

Agenda Item	7.6
Report No	PLS-048-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 15 June 2021
Report Title: 20/03123/PIP: Mr Gary Reid
Land 50m SE of Lismore, Belivat, Nairn
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house
Ward: 18 – Nairn and Cawdor
Development category: Local

Reason referred to Committee: More than 5 letters of objection and objection from East Nairnshire Community Council

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** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for planning permission in principle for the erection of a house and garage in an area of woodland within the scattered settlement of Belivat, to the southeast of Nairn. The L-shaped site is large, and predominantly wooded. The southwest boundary of the site is fronted by a private track which accesses 2 existing houses, 'Lismore' and 'Birchview'. Another private track (off the public road through Belivat) runs along the northwest boundary of the site and serves 5 houses and provides alternative access to the rear of Belivat Farm.
- 1.2 Planning permission in principle was granted in January 2020 by the South Area Planning Committee for a house in the southwest corner of the site (19/01278/PIP), between Lismore and Birchview. This was on condition that the new house would be accessed from the same private track that serves these 2 houses (to the southwest of the site). The area where the house was proposed was largely cleared of trees and vegetation prior to permission being sought.
- 1.3 It is understood that the existing permission in principle cannot be progressed due to legal issues surrounding access from this private track. This application therefore seeks permission in principle for a house on a different part of the wider site (to the north), taking access from the other private track which sits around 65m to the northwest of the site. The applicant has agreed to formally revoke the extant permission in principle (19/01278/PIP) in the event that this application is granted.
- 1.4 The proposed alternative access would follow the same route as an unauthorised track which has been the subject of enforcement action and has since been largely grubbed up.
- 1.5 Proposed drainage is via septic tank and soakaway.
- 1.6 Pre-Application Consultation: No pre-application advice has been given for the proposed house position; however formal pre-application advice was given in February 2019 (18/04215/PREAPP) for a house in the location proposed in the previous application (19/01278/PIP). General support was given subject to the applicant demonstrating that the proposal will not have an adverse impact upon the existing trees and the site would be accessed from the same track as the existing 2 houses.
- 1.7 Supporting Information: Protected Species/habitat Survey; Supporting Statement; Tree Protection Plan; Tree Planting Plan; Arboricultural Impact Assessment; Traffic Speed Survey.
- 1.8 Variations: None

2. SITE DESCRIPTION

- 2.1 The L-shaped wooded site encompasses an area of around 15,000 sqm of woodland, mainly consisting of densely spaced small Birch trees which have naturally regenerated over the past 10-15 years, along with a smaller number of larger trees. The woodland is under active management, with evidence of recent thinning. The proposed access is through a further 65m of woodland to the

northwest. The closest neighbouring house, 'Lismore', sits around 70m to the southwest of the indicative house position and is again separated by woodland. An area to the south, which was the site of the previously granted house plot, has been cleared of all vegetation and the ground impacted.

- 2.2 The private access track from which the proposed site access will be taken is in relatively poor condition and serves 5 existing houses. It also provides an alternative access to the rear of Belivat Farm. The track is in occasional use by the farm and associated businesses.

3. PLANNING HISTORY

3.1	14 Feb 2019	18/04215/PREAPP – Land 50M SE Of Lismore, Belivat	Closed
3.2	13 August 2018	18/00334/ENF – Land Between Birchview and Lismore	Closed
3.3	13 March 2019	18/00468/ENF – Land 50M SE of Lismore, Belivat	Enforcement Notice Issued
3.4	29 Aug 2019	ENA-270-2027 – Appeal against Enforcement Notice	Appeal Dismissed
3.5	17 Sept 2020	19/01278/PIP – Land 50M SE Of Lismore, Belivat	Planning Permission Granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 08.09.2020

Representation deadline: 24.09.2020

Timeous representations: 7 representations from 7 households

Late representations: None

- 4.2 Material considerations raised are summarised as follows:

- a) Access track is in very poor condition – landowner is responsible for its maintenance but has not been repaired for many years and is in poor repair and treacherous in winter. Not fit for purpose. This proposal would result in the situation worsening with additional vehicles (including construction vehicles) using the track.
- b) Track originally to serve 4 houses and a fifth was granted on the proviso that this would be the last house due to insufficient infrastructure.
- c) Access track has no pavement; no passing places and few suitable pull-in locations; no lighting. Used by heavy farm machinery as well as for access to the existing houses. Unsafe for pedestrians, cyclists and other road users.
- d) Private track adjacent to school bus waiting area – often parked vehicles waiting

- for the school bus which can make access and visibility difficult
- e) Enforcement notice required developer to reinstate land to original state. This has not been carried out as per the enforcement notice and more trees will be removed for the revised plan
 - f) Amenity of Lismore and Birchview already compromised by land clearance and privacy and amenity will be further impacted.
 - g) The proposal does not comply with HwLDP policies with regard to sustainable development (amenity; broadband provision; drainage; traffic)
 - h) Application wrongly refers to the drive as 'existing farm track' and the house site as 'existing clearing'. Both track and clearing were constructed by the applicant without planning consent or consultation with Highland Council. The enforcement notice was appealed and upheld by Scottish Ministers and intended to ensure that the track and clearing would be returned to its original state.
 - i) Potential impact on flooding
 - j) Impact on wildlife - previous unauthorised tree felling had a detrimental effect on nesting sites and dens

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 **East Nairnshire Community Council:** Object to the application on the following grounds:

- Access to Site: The access is adjacent to the school bus shelter and bus turning circle. This area is busy at drop off and pick up times with parked cars obscuring visibility. The track is rough and breaks up easily. It is pot-holed and overgrown and in winter is waterlogged, extremely icy. There is no pathway, passing places or lighting. The unauthorised track hasn't yet been fully reinstated. The farm has several additional businesses operating from the farmyard (sawmill and car breakdown business) which has increased traffic using the track, some of which is heavy machinery. Track originally approved to serve just 4 houses. A fifth house was granted on the proviso that it would be the last house to use the track. The road is not fit for purpose to support any further properties.
- Safety concerns: The farm track is still very much in use by farm vehicles in addition to the 5 houses, leading to safety concerns for children, pedestrians and cyclists using the track due to lack of pavement and passing places. Proximity of the school bus turning circle to the junction of the track is a major concern. Verges are overgrown leading to challenging visibility.
- Preservation of Historical Area: Further sewage and soakaways are a concern as the water table is high in the area. Loss of amenity and privacy has been experienced due to felling of historic ancient woodland by the developer which has resulted in a scar on the landscape. There has been a noticeable decline in wildlife and sightings.
- Compliance with the Inner Moray Firth Development Plan: Does not comply with policies on Ancient Woodland, provision of infrastructure or preserving existing green spaces.

- 5.2 **Forestry Officer:** Object. Concerns related to impact on trees/woodland (Policy 51); principle of development in woodland (Policy 52); and overall woodland loss (Control of Woodland Removal policy). Further to an updated Tree Protection plan and Tree Planting Plan it is noted that the applicant has slightly reduced the impact on trees/woodland but that a significant area of woodland would still be lost to the development. While the applicant is prepared to accept a Woodland Management Plan as a condition of consent and there is a Tree Planting Plan which will help to offset the level of woodland removal, the proposals do not fully accord with Policy 51. The principle of development in the woodland has been established through the granting of consent for 19/01278/PIP, albeit on a different part of the site. It does not, however demonstrate clear and significant public benefit.
- 5.3 **Transport Planning Team:** The existing access track being promoted to serve this development is privately owned and maintained. With regard to the track that is thought to be in poor condition Transport Planning confirms that this is a private matter for the landowner and other interested parties to resolve. Further to the submission of a speed survey (dated November 2018) which supports the assessed speed of 30mph, Transport Planning confirm that the existing visibility splays of 2.4m x 90m are appropriate and any vegetation which is obscuring visibility within the splays should be removed.
- 5.4 **Flood Risk Management:** Originally objected to the proposal subject to further information being submitted. This objection was subsequently withdrawn subject to planning conditions securing the construction of suitably sized culverts and the access track being constructed at existing ground level. Satisfied that based on initial percolation tests the site is suitable for the use of soakaways. More detailed testing will be required at building warrant stage. Permission to discharge treated foul effluent will be required from SEPA.
- 5.5 **Scottish Water:** No objection but notes that the applicant will have to seek confirmation from Scottish Water that there is capacity within Inverness Water treatment works to serve the proposal.

