

Agenda Item	7.8
Report No	PLS/013/20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 28 January 2020
Report Title: 19/01278/PIP: Mr Garry Reid
Land 50m SE of Lismore, Belivat, Nairn
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house, garage and temporary siting of caravan

Ward: 18 – Nairn and Cawdor

Development category: Local

Reason referred to Committee: Eight or more objections from members of the public

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 The proposal is for the erection of a house and garage and temporary siting of a caravan, within a previously wooded site between two existing detached houses within the scattered settlement of Belivat to the southeast of Nairn.
- 1.2 The proposal is for the site to be accessed from the south via a private access taken from the public road which currently serves the two existing houses. This access is currently blocked off and the site is presently accessed via an unauthorised track to the north of the site. Drainage will be by septic tank and soakaways.
- 1.3 Pre-Application Consultation: Formal pre-application advice was given in February 2019 (18/04215/PREAPP). General support for a house in this location was given subject to the applicant demonstrating that the proposal will not have an adverse impact upon the existing trees.
- 1.4 Supporting Information: Tree Planting Plan, Tree Protection Plan, Arboricultural Impact Assessment / Method Statement, Topographical Survey
- 1.5 Variations: House repositioned (indicative only as a PIP application); temporary access track removed

2. SITE DESCRIPTION

- 2.1 The site was previously partially wooded. However, it has recently been cleared of almost all trees and is now bare and open. It is situated between 2 existing detached houses (Lismore and Birchview) and fronts a private access road serving these two properties. There are legal issues surrounding rights to use this access therefore to date access has instead been taken via a 180m long track from the north of the site which runs through the woodland along the rear of the houses to join another private access to the west. This track is unauthorised and is the subject of ongoing enforcement action.

3. PLANNING HISTORY

- | | | | |
|-----|----------|--|--------|
| 3.1 | 14.02.19 | 18/04215/PREAPP – Erect dwelling, garage and temporary siting of caravan | Closed |
|-----|----------|--|--------|

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 16.04.19
Representation deadline: 30.04.19
- Timeous representations: 11
Late representations: 4

4.2 Material considerations raised are summarised as follows:

- a) Applicant has no right of access to use the access track leading to the public road from the south of the site, therefore concern that the temporary access will be retained indefinitely.
- b) Will result in a loss of privacy to existing house; outlook already negatively impacted by removal of woodland and creation of track which has removed all screening.
- c) Land was covered in trees for decades. These have been removed with no environmental/species assessment. Trees identified as native woodland on Forestry Commission surveys.
- d) Tree surveys carried out after the removal of the trees.
- e) Existing water supply serves only Birchview and Lismore. Waterpipe would need to be relocated to avoid any contamination risk.
- f) Possible impact on protected wildlife (bats, squirrels, badgers etc) when trees were removed (*prior to submission of planning application*).
- g) Development may increase the surface water runoff leading to increase in pollutants downstream.
- h) Caravan is not material to the general consideration of change of use and should be considered at full planning stage
- i) Site has a water course running through it as shown on OS map and a network of drainage ditches
- j) Hardcore sites for house and caravan already prepared despite application stating that work has not started (plus access track)
- k) Increase of traffic on single track road which has no footpath
- l) Extremely poor internet provision
- m) Council planners previously agreed to curtail the number of houses being built in the Ardclach/Belivat area
- n) Unauthorised track goes over field drains, water supply pipes and telephone lines and has brought many tonnes of sand and gravel onto the site.
- o) Concern that the proposed caravan would be likely to be retained for commercial use if allowed on site and serviced.
- p) Unauthorised track – bellmouth is 28m wide; width of road is 5.2m wide; there are 2 alcoves off the track – clearly not a ‘temporary track’
- q) No mains drainage
- r) Existing houses suffered flooding during heavy rain (on south side of site between the public road and the access to the houses)

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 **Flood Risk Management Team:** Further to the submission of further topographic information, the risk of flooding is deemed to be low. FRM does not support the retention of the unauthorised track due to its potential for impeding the natural surface water runoff route to the north.

- 5.2 **Forestry Officer:** Originally objected to the application, however objection removed following submission of a detailed tree planting plan and tree protection plan and subject to conditions to ensure the track and boundaries are planted; the house's footprint restricted to that of the indicative drawing; and Permitted Development rights removed from the application site.
- 5.3 **Scottish Water:** No objections. Currently sufficient capacity in the Inverness Water treatment Works; no public Scottish Water waste water infrastructure in the vicinity therefore private treatment options should be investigated.

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 and Place-making
- 30 – Physical Constraints
- 31 – Developer Contributions
- 36 – Development in the Wider Countryside
- 51 – Trees and Development
- 52 – Principle of Development in Woodland
- 58 – Protected Species
- 64 – Flood Risk
- 65 – Waste Water Treatment
- 66 – Surface Water Drainage

6.2 Inner Moray Firth Local Plan 2015

No site specific policies

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2013)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Housing in the Countryside and Siting and Design (March 2013)
- Trees, Woodlands and Development (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

SPP

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) access and infrastructure;
 - d) impact on trees; and
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 The site sits within the wider countryside area as defined by the Highland wide Local Development Plan, therefore Policy 36 (Development in the Wider Countryside) applies. Within the wider countryside area there is a general presumption in favour of new housing development, subject to appropriate siting, design and means of access, and the proposal complying with all other relevant policies.
- 8.5 Policy 51 (Trees and Development) of the Highland wide Local Development Plan states that 'The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development.
- 8.6 Policy 52 (Principle of Development in Woodland) of the Highland wide Local Development Plan states that 'The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.'
- 8.7 Policy 28 of the HwLDP (Sustainable Development) states that developments will be supported where they are compatible with service provision; do not impact upon individual and community residential amenity; and demonstrate sensitive siting and high quality design in keeping with local character.
- 8.8. Subject to the development being appropriate in terms of its siting and design and having no significant detrimental impact on individual and/or community residential amenity, the natural environment and/or existing infrastructure the proposal would comply with the Development Plan.

