

Agenda Item	7.4
Report No	PLS/057/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 8 August 2018
Report Title: 17/05917/FUL: Mr David Matzdorf
Land West of Sruth A' Mhuilinn, Glenfinnan
Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Erection of house
Ward: 11 - Caol and Mallaig
Development category: Local development
Reason referred to Committee: 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 3 bedroom dwelling house on a steeply sloping plot in Glenfinnan, next to the River Slatach. The plot is 0.12Ha in size. It would be served off the unmade private lane that is accessed off the Slatach 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 two storey, with the living accommodation on the first floor, and set down in relation to the lane. Materials would be vertical unpainted board on board larch which will fade to silver grey in colour, natural stone, and with substantial glazing in the south west and east elevations. The principal outlook would be to the south west towards the river. The south east elevation would have a balcony at first floor level.

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

- 1.2 Access would be taken off the private lane, which joins the minor public road approx. 120m to the south. This part of the lane currently serves 8 dwelling houses plus another undeveloped plot which has recently received a renewal of planning permission (18/01679/FUL). It is blocked to vehicular traffic to the north of the other undeveloped plot, to prevent it being used as a through route to the A830. Parking for 2 vehicles is proposed to the east of the house. The driveway and parking have been revised in response to the house position being moved away from the river and further up the slope. A stone retaining structure would be constructed to support the cut required to create the parking area.

Water would be from the public supply and foul drainage is proposed to be to a treatment plant and filter pit discharging to the river.

- 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 minor public road to Slatach.
- 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: house position moved away from the river and upslope to address SEPA objection; and driveway and parking layout amended to reflect revised house position.

2. SITE DESCRIPTION

- 2.1 The site is within the village close to the former farm steading and west of the church and Glenfinnan House Hotel. It is on the river side of the private unmade lane that joins the minor public road behind the Glenfinnan House Hotel. There is open mature woodland covering much of the site, which slopes steeply from the lane to the river, NE to SW.
- 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. None of

the trees within the site are designated as Ancient Woodland however the trees around the houses on the other side of the lane are within Ancient Woodland of semi natural origin, and the lane is part of the Core Path network.

3. PLANNING HISTORY

3.1 28.08.09 09/00257/PIPLO one and a half storey house Granted permission

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 11.01.18

Representation deadline: 23.07.18

Timeous representations: 3

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Not sympathetic to the style of existing buildings in Glenfinnan (this is one of 3 plots proposed with a similarly modern design) – previous permissions had restrictions imposed on style and visual impact and were for 1½ storey buildings – detrimental effect on a historical and traditional highland village
- b) The height of the building would rise above the level of the existing track, notwithstanding the turf finish
- c) The stainless steel finishes and flue are obtrusive
- d) The untreated larch will not fade to silver grey in such a damp climate – it will go dirty black
- e) 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
- f) This house together with the other plot accessed from the top end of the lane would exceed saturation point for access via this lane
- g) The lane has not been upgraded to adoption standards following previous proposals – should be upgraded to adoptive standard
- h) 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
- i) 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
- j) The driveway to this house is dangerously close to the boundary with Sruth a’Mhuillin, given the steep gradient there will be a risk of erosion and landslip
- k) Overlooking from the veranda would impact on the privacy of the neighbouring dwelling (Sruth a’Mhuillin)
- l) The site is low lying, close to the river
- m) Surface water drainage issues – most of the houses are on the top side of this lane and there has long been issues with run off towards the river
- n) The potential loss of an old cobble stone pathway between Torr Beitheach and Innisfree which runs on the east side of, or within, the applicant’s boundary to

the river – which is an historic path (the old Cow Path)

- o) A bellmouth was a requirement of the previous outline permission
- p) Future extensions or outbuildings may arise at a later stage resulting in over-development – permitted development rights should be removed to prevent this
- q) Loss of trees and a natural undeveloped area, used by pine martens and full of birds - The wooded character of the area should be kept

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

5. CONSULTATIONS

5.1 **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. The plans [as submitted] do not meet SEPA's previous requirements regarding levels. 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 and conifer woodland mainly around the periphery of the site with a clearing in the middle. Whilst the site is outwith the Ancient Woodland designation, the First Edition OS maps of the 1860s show woodland all the way down to the river, and this would appear to be a mapping error and 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 19 trees and the retention of 26 trees. Of the trees to be removed 1 is category U and should be removed whether consent is granted or not. The remainder are category C. Most of the trees alongside the lane would be removed which is disappointing and will have a significant visual impact.

It is acknowledged that there has been a previous outline consent for this site, however it is considered that the layout could be amended to accommodate more tree retentions on the northern side of the site. Compensatory planting should also be secured.

Further comments in response to revised site layout plan: still too much cut and fill over the root protection areas.

5.3 **Flood Risk Management Team:** Initial objection subsequently withdrawn in response to revised layout addressing SEPA's concerns.

5.4 **SEPA:** Initially objected due to the development encroaching into the functional flood plain. Objection withdrawn in response to revised site layout moving the house position further up slope away from the riverbank and above the 22m level AOD.

5.5 **Scottish Water:** No objection.

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 (Loch Sheil)
- 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) flood risk
 - c) design and amenity
 - d) impact on trees and woodland
 - e) impact on National Scenic Area and Historical Assets
 - f) impact on the private lane and the adequacy of its junction with the minor public road
 - g) foul and surface water drainage
 - h) 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 along 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.

Flood Risk

- 8.9 The position of the house has been amended to move it further away from the river bank and up the slope to ensure that it would be above 22m AOD. This would also ensure that a wider riparian strip is kept free of development alongside the river. The development would thereby accord with policy 64 and the SG on Flood Risk and Drainage.

Design

- 8.10 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 lane or the remainder of the village. The position of the house set down in relation to the lane, together with the extensive use of larch board would ensure the building is recessive in appearance, and it would not be a prominent feature.
- 8.11 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. 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

- 8.12 It would be a sufficient distance from the nearest neighbouring house: approx. 26m from the Cabin adjacent to Sruth a'Mhuilinn, to the SE. The driveway would be virtually opposite that to Torr Beitheach. A condition is recommended to secure appropriate boundary treatments and to ensure an adequate level of privacy to the occupants of The Cabin. Accords policy 28 in this respect.

Impact on trees and woodland

- 8.13 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.
- 8.14 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.
- 8.15 The need to move the house position away from the river to address flood risk concerns has meant it is not possible to retain more trees along the boundary with the lane, which is unfortunate.

- 8.16 Conditions are recommended however to secure the retention, and safeguarding 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

- 8.17 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 Shiel NSA. Accords policies 57 and 61.
- 8.18 The site is a sufficient distance from the listed farm steading not to affect its setting – over 50m, and they would not read together in the landscape as the site is separated from the farm by the Cabin and Sruth a'Mhuilinn. The listed railway station and church are over 250m away and over 480m respectively. No adverse impact on any historical features. No conflict with policy 57 in this respect.

Access and Parking

- 8.19 The private lane joins the minor public road to Slatlach approx. 120m to the east at a sharp bend in the public road. The size of the junction is generous, the geometry adequate and visibility the splays are good. Nevertheless, a condition is recommended to secure a minor improvement to this junction by securing a section of tarmac surfacing for at least 6m back from the junction, and proper drainage to prevent surface water from running down the private track onto the public road and dragging gravel onto it. A similar condition has recently been added to the permission for the undeveloped plot NW of Innisfree (18/01679/FUL).
- 8.20 This lane is blocked to vehicular traffic a short distance beyond the proposed development. There are two houses beyond this site, plus the un-developed 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 eight existing houses plus the one other undeveloped plot are served off this bottom end of the lane. There is no turning space immediately before the pedestrian bridge, however there is a turning space at the foot of the drive to Innisfree, just beyond this site.

There is no longer any policy requirement or justification to secure the track's upgrade to adoptive standard, as required by a condition in the previous permission. Commensurate improvements may be secured through conditions as recommended. An informative note is also 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 and a turning head are proposed within the curtilage to the east of the house position, part way down the drive. Steps would lead from here

down to the ground floor of the house, with the parking on the same level as the first floor (which is the main living accommodation). 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 steep slope and the proposed discharge from the foul drainage system to the river.

8.25 The green roof and relatively small footprint 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 house position is sufficiently elevated in relation to the river. 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 NW boundary of the site and the riverbank.
- 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 other development shall commence until the junction of the private lane with the public road has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidance and the attached Access Schedule (dated 27 July 2018) with the junction formed to comply with

drawing SDB2.

Reason: To ensure that an adequate level of access is timeously provided for the development in the interests of road safety and amenity, in accordance with Policy 28 of the Highland wide Local Development Plan, 2012.

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, drainage or amenity.

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

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 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

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.

