

Agenda Item	6.1
Report No	PLS-016-21

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 09 March 2021

**Report Title:** 20/01783/PIP: Gloag Investment Properties Portfolio 2 Ltd  
Land 280M SW Of Ballindoun Lodge, Beauly

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

### Purpose/Executive Summary

**Description:** Visitor accommodation with associated landscaping, access, footpaths, parking and associated amenity buildings

**Ward:** 12 – Aird and Loch Ness

**Development category:** Major

**Reason referred to Committee:** Major development

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 in Principle as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 This is an application for planning permission in principle to provide visitor accommodation with associated landscaping, access, footpaths, parking and associated amenity buildings. There is no finalised design at this stage for the development, but an indicative site plan showing 50 lodges (a mix of 1, 2 and 3 bedroom), a camping or glamping field to the south of the site and a hub of service buildings near the entrance provides an indication of how the site could be set out. The proposal is to construct the development within a woodland setting. Significant planting to replace woodland already felled and felling yet to happen will form part of the proposal.
- 1.2 There is no existing infrastructure on the site other than an existing logging access into the site from the A833.
- 1.3 Pre Application Consultation: Pre-application advice was provided that indicated that there were a large number of constraints on the site that would require significant supporting information to address.
- 1.4 Supporting Information:
- Drainage Impact Assessment,
  - Habitat Survey,
  - Flood Risk Assessment,
  - Forestry Report,
  - Market Report,
  - Planning Statement,
  - Design Statement,
  - Protected Species Report,
  - Transport Statement,
  - Protected Mammals Survey,
  - Forestry Stratification.
- 1.5 Variations: The access point for the site has been moved from its initial position to one that is further to the north-west and away from the bend in the road.

## **2. SITE DESCRIPTION**

- 2.1 The site is located in an area that extends to approximately 18 hectares of undulating woodland around 1.2km SE of Lovat Bridge and 1.4km south of Beaully. There is an existing entrance to the woodland from the A833 which bounds the site to the east; the A862 to the north; the Beaufort estate to the south; and the River Beaully bounds the site to the west. There is a significant change in level between the riverbank itself and the thick stand of trees that sits immediately above it.
- 2.2 The woodland that dominates the site can be characterised into three broad categories. The first of these is the thick stand of well-established broad-leaved trees that sit on the riverside edge high above the River Beaully. Trees are indicated at this location on the 1798 map of the area, and the size of these trees suggest they have been a riparian feature for many generations.

2.3 The second group is an area of clear-felled woodland in the centre of the site extending to around 9 hectares. This part of the site was felled of mid/late 20th Century Sitka Spruce under a felling licence from 2014. The final area comprises all of the remainder of the site that has been planted with a mixture of Scots Pine, Sitka Spruce, Norway Spruce, Larch and Birch, most of which was planted in the 1950's and 1960's. This area of woodland has been thinned periodically but is largely intact. It is this final area of woodland that effectively prevents public views into the site from the A833 or the A862.

### 3. PLANNING HISTORY

- |     |             |   |                    |
|-----|-------------|---|--------------------|
| 3.1 | 21 Sep 2019 | 18/03501/PREAPP – Comprising holiday lodges, spa, restaurant and office facilities including improved access, servicing landscaping, parking and related infrastructure | CLOSED             |
| 3.2 | 21 Aug 2019 | 19/03269/SCRE – Visitor accommodation with associated landscaping, access, footpaths, parking and associated amenity buildings  | OPINION IS NOT EIA |
| 3.3 | 25 Sep 2019 | 19/03327/PAN - Visitor accommodation with associated landscaping, access, footpaths, parking and associated amenity buildings   | CLOSED             |

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour and Schedule 3

Date Advertised: 29.05.2020

Representation deadline: 12.06.2020

Timeous representations: 6

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- a) Concerns over road safety, particularly at site entrance
- b) Pollution of and boundary with River Beauly
- c) Wildlife and protected species; including salmon, otter and bats
- d) Impact on trees
- e) Degradation of river landscape, environment and amenity
- f) Access management arrangements
- g) Adverse visual impacts
- h) Noise

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 **Kiltarlity Community Council** objects to the application on the basis of road safety due to lack of visibility at the access to the site; increased traffic; effluent from the site going into the river; landscape and forestry; community benefit with foot/cycle path from site to Kiltarlity.

5.2 **Forestry Officer:** Objects.