Siting and Design

- 8.9 The site sits between two existing detached properties, both of which face towards the private access road which serves the properties and joins the public road. In terms of siting, the site can be viewed as an infill site and an additional house of a similar scale, along with associated garage and parking space, could be accommodated within the site while allowing for generous spacing between the properties and without raising any significant visual concerns.
- 8.10 The proposal is in principle only, therefore details of the design of the house are not required at this stage, however indicative drawings originally showed the house facing towards the rear (north) of the site. This would result in an incongruous arrangement when viewed against the other 2 houses which face towards the south, therefore a planning condition will be included to ensure that any house is oriented towards the south in order to ensure that the 3 houses read as a cohesive group. Consideration should also be given in the final house design towards window placement, to ensure that the amenity and privacy of Birchview (which partially faces onto the site) is not compromised.
- 8.11 The proposal includes temporary siting of a caravan. The Town and Country Planning General Permitted Development Order makes allowance for the temporary siting of caravans during the construction of a house, however this is strictly on the basis that the caravan will only be sited on the land after full planning permission has been granted and meaningful work commenced; and that it is removed from the site immediately following occupation of the house. A planning condition will be included to ensure that no caravan can be sited on the land until such time as detailed planning permission has been granted; all pre-commencement conditions have been satisfied; and work has commenced.

Access and Infrastructure

- 8.12 The site is currently accessed by an unauthorised track leading from the north of the site to a private access track to the west of the houses. The track is approximately 180m long and around 3m wide. It was constructed in November 2018 without the necessary planning permissions and has been the subject of ongoing enforcement action. An Enforcement Notice to remove the track and reinstate the land was issued on 13 March 2019. The applicant appealed to the DPEA. The DPEA dismissed the Appeal in August 2019 and determined that the track must be reinstated, with the imported materials to be removed and the ground grubbed up by 28 February 2020. It is understood that work to comply with the enforcement notice has recently commenced.
- 8.13 The applicant has updated the proposal to show the track reinstated and replanted with native species and has stated that the site will be accessed from the south, off the existing private access which already serves Lismore and Birchview. It has been brought to the Council's attention that there may be legal issues surrounding this access and that the applicant may not have access rights to join to or use this road. While issues of land ownership are not material planning considerations and cannot be taken into consideration by the Planning Authority, there is concern that a situation may arise whereby planning permission is granted for a house on a site which cannot

be accessed by the applicant. This is a risk that has been brought to the applicant's attention and they have confirmed that they wish to proceed with the determination of the application.

- 8.14 If legal access continues to be a problem there is a further concern that the Council will come under pressure to allow the house site to instead be accessed from the north, via the unauthorised access. As detailed above, this would be detrimental in terms of siting; would result in an unacceptable level of tree removal; and may cause flooding issues. The use of this track is therefore unacceptable, and a planning condition will be added to ensure that all access to the site, including during construction, must be taken from the south of the site. It is further recommended that an informative is included to make any future purchaser of the site aware that both planning permission and legal access to the site must be in place prior to any development commencing.
- 8.15 The Flood Risk Management Team requested further topographic information before it could fully assess the proposal. Upon receipt of this it has not objected to the proposal and note that while an area of ground between the public road and access to the existing houses is prone to flooding, it is as much as 2.8m lower than the track. The application site is lower than the track, however for flooding to occur at the application site from the low lying area, water would need to collect to a depth of over 2.8m before it could flow over the access track. The risk of flooding from this source is therefore low. The Flood Risk Management Team further state that it would not support the temporary access track being retained as it potentially impedes the natural surface water runoff route to the north.
- 8.16 Full details of the proposed foul and surface water drainage arrangements will need to be provided as part of a future MSC application and must demonstrate that the site can be adequately drained. Based on the initial percolation tests the Flood Risk Management Team is satisfied that the site is suitable for the use of soakaways.
- 8.17 Access will be onto the public road via the private access to the south. This is a minor single carriageway road and suitable visibility splays will be required by planning condition.

Impact on trees/woodland

- 8.18 Until Summer 2018 the site was covered with open birch woodland with some Scots Pine. Since then, the majority of the trees within the site have been felled. In addition, the creation of the unauthorised access to the north of the plot has removed a significant number of trees and has resulted in large amounts of imported materials being brought onto the site and deposited onto the roots of remaining trees which may cause harm to their root systems. Based on this the Forestry Officer originally objected to the application.
- 8.19 Subsequently an Arboricultural Impact Assessment/Method Statement, Tree Protection Plan and Tree Planting Plan have been supplied, however it is noted that the survey work was carried out after the site had been cleared and the track created, therefore the AIA concludes that only one tree will need to be removed as a consequence of the development, which does not take into account the trees which have already been felled.

- 8.20 The revised drawings show the indicative position of the house repositioned to minimise the impact on the remaining trees. It is also proposed to reinstate the access track (in accordance with the Enforcement Notice) and to reinstate the ground to original levels, which is welcomed. The Tree Planting Plan has been updated to include 130 small cell grown trees and 11 standard Scots Pine trees. This is concentrated within the track and along the eastern and western boundaries which are adjacent to the existing houses.
- 8.21 Subject to conditions restricting the size of the development footprint; removal of Permitted Development rights; tree protection and tree planting in accordance with the Tree Planting Plan, the Forestry officer no longer objects to the application.