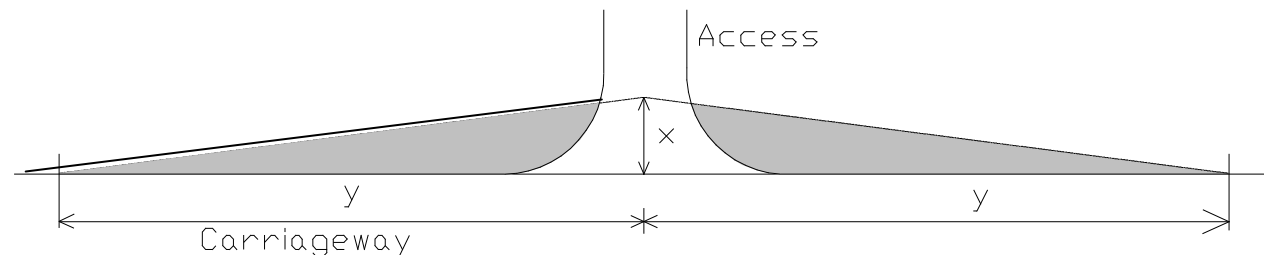
Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 305-2-P-001
Plan 2 - Revised Site Layout Plan 305.2-P-002 Rev A
Plan 3 - Proposed floor plan 305-2-P-101
Plan 4 - Proposed elevation (SW & E) 305-2-P-111 Rev.A
Plan 5 - Proposed elevation (N & NW) 305-2-P-112 Rev.A
Plan 6 - Proposed elevation 305-2-P-113
Plan 7 - Site Sections 305-2-P-121 Rev.A
Plan 8 – Elevations 305-2-P-201
Plan 9 – Elevations 305 – 2 P-202

Access Schedule
Pàipear-Taice

Planning Application Ref.	17/05917/FUL
Proposed Development	Erection of house, land West Of Sruth A' Mhuilinn, Glenfinnan (plot 2)
Schedule Date	

The access for this development shall comply with the requirements of The Highland Council's 'Access to Single Houses and Small Housing Developments' guidelines, the relevant planning conditions and this schedule.

1. The junction of the private lane with the U1191 public road to Slatach shall be formed in accordance with drawing ref.SDB2.
2. The cohesive finishing material shall extend for a distance of at least 6mm back from the nearside edge of the public road.
3. Visibility splays of 2.4m x 25m shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by X metres along the centreline of the access road and Y metres in each direction along the nearside edge of the main road from the intersection of the access road with the main road.



Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.05 metres positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Note: The applicant must demonstrate control of the land needed to provide and maintain the visibility splays. Where control is not demonstrated, a Section 75 Planning Obligation or Deed of Servitude may be required.

4. The gradient of the access shall not exceed 1 in 20 for the first 5 metres, measured from the nearside edge of the public road and thereafter should not exceed 1 in 10.

5. Any roadside drainage ditch shall be culverted under and adjacent to the access. The culvert shall have sufficient capacity to accommodate anticipated flows and shall be no less than 300 mm diameter. Suitable masonry or concrete headwalls shall be provided at each end of the culvert.
6. No surface water from the site shall shed onto the public road and the applicant shall be responsible for the provision and maintenance of any measures necessary to prevent surface water from the public road entering the site.
7. Facilities for the storage and collection of wheelie bins shall be provided in accordance with The Highland Council's Supplementary Planning Guidance 'Managing Waste in New Developments'. A suitable collection point of at least 2m x 1m shall be provided within 10 metres of the public road edge, but outwith the required visibility splays.

Note: All access works must be completed prior to any other part of the development commencing. This is to ensure that safe access is available during the construction phase, as well as afterwards, and the free-flow of traffic on the public road is not adversely effected.

Other Statutory Requirements

Riatanasan Achdail Eile

In addition to planning permission, prior to starting any access works within the public road boundary, you will require separate written permission from the Roads Authority (The Council's Community Services). This is a legal requirement.

Permission will also be required for the installation of, or connection to, any utility apparatus within the public road boundary and any occupation of the public road by building materials, equipment or plant.

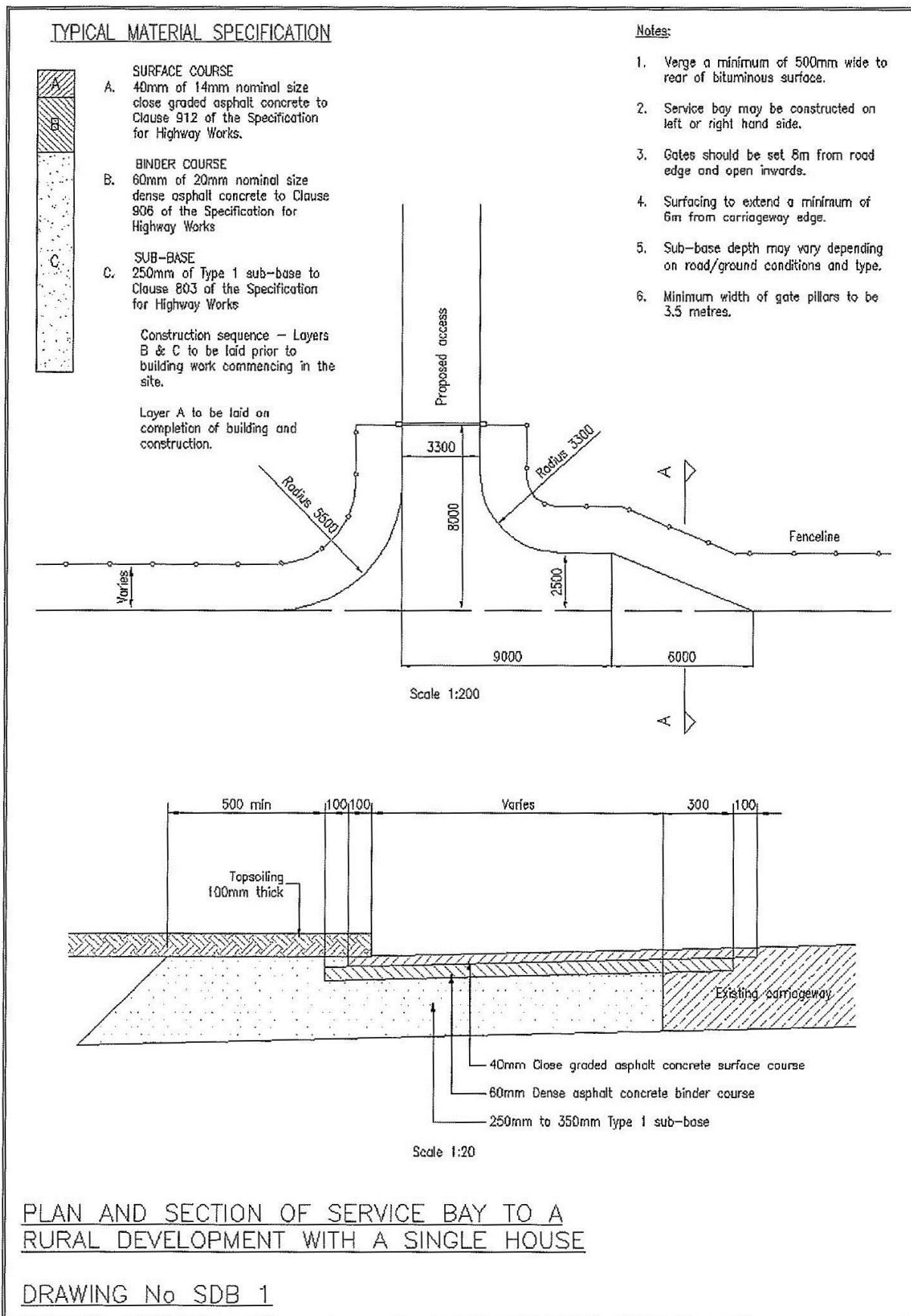
No connections should be made to any public road drainage system without the formal written permission of either Community Services (Roads) or Scottish Water, as appropriate.

Application forms and guidance on the above requirements can be obtained from your local Community Services (Roads) office or from the Council's website using the following link:

