Highland wide Local Development Plan, 2012.

15. Visibility splays shall be provided and maintained on each side of the access to the satisfaction of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 70 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

**Reason :** To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished, and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road, in accordance with policies 28 and 56 of the Highland wide Local Development Plan, 2012

16. The gradient of the access road shall not exceed 1 in 40 for a distance of 10 metres from the nearside edge of the trunk road carriageway, and the first 10 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

**Reason :** To ensure water run-off from the site does not enter the trunk road and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road, in accordance with policies 28 and 56 of the Highland wide Local Development Plan, 2012

17. The width of the access shall be at least 6 metres wide for a distance of 10 metres from the nearest edge of the trunk road carriageway

**Reason :** To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict, and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road, in accordance with policies 28 and 56 of the Highland wide Local Development Plan, 2012

18. 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, in accordance with policies 28 and 66 of the Highland wide Local Development Plan, 2012

19. A controlled dropped kerb pedestrian crossing of the trunk road is to be provided together with a footway link along the northern side of the trunk road between this crossing and the access road to the school. Details of these are to be submitted to and agreed with the Planning Authority in

consultation with Transport Scotland. Details of the footway on the south side of the A86, included as part of the development shall also be submitted to and agreed with the Planning Authority in consultation with Transport Scotland. The approved footways and crossing shall be constructed prior to occupation of the development.

**Reason :** To maintain the safety of pedestrians crossing the trunk road in the vicinity of the development, in accordance with policies 28 and 56 of the Highland wide Local Development Plan, 2012. Transport Scotland has reconsidered the previous response following representations from the local community and a more detailed consideration of the West Highland and Islands Local Plan. It is now considered appropriate that a controlled crossing should be provided as the development will create a new desire line, providing links to the school and the wider community in Spean Bridge.

20. No other development shall commence until details of the road serving the development hereby permitted have been submitted to and approved in writing by the Planning Authority. Details to show the road serving the residential element to be constructed to an adoptable standard, and further details to include:

- A swept path analysis demonstrating the layout allows for the manoeuvring and turning of a standard Council refuse vehicle
- Details of where delivery vehicles would load and unload in the car park to the farm shop and café and how commercial vehicles would manoeuvre in this area
- Details of covered cycle parking for at least 5 cycles by the farm shop and café
- Details of pedestrian routes within the development site and how they link to existing pavements in the village
- Details of refuse storage provision and collection arrangements for the shop and café
- Surface water drainage

The development shall thereafter be constructed in accordance with the approved plans.

**Reason :** In order to ensure the safety and free flow of traffic on the public road, and facilitate servicing outwith the carriageway, in accordance with policies 28 and 56 of the Highland wide Local Development Plan, 2012

21. There shall be a minimum of 33 parking spaces provided for the farm shop and café, as shown on the revised layout plan, and no less than 2 of these spaces shall be suitable for disabled parking.

The in-curtilage parking for the houses hereby approved shall be dimensioned to comply with Council guidelines (ie. Either 5 x 5.5m or 11 x 3m)

**Reason :** In order to ensure that the level of off-street parking is adequate in accordance with policies 28 and 56 of the Highland wide Local Development Plan, 2012.

22. No development shall commence until a scheme for the layout, design, construction and timing of delivery of the development of a network of informal recreational paths from the development hereby granted permission into the adjacent riverside area has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

**Reason:** In order to ensure that an adequate level of useable open space is made available to residents of the houses hereby permitted, and to the wider public, in accordance with policies 31 and 75 of the Highland wide Local Development Plan, 2012.

23. No development shall commence until details of a public artwork to be incorporated into the development has been submitted to and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

**Reason :** In order to comply with Developer Contributions Supplementary Guidance and policy 31 of the Highland wide Local Development Plan, 2012.

## **REASON FOR DECISION**

The proposed development would accord with the site's allocation in the adopted Local Development Plan.

Key considerations, namely trees and Ancient Woodland, surface water drainage and the retention of open watercourses across the site, together with the provision of a road crossing over the A86 can be adequately accommodated as part of the development. All other matters may be satisfactorily addressed through planning conditions, as set out below.

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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



represents a breach of planning control and may result in formal enforcement action.

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

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

### **Accordance with Approved Plans & 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.

### **Transport Scotland Consent for works affecting the A86**

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by

HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

### **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](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **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.

**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision

taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

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

### **Building on the Boundary**

It is noted that your proposals involve building on or up to the boundary of your property. 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. You must ensure that all development, including foundations, roof overhangs and rainwater goods are contained wholly within your own ground, unless you have the agreement of any neighbouring landowner for any works which encroach on their property.

### **Street Names**

In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

### **Section 75 Obligation**

You are advised that this planning permission has been granted subject to a Section 75 Obligation. The terms of the obligation must be read in conjunction with the planning permission hereby approved. The terms of the obligation may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

Signature: Nicola Drummond  
Designation: Area Planning Manager – South/Major Developments  
Author: Lucy Prins  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Revised Site Layout Plan  
Plan 3 - Revised Site Plan  
Plan 4 - Whole Site Elevation  
Plan 5 - Landscaping Plan

