

Agenda Item	6.1
Report No	PLS 054/19

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 7 August 2019

**Report Title:** 18/05376/FUL: Ossian Developments Ltd

Land 80M South Of Bratach Ban, Lettermore, Ballachulish

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

### **Purpose/Executive Summary**

**Description:** Installation of 7 holiday pods and associated services

**Ward:** 21 – Fort William and Ardnamurchan

**Development category:** Local

**Reason referred to Committee:** 5 or more representations

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 It is proposed to install seven holiday pods on a site on the edge of the golf course at Glenachulish. The proposed pods face onto the A828 trunk road and the Loch beyond. The proposed Pods are to be finished in timber and of an 'Armadillo' type design. The pods are prefabricated and will be delivered to site and placed upon concrete padstones. The pods measure 7.31m by 11.01m at the widest points and 3.52m high at the highest point. Each pod will have a small decked area to the front (north) accommodating individual hot tubs. A scheme of tree protection and a tree planting scheme have been included with the proposal.
- 1.2 A new vehicular access is to be formed from the Glenachulish public road, the centre of which is to be 36m from the junction with the A828 trunk road. From the new access point a new gravel track is to be formed which will run at the rear (south) of the pods before heading north to pass pods 6 and 7 on their east side, finishing in a turning head. Parking for one car per pod is to be provided along the track in four laybys. A communal septic tank is proposed to serve the development discharging to a soakaway. Connection is proposed to the public water main.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Flood Risk Assessment, Drainage Assessment, Arboricultural Impact Assessment and Method Statement, Visualisation, Supporting Statements
- 1.5 Variations: Amendment to access position and position of pods to minimise tree loss and to respond to concerns from neighbour regarding overlooking.

## **2. SITE DESCRIPTION**

- 2.1 The site lies adjacent to the A828 trunk road at the north western end of the Dragon's Tooth Golf Course at Glenachulish. (The A828 trunk road extends from Ballachulish to Connel in Argyll). The site is an area of land that is open grassland on the edge of the golf course, with areas of trees. A stone wall bounds the site along the trunk road. The site slopes up from north west to south east (rises from the roadside boundary) and an existing path runs through the site. The site is accessed from the Glenachulish public road which joins with the A828 trunk road at the western corner of the site.
- 2.2 There are two houses on the opposite side of the A828 from the Glenachulish road junction and a house and chalets on the opposite side of the Glenachulish Road from the development site. The nearest residential property is 'Bratach Ban' is located approximately, 17 metres from the nearest edge of the site boundary on the opposite side of the trunk road
- 2.3 The site falls within the Glenachulish SDA (Settlement Development Area) as identified by the Local Development Plan. The site lies within the Ben Nevis and Glen Coe NSA (National Scenic Area). The site lies within the Dragon's Tooth TPO (Tree Preservation Order) area and features mature mixed broadleaf woodland where the site access is proposed on the west side, one very large lime tree on the east side of the site and scattered areas and individual mixed

broadleaves across the site. The woodland to the west is listed in the Ancient Woodland Inventory as Long Established plantation origin and is listed in the Native Woodland Survey of Scotland as mature wet woodland.

### **3. PLANNING HISTORY**

3.1 28.7.2011 11/01237/FUL – Erection of 4 holiday cottages Granted

### **4. PUBLIC PARTICIPATION**

4.1 Advertised: Unknown neighbour

Date Advertised: 6 December 2018

Representation deadline: 20 December 2018

Timeous representations: 7 (Against)

Late representations: 11 (Against) and 9 (For)

4.2 Material considerations raised are summarised as follows:

#### Against

- a) Traffic and pedestrian impact as a result of new access road and increase in traffic
- b) Unsafe junction onto A828 – not possible to improve. No footpath for pedestrians – used by school children
- c) Previous permission on the site has lapsed and the new application should be considered as a new application and previous decision on access be reversed.
- d) Alternative access through the golf course available and should be used for any further developments rather than the Glenachulish road
- e) Impact on trees (inc ancient woodland and area covered by Tree Preservation Order)
- f) Impact on existing business from light and noise pollution
- g) Cumulative development around the golf course will compromise the long term viability of the golf course and impact on the visual amenity of the historic designed landscape around Ballachulish House
- h) Impact on local environment from frequent emptying of hot tubs
- i) Impact on watercourse from drainage – potential loss of river fish
- j) Impact on residential amenity on nearby houses
- k) Safety of occupants of pods from stray golf balls
- l) Loss of treasured open space
- m) Impact on wildlife
- n) Impact on rural qualities of the area
- o) Issues raised over the address description of the application

#### For

- a) Dragon's Tooth Golf Course is a great local resource that creates high quality jobs for the community and feeds into other areas of the Lochaber economy.

- b) Applicant is a good local employer
- c) Design-led, low development
- d) Proven track record of developer
- e) Positive experiences of existing pod development by nearest neighbour
- f) Positive experiences of existing pod development by visitors
- g) Existing development is quiet, discreet and subtly lit

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

## 5. CONSULTATIONS

5.1 **THC Forestry Officer:** No objection subject to conditions.

5.2 **THC Flood Risk Management Team:** No objection subject to condition seeking prior agreement of surface water drainage scheme.

5.3 **Scottish Environment Protection Agency:** No objection.

5.4 **Scottish Water:** No objection.

5.5 **Transport Scotland:** 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
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 44 - Tourist Accommodation
- 51 - Trees and Development
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 74 - Green Networks

### 6.2 West Highlands and Islands Local Plan (as continued in force 2012)

Inset Map 4 : Glenachulish. Site within Settlement Development Area boundary. No specific allocations.

**6.3 Proposed West Highlands and Islands Local Development Plan (WestPlan) - Intention to Adopt**

Map 2.5 Glenachulish. Site within Settlement Development Area boundary. No specific allocations. One of the place making priorities is to encourage tourism development which can gain a competitive advantage by being afforded loch views

**6.4 Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (Nov 2018)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Green Networks (Jan 2013)  
Highland's Statutorily Protected Species (March 2013)  
Managing Waste in New Developments (March 2013)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

**7. OTHER MATERIAL POLICY CONSIDERATIONS**

**7.1 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy 2014  
PAN 60 – Natural Heritage  
PAN 61 – SUDS  
PAN 66 – Trunk Roads  
PAN 69 – Flood Risk  
PAN 73 – Rural Diversification  
PAN 79 – Water and Drainage  
PAN 2/2011 – Planning and Archaeology

**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) Siting and Design

- c) Individual and Community Amenity
- d) Natural, Built and Cultural Heritage
- e) Servicing and Infrastructure
- f) Flood Risk and Water Environment
- g) any other material considerations.