The Forestry Officer's consultation response of 16 July 2020 concludes that:

"The indicative development proposals are largely with clear felled woodland and also partly within commercial conifer woodland and partly with mature, riparian broadleaf woodland. The proposals do not promote significant protection to existing hedges, trees and woodlands on and around development sites and do not provide adequate separation distances between established trees and any new development. The proposals do not accord with Policy 51 of the HwLDP.

The applicant has explained why they want to develop a wooded site in terms of the nature of business, but they have not shown that the site has capacity to accommodate the development without significant adverse impact on woodland. The applicant has not confirmed the clear and significant public benefit associated with the development. The proposals do not accord with Policy 52 of the HwLDP.

The proposals would require the loss of a significant area of woodland, all of which is listed in the Ancient Woodland Inventory as Long-established plantation origin. The applicant has not satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource so the proposals do not accord with Policy 57 of the HwLDP.

The extent of woodland that would be lost would trigger the Scottish Government's policy on the Control of Woodland Removal. The guiding principles of the CoWR policy states that 'There is a strong presumption in favour of protecting Scotland's woodland resources' and also notes that 'Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits'. The applicant has not demonstrated that the proposals would achieve significant and clearly defined additional public benefits and so do not accord with the CoWR policy.

The proposals appear to be largely at the expense of woodland rather than co-existing with woodland and do not accord with the above policies"

Having been asked to provide further comment following submission of a Draft Planning Statement Addendum, the Forestry Officer made further comment on 18 February 2021 as follows:

### "2.1 Policy 51

1. It is stated that 'the woodland identity has always been the principal defining feature of this project' and it is noted that the development is proposed predominantly within the clear felled area with retention of the woodland periphery. However, with the exception of the apparently stable broadleaf, riparian woodland, the conifer woodlands have been suffering from windblow and there is serious risk that the remaining roadside strip of woodland could

suffer further windblow with subsequent loss of the important defining feature of the project.

2. It is suggested that because the site has been clear felled there would be minimal loss of trees. However, it is the loss of the previously clear felled woodland and associated woodland soil, flora and fauna as well as existing trees and woodland that is the concern.
3. It is stated 'Firstly, it is important to stress that very similar Planning Permission in Principle applications have been made and granted elsewhere in Scotland.' We are not elsewhere in Scotland, we are in Highland where we are assessing compliance with HwLDP.
4. It is implied we require a Woodland Management Plan at application stage. This has never been required and could be conditioned.
5. It is noted that 'given the current situation on the site where there are very few trees, if appropriate conditions are in place, there is considered to be no threat to that resource if planning permission in principle is granted.' This is sadly not true. The clear felled area of woodland should have by now been restocked with new trees. Nevertheless, land which is awaiting restock is still regarded as woodland and change of land use would result in loss of woodland. Therefore, 'appropriate conditions' would not prevent the loss of woodland that would result from the proposed change of land use.
6. It also notes that 'owing to existing site conditions, there are in fact only a limited number of established trees on site at present, and accordingly the proposed conditions are considered to be a wholly appropriate means of safeguarding those important specimen'. The applicant has not presented a detailed layout of the site, so it is not even possible to say what the impact might be on existing trees. It is therefore not possible to assert that conditions are an appropriate means of safeguarding trees.

## 2.2 Policy 52

7. It is recognised that that the Council will consider major developments (such as this) against their socio-economic impact on the forestry industry within the locality, but then states that 'In this case the area proposed for development within the wider application site is currently largely devoid of trees, therefore there is no current economic activity taking place in terms of forestry'. This is not true as the area that has been clear felled has just provided its economic return from harvested timber and should by now have been planted with the next rotational crop of trees and so should have begun its economic accrual. To develop the site would directly remove some of the woodland from economic productivity which could admittedly be offset through compensatory planting. However, the area of woodland around the proposed development would through a desire to maintain continuous cover of the periphery woodland and the added difficulty of commercial harvesting within what would be a holiday park, means that a significant area of commercial woodland around the site could be lost from economic timber production.
8. There is reference to the site being recorded as LEPO1860 in the Ancient Woodland Inventory and refers to evidence of the site being arable in the

1790s and 1830s. I noted it was LEPO1860 in my consultation response. I am therefore unclear what point is being made here.