Plan 6 - Compensatory Planting Plan

Plan 7 - Farm Shop

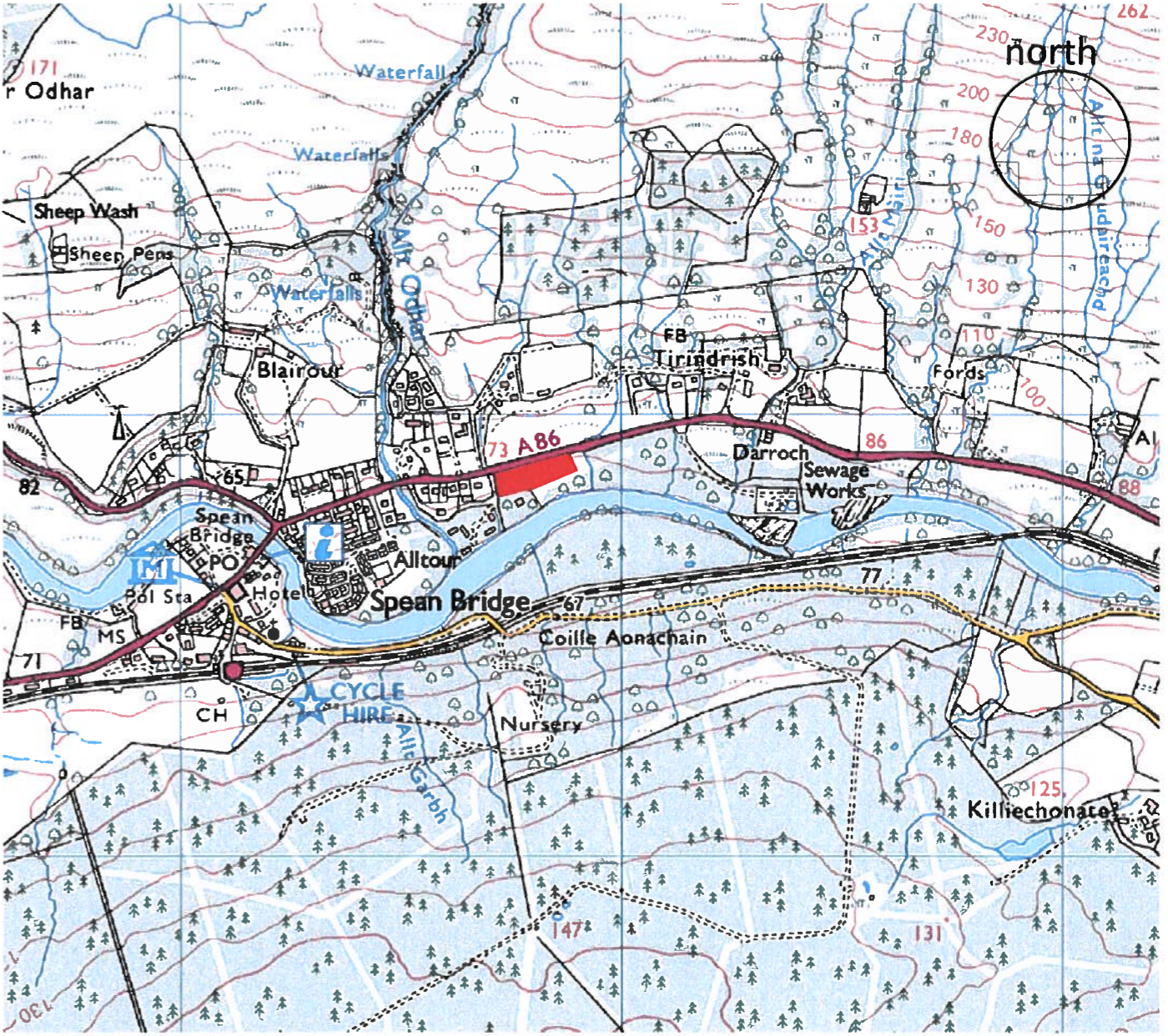
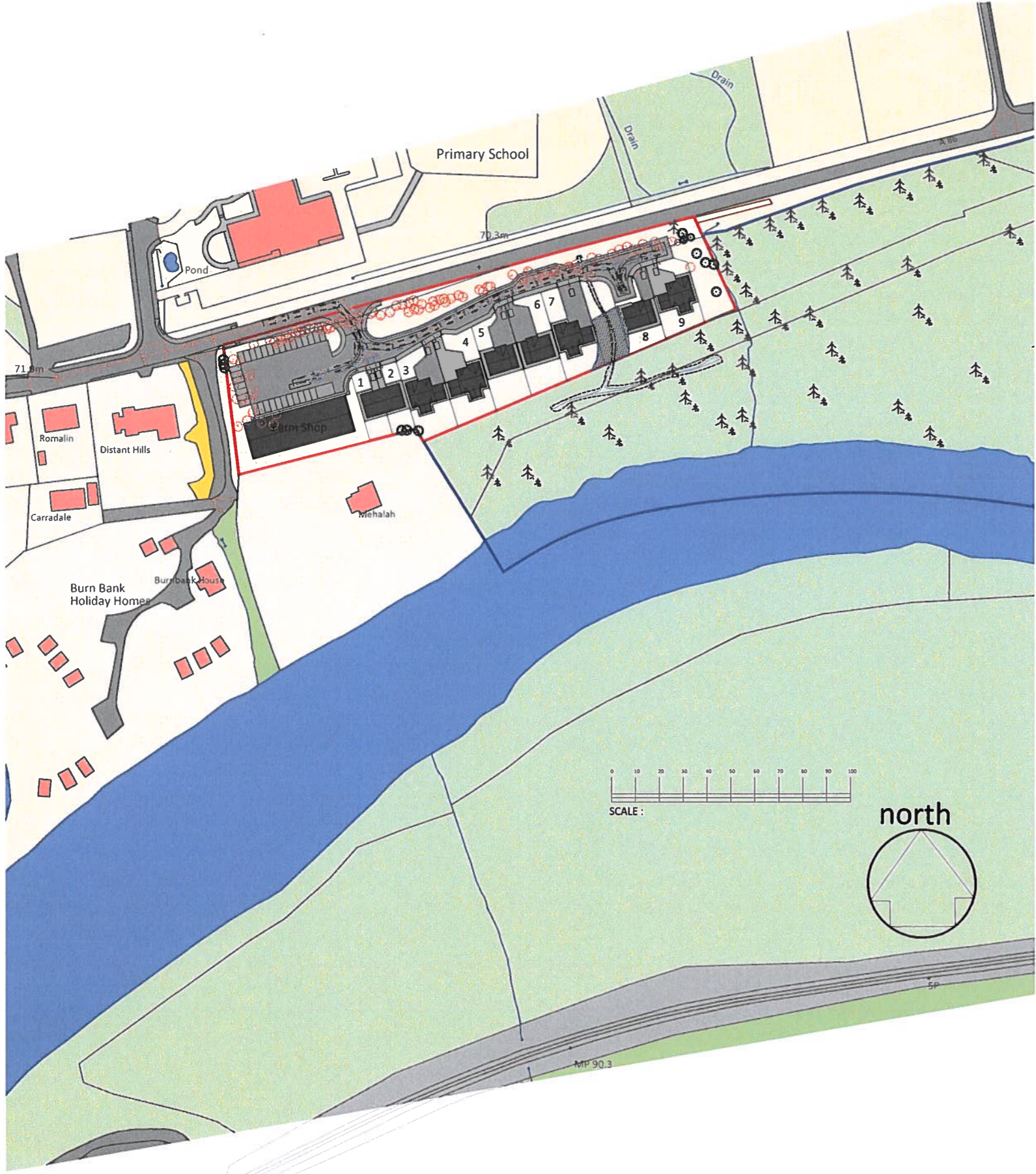
Plan 8 - House Type A elevation