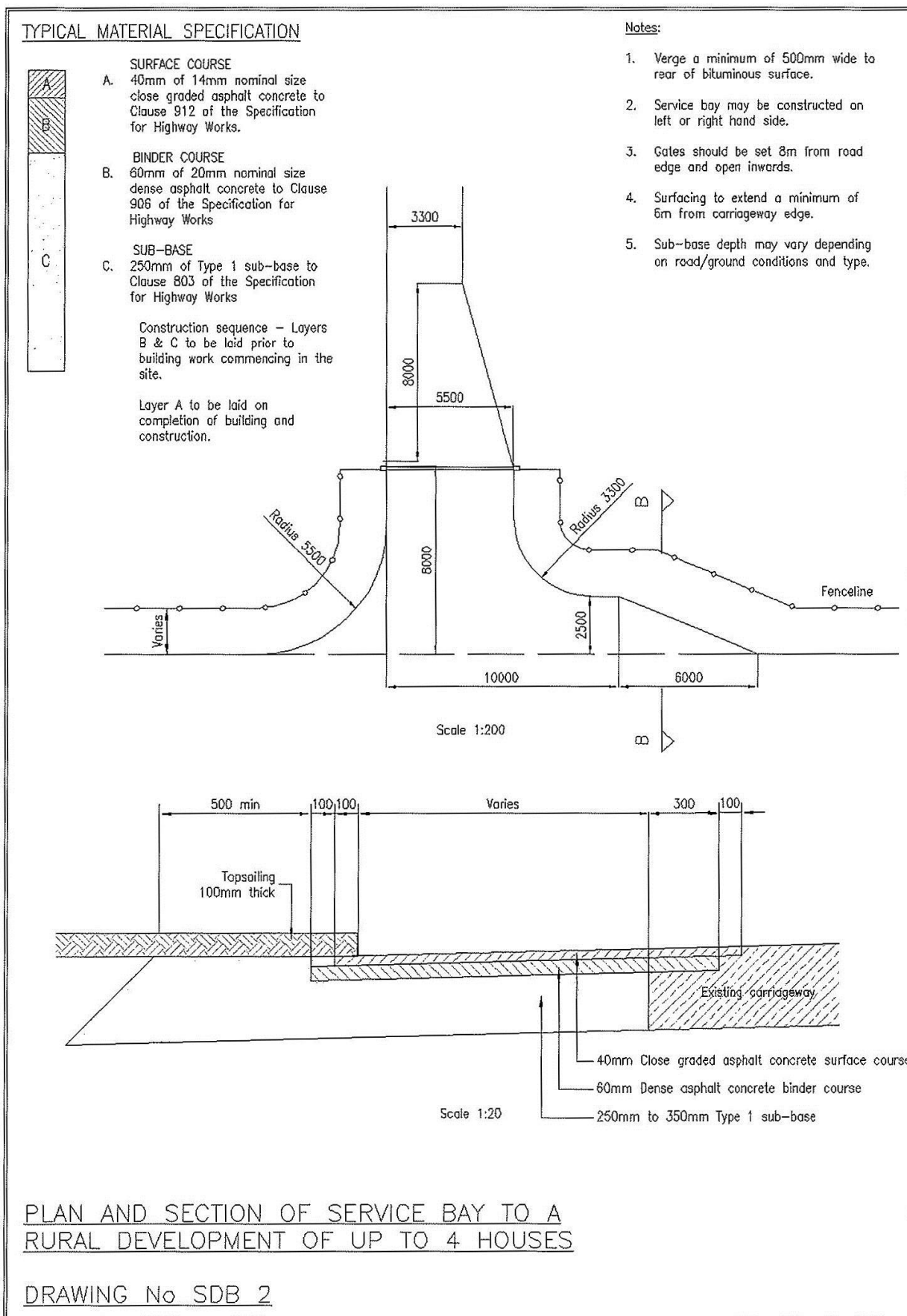
http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads

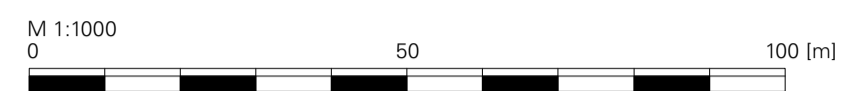
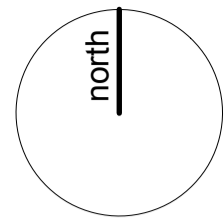
Note: All works must be completed to the satisfaction of both the Planning Authority and the Roads Authority, and in accordance with all relevant consents. To ensure compliance, one or more inspections may be carried out by Council officials during and/or after completion of the development.

Appendix 1: Access Drawing SDB1



Appendix 2: Access Drawing SDB2





- Planning boundary
- area under applicant ownership

site area: 0.1249 Ha (or thereby); (excluding road to bin store)

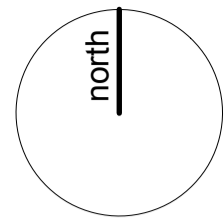
easting: 189880

northing: 780720

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



SITE BOUNDARY SIMPLIFIED -
REFER TO DRAWING 305.2/P/002
FOR DETAILS OF RIVERBANK
BOUNDARY



site area: 0.1249 Ha (or thereby)

easting: 189880

northing: 780720

- A. proposed house [146 m²]
- B. parking (2 no. spaces)
- C. vehicle manoeuvring
- D. steps to lower level
- E. cut
- F. fill
- G. retaining wall
- H. 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

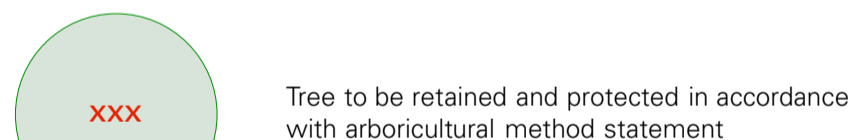
Treatment plant discharging to river; to engineer's design

Rain water

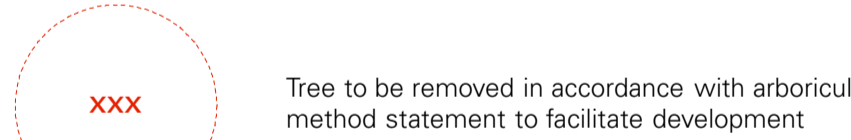
Surface water to discharge to river via filter pit to engineer's design

Bin storage

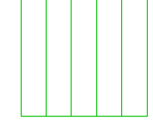
Bin storage at road junction with adopted road to east



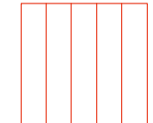
Tree to be retained and protected in accordance with arboricultural method statement



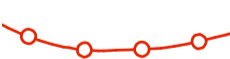
Tree to be removed in accordance with arboricultural method statement to facilitate development



area of fill over root bulb (see note below)



area of cut to be excavated by hand over root bulb (see note below)