### 2.3 Policy on Control of Woodland Removal

9. There is comment on the Control of Woodland Removal policy (CoWR) where it is recognised that woodland removal with compensatory planting can be accepted if the proposals would contribute significantly to certain criteria. The Statement then proposes that the development could help to achieve the following criteria - i) Enhancing Sustainable economic growth or rural/community development; ii) Supporting Scotland as a tourist destination or iii) encouraging recreational activities and public enjoyment of the outdoor environment. There is a potential indicator of acceptability for 'Scotland as a tourist destination' where woodland removal 'Facilitates creation of new, significant and appropriate tourism facilities'. This could be acceptable, but in the context of the Control of Woodland Removal policy, the applicant has not confirmed that they consider the proposal to be a significant and appropriate tourism facility nor have they confirmed what clear and significant public benefits would be associated with the development. This should be required.
10. The Statement notes that compensatory planting 'must take place in Scotland'. This is acknowledged, but section 3.1.2 of the Council's Trees, Woodland and Development Supplementary Guidance notes that 'The Highland Council has a strong preference for planting to remain within the Highlands'.

### 2.4. Forestry Conclusion

11. 'Overall, it is considered that the development has the potential to improve the overall scale and range of local woodland resources as a result of off-site compensatory planting and the on-site planting works described. The status of the woodland as a LEPO need not change as a result of this development.' The first point is unsubstantiated and impossible to confirm without providing the level of detail the applicant has already baulked at providing. The second point regarding the site remaining as LEPO after having been developed is absurd. The inventoried area which covers the site would remain on the Inventory, as the AWI is not updated, but the fact that the woodland would be lost to development means it would then no longer be woodland."

5.3 **Flood Risk Management Team:** No objection subject to planning conditions.

5.4 **Transport Planning Team:** The following issues are identified:

- Impact of the development on junction of the A833/A862 and the adequacy of visibility at the junction
- Design of the access to the site from the A833
- Sufficient car parking/cycle storage for the various uses within the site
- Connectivity to existing bus stops on the A832
- Provision of new bus stops on the A833
- Connectivity to existing pedestrian and cycle facilities on the A862
- Servicing arrangements

- 5.5 **Access Officer:** No objection. but asks for an Access Management Plan to be submitted with the MSC application. This should show the existing public, non-motorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water).

The Access Officer advises that while offering a link up to the proposed cycleway alongside the A862 no links are shown to the Core Path network on the estate, specifically IN20.05 East Lodge to West Lodge.

The Access management Plan should include details of public access in and around the site and detailed proposals for the routes of and specifications for paths linking to the existing and planned networks as well as access points to water.

## 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
- 35 – Housing in the Countryside (Hinterland Areas)
- 36 – Development in the Wider Countryside
- 44 - Tourist Accommodation
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Protected Species
- 60 - Other Important Habitats
- 58 - Protected Species
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

### 6.2 **Inner Moray Firth Local Development Plan 2015**

No specific policies apply

### 6.3 **Highland Council Supplementary Planning Policy Guidance**

Trees, Woodlands and Development (Jan 2013)

Housing in the Countryside and Siting and Design (March 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

#### **Scottish Planning Policy 2014 (updated Dec 2020)**

Section 218 - Control of Woodland Removal. The Scottish Government's Control of Woodland Removal Policy [92] includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

## **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) layout and design
  - c) flood risk and drainage
  - d) forestry
  - e) access and road infrastructure
  - f) protected species
  - g) any other material considerations.

#### **Development plan/other planning policy**

- 8.4 The site lies within an area of wider countryside, outwith any defined settlement, within the Hinterland of Inverness. As the development involves tourist related development Highland-wide Local Development Plan Policy 44 – Tourist Accommodation applies. Policy 44 supports tourist accommodation outwith settlements provided it complies with the siting and design elements of HwLDP Policy 35, with Policy 35 being applicable here given that the site lies within the Hinterland. Having said that, Policy 35 Housing in the Countryside (Hinterland)



relates to the building of houses within the hinterland. Where it relates to Policy 44, it principally aims to ensure that holiday accommodation, capable of being used for permanent housing, is only allowed where a permanent house would be considered acceptable. In this case, the proposal is for a holiday accommodation business that does not relate to single, or even small groups, of houses in the countryside. This planning application should be assessed solely as a tourism business, not housing in the countryside.