Plan 9 - House Type B elevation

Plan 10 - House Type C elevation



# MU1 Burn Bank, Spean Bridge



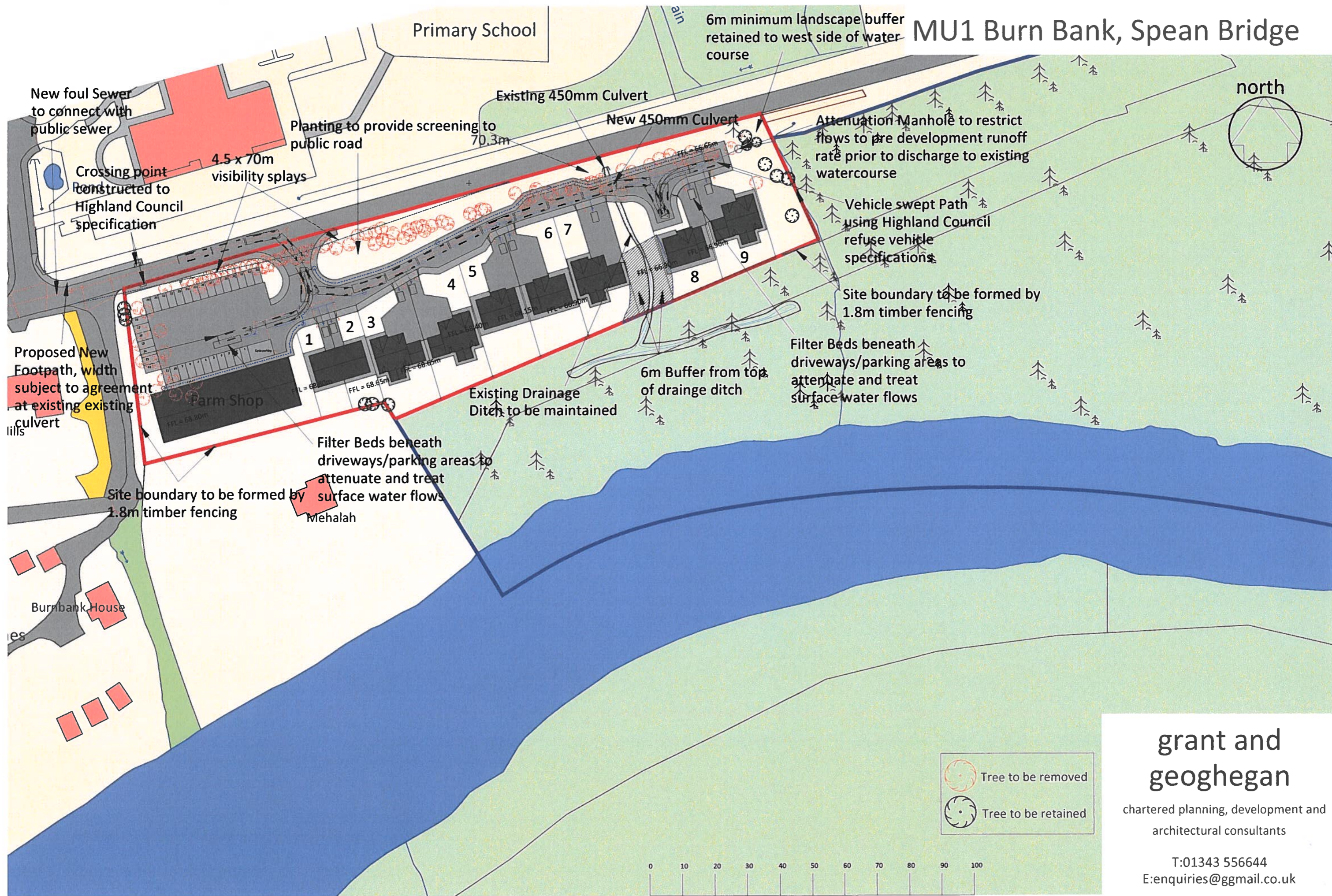
**grant and  
geoghegan**

chartered planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@gmail.co.uk



# MU1 Burn Bank, Spean Bridge



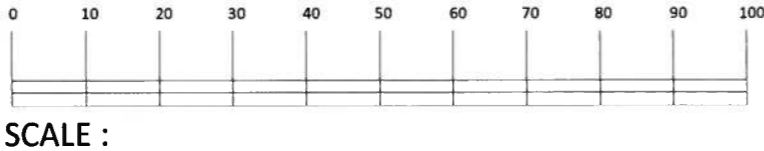
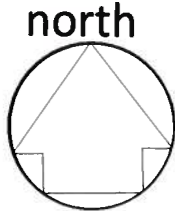
**grant and geoghegan**

chartered planning, development and architectural consultants

T:01343 556644  
E:enquiries@ggmail.co.uk



# MU1 Burn Bank, Spean Bridge

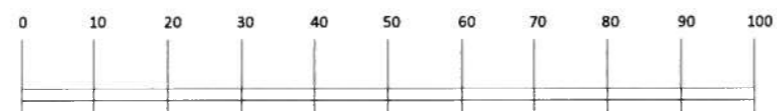


**grant and  
geoghegan**

chartered planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@gmail.co.uk

# MU1 Burn Bank, Spean Bridge



SCALE :

