

Agenda item	<b>6.6</b>
Report no	<b>PLN/036/18</b>

**THE HIGHLAND COUNCIL**

**Committee:** North Planning Applications Committee

**Date:** 5 June 2018

**Report Title:** 17/03808/MS – Land NE of Keilburn Crescent,  
Lochcarron

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

**1. Purpose/Executive Summary**

**1.1 Lochcarron Properties Ltd**

**Erection of 6 houses**

**05 – Wester Ross, Strathpeffer and Lochalsh**

**Local Development**

**More than 5 objections from 5 separate addresses and Committee request when previous permission in principle was considered.**

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

**2. Recommendation**

**2.2 Members are asked to agree the recommendation to approve as set out in section 11 of the report.**

### 3. PROPOSED DEVELOPMENT

- 3.1 The site was subject to permission for the siting of 6 houses under application reference 11/03539/PIP which was approved by the planning committee on 19 June 2012 subject to the prior conclusion of a Section 75 Agreement to ensure the delivery of affordable housing. The decision was not issued until 28 August 2014 due to the time taken to conclude the provision of the affordable housing contribution. This eventually took the form of two plots conveyed to the Council elsewhere within the village rather than through a Section 75 Agreement. The current application was submitted before the previous consent expired. This is a Matters Specified in Conditions application which seeks to discharge the conditions attached to the approved Permission in Principle (reference no. 11/03539/PIP).
- 3.2 There is no existing infrastructure on site. A public footpath and road runs along the frontage of the site.
- 3.3 The application is submitted with the following supporting information:
- Drainage Impact Assessment
  - Flood Risk Assessment
  - Ground Conditions Report
  - Planning Statement
  - Safer Routes to School Review
  - Woodland Management Plan
  -
- 3.4 **Variations:** 05.01.2018 – Amended Site Layout Plan and Cross Sectional drawing showing retaining wall  
16.05.2018 – Amended Drainage Impact Assessment

### 4. SITE DESCRIPTION

- 4.1 The site is located on the main street in Lochcarron (A896) at the northern edge of the village. The site was originally landscaped in accordance with conditions attached to the planning consent for phase 1 of the Finlog housing development at Kirkton approved in 1975. Conditions attached to this consent required the site to be landscaped with mixed trees both to screen the development of non-traditional timber houses with low pitched roofs at the entrance to the village and to provide an amenity feature in association with the development.
- 4.2 The site is currently covered by vegetation including grasses, scrub and a mixture of conifers and broadleaves trees. The site slopes steeply towards the road and trees are generally concentrated in an informal strip along the lower slopes to the east of the site, adjacent to the main road. The upper slopes are more open with occasional scattered trees. Existing residential development at Kirkton is located on a plateau above (to the west of) the site. The gardens of houses on Kirkton Road bound the site to the west and the A896 bounds the site to the east. Trees and vegetation within the applicant's control bound the site to the north and south.

A spring emerges from the slope midway along the site, creating an extensive area of wet, marshy ground. This appears to flow into a culvert and then discharges into the loch. Adjacent houses to the south are former local authority 1 ½ storey semi detached traditional white wet dash harl houses with slate roofs situated in a linear form along the road.

## **5. PLANNING HISTORY**

### **5.1 RC/1992/633 – Erection of seven houses – Refused - 14 October 1992**

The reason for refusal was:

"The application site consists of a landscaped amenity area planted with open mixed woodland in association with the adjacent Finlog Housing Development and the development of this land would require the removal of the majority of the trees to the significant detriment of the visual amenity of the entrance to Lochcarron Village and the amenity and privacy of adjacent residents".

### **5.2 08/00049/FULRC – Erection of six houses (detail) – Refused - 20 June 2011**

A full planning application was submitted in 2008 for the erection of six houses. No concerns were raised with the agent regarding the principle of residential development within the site but a number of other concerns were raised including: appropriateness of the design and layout of the development; removal of trees; lack of drainage details; lack of information to demonstrate that the bank which forms the rear of the site is stable; absence of affordable housing provision; and impacts on the 'Everlasting Well' which is located within the site and is of local historic importance. Following protracted discussions with the agent/applicant, the application was refused in June 2011.

### **5.3 11/03539/PIP – Erection of six houses – Permitted - 28 August 2014**

The application was approved at Planning Committee on 19 June 2012 subject to the prior conclusion of a Section 75 Agreement for affordable housing. The Decision was issued on 28 August 2014 with the affordable housing contribution being met by conveying two plots to the Council. The Housing Development Manager confirms that the Council has secured 2 plots within the village to be developed in the future.

## **6. PUBLIC PARTICIPATION**

### **6.1 Advertised : 25<sup>th</sup> August 2017**

Representation deadline : 10 September 2017

Timeous representations : 10 third parties from 6 addresses

Late representations : None

Grounds of objection lodged are set out in paragraphs 10.14 - 10.15

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

## 7. CONSULTATIONS

- 7.1 **Development Plans:** The site is allocated for six houses in the Proposed West Highlands and Islands Local Development Plan (2017). It is located within Lochcarron Settlement Development Area as defined in the adopted Wester Ross Local Plan (as continued in force) and the Highland wide Local Development Plan.

- Adequacy of the Drainage Impact Assessment should be checked with the Flood Team/SEPA
- Adequacy of Woodland Management Plan and it's mitigation should be checked with the Forestry Officer, there is no firm commitment to compensatory planting
- No detail has been provided of a protected species survey
- No Safer Routes to School Assessment was submitted
- Further information should be sought relating to the Ground Investigation report and mitigation of slope stability risk
- Rear gardens have a steep slope, it is likely future householders will clear woodland and create garden terraces which will have a detrimental impact on trees, surface water drainage and slope stability. An alternative layout should be considered to reduce the house sizes/numbers to allow gardens at the side rather than rear of the houses.

There are several mitigation issues which suggest a lack of conformity with the development plan. The applicant should be required to provide sufficient assurances on the issues listed above to amend this conclusion.

- 7.2 **Flood Risk Management Team:** Initially objected to the application on the grounds of surface water flood risk. Comments are summarised as follows:

- The site lies in a 1 in 200 year coastal flood plain. It should be demonstrated that no development will take place below 4.45 AOD. Overall finished floor levels should not be lower than 5.3m AOD. A topographic survey and updated Site Section drawing requested.
- Mitigation measures required in order to manage flood risk from the Everlasting Well, a buffer strip is also requested of 3m to each side unless an engineered channel proposed.
- It should be demonstrated that a drain to accommodate surface water flows discharging in to Allt an Duin burn will not cause flooding at the point of entry or the culvert. A survey of the culvert requested.
- It is recommended that future property owners are made aware of their responsibility for maintaining the permeable paving in order to avoid future flooding of the public road.

18.04.2018 – Based on further information submitted the objection was maintained and the following observations were made:

- It was noted again that the finished floor levels should be no lower than 5.3m AOD.
- It was noted no development should take place below 5.05mAOD which should be a condition of the permission
- It was still not demonstrated that the burn and culvert under the A896 have the capacity to take additional surface water run off which could increase flood risk to surrounding properties.
- Confirmation on width of buffer zone adjacent to the Everlasting Well still to be clarified

17.05.2018 – Based on further information submitted the objection was withdrawn and the following comments made:

- It has been demonstrated that the risk of coastal flooding is low based upon the existing and proposed ground and finished floor levels. A condition is recommended to ensure that there will be no development below 5.05m AOD and minimum finished floor levels of 5.3AOD should be applied in order to protect against coastal flood risk.
- The flood risk from the burn and Everlasting Well is considered to be low. Planning approval should not be taken to mean there is an absence of flood risk from this source and local residents should be made aware of this feature.
- A minimum 3m buffer around the Everlasting Well has been incorporated into the layout design.
- The drainage system has been designed to accommodate a 1 in 200 year plus climate change rainfall event and will outfall into coastal waters.

