

Agenda Item	7.3
Report No	PLS/056/18

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 8 August 2018

**Report Title:** 17/05916/FUL: Mr David Matzdorf  
Land North West of Coire Dubh, Glenfinnan

**Report By:** Area Planning Manager – South/Major Developments

### **Purpose/Executive Summary**

**Description:** Erection of house and formation of access

**Ward:** 11 - Caol and Mallaig

**Development category:** Local development

**Reason referred to Committee:** Timeous objections on material planning grounds from members of the public, businesses or organisations residing at, or having their principal place of business at five or more separate addresses and where such objections cannot be addressed by conditions; also Glenfinnan Community Council objection

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

### **Recommendation**

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

## **1. PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for a 2 bedroom dwelling house on a 0.15Ha plot in Glenfinnan, at the north end of the unmade private lane that runs from the Slatach road to the main A830 Mallaig road. It would be contemporary in design, an asymmetrical shaped building with a monopitch green roof sloping with a very shallow angle to the SW. It would be single storey, set down so that the highest part of its roof would be level with the road, and it would front onto the lane. The building would sit on columns on concrete pads, its SW facing façade resting on a gabion wall. Materials would be a combination of vertical and horizontal unpainted board on board larch which will fade to silver grey in colour, with substantial glazing in the south east and south west elevations and the principal outlook to the south east. The south east elevation would have a wedge shaped balcony, widest at the SW corner and tapering to a point at the SE corner.

The development will be built to very high energy efficiency standards.

- 1.2 Access would be taken off the private lane, which has its junction with the A830 immediately to the north of the site. Parking for 2 vehicles is proposed to the NW of the house, and there would be a raised walkway with a balustrade that crosses a small watercourse between the house and parking area.

Water would be from the public supply and foul drainage to a treatment plant and filter pit discharging to the small watercourse, which runs alongside the lane after crossing the site above the house.

- 1.3 Pre Application Consultation: 17/03819/PREAPP – advice given on 3 plots now the subject of applications. Issues identified regarding design, levels, trees, protected species, privacy/amenity and impact on neighbours, and access with respect to the junction of the private lane with the A830.

- 1.4 Supporting Information: Design Statement, Tree Survey and Report, Arboricultural Method Statement, Tree Protection Plan, protected species surveys for tree, bat, pine marten, badger and red squirrel.

- 1.5 Variations: site layout amended in response to trees

## **2. SITE DESCRIPTION**

- 2.1 The site is on the south west side of the A830 opposite the turning to the railway station. It is a triangular plot bounded by the A830 to the north east, a private lane to the SW and there is an adjacent house to the SE. There are mature trees covering much of the site, which slopes from north east to south west. There is a steeper embankment alongside the main road which is at a higher level, and a small culvert comes under the road and emerges to the north of the proposed house position. This watercourse crosses the site then runs alongside the lane in a south easterly direction.

- 2.2 The site is within Glenfinnan Settlement Development Area (population <60), as defined in the West Highland and Islands Local Plan, it is within Loch Shiel National Scenic Area which includes the part of the village that is SW of the A830, the trees at the bottom edge of the site are within an area designated as Ancient Woodland

of semi natural origin, and the lane is part of the Core Path network.

### 3. PLANNING HISTORY

3.1 28.08.09 09/00256/OUTLO one and a half storey house Granted permission

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 11.01.18

Representation deadline: 07.02.18

Timeous representations: 10

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) The application site covers the access which also serves a number of other properties – their continued right of access is a concern to householders served off this lane
- b) Not sympathetic to the style of existing buildings – in a very public location opposite The Gate House, immediately below Glenfinnan station house and Glenfinnan station, and close to the 17<sup>th</sup> century Prince's House Hotel and the Pugin designed Church of St Mary and St Finnan dating from 1873 – detrimental effect on a historical and traditional highland village
- c) The “back track” through the village was blocked to through traffic by the provision of a narrow bridge, providing a safe and pleasant village walk – this track should continue to be blocked to through traffic to safeguard pedestrians
- d) This house together with the 2 others further down the track would exceed saturation point for access via this lane
- e) The lane has not been upgraded to adoption standards following previous proposals and there is no turning point meaning commercial vehicles would have to reverse back to the A830
- f) The proposed use of the house as a permanent private dwelling is questioned – its use as a holiday home would not contribute to the community
- g) The development of this plot exacerbates the lack of sites and houses for affordable housing for local people to remain in and contribute to this community
- h) The siting and design of the bio sewage system
- i) Property boundary with Coire Dhuibh appears to be shown incorrectly
- j) Impact of development on the burn running through the property and consequences to a neighbouring property
- k) Proximity of foul drainage treatment plant to neighbouring property and impact of discharge into the burn (which joins with the surface water drainage channel along the lane) – health and safety concerns
- l) Overlooking from the large glazed windows on the front and from the balcony to the 4 windows in the rear of the house on the other side of the lane
- m) Lack of space for construction vehicles and machinery - concern that the lane will be blocked

- n) The applicant should make provision to make good any damage to the lane during construction – this should not fall to existing residents
- o) The lane is inadequate to serve yet another house and is in deteriorating condition due to water running down it from the A830 and increased traffic use
- p) The loss of trees will increase road noise from the A830 to existing houses on the other side of the lane
- q) The wooded character of the area should be kept
- r) The track is used by locals and visitors as a route to local historical attractions (NTS and Loch Shiel)
- s) The junction of the lane with the main road has poor visibility
- t) Improvements should be sought including a link to the pavement which runs alongside the A830 and provides pedestrian access to the railway station
- u) The existing mains water supply is at its limit
- v) The electricity supply is at its limit and would need a major upgrade

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 Community Council: Object to additional impact on the private lane. This lane is used as a footpath by locals and visitors. The end use of the house is not stated. The Community Council would support housing for residential purposes but not if intended for short term financial gain. The lane should be upgraded to a suitable standard. Concerns about the foul drainage. The design would have a detrimental effect on the historical and traditional highland village.

5.2 Forestry Officer: The site contains a mix of broadleaf woodland although there is a clearing to the SE side of the site. Only a small part of the site is within the Ancient Woodland designation however the First Edition OS maps of the 1860s show woodland throughout, so the entire site should be treated as Ancient Woodland.

Policy seeks the protection of trees, and in particular ancient woodland as an important and irreplaceable resource with high nature conservation or landscape value.

The applicant has provided a Tree Constraints Plan, Tree Protection Plan, Arboricultural Method Statement and tree schedule which proposes the removal of around 27 trees and the retention of 18 trees. Of the trees to be removed 4 are category U and should be removed whether consent is granted or not. In addition, 2 significant trees (350 and 352) in the neighbouring garden to the east are recommended for removal due to fungal infection and root plate movement.

Concern that the Root protection areas of trees on the northern boundary are not adequately protected in accordance with the BS standard and the house position does not fully utilise the existing open area to the SE side of the plot. Several trees would be compromised to accommodate the parking.

It is acknowledged that there has been an outline consent for this site, however that proposed layout has the potential to accommodate more of the trees on the site.

5.3 Flood Risk Management Team: Initial objection due to proximity to unidentified drainage from a culvert under the main road and potential flood risk. Inadequate

information submitted regarding proposed treatment of this water.

Objection withdrawn subject to a condition that seeks further details of any changes to the flows in this area, and of the raised walkway that crosses this area from the car parking area to the house. The works to ensure the rate of flow is not increased through this section.

Consent from SEPA would be required for any discharge of foul effluent. Early consultation is recommended as their preference is for discharge to land where the public sewer is not available and it is unlikely that discharge to a drainage ditch would be acceptable.

The provision of a green roof is welcomed, which would help manage pluvial runoff.

- 5.4 Transport Scotland: No objection subject to condition to improve the junction of the private lane with the A830 Trunk Road.
- 5.5 Scottish Water: No objection. The applicant should be aware that the proposals may impact on existing Scottish Water assets.

## **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
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 77 - Public Access

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

Objectives of Glenfinnan SDA are (*inter alia*) to :

- Direct housing to remaining infill opportunities principally on the west side of the A830;
- To retain a strong belt of trees and related paths adjacent to the A830
- To protect the SPA, ancient woodland and SSSI features within the

- settlement
- To protect the integrity of and secure exceptional siting and design within the NSA.

### 6.3 **West Highland and Islands Local Development Plan 2018**

The WestPlan is at an advanced stage and represents the ‘settled view’ of the Council and is a material planning consideration in making planning decisions. Under the WestPlan, Glenfinnan is not identified within the specific settlement hierarchy. Under the proposed plan the application would be assessed under the development in the wider countryside policies and the associated Housing in the Countryside supplementary guidance. The proposal is considered to be a suitable infill plot within the existing built development at Glenfinnan and as such complies with the development in the countryside policy.

## 7. **OTHER MATERIAL CONSIDERATIONS**

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

Access to Single Houses and Small Housing Developments (May 2011)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Housing in the Countryside and Siting and Design (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

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

Para 81 : In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements;
- and set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

Para 212: Development that affects a NSA should only be permitted where:

- it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
- any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance

Para 218: “The Scottish Government’s Control of Woodland Removal Policy includes a presumption in favour of protecting woodland resources. 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.

## **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) design and amenity
  - c) impact on trees and woodland
  - d) impact on National Scenic Area and Historical Assets
  - e) impact on the private lane and the adequacy of its junction with the A830 Trunk Road
  - f) foul and surface water drainage
  - g) any other material considerations.

### Development plan/other planning policy

- 8.4 The site is within the SDA for Glenfinnan which is a preferred focus for new residential development. Policy supports such proposals within SDAs if it demonstrates:
- acceptable siting and design
  - if it is compatible with existing patterns of development and landscape character
  - if it avoids incremental expansion of one development type into a landscape which is characterised by a range of characteristics, and
  - if it avoids the loss of locally important croft land
- 8.5 The proposed house would infill a gap at the top end of the line of houses either side of the private lane to the south west of the main road. This meets one of the objectives for development in Glenfinnan Settlement Development Area in the West Highland and Islands Local Plan. This preferred location is dependent on the other objectives listed in the WHILP being met, as set out in para 6.2 above.
- 8.6 The site does not comprise croft land.

- 8.7 Subject to the impact on trees, woodland and landscape being acceptable the proposal would fit into the existing settlement pattern in terms of its position within the existing village and spacing in relation to neighbouring houses.
- 8.8 Its proposed use as a dwelling house does not differentiate between permanent or holiday use – there is no distinction in planning except where the occupancy of a dwelling is restricted by planning condition. There is no planning justification to limit the occupancy here given the type of residential development proposed, and the fact that the property would have acceptable standards of amenity as a single detached dwelling. There are no policies in the HWLDP that allow dwellings to be restricted to local occupancy only. Policy 32 currently secures a proportion of affordable housing from developments of 4 or more houses, however as a single house proposal this threshold is not triggered. Accords policies 28, 29 and 34 in this respect.

### Design

- 8.9 The design would be modern with a green, monopitch roof that would slope towards the SW, such that it would not be prominent from the main road. The relatively low height of the building together with the extensive use of larch board would ensure the building is recessive in appearance, and it would not be a prominent feature, given its location on a corner next to the main road.
- 8.10 Whilst there are a number of older, traditional buildings in Glenfinnan there are a range of more recent bungalows and larger chalet style dwellings in this part of the village, which doesn't have a particular distinctive architectural character. The proposed house would be a relatively small structure, set down in relation to the main road, and not conspicuous in wider views. In comparison, the previous outline permission allowed for a one and a half storey dwelling. It would fit into its woodland setting due to the use of natural materials and it would not jar visually when viewed with neighbouring houses. Accords policy 29.

