

Agenda Item	6.1
Report No	PLS-020-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 10 March 2020
Report Title: 18/05357/FUL: Ossian Developments Ltd
Land 120M North of Burnside, Glenachulish, Ballachulish
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Siting of four holiday pods
Ward: 21 – Fort William and Ardnamurchan
Development category: Local
Reason referred to Committee: 8 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 site four holiday pods on a site on the southernmost periphery of the Dragon's Tooth golf course at Glenachulish. The proposed pods are to be set out in a linear formation, with each pod facing the river (south east) and with the door on the other (north western) end. To the north of each pod is a decked area with a small hot tub. 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 2.95m at the widest point, 5.11m at the longest point and 3.115m high. A scheme of tree protection and a tree planting scheme have been included with the proposal, although these require updating following submission of the revised layout.
- 1.2 The pods are to be accessed using the existing golf course access from the A828 Trunk Road. The private access road through the golf course is to be used, passing the club house and Ballachulish House over the bridge over the old railway before, joining briefly with the cycle track and crossing the bridge over the river, before then immediately turning right onto a private track behind the 8th/17th tee where a new parking area is to be provided with one space provided per pod plus one additional space. Footpath and deck access is to be provided to each of the pods. Traffic management proposals have been proposed for the private track including, additional laybys, scrub clearance, stop signs and a mirror. 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, Traffic Management Proposal, and Supporting Statements.
- 1.5 Variations: During the course of the application, following objections from SEPA and the Council's Flood Team, the proposed pods have been moved between 5 and 7 metres to the west of their previous positions to provide a 6m buffer from the top of the river bank.

2. SITE DESCRIPTION

- 2.1 The site lies adjacent at the southernmost end of the golf course, close to the Sustrans cycle track. The access to the site is off the cycle track (which also serves a handful of houses) and makes use of an existing secondary private track currently used by the golf course. The access drops down from the cycle track, immediately adjacent to the bridge over the river. The level of the access is to be raised as is the area for the proposed car park which is between two embankments. Pedestrian access is to be provided from the car park to the pods, over the existing 8th/17th tee. The tee will be lost as a result of the development. Pods 1, 2 and 3 lie to the east of the manmade ground of the tee (between the tee and the river bank). Pod 4 lies just to the north of the front of the tee.

- 2.2 Along the eastern boundary of the site is the river and mature riparian woodland. To the south of the site lies the cycle track, the bridge over the river and four houses, Wildwood, Riverside Cottage, Highfield and Red Peaks. To the west and north of the site is the golf course.
- 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. There is a mix of mature and scrubby woodland along the side of the river, most of which is beyond the revised pod positions.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown neighbour

Date Advertised: 29 November 2018 and 23 January 2020 (revised proposals)

Representation deadline: 6 February 2020

Timeous representations: 26 (17 households) (Against), 7 (For)

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

Against

- a) Safety of all users of the Sustrans route due to increased traffic
- b) Safety of all users of the private track from the clubhouse to the Sustrans route.
- c) Access to the site has limited opportunities for passing places and features two sharp bends and very limited visibility.
- d) No passing place opportunities on the access route or within the car park, which will lead to traffic congestion resulting in reversing in dangerous conditions. A one-way system would be necessary.
- e) Access to the site should be relocated through Glenachulish village.
- f) Increase in vehicle noise and pollution from increased traffic (visitors and staff)
- g) Increase in noise and light pollution from the pods which will adversely affect residential amenity.
- h) Loss of privacy to nearby houses
- i) Better sites available closer to existing facilities
- j) River pollution – hot tub chemicals and run off from septic tank system
- k) Site at risk of flooding and will affect the stability of the river bank
- l) Impact on wildlife
- m) Impact on trees – in particular large sycamore adjacent to the proposed parking area
- n) Impact on National Scenic Area
- o) Impact on settling of listed building (Ballachulish House)

- p) Glenachulish should stay a settlement and not a holiday resort
- q) Impact on health and wellbeing of residents from additional disruption
- r) Insensitive siting of holiday properties in immediate vicinity of existing homes
- s) Risk to sustainability of golf course over development of treasured open space

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
- h) Appreciation of open parkland and need for golf course to be commercially viable to retain the course – support proposals

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

5.2 **THC Flood Risk Management Team:** No objection (previous objections overcome)

5.3 **Scottish Environment Protection Agency:** No objection (previous objections overcome).

5.4 **Scottish Water:** No objection – sufficient capacity at Water Treatment Works. Advise that Scottish Water is unable to confirm capacity at the waste water treatment works at this time (Note – the application is for private foul drainage arrangements)

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 Development Plan 2019 (WestPlan)**

Map 2.2 Glenachulish. Site within Settlement Development Area boundary. No specific allocations. One of the placemaking priorities is to encourage tourism development which can gain a competitive advantage by being afforded loch views. Another is to direct most development within the existing built form to protect landscape and visual capacity and quality of the area.

6.3 **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 Development Plan (WestPlan). SDAs are the preferred areas for most types of development and proposals within SDAs will be supported if they meet the requirements of Highland wide Local Development Plan 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 Highland wide Local Development Plan 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 The principle of this proposal to site four pods for holiday accommodation within the Glenachulish SDA is supported by Development Plan Policy subject to the proposal being appropriate in terms of its siting and design and having no significant detrimental impact on; the natural, built and cultural heritage of the area, trees, existing infrastructure, flooding and the water environment and/or individual and community residential amenity that cannot be adequately mitigated.