- 8.5 Policy 44 supports tourism development where the scale of the proposal is proportionate to the location, where it will increase the length of peoples' stay, increase visitor spending, promote a wider spread of visitors and where it will have a positive effect on natural, built and cultural heritage features. In addition, tourism development is supported where it is essential to the operation of a new rural business, where it involves re-use of brownfield land and where it can demonstrate sensitive siting and high quality design in keeping with the character of the area and the historic and natural environment.
- 8.6 Outwith settlements, Policy 36 - Development in the Wider Countryside identifies that development proposals will be assessed on the extent to which they are:
- acceptable in terms of siting and design;
  - are sympathetic to existing patterns of development in the area;
  - would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.
- 8.7 There are a number of other key policy considerations against which the development must be assessed, of particular relevance to this case are Policies 28 and 29 that are relevant to all development proposals, Policies 51 and 52 where woodland is involved, Policy 56 on travel, Policy 57 that relates to natural and cultural heritage features and Policies 58 and 59 relating to species. These matters all require further consideration.
- 8.8 With regard to the principle of development, the applicant has submitted a Market Report for self-catering accommodation, particularly focussed on the Beauly/Inverness area. The report assesses demand for self-catering accommodation in the area through available statistical information, online research of available self-catering properties and information from public agencies who promote tourism in the Highlands and self-catering lettings agencies. This research concludes that there is a healthy demand for self-catering properties in the Highlands and scope to develop new facilities in the Inverness/Beauly area, particularly at the higher quality end of the market without adversely affecting existing operators. There is no development of this type and scale in the Inverness/Beauly area at present, so it is considered that this development could be supported in terms of Policy 44.
- 8.9 Providing that the proposals are acceptable in terms of their siting and design, would have no significant adverse impact on individual and/or community residential amenity, existing infrastructure or the natural environment the development would comply with the Development Plan.

## **Layout and design**

- 8.10 As the application is in principle only, no fixed layout and/or design proposals accompany this application. The indicative site plan shows 50 lodges (a mix of 1, 2 and 3 bedroom), a camping or glamping field to the south of the site and a hub of service buildings near the entrance provides an indication of how the site could be set out.
- 8.11 The Design Statement submitted in support of the application establishes that the aim is to create a development of lodges in a landscaped, well planted woodland environment that respects not only the existing environment but also the historical context of the site. The intention is to concentrate development within the central part of the site as much as possible as the forestry here has already been clear felled and to retain the riparian strip containing the mature broadleaf trees while creating opportunities for further planting elsewhere on the site.
- 8.12 This is an extensive site, with the indicative layout plan suggesting that development could be laid out in a linear form but set back from the River Beaully and behind the established stone walling on the A833 and the tree boundary to the east. Such a layout would minimise adverse visual impacts from public views into the site, thus reducing its wider impact on community amenity. Re-planting will provide natural screening to the development over a period of time.
- 8.13 With the intention to create an orientation and support building in a vernacular steading style with the associated cabins being of timber pitched roof form with generally low impact, there is potential to create a high-quality development in a special setting that could make a positive contribution to the visual quality of the place rather than denigrate it. Most of the detail of this, it has to be recognised, will need to be demonstrated within subsequent Matters Specified in Conditions applications.

## **Flood Risk and Drainage**

- 8.14 Despite its location adjacent to the River Beaully, the Flood Risk Management Team has confirmed it has no objection to the application providing conditions are included to ensure all development is located above 10m AOD level and that a detailed Drainage Impact Assessment, to show how the site will be adequately drained without impacting on the River Beaully, has been submitted for further scrutiny. There should be sufficient space within the site to provide adequate SUDS surface water drainage and appropriate private waste water treatment. Again, these matters of detail will be addressed within future Matters Specified in Conditions applications.

## **Forestry**

- 8.15 The site is located fully within woodland which is listed on the Ancient Woodland Inventory as Long Established Plantation Origin woodland (LEP01860). This is a feature of local/regional importance in Policy 57 of the Highland-wide Local Development Plan where it is noted that the Council 'will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource' which are matters also relevant

to the assessment of the proposal under the criteria contained within Policy 28 of the HwLDP.