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

6.2 **Inner Moray Firth Local Plan 2015**

No site-specific policies

6.3 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Housing in the Countryside and Siting and Design (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**

SPP

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) planning history;
- c) impact on trees and woodland;
- d) siting and design; and
- e) access and infrastructure.

Development plan/other planning policy

8.4 The site sits within the Wider Countryside area as defined by the Highland wide Local Development Plan, therefore Policy 36 (Development in the Wider Countryside) applies. Within the wider countryside area there is a general presumption in favour of new housing development, subject to appropriate siting, design and means of access, and the proposal complying with all other relevant policies.

8.5 Policy 51 (Trees and Development) of the Highland wide Local Development Plan states that 'The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development

sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development.

- 8.6 Policy 52 (Principle of Development in Woodland) of the Highland wide Local Development Plan states that 'The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.'
- 8.7 Policy 28 of the HwLDP (Sustainable Development) states that developments will be supported where they are compatible with service provision; do not impact upon individual and community residential amenity; and demonstrate sensitive siting and high-quality design in keeping with local character.
- 8.8 Providing that the proposal is appropriately located and designed to be in keeping with the character of the area, without having a significant adverse impact on amenity, including loss of amenity woodland, and can be adequately serviced it would accord with the development plan.

Planning History

- 8.9 Planning permission in principle was granted for a house on the southwest corner of the site in January 2020, subject to the house being positioned between the 2 existing houses and all vehicular access (including construction related) being taken from the private track which serves these 2 houses. A condition was included to ensure that the unauthorised access to the north, that was formed to overcome legal constraints on access from the south, would be permanently blocked to all vehicles.
- 8.10 This application is therefore for an alternative house position and access point and is not an application for a second house. The applicant has agreed that the existing permission 19/01278/PIP will be revoked, and the original site replanted as a condition of this permission if granted.
- 8.11 The proposed access to the site follows the route of a previously constructed (unauthorised) track. This track was approximately 180m long and around 3m wide. It was constructed in November 2018 without the necessary planning permissions and has been the subject of ongoing enforcement action. An Enforcement Notice to remove the track and reinstate the land was issued on 13 March 2019 and was appealed to the DPEA. The DPEA dismissed the Appeal in August 2019 and determined that the track must be reinstated; the imported materials removed; and the ground grubbed up by 28 February 2020. Other than a small area of track adjacent to Birchview, the land has been grubbed up in accordance with the enforcement notice and the ground has grassed over.

Impact on trees and woodland

- 8.12 Over recent years site clearance and unauthorised development have had a significant impact on the overall tree resource on the site. This is as follows:

- An area of around 2,000 sqm was cleared of trees and shrubs in the southwest of the site, at the proposed house position of 19/01278/PIP. As things stand this land is open, with hard packed ground and is quite unsightly. It is unlikely that this situation will improve for as long as the legal issues around access to the site continue. However, the applicant has agreed to revoke planning permission 19/01278/PIP and replant the area if this planning application is granted. It is considered that this would improve the amenity of the adjoining neighbours at Lismore and Birchview.
- A significant number of trees were removed during the formation of the unauthorised access track. Following enforcement action, the majority of this track has been grubbed up and it has grassed over, however there was no requirement to replant the area. While it will regenerate naturally over time, the section not required for the proposed house/access will be replanted as part of a pre-commencement planning condition attached to any planning permission, thereby speeding up the process.

- 8.13 An Arboricultural Impact Assessment (AIA) has been submitted which shows that a further six middle aged and mature trees would need to be removed along with 0.12ha of younger woodland in order to accommodate the indicative layout. It is, however, important to note that this calculation does not include the trees already removed to create the unauthorised access track. The applicant has calculated the overall area of tree removal (both future and historical) for the proposed house and access to be around 0.26ha.
- 8.14 As compensation for this, the applicant has proposed an area of tree planting covering 0.30ha, consisting of the previous application site; the eastern section of unauthorised track; and a new area of planting to the northeast of the site. This equates to a net increase of around 0.04ha of new planting when compared with the woodland loss required to implement planning permission 19/01278/PIP.
- 8.15 The Forestry Officer has objected to the application due to the significant amount of woodland that would be lost to development, and while it is noted that the applicant is prepared to accept a Woodland Management Plan as a condition, the Forestry Officer considers that the proposals still do not accord with Policy 51 due to its impact on the tree/woodland resource; and that the proposal does not comply with Policy 52 as the applicant has not demonstrated the need to develop a wooded site and it does not offer a clear and significant public benefit.
- 8.16 It is very unfortunate that the applicant removed the trees from the southwest of the site prior to planning permission 19/01278/PIP being granted, and before the legal issues relating to access to the site being resolved. This has left an unsightly area of land which has an uncertain future, and which impacts negatively upon the adjacent neighbours. The creation of the unauthorised track to reach the site from the northwest and associated tree removal further exacerbated the situation and has understandably caused some concern to neighbours.
- 8.17 However, this application must be assessed on its own merits and from the current position. As things stand the site already has a planning permission in principle for a house where land has been cleared of vegetation. The new house position would allow for the previous permission to be revoked and the site replanted. This, in addition to further planting elsewhere within the application site, would result in a net

increase in woodland when compared to the current position. On this basis, while it is unfortunate that the situation arose as it did, it is considered that in the long term the proposals do not represent a significant loss to the overall woodland resource. The willingness of the applicant to enter into a Woodland Management Plan is also welcomed and will help to ensure future maintenance of the woodland.

Siting and Design

- 8.18 The site sits within the Wider Countryside area which is covered by less restrictive policies than the Hinterland area, however any proposal must still demonstrate appropriate siting and design in line with the established settlement pattern of the area. As the proposal is for planning permission in principle only, design details are not required at this stage, however in terms of siting the proposed house location is set back within the woodland by around 100m from the access track. Most of the existing houses which take access from this track sit closer to the road than the proposed house, however there are many other examples within Belivat of housing within woodland which is accessed via longer driveways. There would be good separation between the houses, commensurate with the established settlement pattern, and overall, the proposal would be considered to comply with the development plan in terms of siting, subject to sensitive window positioning and appropriate house design.

Access and Infrastructure

Access

- 8.19 The site is accessed via a private access track which links the public C1173 Belivat - Dulsie wood road with Belivat Farm and currently serves 5 houses. This track is in very poor condition – unsurfaced, badly potholed and overgrown in places. There are no formal passing places and opportunities for passing using driveways are limited. Such access tracks are not unusual in rural areas of Highland, and where they serve only a small number of houses are generally acceptable. Clearly, however, intensification of use of such tracks by both construction vehicles and thereafter by occupants of the proposed house has the potential to further exacerbate the situation to the detriment of the amenity of existing residents. Policy 28 (Sustainable Design) of the HwLDP requires developments to be assessed in terms of accessibility.
- 8.20 Transport Planning has not objected to the proposal as the track is privately owned and maintained, and state that if the track is thought to be in poor condition, this is a private matter that is for the landowner and other interested parties to resolve. Assessment of the capability of the track to accommodate further traffic must therefore be considered as part of the planning application.
- 8.21 Roads and Transport Guidelines for New Developments states that “four or fewer individual residential houses can usually be served by a private access road providing a suitable junction with the public road is provided. Exceptions to the “four house” rule may be considered where the developer agrees, as a condition of planning consent to set up a formal management system for the maintenance of the private access in perpetuity. However, if there is any intention that in the future the number of individual houses would be increased to more than four or the private

access put forward for adoption, then this would only be acceptable to the Council as long as the private access was upgraded to adoptable road standards. This may involve widening of the access and, therefore, suitable land should be reserved and safeguarded to accommodate widening should there be any such further development intentions”.