Siting and Design

- 8.7 The site is within an area which the Local Plan supports development, in particular tourism, and the development is argued to 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.
- 8.8 The pods are modest, one bedroom, timber clad structures in with a curved 'armadillo' type design. There are four pods proposed, and this reasonably small

scale of development can to be assimilated into this site on the very edge of the golf course without significant impact.

- 8.9 The pods are to be set out in a linear pattern following the line of the river and are on the eastern side of the made ground of the 17th tee. The applicant has advised that the golf course is moving from 18 tees to 9 holes, back to 9 tees to 9 holes. The 17th Tee will become redundant and the 8th tee used instead. The 8th is to the north of the site and well out of the development. The ground around is fairly level, before the significant change in level at the riverbank. Retention of riparian trees supplemented by additional planting around the perimeter of the pod site 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 or detailed sections of the existing and proposed levels though the site (in particular around the access and parking areas which ground levels are proposed to change). The pods themselves are on reasonably level ground beyond the tee and are acceptable, however the paths/decks seem to cross the slightly elevated tee area and the micro-siting of these require further consideration/agreement. Further details of the finished floor levels and the path/deck levels and any ground works to lower the existing tee area will be required by condition.

Individual and Community Amenity

- 8.10 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. Public views of the pods will be largely from the short section of cycle track near to the site, and from the golf course itself. Due to the location of the pods at the southernmost boundary of the golf course, near to existing buildings, it is considered the proposal will not undermine the overall setting of the golf course. Proposals for additional planting will further integrate the pods and will help to screen the pods from the nearby houses. Overall it is considered the proposal will not adversely affect the wider amenity of the area.
- 8.11 The closest residential properties to the proposed pod development are Highfield and Red Peaks, which overlook the golf course, and Riverside Lodge which is set further back with intervening trees and scrub, although with a direct line of sight to the development. Concerns have been raised over the impact on the amenity of the nearby residential properties through increased noise, lighting and traffic/pollution.
- 8.12 The layout of the individual pods and associated hot tubs, are such that they turn their backs on the nearby houses and are at an acceptable distance (50m+) in terms of over/inter-looking. Differing levels, orientation and distance between properties will maintain sufficient residential amenity. The introduction of the pods will become a new feature in the outlook of these closest houses, however they will maintain their open aspects. The loss of an individual view is not a material planning consideration. The applicant has proposed additional planting along the site boundary to help screen the pods from these properties. The site does lie within the settlement of Glenachulish and it is within such settlement to which planning policy directs new development.

- 8.13 It will be important to consider a sensitive lighting proposal to minimise the visual intrusion of the new development. The introduction of the pods will increase activity and potential noise within this area, however the scale of development is low, the development is oriented away from the houses and given the settlement location, the level of activity proposed is not considered to reduce residential amenity to an unacceptable standard. Construction activity is controlled under the Environmental Health legislation, as is any nuisance behaviour arising from the development.

Natural, Built and Cultural Heritage

- 8.14 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.
- 8.15 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.
- 8.16 There are important public views towards the golf course from Ballachulish and Onich. The proposed site is on the periphery of the golf course, at the furthest point from the A828 Trunk Road, and close to the existing development at Glenachulish. The proposal will not be prominent within these wider views. 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.
- 8.17 The site lies to the south west of Ballachulish House, a Category B Listed Building. The site is remote from Ballachulish House and its formal grounds, and on the other side of the river. The proposal is not considered to have an adverse impact on the setting of this listed building.
- 8.18 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.

Trees and Woodland

- 8.19 The site lies within with the wider area covered by a Tree Preservation Order on the Golf Course.
- 8.20 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 8 trees would need to be removed for the development (one Category B and three Category C) and 4 trees (Category U) would need to be removed due to poor condition.

Tag	BS Cat	Tag	BS Cat	Tag	BS Cat
756	B	755	C	745	U
		757	C	746	U
		758	C	759	U
				760	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.

- 8.21 Since submission of the updated tree information, the layout of the development has been amended to pull the pods back from the river bank. The tree information has not been updated to take account of the amendments. As part of the revised submission the applicant advised the amount of tree planting along the western boundary of the site will be increased. The Forestry Officer has advised that the revised layout takes the pods away from the stream and therefore away from the existing trees. This should result in reduced impact on trees and should allow for more trees to be retained which is welcome. However, it is not clear from the revised Site Layout Plan which trees are now to be retained or where the proposed tree protection measures are to be placed. This should be confirmed in the form of an amended tree protection plan as a condition of permission. The Forestry Officer has recommended three conditions be attached to any permission. These are included within the recommendation.

Servicing and Infrastructure

- 8.22 It is proposed to use the existing golf course access from the A828 Trunk Road, which joins with a private access road which runs past the Club House and extends around and behinds Ballachulish House and crosses a bridge over the old railway. At this point the access road joins with the Sustrans cycle track for approximately 55 metres, crossing the bridge over the river, and the pod access is immediately after the bridge.
- 8.23 The access road directly serves the golf club, eight holiday pods and five houses, Moulin, Ballachulish House, Woodcorner, The Pines and MacSherry, however the access is a through route to the Glenachulish public road, and may also provide access for Wildwood, Riverside Cottage, Highfield and Red Peak. Although not part of the cycle network, users of the cycle track are invited down this access to use the

golf club facilities. The access track is single track with some passing places, has a number of bends and is largely an unbound surface. At the southern end of the private track, the track crosses a bridge over the old railway line and drops back down at an intersection with the Sustrans cycle track and an access to two other houses. This junction is a key area for road safety considerations. The standard and safety of the access arrangements have been a recurrent issue in the public representations.

