

Agenda Item	6.4
Report No	PLS 081/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 23 October 2018
Report Title: 17/05919/FUL: Mr David Matzdorf
Land 75m North East of Glenfinnan Lodge, Glenfinnan
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house, access track, parking and drainage
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** planning permission 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 wooded plot in Glenfinnan, opposite the turning into the Glenfinnan House Hotel. The plot is 0.34Ha in size. It would be served from the minor public road that leads to Slatach.
- 1.2 The design of the proposed house has been amended since submission. It is contemporary in design, an asymmetrical shaped building with a green roof. The roof design has been amended from a purely monopitch roof, sloping with a very shallow angle to the SW, to add in an element that slopes the other way at the SE corner, and for the elevations to be rounded off at this corner. It is two storey, with the main living accommodation on the first floor, and set at the foot of steep ground – in front of a small crag. Access is via a path from the proposed parking area to the west of the house, to the front of the house, and via a staircase alongside the rear elevation to the first floor. There are three fairly new houses situated to the rear of this site; Ard Daraich, Dun ma Seil, and Ard na Faire, and a private unmade lane leading to these three houses bounds the east side of the site. Innis Aluinn is to the east, across this private lane.
- 1.3 Materials are vertical unpainted board on board larch, which will fade to silver grey in colour, natural rubble stone for the lower parts of the walls, and with substantial glazing in the south east elevation. The principal outlook is to the south east, towards the hotel and Loch Shiel. The south east elevation will have balconies at first floor level off a bedroom and the living room. There is a larch louvered screen at the side of the balcony off the living room, to ensure privacy.
- 1.4 The house is to be built to high sustainability standards.
- 1.5 Access is to be taken from the public road, which joins the A830 trunk road approx. 422 metres to the east. The proposed access is opposite and just to the west of the hotel turning. It would be built to the Council's standard for a single house. Parking for 2 cars and a turning area are proposed to the west of the proposed house. There is a telegraph pole 10m west of the parking area, close to the western boundary of the site.
- 1.6 Water is from the public supply, and foul drainage is proposed to be to a treatment plant and filter pit discharging to a ditch at the southern boundary of the site, next to the road.
- 1.7 Pre Application Consultation: 17/03819/PREAPP – advice given on 3 plots now the subject of applications (2 of which were recently approved). Issues identified regarding design, levels, trees, protected species, privacy/amenity and impact on neighbours. Access was an issue particularly for the other two plots, served off the private “back lane”.
- 1.8 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.
- 1.9 Variations: house design amended to change from a monopitch green roof, to largely monopitch with an element sloping the other way at the SE corner and the

elevations rounded off at this corner.

2. SITE DESCRIPTION

- 2.1 The site is within Glenfinnan village, north of the Glenfinnan House Hotel and south west of the Church of St Mary and St Finnan. This plot is served off a public road. There is open mature woodland covering much of the site, which slopes north to south, and is divided into upper and lower halves, divided by a section of very steep ground, almost a small crag. The house would be positioned at the foot of the steep ground on the southern half of the site.
- 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 within the site are listed on the Ancient Woodland Inventory. The private lane that bounds the east side of the site, and serves the houses behind, forms part of a Core Path, leading to the Church.

3. PLANNING HISTORY

- | | | | |
|-----|----------|--|--|
| 3.1 | 19.12.05 | 05/00131/OUTLO – two houses and access road (this plot and land to rear) | Granted permission |
| | 27.08.08 | 08/00163/OUTLO – house on this plot | Granted permission |
| | 20.10.11 | 11/03148/PIP – renewal of 08/00163/OUTLO | Granted permission |
| | 14.08.18 | 17/05916/FUL – erection of house adj Coire Dubh – plot 1 from same applicant | Granted permission at August Committee |
| | 14.08.18 | 17/05917/FUL – erection of house adj Sruth a’Mhuilinn – plot 2 from same applicant | Granted permission at August Committee |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown neighbour

Date Advertised: 18.01.18

Representation deadline: 01.02.18

Timeous representations: 10

Late representations: 0

- 4.2 Material considerations (submitted in relation to the application as initially submitted) are summarised as follows:

- a) Not sympathetic to the style of existing buildings in Glenfinnan (this is one of 3 plots proposed in Glenfinnan 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) This extreme design is not appropriate in such a prominent location
- c) The design would not be in keeping with the listed Church and the Glenfinnan House Hotel, which was originally built as an Inn in 1750
- d) 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
- e) 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
- f) The driveway is close to the turning into the Glenfinnan House Hotel – it would be better if access were taken off the private lane, as for the other plots adjacent to this site.
- g) drainage issues – the discharge from the foul drainage plant into the roadside ditch would not be acceptable as it is prone to flooding – one neighbour states there is a cable running under this ditch
- h) Future outbuildings may arise at a later stage resulting in over-development

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:** Objects :

- Proposed access is unsatisfactory due to existing corners and the hotel access; coming off the adjacent lane would be a safer option
- Foul drainage concerns due to the lack of an available flowing water course
- Design is not sympathetic to neighbouring houses
- Lack of clarity whether for residential, letting or holiday use – residential use would be supported but not one for short term financial gain
- Design differs from parameters previously imposed on permissions for this site
- Design not sympathetic to the Glenfinnan House Hotel and Glenfinnan Church
- This is one of 3 proposed developments in the heart of the village which are not in keeping with its traditional character

5.2 **Forestry Officer:** The site contains mixed broadleaf woodland, mostly on the [elevated] northern part of the site, but there is a small group of trees on the southern part of the site, adjacent to the road. Most of the site is within long established plantation origin woodland (LEPO 1860), which is a feature of local/regional importance.

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 11 trees and the retention of at approximately 75 trees. All of the trees to be removed are category C. The root protection area of one tree that may be retained (no.437) is affected by the proposed car parking area. The construction method for this area will need to be given further consideration therefore. The level of tree removal is broadly acceptable, subject to conditions.

- 5.3 **Flood Risk Management Team:** No objections; surface water drainage proposals are satisfactory; the inclusion of a green roof and filter trench/pit will prevent rapid runoff and provide treatment. The discharge point from the surface water appears to be the roadside drainage ditch and if this is the case then permission to discharge, both the surface water and foul effluent, should be sought from the roads authority.

Permission to discharge foul effluent will be required from SEPA. Early consultation is recommended as their preference is for discharge to land where access to a sewer is not available.

[There is no requirement to consult SEPA as part of the planning application]

- 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 Shiel)
- 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.

6.4 **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. **OTHER MATERIAL CONSIDERATIONS**

7.1 **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) access, servicing and drainage
- f) 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 proposal meets one of the objectives for development in Glenfinnan Settlement Development Area in the West Highland and Islands Local Plan, in that the proposed house would infill a gap between the 3 plots above it and one

alongside it to the east. The Glenfinnan House hotel stands in extensive loch side grounds across the road, to the south. The plot has had the benefit of permission in principle going back to 2005. The remainder of the village continues along the lane to the west, and along the “back track”, which runs parallel to, and below, the main road. (Two other plots by the same developer have recently been granted permission along the back track.) 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. In any case, 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 standard of amenity as a single detached dwelling. There are no policies in the HWLDP that require 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. In principle the proposal complies with Policies 28, 29 and 34 of the Highland wide Local Development Plan.

Siting and Design

- 8.10 The house design has been amended since the submission of this application. The green, monopitch roof sloping towards the SW has been amended to provide a section that slopes the other way at the SE corner. This softens the profile, and presents a less stark geometric elevation where the building would be most prominent. The roof would not be prominent from the houses behind, which would largely look over the top of it. The position of the house, set down at the foot of the crag, would necessitate a minimal change in levels, with a small amount of cut at the rear only. The extensive use of natural materials would ensure the building fits into its woodland setting, despite its more radical design in comparison with neighbouring properties.
- 8.11 The house would not be viewed alongside or together with the Glenfinnan House Hotel, which is a Victorian former shooting lodge, and stands in its own grounds, approx. 230m to the south of the application site. It is not listed. The driveway and car park which are closest to this site, are surrounded by trees which provide some visual separation. The site would be passed by people heading for the hotel, however they would turn left off the lane just as this house would be visible on the right.
- 8.12 People travelling to the remainder of the village close to the former farm steading and to Slatach would pass this site. There is a mix of house styles in Glenfinnan, ranging from the traditional former farm steading – now converted to houses, to standard kit frame houses and chalet style houses. The steading, which is listed, is

over 600m to the west, and at this distance the development would not affect its setting. The Church of St Mary and St Finnan, which is also listed, is approx. 580m to the NE, and similarly its setting would not be affected.

- 8.13 It is considered there is no requirement or justification to restrict design parameters in this location to a conventional rectangular 1½ storey cottage with gables and a pitched roof, and finished in white render with a slate roof. The design would not detract from any existing buildings, its scale is comparable to existing houses, and it may provide an interesting addition to the built environment here. The design and materials are considered to respect the woodland setting and village in general.

Impact on neighbours amenity

- 8.14 The proposal is situated a generous distance from the nearest neighbouring houses: approximately 145m from Innis Aluinn, across the private lane, and 155m from Ard Daraich behind. The driveway would be offset in relation to the turning in to Glenfinnan House Hotel. In coming directly off the public road, rather than the unmade private road alongside, the parking can be sited in a more discreet position on the site, rather than being in a more prominent position, closer to the corner. A condition is recommended to secure appropriate boundary treatments.