protective fence in accordance with arboricultural method statement

Trees

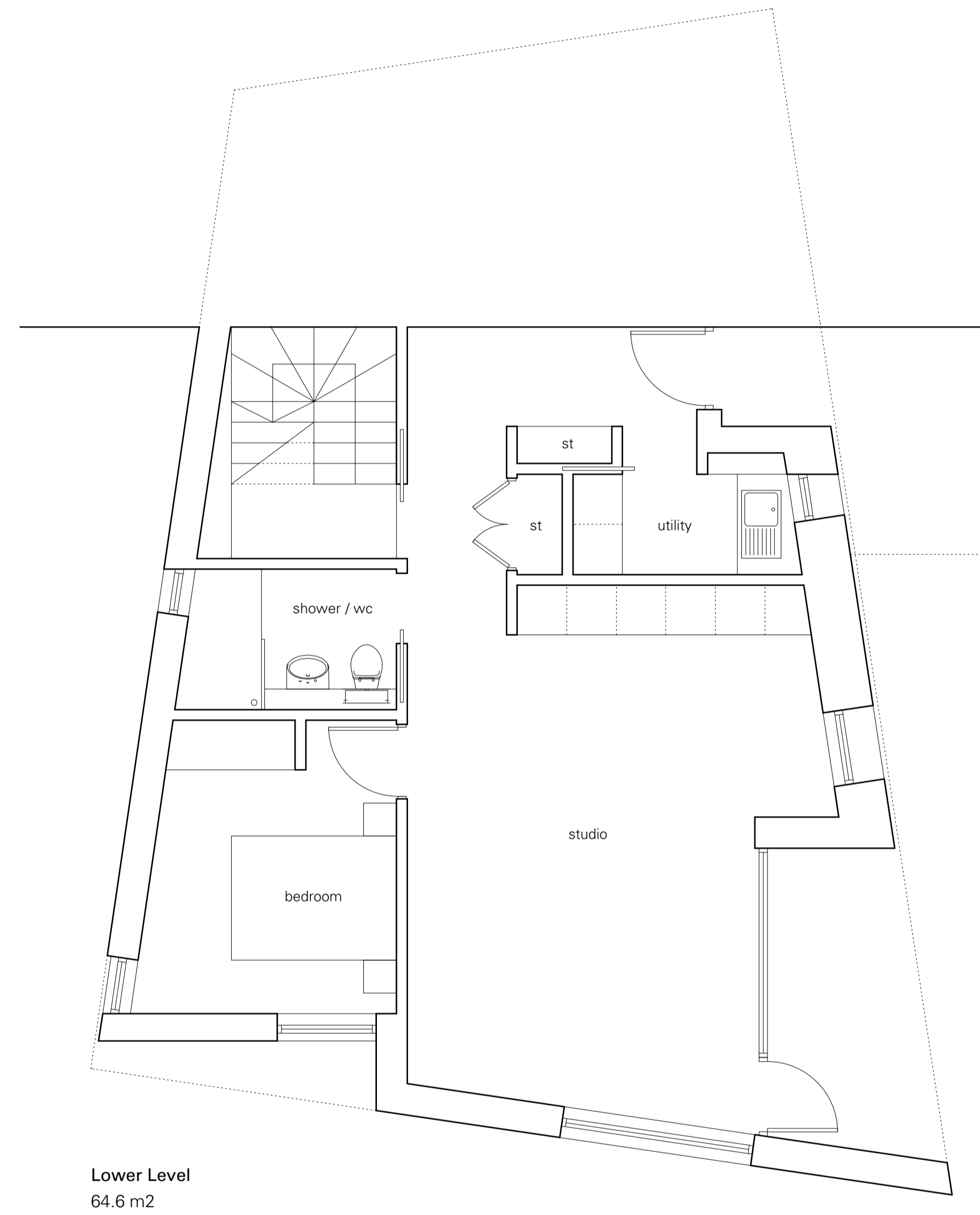
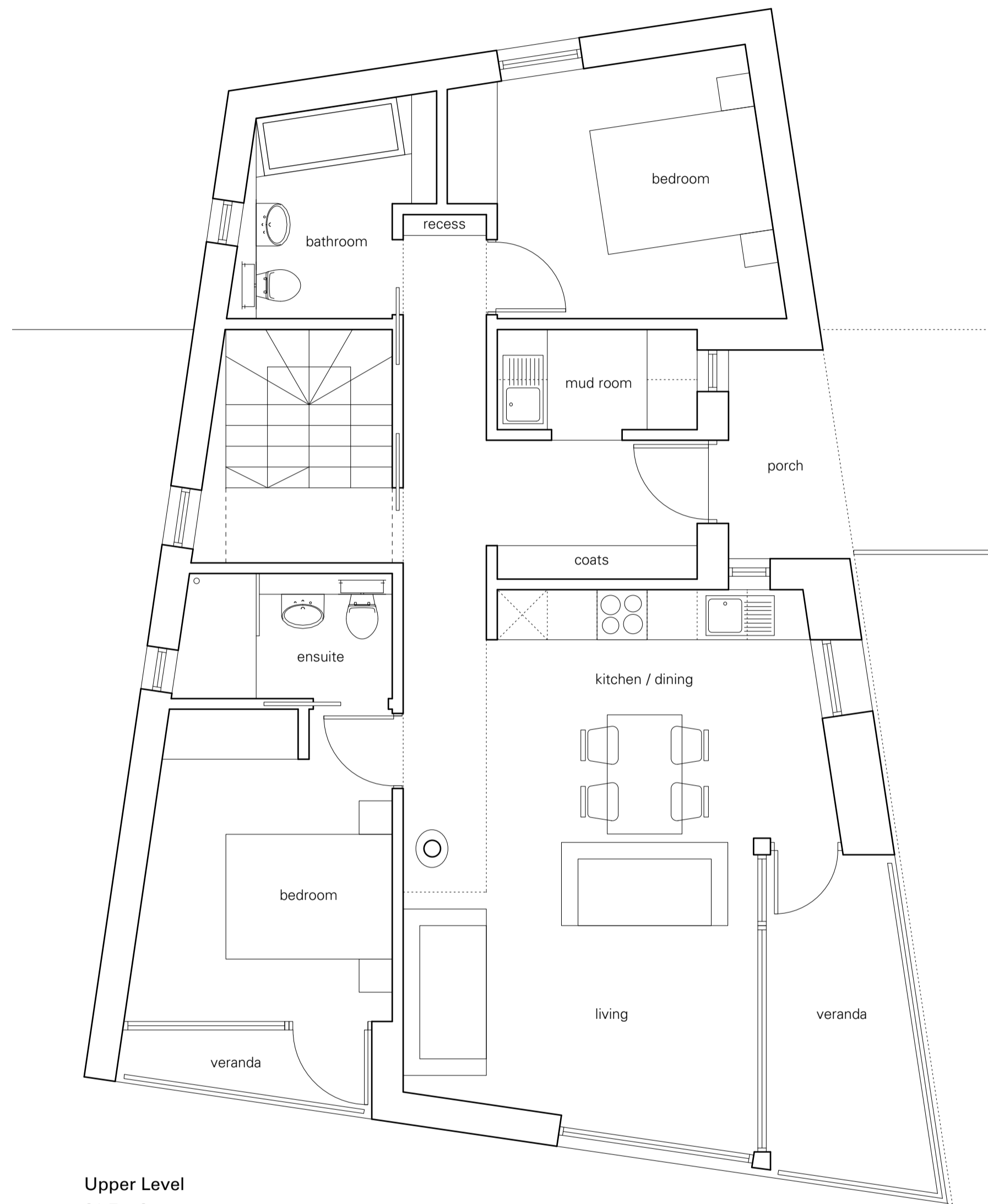
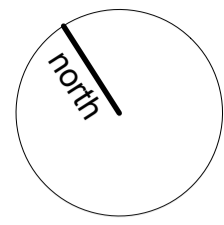
Site plan reconfigured to meet SEPA requirement for no building or land-raising beneath 22.00 AOD

Tree retention / removal revised to accord with new position of building

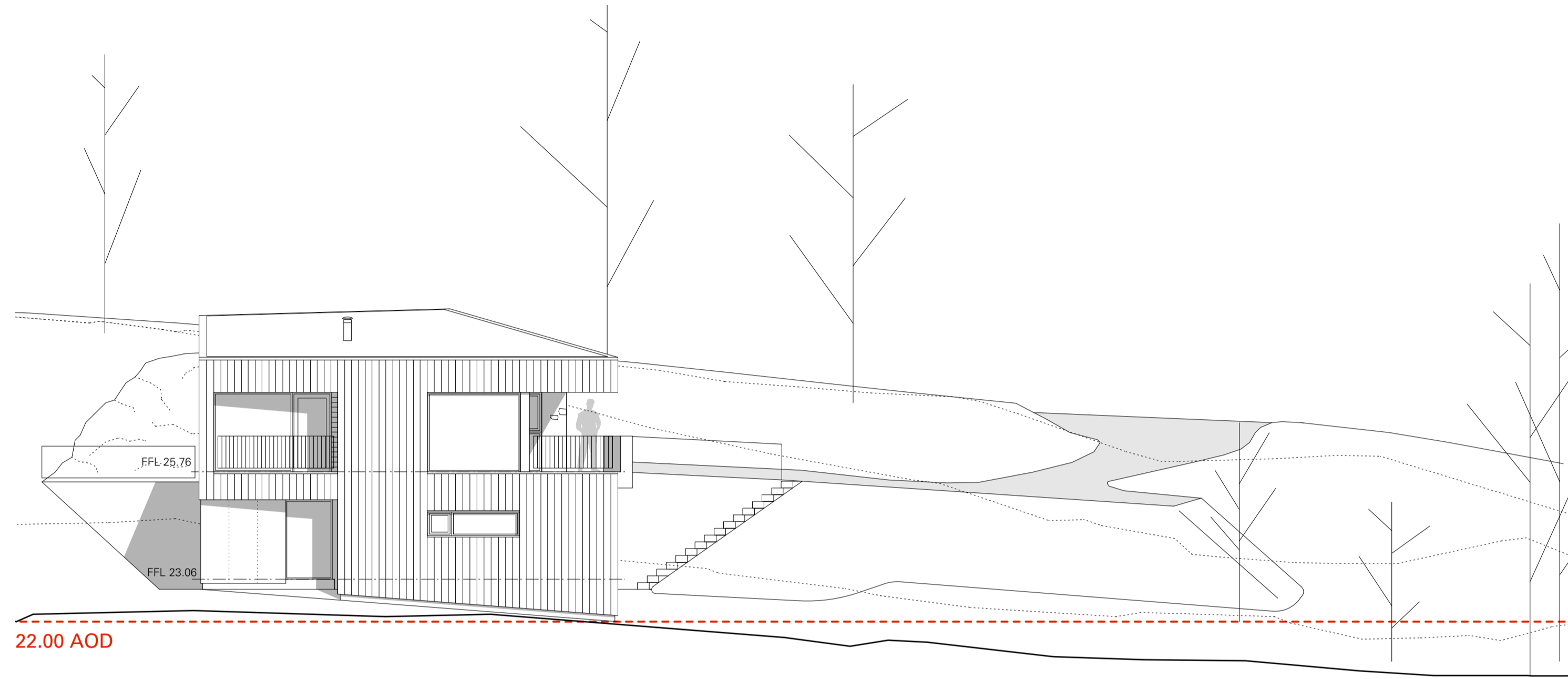
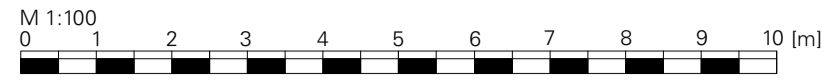
Site plan to be cross referenced with tree survey, protection plan and arboricultural method statement submitted with original application drawing; protection methods to be interpreted accordingly

Note proposed levels, cut and fill adjacent to trees 450, 455 and 489 have been determined to avoid root bulbs as much as possible; tree condition to be monitored during course of works and in aftermath in accordance with arboricultural method statement