Other material considerations

- 8.22 None.

Non-material considerations

- 8.23 The issue of land ownership and legal access rights are not material planning considerations and cannot be taken into account in the determination of this planning application. Other non-material issues (in planning terms) which were raised by objectors include the potential that the remaining land may be used for commercial purposes in the future and the previous conduct of the applicant in terms of unauthorised development.

Developer Contributions

- 8.24 In accordance with policy 31 (Developer Contributions) and the Developer Contributions Supplementary Guidance, adopted 2 November 2018, all scales of residential development are required to make proportionate financial contributions towards services and infrastructure in areas of identified need. Due to accommodation pressures in the catchment primary school, the current developer contribution will be as follows:

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Schools – Primary (Auldearn)		
Build Costs	Major extension / new school	£1,532
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£1,532
Schools – Secondary (Nairn)		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£0
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
<i>Breakdown</i>	<i>N/A</i>	<i>N/A</i>
	<i>N/A</i>	<i>N/A</i>
	<i>N/A</i>	<i>N/A</i>
Total Per Home		£1,532
Total for Development		£1,532
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

9. CONCLUSION

- 9.1 The proposal is for the erection of a house in the wider countryside where residential development is generally supported subject to appropriate siting, design and infrastructure factors. The proposal is within an infill site between two existing

houses, and subject to appropriate boundary planting to improve screening, the proposal is considered to be acceptable in terms of siting and residential amenity. Full details of the house design, layout and drainage will be required as part of a further MSC application.

- 9.2 Concerns remain about the legal access to the plot from the south, however given the inappropriateness of the unauthorised temporary access track which is currently being used to access the site (and which must be reinstated by 28 February 2020 in accordance with the Council's Enforcement Notice) connection to the existing southern access is considered to be the only acceptable option. The applicant is aware that both full planning permission and legal access to the site will be required before any development commences and is prepared to take the risk of being unable to implement the permission. The application must therefore be determined on this basis.
- 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	Y
Developer Contribution to be paid	Y
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

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

Conditions and Reasons

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:

- i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
- ii. the design and external appearance of the proposed development;
- iii. landscaping proposals for the site of the proposed development (including boundary treatments);
- iv. details of access and parking arrangements; and
- v. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:

- i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone or timber;
- ii. single storey or 1½ storeys in height;
- iii. windows with a strong vertical emphasis;
- iv. a roof symmetrically pitched of not less than 40° and not greater than 45°;
- v. the house orientated towards the west or southwest;
- vi. window placement to take consideration of the privacy and amenity of adjacent houses; and
- vii. the maximum size of the footprint of the house restricted to a that indicatively shown on the Tree Protection Plan (rev B).

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. The provision for the parking and turning of two cars within the curtilage of the house shall be made prior to its occupation and shall be maintained at all times thereafter.

Reason: In the interests of amenity and road safety

4. Any details pursuant to condition 1 above shall show the access at the junction where it meets the public road constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines with:

- i. the junction formed to comply with drawing ref. SDB 2; and
- ii. visibility splays of 2.4m x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

The house hereby approved shall not be occupied until the junction has been constructed in full and within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: In the interests of road safety.

5. The house for which planning permission is hereby approved shall not be occupied unless the surface water drainage associated with the development including areas of hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDS. Full details of proposed arrangements shall form part of the Reserved Matters referred to in Condition 1 hereof. There shall be no commencement of this development until such details are submitted to, and approved in writing by, the Planning Authority.

Reason: In order to ensure that the site is properly and adequately drained.

6. The house for which planning permission is hereby approved shall not be occupied unless the means by which foulwater drainage is to be accommodated on site has been installed and completed to the satisfaction of the Planning Authority and thereafter so maintained. No work will commence on site unless and until such details are submitted to, and approved in writing by, the Planning Authority and thereafter so installed.

Reason: In the interests of public health.

7. With effect from the date of this permission, no trees other than those specifically agreed are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

Reason: To ensure the protection of retained trees during construction and thereafter.

8. Any details pursuant to condition 1 above shall include a Tree Protection Plan and Arboricultural Method Statement to be submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

Reason: To ensure the protection of retained trees during construction and thereafter.

9. Any details pursuant to condition 1 above shall include a detailed Tree Planting Plan and maintenance programme to be approved by the planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development.

Reason: In the interests of amenity.

10. Notwithstanding the provisions of Article 3 and Classes 1-3 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 dwellinghouse without planning permission being granted on application to the Planning Authority.

Reason: In order to protect the woodland resource

11. No development shall commence until the temporary vehicular access to the north of the site has been permanently blocked to all vehicles. All vehicular access to the site shall be taken from the south of the site during construction and at all times thereafter.

Reason: In order to ensure the unauthorised access to the north is not utilised.

12. Any details pursuant to Condition 1 above shall show the position of the temporary caravan, outwith the tree protection area. For the avoidance of doubt no caravan shall be placed on the site until detailed planning permission has been obtained and meaningful development has commenced. The caravan shall remain on site only during the construction period and shall be removed from the site within 3 months of the first occupation of the house.

Reason: In the interests of residential 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 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or

- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle 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 and Conditions

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

Legal Access Rights

You are advised that legal access over the private access track to the south of the site must be ensured prior to development commencing.