Impact on trees and woodland

- 8.15 The WHILP seeks the retention of trees and safeguarding of the woodland in the village. However the inclusion of this site within a Settlement Development Area does mean it should be a focus for development, as a relatively sustainable location. The site has had planning permission in principle before, and some tree loss to accommodate this has already previously accepted.
- 8.16 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.
- 8.17 The woodland is predominantly birch with some oak, sycamore, rowan, holly, ash, and a small amount of willow and beech. Part of the group of trees along the southern boundary of the site would be removed to accommodate the access and driveway. Some of these are of poor quality and show signs of fungal infection. However most of the trees on the upper level at the top of the crag behind the house, and alongside the private lane to the east would be retained. 5 trees immediately at the top of the crag would be likely to be lost, however the woodland further back, that the houses behind look onto, would be largely retained (except for 2 small trees, a birch and a willow, which would be felled as they are showing signs of fungal growth at their bases). The large mature birch (no.437 referred to above), has its root protection area close to the proposed parking area and is likely to be lost due to this coupled with the change in ground levels at the foot of the slope.

- 8.18 The house position and that of the access and parking does ensure the majority of trees can be retained on the site, and this is particularly welcome along the eastern boundary with the private lane and to the SE of the house close to the lane's junction with the public road.
- 8.19 Conditions are recommended to secure the retention, and safeguarding during construction, of those trees that are to be kept, and some compensatory re-planting, particularly around the boundaries of the site. A condition is also recommended to remove permitted development rights to control the addition of any future outbuildings, which may affect trees. 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

- 8.20 The site is contained within the built up part of the village and it would not be conspicuous in the wider landscape. There will be no adverse impact on the Loch Shiel NSA.
- 8.21 The site is a sufficient distance from the listed farm steading and from the Church not to affect their settings. It is not considered that there will be an adverse impact on any historical features.

Access and Parking

- 8.22 The proposed access would be taken directly from the public road at a point where speeds are slow, given it is a single track lane at a point approaching the middle of the village. It is proposed to create an access which meets the Council's standard for a single house. A condition is recommended to secure this, together with appropriate sight lines.
- 8.23 The previous permission proposed accessing the site from the unmade private lane, however this would involve a greater amount of land re-profiling, and the resulting driveway would have a greater impact on the amenity of neighbours and the public. As proposed, the access, driveway and parking would take up less of the site, it would involve minimal alteration to levels, and it would be less conspicuous from the neighbouring house, Innis Aluinn, to visitors to the hotel and to the public. There is no requirement or justification to insist on the access coming off the private lane.
- 8.21 Two parking spaces and a turning head are proposed within the curtilage to the west of the house position. Steps would lead from the parking area to the first floor level at the rear of the house, and a level path would lead to the ground floor at the front. The hard standing would allow for turning of construction vehicles within the site. The provision is satisfactory, and accords with the requirements of the development plan.
- 8.22 The private lane is also a Core Path leading between the hotel and the church. This would not be affected by the development.

Foul and Surface Water drainage

- 8.23 Conditions are recommended securing further details of the foul and surface water drainage, given concerns regarding the suitability of the receiving ditch at the southern boundary of the site. A secondary treatment plant is proposed in this case because the site is too distant to connect to the Scottish Water system that serves part of the village. A package treatment plant is proposed rather than a septic tank, and this would provide a higher degree of treatment. Its siting and design would be subject to control by Building Standards, and any discharge to a watercourse would be subject to control by SEPA.
- 8.24 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.

Other material considerations

- 8.25 The development would be connected to the mains water supply. It is for the developer to secure a connection with Scottish Water.
- 8.26 There is mains power close to the site and a connection could readily be made. This is also a matter for the developer.
- 8.27 There are no other material considerations.

Non-material considerations

- 8.28 The issue of development being for commercial profit is not a material planning consideration.
- 8.29 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

- 8.30 None

9. CONCLUSION

- 9.1 The site lies within the Glenfinnan SDA and has previously been granted planning permission in principle. Its location is therefore acceptable in principle. The house design, as amended, would respect the woodland setting and not detract from neighbouring houses, the listed hotel or nearby church. 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 NE boundary of the site and within the northern part of the site.
- 9.2 A satisfactory access may be provided from the minor public road, 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 site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 10 October 2018), with the junction formed to comply drawing ref.SDB1.

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 in the Tree Survey Schedule of the site, by Arborteering Ltd, 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, and as set out in The Tree Protection Plan by Arborteeding Ltd). 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. 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

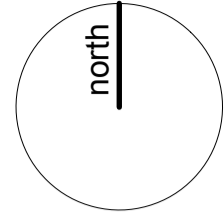
Property Boundaries

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: David Mudie
Designation: Area Planning Manager – South
Author: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 305-3-P-001
Plan 2 - Revised Site Layout Plan 305.3-P-002/A
Plan 3 - Revised Proposed floor plan 305-3-P-101/A
Plan 4 - Revised Proposed elevations (SE & SW) 305-3-P-111/A
Plan 5 - Revised Proposed elevations (NE & NW) 305-3-P-112/A
Plan 6 - Revised Proposed elevations (all) 305-3-P-113/A
Plan 7 - Revised Proposed Site Sections 305-3-P-121A
Plan 8 - Revised Visualisation from SE 305-3-P-201/A
Plan 9 – Tree Constraints Plan
Plan 10 – Tree Protection Plan



M 1:1000
0 50 100 (m)

— Planning boundary /
area under applicant ownership

site area: 0.345 Ha (or thereby)

easting: 190180

northing: 780740



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

© rural design ltd

The Green, Portree, Isle of Skye, IV51 9BT
tel. 0(44)1478 613379
www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

Client

David Matzdorf & Mai Gray

Scale

Date

Drawn

Status

PL

1:1000@A1

Dec 2017

SM

PL

Project

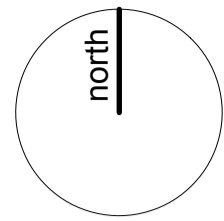
Proposed House at Glenfinnan [3]

Drawing Title

Location Plan

Dwg No.

305.3/P/001



site area: 0.345 Ha (or thereby)

easting: 190180

northing: 780740

- A. proposed house [152 m²]
- B. 10m offset from electric poles
- C. parking (2 no. spaces)
- D. steps to upper level
- E. foul drainage
- F. bin store

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 watercourse at south boundary; to engineer's design

Rain water

Surface water to discharge to watercourse at south boundary via filter pit to engineer's design



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

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 remodelled to lower roof at east elevation and 'soften' south-east corner in advance of Planning Committee review