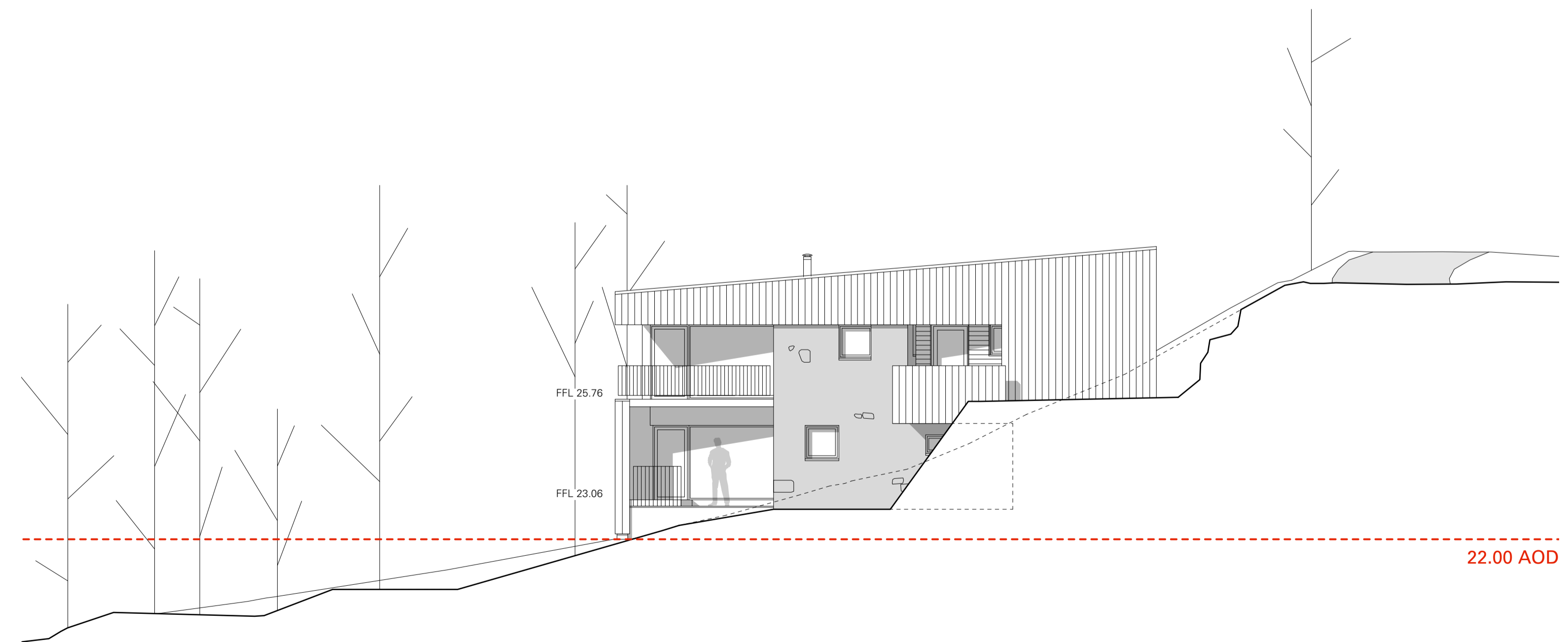




NOTE: ALL TREE POSITIONS ACCORD WITH SURVEY IN PLAN POSITION AND HEIGHT



South West Elevation



East Elevation

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

revisions & notes
Rev A Building moved north of 22.00 contour and access reconfigured accordingly June '18 SM

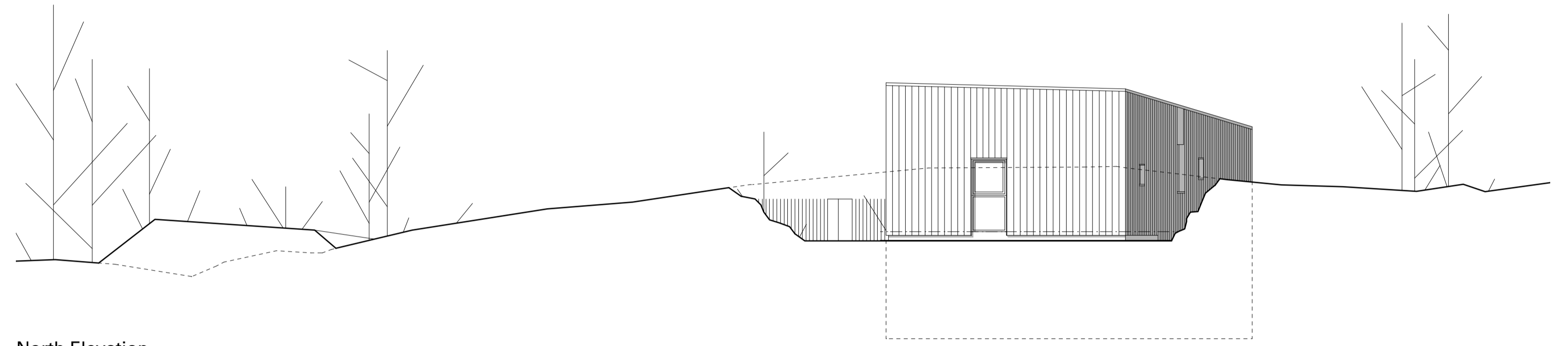
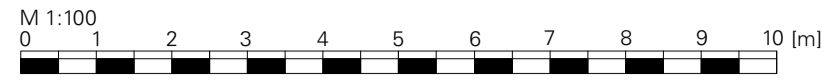
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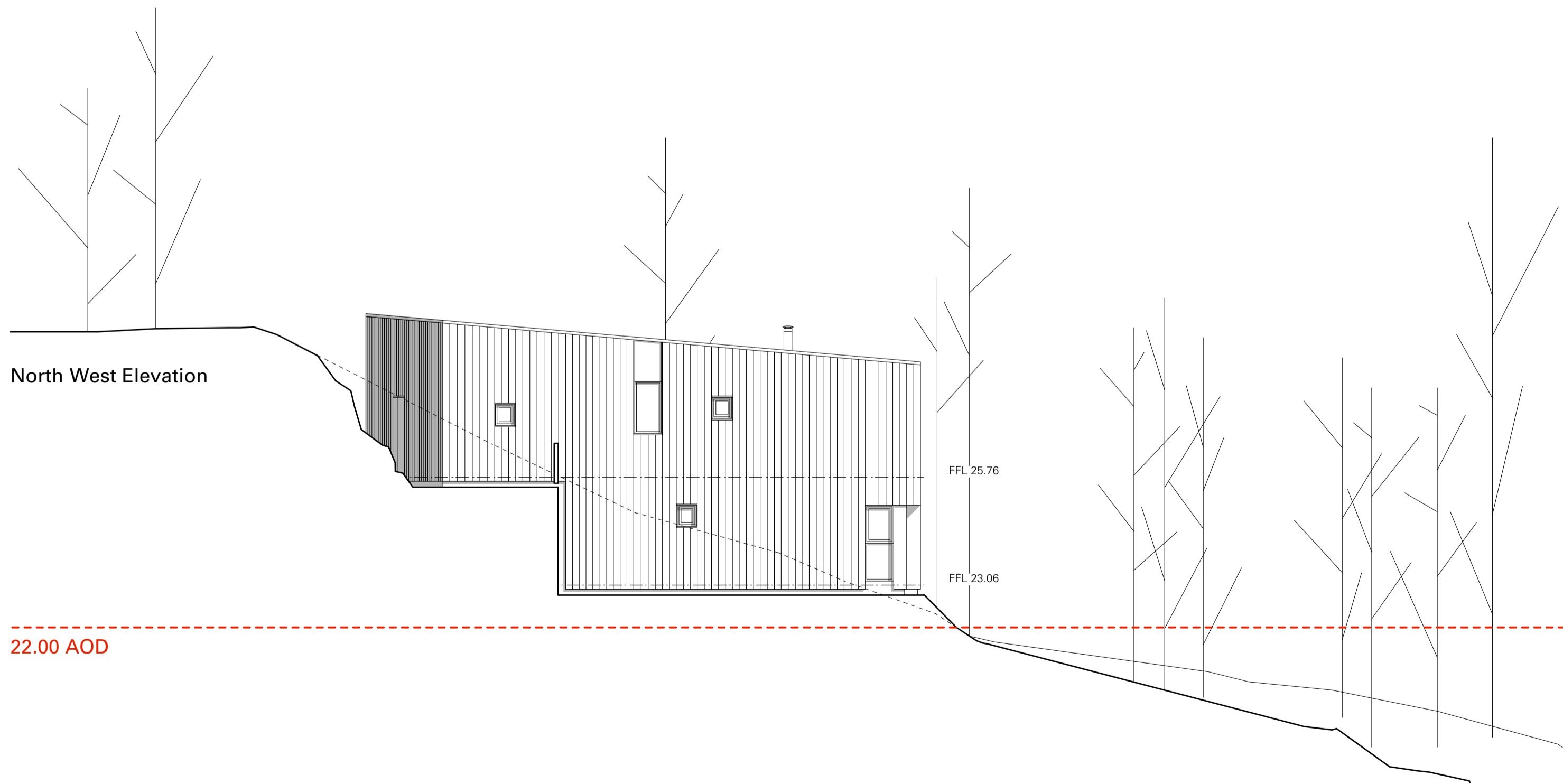
RURAL DESIGN ARCHITECTS

Client David Matzdorf & Mai Gray		Project Proposed House at Glenfinnan [2]	
Scale 1:100@A1	Date Dec 2017	Drawn SM	Status PL
Drawing Title Proposed Site Elevations (SW & E)			Dwg No. 305.2/P/111/A