- 8.24 In response to concerns raised over the safety of users of the access track and the increase in traffic as a result of the proposal (estimated to be 16 car movements per day + housekeeping staff), a package of road improvements have been proposed. This includes the provision of two new passing places on the private track and the clearing of scrub and bracken to improve through visibility. A third new passing place is proposed on the cycle track between the two bridges. To manage the relationship between car users of the access track and users of the cycle track, stop signage is to be provided at the junction of the access track with the cycle track to give priority to users of the cycle track. This is proposed to take the form of 'stop' line markings on the south side of the railway bridge. The improvements proposed for this section of access are considered to be commensurate with the scale of the development, taking into account this is not a public road.
- 8.25 The section along the cycle track, from the railway bridge to the site entrance is a fairly short section of tarmacked track which crosses the bridge across the river. This section is level and visibility is clear between the two points. A question was raised over the structural integrity of the bridge. This is a private matter for the bridge owner and the users of the track. The access into the site from the cycle track is fairly steep and narrow. Improvements will be required at this junction to allow cars to safe access and egress from the site. No details of the access improvements have been submitted and will require detailed consideration. The access will require to be widened to allow a safe turn into the site and will require to be sized to allow service vehicle access (septic tank emptying). This will require adjustment of the railings at the side of the bridge. In order to leave the site safely the bellmouth of the access will need to be built up to allow a vehicle to sit more level with the cycle track to aid the left hand turn and to allow clearer visibility of users on the cycle track. The gradient of the access track within the site will need to be adjusted accordingly. Conditions are proposed to secure and agree these details prior to any development on site.
- 8.26 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.
- 8.27 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

- 8.28 Objections were original raised by SEPA and the Council's Flood Team on the ground of potential flood risk. The applicant submitted additional modelling of the flood risk, including looking at the scenario if the road bridge blocked. Following exchanges of additional information, the application reached the stage that the site was considered acceptable in terms of flood risk to both SEPA and the Flood Team. However, there

remained an issue over the development being within the 6m buffer from the top of the river bank. A member of the Council's Flood Team visited the site and met with the applicant to explain the requirement for a riparian buffer and to assess the likelihood of the Council accepting a reduced buffer in this instance. Following the site visit the Council's Flood Team maintained its objection to the proposal and advised:

“The pods are to be located at the top of, and in part over, a steeply sloping bank down to the watercourse. The watercourse at this location is incised and the right-hand bank (opposite the proposed development) and parts of the bed appear to be on bedrock and so watercourse migration or erosion is very unlikely on this bank. However, the left hand bank is of looser material with some minor erosion and undercutting visible. The bank is well vegetated with some trees. Given the steepness of the bank and the possibility of erosion and bank collapse at this location we have serious concerns in regard to the lack of a riparian buffer. Construction at this location will have the potential to destabilise the banks. In the longer term the overhanging structures themselves would hinder vegetation growth and natural green bank stabilisation. If natural erosion and/or bank collapse were to occur this could result in structural damage with potential risk to occupants of the pods. If bank protection measures or other maintenance work were required in the future then the pods would prevent access.”

- 8.29 Taking into account the advice provided by the Council's Flood Team, the applicant submitted amended proposals repositioning the pods to maintain a 6m buffer from the river bank. On the basis of the revised proposal, the Flood Team removed its objection. SEPA has also confirmed it has no objection.
- 8.30 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) from SEPA.
- 8.31 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.

Other material considerations

- 8.32 There are no other material considerations.

Non-material considerations

- 8.33 Questions have 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.

- 8.34 The strength, width and condition of the bridge structure on the planned access route were questioned. As this forms part of a private access track, the condition/maintenance of the track and any structures is a civil matter.
- 8.35 Concerns have been raised that the proposed development will devalue the nearby residential properties and impact on the view from these properties. These are not material considerations.
- 8.36 Questions raised over whether the development is actually required to support the golf course and alternatives are available to the development. The Planning Authority require to determine the application as submitted on its own merits.

Matters to be secured by Section 75 Agreement

- 8.37 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 significant
- 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, including separate soakaway for the hot tub drainage, 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 site sections through the site, access, and parking areas showing existing and proposed site levels, finished floor levels of the pods and full details of the site access, have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity and road and pedestrian safety

5. No development shall commence on site until the off-site road improvements (passing places, scrub clearance and stop markings/signage) have been undertaken in full in accordance with the Traffic Management Proposals received on 7 January 2020

Reason: In the interests of road and pedestrian safety

6. **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.

7. 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.

8. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to and approved by the planning authority. The 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.

9. Prior to any site excavation or groundworks, a revised Tree Protection Plan and Arboricultural Method Statement is 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). All retained trees are to be 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). 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.

10. 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

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).