- 8.22 The above Guidelines are still in place, however in recent years there has been a move towards a more individual assessment of applications, in recognition that there are many rural roads throughout Highland which serve more than 4 houses but are well maintained and can accommodate further housing without significant improvement. In contrast, the condition of this track and its ability to cope with the existing traffic has been a longstanding issue in the area and has been raised by a number of neighbours who have objected to the planning application on this basis. The Community Council has also objected stating that there is not the infrastructure in place to support any further properties and the road is not fit for purpose. It is therefore considered that further intensification of residential use of this track cannot be supported until the section between the junction with the C1173 and the site entrance has been upgraded at the developer's expense (resurfaced to a specification to be agreed as part of a planning condition). This equates to a section of road about 65m in length. The applicant has agreed in principle to carrying out improvements to this section of the access track.

Junction

- 8.23 The private access track exits onto an area of hardstanding to the east of the public road which is used as the school bus turning circle and also includes the bus stop and an area for bin storage. The Community Council and residents have raised concerns about an increase in the traffic going through this area to reach the private access track. Visibility at the end of the access track looking into the area of hardstanding is acceptable subject to roadside vegetation being maintained, and visibility splays of 2.4m x 90m in each direction can be achieved onto the public road. This is acceptable for roads where the average speed is 30mph or less. While the speed limit on the road is 60mph, it is a narrow, single tracked rural road and a speed survey which was carried out in November 2018 was submitted in response to Transport Planning's consultation response. This found that the average speed was around 30mph therefore the existing visibility is acceptable. The junction meets Council standards and is considered to be acceptable for the small number of additional car journeys that a single house will generate.

Infrastructure

- 8.24 Drainage will be provided via soakaways. The application was assessed for flood risk due to the location of the proposed house between two small drainage features. Further information was requested by the Flood Risk Management Team which concluded that the drainage ditch to the north of the proposed house does not continue to the west and that surface water runoff from this direction is likely to be diffuse before it enters the existing ditch. Its objection was withdrawn subject to conditions securing appropriately sized culverts and the access track to be constructed at existing ground levels.

Other material considerations

- 8.25 There are no other material considerations.

Non-material considerations

- 8.26 The issue of previous development undertaken by the applicant is not a material planning consideration.

Revocation of previous permission

- 8.27 If planning permission is granted then before the Decision Notice can be issued the applicant has to agree to revoke permission 19/01278/PIP. This involves service of an Order which then has to be confirmed by the Scottish Ministers. After that process is concluded the permission can be issued. The revocation process will thereby ensure that only one house is built.

Developer Contributions

- 8.28 Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements. A developer contribution of £1,532 was paid in respect of education provision under planning permission 19/01278/PIP. Subject to the revocation of 19/01278/PIP a further contribution would not be required for this application as the overall number of residential units granted planning permissions would not increase.

Matters to be secured by Section 75 Agreement

- 8.29 None

9. CONCLUSION

- 9.1 It is acknowledged that the development history on this site is complex and includes unauthorised development which has understandably heightened concern within the local community. This is unfortunate, however, planning applications must be determined on their own merits and without reference to neighbour disputes and/or other legal process. Enforcement issues should be, and largely have been in this instance, resolved through separate, targeted enforcement procedures.

- 9.2 This application to relocate the house and access elsewhere within the site will allow for the previous application to be revoked and the previous house site replanted, to the benefit of the residential amenity of the adjacent houses. The Forestry Officer's concerns are noted and it is acknowledged that the removal of woodland which has already taken place has had a significant impact upon the local tree resource. Taken over the long term, however, the opportunity which is presented to ensure plantation of much of the site and to contribute to the future management of the woodland via a Woodland Management Plan, is considered to address some of the concerns raised by the community and the Forestry Officer. On balance, it is recommended that the application can be supported subject to the revocation of permission

19/01278/PIP (to be carried out before this permission is issued), replanting as proposed and improvements made to the access track.

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

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	Y
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	Y

Subject to the above actions, it is recommended to **GRANT** the application subject to the following:

Conditions and reasons

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access, parking and bin storage arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

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

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone or timber;
 - ii. single storey or 1½ storeys in height;
 - iii. windows with a strong vertical emphasis;
 - iv. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - v. window placement to take consideration of the privacy and amenity of adjacent houses.

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

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

Reason: In the interests of amenity and road safety

4. Any details pursuant to condition 1 above shall show the access at the junction where it meets the public road to be in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines with:
 - i. the junction formed to comply with drawing ref. SDB 2; and
 - ii. visibility splays of 2.4m x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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

Prior to the commencement of development on site, the developer shall provide, for the agreement of the Planning Authority in consultation with the Roads Authority, details in writing and on plan of improvement works along the access track between the junction with the C1173 and the site entrance, including resurfacing to an agreed specification. The agreed works shall be completed prior to the first occupation of the house.

Reason: In the interests of road safety

5. All vegetation within a driver's sightline between the private track end and the bus stop to the north shall be maintained at a height lower than 0.85m at all times.

Reason: In the interests of road safety and to ensure that direct vision of the bus stop is not obstructed by roadside vegetation.

6. The house hereby approved shall not be occupied until provision for adequate bin storage has been provided adjacent to the public road but outwith visibility splays.

Reason: In the interests of road safety

7. The new access track shall be constructed at existing ground level and any land drains identified during construction shall be retained through the use of suitably sized culverts.

Reason: In order to ensure that there is no adverse impact to existing drainage routes.

8. The ditch running south to north between the proposed indicative house and garage shall be retained and any details pursuant to condition 1 above shall include details of a suitably sized bridge/culvert to serve the house access. The culvert shall be constructed in accordance with these approved details prior to occupation of the house.

Reason: In order to ensure that there is no adverse impact to existing drainage routes.

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

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

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

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

11. Any details pursuant to condition 1 above shall include a detailed Tree Planting Plan and maintenance programme for the agreement in writing of the Planning Authority. For the avoidance of doubt this shall include all areas

identified for planting in the tree Planting Plan prepared by Urban-Arb docquetted hereto. The planting between Lismore and Birchview shall be carried out prior to the commencement of any other works on site. The remaining planting shall be implemented in full during the first planting season following commencement of development.

Reason: In the interests of amenity.

12. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a woodland management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and shall be implemented in full during the first planting season following commencement of development.

Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area.

13. Notwithstanding the provisions of Article 3 and Classes 1-6 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the house without planning permission being granted on application to the Planning Authority.