### Impact on neighbours amenity

- 8.11 It would be a sufficient distance from the nearest neighbouring houses: approx. 35.4m from Coire Dubh to the SE and approx. 18.68m from Torr Oran which is across the lane to the SW. Broomfield is to the NW of the proposed position of the house and opposite the parking area. In addition, a condition is recommended to secure appropriate boundary treatments to ensure adequate levels of privacy with the two houses to the SE and SW. Accords policy 28 in this respect.

### Impact on trees and woodland

- 8.12 The WHILP does seek the retention of trees and safeguard of the woodland in the village, however this sites inclusion within a Settlement Development Area does make this location sequentially preferable. Such settlements should be the focus for development, as relatively sustainable locations. The site has had outline planning permission before, and some tree loss to accommodate this has previously been approved.



- 8.13 The Scottish Government's Control of Woodland Removal Policy applies because the site area exceeds 0.1ha. It states that tree removal should only be permitted where it would achieve significant and clearly defined additional public benefits. As this is within a SDA, it would be beneficial to develop this site in preference to another less sustainable location.
- 8.14 The extent of tree removal has been significantly reduced following discussions with Transport Scotland. An improved visibility splay can be achieved at the junction of the private lane with the A830 Trunk Road with the removal of a holly and shrub clearance and lopping of branches that extend into the road verge. Initially it was thought necessary to remove most of the trees along this site of the site, however a site visit with Transport Scotland clarified the situation. The triangular shape of the plot and need to maintain an adequate distance to Coire Dubh to the south east, mean that it is not desirable to move the house position further that way and so avoid more of the trees.
- 8.15 Conditions are recommended to secure the retention and safeguard during construction of those trees that are to be kept, and some compensatory re-planting around the boundaries of the site. The development would thereby not significantly conflict with policies 51 and 52, the Trees Woodland and Development SG and SPP.

#### Impact on NSA and Historical Assets

- 8.16 The site is contained within the built up part of the village and it would not be conspicuous in the wider landscape. No adverse impact on the Loch Sheil NSA. Accords policies 57 and 61.
- 8.17 The site is a sufficient distance from the listed railway station not to affect its setting – over 110m, and they would not read together in the landscape. The church and farm steading are over half a km away and over 360m respectively. The Gate House is not listed. No adverse impact on any historical features. No conflict with policy 57 in this respect.

#### Access and Parking

- 8.18 The private lane joins the A830 at an acute angle and slopes markedly, which makes this a substandard junction. A condition is recommended to secure an improvement to this junction by raising the level of the track such that the private track is brought up to the same height as the main road at the approach to the junction, and has a wider level platform at the turning to make egress easier and safer onto the main road.
- 8.19 The visibility splay to the SE would also be improved through the removal of a holly tree and the removal of branches of trees lining this side of the plot, which currently extend out across the verge.
- 8.20 This lane is blocked to vehicular traffic a short distance beyond the proposed development. There are two houses beyond this site, plus another house plot before the lane narrows to a pedestrian only bridge. This would not change, and the access rights afforded to existing householders would not be affected by the

development. (The “red line” application site boundary needs to include the lane because the access back to the public road should be included within the planning application site – this does not imply ownership or affect existing rights over the lane). A total of six existing houses plus the one other undeveloped plot are served off this top end of the lane. There is limited space to turn just before the pedestrian bridge and a turning head at this point is being negotiated as part of commensurate improvements for the undeveloped plot at the end of this section of track. There is no longer any policy requirement or justification to secure the tracks upgrade to adoptive standard, as required by a condition in the previous permission. Commensurate improvements have been secured through conditions. An informative note is recommended to make clear the need for appropriate arrangements to be made by the developer, with the owner of the track and others with a legal interest in it, to ensure any damage is made good following construction work, and to contribute towards its future upkeep.

- 8.21 Two parking spaces are proposed to the NW of the house position, beyond the small watercourse that comes under the main road and crosses the top part of the plot. The hard standing would allow for turning of construction vehicles within the site, negating the need for vehicles to ‘back up’ the track. The provision is satisfactory, and accords with the requirements of the development plan.
- 8.22 The proposal would thereby accord with policy 28 in this respect.
- 8.23 The lane is also a Core Path and well used by local residents and tourists. There is a pavement on the north east side of the main road which together with the lane makes a circuit around the village linking the NTS visitor centre, Slatach, the two hotels and the station. An informative note is recommended to ensure that the lane is not blocked during construction, for the benefit of pedestrians as well as others whose houses are served off this lane. Accords policy 77.

#### Foul and Surface Water drainage

- 8.24 Conditions are recommended securing further details of the foul and surface water drainage, given concerns regarding the culvert that comes under the main road and crosses the site, then becomes a ditch alongside the lane. This periodically overflows to the detriment of the lane.
- 8.25 The green roof and relatively small size of the building in relation to the plot are such that surface water drainage can readily be addressed on site.
- 8.26 A septic tank is sought in this case because the site is too distant to connect to the Scottish Water system that serves part of the village. The septic tank is subject to control by Building Standards in any event, and any discharge from it to a watercourse would be controlled by SEPA. Accords policies 65 and 66.

#### Other material considerations

- 8.27 The development would be served off the mains water supply. It is for the developer to secure a connection with Scottish Water.
- 8.28 There is mains power close to the site and a connection could readily be made.

This is a matter for the developer, including securing any necessary wayleaves.

8.29 There are no other material considerations.

Non-material considerations

8.30 The issue of development for commercial profit is not a material planning consideration.

8.31 Any dispute regarding property boundaries is not a material planning issue, but rather for the relevant landowners to resolve.

Matters to be secured by Section 75 Agreement

8.32 None

**9. CONCLUSION**

9.1 The site is within the Glenfinnan SDA and the site has previously had outline planning permission and its location is therefore acceptable in principle. The proposed house would fit satisfactorily into this site, without detriment to neighbouring amenity, and an adequate number of trees may be retained particularly along the boundary with the main road.

9.2 The junction of the private lane will be improved to the benefit of all those properties which are served off this end of the lane, and conditions would adequately address the need to secure appropriate surface water and foul drainage treatment.

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**

**Action required before decision issued N**

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

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

**Conditions and Reasons**

1. No development shall commence until a plan of improvements to the access junction of the private lane with the trunk road, to include the requirements detailed below, has been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The approved access shall then be constructed as approved prior to the commencement of development on the approved house.
  - The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 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. The throat width of the access shall be at least 5.5 metres at a distance of 6 metres from the edge of the Trunk Road.
  - The access shall join the trunk road with a revised junction layout which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3, modified to include a servicing bay to the west of the access.
  - The gradient of the remainder of the access road shall not exceed 1 in 10.

**Reason:** To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished; 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; and to ensure water run-off from the site does not enter the trunk road; in accordance with policy 56 of the Highland wide Local Development Plan.

2. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during construction, in accordance with policies 51 and 52 of the Highland wide Local Development Plan, the Supplementary Guidance Trees Woodland and development and Scottish Planning Policy.

3. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage 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 order to ensure the protection of retained trees, which are important amenity assets, during construction. in accordance with policies 51 and 52 of the Highland wide Local Development Plan, the Supplementary Guidance Trees Woodland and development and Scottish Planning Policy.

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 in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site. in accordance with policies 34, 57 and 61 of the Highland wide Local Development Plan.

5. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason:** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection. in accordance with policy 65 of the Highland wide Local Development Plan and the Supplementary Guidance on Flood Risk and Drainage.

6. 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 policy 66 of the Highland wide Local Development Plan.

7. No development shall commence until a construction phase Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. Thereafter the approved Traffic Management Plan shall be implemented in accordance with the approved plan for the duration of construction.

**Reason:** In the interests of road and pedestrian safety

8. Notwithstanding the provisions of Article 3 and Class(es) 1A, 1B, 3A, 3B, 3C and 3D 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), no development of a type identified in the aforementioned classes shall take place within the curtilage of the house hereby approved without planning permission being granted on application to the Planning Authority.

**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 adversely affect trees or result in over-development.

9. No development shall commence until further details have been submitted to and approved in writing by the Planning Authority to demonstrate how the water that flows onto the site from a culvert under the A830, and crosses the upper part of the site before entering a ditch alongside the private lane, is to be attenuated to ensure the rate of flow is not increased. Details to include the raised walkway that would cross this area between the car parking area and the house hereby approved. Thereafter the development shall be undertaken in accordance with the approved details.

**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 policy 66 of the Highland wide Local Development Plan.

## **REASON FOR DECISION**

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

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In 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.

### **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does

not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as 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)

## **Private Access Road**

This development is served off a private lane. It is the developer's responsibility to secure appropriate rights of access, any requirements by the owner(s) to repair it following construction work, and to ensure proper provision is made for its future maintenance and upkeep.

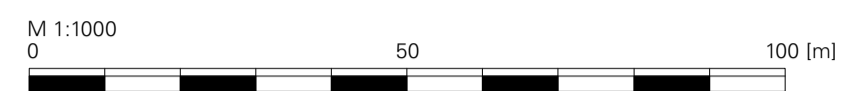
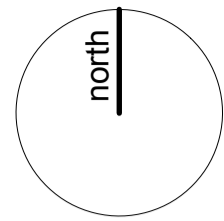
## **Property Boundaries**

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 enable development of your property. You must ensure that you obtain any necessary agreement of any neighbouring landowner for any works which encroach on their property.

## **Public Access**

Public access along the Core Path adjacent to the application site shall not be obstructed or deterred by construction-related activities.

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 305.1P001  
Plan 2 - Revised Site Layout Plan 305.1-P-002 Rev A  
Plan 3 - Tree protection Plan 23 May  
Plan 4 - Proposed floor plan 305-1-P-101  
Plan 5 - roof plan 305-1-P-102  
Plan 6 - Proposed elevations 305-1-P-111  
Plan 7 - Proposed elevations 305-1-P-112  
Plan 8 - Proposed elevations 305-1-P-113  
Plan 9 - Site Sections 305-1-P-121  
Plan 10 – Elevations 305-1-P-201  
Plan 11 – Elevations 305 – 1 P-202