#### Development plan/other planning policy

- 8.4 The site lies within the Settlement Development Area (SDA) for Glenachulish as identified by the West Highlands and Islands Local Plan (WHILP). SDAs are the preferred areas for most types of development and proposals within SDAs will be supported if they meet the requirements of Policy 28: Sustainable Design and all other relevant policies of the plan. Proposals require to be judged in terms of their compatibility with the existing pattern of development, conformity with adjacent land uses, and the effect on any natural, built and cultural heritage feature. Developments judged to be significantly detrimental will not be supported unless there are clear material considerations which would justify permission being granted.
- 8.5 Policy 44 (Tourist Accommodation) of the WHILP supports proposals for tourist accommodation within settlement boundaries if the Council is satisfied that the proposal can be accommodated without adverse impacts upon neighbouring uses, complies with Policy 28, and will not prejudice the residential housing land supply.
- 8.6 Planning permission has previously been granted for four holiday cottages on this site (11/01237/FUL). Although permission lapsed in 2014 the planning history remains a material consideration in the determination of this application. Planning policy has not substantively changed since the approval of the previous permission.
- 8.7 The principle of this proposal to site seven pods for holiday accommodation within the Glenachulish SDA is supported by Development Plan Policy subject to detailed assessment of the following considerations.

#### Siting and Design

- 8.8 The site is within an area which the Local Plan supports development, in particular tourism and the development does have associated economic benefits, particularly in relation to the continued operation of the golf course. The nature of the development is reasonably low impact in term of footprint and construction and is not anticipated to have detrimental impacts on wildlife or habitats.
- 8.9 The pods are modest, one bedroom, timber clad structures in with a curved 'armadillo' type design. Although there are seven units proposed, the small scale of the structures will allow the structures to be accommodated into this fairly generous site without significant impact. The form of development should be more discreet than the four previous cottages approved on the site and more recognisable as tourist accommodation which will relate to the recreational use of the golf course.
- 8.10 The pods are to be set out in a curved pattern spread across the sloping ground. From front to back there is a difference in site level of approximately 6 metres and

the pods will be lower at the outer edge of the curve and higher in the centre portion. This will be mirrored in the access track which will rise from the access point and drop back down towards the turning head at the other end. This will allow for a more organic pattern of development rather than a hard linear pattern. Retention of trees around and within the site, supplemented by additional planting between and around the pods will help to integrate the proposal into its landscape setting. The pods are to be set onto pad foundations and suspended decking and boardwalks will be constructed on site once the pods are in place. No details of the finished levels of the pods have been submitted, and without this the height of the decking cannot be determined. Given the gently sloping nature of the ground decking is unlikely to be particularly raised, however a condition is proposed to agree details of this prior to the pods being positioned on the site.

### Individual and Community Amenity

- 8.11 As highlighted previously, the site is within the Glenachulish settlement area where there is a presumption in favour of development. The nature of the development and its siting at the periphery of the valued open area of the golf course is considered to be acceptable. Views of the pods will be most prominent from the A828 trunk road when passing in front of the site, however this is over a short distance and in an area which other development on the roadside is visible. Overall it is considered the proposal will not adversely affect the wider amenity of the area.
- 8.12 The closest residential property is a detached house, known as Bratach Ban, on the loch side of the A828 trunk road. Concerns were raised by the owner of this property regarding issues of overlooking and privacy. The orientation of some of the pods has been adjusted to focus their principal elevations towards the loch, offset from Bratach Ban. This together with the distance from the house (30m between closest corner of decking to curtilage of house and 43m to closest corner of house), together with the intervening trunk road is considered sufficient so as not to have an unacceptable impact on the residential amenity of this house.

### Natural, Built and Cultural Heritage

#### **National Scenic Area**

- 8.13 The site lies within the Ben Nevis and Glen Coe National Scenic Area where it is important to ensure that any new development does not compromise the natural environment, amenity or natural heritage resource. Where there may be significant adverse effects these must be clearly outweighed by social or economic benefits of national importance.
- 8.14 The NSA is designed as a whole for its great variety of landform and scenery. The landscape in the Ballachulish/Glenachulish area is dominated by mountains rising from the loch shores, with settlements and infrastructure on the glen floors. The golf course and its setting is an important part of this area with the mountains being a significant feature in the landscape.
- 8.15 There are important public views towards the golf course from Ballachulish and Onich. The proposed site is on the periphery of the golf course, close to the existing cluster of development near the Glenachulish road junction. The site is

lower lying ground near to the A828 trunk road, rising to the south towards the golf course greens. Although the proposal will introduce additional built development in this area it has been kept to the edge of the main open areas so as not to undermine the open, clear area of the golf course. The small scale nature of the structures, together with the additional tree planting proposed as part of the development will help to integrate the proposals into the landscape setting. It is considered the proposal will not have an adverse impact on the qualities of the National Scenic Area.

### Trees and Woodland

- 8.16 The site lies within with the wider area covered by a Tree Preservation Order on the Golf Course and the trees to the west of the site are identified as Long Established Woodlands of Plantation Origin in the Ancient Woodland Inventory.
- 8.17 A Tree Report was submitted with the application, however following comments and discussion with the Forestry Officer a full Arboricultural Impact Assessment (AIA) was submitted, together with a Method Statement, Tree Constraints Plan and an updated Tree Planting Plan and Planting Schedule. The scheme has also been slightly amended to take account of the AIA work. The AIA identifies that 14 trees would need to be removed for the development (four Category A, four Category B and six Category C) and a further 12 trees (Category U) would need to be removed due to poor condition.

Tag	BS Cat	Tag	BS Cat	Tag	BS Cat	Tag	BS Cat
613	A	610	B	608	C	574	U
617	A	612	B	609	C	575	U
618	A	616	B	619	C	599	U
692	A	660	B	621	C	663	U
				944	C	921	U
				945	C	947	U
						948	U
						952	U
						954	U
						955	U
						10	U
						11	U

*Cat A = Trees of high quality and value in such a condition as to be able to make a substantial contribution for a minimum of 40 years*

*Cat B = Trees where retention is desirable – moderate category*

*Cat C = Trees of low quality and value in adequate condition to remain until new planting could be established and expected to remain for a minimum of 1 years, or young trees with a stem diameter less than 150mm measured at 1.5 metres above ground level*

*Cat U = Trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural or forestry management.*

- 8.18 The Forestry Officer has confirmed that, on the basis of the new and revised information, he has no objection to the application subject to conditions covering



tree protection, site supervision by a qualified Arboricultural consultant, compliance with the approved details and implementation of the Tree Planting Plan.