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



North Elevation



North West Elevation

22.00 AOD



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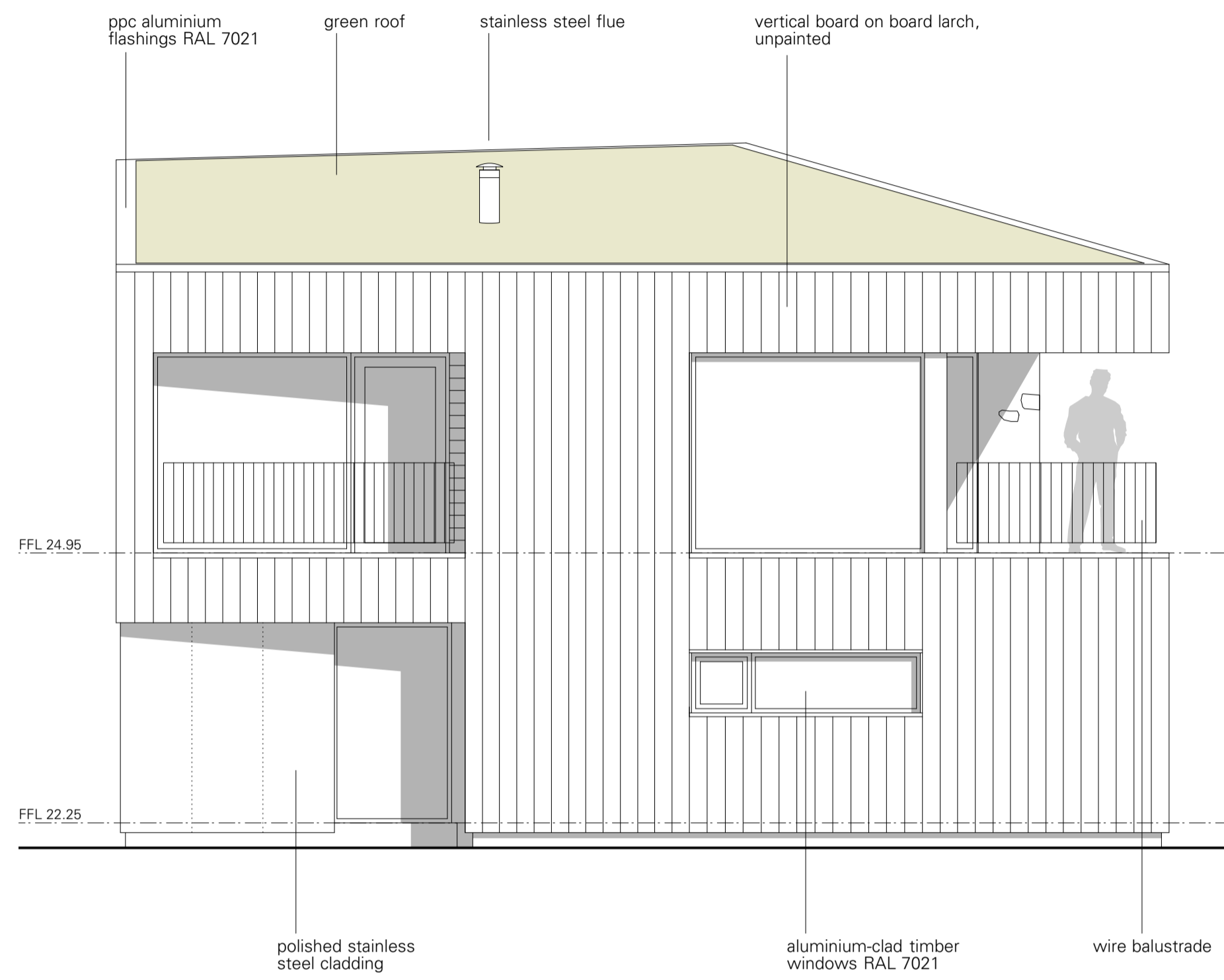
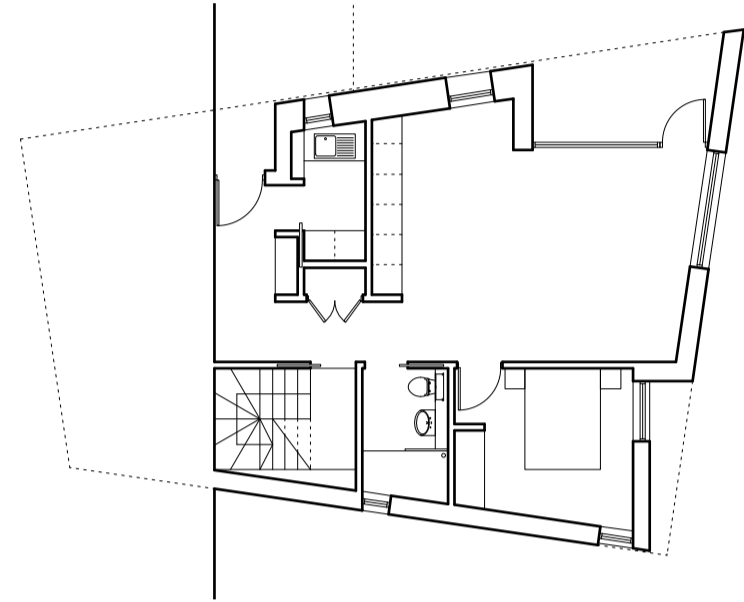
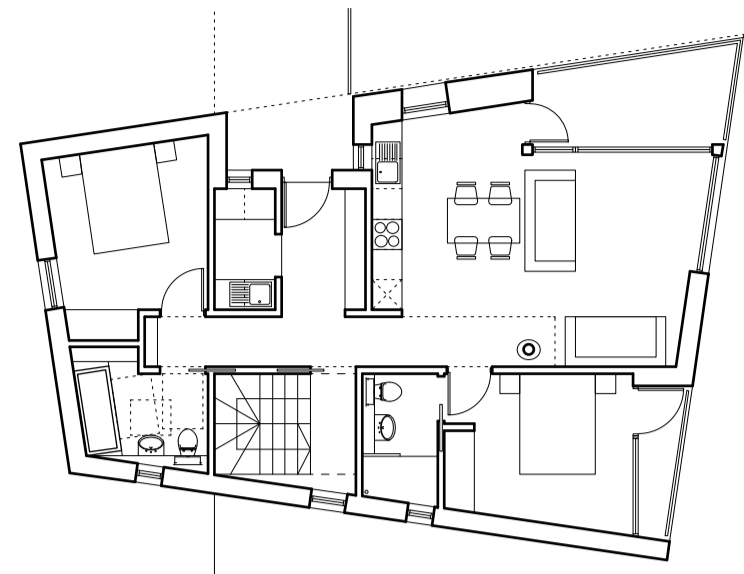
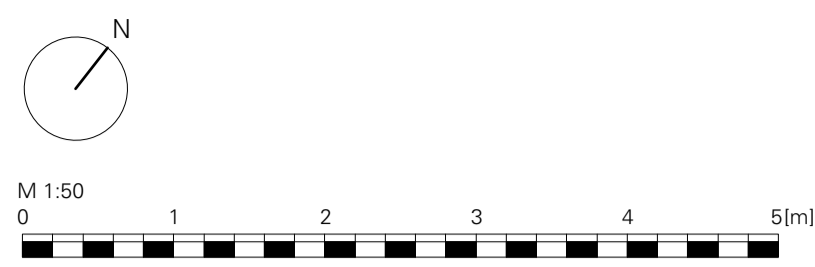
revisions & notes
Rev A Building moved north of 22.00 contour and access reconfigured accordingly June '18 SM