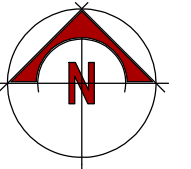
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

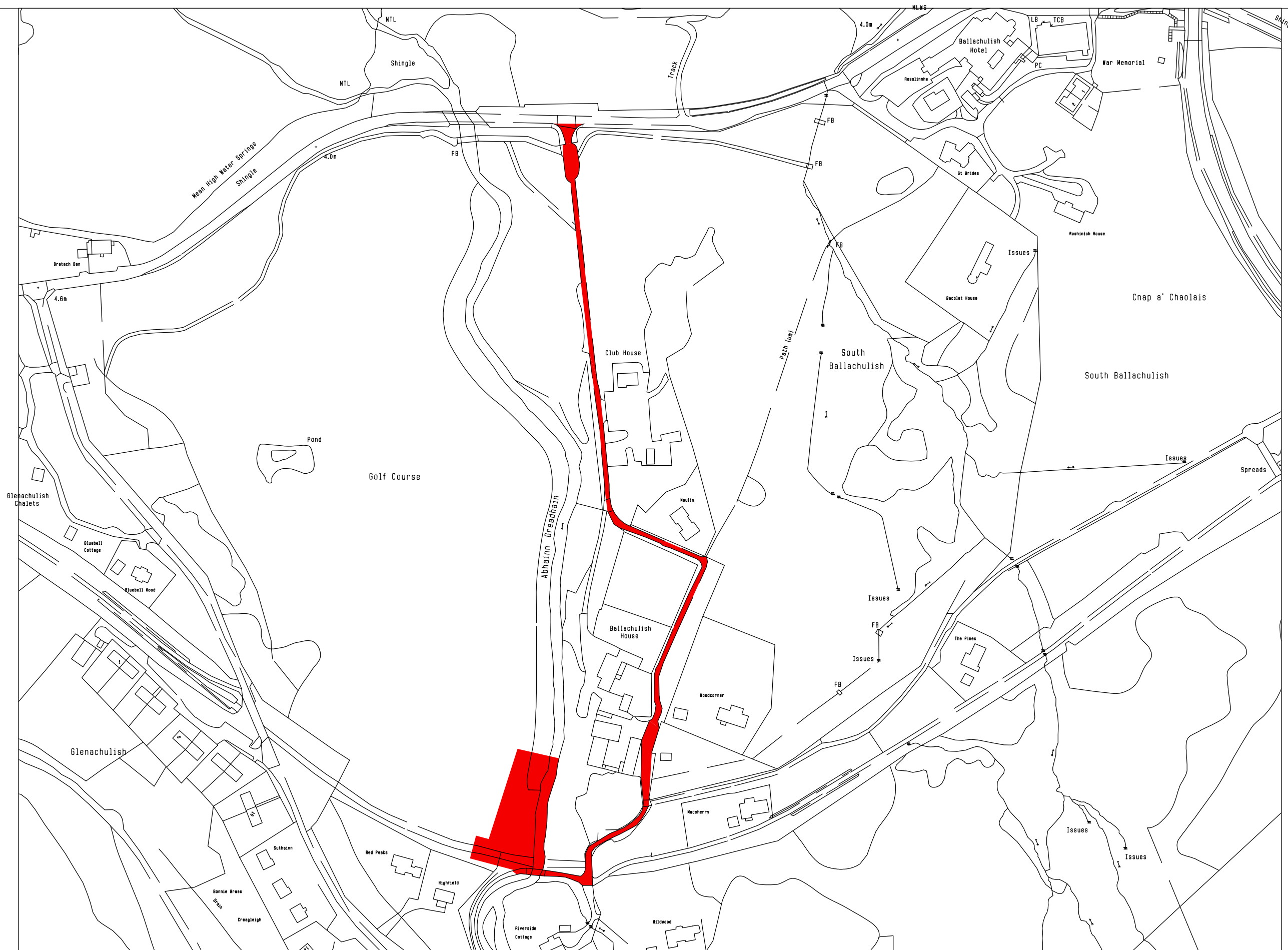
Protected Species – Halting of Work

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

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
Plan 3 - Elevation 1
Plan 4 - Elevation 2
Plan 5 - Traffic Management Proposals
Plan 6 - Tree Planting Plan

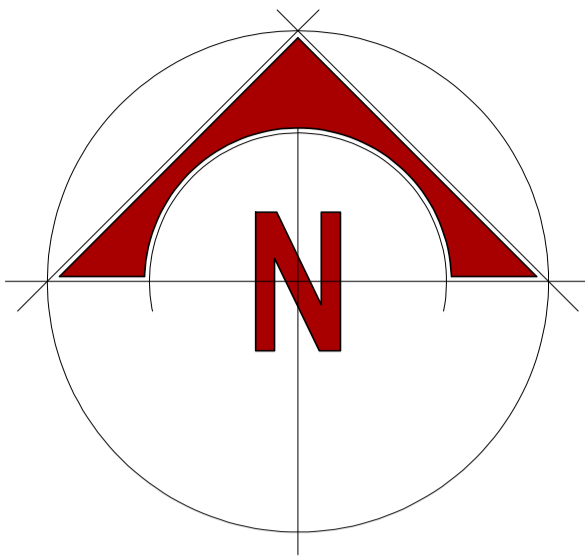
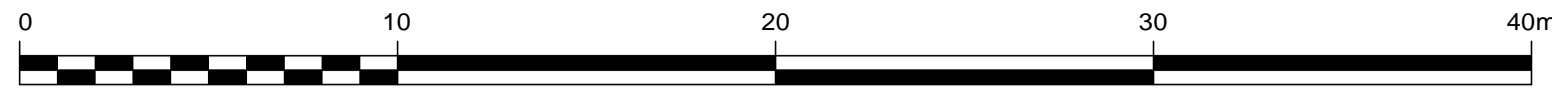