### **Archaeology**

- 8.19 At the time of the previous planning application for four holiday cottages on this site it was identified that the site lies within an area of significant archaeological interest including a scheduled prehistoric burial cairn lying a short distance to the east. Within the wider Ballachulish area further prehistoric features have been recorded. A walkover survey, completed in 2001, did not identify any upstanding archaeological features within the application area, but there remains the potential for buried archaeological features to survive.
- 8.20 The location of the development is within an area where there is believed to be potential for associated archaeological features or finds to be affected by the development. While the risk is not such as to warrant a full archaeological excavation, it is important that the full nature and extent of any archaeological features should be identified and recorded before destruction.
- 8.21 Site clearance work, the construction of the access road and the digging of services should be done under archaeological supervision so that if necessary any recording can be done without causing undue delay or inconvenience for the development. This will require the developer to employ an approved archaeologist to undertake the work, but will help to insure against the possibility of otherwise expensive 'unexpected' discoveries.

### Servicing and Infrastructure

- 8.22 It is proposed to form a new access off the Glenachulish public road to serve the development. The proposed access is in a similar location to the access previously approved for the four holiday cottages on the same site (now lapsed). Objectors to the scheme have raised road safety concerns over additional use of this road.
- 8.23 The Glenachulish public road joins with the A828 trunk road some 36 metres from the position of the proposed access. Visibility at the junction with the trunk road is restricted in places, however Transport Scotland have raised no objection to the proposal. As part of the previous application the applicant agreed to undertake clearance work on their land to improve visibility at the junction of the public road with the with the A828 trunk road (towards Ballachulish). It is considered appropriate to secure the continued maintenance of these visibility splays as part of the current application to achieve an improvement to visibility. Further improvements could be achieved in the other direction on land owned by another party, although it is not considered reasonable to impose this requirement on the applicant for this current proposal as the land is outwith their ownership.
- 8.24 The proposed access is closer to the junction than would normally be recommended, however it is considered that the junction point is acceptable in this instance due to the fairly low levels of traffic on the road, the low traffic speeds at this point, the width of the public road at this section, the reasonably low density of development proposed and the site history. It is however considered that there are improvements that could be secured between the junction and the proposed

access point which would result in an improvement to road safety for all users of this road, without changing the rural character of this road. With adjustments to the road verge and the existing passing place, it is considered the first section of the road from the junction could be tidied up and widened slightly to provide more space for two way traffic at the junction. This has been discussed with the applicant who is agreeable to such changes to improve the situation locally. A condition is proposed to secure the finalised details.

- 8.25 Concerns have been raised over the safety of pedestrians using this road and in particular the safety of the current arrangements for the school bus pick up. This is an existing situation which would remain whether or not the current proposals are approved. The additional of the seven holiday pods off this road is not considered to significantly affect the situation, particularly when considered with the visibility splay and access improvements discussed above.
- 8.26 Although not affected by the current proposal, there is an opportunity for passing place improvements on the Glenachulish Road beyond the proposed development and the applicant (as landowner) is encouraged to consider the benefits of this with the local community.
- 8.27 The proposal includes a communal septic tank and soakaway to deal with foul drainage which is considered to be acceptable in this location. The technical details of the foul drainage will be determined by Building Standards.
- 8.28 Connection is proposed to public water supply and will require the separate consent of Scottish Water to connect to their assets. Scottish Water has advised there is sufficient capacity in at the water treatment works to serve the development.

#### Flood Risk and Water Environment

- 8.29 SEPA has made the following comments in relation to Flood Risk:

*The application site is close to - but outwith - the low likelihood (0.1 % annual probability or 1 in 1000 year return period) fluvial flood extent of the SEPA Flood Map. The fluvial flood extent close to the site is representing a potential overland flow path from upstream and the site is well set back from the bank of the river. The coastal flood extent is also close to the site.*

*The estimated 1 in 1000 year water level for the area is 5.02mAOD based on extreme still water level calculations using the Coastal Flood Boundary Method. This does not take into account the potential effects of wave action, climate change, funnelling or local bathymetry at this location.*

*A basic flood risk assessment has been provided in support of the application, along with some topographic survey information. The survey information shows that all of the new development is located on land above 5.5mAOD and so sufficiently elevated to ensure it is not at risk of coastal flooding.*

*A basic flood risk statement has been submitted in support of the application which covers flood risk from fluvial, pluvial and coastal sources. Sufficient information is*

*provided there to support the conclusion that the proposed development would not be at significant flood risk from any source. The development therefore accords with Scottish Planning Policy and we have no objection to the application.*

*For information, we have considered flood risk at the site in relation to the 1 in 1000 year flood event rather than the 1 in 200 year flood event usually used for planning purposes. This is due to the proposed development being of a type which falls into the 'most vulnerable uses' category of SEPA's Land Use Vulnerability Guidance.*

- 8.30 The Council's Flood Risk Management Team has also advised it has no objection on flood risk grounds.
- 8.31 A further consultation was sought with SEPA on the specific topic of the proposed hot tubs. SEPA advised that hot tub discharges require dechlorination and suitable treatment prior to discharge and SEPA sought further information on the layout of the treatment system and soakaways, supported by manufacturer's specification, in order to demonstrate there is adequate space to accommodate the necessary treatment. This element also requires authorisation under the Controlled Activities (Scotland) Regulations (CAR)
- 8.32 Further information has been submitted in this respect and, having visited the site and met with the applicant, SEPA has removed its objection provided the Planning Authority receives an updated site layout plan demonstrating that there is space within the site layout to facilitate these soakaways in accordance with the requirements set out in Building Standards. The updated plan has been received and discussed with Building Standards who have raised no concerns in principle.

#### Other material considerations

- 8.33 None

#### Non-material considerations

- 8.34 A question has been raised regarding the safety of the occupants of the proposed pods from stray golf balls.as the golf course and the proposed pods are within the same ownership this will be a management issue for the operator of the golf course and the proposed pods.

#### Matters to be secured by Section 75 Agreement

- 8.35 None

## **9. CONCLUSION**

- 9.1 The site is within the Settlement Development Area for Glenachulish which the Local Plan identifies as the preferred area for most types of development. Local Plan policy also supports tourist accommodation within settlement areas. It is considered the proposal is compatible with the existing pattern of development, landscape character and adjacent uses and can be adequately serviced.
- 9.2 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  
Conclusion of Section 75 Obligation  
Revocation of previous permission

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

### Conditions and Reasons

1. The pods hereby approved shall be used as holiday accommodation only and shall not be occupied by any one individual, family or group for more than three months in any one calendar year.

**Reason:** In accordance with the use applied for, to underpin the economic benefits of the development and in the interests of amenity as the pods by virtue of their siting and design are considered unsuitable for permanent residential accommodation.

2. **No development shall commence** until proposals for an archaeological watching brief to be carried out on site clearance and excavation works has been submitted to, and approved in writing by, the Planning Authority. Thereafter the agreed proposals shall be implemented.