Oct '18 SM

Client

David Matzdorf & Mai Gray

Scale

Date

Drawn

Status

PL

1:150@A1

Dec 2017

SM

PL

Project

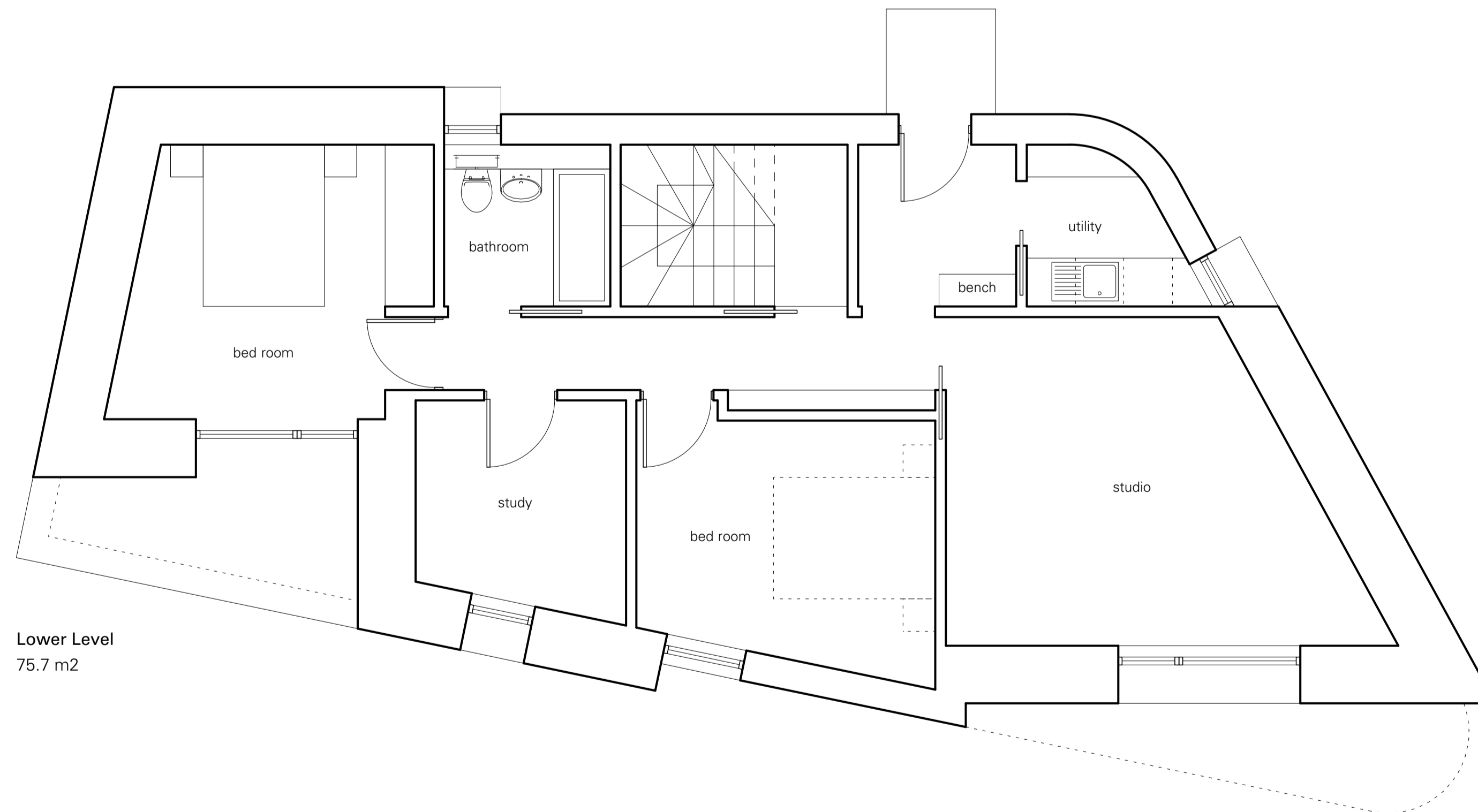
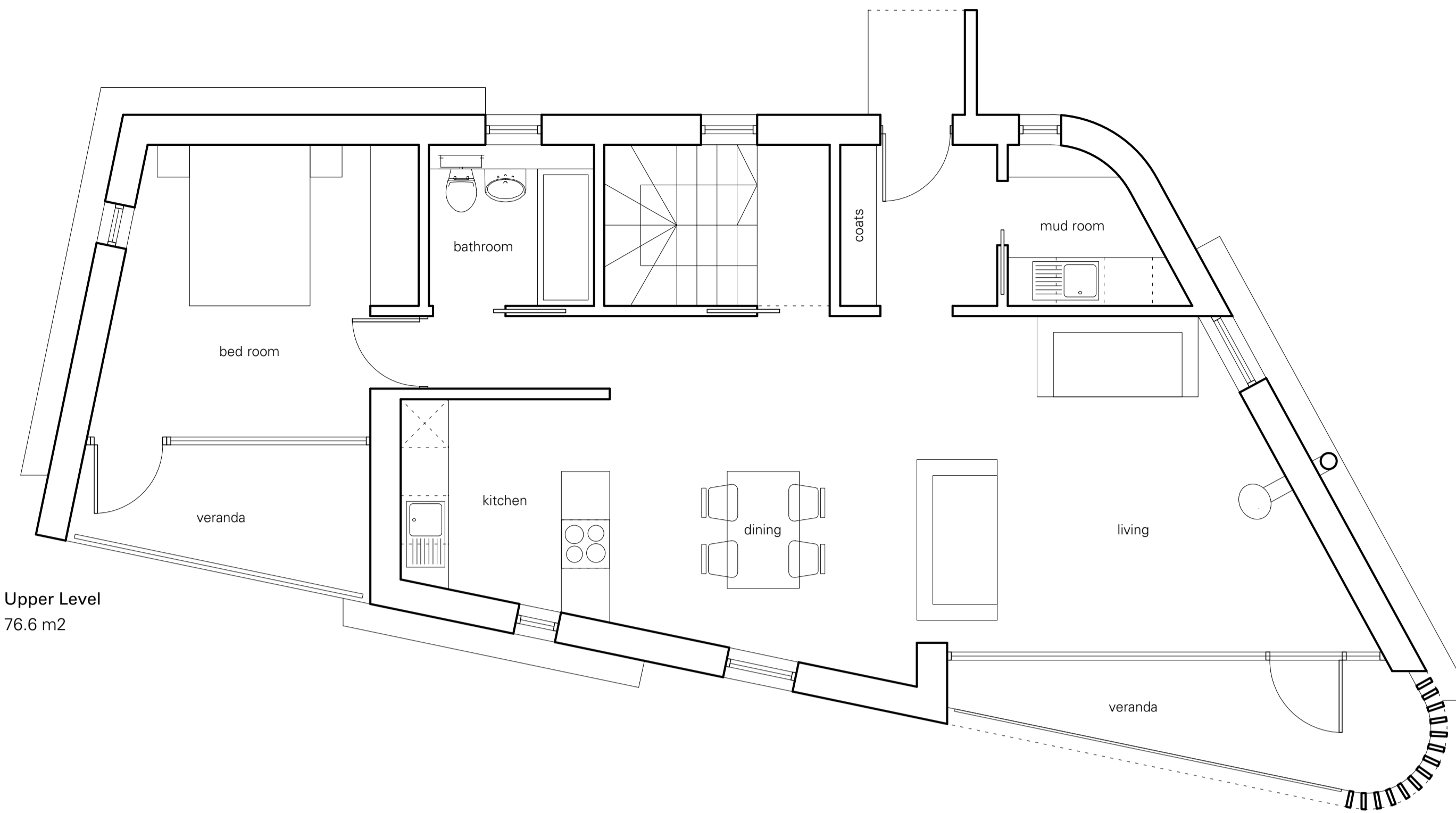
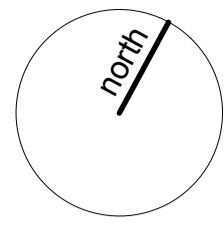
Proposed House at Glenfinnan [3]

Drawing Title

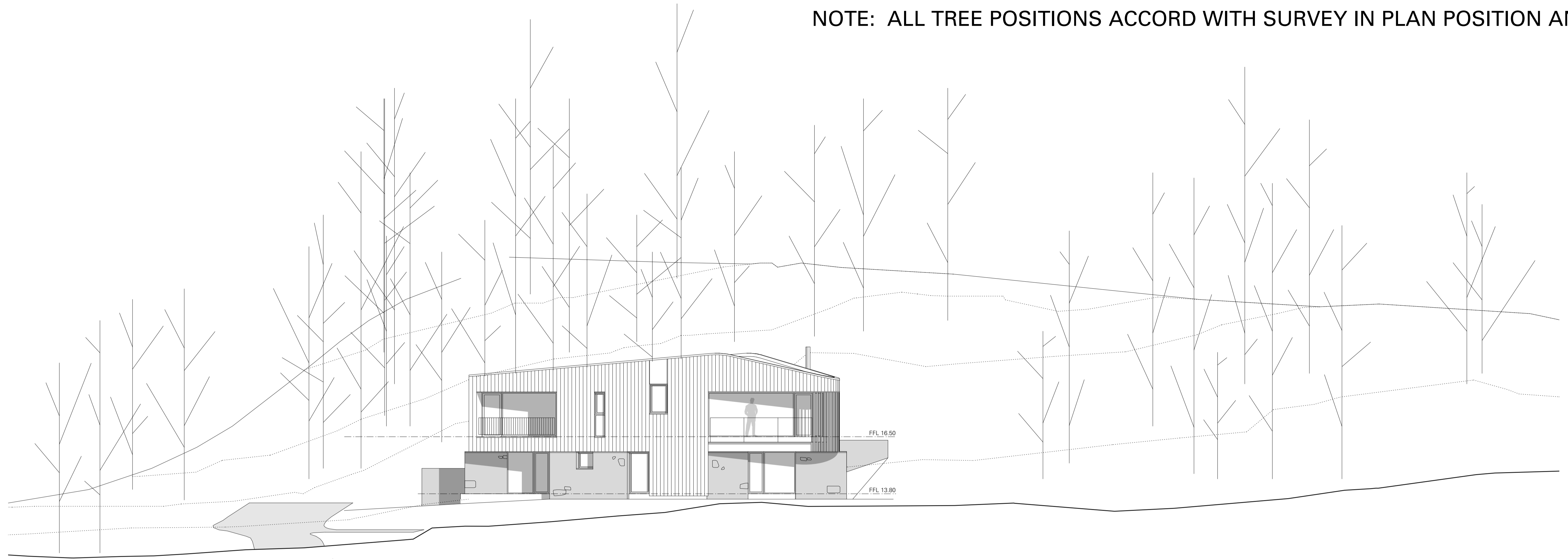
Site Plan

Drwg No.