Reason: In order to protect the woodland resource.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

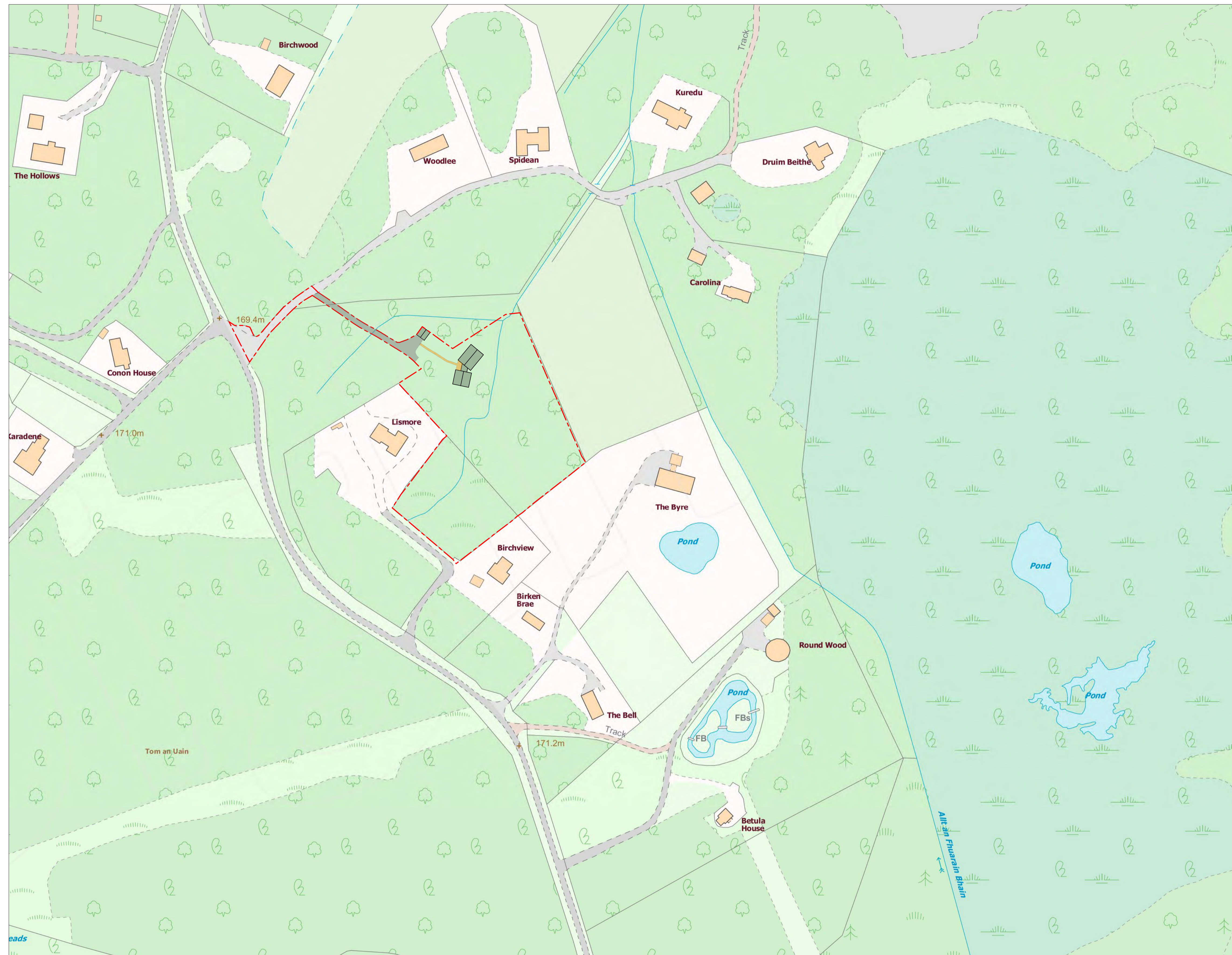
Signature: David Mudie
Designation: Area Planning Manager – South
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan - P01
Plan 2 - Site Layout Plan – P02 rev A
Plan 3 - Tree Planting Plan - 1 of 1 (25 Feb)
Plan 4 - Tree Protection Plan - 1 of 1 rev C
Plan 5 - Existing Junction - P03 rev A

REVISIONS:

REV	DD/MM/YY	DESCRIPTION
REV01	DD/MM/YY	DESCRIPTION

NOTES:
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND
 CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES
 TO ARCHITECT BEFORE COMMENCING WORK.

DO NOT SCALE DRAWING



PROJECT:
NEW HOUSE

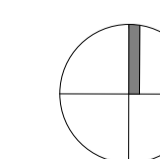
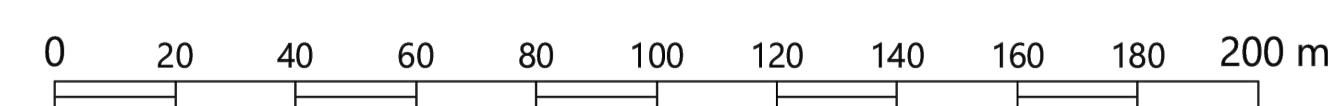
FOR GARY REID
 LAND NE OF LISMORE
 BELIVAT, NAIRN

DRAWING:
LOCATION PLAN

DRAWING ISSUED FOR: PLANNING IN PRINCIPLE

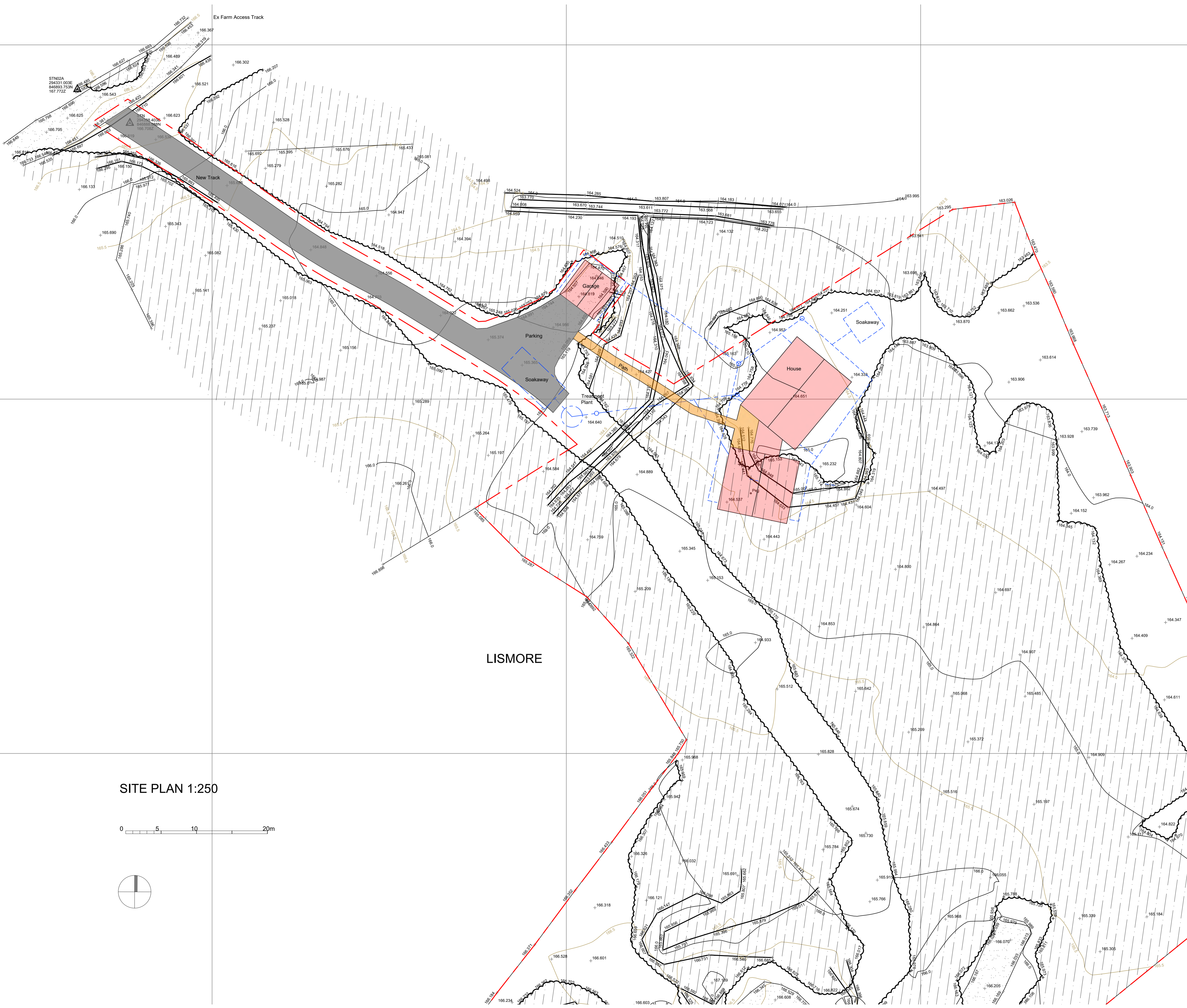
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VERIFIED BY:	
DRAWN BY:	CCH
SCALE:	1:1250 @ A1
DATE:	Aug 2020

LOCATION PLAN 1:1250

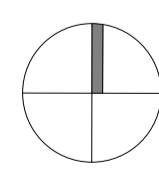
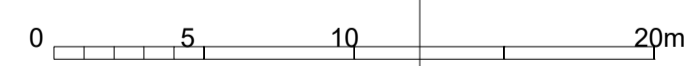


PROJECT NO | DRAWING NO

1445 20 | P01



SITE PLAN 1:250



MAKAR Ltd
 Incorporating Neil Sutherland Architects

Clachandreggy, Torbreck, Dores Road
 Inverness, Scotland, IV2 6DJ
 T: 01463 709993 F: 01463 709515
 E: info@makarconstruction.com

REVISIONS:

REV	DD/MM/YY	DESCRIPTION
A	8.2.21	Treatment plant and soakaway relocated

NOTES:
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE COMMENCING WORK.