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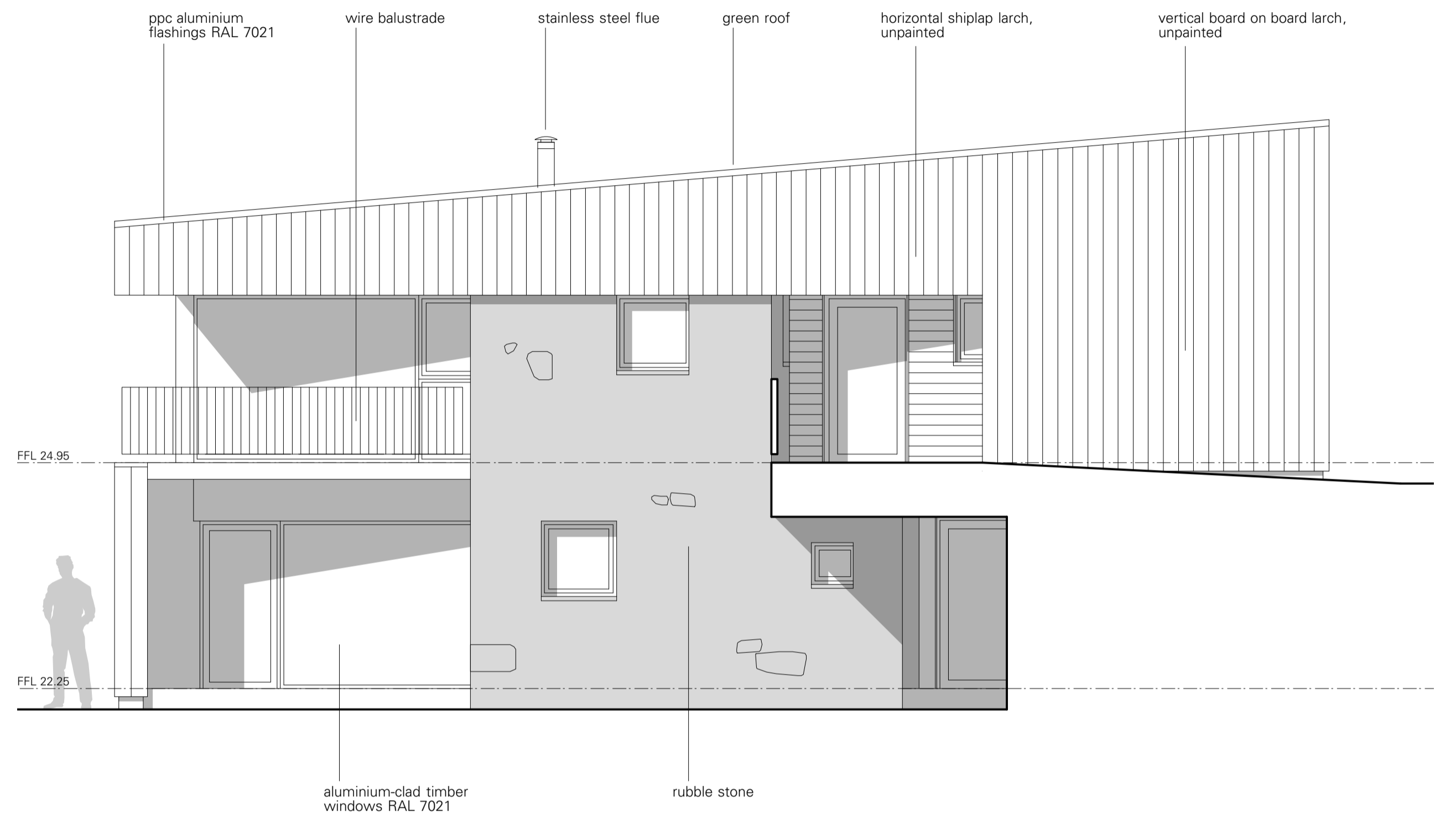
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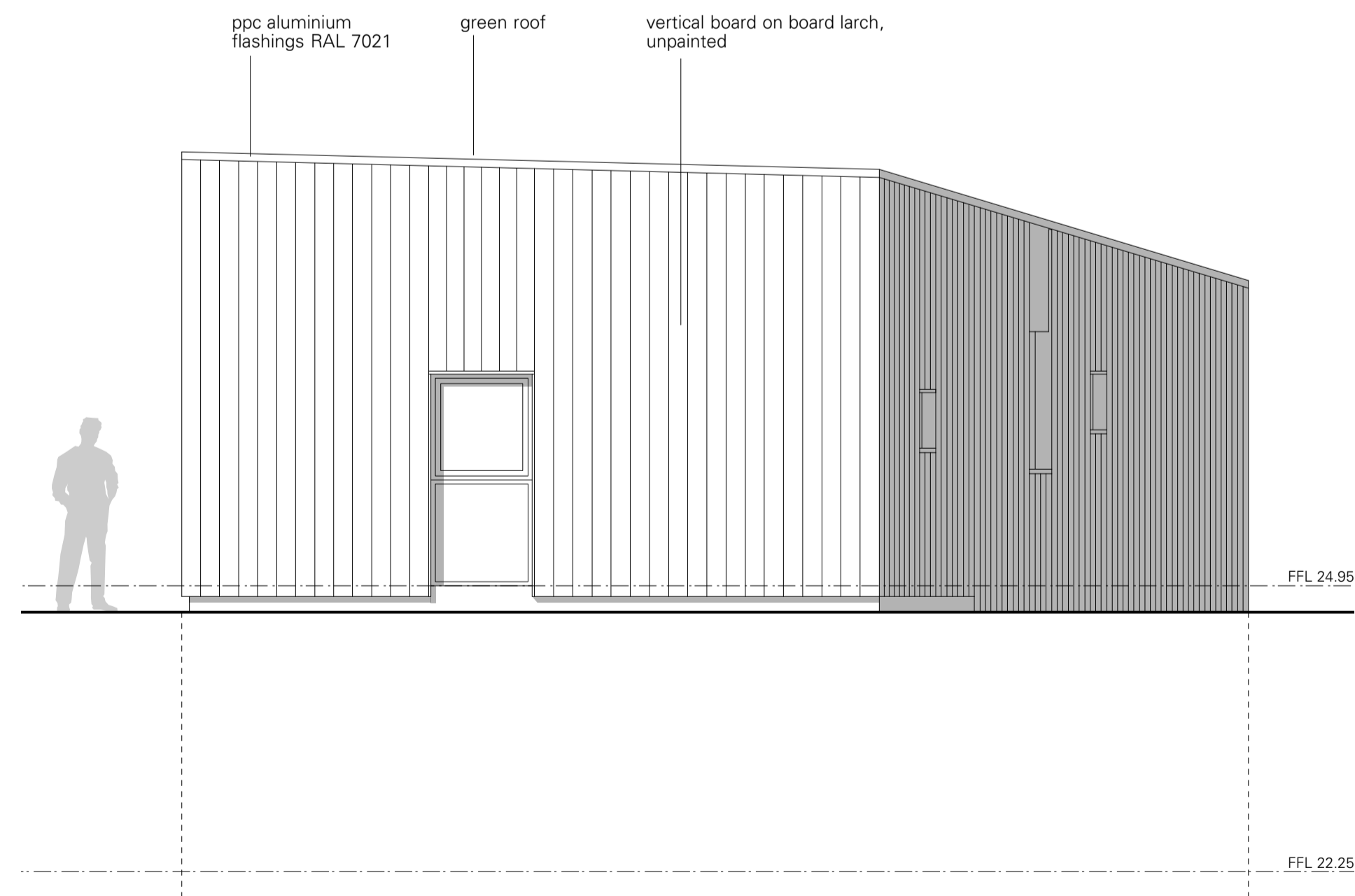
Client David Matzdorf & Mai Gray		Project Proposed House at Glenfinnan [2]	
Scale 1:100@A1	Date Dec 2017	Drawn SM	Status PL
Drawing Title Proposed Site Elevations (N & NW)			Dwg No. 305.2/P/112/A