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 and 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 and Debris on Road

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

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

Designation: Area Planning Manager – South
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location plan (000001 rev A)
Plan 1 - Site Layout Plan (2)
Plan 2 - Tree Protection Plan (rev B)
Plan 3 - Tree Planting Plan (D)

Appendix – Details for Section 75 Agreement or Up Front Payment

Developer Contributions

Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools									
Primary – Build Costs	Major Extension/New School	£1,532.00	-	£1,532.00	BCIS	Q2 2018	-	-	-

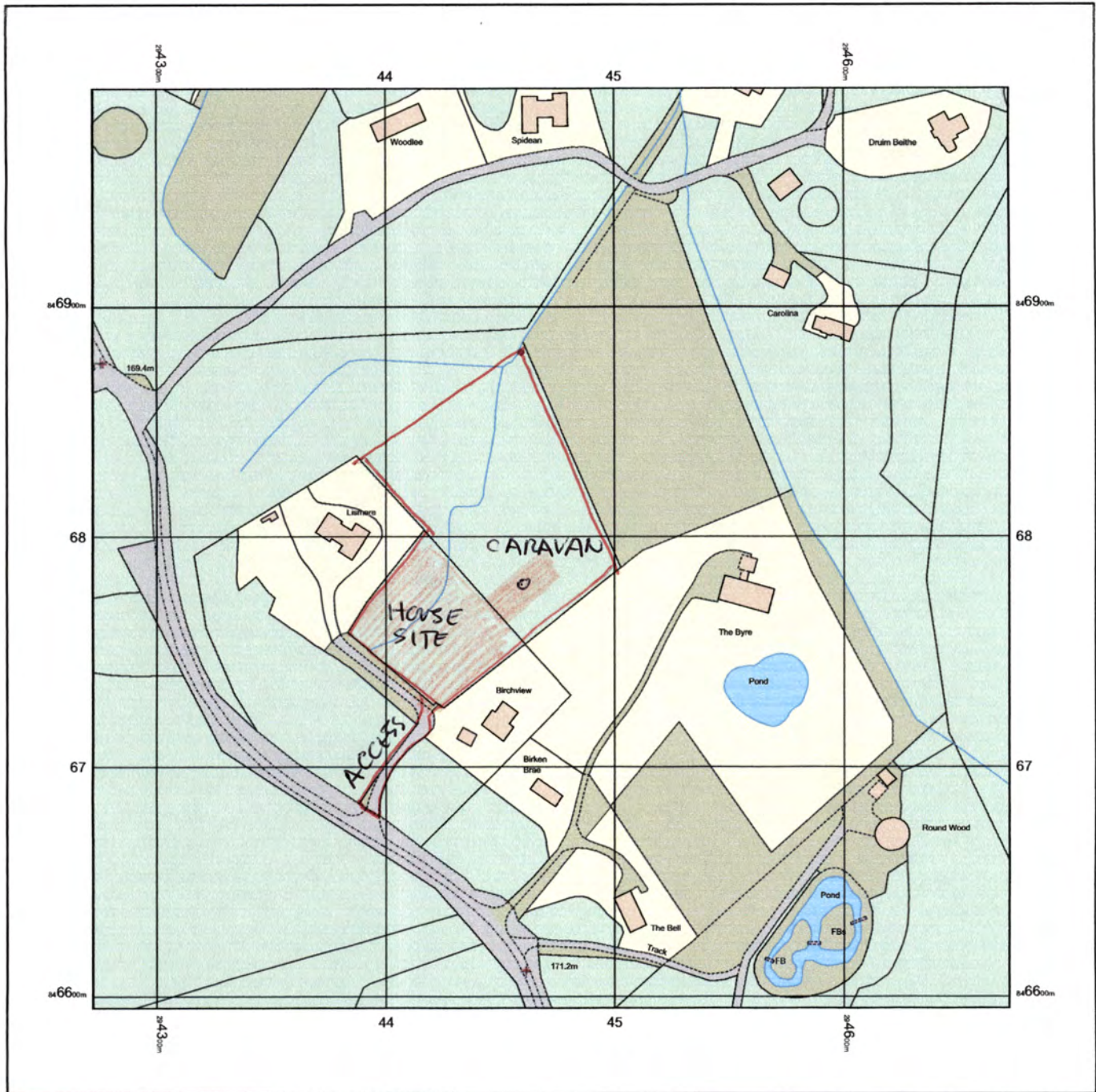
*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development