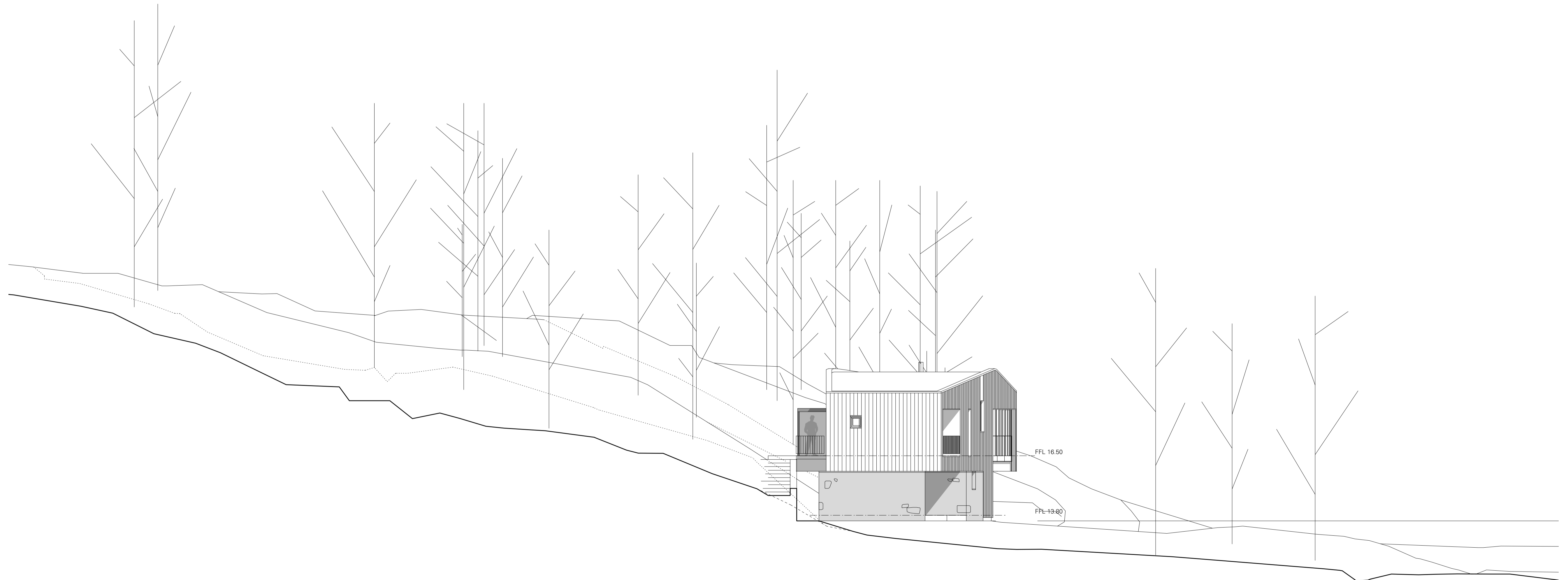
305.3/P/002/A



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



South East Elevation



South West 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 remodelled to lower roof at east elevation and 'soften' south-east corner in advance of Planning Committee review

Oct '18 SM

© rural design ltd

The Green, Portree, Isle of Skye, IV51 9BT
tel. 0(44)1478 613379
www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

Client

David Matzdorf & Mai Gray

Scale

1:100@A1

Date

Dec 2017

Drawn

SM

Status

PL

Project

Proposed House at Glenfinnan [3]

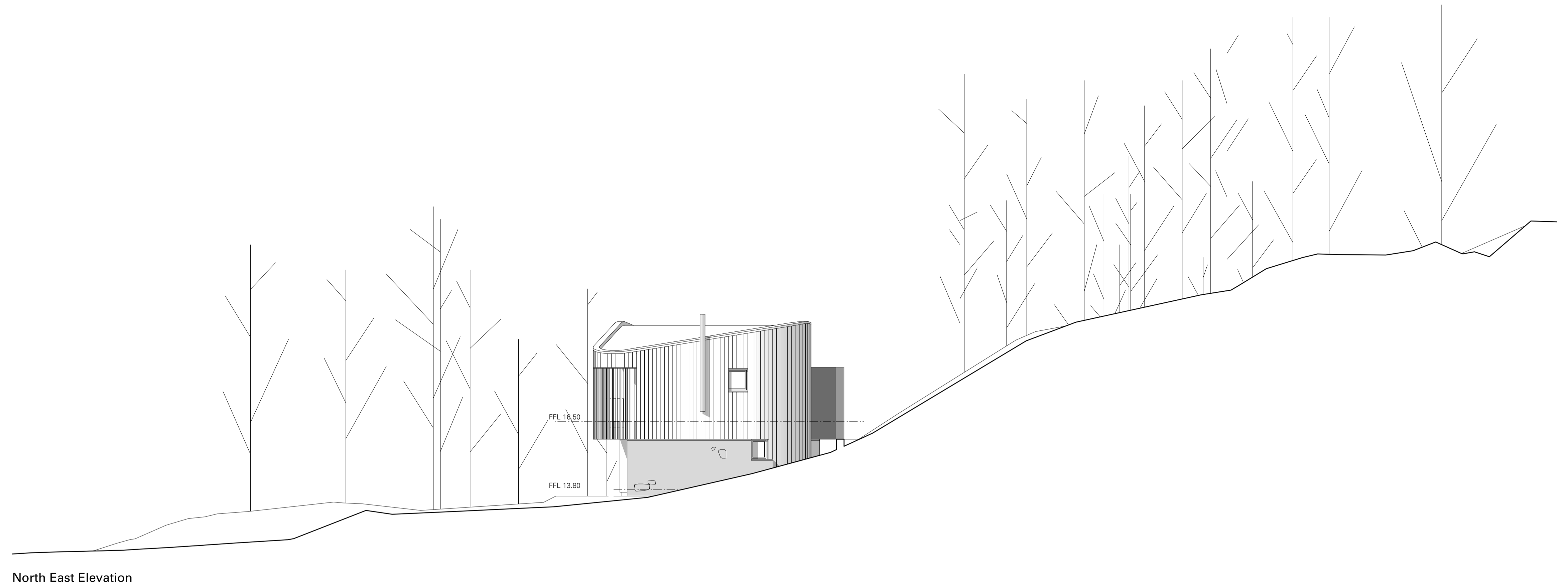
Drawing Title

Proposed Site Elevations (SE & SW)

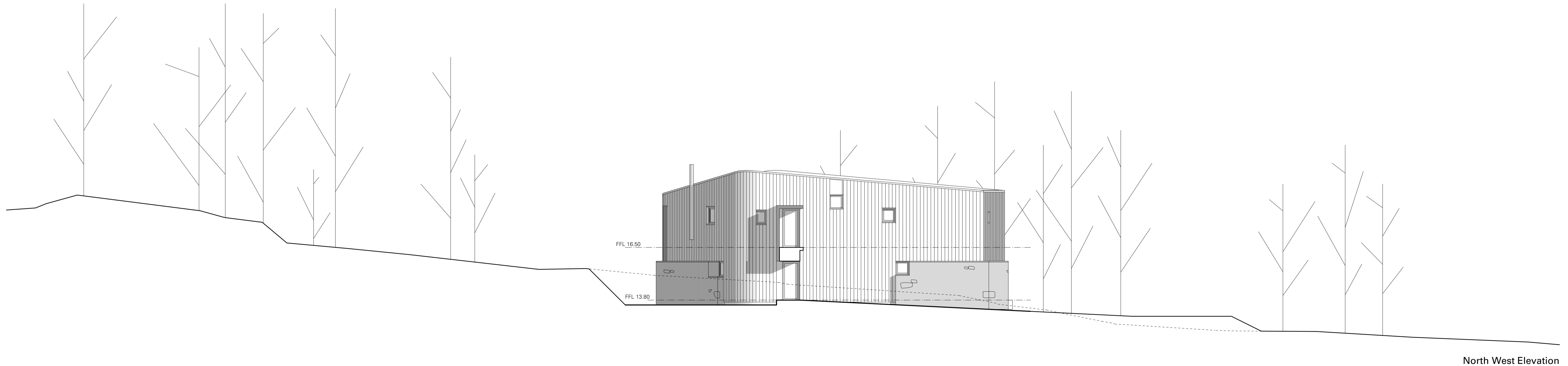
Dwg No.

305.3/P/111/A

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



North East Elevation



North West 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 remodelled to lower roof at east elevation and 'soften' south-east corner in advance of Planning Committee review

Oct '18 SM

© rural design ltd

The Green, Portree, Isle of Skye, IV51 9BT
tel. 0(44)1478 613379
www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