**Reason:** In order to protect the archaeological and historic interest of the site.

3. **No development shall commence** until a scheme of surface water drainage to serve the development has been submitted to and approved in writing by the Planning Authority. Thereafter the approved surface water drainage scheme shall

be fully implemented prior to the initial occupation of the pods.

**Reason:** In order to effectively manage surface water on the site.

4. **No development shall commence** until the visibility splays at the junction of the Glenachulish public road onto the A828 Trunk Road have been cleared of all obstructions to driver visibility on land within the applicant's control, and shall thereafter after be maintained clear of obstructions in perpetuity. These splays are the triangles of land bounded on two sides by the first 4.5 metres of the centreline access driveway (the set back dimension) in an easterly direction by 160 metres and in a westerly direction by 215 metres from the intersection of the access with the trunk road. In a vertical plane nothing shall obscure visibility measured from a driver's eye height of between 1.05m and 2.00 metres positioned at the set back dimension.

**Reason:** To ensure that drivers of vehicles leaving the access road are able to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.

5. The new access onto the Glenachulish public road hereby approved shall be formed in accordance with the attached Roads Schedule **prior to the commencement of any other works on site.**

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

6. **No development shall commence** until a scheme for localised road widening on the Glenachulish public road, between the junction with the A828 and the site entrance, has been submitted to and approved in writing by the Planning Authority. Thereafter the widening works shall be undertaken in accordance with the approved scheme prior to the initial operation of the holiday pods hereby approved.

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

7. **Prior to any site excavation or groundworks**, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plan and Arboricultural Method Statement and in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction. Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

**Reason:** To ensure the protection of retained trees throughout the construction period.

8. A suitably qualified Arboricultural consultant must be employed by the applicant to ensure that the Approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are set out in the AMS for the written agreement of the planning authority and certificates of compliance for each stage are to be submitted for approval.

**Reason:** To ensure the protection of retained trees throughout the construction

period.

9. The submitted Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

**Reason:** In the interests of amenity.

10. Prior to the siting of any individual pod, the finished floor level of the pod and the associated decking shall be submitted to, and approved in writing, by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** In the interests of visual amenity in order to help integrate the proposals into their landscape setting.

11. The pods hereby approved shall not be occupied until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

**Reason:** In the interests of amenity to ensure that the use of the premises remains compatible with the character of the surrounding area.

## **REASON FOR DECISION**

The site is within the Settlement Development Area for Glenachulish which the Local Plan identifies as the preferred area for most types of development. Local Plan policy also supports tourist accommodation within settlement areas. It is considered the proposal is compatible with the existing pattern of development, landscape character and adjacent uses and can be adequately serviced.

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

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

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

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

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

### **Accordance with Approved Plans & Conditions**

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

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent

from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

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

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

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

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

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

### **Mud & Debris on Road**

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

### **Construction Hours and Noise-Generating Activities**

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

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

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more

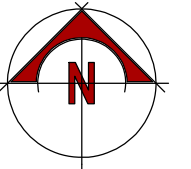


information.

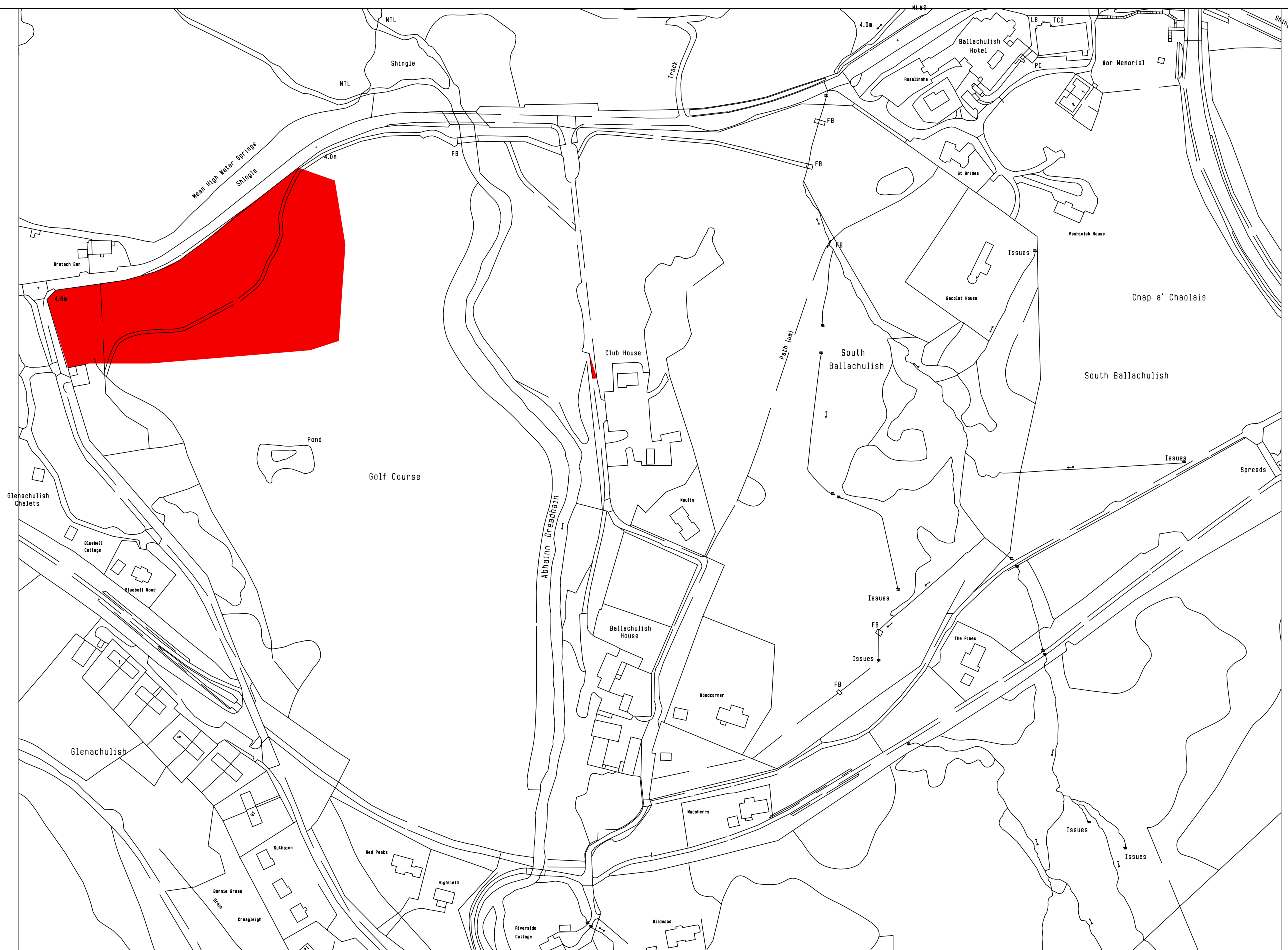
### **Protected Species – Halting of Work**