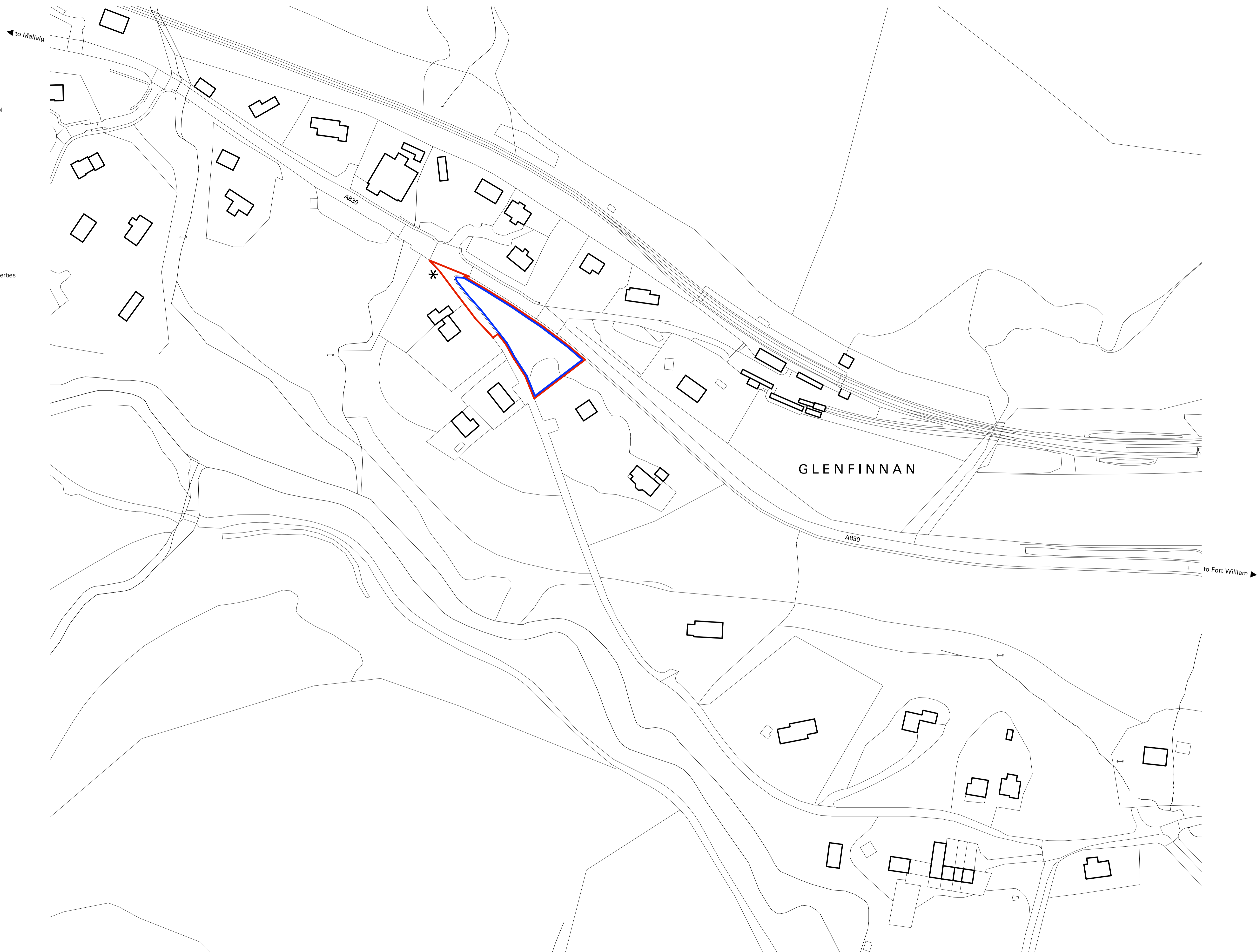


— Planning boundary  
— area under applicant ownership

site area: 0.151 Ha (or thereby); (excluding road to bin store)

easting: 189740  
 northing: 780980

\* indicative location of bin store;  
 note bins co-located with existing provision for adjacent properties



do not scale from this drawing dimensions and levels to be checked on site by the contractor \* all dimensions in millimetres unless otherwise noted \* all levels in metres unless otherwise noted

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**RURAL DESIGN ARCHITECTS**

Client

David Matzdorf & Mai Gray

Scale

Date

Drawn

Status

PL

1:1000@A1

Dec 2017

SM

PL

Project

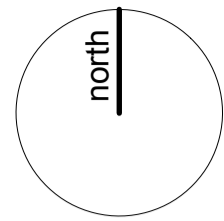
Proposed House at Glenfinnan [1]

Drawing Title

Location plan

Dwg No.

305.1/P/001



site area: 0.151 Ha (or thereby)

easting: 189740

northing: 780980

- A. proposed house [ 87 m<sup>2</sup> ]
- B. raised walkway
- C. parking (2 no. spaces)
- D. foul drainage

**General Notes**

**Access Track**

100mm compacted gravel / whin dust or marble topping  
on 200mm compacted sub-base  
comprising locally found material where possible

**Parking Bays**

40mm gravel on 200mm compacted sub-base  
comprising locally found material where possible

**Water Supply**

Mains connection

**Foul drainage**

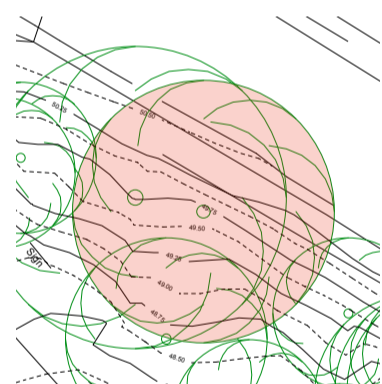
Treatment plant discharging to burn; to engineer's design

**Rain water**

Surface water to discharge to burn via filter pit to engineer's design

**Bin storage**

Bin storage at road junction with A830














**Cross reference with arboricultural survey**

Tree no. 305 (holly) identified by planner for removal to improve visibility at junction. Tree and surrounding low-level scrub to be fully removed

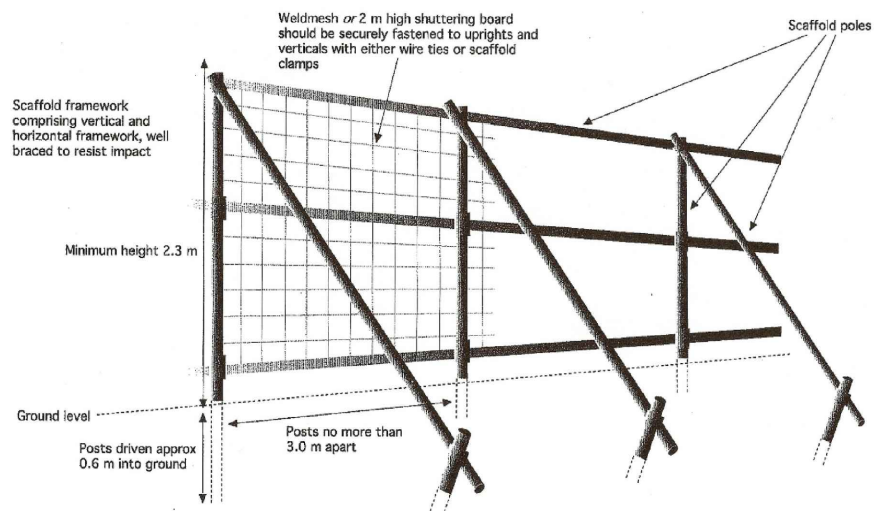
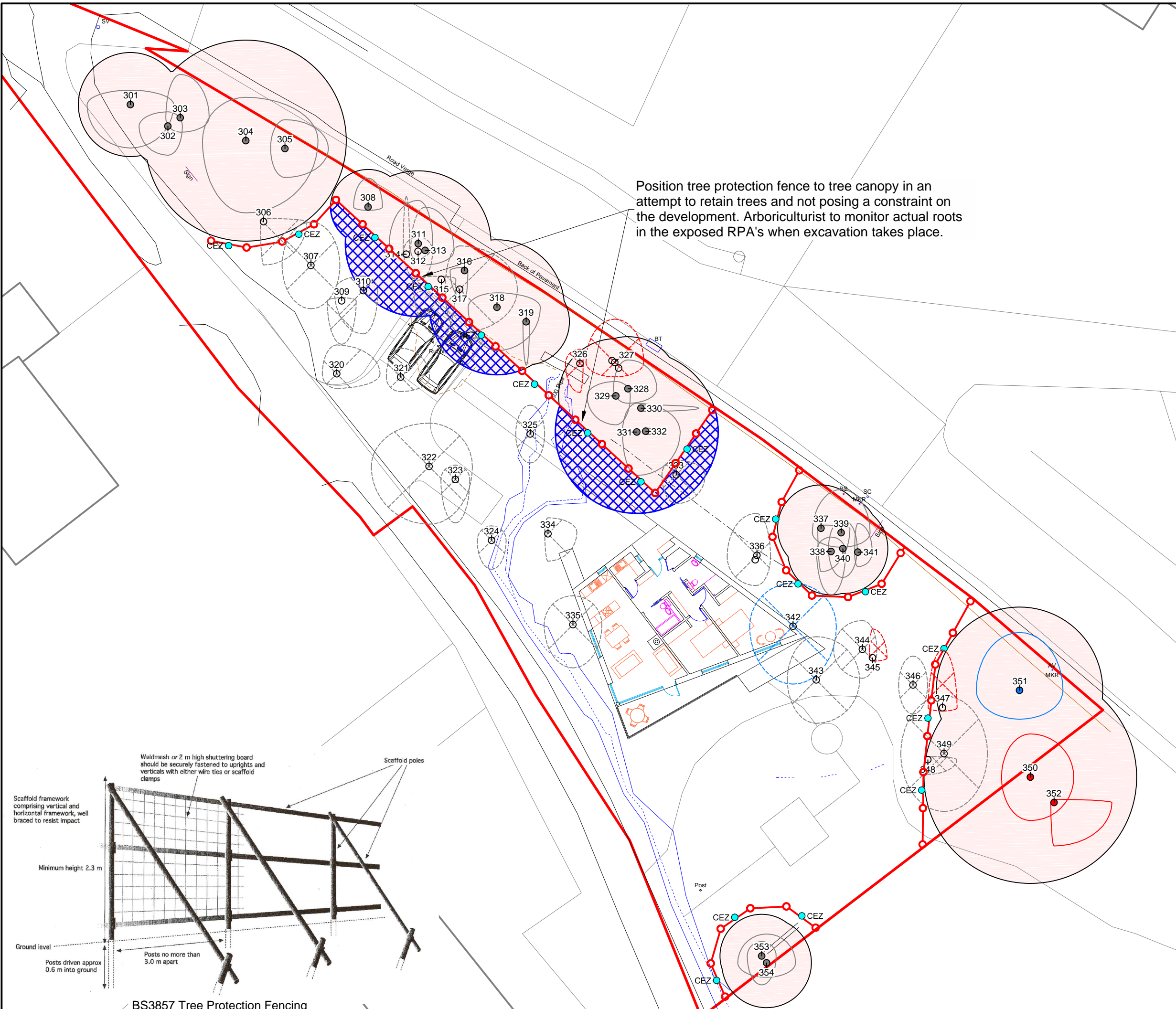
**CROSS REFERENCE WITH TREE SURVEY, PROTECTION PLAN AND ARBORICULTURAL METHOD STATEMENT**



**Key**

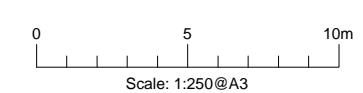
-  Tree Location
  -  BS5837 Protective Fence to be Erected Prior to Commencement of Works
  -  Construction Exclusion Zone Sign
  -  Arbiculturist Supervision During Excavation
- BS Category of Condition Crown Spread**
-  BS Condition A - High Quality Tree
  -  BS Condition B - Medium Quality Tree
  -  BS Condition C - Low Quality Tree
  -  BS Condition B - Tree to be removed
  -  BS Condition C - Tree to be removed
  -  BS Condition U - Tree to be removed due to poor quality
  -  BS Calculated Root Protection Area

Position tree protection fence to tree canopy in an attempt to retain trees and not posing a constraint on the development. Arboriculturist to monitor actual roots in the exposed RPA's when excavation takes place.