A maintenance agreement is required to manage SUDS the details of which should be agreed prior to construction commencing. This should be a condition of consent. It will not be acceptable for the maintenance of the entire shared space to be undertaken by individual property owners.

7.3 **Forestry Officer:** Initial holding objection lodged pending further information.

- The Woodland management Plan should be reviewed and resubmitted as it is 5 years out of date
- It is unlikely that woodland management proposals would be implemented or enforced unless secured by a Section 75 Agreement, or the site boundary extended to incorporate these areas which would then form a communal area managed under a factoring arrangement on behalf of the six properties.

Updated report submitted and on 11.01.2018 the Forestry Officer advised:

- Updated plan is an improvement with a more pro-active approach being taken with the majority of work front-loaded so that it can be undertaken as part of the site landscaping operations. Once the woodland areas are tidied up there will be little requirement for any intensive management other than clearing rubbish and dealing with fallen/unsafe trees. There is still no mechanism to secure delivery.

7.4 **Historic Environment Team:** No objections, the archaeological interest is limited to the Everlasting Well. Provided this is protected there are no further sensitive issues which would require to be addressed.

7.5 **Transport Planning:** The Drainage Assessment does not satisfy the requirements of the Council's Flood Risk and Drainage Impact Assessment Supplementary Guidance.

- Design details have not been provided in relation to the proposed drainage system or who will be responsible for maintaining this.
- Technical approval from Scottish Water should demonstrate that surface water drainage system can accommodate a 1 in 30 years plus climate change event and 1 in 200 year event can be safely contained within the site or be routed through it without increasing flood risk elsewhere.
- A condition of the original permission requires a maximum of 3 shared access points, there is no reason that this condition should not apply.
- The location of more suitable visitor parking should be considered
- Provision for parking/bike storage is required in accordance with Roads Guidelines
- Visibility of 2.4 x 90m in each direction should be shown on plan for each access
- The existing footway along the frontage of the site shall be reconstructed to provide a minimum width of 2m and incorporate a dropped kerb crossing point at each access.
- Bin storage shall be provided within each plot in accordance with Council guidance
- Street lighting shall be modified/replaced as necessary to the satisfaction of the Area Lighting Engineer and any existing road signs shall be replaced/relocated to the satisfaction of the Roads Operations Manager

A Construction Traffic Management Plan should be submitted for approval

7.6 **Lochcarron Community Council:** Commented that residents living above the site have genuine concerns which should be taken into consideration when determining the application.

7.7 **Scottish Water:** There is sufficient capacity in the Lochcarron Water Treatment Works and Lochcarron Waste Water Treatment Works however this cannot be reserved. Proposals may impact on Scottish Water Assets. The developer should identify any conflicts with such assets directly.

7.8 **SNH:** Do not intend to make formal comment. Advice only provided where SNH have requested conditions or there is a requirement to mitigate significant impacts on designated sites or protected species; this does not appear to be the case.

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

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

28	Sustainable Design
29	Design Quality and Place-making
32	Affordable Housing
34	Settlement Development Areas
51	Trees and Development
52	Principle of Development in Woodland
56	Travel
57	Natural, Built and Cultural Heritage
61	Landscape
65	Waste Water Treatment
66	Surface Water Drainage

### **8.2 Wester Ross Local Plan (2006) (as continued in force, 2012)**

Located within Lochcarron Settlement Development Area

## **9. OTHER MATERIAL CONSIDERATIONS**

### **9.1 Proposed West Highlands and Islands Local Development Plan (2017):**

Site allocated for housing – LC01 – Keilburn Crescent

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

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

Draft Developer Contributions Supplementary Guidance Consultation Document (2018)

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

Scottish Planning Policy 2014 - Paras 109 – 122 – Enabling Delivery of New Homes

## **10. PLANNING APPRAISAL**

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

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

10.3 **Development Plan Policy Assessment**

This is a Matters Specified in Conditions application for the erection of six houses. The site is located within Lochcarron Settlement Development Area and on a site allocated for housing within the Proposed West Highlands and Islands Local Development Plan (2017): which has recently been considered at the Ross and Cromarty Area Committee prior to submission to Scottish Ministers for examination. The site is not currently allocated within the Wester Ross Local Plan (as continued in force), however the current application was submitted before the Permission in Principle expired. The planning history is a significant and material planning consideration to the assessment of this application. Further detail on the recent Area Committee will be assessed in the material considerations section in paragraph 10.14 below.

10.4 Policies of relevance to the proposal include Policy 28 – Sustainable Design which lists a number of criteria against which all planning applications are assessed. Criteria of relevance to this proposal includes:

- Compatibility with public service provision
- Accessibility by public transport, walking and cycling as well as car
- Making use of brownfield sites/existing buildings
- Impacts on individual and community residential amenity
  
- Demonstration of sensitive siting and a high quality design which is in keeping with local character and historic and natural environment in making use of appropriate materials

Policy 29 – Design Quality and Place-making further emphasises the need for new development to be designed to make a positive contribution to the architectural and visual quality of the place it is located.

10.5 Consideration has to be given to policy 31 – Developer Contributions and Policy 32 – Affordable Housing. This is due to the number of houses proposed requiring a contribution in terms of affordable housing.

10.6 As there are trees on site consideration has to be given to Policy 51 – Trees and Development. This states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands. The acceptable developable area of a site should be influenced by tree impact. Adequate separation distances will be required. New tree planting will be required to compensate for any tree loss due to development and landscaping plans will be required in order to enhance the setting of any new development.

10.7 Policy 64 – Flood Risk outlines that development proposals should avoid areas susceptible to flooding and promote sustainable flood management, those within or bordering medium to high risk flood areas will need to demonstrate compliance with Scottish Planning Policy through the submission of suitable information. This may include a Flood Risk Assessment.



10.8 Policies 65 and 66 require appropriate provision to be made for foul and surface water drainage, with Sustainable Drainage Systems (SUDs) being a requirement in relation to surface water.

10.9 **Siting and Design**

As noted previously, the development benefitted from planning permission in principle when this matters specified in conditions application was submitted. The applicant has provided the Council with land (two plots) to develop for housing at Kirkton Crescent, fulfilling the affordable housing obligation due for 6 units. Since the submission, this permission in principle lapsed whilst a number of technical issues raised by consultees and third parties were considered and resolved. The principle of developing the site for six houses is therefore accepted. The main consideration in assessing the application is that the development demonstrates an appropriate design and ensuring that all technical matters are resolved.