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SCALE IN METERS

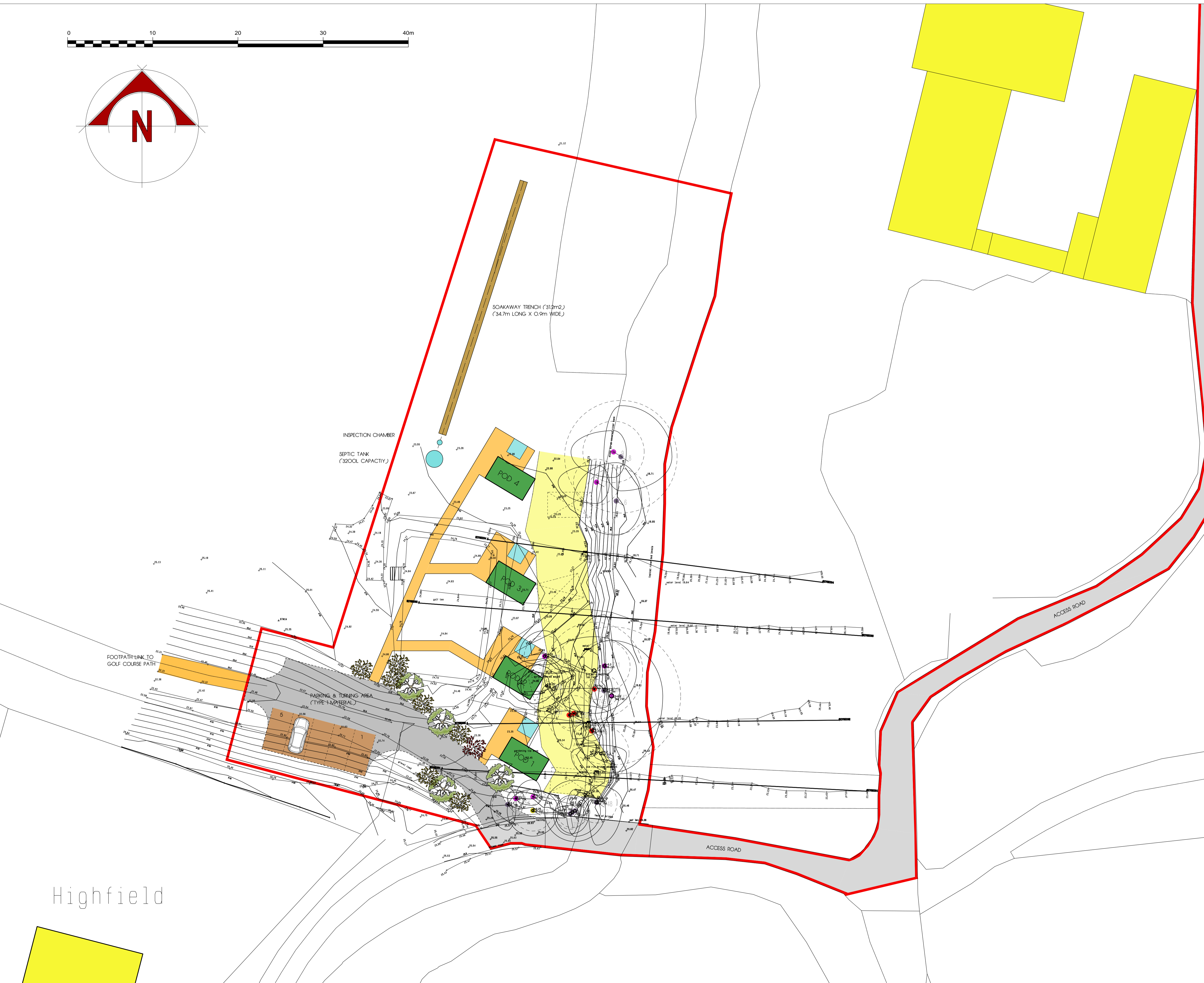


LOCATION PLAN

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.
 This drawing is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.