**BS3857 Tree Protection Fencing**

The original of this drawing was produced in colour – a monochrome copy should not be relied upon



Title: **Tree Protection Plan**

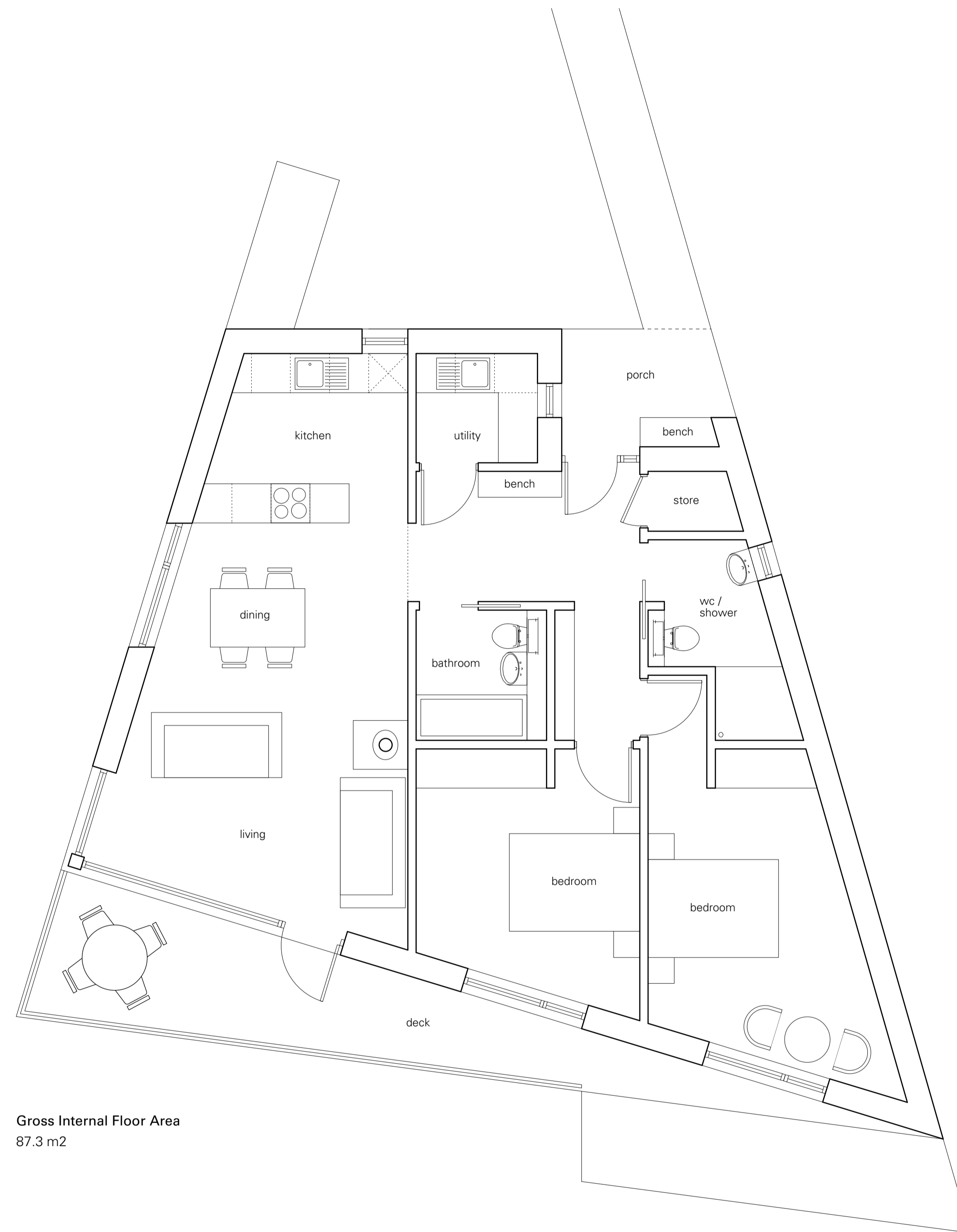
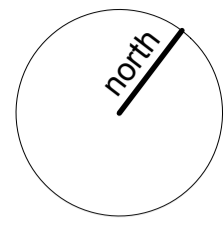
Location: **Plot 1, Glenfinnan**

Ref Code: **Appendix 3**

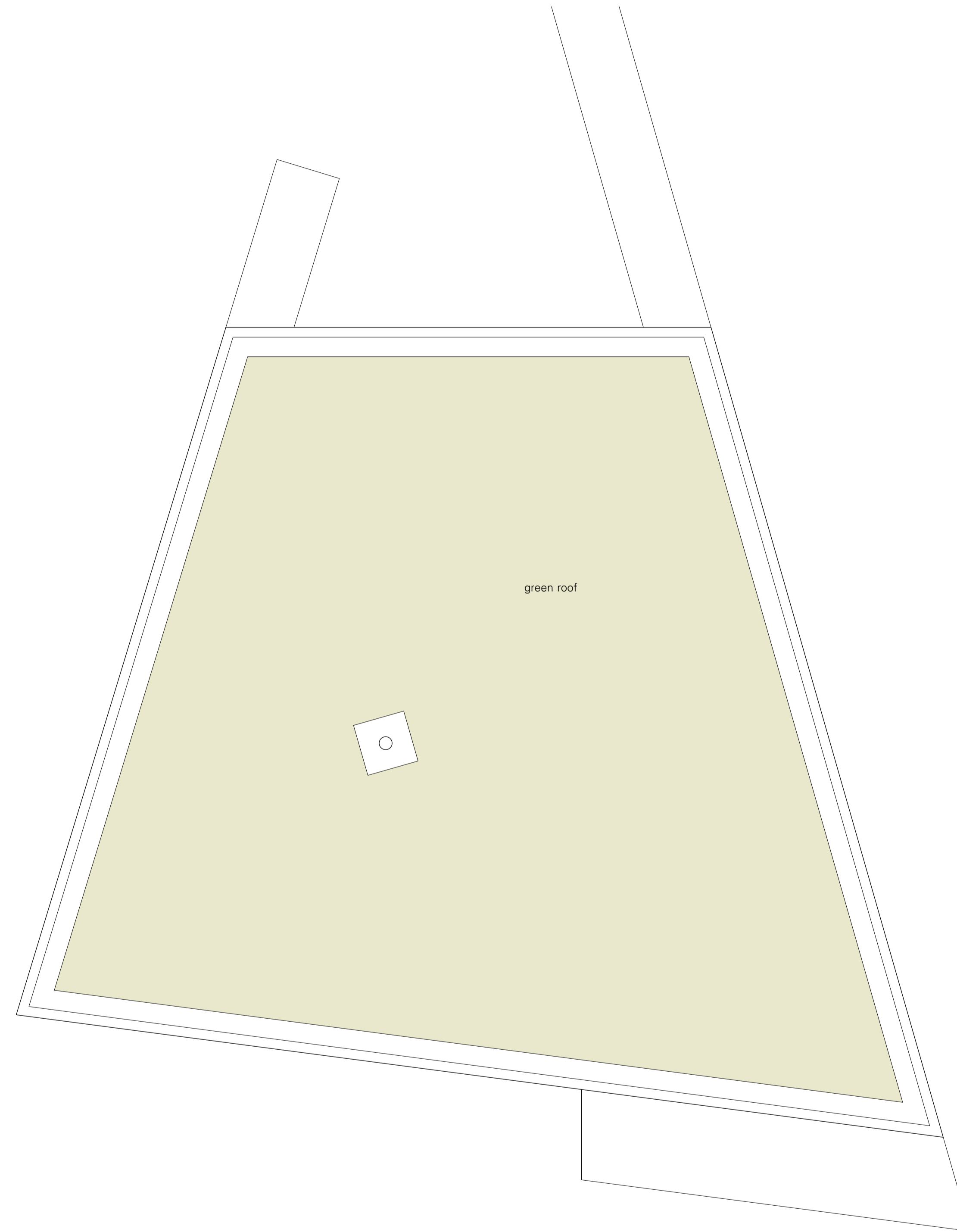
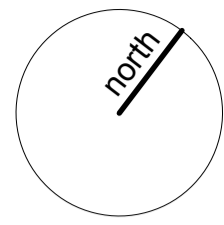
Date: **16/12/17** Scale: **1:250** Original Paper Size: **A3**

Drawn by: **MG** Checked: **MR**

Tel: 01471 822432  
 Mob: 07702 276355  
 Email: info@arborteeding.co.uk  
 Web: www.arborteeding.co.uk



Gross Internal Floor Area  
87.3 m<sup>2</sup>



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Client

David Matzdorf & Mai Gray

Scale  
1:50@A1

Date  
Dec 2017

Drawn  
SM

Status  
PL

Project

Proposed House at Glenfinnan [1]

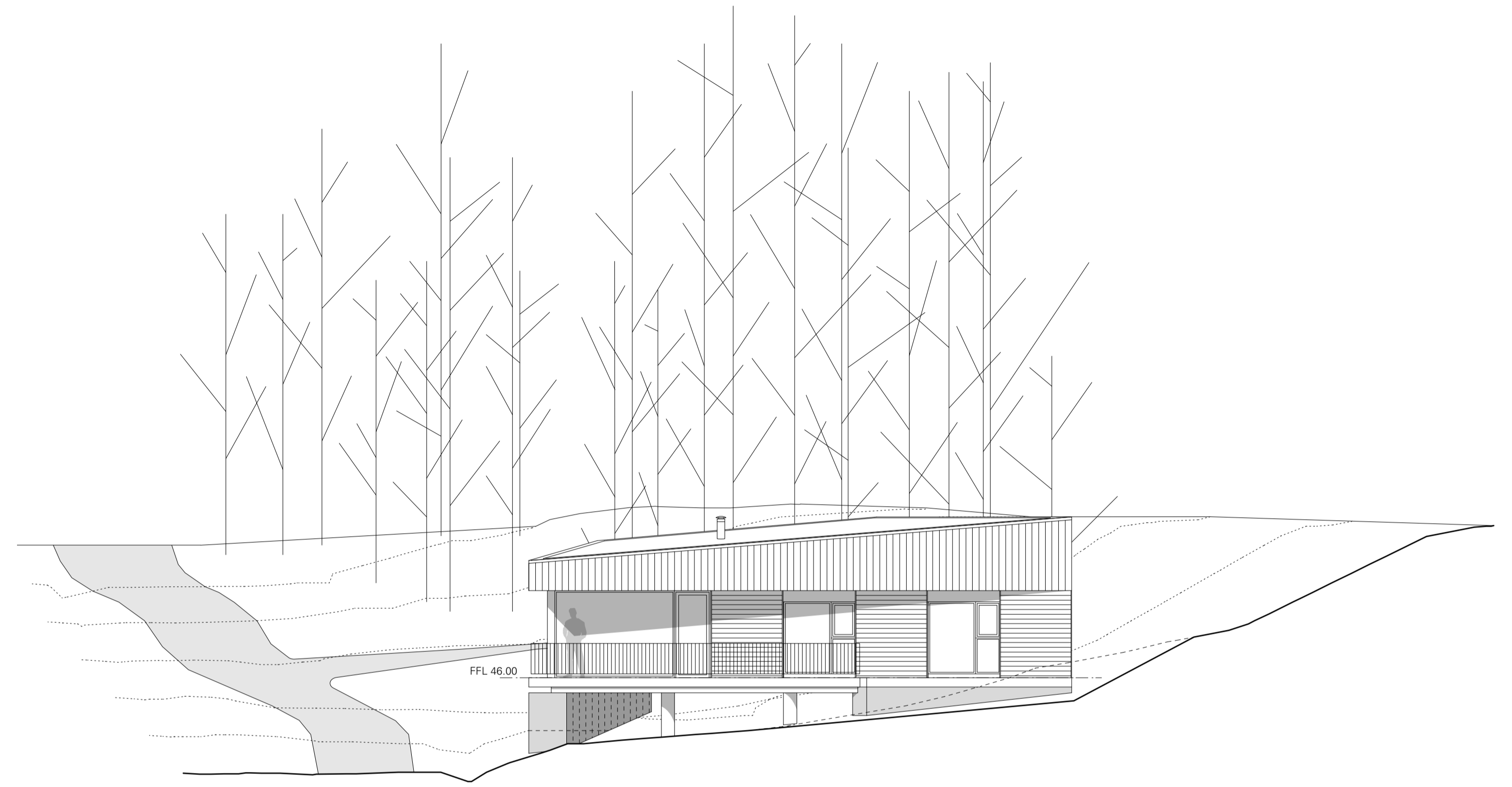
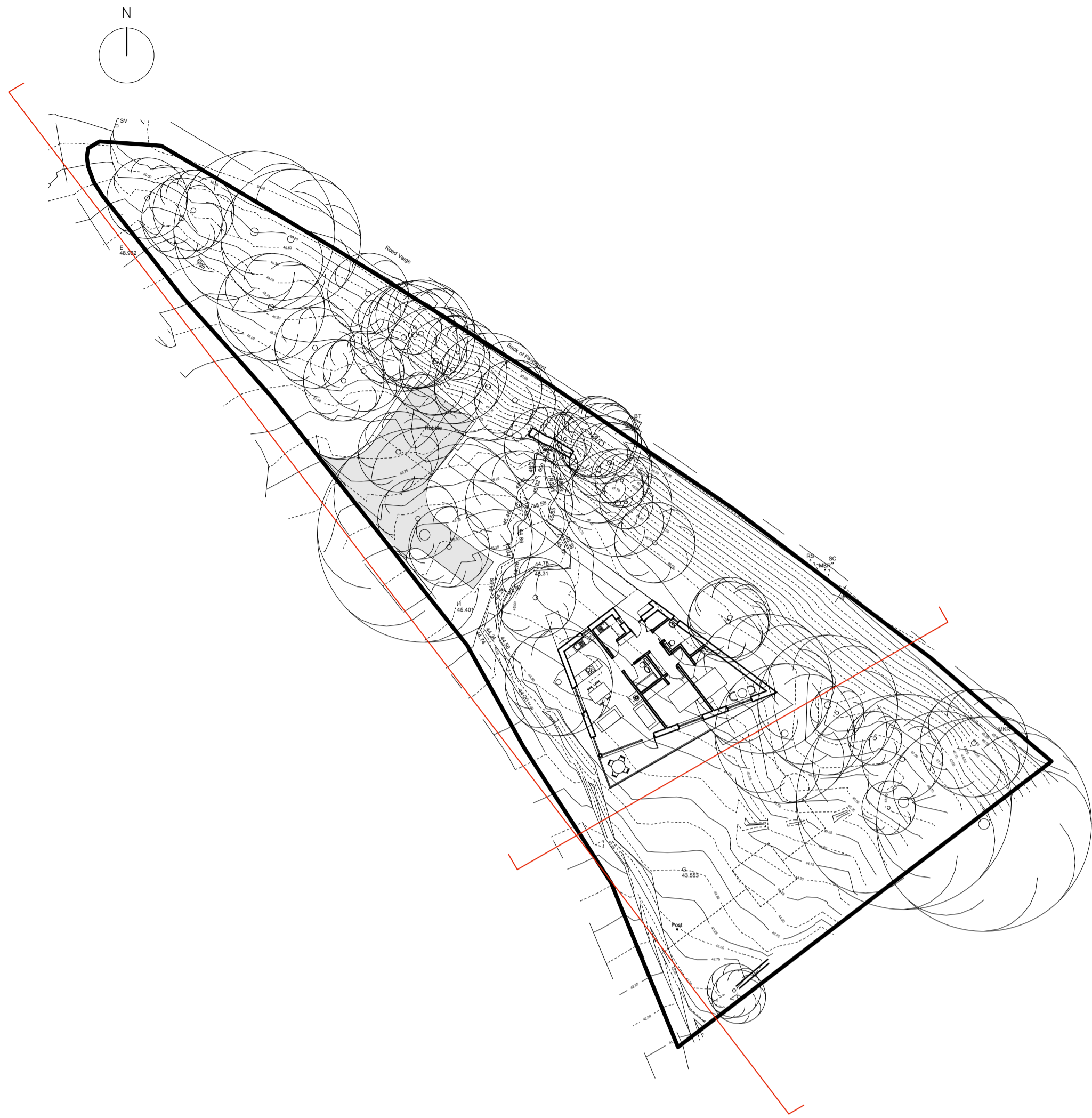
Drawing Title  
Proposed Roof Plan