10.10 The site slopes up from the public road and in order to take the levels into consideration the houses are 2 ½ storey split level designs. They therefore appear tall from the frontage with the backdrop of the slope, trees and housing development behind reducing the visual impact, which will be 1 ½ storey to the rear. The ground floor wall will be a retaining wall which continues through the site across all properties in order to support the slope to the rear. It is not considered that the scale detracts from the scale of development found in the village with a number of existing traditional 2 ½ storey buildings being present including Lochcarron Bistro and Lochcarron Hotel. The design is contemporary, utilising traditional materials and proportions. This includes roofs having a 45° pitch with dormer windows to be finished in grey slate. The upper floor of the houses are to be finished in dark painted timber cladding with the side elevation of the buildings being finished in a locally sourced stone. There will also be areas of wet dash render to the front and rear of the houses. The fenestration has a largely vertical emphasis which is supported. The houses to each end of the development are to be predominantly finished in a wet dash harling to the front. The rear also has a projecting L-shaped feature. The materials are to match the four central houses however they are composed differently across the façade which introduces variety over the development and streetscape. The design takes into consideration the sloping nature of the site and is considered to be of a high quality which can be supported.

10.11 **Access and Servicing**

The initial submission had six individual accesses, this was reduced to three shared between the properties to comply with the conditions of the permission in principle and as requested by Transport Planning. This was not considered to raise any issue. Four visitor parking spaces have been proposed to the north east of the development site which is considered appropriate. Bin storage has also been denoted on plan. Detail on street lighting and a Construction Traffic Management Plan will require to be submitted before any development commences on site. This will be conditioned to secure. Detail on cycle storage

was requested however each house has a integral garage and it is considered further details are not required. Roads and transport conditions have been fulfilled which includes the submission of a Safer Routes to School Review. The information is considered appropriate.

#### 10.12 **Surface Water Drainage**

The development is to be served by the public sewerage network. With regard to surface water drainage it is necessary to demonstrate that there is a design solution capable of accommodating the development. The application has been subject to extensive negotiations with the Flood Team regarding this matter. This was due to a lack of information relating to demonstrating that the surface water would not cause flooding on site or elsewhere in the surrounding area which includes to the adjacent burn. Following the submission of further information conditions have now been recommended with regard to maintaining the drainage solution and ensuring development is kept out of the coastal flood risk area. The drainage issues are commented on in further detail in para 7.2 above.

#### 10.13 **Landscaping and Trees**

The Woodland Management Plan which was approved as part of the original permission in principle was resubmitted with the application. Following a response from the Forestry Officer an updated plan was submitted. It was noted that this was acceptable and therefore it will be approved as part of the application. No detail has been provided on the maintenance of this. This will be conditioned to secure alongside the maintenance of the surface water drainage systems. Further detail will be required on hard landscaping within the application site in order to ensure that surfacing is appropriate to enable the development to integrate with its surroundings.

#### 10.14 **Material Considerations**

Material considerations raised are summarised as follows:

Policy issues:

The Proposed West Highlands and Islands Local Development Plan has been considered at the Ross and Cromarty Area Committee. It is proposed to allocate the site for 6 houses as permission in principle was previously granted. At the Area Committee Members commented that there is no objection to the principle of housing development at the site, but a limit of 2 – 3 houses should apply to avoid encroaching into the steep bank.

Comment – The previous permission in principle application was assessed under the provisions of the Wester Ross Local Plan which remains the adopted local plan for the area. The site had a live permission for 6 houses when the current application was lodged. As such, significant weight has to be given to the planning history on site. It is considered that the site, which had permission in principle for six houses should again be granted permission for six houses as the principle of development of the site has been established for this number, and it has been demonstrated that the site can accommodate this number within the slope based on the information submitted. Accordingly there are no justifiable grounds for the Planning Authority to refuse the application or insist upon a reduction in units at this time.

The following material considerations were raised in third party representations:

- An area of land within the application site not in the developers ownership.

Planning Comment – The Site Plans were amended to ensure the boundaries reflected landownership.

- Geological instability, unlikely to be able to withstand intrusion into the structure of terrain which supports a varied collection of flora and fauna

Planning Comment – Further clarification was sought on this and sectional drawings were submitted which show that a retaining wall will be constructed along the entirety of the development site in order to retain the structural stability of the slope. With regard to flora and fauna, the site is not identified as being designated for any special or protected species and SNH did not comment on the application in this regard.

- Wooded area lost which the council insisted was to maintain the view from the opposite side of Lochcarron

Planning Comment – Much of the wooded areas will be retained as identified within the Woodland Management Plan. Visual impact in terms of the development will largely be at street level, when read from the opposite side of the loch the impact will not be significant when viewed alongside the other properties and streetscape which currently exists within the village.

- Species on site including newts, toads, frogs, owls, otter, birds and bats
- The plan does not take into account the ecosystem which surrounds the well

Planning Comment – There does not appear to be evidence of protected species on site and as above SNH did not wish to comment. The developer will be reminded of their obligations should any species be found on site which are protected by an informative attached to the permission. It is a criminal offence to disturb such species without first having the relevant protected species licenses in place from SNH.

- Unstable bank which residents have had surveyed and reports stating that it is in danger of slippage.
- The ground investigation report outlines significant removal of material from the slope toe would cause destabilisation to the slope, building foundations should be on the same material throughout whilst the material on site is highly variable and unsuitable to build on.

- Tree removal will further impact on slope stability.

Planning Comment – Building Standards colleagues were asked to comment on the application as the safe development of the site would be assessed by them in stages. They advised that due to the location of the houses at the foot of the slope, excavations would not have any effect on the embankment, particularly as the excavated void would be shored up with the houses. The retaining structural walls would require to be designed by a suitably qualified structural engineer and backed up with a Structural Engineers Report certificate or equivalent structural design calculations to demonstrate stability of the structures and slope.

- No guarantee to preserve any of the trees, particularly those on, or flanking the site

Planning Comment – All trees to be retained are identified in the Woodland Management Plan. The development will not involve the removal of all trees in the surrounding area.

- There is an existing access footpath from the bottom of 6 Kirkton Road through the woodland to the shore

Planning Comment – It appears that a short cut has been utilised by one property. Access over this land benefits the property only and not the wider public. It appears that cutting over the developers land has been on a grace and favour basis.

- Increasing traffic will make the junction of Kirkton road and the Main Road busy around school drop off and pick up times

Planning Comment – it is not considered that traffic will significantly increase at school times as the development is close to the school. Transport Planning have no objections to the development.

- Land is narrow and would not accommodate the proposed houses, parking and small garden which would abut a retaining wall.

Planning Comment – It has been demonstrated within the drawings that the site can accommodate the development.

- Questions raised relating to elevational drawings and the amount of slope to be removed

Planning Comment - The scale of retaining wall has been clarified in Sectional drawings which were requested.

- Structural Engineering Survey has not been undertaken

Planning Comment – This technical detail will be required for the Building Warrant and is not necessary at planning stage.

- A geological investigation has not been undertaken

Planning Comment – it is not considered that there is a need for this to be undertaken. The developer will require to satisfy the Building Regulations

- There has been a 12% increase in rainfall since the Tree report was undertaken

Planning Comment – The tree reports have been updated. The increase in rainfall is unlikely to cause any significant issue and the development is designed to accommodate climate change and flood events.

- The Tree Report states that the loss of tree cover or root disturbance would increase the possibility of subsidence

Planning Comment – As stated above a retaining wall will be provided and further structural reports will be required at the Building Warrant stage to ensure the integrity of the slope.

- Issues around drainage raised including existing issues of run-off onto the public road, blocking of drains and localised flooding

Planning Comment – The developer has satisfactorily demonstrated to the Flood Team that an appropriate drainage solution has been designed to ensure that no existing issues in the area are exacerbated.