Highfield

project
 PROPOSED HOLIDAY PODS AT DRAGONS
 TOOTH GOLF COURSE, BALLACHULISH

client
 OSSIAN'S DEVELOPMENTS LTD

detail
 SITE LAYOUT PLAN - RIVERBED UPPER

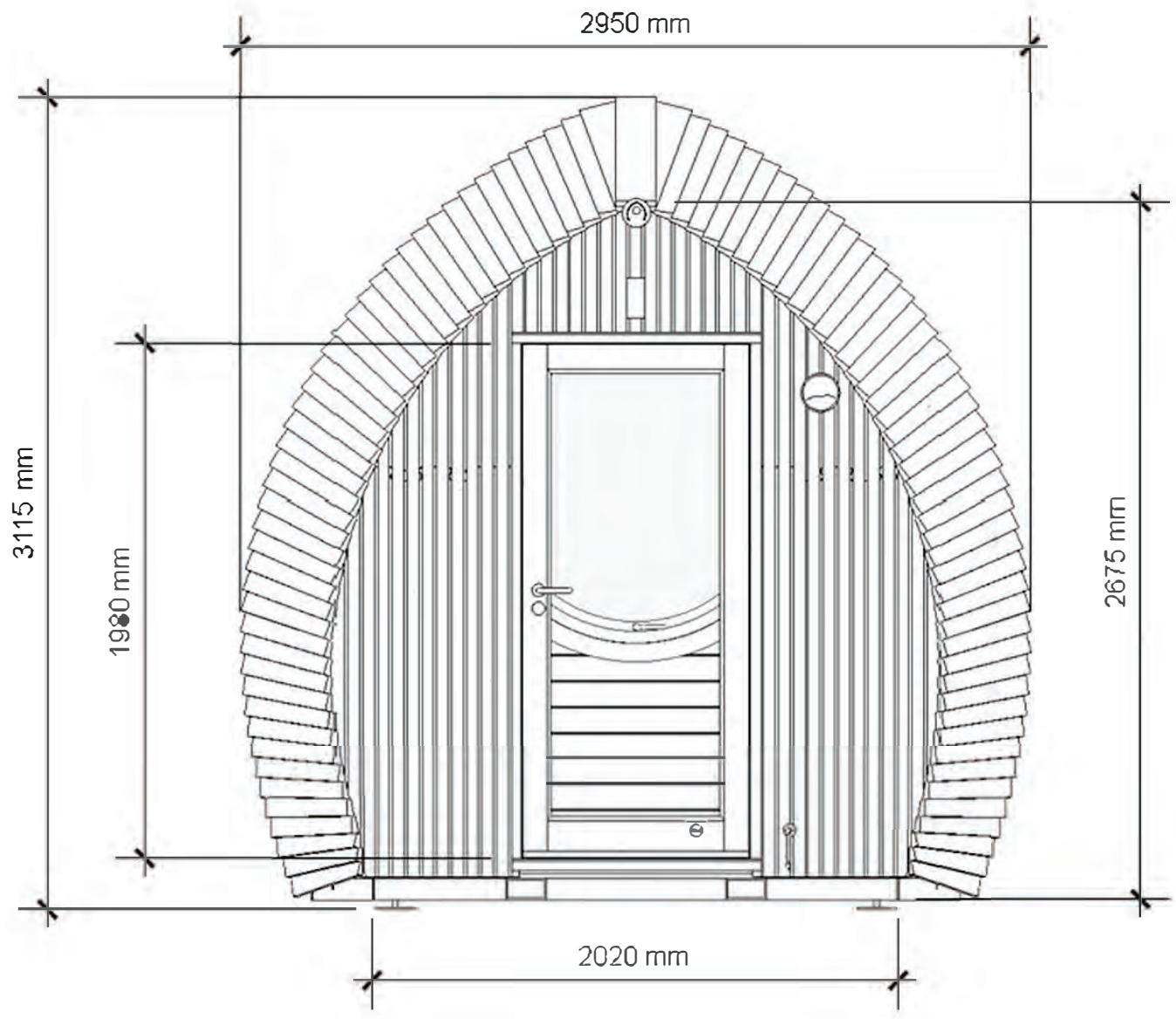


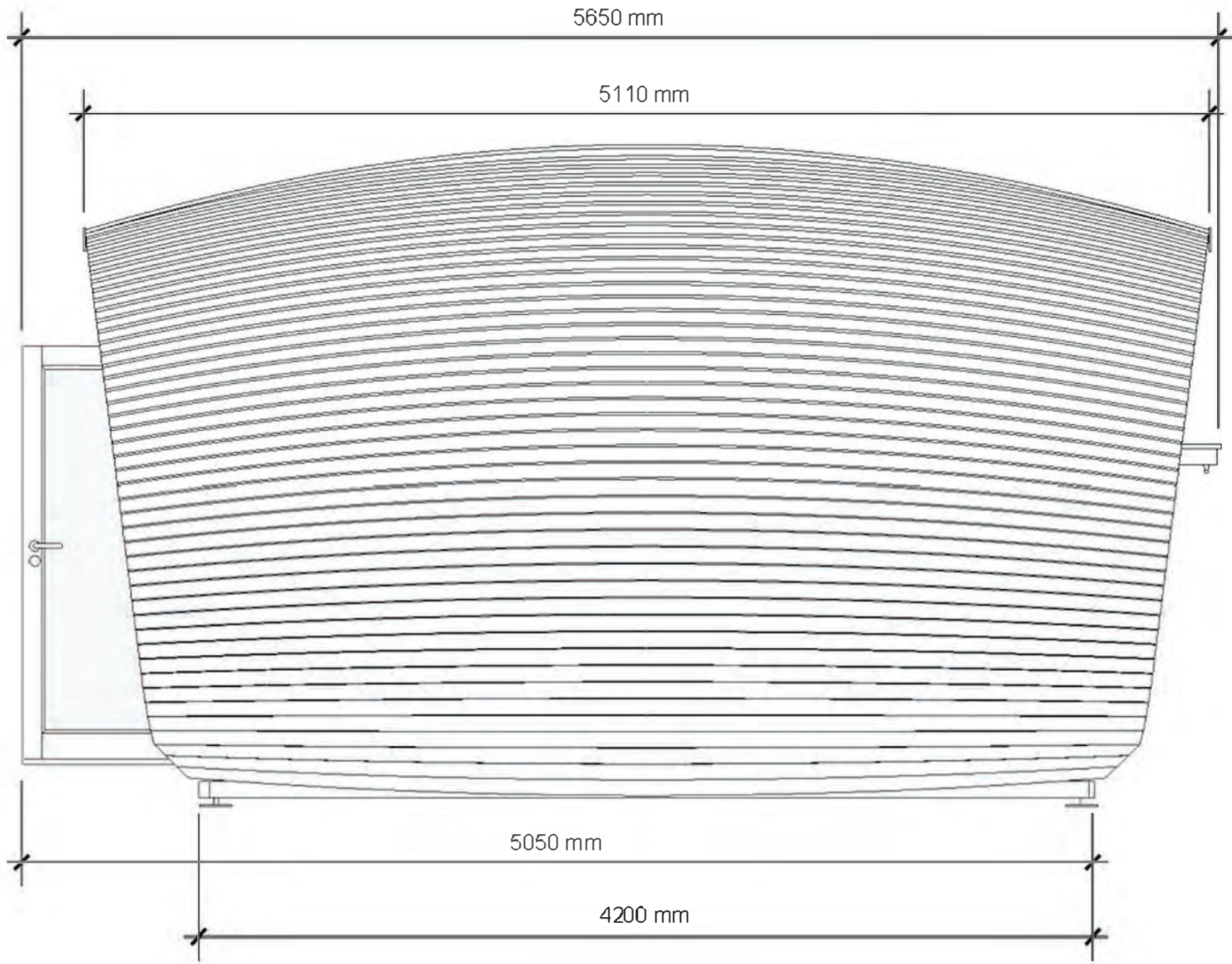
D KELLY DESIGN
 Architectural Consultant