Dwg No.

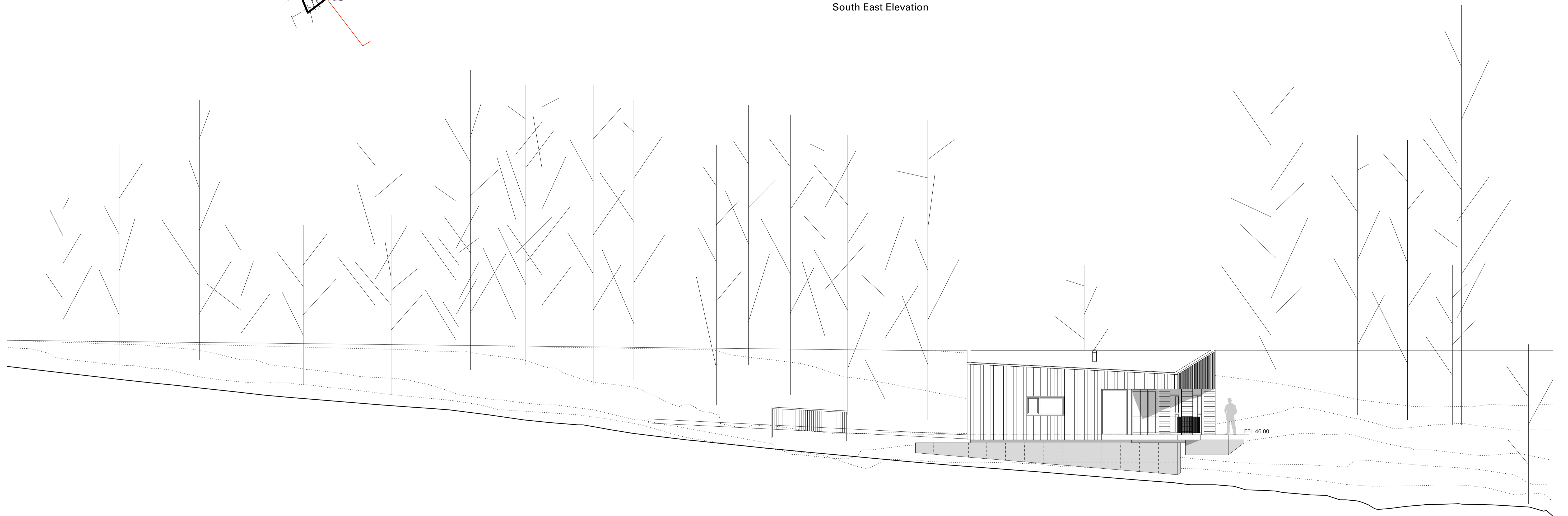
305.1/P/102

NOTE: ALL TREE POSITIONS ACCORD WITH SURVEY IN PLAN POSITION AND HEIGHT

M 1:100  
0 1 2 3 4 5 6 7 8 9 10 [m]



South East Elevation



South West Elevation

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Scale

1:100@A1

Date

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Status

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Project

Proposed House at Glenfinnan [1]

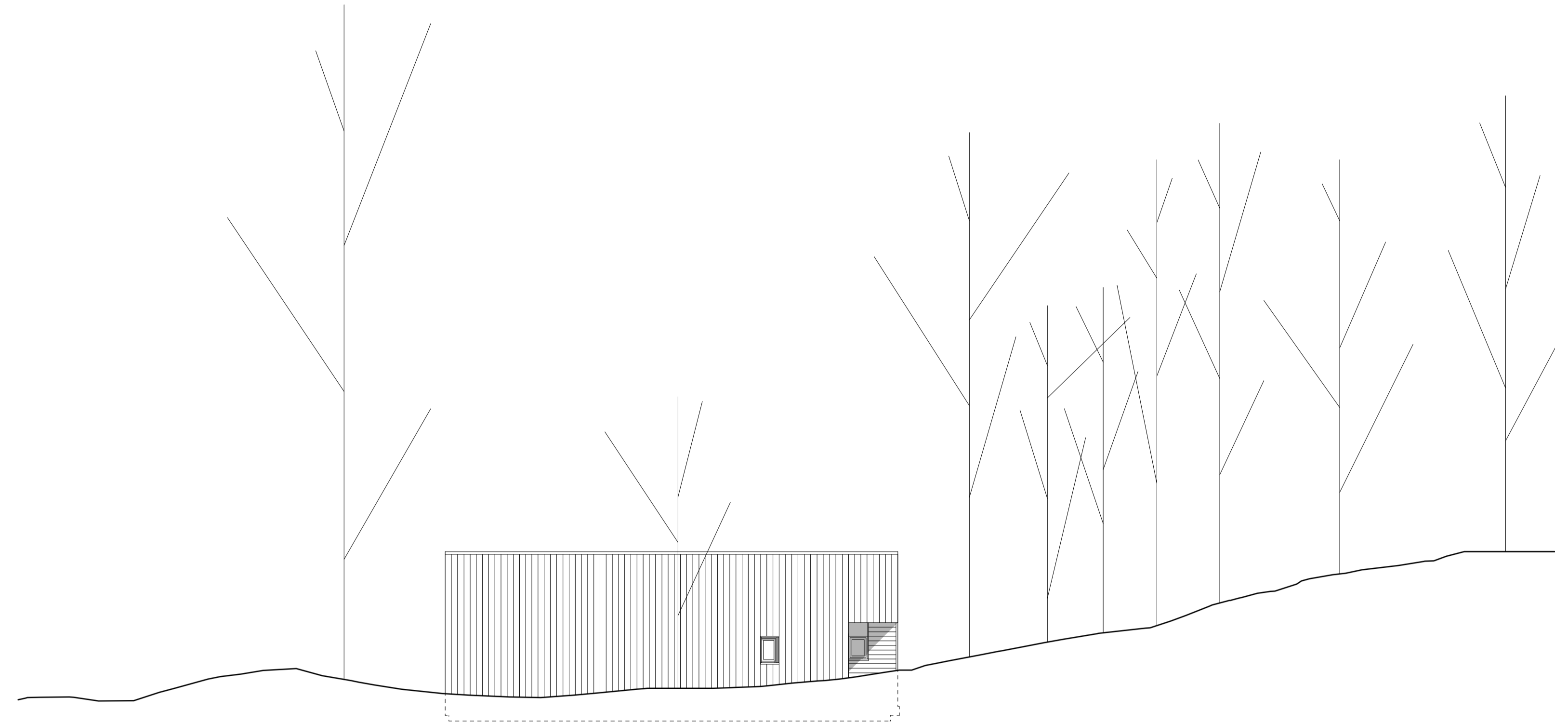
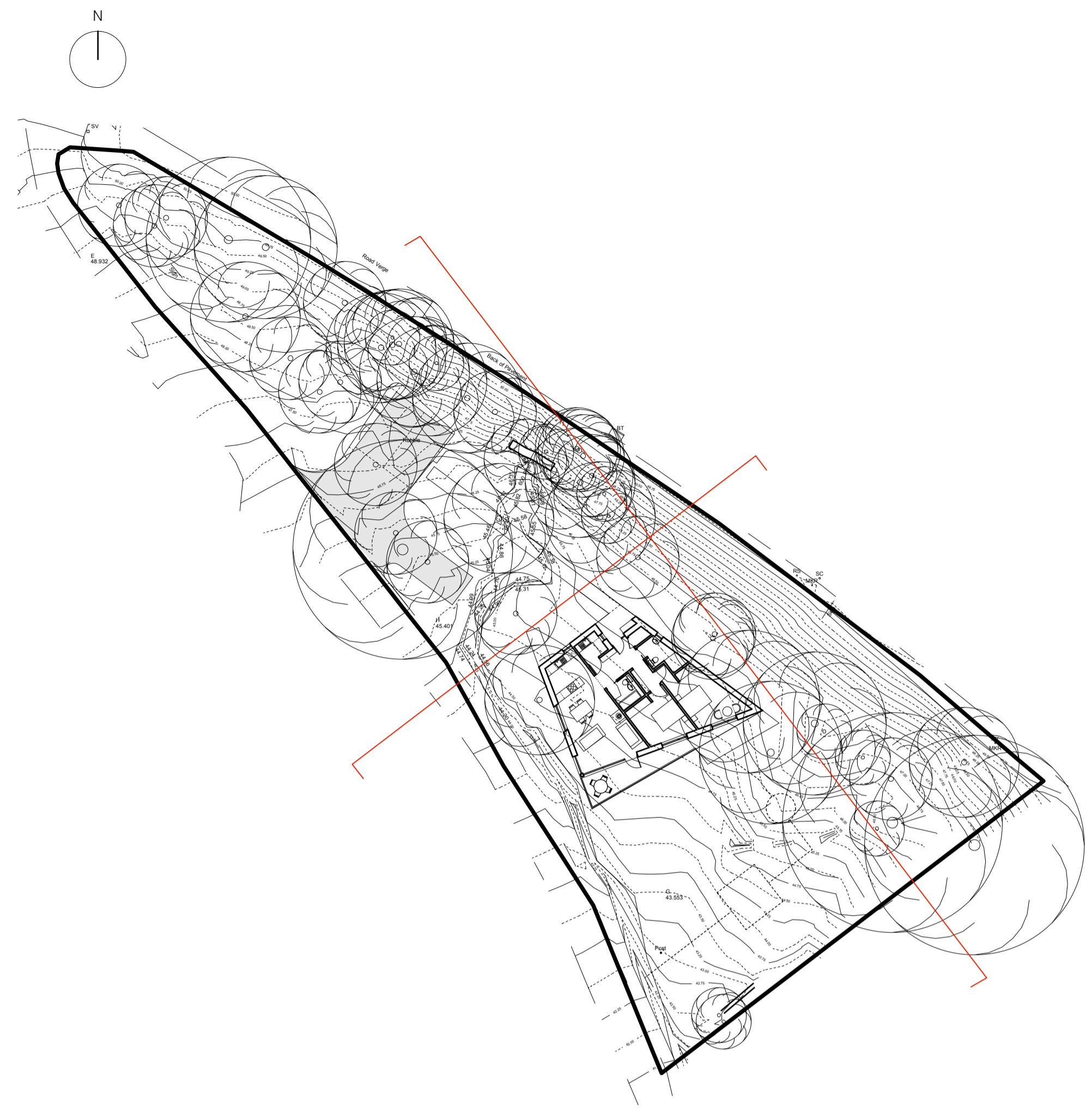
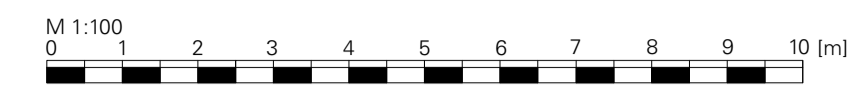
Drawing Title