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

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Susan Macmillan  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Site Plan (200C)  
Plan 3 - Floor Plan  
Plan 4 - Front Elevation  
Plan 5 - Side Elevation  
Plan 6 - Tree Planting Plan



0 10 20 30 40 50  
SCALE IN METERS



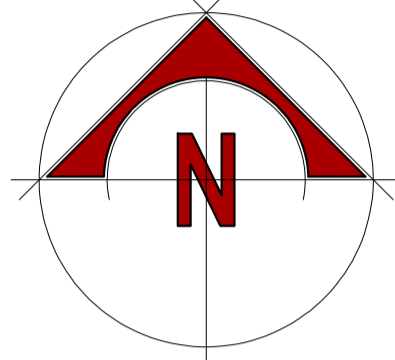
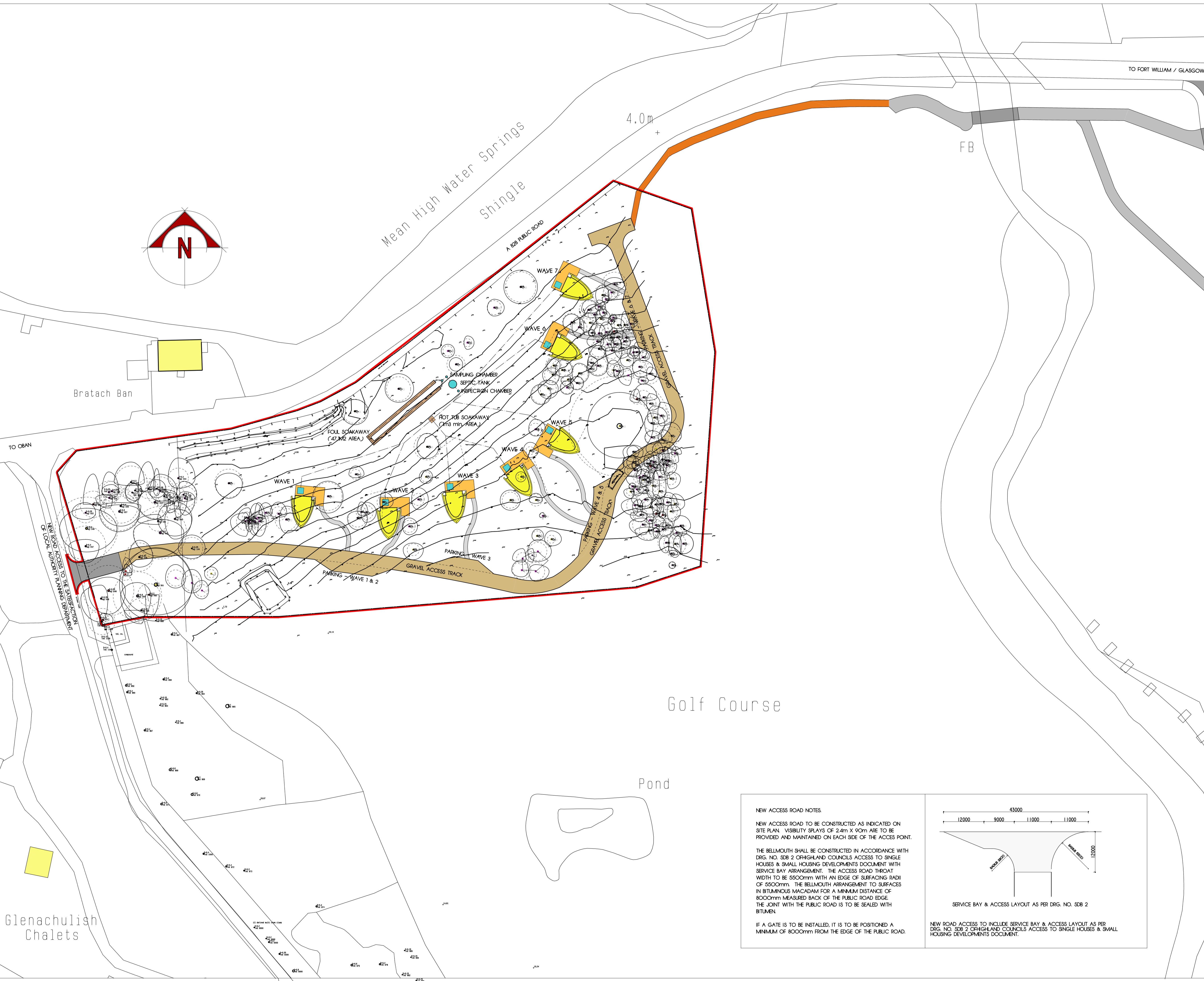
# LOCATION PLAN

SCALE - 1 : 2500

Note  
The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.

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project  
PROPOSED HOLIDAY PODS AT DRAGONS TOOTH GOLF COURSE, BALLACHULISH

client  
OSSIAN'S DEVELOPMENTS LTD

detail  
SITE LAYOUT PLAN - WAVE SITE

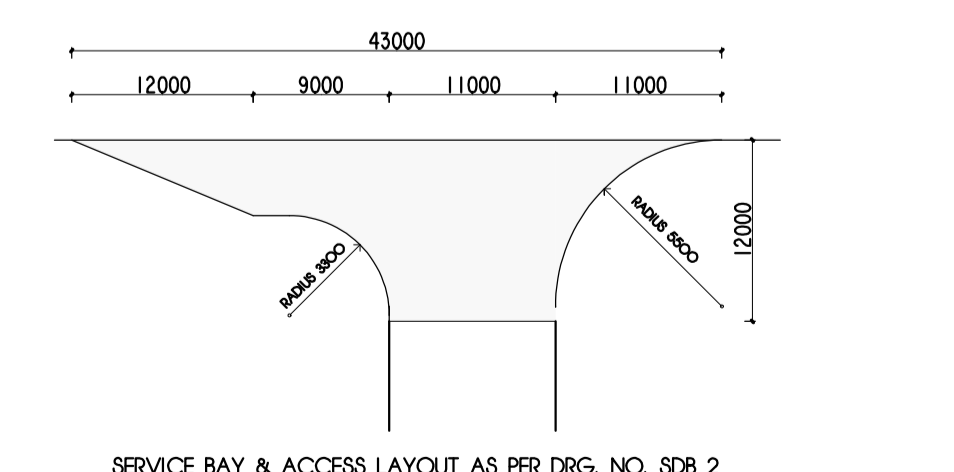


Queen Anne House • 111 High Street  
Fort William • PH33 6DG  
Tel: 01397 700999 • Fax: 01397 700888