Client

David Matzdorf & Mai Gray

Scale

1:100@A1

Date

Dec 2017

Drawn

SM

Status

PL

Project

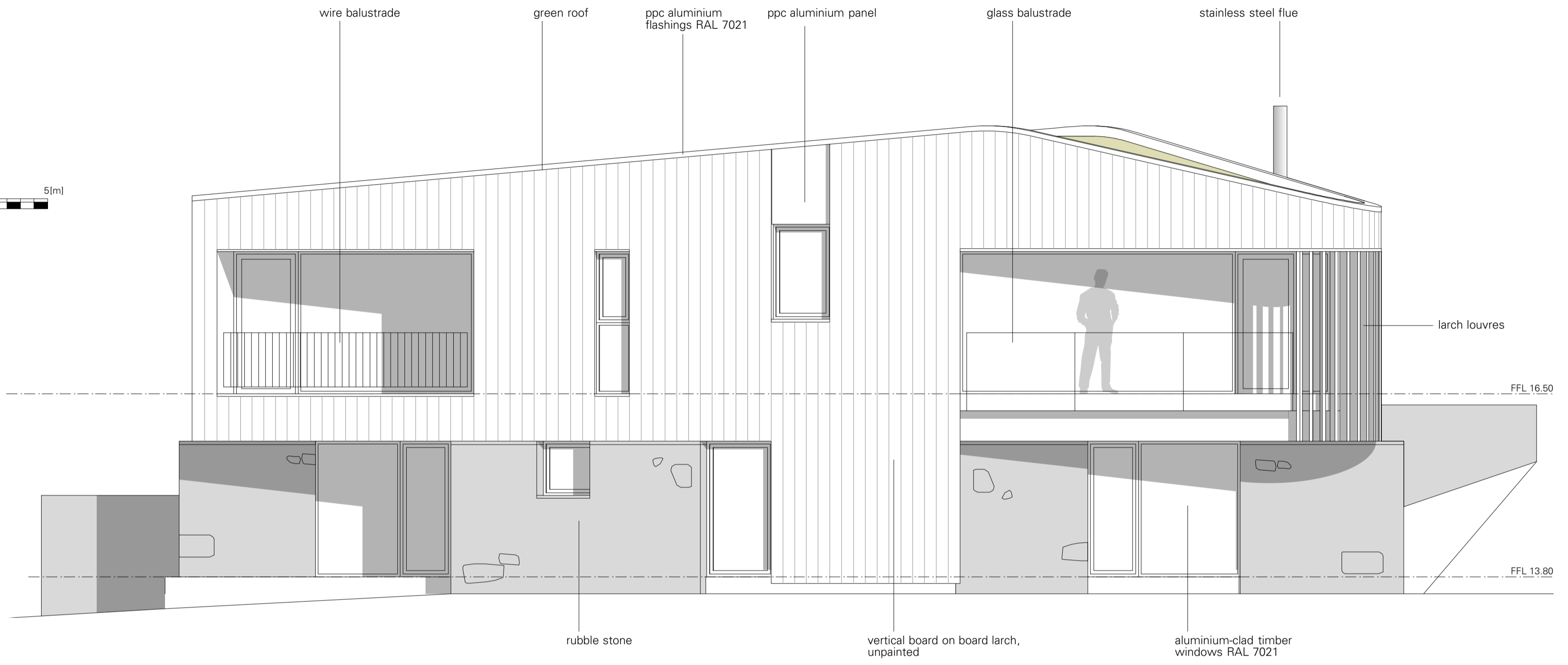
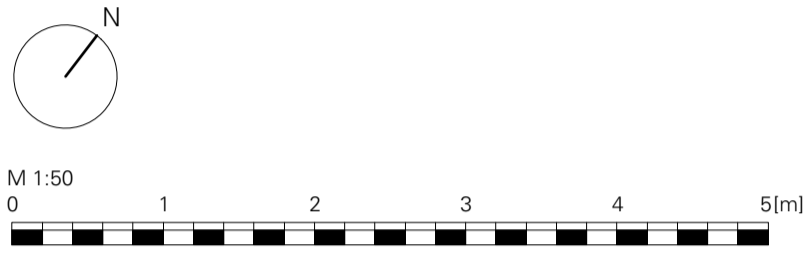
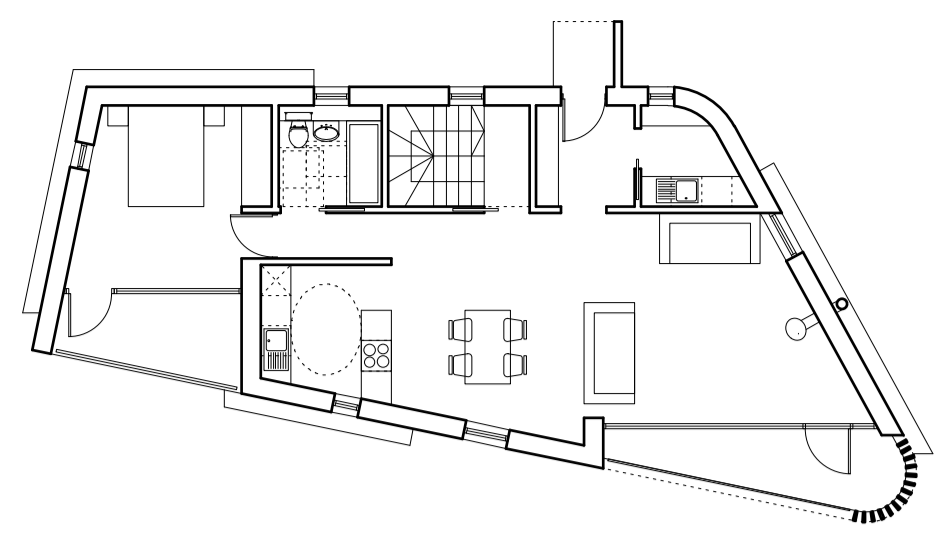
Proposed House at Glenfinnan [3]

Drawing Title

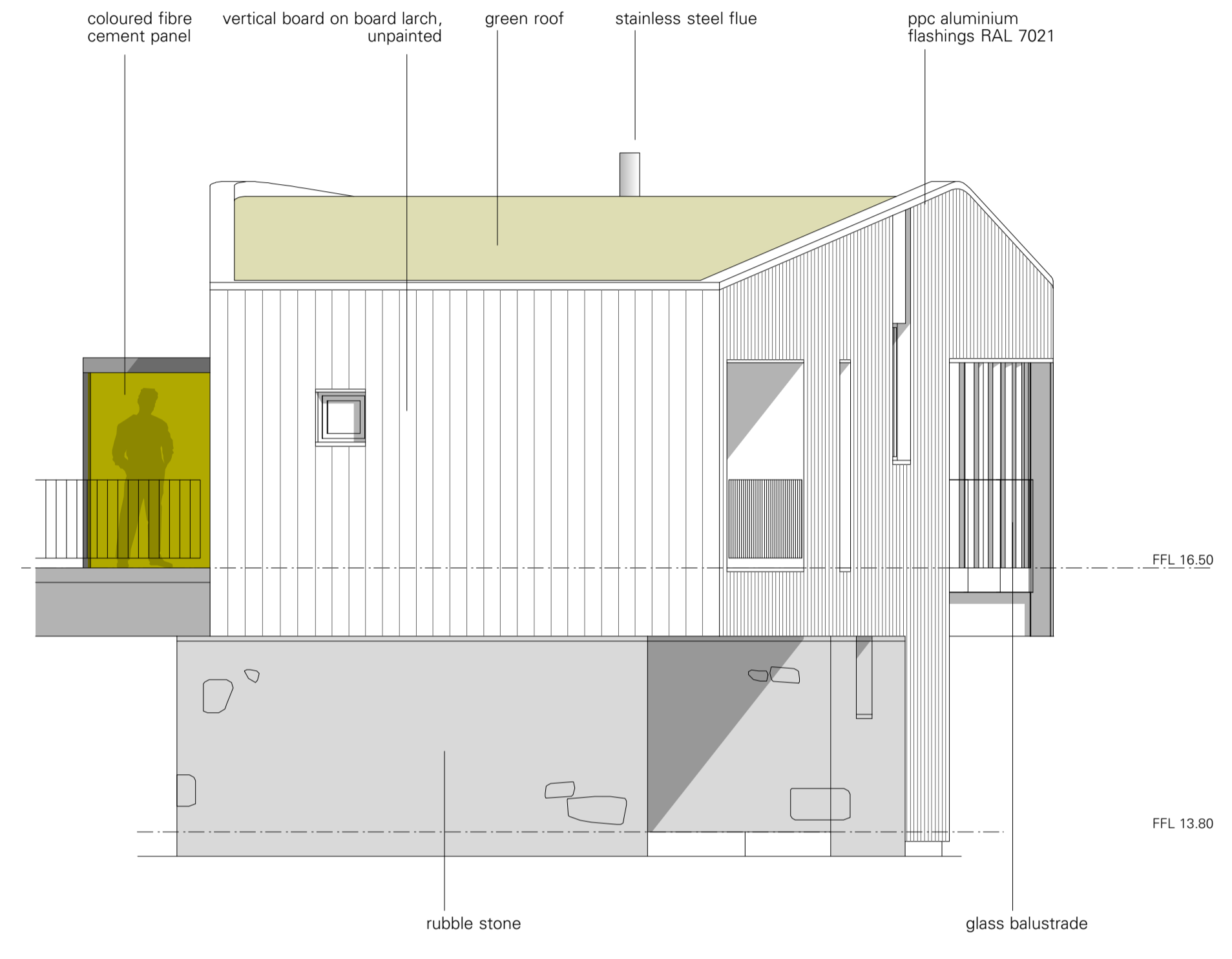
Proposed Site Elevations (NE & NW)

Dwg No.