DO NOT SCALE DRAWING

PROJECT:
NEW HOUSE

FOR GARY REID
 LAND NE OF LISMORE
 BELIVAT, NAIRN

DRAWING:
SITE PLAN

DRAWING ISSUED FOR: PLANNING IN PRINCIPLE

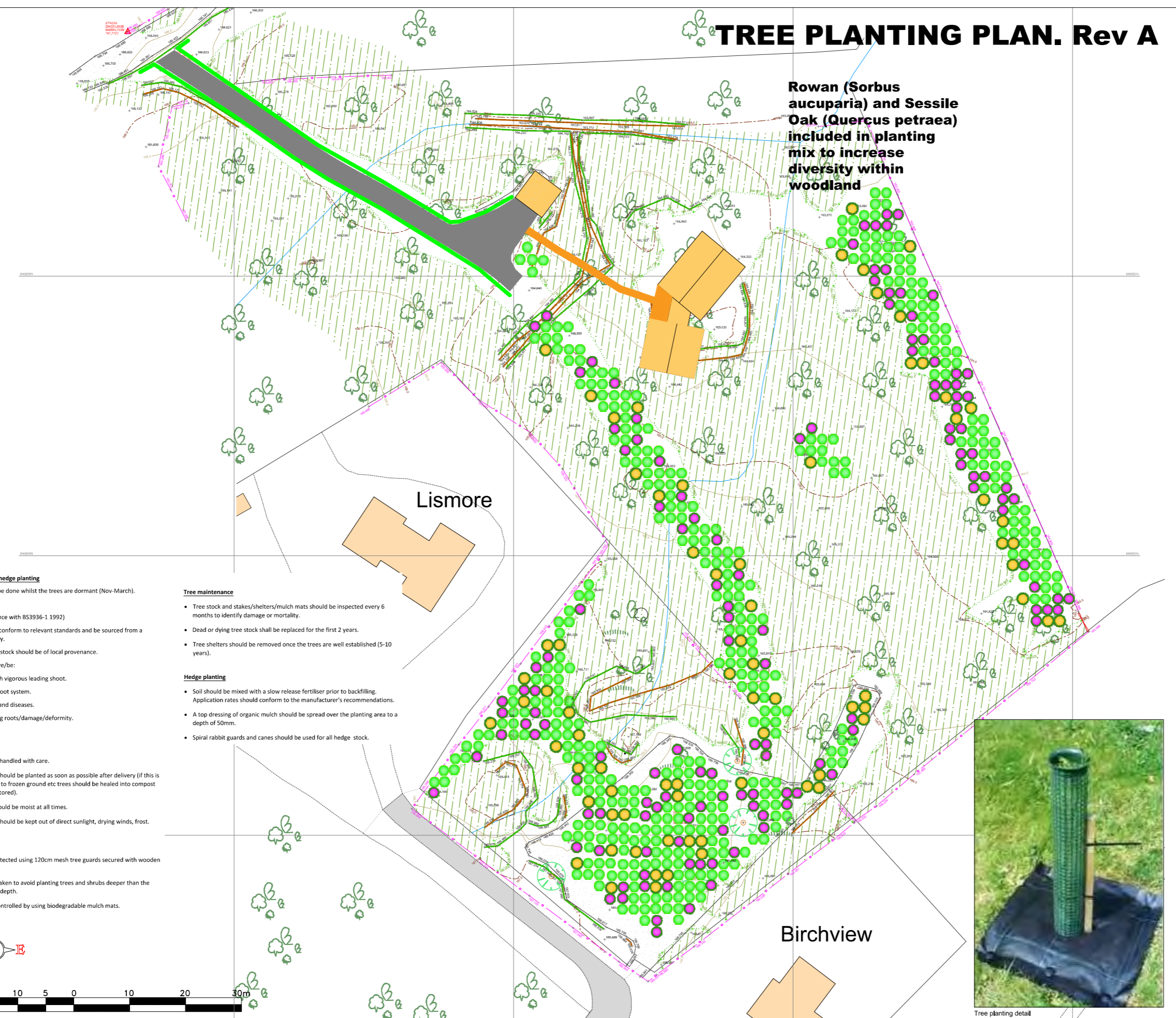
ARCHITECT: CCH
 VERIFIED BY:
 DRAWN BY: CCH
 SCALE: 1:250 @ A1
 DATE: Aug 2020

PROJECT NO | DRAWING NO

1445 20 | P02 A

TREE PLANTING PLAN. Rev A

Rowan (Sorbus aucuparia) and Sessile Oak (Quercus petraea) included in planting mix to increase diversity within woodland



Timescale for tree/hedge planting

All planting should be done whilst the trees are dormant (Nov-March).

Tree planting stock

(All sizes in accordance with BS3936-1 1992)

- All stock should conform to relevant standards and be sourced from a reputable nursery.
- Where possible, stock should be of local provenance.
- Trees should have/be:
 - Good vitality with vigorous leading shoot.
 - Healthy fibrous root system.
 - Free from pests and diseases.
 - Free from girdling roots/damage/deformity.

Tree handling

- Trees should be handled with care.
- Bare root stock should be planted as soon as possible after delivery (if this is not possible due to frozen ground etc trees should be heeled into compost whilst they are stored).
- Root systems should be moist at all times.
- Bare root stock should be kept out of direct sunlight, drying winds, frost.

Tree protection

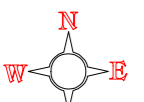
- Trees will be protected using 120cm mesh tree guards secured with wooden stakes.
- Care should be taken to avoid planting trees and shrubs deeper than the original growing depth.
- Weeds will be controlled by using biodegradable mulch mats.

Tree maintenance

- Tree stock and stakes/shelters/mulch mats should be inspected every 6 months to identify damage or mortality.
- Dead or dying tree stock shall be replaced for the first 2 years.
- Tree shelters should be removed once the trees are well established (5-10 years).

Hedge planting

- Soil should be mixed with a slow release fertiliser prior to backfilling. Application rates should conform to the manufacturer's recommendations.
- A top dressing of organic mulch should be spread over the planting area to a depth of 50mm.
- Spiral rabbit guards and canes should be used for all hedge stock.



General Notes

KEY

- 397 No. 40-60cm bare root or cell grown Silver Birch (Betula pendula) with mulch mat & 120cm mesh tree guard, 2mx2m spacing. Planting season Nov-March.
- 135 No. 40-60cm bare root or cell grown Rowan (Sorbus aucuparia) with mulch mat & 120 mesh tree guard, 2mx2m spacing. Planting season Nov-March.
- 74 No. 40-60cm bare root or cell grown Sessile Oak (Quercus petraea) with mulch mat & 120 mesh tree guard, 2mx2m spacing. Planting season Nov-March.

Total number of trees: 606

Wildlife Hedge.