*5 Clawback – 15 years for Major development; 20 years for Local development



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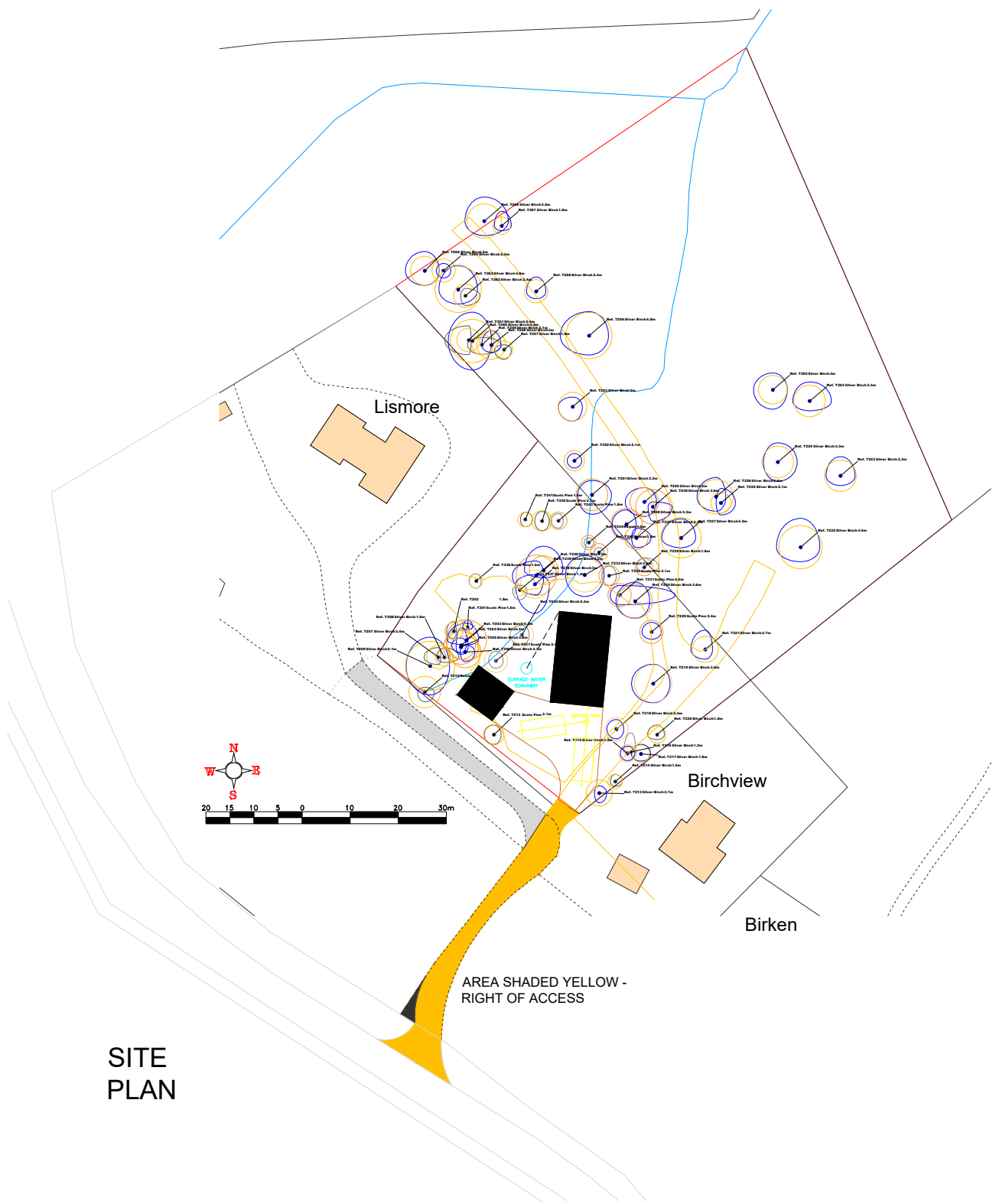
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 Serial No: 159171
 Centre Coordinates: 294472,846795
 Production Date: 28/03/2019 20:29:56

GARY REID. HOUSE PLOT.

Belivat

Map data
 eProcessing Centre
 Date Received:

03 MAR 2019



SITE PLAN

TREE PROTECTION PLAN. Rev B



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Tree Protection Guidelines

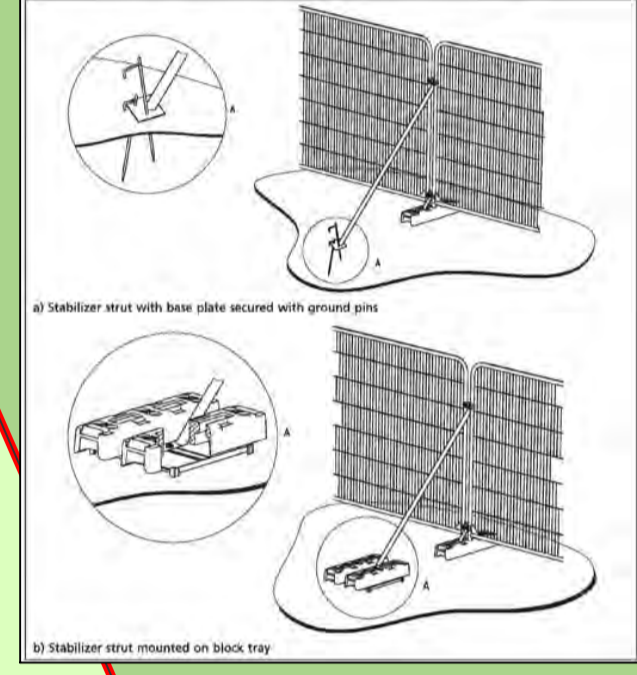
In order to safeguard the trees on this site please observe the following:

- Do not move the tree protection barriers
- Do not enter the protected area
- Report any damage to protection barriers at the site office
- Do not use the area within the protection barriers to store or mix materials
- Do not carry out any excavation works within the protection barriers
- Avoid handling fuels or liquid contaminants within 10 metres of the protected area.