scale 1: 500 date 14 : 09 : 18

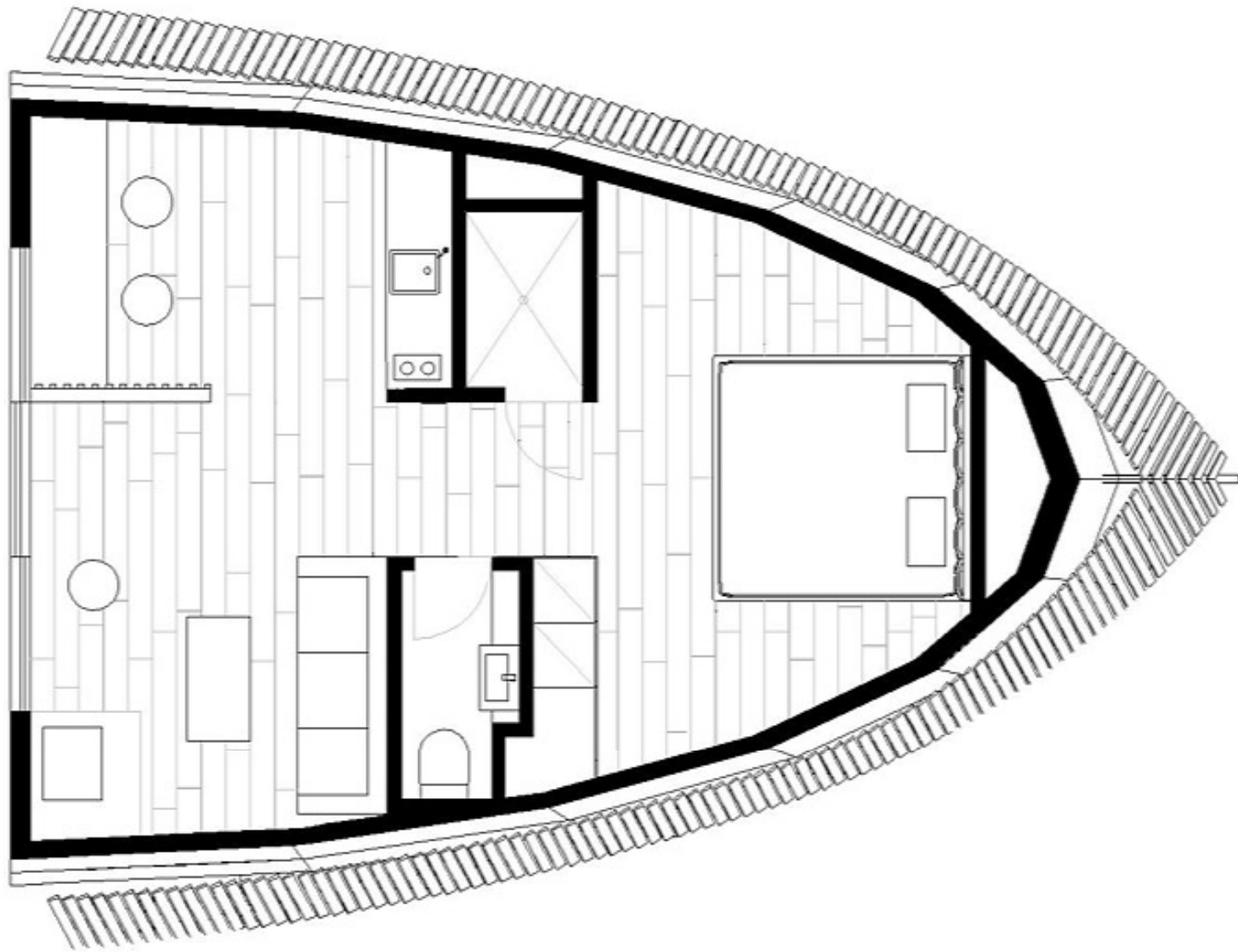
job no. 18/019 drg no. 200 C drawn R. KENNEDY

**NEW ACCESS ROAD NOTES.**  
NEW ACCESS ROAD TO BE CONSTRUCTED AS INDICATED ON SITE PLAN. VISIBILITY SPLAYS OF 24m X 90m ARE TO BE PROVIDED AND MAINTAINED ON EACH SIDE OF THE ACCESS POINT.  
THE BELLMOUTH SHALL BE CONSTRUCTED IN ACCORDANCE WITH DRG. NO. SDB 2 OF HIGHLAND COUNCILS ACCESS TO SINGLE HOUSES & SMALL HOUSING DEVELOPMENTS DOCUMENT WITH SERVICE BAY ARRANGEMENT. THE ACCESS ROAD THROAT WIDTH TO BE 5500mm WITH AN EDGE OF SURFACING RADI OF 5500mm. THE BELLMOUTH ARRANGEMENT TO SURFACES IN BITUMINOUS MACADAM FOR A MINIMUM DISTANCE OF 8000mm MEASURED BACK OF THE PUBLIC ROAD EDGE. THE JOINT WITH THE PUBLIC ROAD IS TO BE SEALED WITH BITUMEN.  
IF A GATE IS TO BE INSTALLED, IT IS TO BE POSITIONED A MINIMUM OF 8000mm FROM THE EDGE OF THE PUBLIC ROAD.