- 8.16 Policy 51 (Trees and Development) of the HwLDP 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. Where appropriate a woodland management plan will be required to secure management of an existing resource'. The purpose of Policy 51 is to protect existing trees and hedges, supplement existing planting and, if required, compensate for any loss.
- 8.17 The development proposals are indicated to be situated largely within clear felled woodland but also partly within commercial conifer woodland and within mature, riparian broad leaf woodland. It is the Forestry Officer's opinion that as set out, the proposals do not promote significant protection to existing hedges, trees and woodlands on and around development sites and do not provide adequate separation distances between established trees and any new development and therefore would not accord with Policy 51 of the HwLDP. However, this application is for planning permission in principle. The supporting information on the development, while appearing well advanced, does not advance a detailed design. Conditions can be included on any permission in principle granted to ensure adequate protection of existing woodland and that appropriate separation distances between established trees and new development are secured.
- 8.18 Policy 52 (Principle of Development in Woodland) of the HwLDP 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.' The purpose of Policy 52 is to protect woodland resource.
- 8.19 This aspect of policy, which is set out in more detail within the Council's Trees, Woodlands and Development Supplementary Guidance stems from Section 218 of Scottish Planning Policy that states 'the Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.'
- 8.20 The site is a matrix of mature, riparian, native broad leaf woodland; areas of mixed broadleaf and conifer plantation in various states of wind blow, and areas which have been clear felled under licence from Forestry and Land Scotland. There are two recent Felling Licences relating to the application area – one approved on 4 August 2014 and another on 19 July 2018. The earlier licence allowed the clear fell of the area where development is proposed and has restock obligations attached to the licence. This licence has now expired, but most of the felling has already taken place, except for the northern end of the licenced area which does not appear to have been felled. The applicant's Forestry Statement notes that the woodland was due to be

restocked by June 2019, but this was extended for 12 months, and so is now overdue.

- 8.21 It is suggested in the Forestry Statement that the indicative layout has been designed to concentrate development where clear-felling has already taken place so that the likely requirement for tree removal would be minimal. However, this does overlook the fact that the whole site is woodland and any development would result in the loss of a woodland resource all of which is listed in the Ancient Woodland Inventory as Long-Established Plantation Origin.
- 8.22 The applicant has submitted a Design Statement that includes old maps from the early 1800's of the site that show the mature woodland edge to the River Beaully to the west of the site and arable land across the centre of the site. Further woodland along the roadside marks the eastern edge of the site. It is primarily this former arable land that is now proposed for development. While it is accepted that the more recent history of the site is established woodland, in the lifespan of trees, the woodland in the centre of the site where development is proposed is more recent. It is of vital importance, not just to the designation but also to amenity, that the more historic woodland along the river and the road is retained. This can be adequately controlled through the use of conditions.
- 8.23 The Forestry Statement refers to the possibilities for compensatory planting to mitigate the loss of woodland. However, the Forestry Officer points out, in line with Development Plan Policy and SPP, that before offering compensatory planting the sequential order of establishing if woodland loss is acceptable is first to demonstrate that there is clear and significant public benefit.
- 8.24 The Scottish Government's Policy on Control of Woodland Removal indicates that "public benefits include social, economic and environmental benefits, the latter including carbon considerations." It recognises that woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to, amongst other things, enhancing sustainable economic growth or rural/community development, supporting Scotland as a tourist destination, encouraging recreational activities and public enjoyment of the outdoor environment and increasing the social, economic or environmental quality of Scotland's woodland cover.
- 8.25 The applicant contends that there is a clear desire for this type of woodland holiday accommodation. It is a form that is popular and attractive and if properly managed can assimilate well within larger woodland assets. A tourist destination like this could bring significant revenue to other local business and the wider economy of this part of the Highlands. In addition, the site has capacity to absorb the development along with the opportunity to bolster the existing quality historic tree stock and improve the environmental quality, both visually and from a biodiversity perspective, of the site. It is therefore the very type of development that would achieve wider public benefit. The requirements of Policy 52 can therefore be achieved.