In the event of damage to a retained tree on this site please contact:

Arboriculturist Callum McCutcheon
Tel: 01463 81712
Mob: 07760724488

Recently formed access (red hatch) to be removed and original ground level reinstated prior to new tree planting



General Notes

KEY

TREE TO BE RETAINED

- Tree Reference, Common Name and Root Protection Area radius
- Stem
- Tree Canopy
- Root Protection Area (RPA)

Colours are in accordance with BS5837:2012 quality grading:

Red: Unsuitable for retention
Grey: Low quality
Blue: Moderate quality
Green: High quality

Root Protection Area (RPA): The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

TREE TO BE REMOVED

- Ref: T001 Silver Birch 2.7m

Site Boundary

Outline of disturbed ground and recently formed access

Tree Protection Fencing

Area of small diameter dense Birch trees

New Access/turning/parking

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 16.03.2019

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Rev A	Layout updated	04.04.19
Rev B	Layout updated	16.07.19
No.	Revision/Issue	Date

Lismore

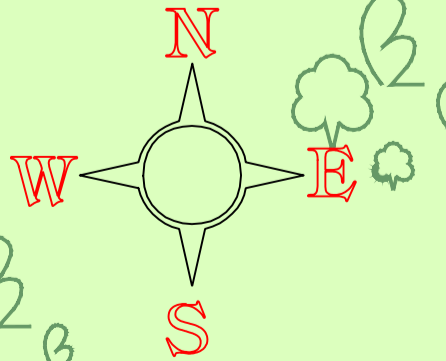
Original ground level to be reinstated around retained trees