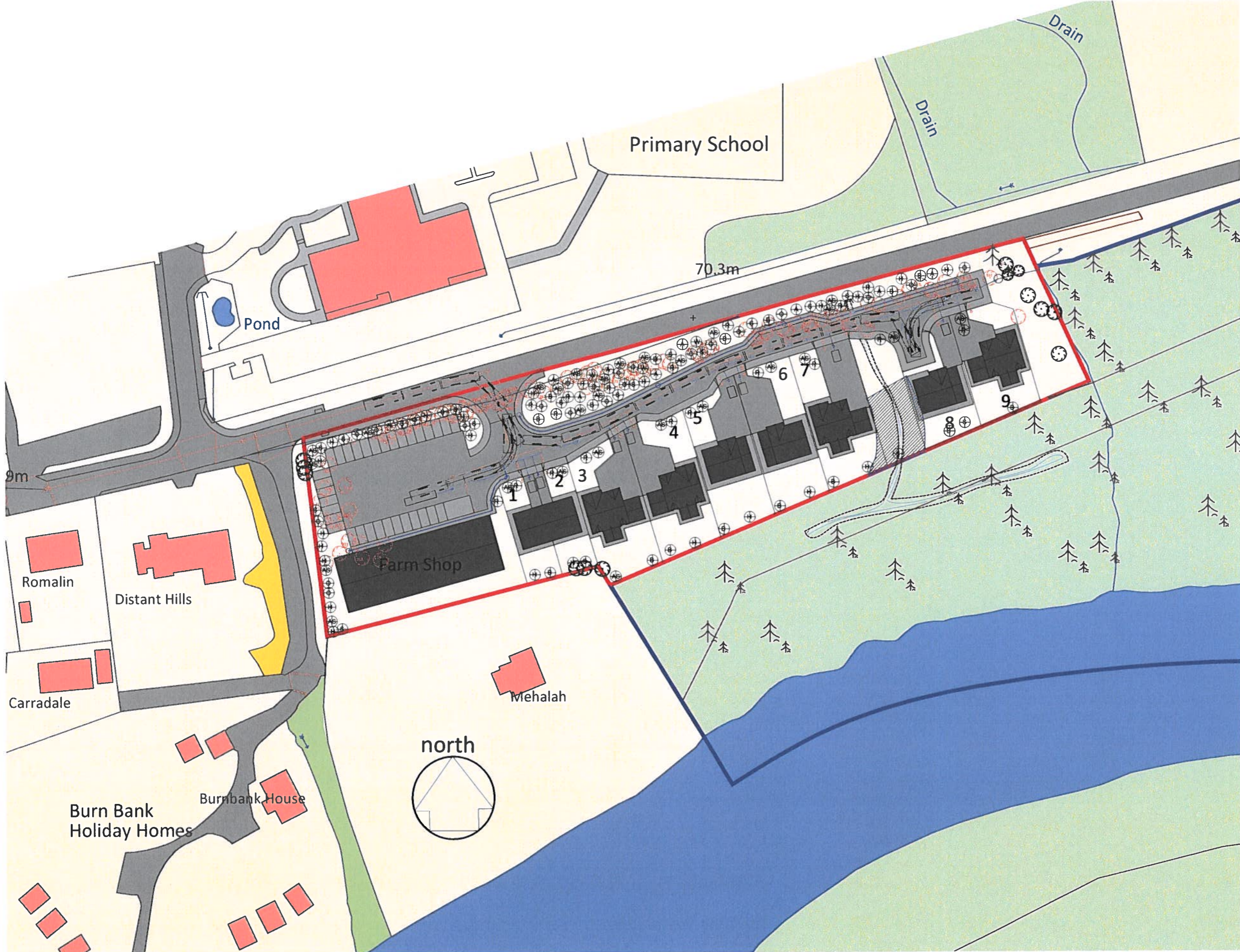
grant and  
geoghegan

chartered planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@gmail.co.uk





# MU1 Burn Bank, Spean Bridge











All new planting to cover 1600m<sup>2</sup> to take place no later than the end of the first planting season after completion.

Any trees which die, are damaged or removed within the first 5 years of planting shall be replaced in the following planting season with those of a similar type and size.

 Tree to be removed  
 Tree to be retained

**Tree/Hedge - Planting Size**  
(3 trees per symbol)

-  Rowan  
150cm minimum
-  Birch  
150cm minimum
-  Hazel  
150cm minimum
-  Alder  
150cm minimum
-  Oak  
150cm minimum
-  Elder  
150cm minimum
-  Whitebeam  
150cm minimum
-  Southern Beech  
150cm minimum

**grant and geoghegan**

chartered planning, development and architectural consultants

T:01343 556644  
E:enquiries@ggmail.co.uk



# MU1 Burn Bank, Spean Bridge



## Compensatory Planting

Clear area crosshatched blue to planted with 3000no. 600mm high birch trees

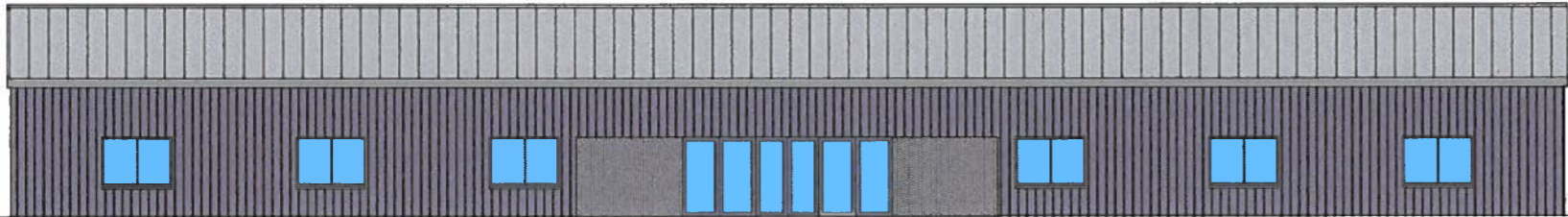
grant and  
geoghegan

chartered planning, development and  
architectural consultants

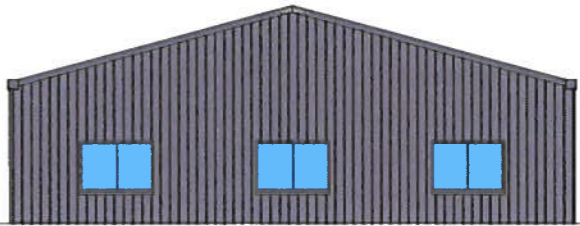
T:01343 556644  
E:enquiries@ggmail.co.uk