Hedge Mix (40-60cm bare root whips): 20% Hawthorn (Crataegus monogyna), 20% Blackthorn (Prunus spinosa), 20% Bird Cherry (Prunus padus), 20% Hazel (Corylus avellana) & 20% Guelder Rose (Viburnum opulus)

Hedge planting distances/numbers: 5 per meter planted in single row. Total length 150m. Total number of plants 750.

Hedge stock to be protected by spiral rabbit guards and canes. Planting area mulched.

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



No.	Revision/Issue	Date

Firm Name and Address

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

Project Name and Address

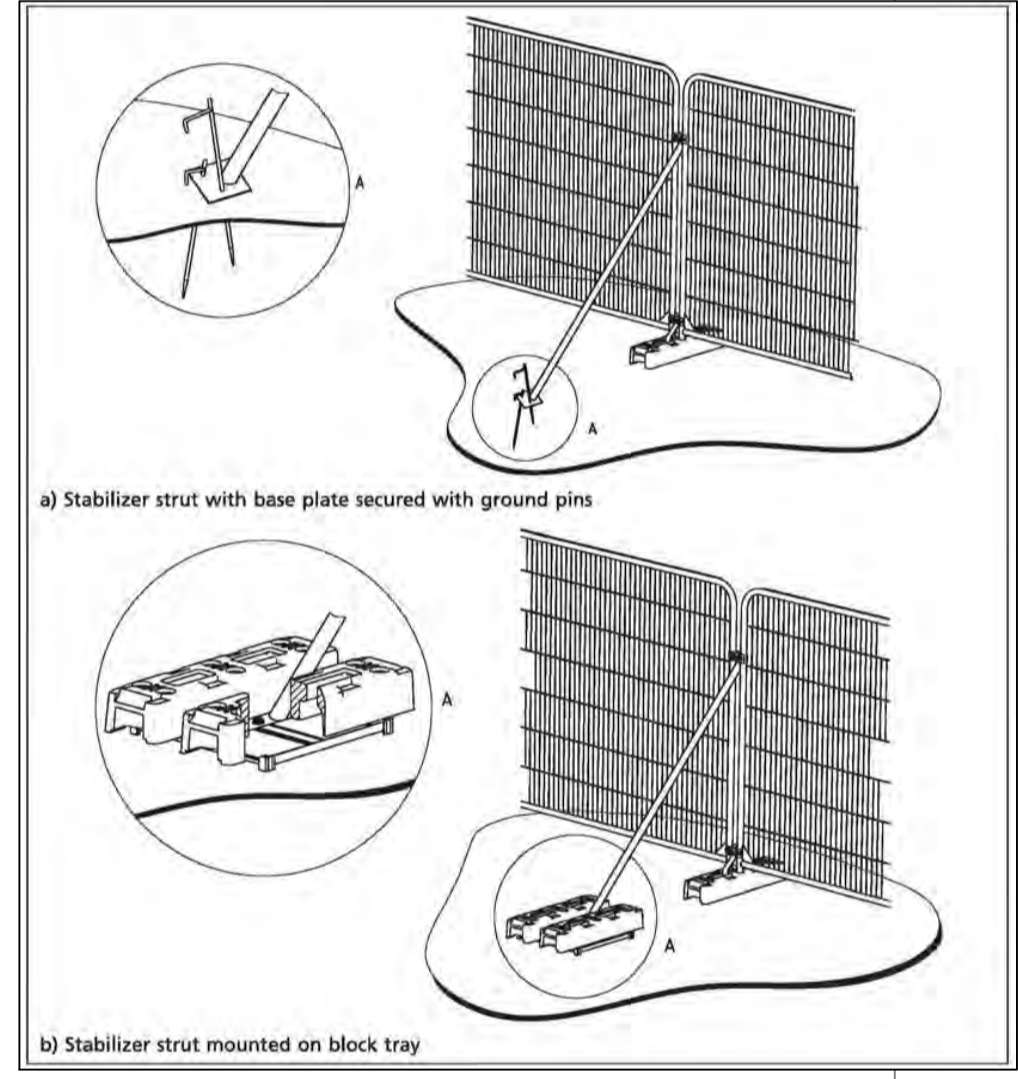
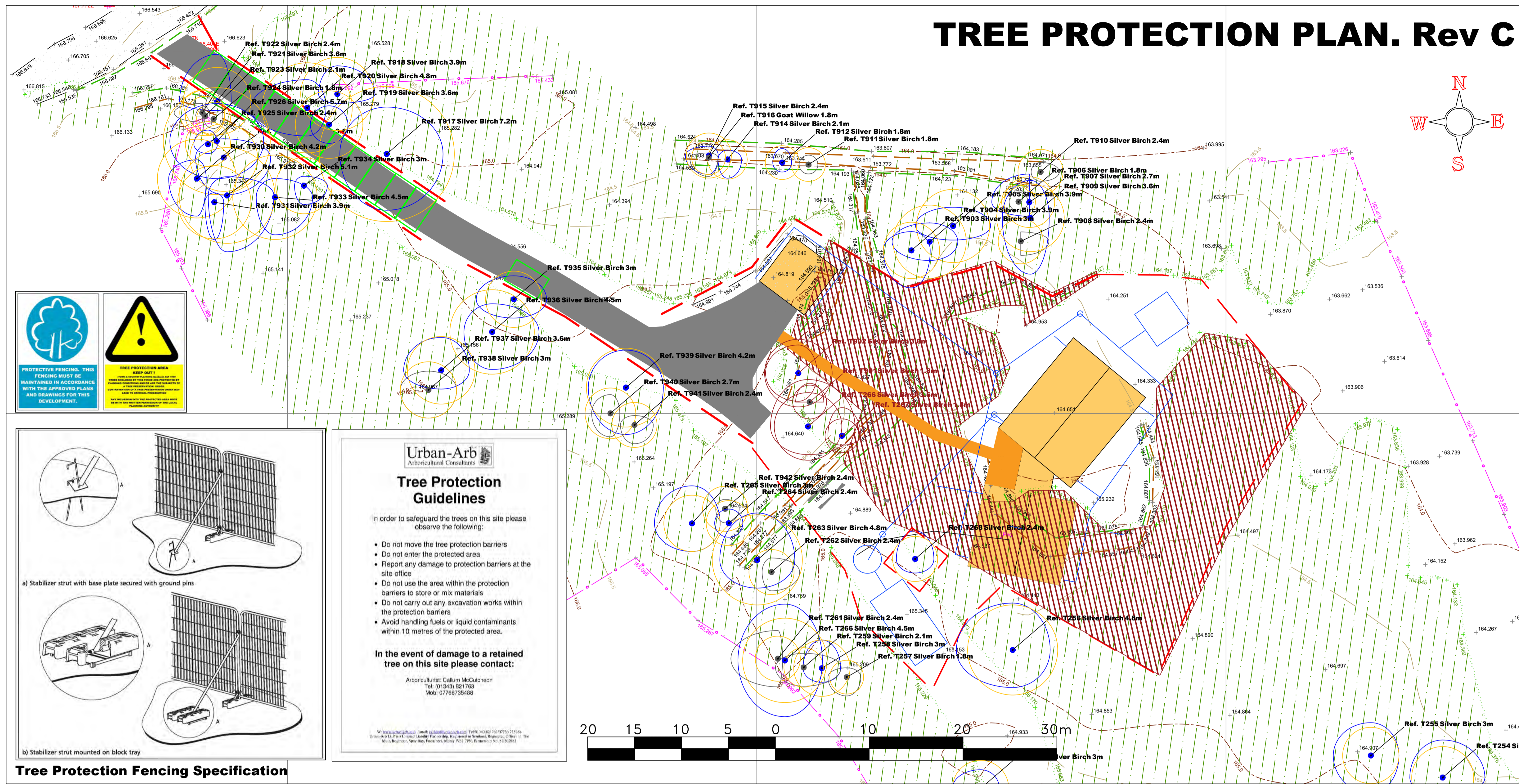
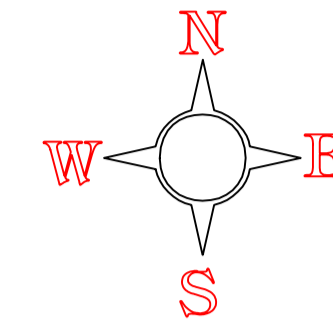
Site At
Redburn
Belivat
IV12 5JE