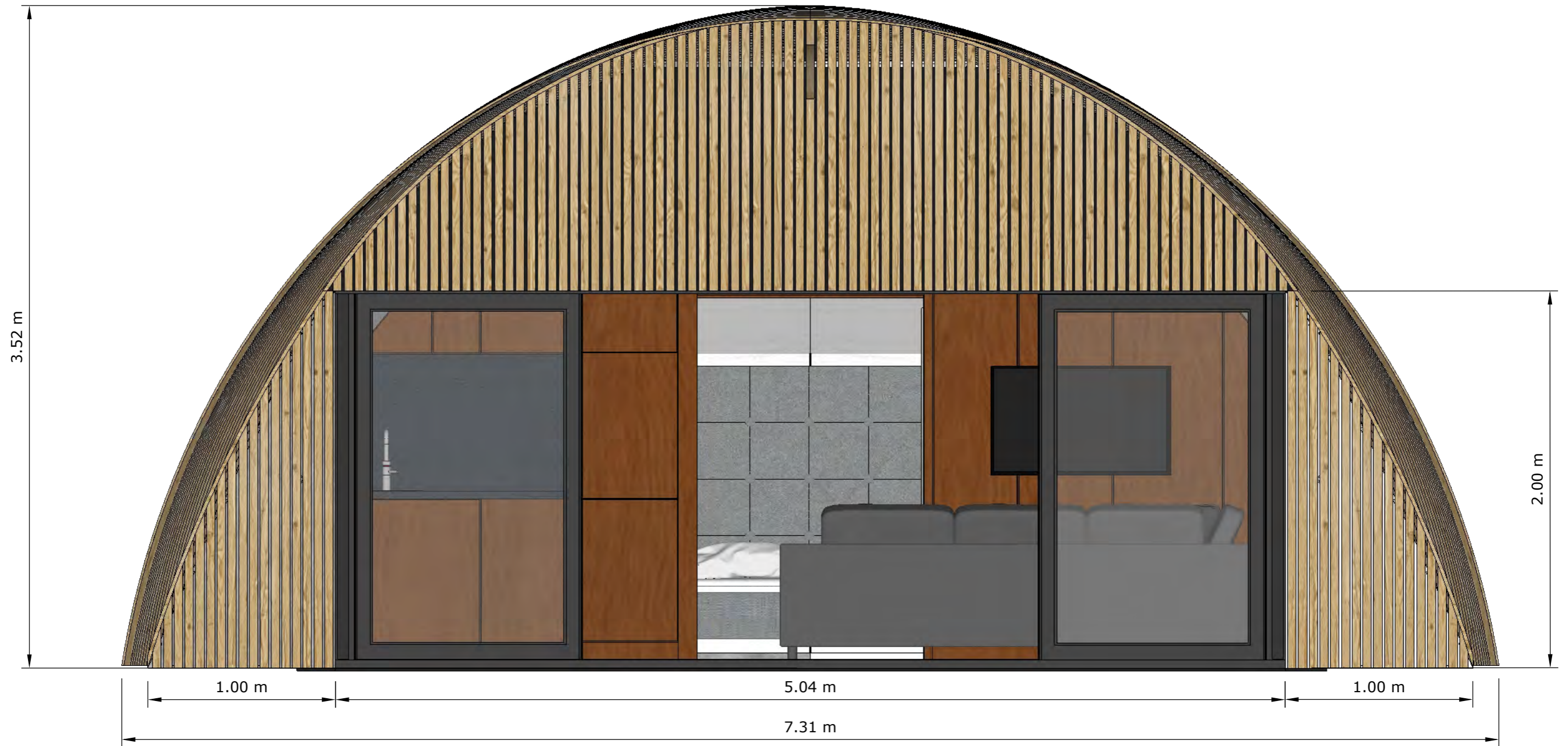


NEW ROAD ACCESS TO INCLUDE SERVICE BAY & ACCESS LAYOUT AS PER DRG. NO. SDB 2 OF HIGHLAND COUNCILS ACCESS TO SINGLE HOUSES & SMALL HOUSING DEVELOPMENTS DOCUMENT.

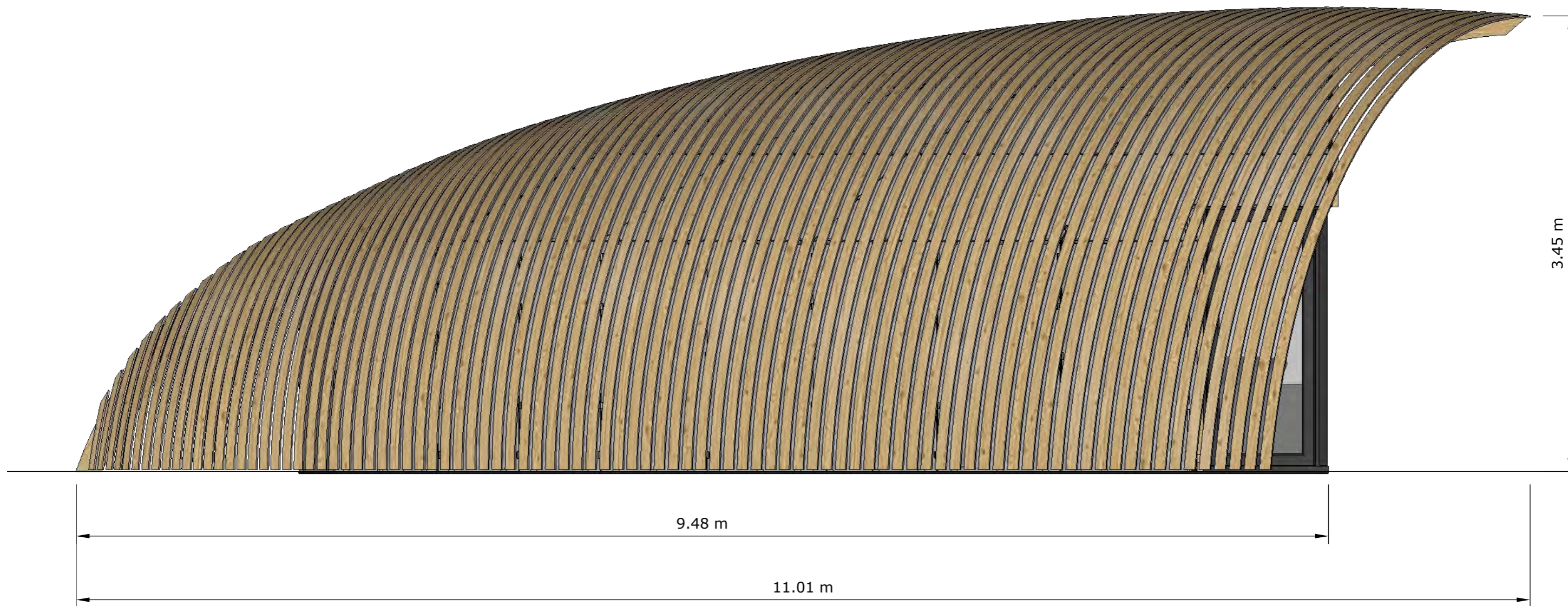
Glenachulish Chalets



Floor plan



FRONT ELEVATION  
YOUNG POD  
ARMADILLA LTD.



YOUNG POD  
SIDE ELEVATION

ARMADILLA LTD.