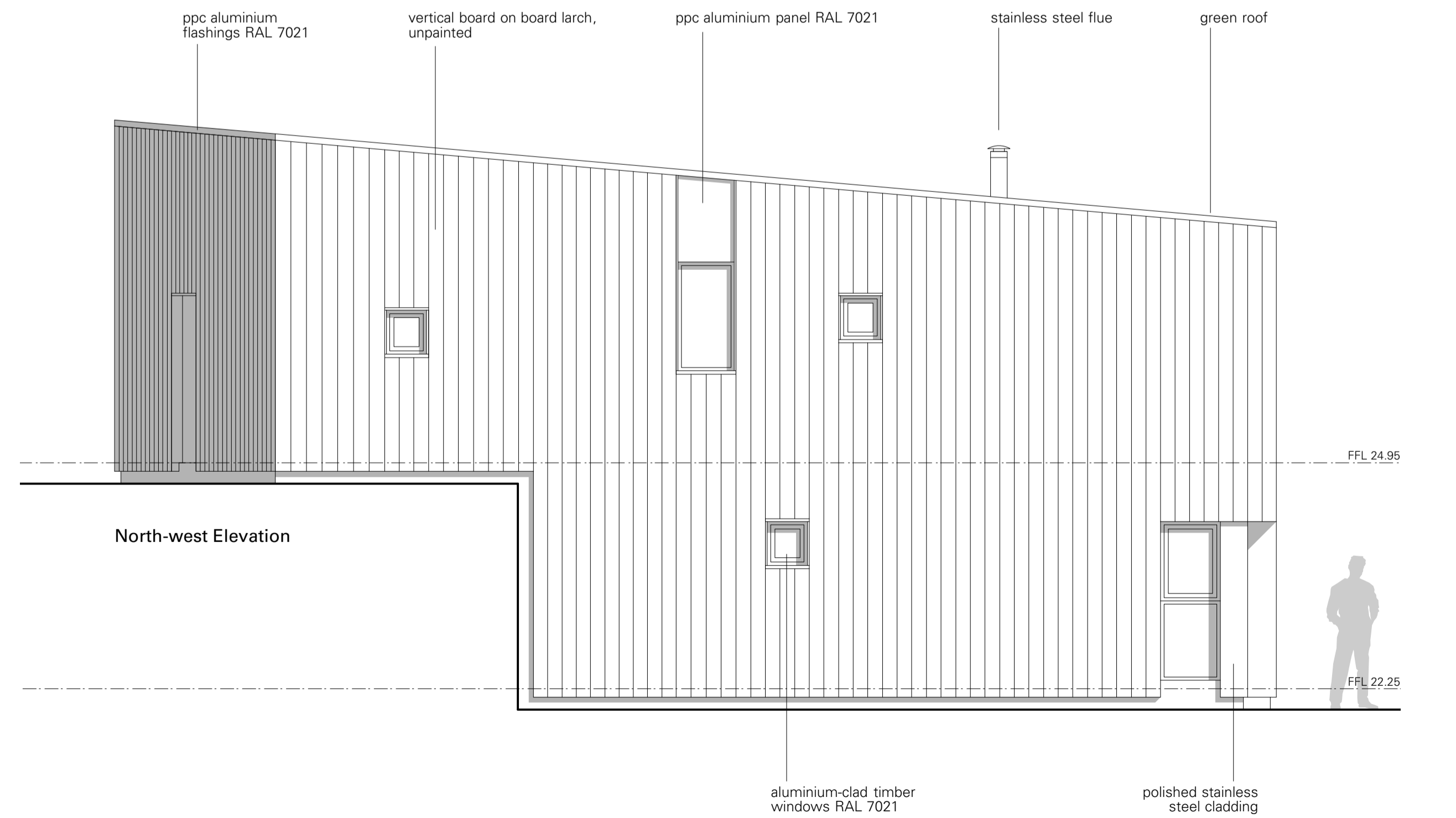
South-west Elevation



East Elevation



North Elevation



North-west Elevation

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revisions & notes

Client

David Matzdorf & Mai Gray

Scale

1:50@A1

Date

Dec 2017

Drawn

SM

Status

PL

Project

Proposed House at Glenfinnan [2]

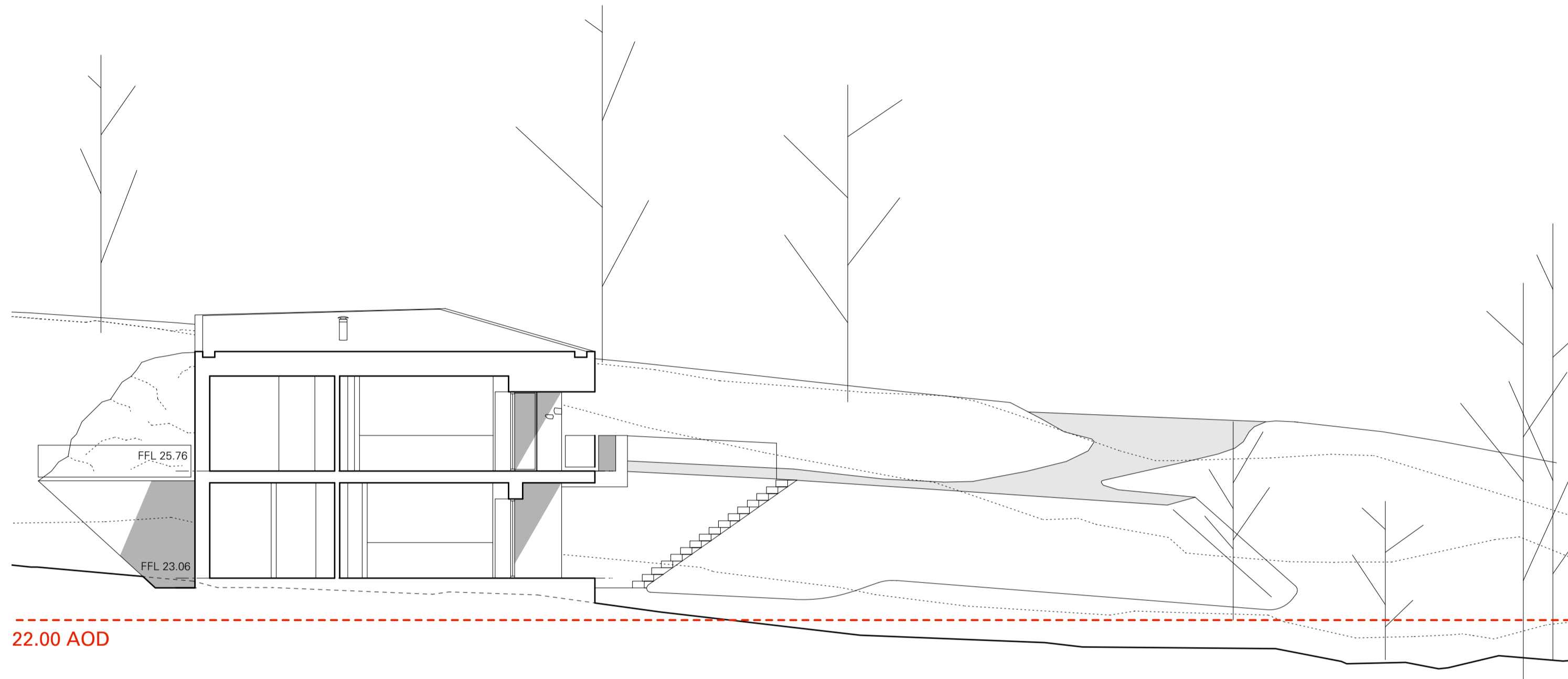
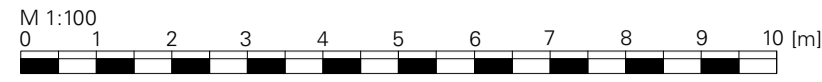
Drawing Title

Proposed Elevations

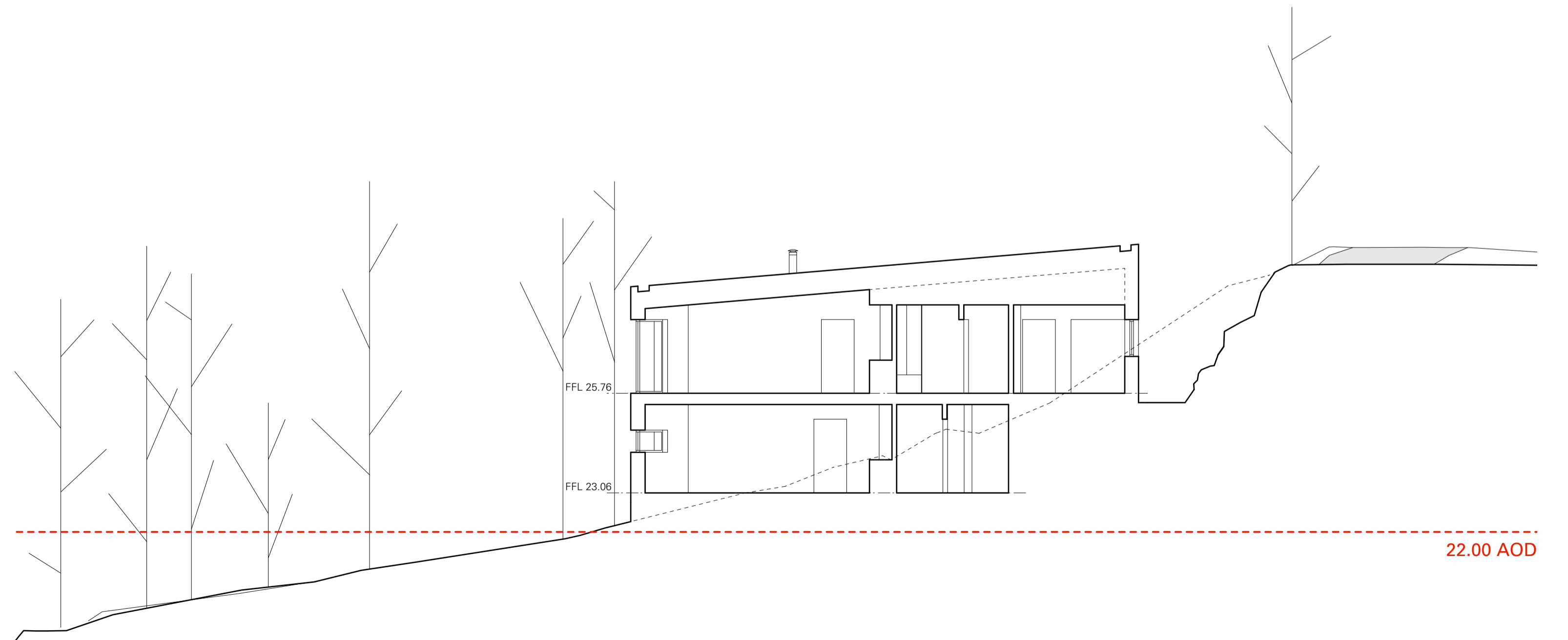
Dwg No.

305.2/P/113

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



West-East Cross Section



South-North Cross Section

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revisions & notes
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Client
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Scale Date Drawn Status
1:100@A1 Dec 2017 SM PL

Project
Proposed House at Glenfinnan [2]

Drawing Title
Proposed Site Sections

Dwg No.
305.2/P/121/A



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Proposed House at Glenfinnan [2]

Scale

-

Date

Dec 2017

Drawn

AR

Status

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Drawing Title

Visualisation from south-east

Drg No.

305.2/P/201



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Client

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Project

Proposed House at Glenfinnan [2]

Scale

-

Date

Dec 2017

Drawn

AR

Status

PL

Drawing Title

Visualisation from north-east

Drg No.

305.2/P/202