- Each house will have parking and a driveway over the footpath which is the main route for children walking to school, this would create a hazard

Planning Comment – The number of access points has been reduced and the construction of the footway will require to be to Council standards and assessed by the Roads Authority through a Road Opening Permit. Visibility for both cars and pedestrians over the footway has been demonstrated as sufficient.

- Noted that a foundation for a conservatory on no.10 Kirkton Road required to be dug down 2m for a stable foundation.

Planning Comment – this relates to land at the very top of the slope and does not necessarily mean that the same ground conditions exist within the site. As stated above Building Standards will assess the proposals through the warrant process and structural engineers reports will be required.

10.15

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

- Loss of the sale of a property on Kirkton Road

Planning Comment – Value and sale of property is not a material planning consideration

- Question the viability of the development in terms of work required on boggy ground and stabilising ground

Planning Comment – The viability of a development in terms of cost implications is the developer's responsibility.

- Surplus of expensive private housing in the area, many empty as holiday homes

Planning Comment - This is not a material planning consideration it is up the developer to determine if there is a market for such a development.

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

None – it has been confirmed by the Housing Officers that the necessary contributions required for the Permission in Principle application have been secured by the Council, this includes provision of an area of land at Kirkton Crescent for the development of houses.

**11. CONCLUSION**

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

**12. IMPLICATIONS**

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

**13. RECOMMENDATION**

**Action required before decision issued**

**Subject to the above**, it is recommended the application be **Approved** subject to the following conditions and reasons:

1. There shall be no development below 5.05m AOD and the minimum finished floor levels of all properties hereby approved shall be set at a minimum of 5.3m AOD.

**Reason:** To protect the site and properties against coastal flood risk.

2. No development shall commence until a scheme for the maintenance, in perpetuity, of the approved surface water drainage system has been submitted to, and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details

**Reason:** In order to ensure that the sustainable urban drainage system is maintained in perpetuity to prevent surface water flooding.

3. No development shall commence until full details of the relocation of street lighting and signage along the footway fronting the development has been submitted to, and agreed in writing by the Planning Authority, in consultation with the Roads Authority and Area Lighting Engineer. Thereafter the development shall be completed in accordance with the approved details. For the avoidance of doubt the relocation and provision of any street lighting and signage shall be provided at the expense of the developer.

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

4. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

**Reason:** In order to ensure the safety and free flow of traffic on the public road while the development is under construction.

5. No development shall commence on any of the house sites until the following has been completed in accordance with the approved details:
  - a) Ground engineering/retention works for all 6 plots. Prior to any site excavation or ground works, all retained trees shall be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction). A notice of compliance shall be submitted for the written approval of the Planning Authority prior to any site excavation or ground works. Barriers shall remain in place throughout the construction period and shall not be moved or removed without the prior written approval of the Planning Authority.
  - b) The communal planting strip along the western boundary of the development shall be implemented in full to the specification given in the Soft Landscape Proposals Plan (Drg Ref.SK01 Rev C May 2012). A suitably qualified consultant shall be employed to ensure that the Landscape Plan is implemented to the agreed standard. Stages requiring supervision are to be agreed with the Forestry Officer prior to commencement of development and completion certificates for each stage are to be submitted for approval.

**Reason:** To ensure that groundworks/excavation is undertaken appropriately given the nature of the site, to ensure the protection of retained trees throughout the construction period and in the interests of residential and public amenity to ensure that the development integrates into its setting.

6. All works to trees shall be carried out and thereafter maintained in accordance with Management Recommendations as outlined in the approved Woodland Management Plan dated September 2017.

**Reason:** To secure the long term management of woodland surrounding the development.

7. The landscaping within individual plots shall be completed during the planting season next following the completion of the building(s), or such other date as may be agreed in writing with the Planning Authority. All trees and shrubs are to be maintained as specified on Soft Landscape Proposals Plan (Drg Ref.SK01 Rev C May 2012).

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

8. No development shall start on site until full details of hard landscaping have been submitted to, and approved in writing by, the Planning Authority. The development shall thereafter be carried out in accordance with the details thereby approved.

**Reason:** In order to assist the effective assimilation of the development into the streetscape.

9. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Scotland) Amendment Order 2011, and any subsequent amendments or alterations to it, no development shall be carried out under Part 1, Classes 1A-1C and 3A-3B without the prior submission of a formal planning application and its approval by the Planning Authority.

**Reason:** To secure a safe distance between existing trees and any new development.

10. No development or work shall commence until a detailed specification for all proposed external materials and finishes (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.

## **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**

The development to which planning permission in principle ref. 11/03539/PIP relates must commence no later than TWO YEARS from the date on this decision notice, or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained, whichever is the later.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

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

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

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

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

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site or from the Everlasting Well. 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.

It is noted that development proposals may impact on Scottish Water assets. It is advised that the applicant should identify any potential conflicts with Scottish Water assets. The Asset Impact Team are aware of this proposed development however the applicant will be required to contact them directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk). The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water asset plans can be obtained from appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)

[www.sisplan.co.uk](http://www.sisplan.co.uk)

## **Local Roads Authority Consent**

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

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

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2)

## **Mud and Debris on Road**

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

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

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

### **Protected Species - Halting of Work**

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

### **Protected Species - Contractors' Guidance**

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

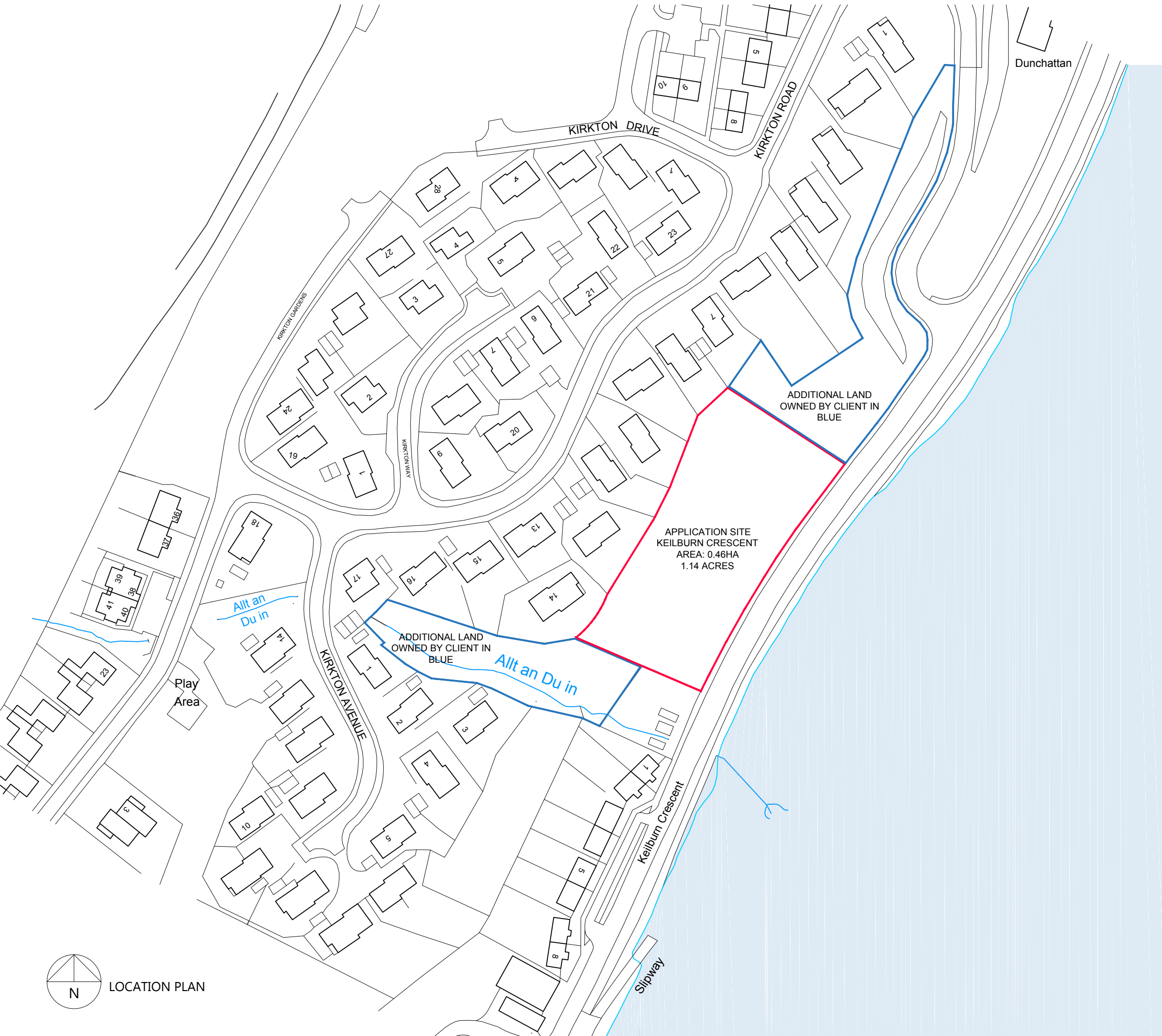
Designation: Area Planning Manager - North  
Author: Laura Stewart  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan AL(0)01 Rev B  
Plan 2 - Site Layout Plan – AL(0)08Rev A  
Plan 3 – Elevation/Section Plan – AL(0)09 Rev A  
Plan 4 –House Type 1 Elevation Plan – AL(0)05  
Plan 5 – House Type 2 Elevation Plan – AL(0)06  
Plan 6 – Site Section Plan – AL(0)07