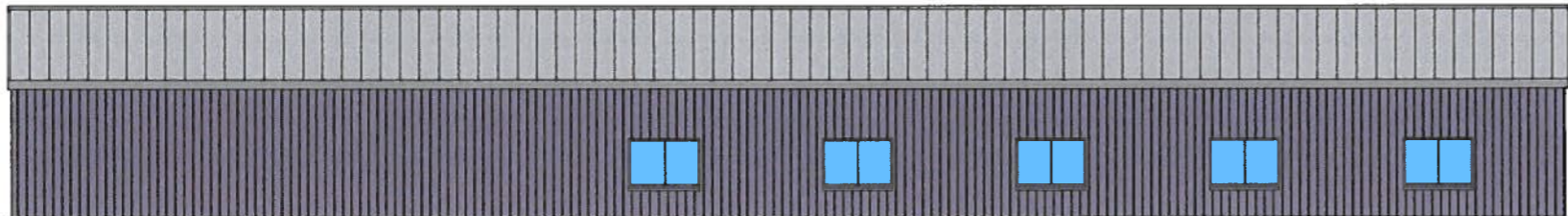
# MU1 Burn Bank, Spean Bridge



Proposed North Elevation



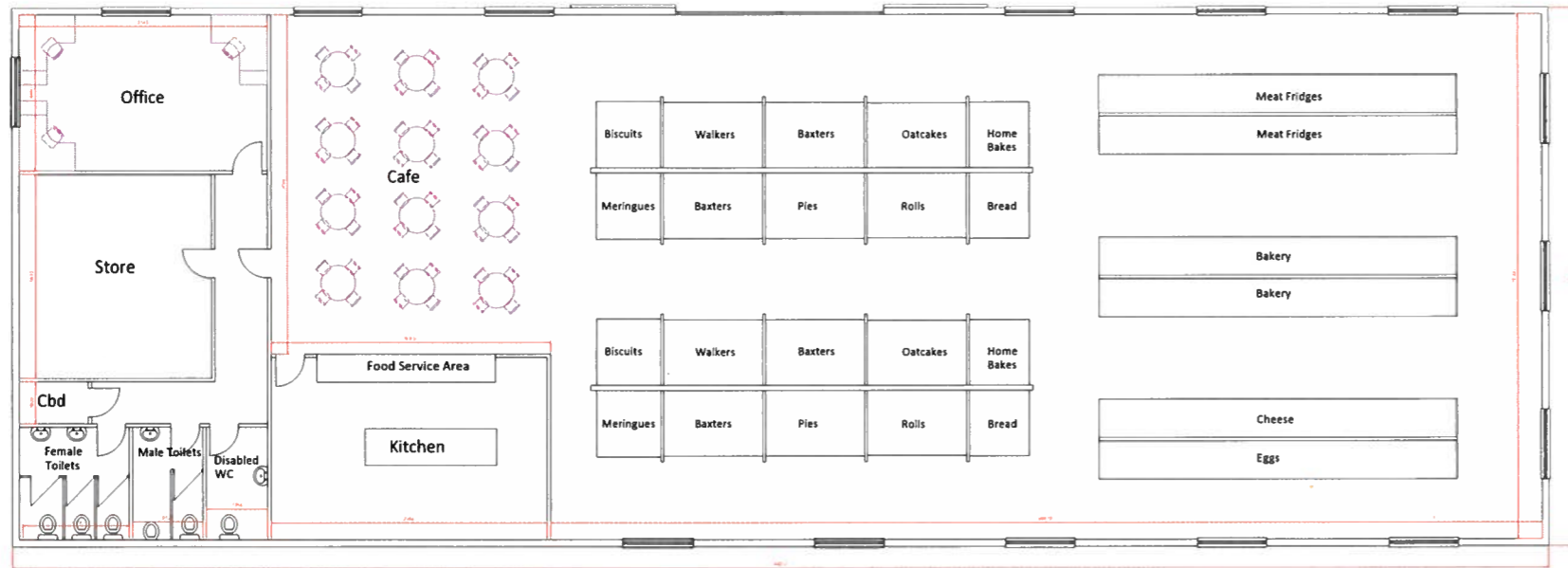
Proposed East Elevation



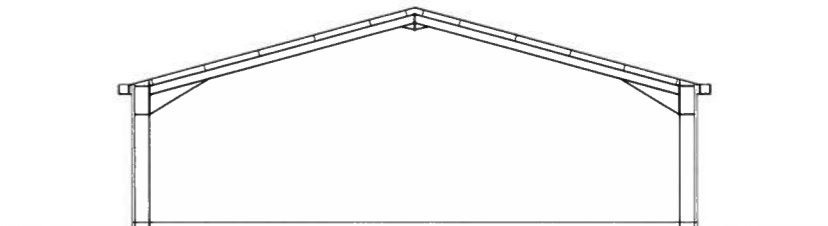
Proposed South Elevation



Proposed West Elevation



Proposed Floor Plan 657sqm



Typical Section

## external finishes

- roof larch cladding
- walls dark grey profile sheeting