SITE LAYOUT INDICATIVE

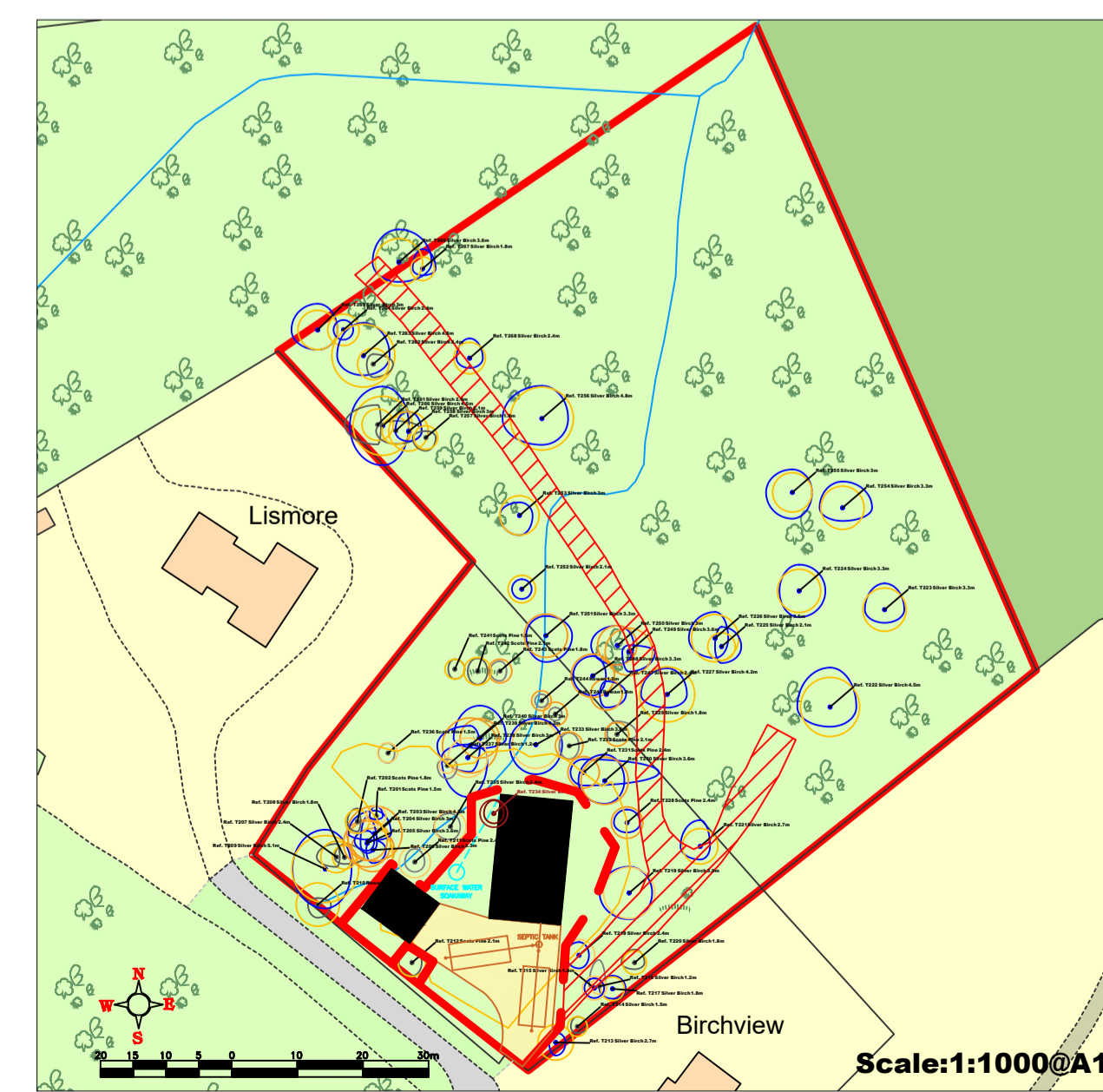
SURFACE WATER SOAKAWAY

SEPTIC TANK

Birchview



Scale:1:250@A1



TREE PLANTING PLAN. Rev D



40-60cm cell grown tree planting detail

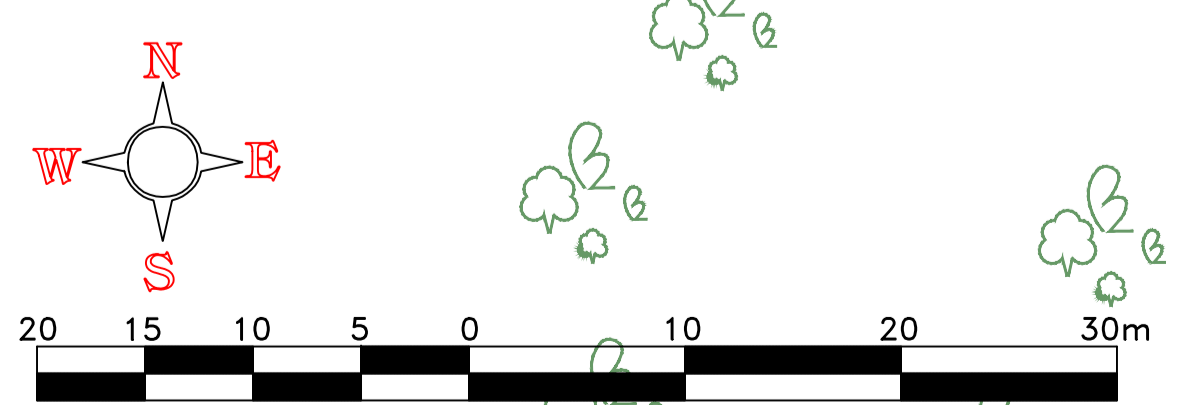
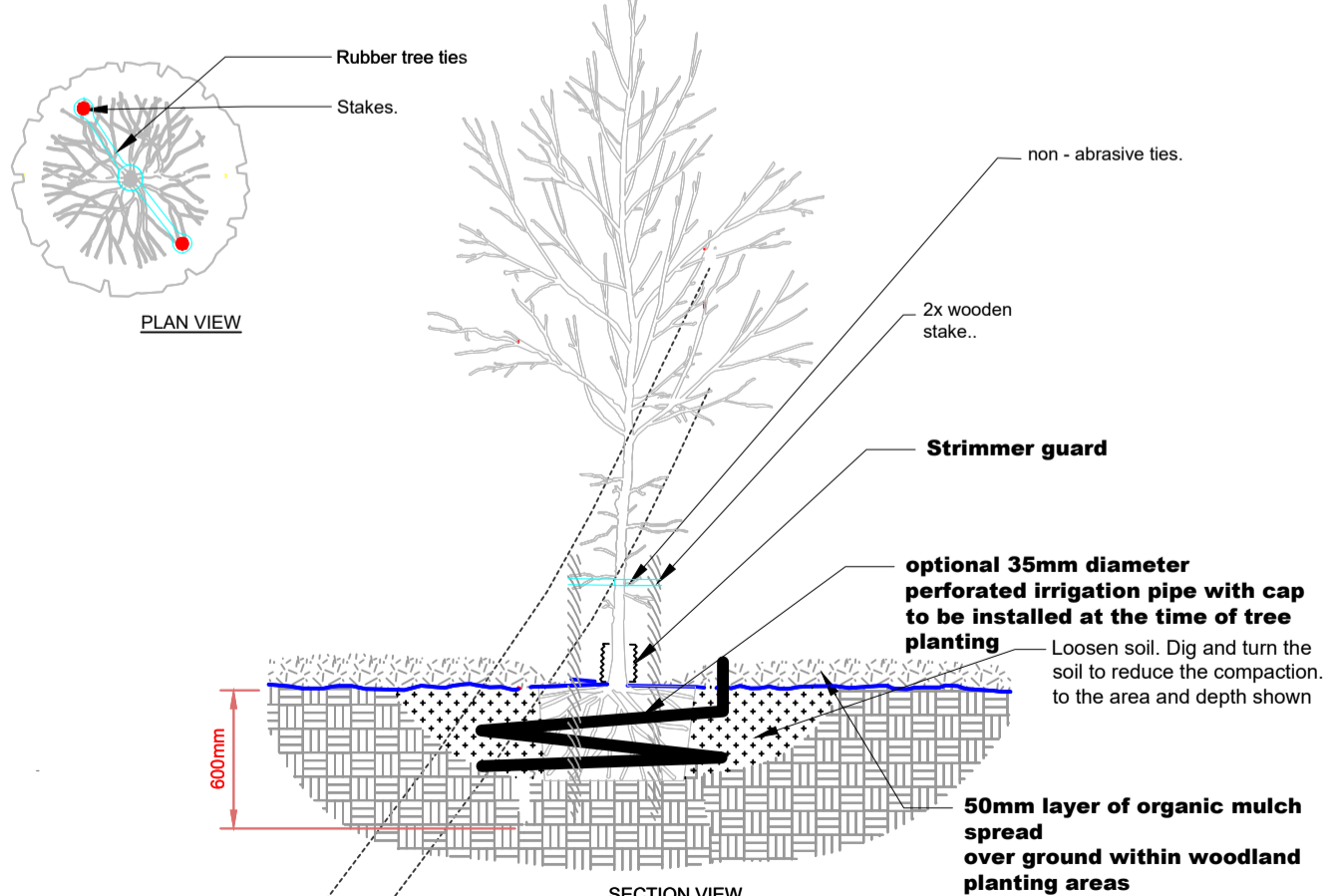
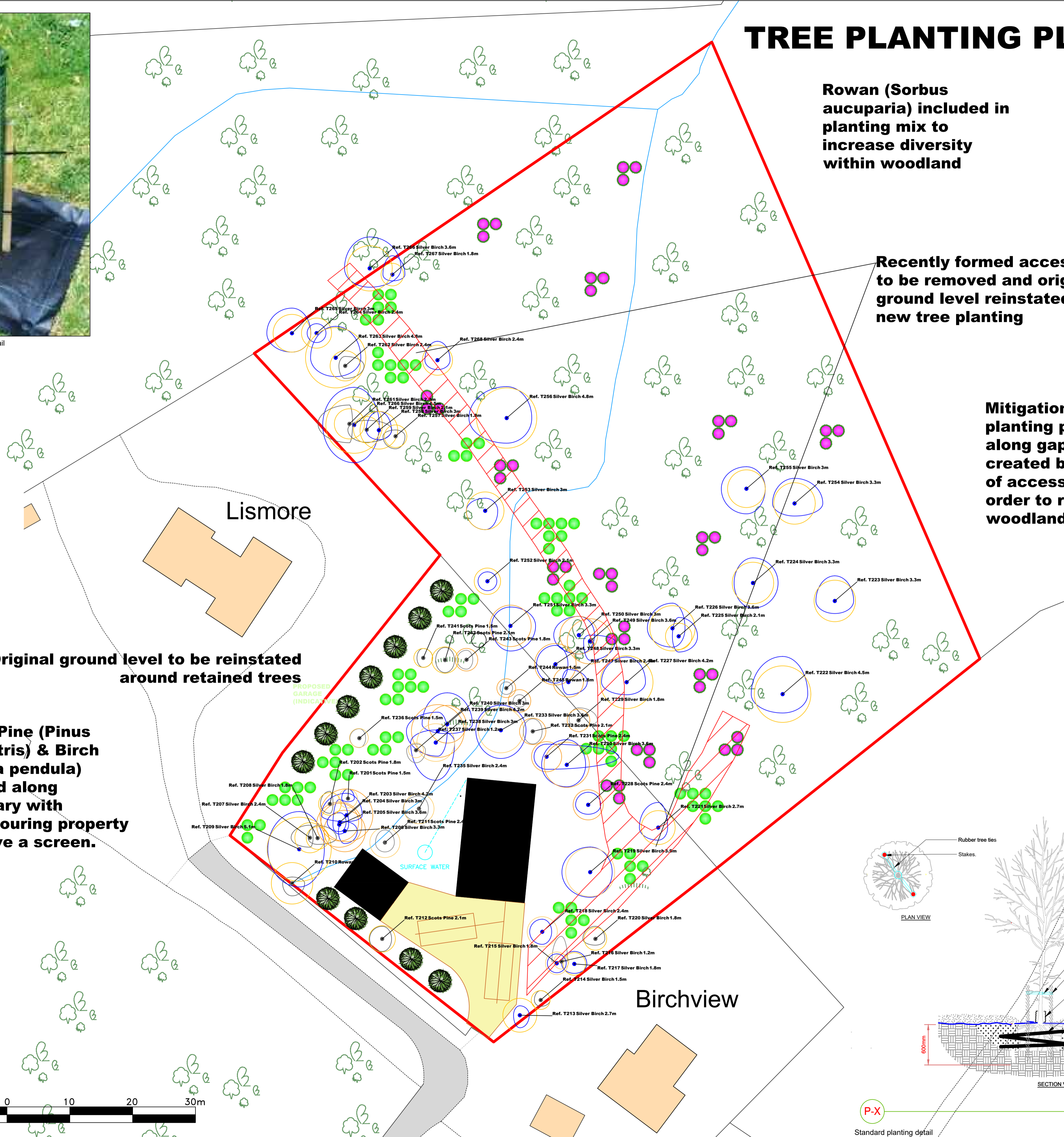
Rowan (Sorbus aucuparia) included in planting mix to increase diversity within woodland