Proposed Site Elevations (SE + SW)

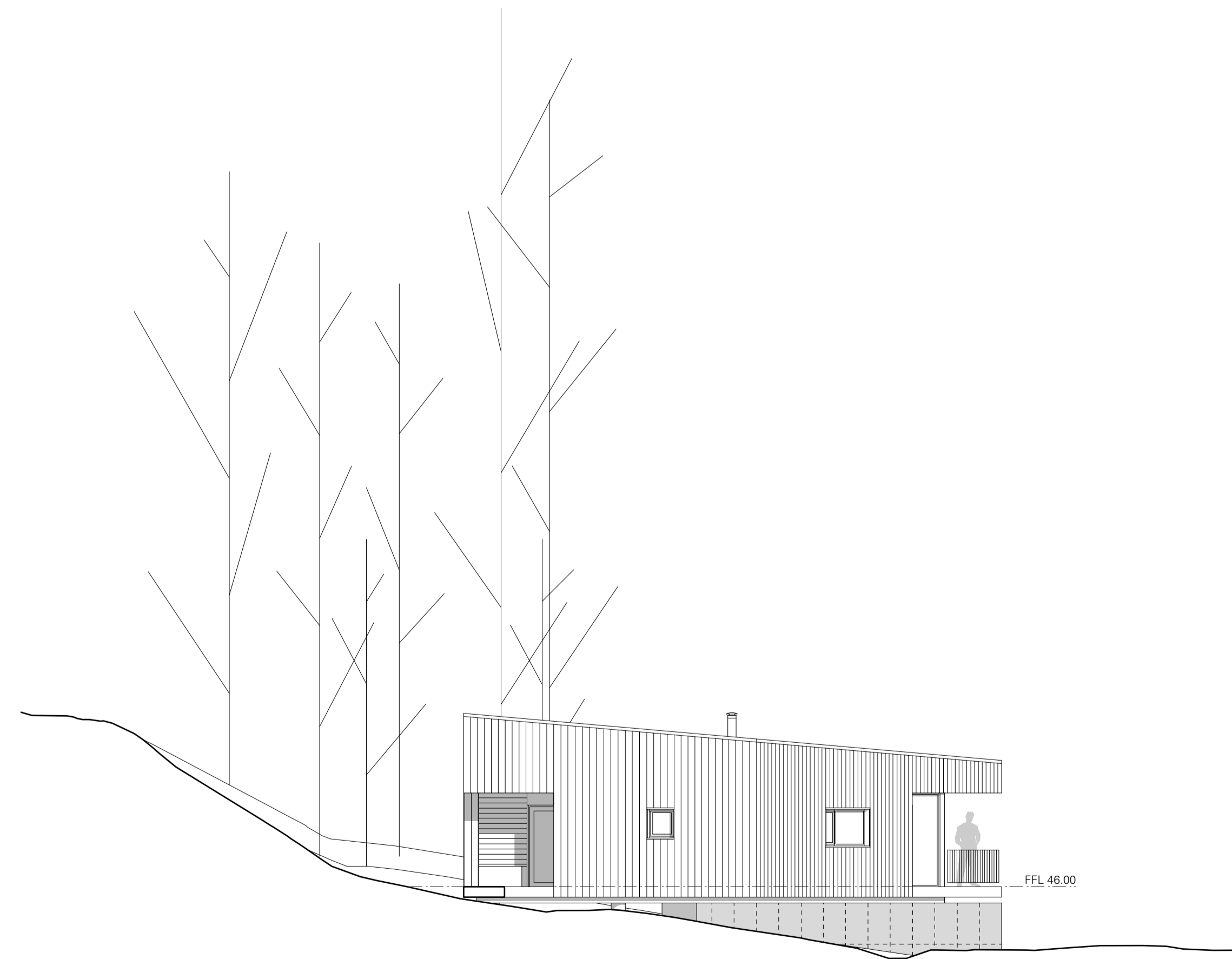
Dwg No.

305.1/P/111

NOTE: ALL TREE POSITIONS ACCORD WITH SURVEY IN PLAN POSITION AND HEIGHT



North East Elevation



North West Elevation

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Scale

1:100@A1

Date

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Status

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Project

Proposed House at Glenfinnan [1]

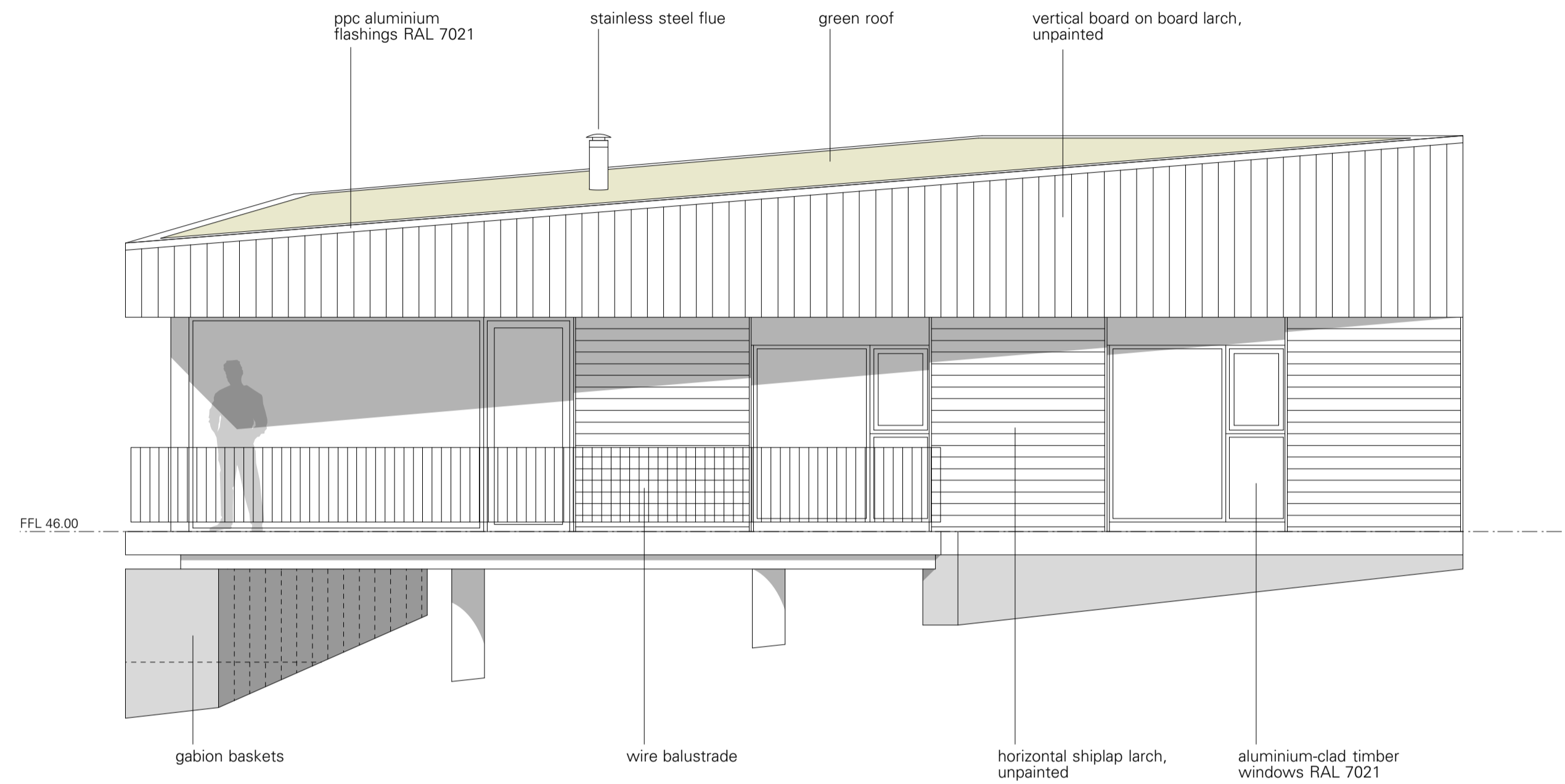
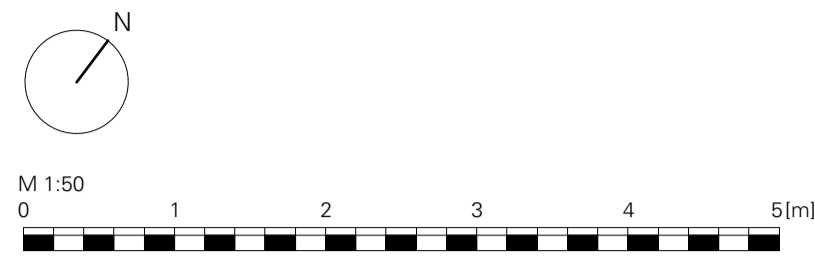
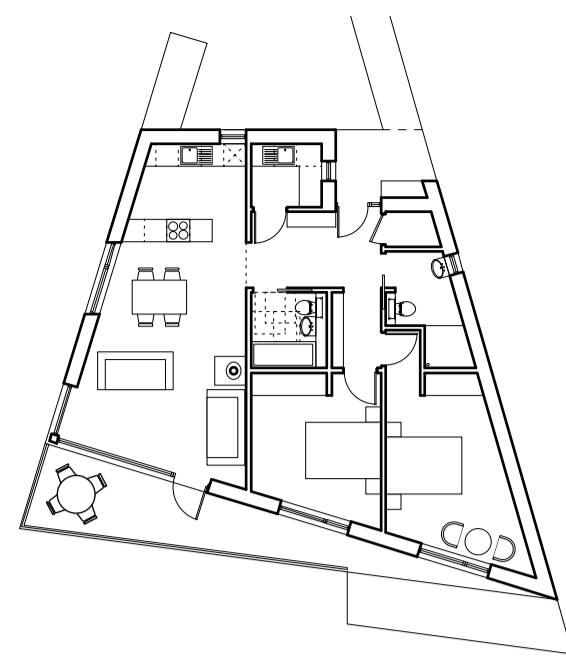
Drawing Title