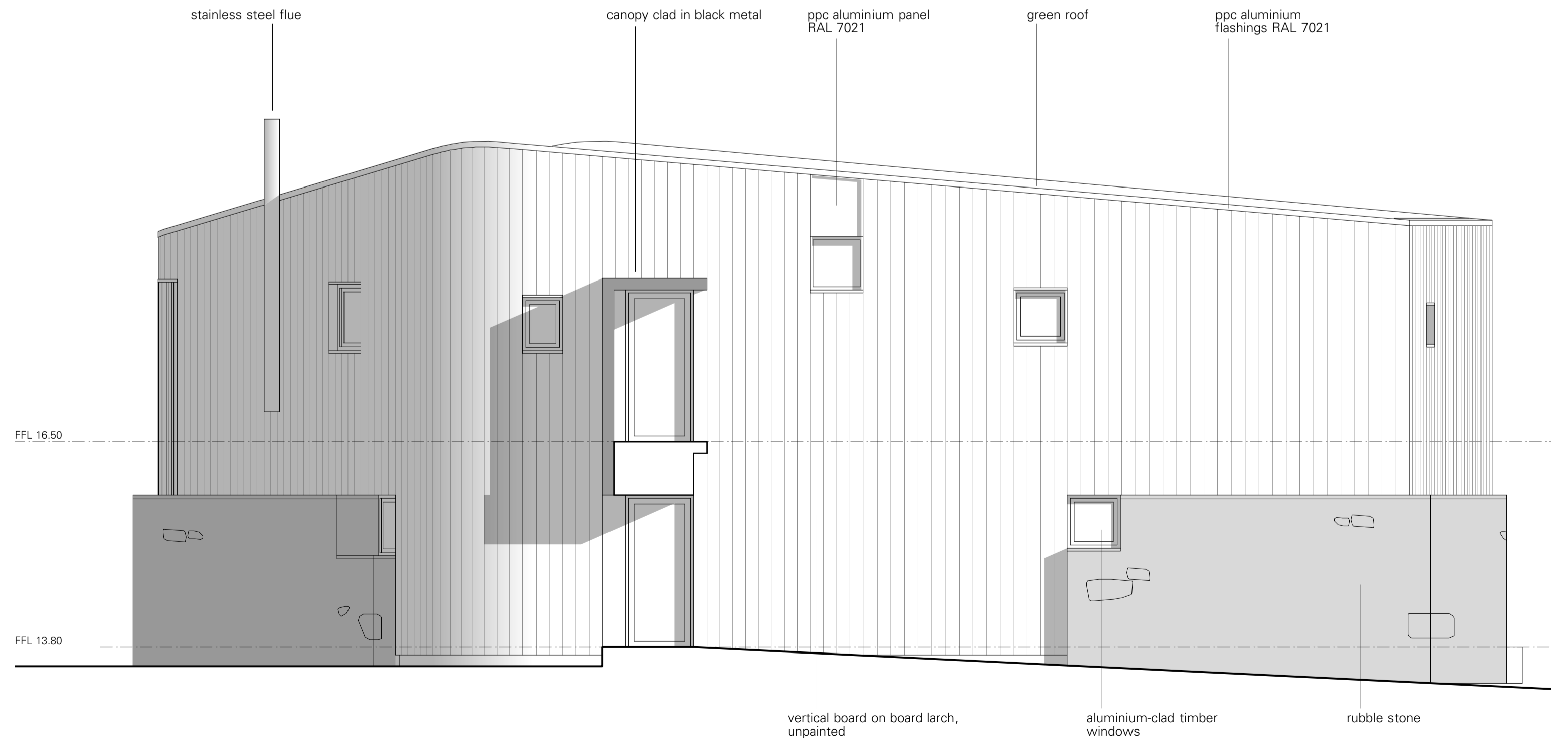
305.3/P/112/A



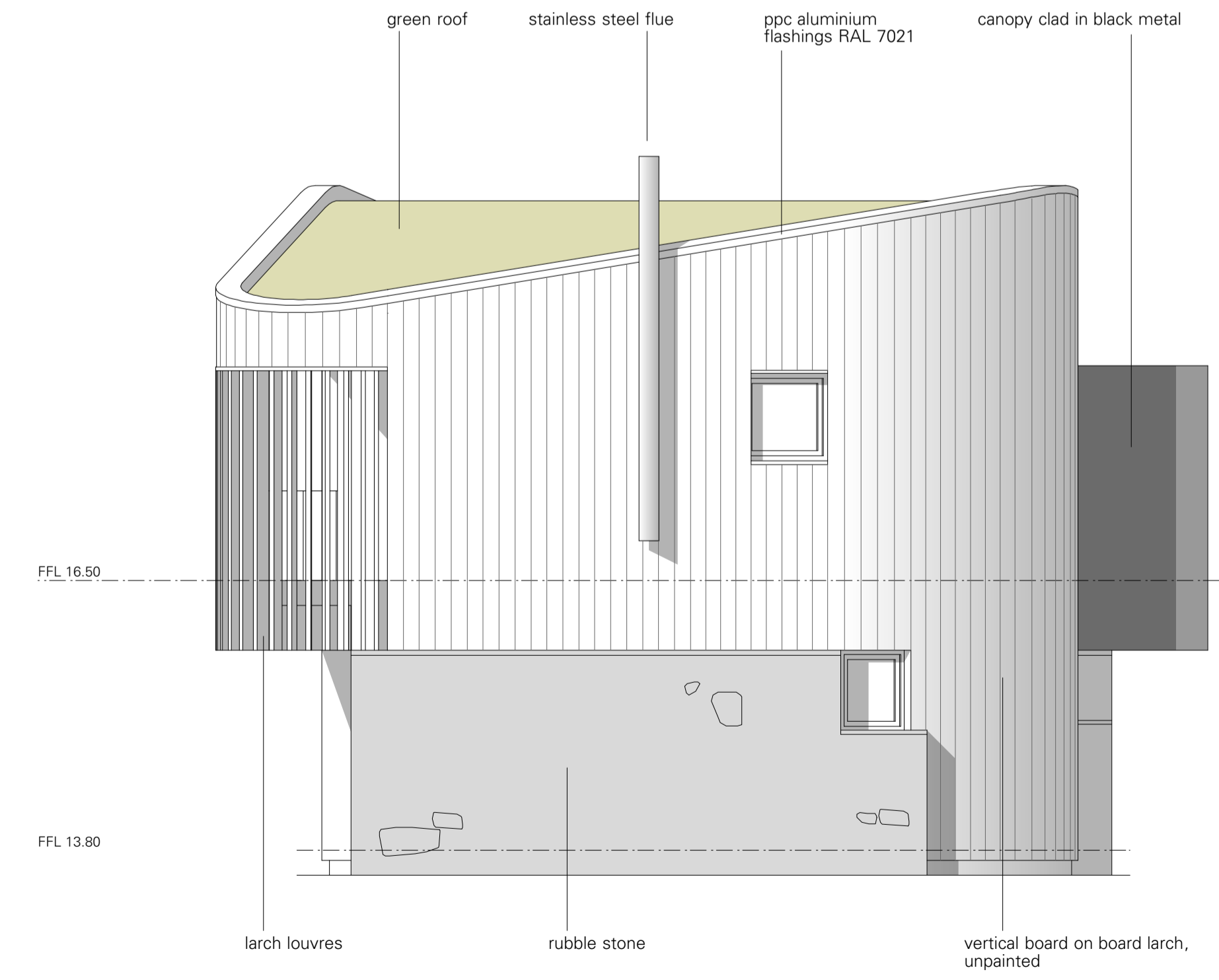
South-east Elevation



South-west Elevation



North-west Elevation



North-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 remodelled to lower roof at east elevation and 'soften' south-east corner in advance of Planning Committee review

Oct '18 SM

The Green, Portree, Isle of Skye, IV51 9BT
 tel. 0(44)1478 613379
 www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