**grant and geoghegan**

chartered planning, development and architectural consultants

T:01343 556644  
E:enquiries@ggmail.co.uk



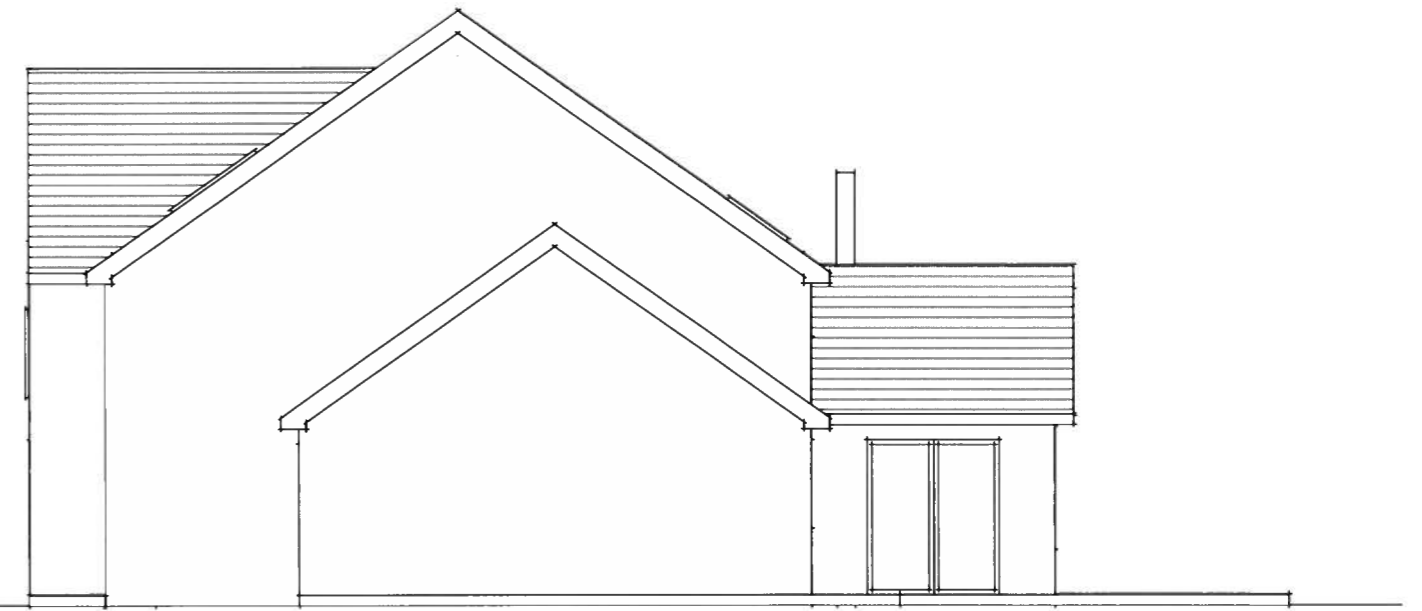
# MU1 Burn Bank, Spean Bridge

## external finishes

roof  
marley edgemere tile - smooth grey  
walls  
k rend - white  
larch linings



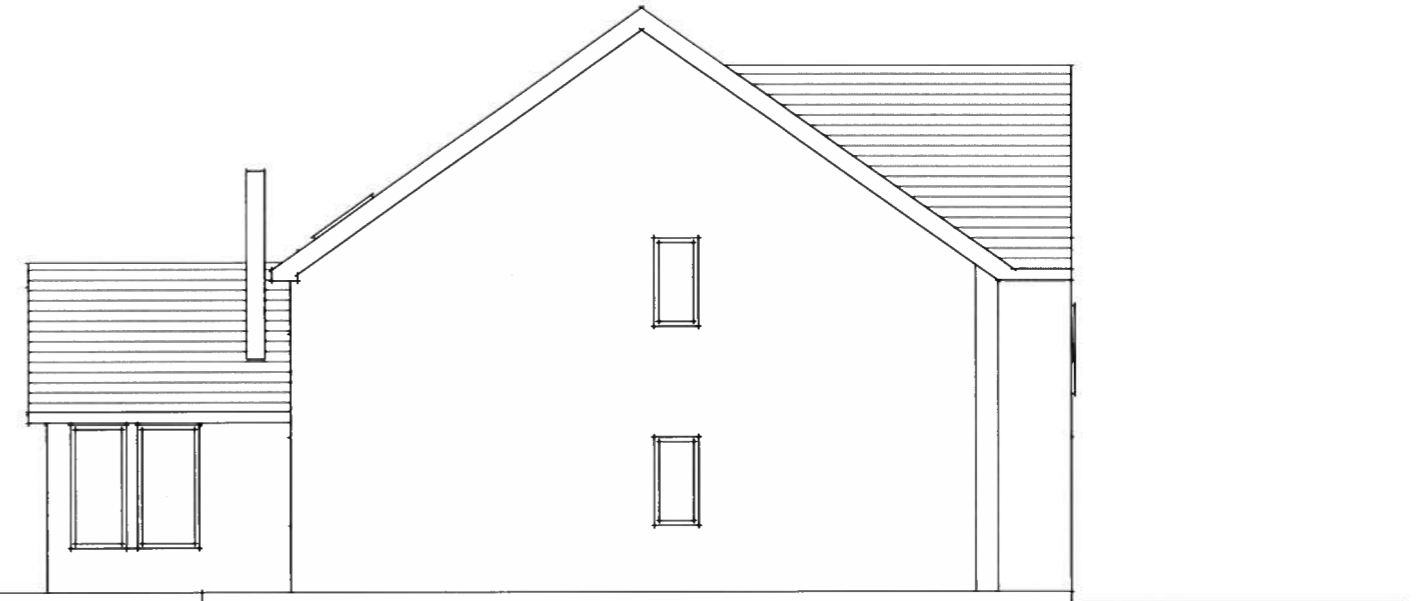
Front Elevation



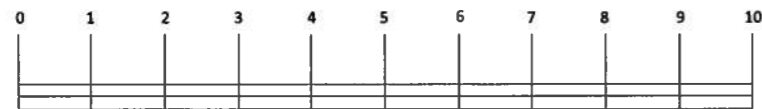
Side Elevation



Rear Elevation



Side Elevation



SCALE :