## **Access and road infrastructure**

- 8.26 The applicant has submitted a Transport Statement for the proposed development. The statement includes detailed analysis of public transport routes and facilities and of active travel routes around the site.
- 8.27 In relation to access, the Access Officer advises that due to the size of the proposed development, it would be appropriate for an Access Management Plan to be submitted as part of a detailed application. This would allow for the detailed matters relating to access to be fully set out and considered at the appropriate stage in the process where they can be informed by the final and detailed layout of the visitor accommodation and its associated facilities, vehicle access and landscaping/tree planting plan.
- 8.28 Although the development offers the potential of a cycleway along the A862 - it is understood that land ownership currently makes it difficult to provide for a link to the Core Path (IN20.05) at Duffs Lodge - the submitted indicative plans do not show links to the Core Path network on the Estate, in particular to the IN20.05 East Lodge to West Lodge. However, pedestrian and cycle access through the site, including along the riverbank for fishing interests would significantly improve the active travel connectivity of the development within the wider context of the overall detailed site layout and its relationship to the neighbouring communities. This can be secured through the Access Management Plan that will require to be submitted as part of a future Matters Specified in Conditions application. This would be in line with Policy 43 – Tourism which requires that proposals are assessed on whether they safeguard and promote responsible access and Policy 77 – Public Access.
- 8.29 The provision of an active travel network within and through the site, including the use of historic routes over the ground, with the potential for connection to the local surrounding path links outwith the site to Kiltarlity, Kirkhill and Beauly, is considered to meet the requirements of Policy 56 – Travel and Policy 77 – Public Access. Such measures would assist in integrating the development with the wider community. The provision of such linkages within an Access Management Plan can be secured by condition.
- 8.30 As this is a planning permission in principle application where full details of numbers of lodges remains to be determined and/or how the site will be managed in terms of staff, it is more difficult to accurately predict the likely impact of the overall development on the local road network. The main concern raised by local residents and the Community Council related to road safety and the proximity of the proposed access to a bend in the A833 and the implicit limit on visibility to the north. The general sense from representations is that if the access was moved further south within the straight stretch of the A833, then the required visibility could be achieved. The applicant has agreed to move the access to allow for the 2.4m x 160m visibility splay that was requested by Transport Planning. This also has a positive impact on reducing the number trees for felling to achieve the visibility. In addition, the stone wall that is typical of this area, can also largely remain intact.
- 8.31 Transport Planning raised a number of matters that will require to be addressed as part of future Matters Specified in Conditions applications. These include ensuring

full visibility at the junction of the A833 with the A862, ensuring sufficient car parking within the site for both lodges and staff and any other guest facilities, adequate cycle parking, access to public transport, including the provision of bus stops as required to serve the development, ensuring adequate active travel and appropriate facilities for the management and collection of refuse for the development.

### **Protected Species**

- 8.32 The applicant has stated that “the Proposed Development seeks to utilise the central portion of the site as far as possible. This area has been cleared of plantation forestry, with dense broom (*Cytisus scoparius*) scrub now dominating. These areas are considered to be of lower ecological value and, subject to the appropriate pre-construction safeguards, appropriate as the focus of development works within the site. The Proposed Development will seek to retain existing stands of woodland and to ensure wildlife corridors are preserved wherever possible. This would not only ensure that habitats for badgers and otter are retained, it would also ensure that potential roosting habitat and flight lines for bats and nesting habitat for a range of bird species are preserved, and where possible, enhanced.”
- 8.33 In relation to the ecology and wildlife on the site, the applicant has also submitted an Extended Phase 1 Habitat Survey Report, Protected Species Report and a Bird Species Protection Plan. These reports indicate that some badger setts and otter resting places do exist and that both must be taken into consideration in the design of the development. Equally, there are many mature trees with potential to support bat roosts. The reports therefore set out a number of recommendations to ensure protected species are considered and taken care of in developing the proposal towards final application. These recommendations can be secured through conditions of any planning permission granted at this stage.

### **Other material considerations**

- 8.34 Representations consider that the development will bring with it unwelcome noise believing that the topography results in noise travelling over quite some distances. There is no doubt that the development introduces a sizeable change to the area and with increased activity will invariably come an increase in noise. Sensitive siting of accommodation and/or activities combined with further planting should mitigate the effects of this. There is however the ultimate safeguard that noise resulting in statutory nuisance can be dealt with under Environmental Health legislation.

### **Non-material considerations**

- 8.35 The issue of anti-social behaviour on the site is not a material planning consideration and were it to arise this would be the responsibility of Police Scotland.

### **Developer Contributions**

- 8.36 The development is not designed to be for permanent residential occupancy and therefore no developer contributions are necessary.