Client
David Matzdorf & Mai Gray

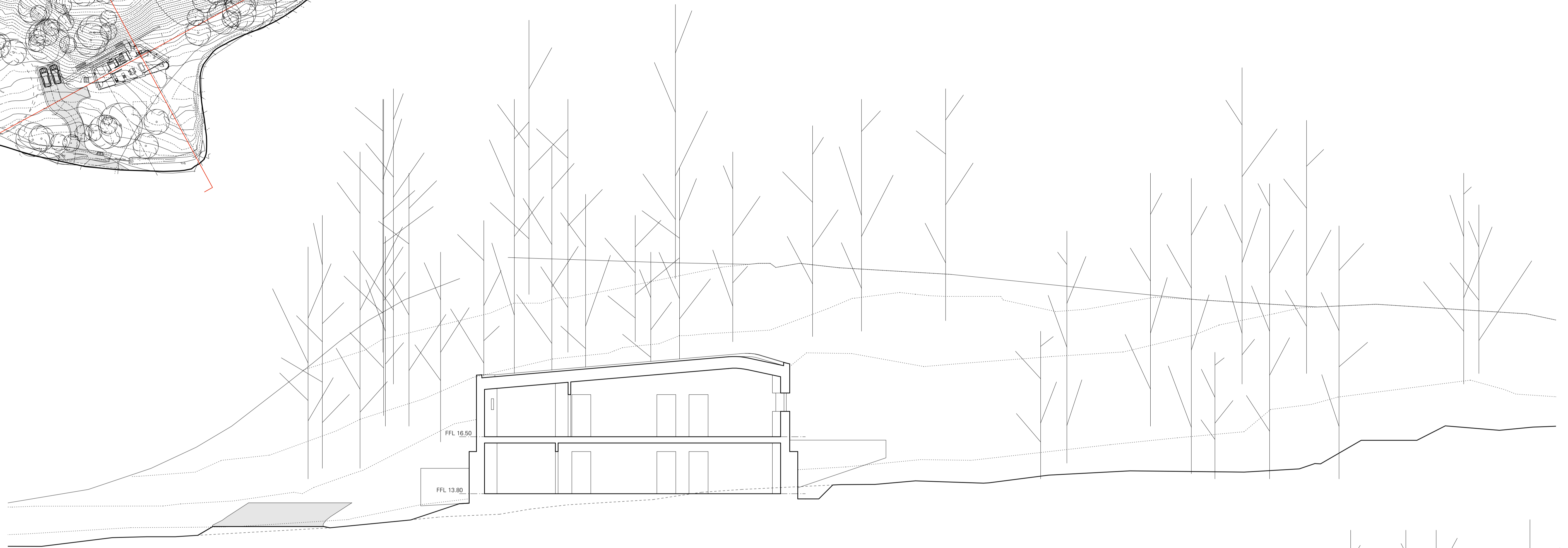
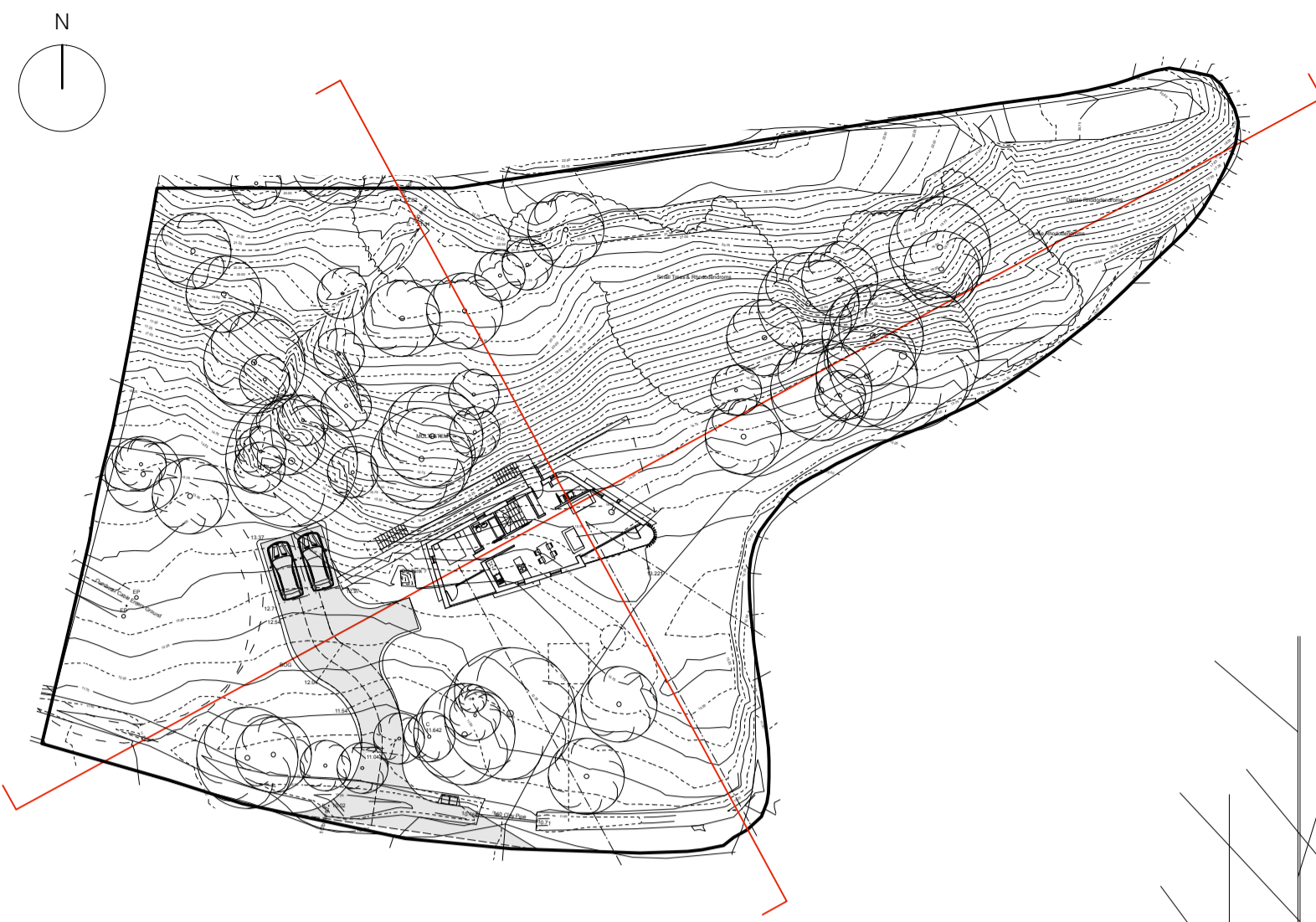
Project
Proposed House at Glenfinnan [3]

Scale Date Drawn Status
 1:50@A1 Dec 2017 SM PL

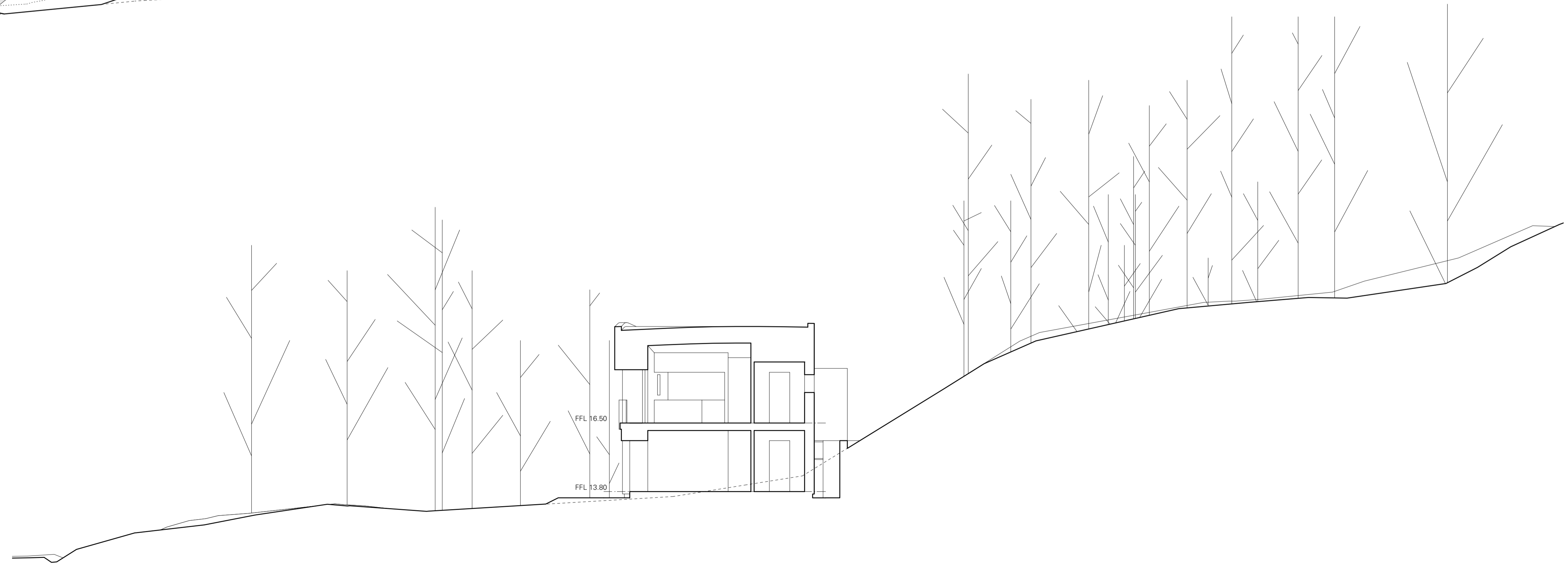
Drawing Title
 Proposed Elevations Rev A

Dwg No.
305.3/P/113/A

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



West-East Cross Section



South-North Cross Section

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 remodelled to lower roof at east elevation and 'soften' south-east corner in advance of Planning Committee review

Oct '18 SM

© rural design ltd

The Green, Portree, Isle of Skye, IV51 9BT
tel. 0(44)1478 613379
www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

Client

David Matzdorf & Mai Gray

Scale

1:100@A1

Date

Dec 2017

Drawn

SM

Status

PL

Project

Proposed House at Glenfinnan [3]

Drawing Title

Proposed Site Sections

Dwg No.

305.3/P/121/A



Rev A Building remodelled to lower roof at east elevation and 'soften' south-east corner in advance of Planning Committee review

Oct '18 SM

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

The Green, Portree, Isle of Skye, IV51 9BT
 tel. 0(44)1478 613379
 www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

© rural design ltd

Client

David Matzdorf & Mai Gray

Project

Proposed House at Glenfinnan [3]