Project	TREE PLANTING PLAN	Sheet	
Date	15.02.2021		1 of 1
Scale	1:350@A1		



Tree planting detail

TREE PROTECTION PLAN. Rev C



Urban-Arb
Arboricultural Consultants

Tree Protection Guidelines

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

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

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

Arboriculturist: Callum McCutcheon
Tel: (01343) 821763
Mob: 07796735466

Urbn-Arb LLP, 14 The Muir, Bognor Regis, West Sussex, PO21 1PN, England. Registered in England (11 3062862)

General Notes

KEY

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

Colours are in accordance with BS5837:2012 quality grading:

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

Root Protection Area (RPA): The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5837:2012)

Small diameter dense Birch trees

TREE TO BE REMOVED

Ref. T001 Silver Birch 2.7m

Area of young trees to be removed

Tree Protection Fencing

150mm Cellweb ground protection (6 panels cut in half and laid as per drawing)

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 12.06.2020

Urban-Arb
Arboricultural Consultants

Rev	Description	Date
Rev A	Layout updated	20.07.20
Rev B	Services updated to allow tree retention	31.07.20
Rev C	Layout updated	27.11.20

No.	Revision/Issue	Date

Cellweb Installation Guide: 150mm Cellweb TRP Panels available at www.geosyn.co.uk

PRODUCT DATA SHEET

Cellweb® TRP Installation Guide

1. Prepare the Surface

2. Lay out the Tresex® Pollution Control Geotextile

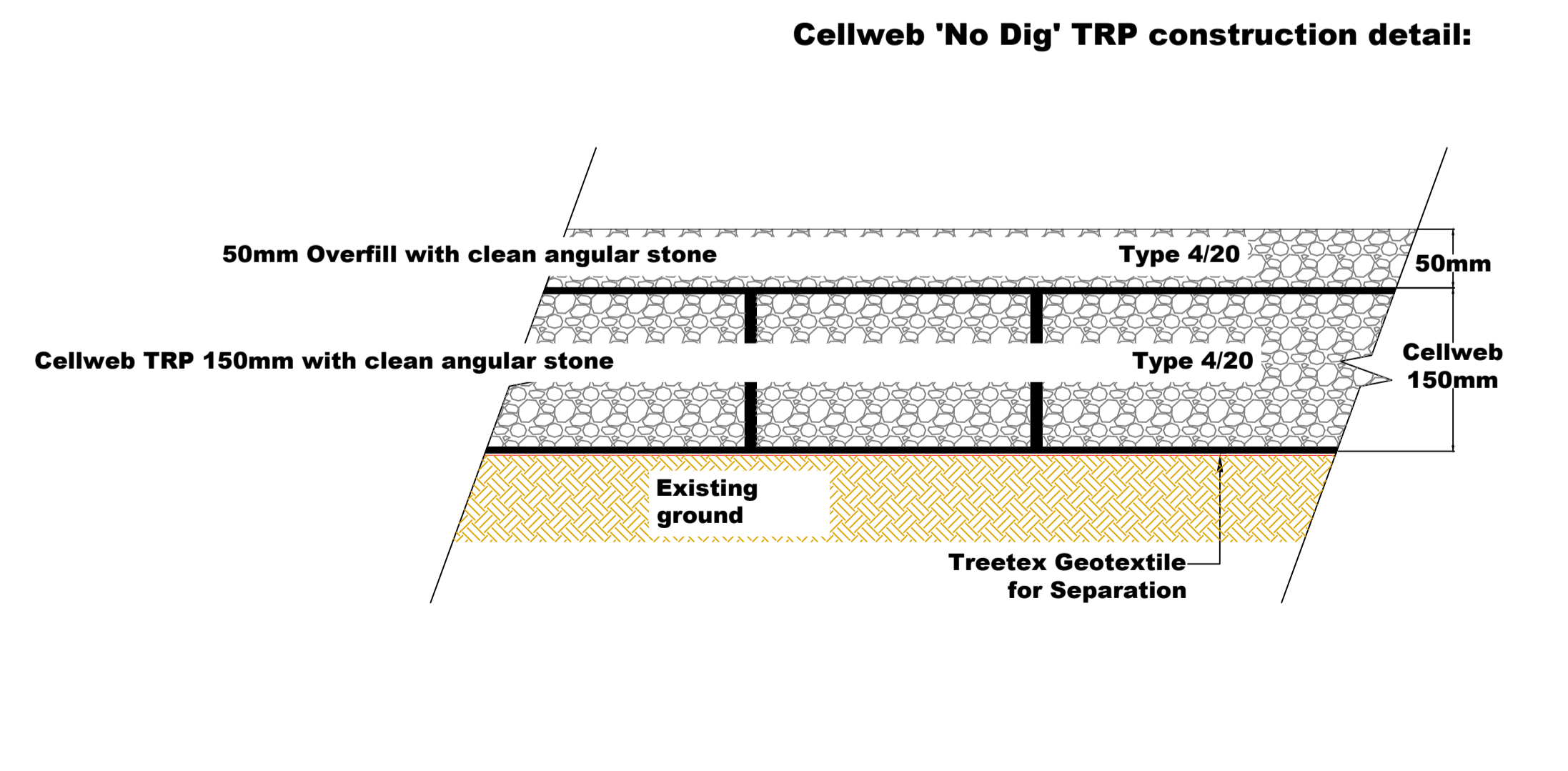
3. Lay out the Cellweb® TRP Cellular Confinement System

Cellweb® TRP - Installation Guide

4. Infill the Clean Angular Stone

5. Edge restraints

6. Surface options



Note: Cellweb panels to be halved to form 2.56mx4.05m panels in order to fit width of drive