grant and  
geoghegan

planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@ggmail.co.uk

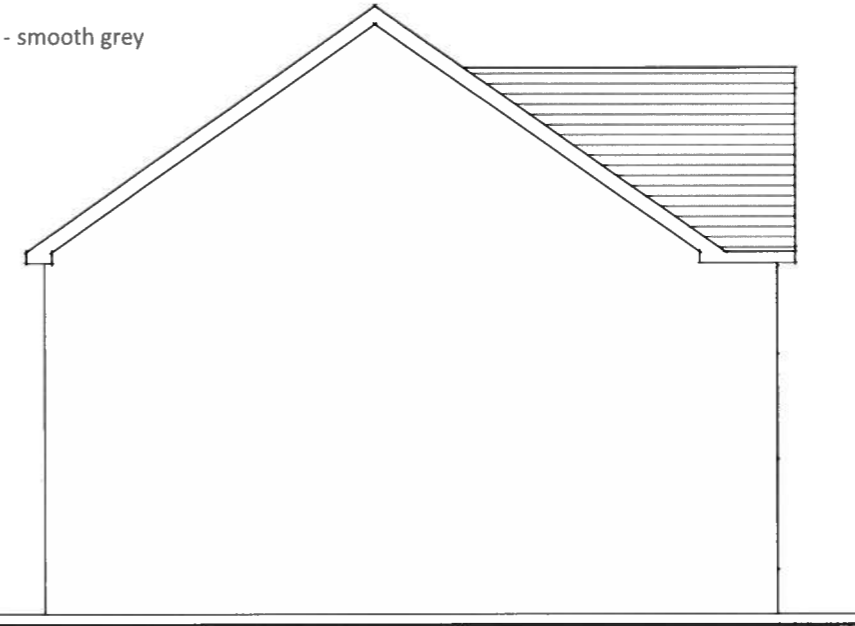
# MU1 Burn Bank, Spean Bridge

## external finishes

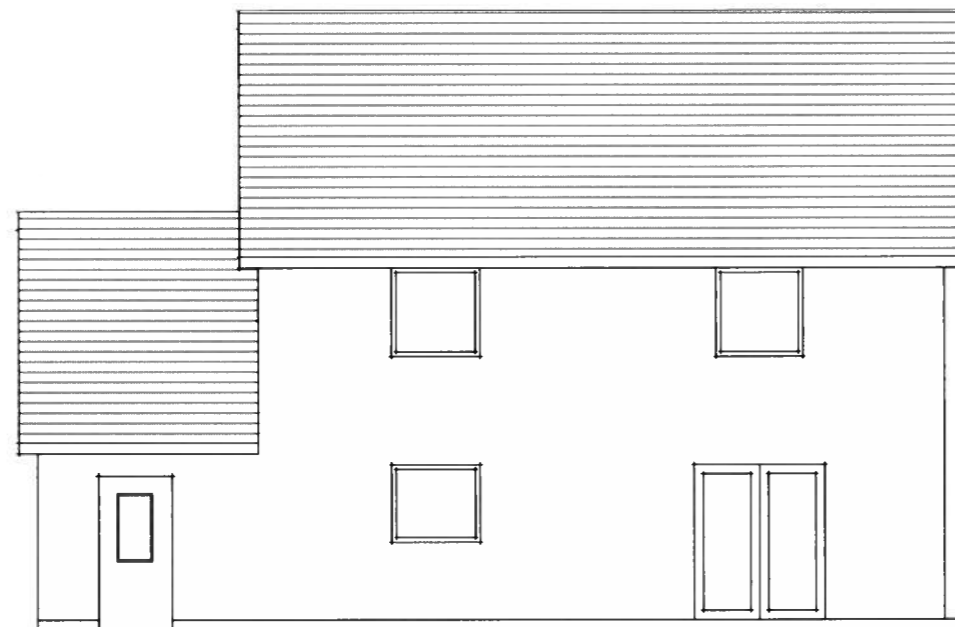
roof  
marley edgemere tile - smooth grey  
walls  
k rend - white



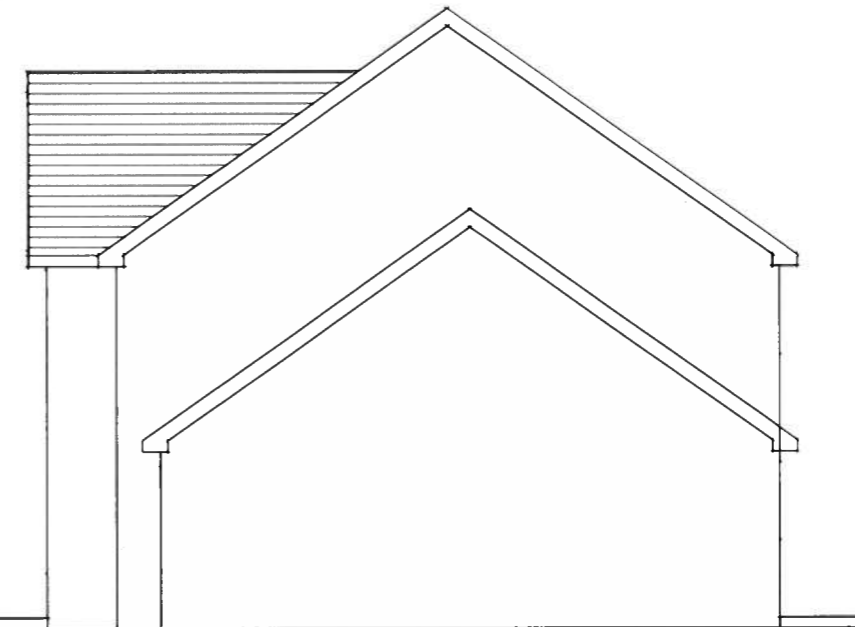
**FRONT ELEVATION**



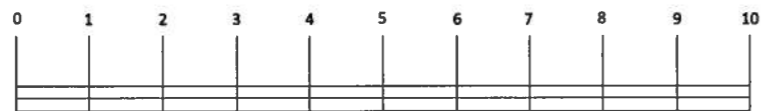
**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**