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

8.37 None

### **9. CONCLUSION**

- 9.1 This proposal was always going to have to balance a number of competing interests; on the one hand promotion of tourist accommodation that is in demand and the economic opportunity this brings versus the impact on existing amenity and the environment, in particular the loss of woodland and potential habitat. The applicant has sought to provide an appropriate level of detail for this planning permission in principle application and, while a significant amount of detail still requires submission through future Matters Specified in Conditions applications, it is considered that it is possible to develop this site for holiday accommodation while maintaining appropriate safeguards.
- 9.2 The application has been amended to address the need for safe access into the site. In addition, there are opportunities to connect communities through enhancements to the public access network. Protection of the water environment and species can be secured through conditions. There are some technical matters relating to potable water, surface and foul water drainage and access that are not fully detailed, but it is nevertheless considered that the site is large enough to be able to accommodate appropriate private technical solutions to these infrastructure matters, without undue public expenditure.
- 9.3 The key issue in this case relates to the loss of woodland, a matter that has resulted in the Forestry Officer maintaining an objection to the proposal. This is understandable, particularly given the management of the woodland in recent times. There is an acceptance that compensatory planting is achievable; it is the principle of the change of use of this land that is at issue. However, it is considered that forestry and tourism are not incompatible goals and indeed Scottish Government advice indicates that this may be one of several reasons to satisfy the public benefit 'test'. The development has potential to create significant economic benefits to the community, both locally and region wide.
- 9.4 Notwithstanding whether there is agreement or not on the extent of public benefit, there is potential to create a high-quality tourist development in a special setting that could make a positive contribution to the visual quality of the place without significantly detrimental impacts on individual and/or community residential amenity, existing infrastructure or the natural environment. Whether it wholly accords with Policy 52, or not, it is considered that the development would accord with the Development Plan overall.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords generally, although not completely, 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

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

**Subject to the above**, it is recommended that planning permission in principle be **GRANTED** subject to the following conditions and reasons:

### Conditions and Reasons

1. No development shall commence until
  - i. a detailed layout of the site of the proposed development, including all buildings, holiday cabins, existing and proposed site levels;
  - ii. the design and external appearance of the proposed development;
  - iii. landscaping proposals, including timescales for implementation and schedule of care and maintenance, for the site of the proposed development (including boundary treatments);
  - iv. details of vehicle access, parking arrangements and active travel measures (including footpaths and cycleways); and
  - v. details of the proposed water supply, foul, and surface water drainage arrangements

has been submitted to, and agreed in writing by, the Planning Authority.

The development shall thereafter be undertaken in accordance with the agreed details to the satisfaction of the Planning Authority.

**Reason:** As the decision relates to a planning permission in principle only.

2. Visibility splays of 9m x 145m (the X dimension and Y dimension respectively) across the applicant's land to the west from the centre line of the junction at the A833 with the A862 shall be provided and maintained. 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 order to ensure the safety and free flow of traffic on the public road.

3. Any details pursuant to condition 1 above shall show a site access onto the A833 with:
  - i. visibility splays of 2.4m x 160m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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. No other development shall commence until the site access has been constructed in accordance with the above details.

**Reason:** To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

4. Any details pursuant to condition 1 above shall show two car parking spaces for a 3 bedroom holiday unit, and one car parking space for 1 and 2 bedroom holiday units, and sufficient staff and visitor car parking within the site.

**Reason:** To ensure that an adequate level of car parking is provided within the site.

5. Any details pursuant to condition 1 above shall include details of a covered and secure communal bicycle storage/racking system for staff and guests. The storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development.

**Reason:** In order to facilitate the use of a variety of modes of transport.

6. Any details pursuant to condition 1 above shall include details of new bus stop arrangement to serve the proposed development. The agreed arrangement shall be implemented prior to first occupation of any part of the development hereby granted.

**Reason:** In order to reduce dependency on the private car and to encourage greater use of public transport.

7. Any details pursuant to condition 1 above shall include full details of a scheme for the storage of refuse and recycling within the application site. The storage area shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation of the development and thereafter maintained in perpetuity.

**Reason:** To ensure that suitable provision is made for the storage of communal waste and recycling bins.

8. No development shall have a finished floor level below 10m AOD.

**Reason:** In order to protect people from the impact of flooding.

9. Any details pursuant to condition 1 above shall include a detailed, finalised Drainage Information Assessment in accordance with The Highland Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment and other relevant guidance.

**Reason:** In order to ensure that water and sewerage infrastructure is carefully managed and provided timeously, in the interests of public health and environmental protection.

10. Notwithstanding the provisions of Article 3 and 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 shall take place within 6 metres of any watercourse without Planning Permission being granted on application to the Planning Authority.

**Reason:** To ensure that development which is normally permissible without the need for a Planning Application is carefully managed and does not encroach onto riparian buffer strips. Such buffers strips are required a) for the maintenance of watercourses within the application site, b) to account for natural watercourse migration, and c) in order to safeguard property from flood risk.

11. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and agreed in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

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

12. No development shall commence until a detailed Landscape Plan and Maintenance Programme has been submitted to, and agreed in writing by, the Planning Authority.

The agreed Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme.

For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

13. No development shall commence until a Tree Planting Plan, that shall include enhancement of the historic trees along the River Beaulieu, has been submitted to, and agreed in writing by, the Planning Authority.

The agreed planting shall be implemented in full during the first planting season following commencement of development, or as may otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the Maintenance Programme agreed under Condition 12.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

14. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement (including arboricultural supervision), in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction), has been submitted to, and agreed in writing by, the Planning Authority.

Thereafter, the approved barriers shall be erected prior to any development, site excavation or groundwork commences and shall remain in place throughout the construction period. Barriers shall not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during construction.

15. A minimum separation of 15 metres shall be maintained between existing trees and any future development within the application site. Notwithstanding the provisions of Article 3 and 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 extensions or outbuildings which encroach into any such separation area shall be erected within the curtilage of the development without Planning Permission being granted on application to the Planning Authority.

**Reason:** In order to avoid future conflict due to safety concerns and restricted light or views.

16. No development shall commence until a Woodland Management Plan, that demonstrates how the woodland within and around the site shall be managed, has been submitted to, and agreed in writing by, the Planning Authority. This should include, but is not restricted to, the historic woodland along the River Beaulieu. The agreed plan shall be implemented prior to the commencement of any construction works on the site.

**Reason:** To ensure that retained trees and woodland are properly managed and maintained.

17. No development shall commence until a Compensatory Planting Plan has been submitted to, and agreed in writing by, the Planning Authority. The Compensatory Planting Plan shall make provision for all trees to be planted within the site and/or wider Beaufort Estate land holding and shall include full details of the establishment, fencing, a programme for ongoing maintenance as well as the supervision of works both during and following completion by a suitably qualified forestry consultant.

The agreed Compensatory Planting Plan shall be implemented in full within one year of the first operation of the development and maintained thereafter for a period of not less than 10 years to the satisfaction of the Planning Authority.

**Reason:** To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

18. No development shall commence until all pre-commencement recommendations and mitigation set out within the Extended Phase 1 Habitat Survey Report (February 2020), the Protected Species Survey Report (March 2020) and site monitoring and mitigation set out in the Bird Species Protection Plan (October 2020) has been completed and thereafter adhered to during the construction of development.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

19. No development shall commence until a detailed plan of public access across the site (existing, during construction and upon completion), the Access Management Plan, has been submitted to, and agreed in writing by, the Planning Authority.

The Access Management Plan shall show:

1. All existing paths, tracks and rights of way, and any areas currently outwith or excluded from statutory access rights (Under Part One of the Land Reform (Scotland) Act 2003);
2. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
3. All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc;
4. Any diversion of paths, temporary or permanent, proposed for the purposes of the development.

The plan shall also include details for achieving links to the cycleway along the A862 and the Core Path network by Duff's Lodge.

The agreed Access Management Plan and associated works shall be implemented prior to the first occupation of the development hereby granted, or as otherwise stipulated in the Access Management Plan.

**Reason:** To ensure suitable and timely provision of public access.

20. The development shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

**Reason:** To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

Designation: Area Planning Manager – South

Author: Elaine Watt

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 170309(10)001 Rev A Location Plan  
Plan 2 - 170309(10)002 Rev B Site Layout Plan

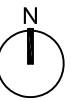


Notes

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A	Boundary amended	RH	AM	10/02/20
-	First Issue	RH	AM	17/01/20

Revisions

Status

**Planning in Principle**

Client

**Savills**

Project

**Beaufort Highland Lodges**

Title

**Site Location Plan**

Scale	Size	Date	Drawn	Checked
1:2000	A1	17/01/2020	RH	AM

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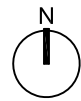


Project No.	Drawing No.	Rev.
170309(10)001		A





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Key:  
 10m AOD Contour - All development to be located above to mitigate potential flood risk

A	Annotation updated	AM	AM	27/01/20
-	First Issue	RH	AM	17/01/20

Revisions

Status  
**Planning in Principle**

Client  
**Savills**

Project  
**Beaufort Highland Lodges**

Title  
**Site Plan as Proposed**

Scale	Size	Date	Drawn	Checked
1:2000	A1	17/01/2020	RH	AM

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170309(10)002		A