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

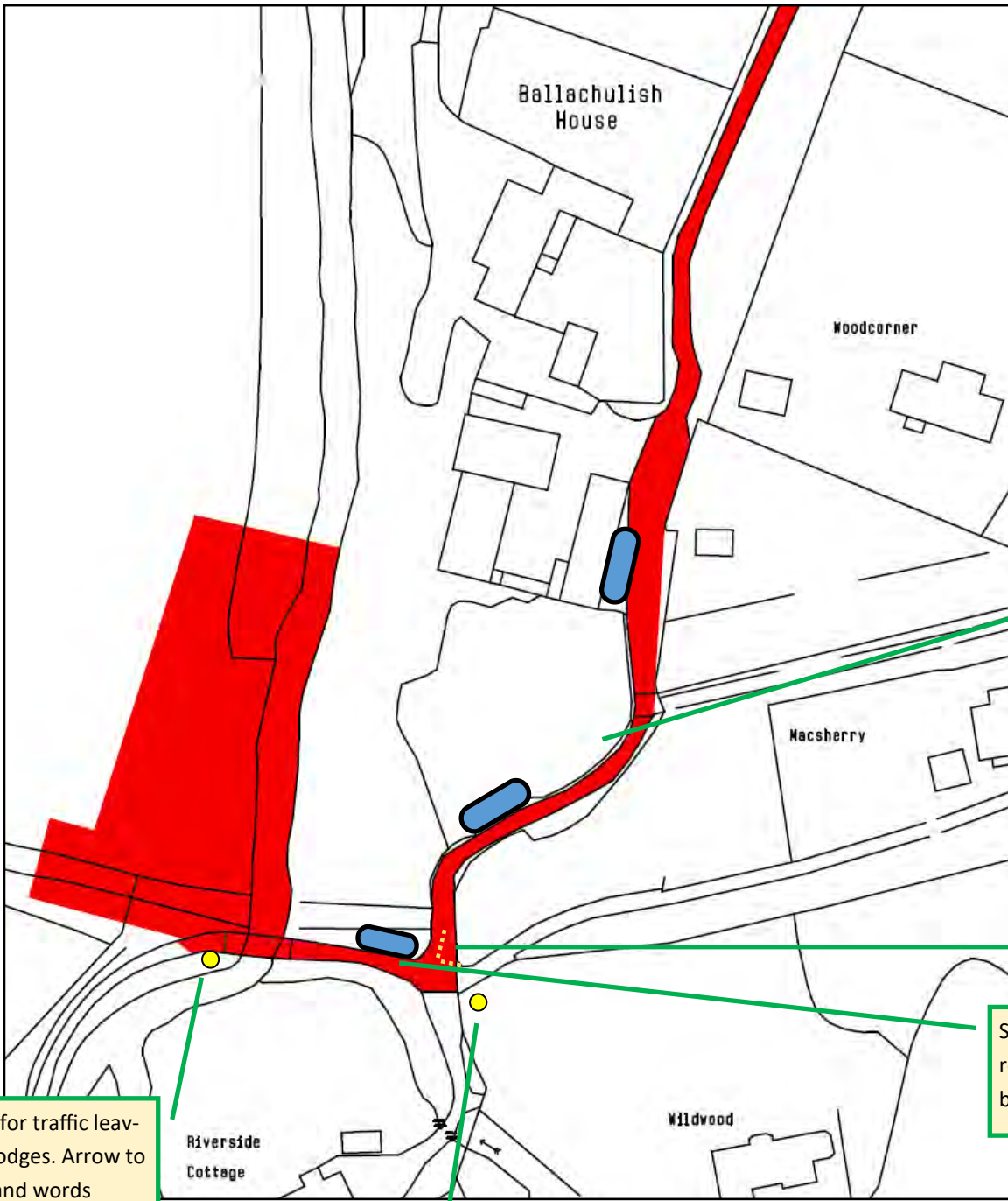
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RiverBeds Upper—Traffic Management Proposals



Passing places added.