**Site Preparation**

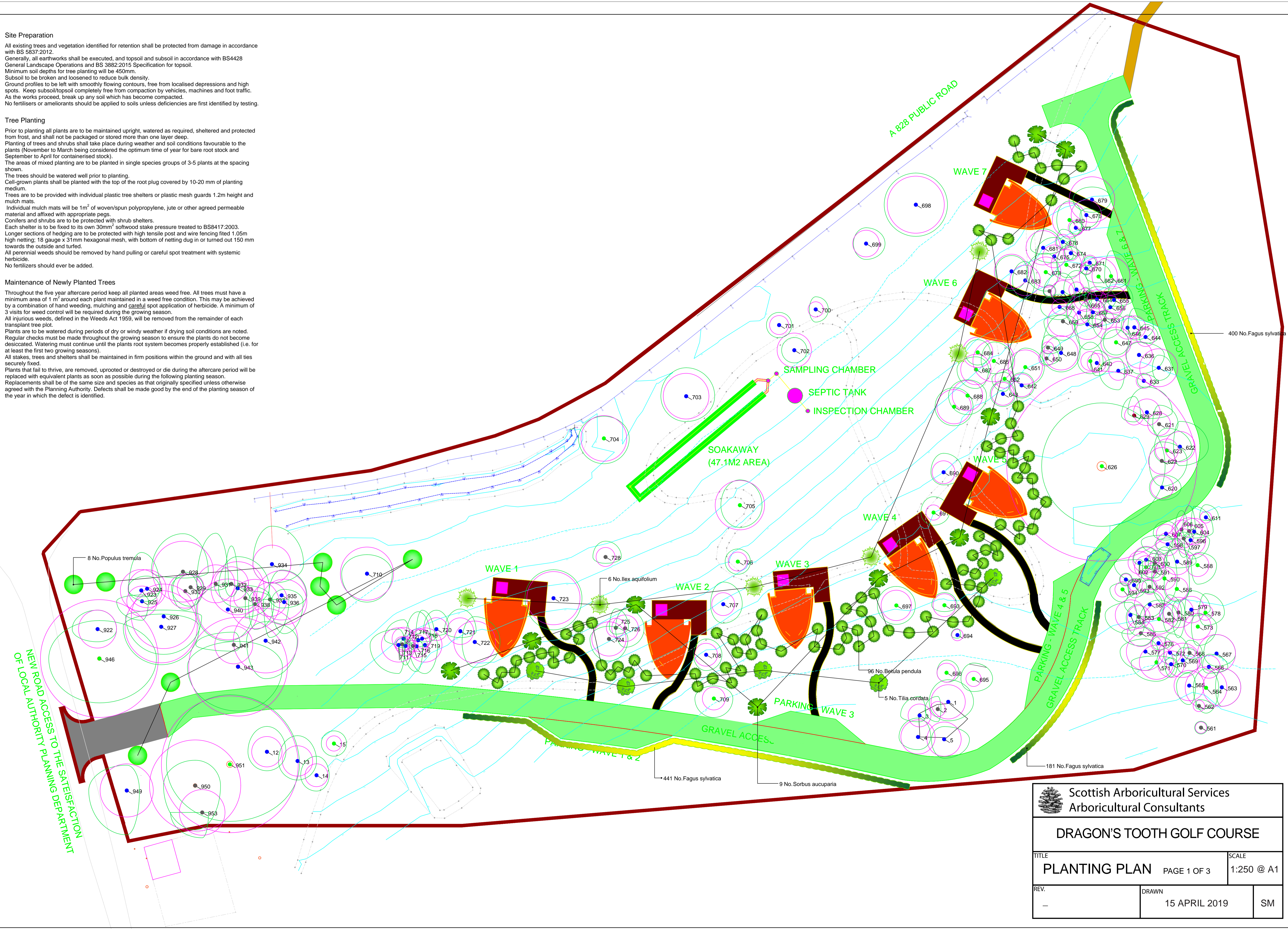
All existing trees and vegetation identified for retention shall be protected from damage in accordance with BS 5837:2012.  
 Generally, all earthworks shall be executed, and topsoil and subsoil in accordance with BS4428 General Landscape Operations and BS 3682:2015 Specification for topsoil.  
 Minimum soil depths for tree planting will be 450mm.  
 Subsoil to be broken and loosened to reduce bulk density.  
 Ground profiles to be left with smoothly flowing contours, free from localised depressions and high spots. Keep subsoil/topsoil completely free from compaction by vehicles, machines and foot traffic.  
 As the works proceed, break up any soil which has become compacted.  
 No fertilisers or ameliorants should be applied to soils unless deficiencies are first identified by testing.

**Tree Planting**

Prior to planting all plants are to be maintained upright, watered as required, sheltered and protected from frost, and shall not be packaged or stored more than one layer deep.  
 Planting of trees and shrubs shall take place during weather and soil conditions favourable to the plants (November to March being considered the optimum time of year for bare root stock and September to April for containerised stock).  
 The areas of mixed planting are to be planted in single species groups of 3-5 plants at the spacing shown.  
 The trees should be watered well prior to planting.  
 Cell-grown plants shall be planted with the top of the root plug covered by 10-20 mm of planting medium.  
 Trees are to be provided with individual plastic tree shelters or plastic mesh guards 1.2m height and mulch mats.  
 Individual mulch mats will be 1m<sup>2</sup> of woven/spun polypropylene, jute or other agreed permeable material and affixed with appropriate pegs.  
 Conifers and shrubs are to be protected with shrub shelters.  
 Each shelter is to be fixed to its own 30mm<sup>2</sup> softwood stake pressure treated to BS8417:2003.  
 Longer sections of hedging are to be protected with high tensile post and wire fencing fitted 1.05m high netting; 18 gauge x 31mm hexagonal mesh, with bottom of netting dug in or turned out 150 mm towards the outside and turfed.  
 All perennial weeds should be removed by hand pulling or careful spot treatment with systemic herbicide.  
 No fertilizers should ever be added.

**Maintenance of Newly Planted Trees**

Throughout the five year aftercare period keep all planted areas weed free. All trees must have a minimum area of 1 m<sup>2</sup> around each plant maintained in a weed free condition. This may be achieved by a combination of hand weeding, mulching and careful spot application of herbicide. A minimum of 3 visits for weed control will be required during the growing season.  
 All injurious weeds, defined in the Weeds Act 1959, will be removed from the remainder of each transplant tree plot.  
 Plants are to be watered during periods of dry or windy weather if drying soil conditions are noted. Regular checks must be made throughout the growing season to ensure the plants do not become desiccated. Watering must continue until the plants root system becomes properly established (i.e. for at least the first two growing seasons).  
 All stakes, trees and shelters shall be maintained in firm positions within the ground and with all ties securely fixed.  
 Plants that fail to thrive, are removed, uprooted or destroyed or die during the aftercare period will be replaced with equivalent plants as soon as possible during the following planting season.  
 Replacements shall be of the same size and species as that originally specified unless otherwise agreed with the Planning Authority. Defects shall be made good by the end of the planting season of the year in which the defect is identified.



 <b>Scottish Arboricultural Services</b> Arboricultural Consultants		
<b>DRAGON'S TOOTH GOLF COURSE</b>		
TITLE	SCALE	
<b>PLANTING PLAN</b>	PAGE 1 OF 3	1:250 @ A1
REV.	DRAWN	
-	15 APRIL 2019	SM