**SCALE :**

**grant and  
geoghegan**

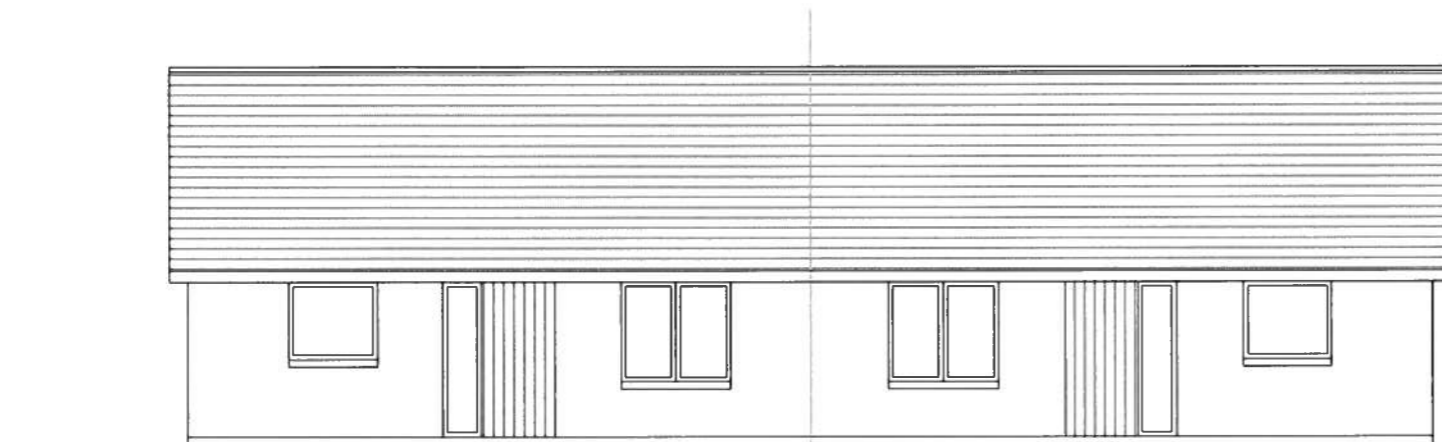
planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@gmail.co.uk

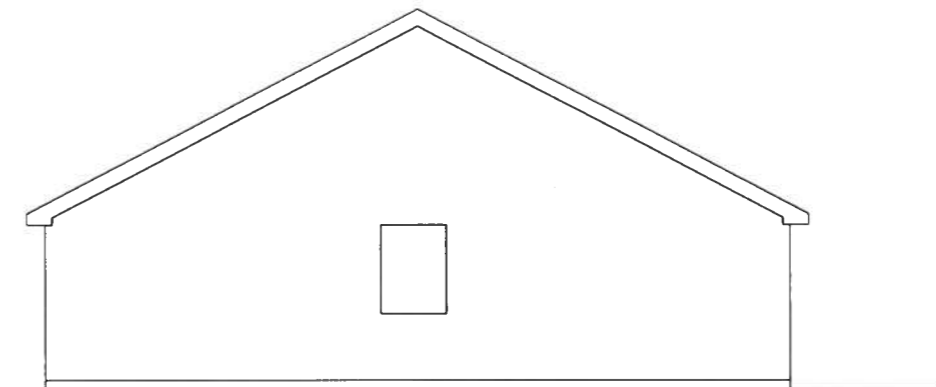
# MU1 Burn Bank, Spean Bridge

## external finishes

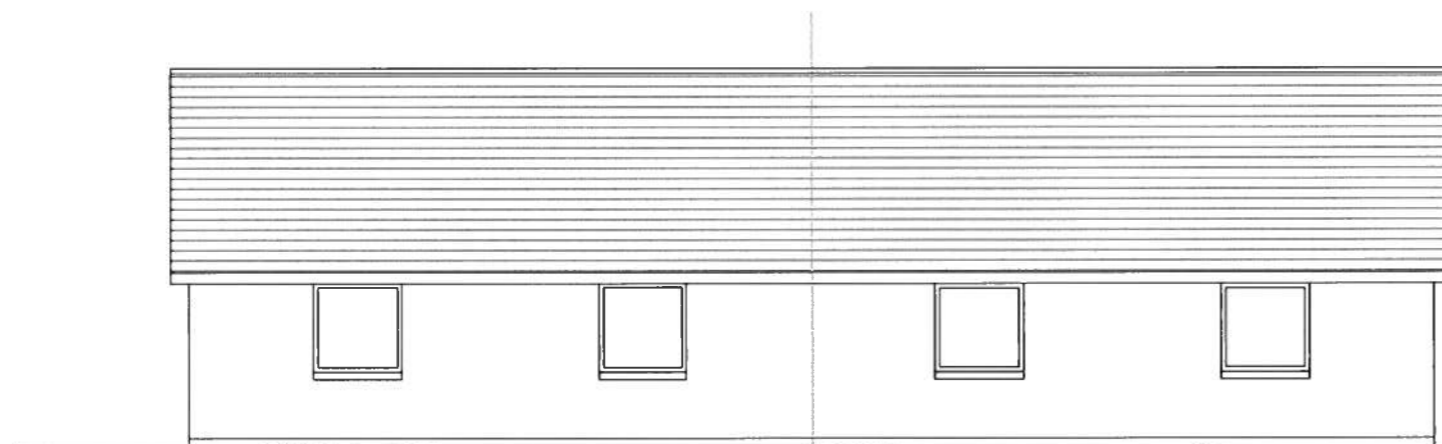
roof  
marley edgemere tile - smooth grey  
walls  
k rend - white



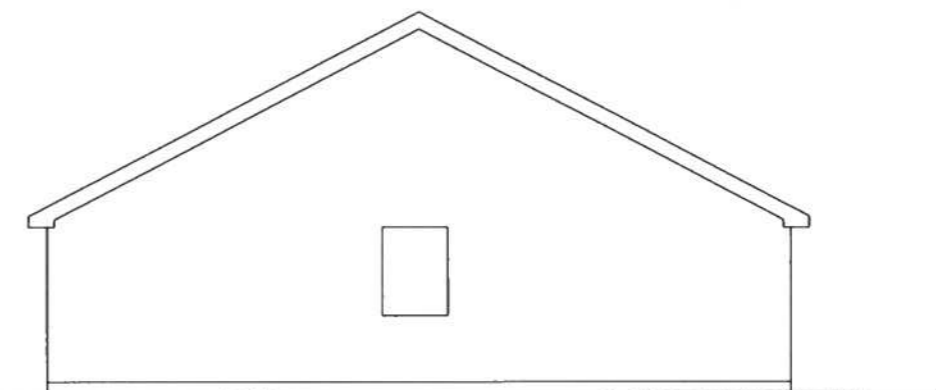
**FRONT ELEVATION**



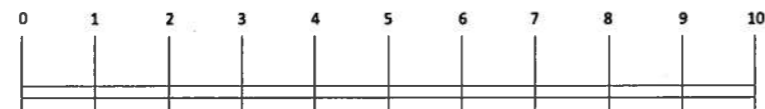
**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**



**SCALE :**

**grant and  
geoghegan**

planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@gmail.co.uk