Recently formed access (red hatch) to be removed and original ground level reinstated prior to new tree planting

Mitigation tree planting positioned along gap previously created by formation of access track in order to reinstate woodland.

Original ground level to be reinstated around retained trees

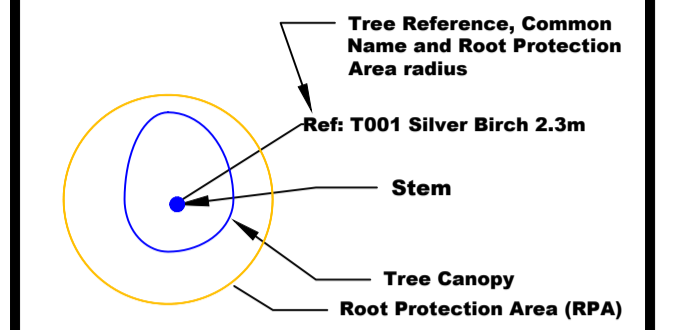
Scots Pine (Pinus sylvestris) & Birch (Betula pendula) planted along boundary with neighbouring property to prove a screen.



General Notes

KEY

Retained Tree



Scots Pine (Pinus sylvestris). 11no. Feathered or Standard Trees >3.5m Height. 8-10cm girth. Container grown (>20l). Planting season Nov-March

85 No. 40-60cm cell grown Silver Birch (Betula pendula) with mulch mat & 120cm mesh tree guard. 2m x 2m spacing. Planting season Nov-March.

45 No. 40-60cm cell grown Rowan (Sorbus aucuparia) with mulch mat & 120cm mesh tree guard. 2m x 2m spacing. Planting season Nov-March.

— Site Boundary

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 16.03.2019

Urban-Arb
Arboricultural Consultants

No.	Revision/Issue	Date

Firm Name and Address

Urban-Arb LLP
Dolphin Cottage
11 The Muir
Bogmoor
Spey By
Fochabers
Moray IV32 7PN
www.urban-arb.com



Project Name and Address

Site At
Redburn
Belivat
IV12 5JE

Project

TREE PLANTING PLAN

Date
16.07.2019

Scale
1:350@A1

Sheet

1 of 1

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