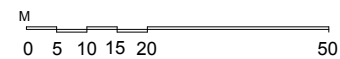


**IMPORTANT**  
 The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work.  
 No dimensions should be scaled from this drawing.  
 No assumption should be made without reference to the architect.

REVISION	DATE
A SITE BOUNDARY AMENDED	06.09.17
B SITE BOUNDARY AMENDED	15.09.17



SCALE \_\_\_\_\_



**PLANNING**

ARCHITECT \_\_\_\_\_

**GRAVES + GRAVES ARCHITECTURE**  
 1st Floor, 11 Olympia Street, Glasgow, G40 3TA

CLIENT \_\_\_\_\_

**LOCHCARRON PROPERTIES LTD**

PROJECT TITLE \_\_\_\_\_

**LAND NORTH OF KEILBURN CRESCENT, LOCHCARRON**

DRAWING TITLE \_\_\_\_\_

**LOCATION PLAN**

SCALE \_\_\_\_\_

**1:1250 @ A3**

DATE \_\_\_\_\_

**JULY 2017**

JOB No.	DRAWING No.	REV
17010	AL(0)01	B



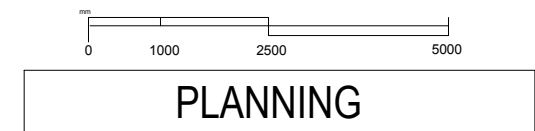


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REVISION \_\_\_\_\_ DATE \_\_\_\_\_