Proposed Site Elevations (NE + NW)

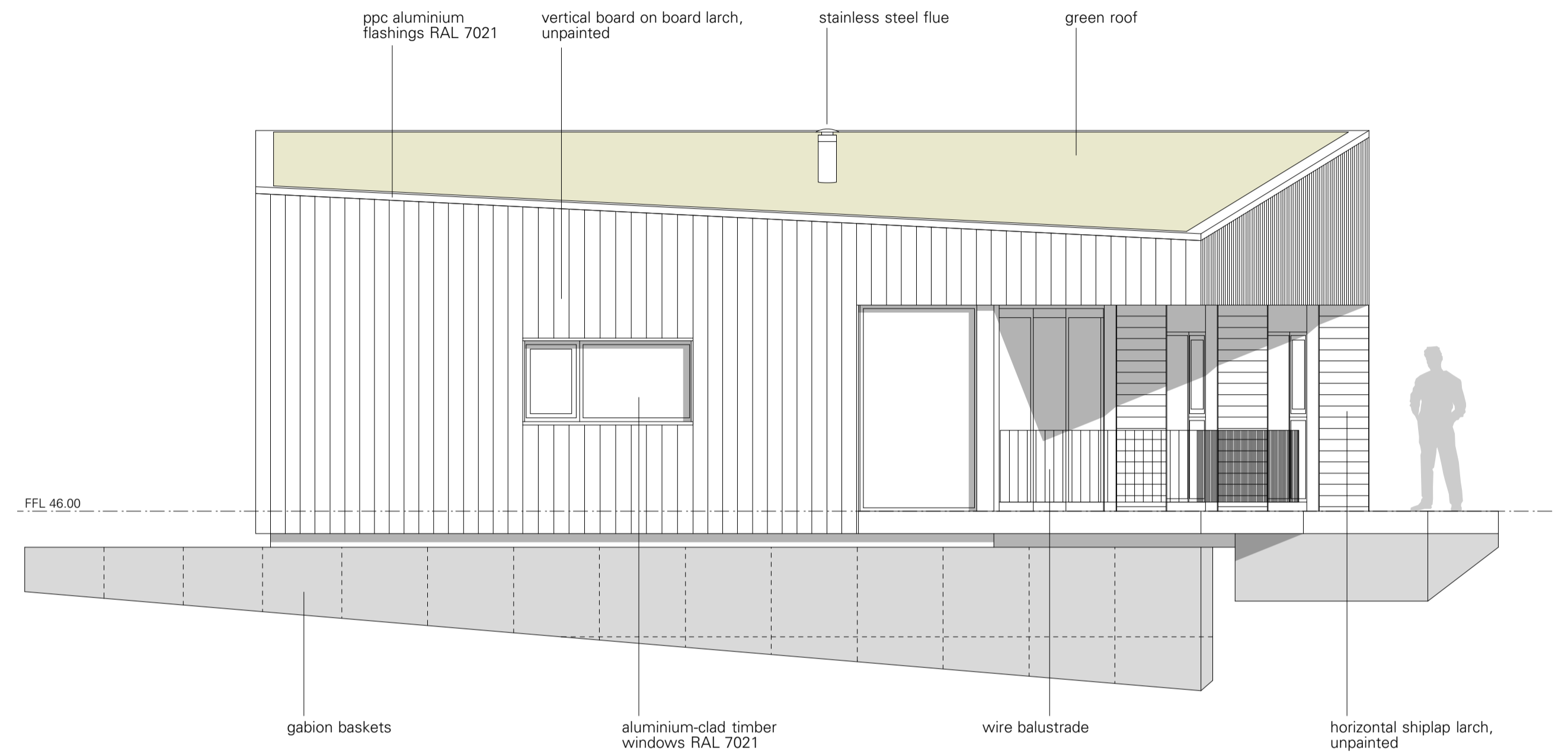
Dwg No.

305.1/P/112

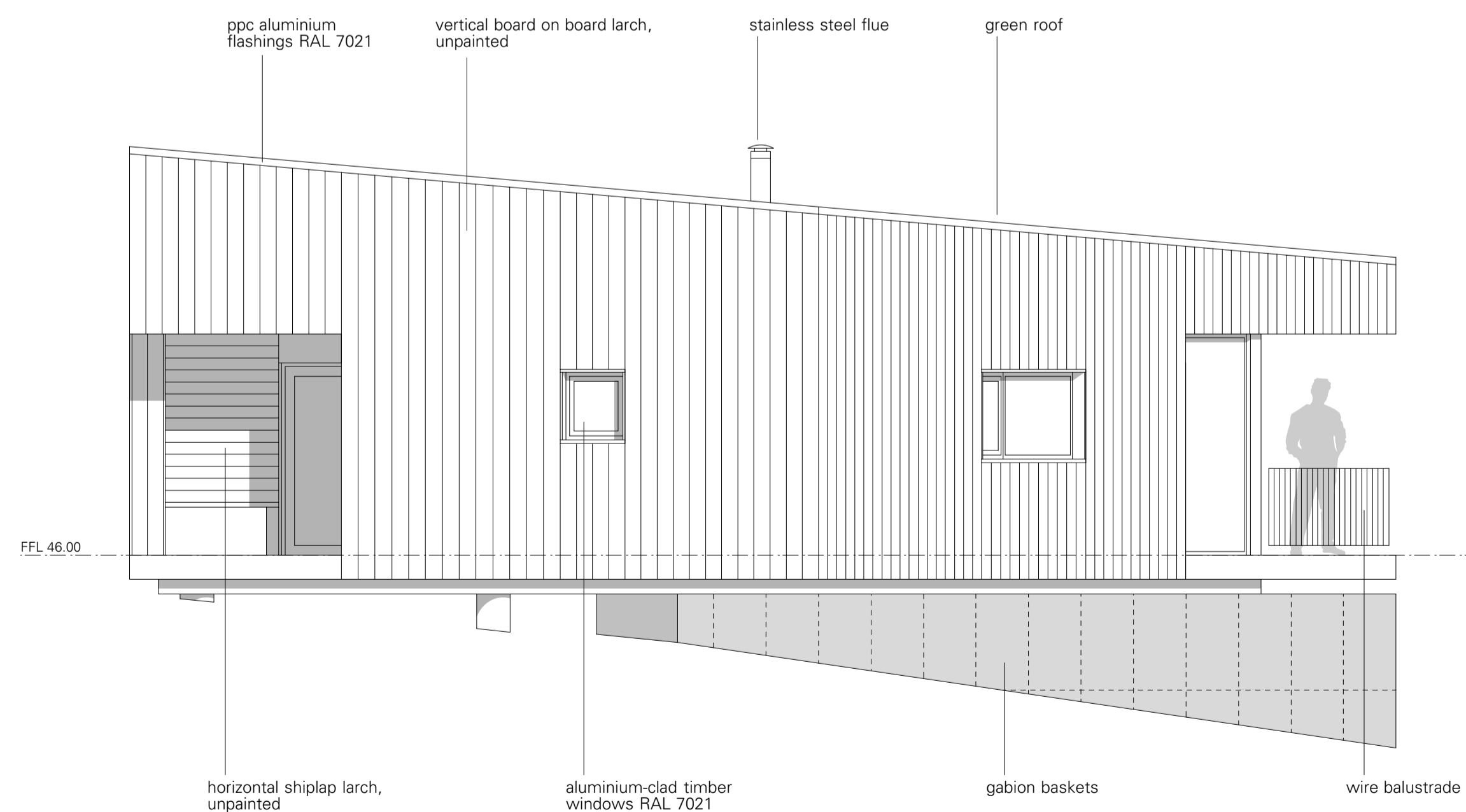




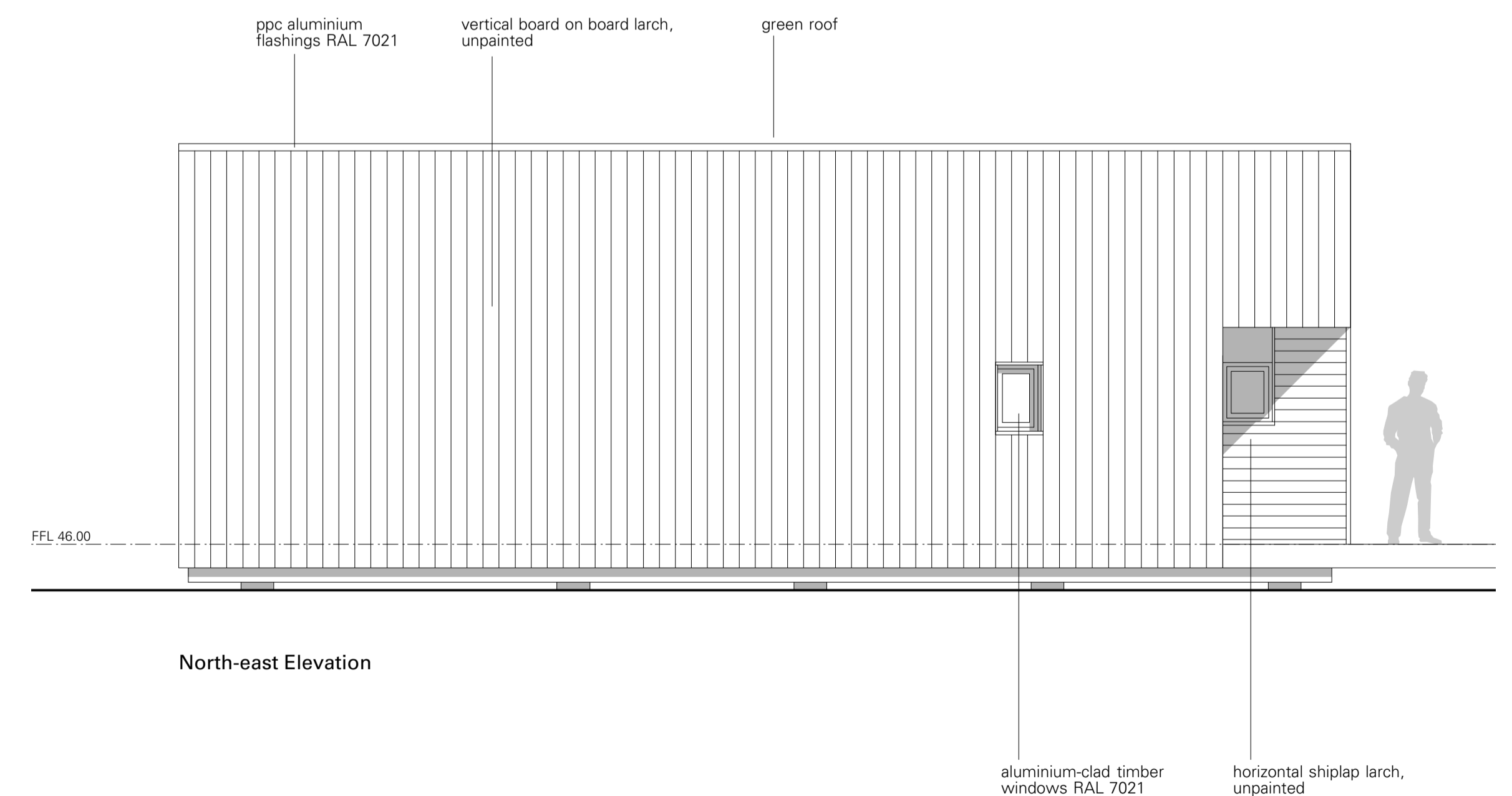
South-east Elevation



South-west Elevation



North-west Elevation



North-east Elevation

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Project

Proposed House at Glenfinnan [1]