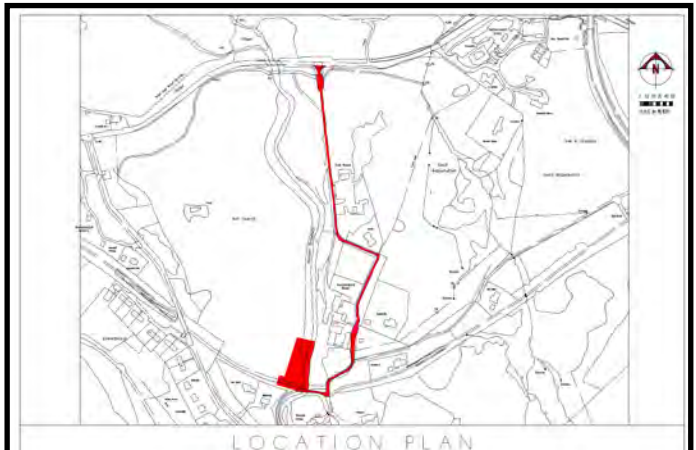
Clearing of bracken etc, to open views on this corner.

STOP lettering on road, for southbound traffic, with STOP lines

SLOW lettering on road, for west-bound traffic

Sign for traffic leaving lodges. Arrow to left and words "Reception & Exit"

MIRROR on post, for all traffic (north & south) to have visibility around the bend.



RiverBeds Upper – Traffic Management Proposals

December 2019

INTRODUCTION

In response to feedback during public consultation, we have given further consideration to concerns around traffic flows on the lane giving access/egress and to issues of road safety.

At present, the single track lane adjacent to the site has low levels of traffic. The 2 or 3 houses to the south and east use the access, heading to and from the A823 via Glenachulish. Cyclists and pedestrians on the Caledonia Way also use the private lane, which connects two parts of the main route that is the old railway line.

NEW TRAFFIC MOVEMENTS

Each lodge accommodates a maximum of 2 people and it's assumed there will therefore be 4 cars in the car park adjacent to the lodges. We estimate that in terms of traffic movements, there might on average be arrival, departure and two "outside visits" in each 24 hours. That's 4 movements each day, for 4 lodges ie 16 additional car movements per day.

For a single track road, it's not a lot of traffic. However, the lane does have sharp bends to cross an old railway bridge and site lines are restricted. A series of enhancements are proposed.

UPGRADES

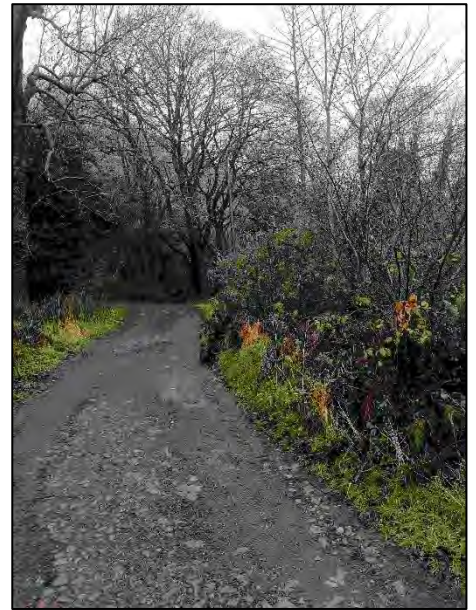
Following a route from the Clubhouse to the site, the first new passing place is alongside the GreenKeeper's Shed.





The road then turns to the right, and clearing of scrub on this corner will give significantly improved sight line.

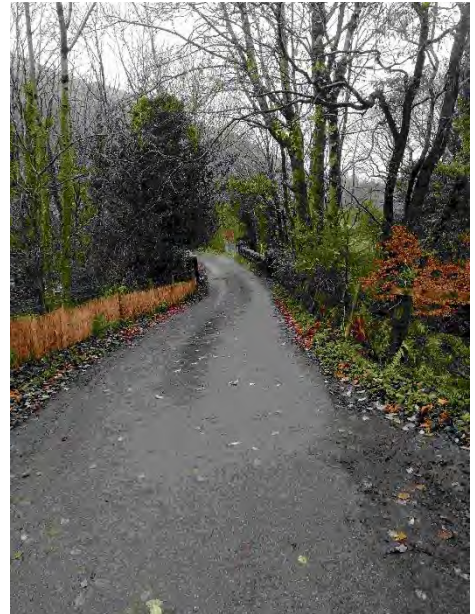
Before the bridge is reached, a passing place is to be added on the north side of the road.



We propose that a STOP is added on the south side of the bridge – marked by words and markings on the road.



Once a vehicle is over the bridge and heading towards the site, there is the opportunity for a passing place on the right hand side.



For traffic coming FROM the site, a sign will give a left pointing arrow "To Reception and EXIT".



On approach to the bridge, the word SLOW will be marked on the lane.

At this point, a mirror on a post will provide a view across the bridge to the north.