Note: Subject to full site survey and all local authority approvals

A LOCATION OF PROPOSED RETAINING WALL SHOWN 03.01.18



ARCHITECT \_\_\_\_\_

**GRAVES + GRAVES ARCHITECTURE**  
 1st Floor, 11 Olympia Street, Glasgow, G40 3TA

CLIENT \_\_\_\_\_

**LOHCARRON PROPERTIES LTD**

PROJECT TITLE \_\_\_\_\_

**LAND NORTH OF KEILBURN  
 CRESCENT, LOHCARRON**

DRAWING TITLE \_\_\_\_\_

**SITE PLAN WITH TOPOGRAPHY**

SCALE \_\_\_\_\_

**1:500 @ A3**

DATE \_\_\_\_\_

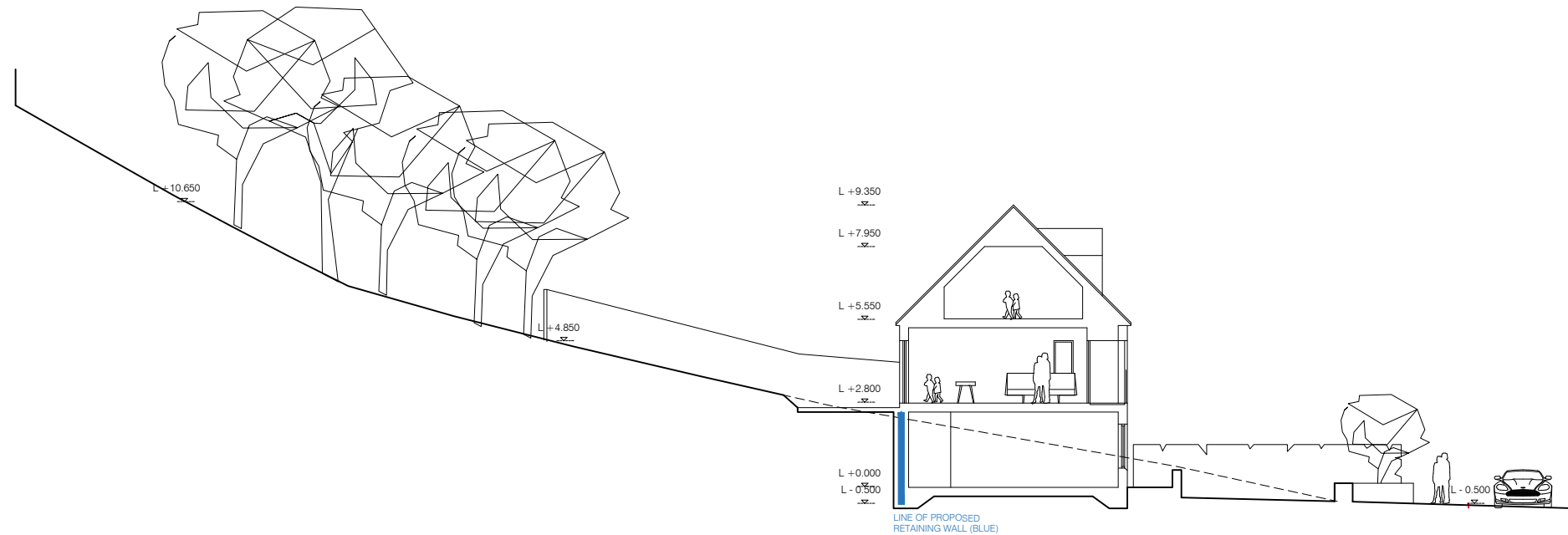
**SEP 2017**

JOB No. <b>17010</b>	DRAWING No. <b>AL(0)08</b>	REV <b>A</b>
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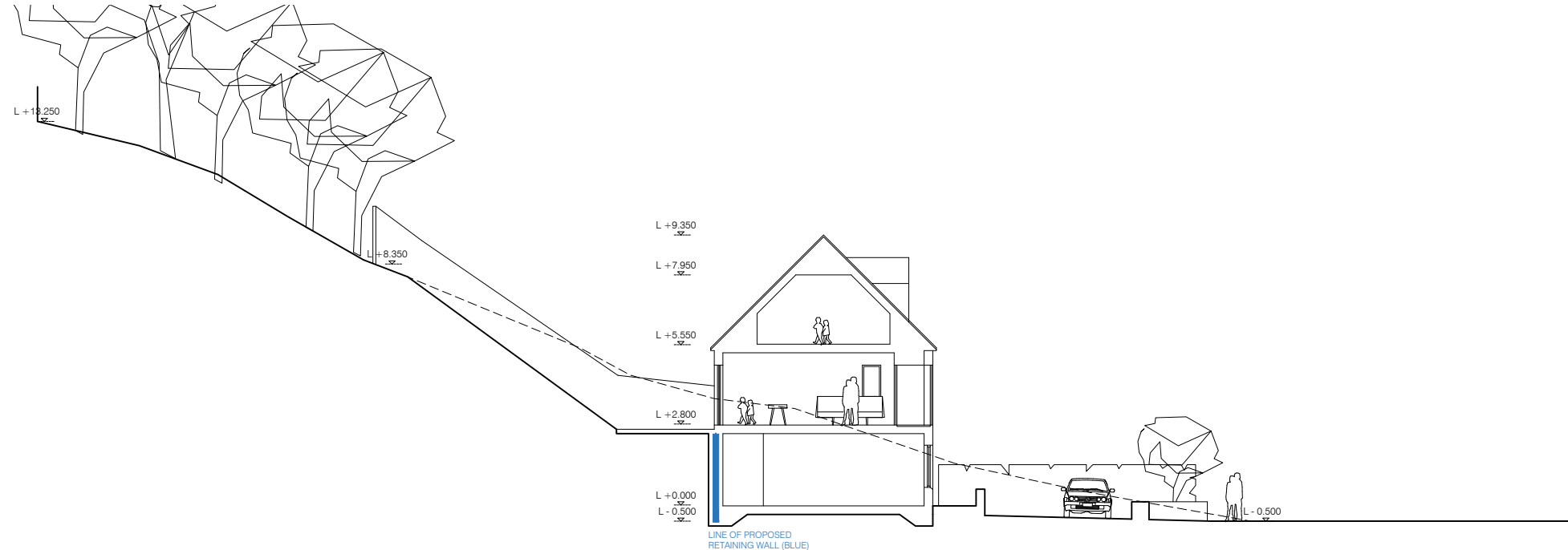
SECTION "C"  
1:200 @ A3

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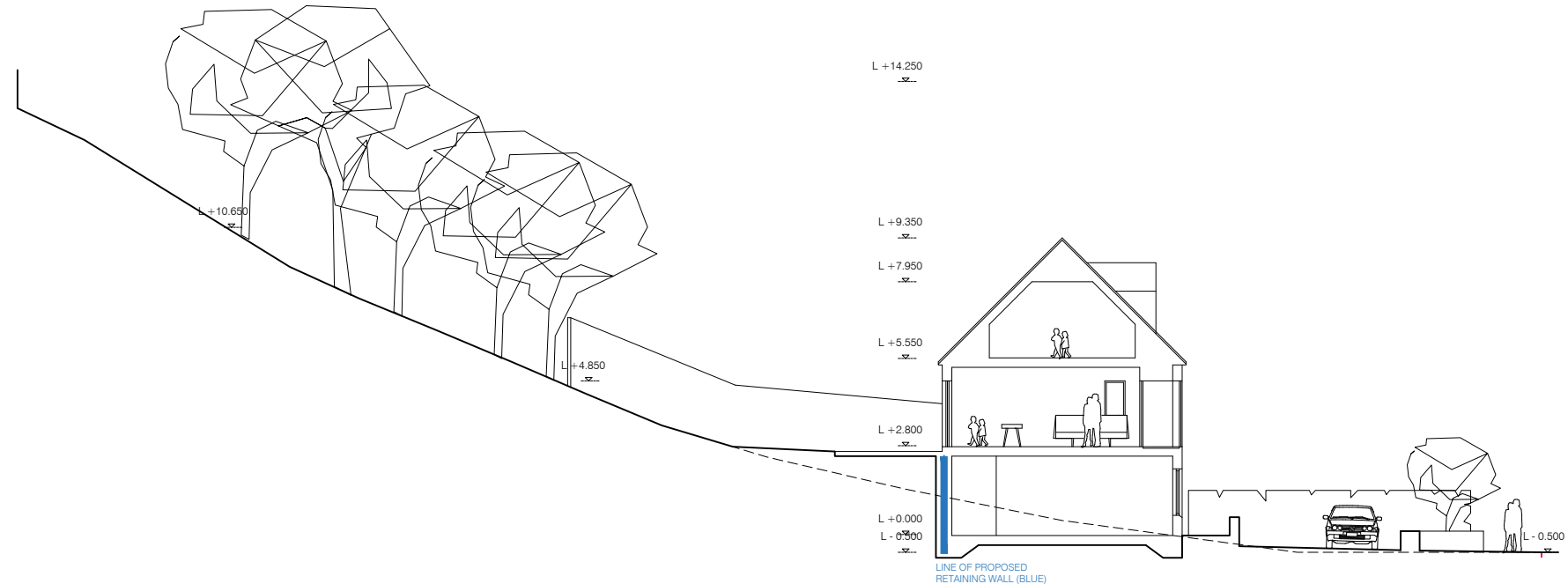
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SECTION "A"  
1:200 @ A3

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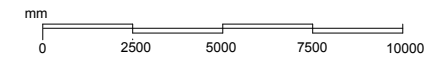


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REVISION \_\_\_\_\_ DATE \_\_\_\_\_