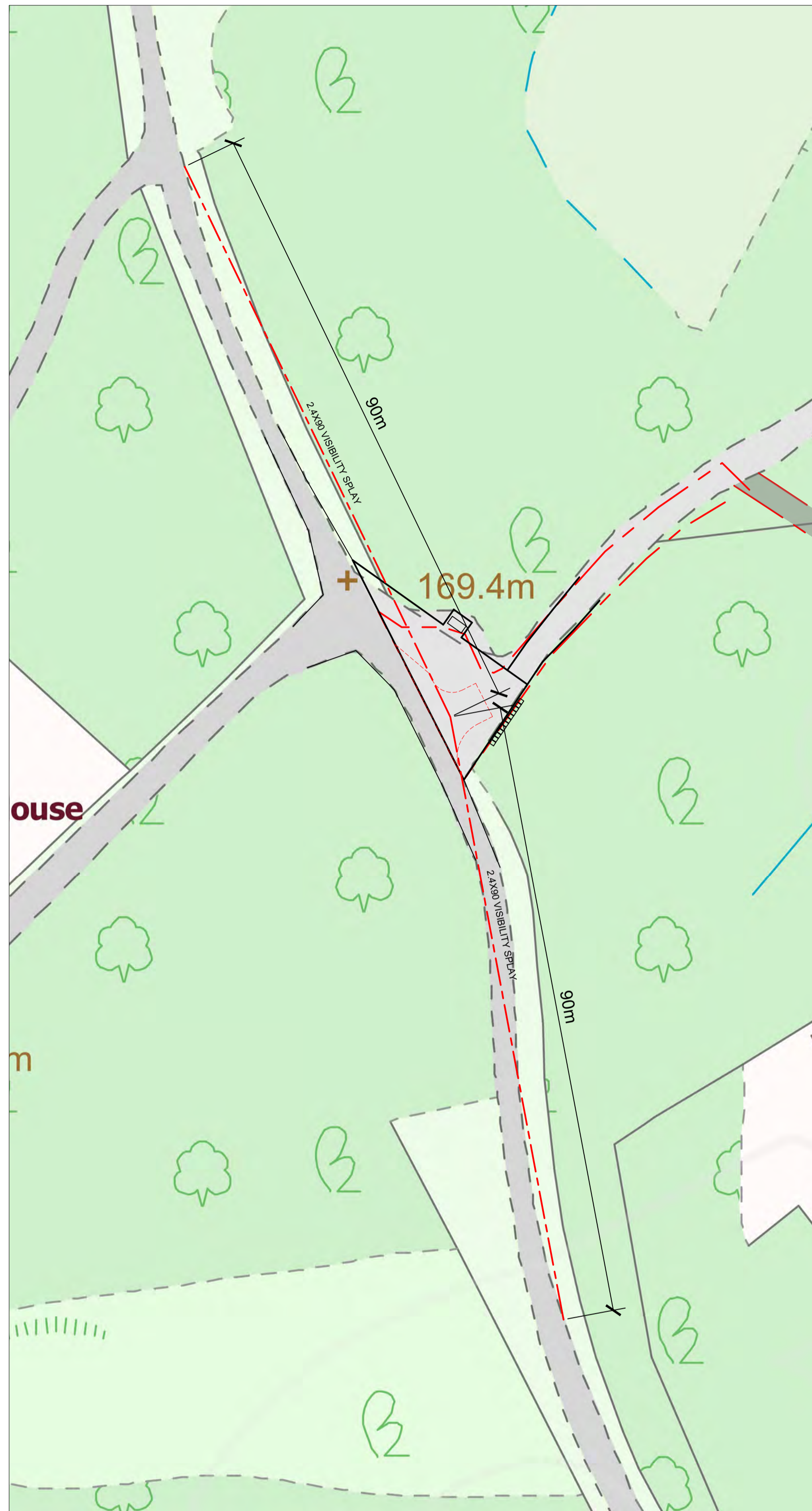
Firm Name and Address

Urban-Arb LLP
Dolphin Cottage
14 The Muir
Bognor Regis
West Sussex
PO21 1PN
www.urban-arb.com

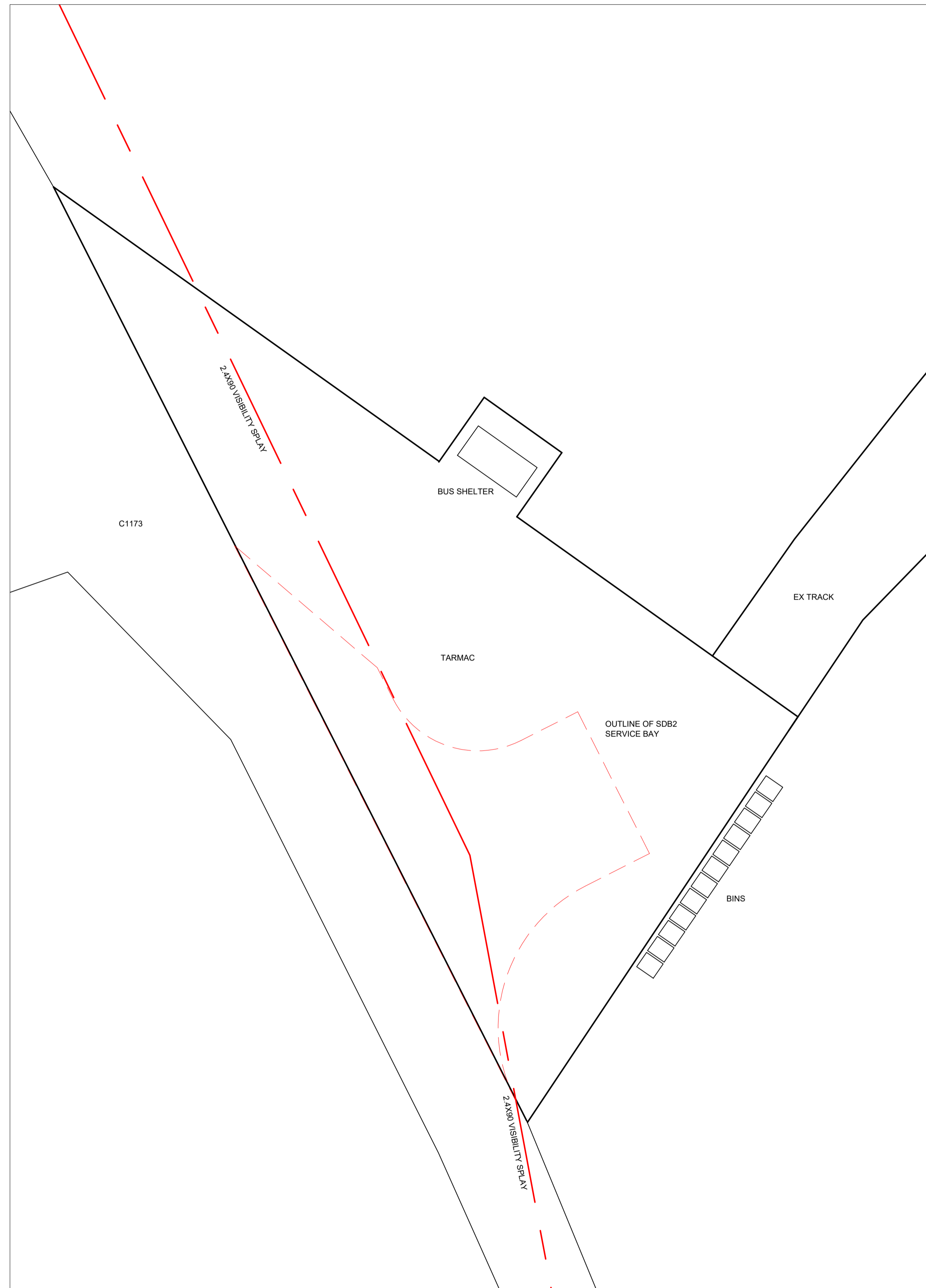
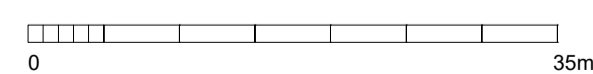
Project Name and Address

Site at Belivat Nairn

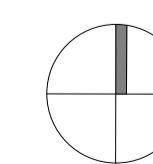
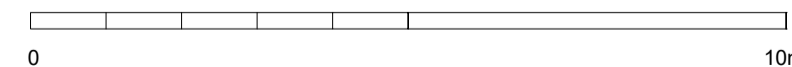
Project	Sheet
TREE PROTECTION PLAN	1 of 1
Date	27.11.2020
Scale	1:250@A1



VISIBILITY SPLAY PLAN 1:500



EXISTING JUNCTION PLAN 1:100



MAKAR Ltd

Incorporating Neil Sutherland Architects

Clachandreggy, Torbreck, Dores Road

Inverness, Scotland, IV2 6DJ

T: 01463 709993 F: 01463 709515

E: info@makarconstruction.com

REVISIONS:

REV01: DD/MM/YY, DESCRIPTION:

A	23/11/20	Dimensions added to visibility splay
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NOTES:

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE COMMENCING WORK.

DO NOT SCALE DRAWING

PROJECT:

NEW HOUSE

FOR GARY REID
LAND NE OF LISMORE
BELIVAT, NAIRN

DRAWING:

EXISTING JUNCTION

DRAWING ISSUED FOR: PLANNING IN PRINCIPLE

ARCHITECT: CCH

VERIFIED BY:

DRAWN BY: CCH

SCALE: 1:500/100 @ A1

DATE: Aug 2020

PROJECT NO | DRAWING NO

1445 20 | P03 A