Scale

-

Date

Dec 2017

Drawn

AR

Status

PL







Drawing Title

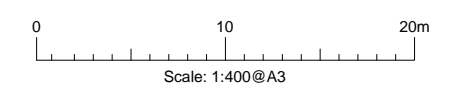
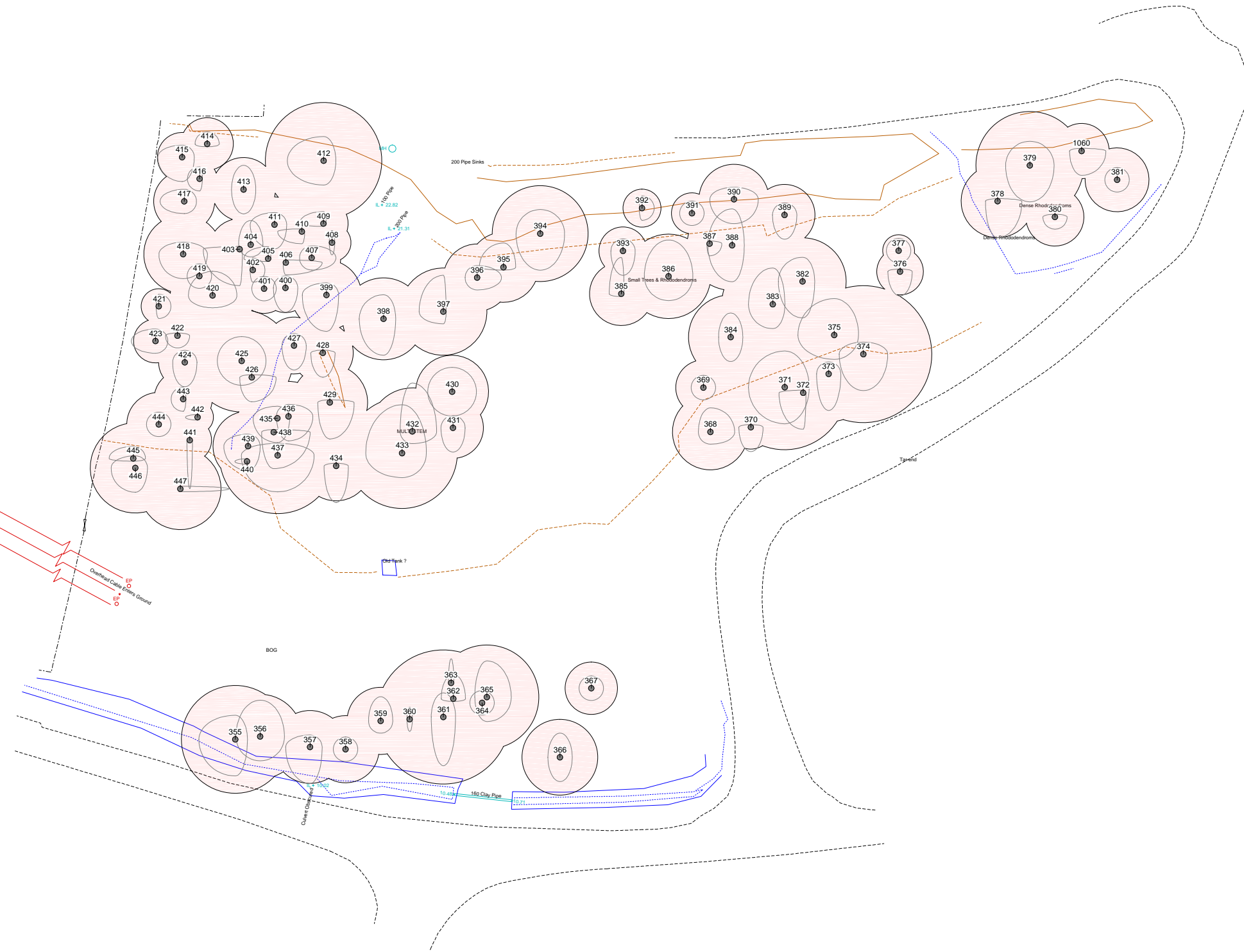
Visualisation from south-east

Drg No.

305.3/P/201/A

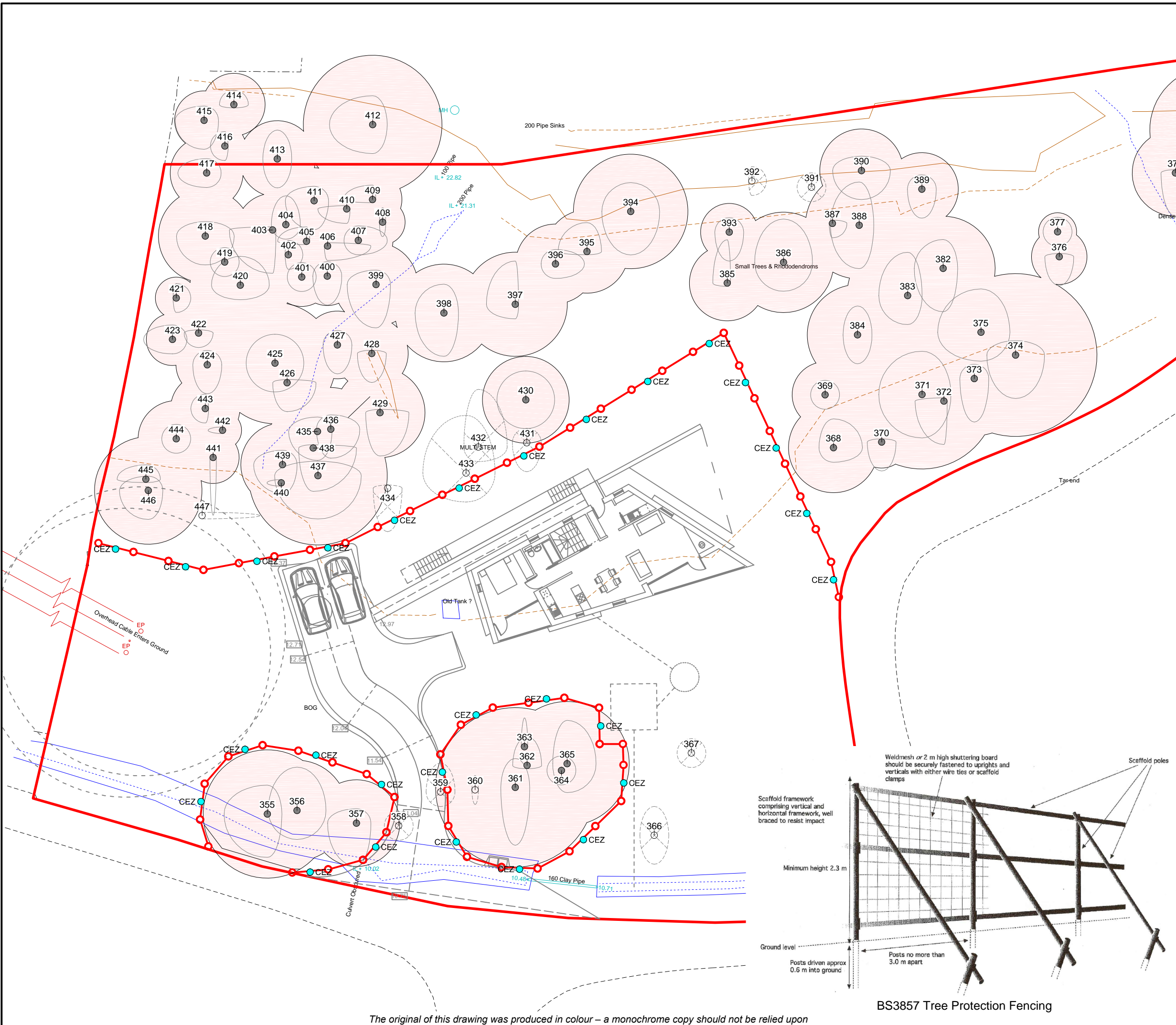
Key

-  Tree Location
- 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 U - Tree to be removed due to poor quality
-  BS Calculated Root Protection Area






Title: Tree Constraints Plan
 Location: Plot 3, Glenfinnan
 Ref Code: Appendix 2
 Date: 25/10/17 Scale: 1:400 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

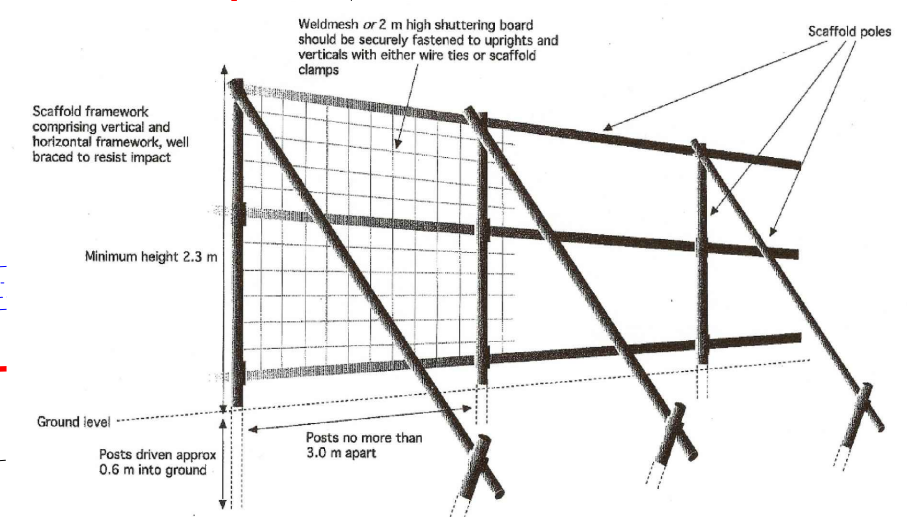


Key

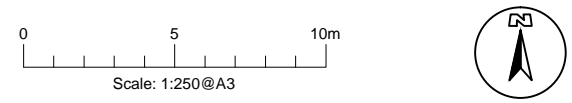
-  Tree Location
-  BS5837 Protective Fence to be Erected Prior to Commencement of Works
-  Construction Exclusion Zone Sign

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



BS3857 Tree Protection Fencing



Title: Tree Protection Plan
 Location: Plot 3, 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@arborteeing.co.uk
 Web: www.arborteeing.co.uk

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