Note: Subject to full site survey and all local authority approvals

A LOCATION OF PROPOSED RETAINING WALL SHOWN 03.01.18



**PLANNING**

ARCHITECT \_\_\_\_\_

**GRAVES + GRAVES ARCHITECTURE**  
1st Floor, 11 Olympia Street, Glasgow, G40 3TA

CLIENT \_\_\_\_\_

**LOHCARRON PROPERTIES LTD**

PROJECT TITLE \_\_\_\_\_

**LAND NORTH OF KEILBURN  
CRESCENT, LOHCARRON**

DRAWING TITLE \_\_\_\_\_

**PROPOSED CONTEXTUAL ELEVATIONS  
& SITE SECTION**

SCALE \_\_\_\_\_

**1:200 @ A3**

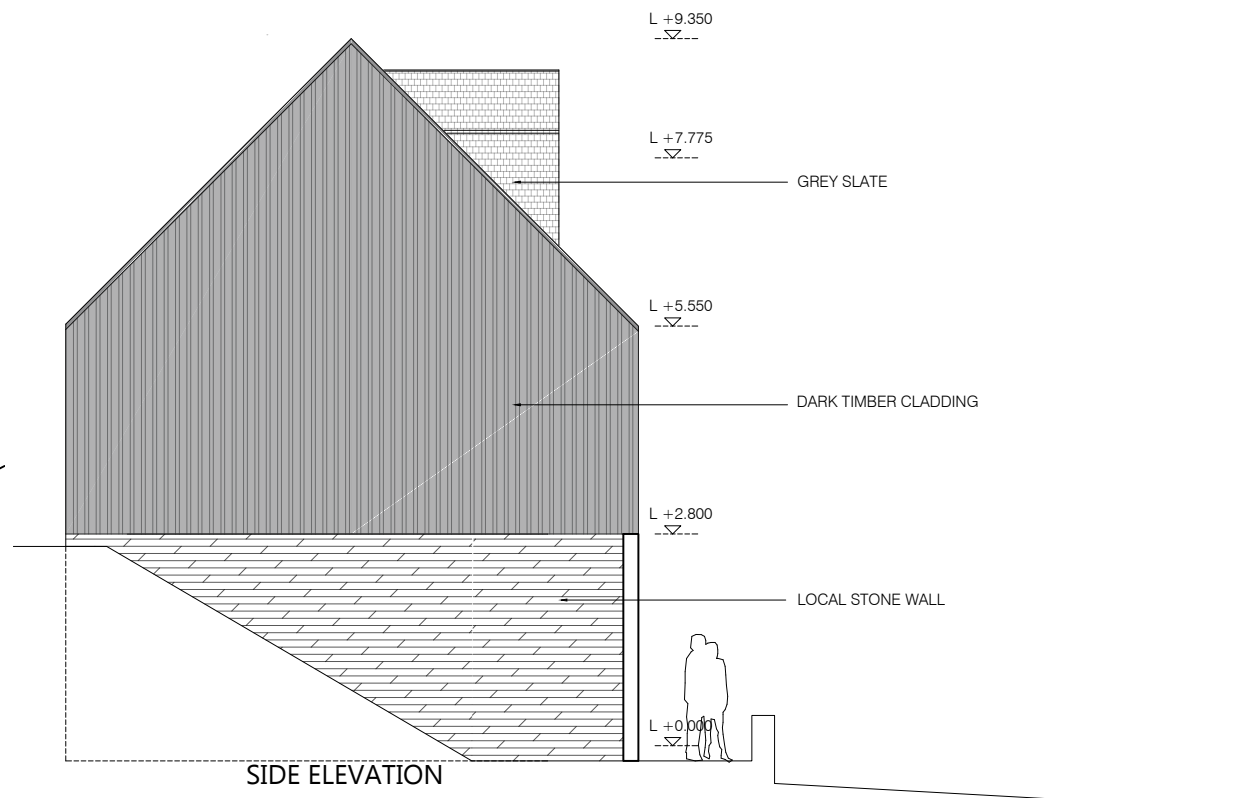
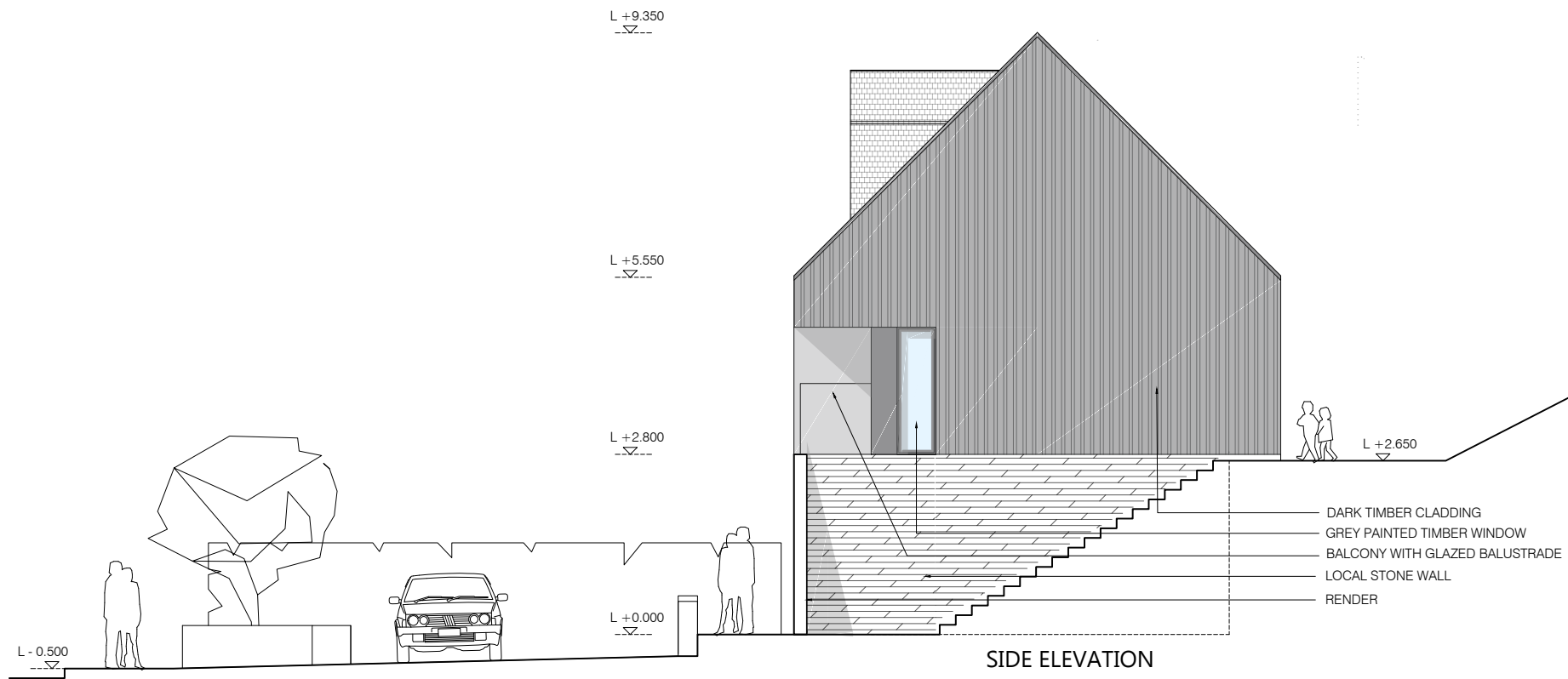
DATE \_\_\_\_\_

**SEP 2017**

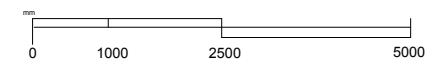
JOB No. <b>17010</b>	DRAWING No. <b>AL(0)09</b>	REV <b>A</b>
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REVISION \_\_\_\_\_ DATE \_\_\_\_\_