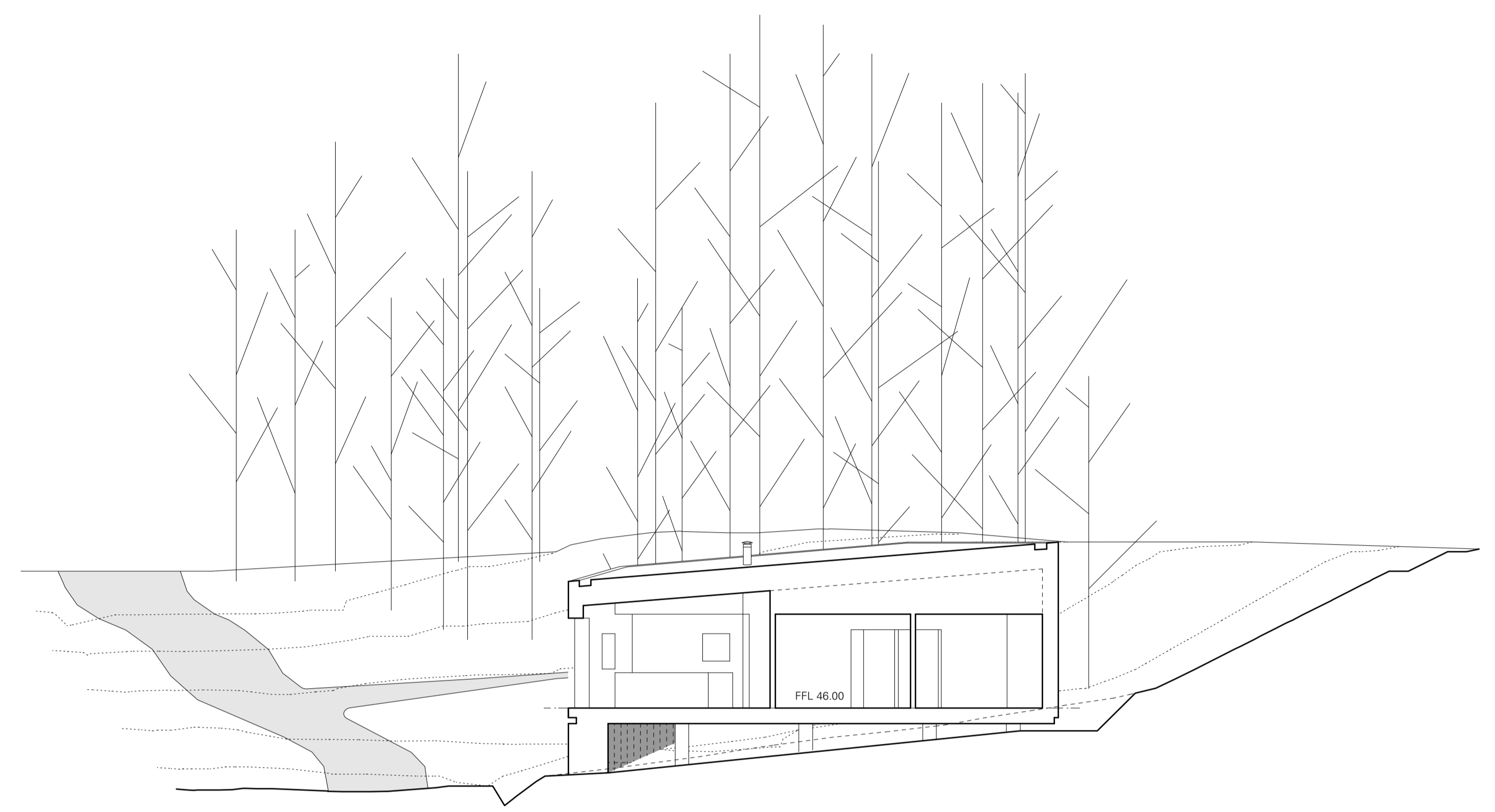
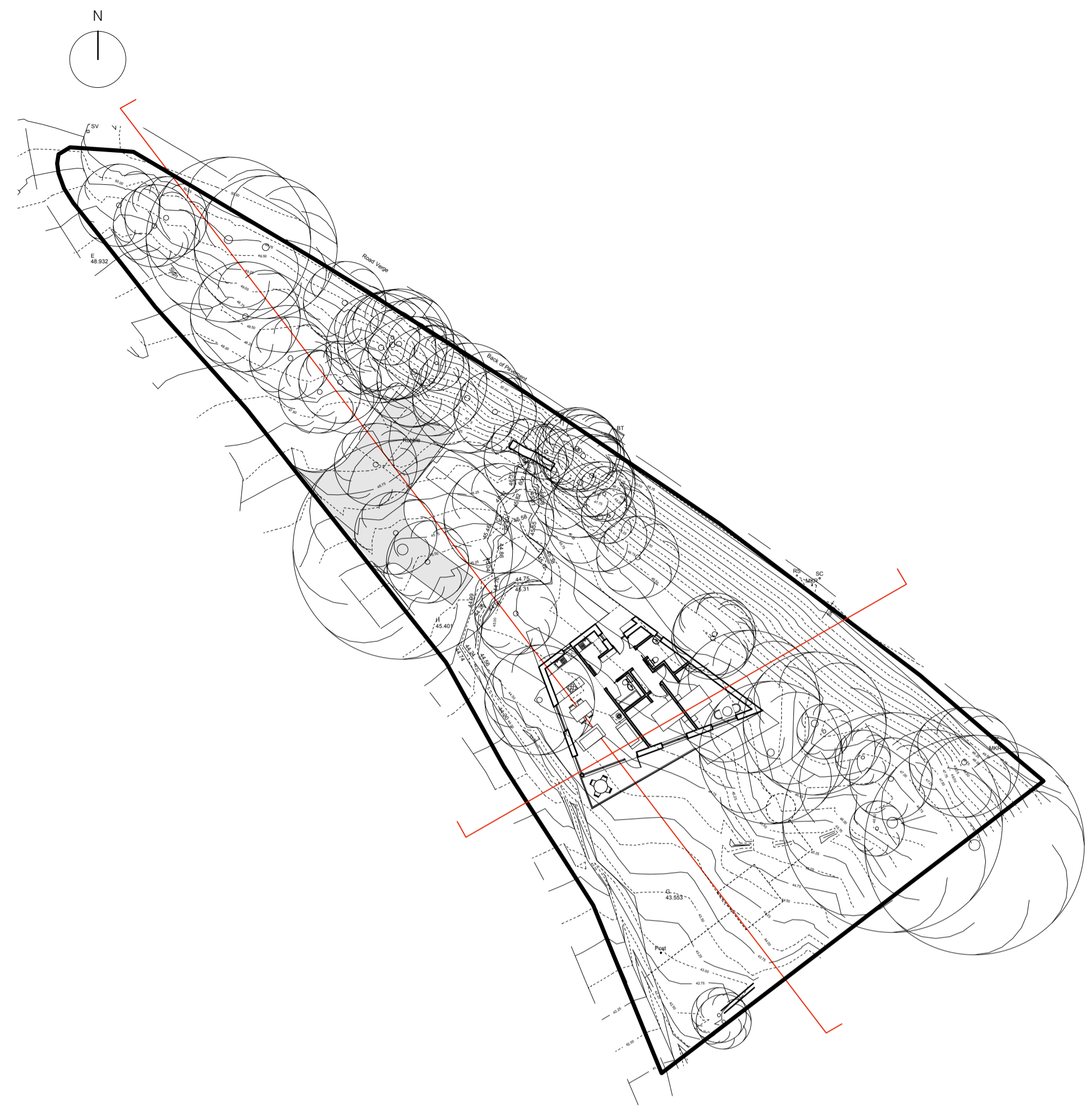
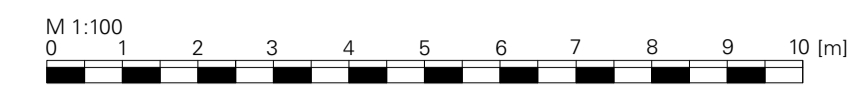
Drawing Title

Proposed Elevations

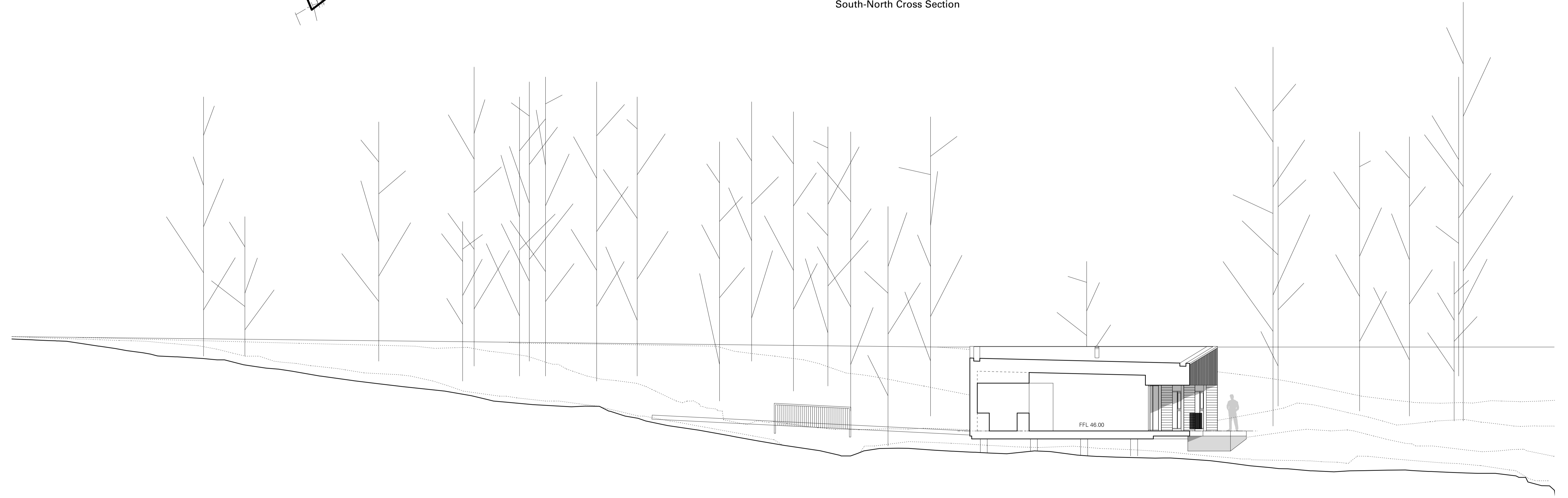
Dwg No.

305.1/P/113

NOTE: ALL TREE POSITIONS ACCORD WITH SURVEY IN PLAN POSITION AND HEIGHT



South-North Cross Section



West-East Cross Section

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Client  
**David Matzdorf & Mai Gray**

Scale	Date	Drawn	Status
1:100@A1	Dec 2017	SM	PL

Project  
**Proposed House at Glenfinnan [1]**

Drawing Title	Dwg No.
Proposed Site Sections	305.1/P/121



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Proposed House at Glenfinnan [1]

Scale

-

Date

Dec 2017

Drawn

AR

Status

PL

Drawing Title

Visualisation from south-east

Drg No.

**305.1/P/201**



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Proposed House at Glenfinnan [1]

Scale

-

Date

Dec 2017

Drawn

AR

Status

PL

Drawing Title

Visualisation from west

Drg No.

**305.1/P/202**