Note: Subject to full site survey and all local authority approvals



**PLANNING**

ARCHITECT \_\_\_\_\_

**GRAVES + GRAVES ARCHITECTURE**  
 1st Floor, 11 Olympia Street, Glasgow, G40 3TA

CLIENT \_\_\_\_\_

**LOCHCARRON PROPERTIES LTD**

PROJECT TITLE \_\_\_\_\_

**LAND NORTH OF KEILBURN CRESCENT, LOCHCARRON**

DRAWING TITLE \_\_\_\_\_

**PROPOSED ELEVATIONS  
 TYPE 1 HOUSE - 3BED**

SCALE \_\_\_\_\_

**1:100 @ A3**

DATE \_\_\_\_\_

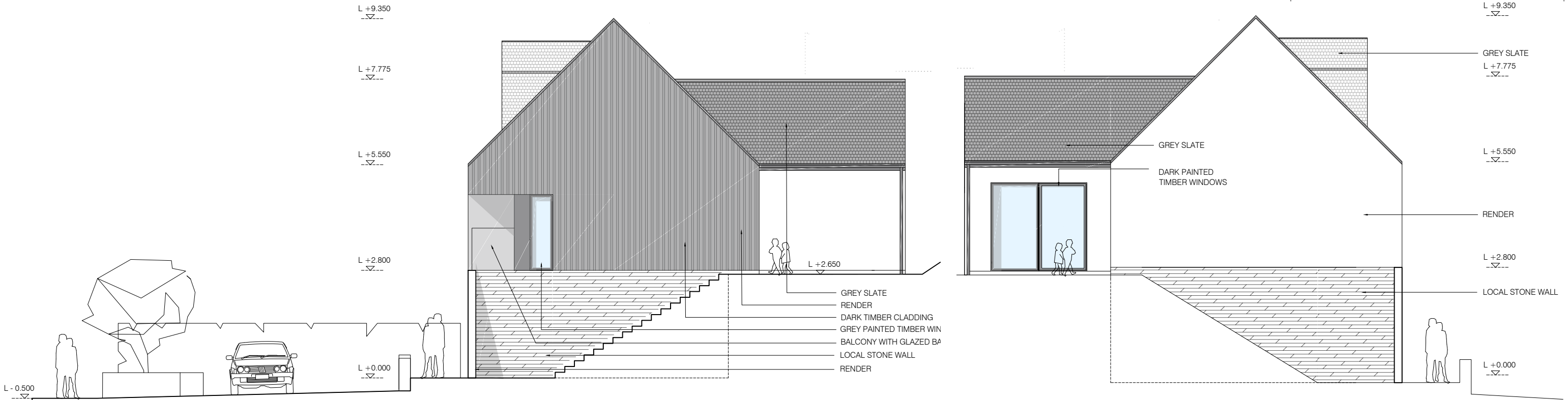
**JULY 2017**

JOB No. <b>17010</b>	DRAWING No. <b>AL(0)05</b>	REV -
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**IMPORTANT**  
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REVISION	DATE



**SIDE ELEVATION**

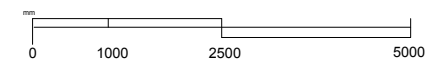


**FRONT ELEVATION**



**REAR ELEVATION**

Note: Subject to full site survey and all local authority approvals



**PLANNING**

ARCHITECT

**GRAVES + GRAVES ARCHITECTURE**  
 1st Floor, 11 Olympia Street, Glasgow, G40 3TA

CLIENT

**LOCHCARRON PROPERTIES LTD**

PROJECT TITLE

**LAND NORTH OF KEILBURN CRESCENT, LOCHCARRON**

DRAWING TITLE

**PROPOSED ELEVATIONS  
 TYPE 2 HOUSE - 4BED**

SCALE

**1:100 @ A3**

DATE

**JULY 2017**

JOB No.	DRAWING No.	REV
17010	AL(0)06	-

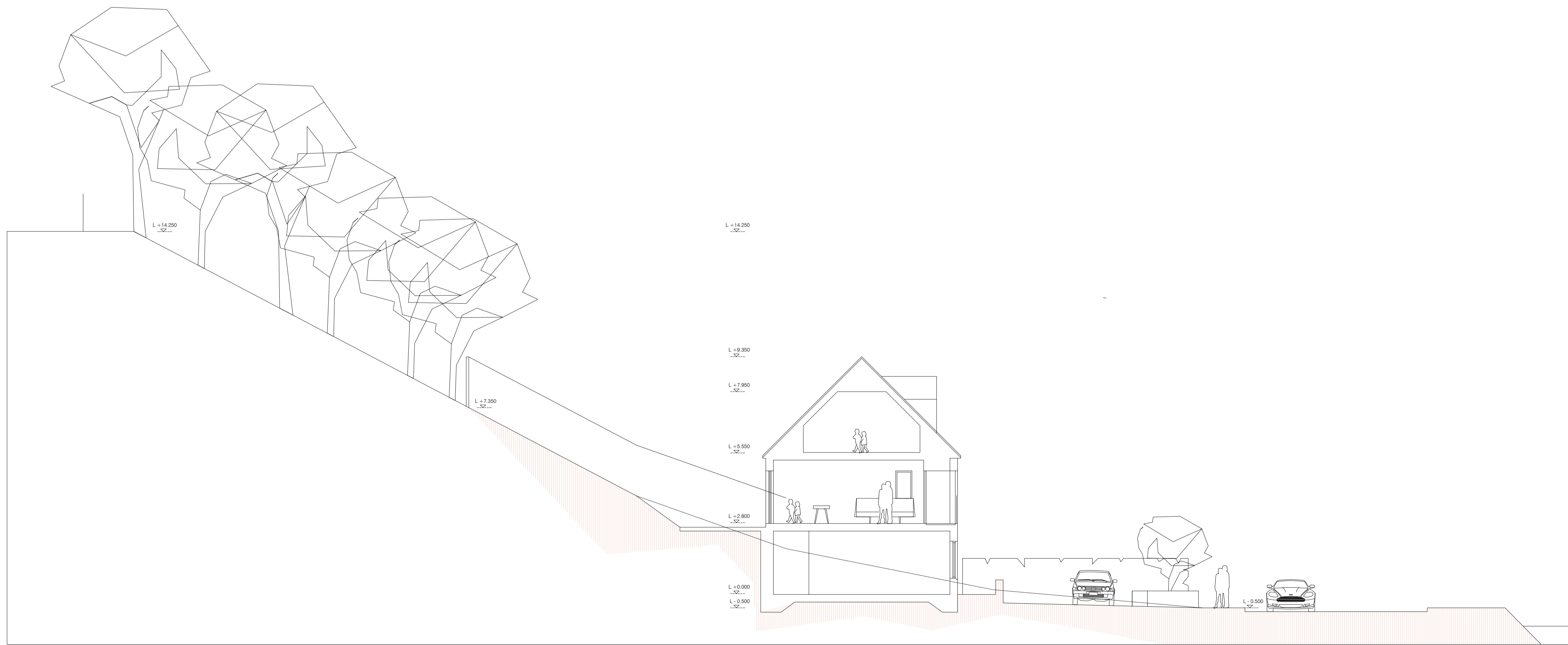
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REVISION \_\_\_\_\_ DATE \_\_\_\_\_

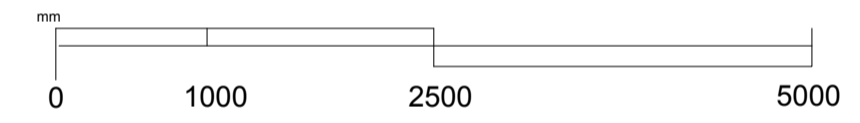
Note: Subject to full site survey and all local authority approvals



CONTEXTUAL ELEVATIONS  
 1:300 @ A3



SITE SECTION  
 1:200 @ A3



**PLANNING**

ARCHITECT \_\_\_\_\_

**GRAVES + GRAVES ARCHITECTURE**  
 1st Floor, 11 Olympia Street, Glasgow, G40 3TA

CLIENT \_\_\_\_\_

**LOHCARRON PROPERTIES LTD**

PROJECT TITLE \_\_\_\_\_

**LAND NORTH OF KEILBURN  
 CRESCENT, LOHCARRON**

DRAWING TITLE \_\_\_\_\_

**PROPOSED CONTEXTUAL ELEVATIONS  
 & SITE SECTION**

SCALE \_\_\_\_\_

**1:200/ 1:300 @ A3**

DATE \_\_\_\_\_

**JULY 2017**

JOB No. <b>17010</b>	DRAWING No. <b>AL(0)07</b>	REV <b>-</b>
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