

Agenda Item	6.4
Report No	PLS-32-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 28 April 2022
Report Title: 21/05525/FUL: Patterdale Property Ltd
Plot 3 to Rear of Former Filling Station, Onich, Fort William, PH33 6RY
Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Erection of house
Ward: 21 – Fort William and Ardnamurchan
Development category: Local

Reason referred to Committee: Community Council Objection

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 This proposal is for planning permission for the erection of a 3 bedroom, single detached dwelling set over 1¾ storeys. This site is one of three house sites which benefit from extant full planning permission for the erection of a 4 bedroom detached villa set over 1¾ storeys. A shared access arrangement to the A82 has been granted under the extant permission to serve the house sites. This would be taken along the east side of the Nether Lochaber Parish Church at the edge of the church car park.
- 1.2 This is a brownfield site adjacent to the trunk road which has been cleared of the former filling station and garage use and now comprises an open area which serves as an access and informal car parking area for the adjacent church and hall.
- 1.3 Pre Application Consultation: Pre Application Consultation: Preapplication advice sought for revisions to the extant scheme to increase the number of dwellings from 3 to 5 with houses of reduced size and amended design. Concerns raised regarding potential overdevelopment of the site, impact on residential privacy and amenity and layout at odds with existing settlement pattern. Requirement for access road to adoptable standard and affordable housing highlighted for a 5 house scheme. Agent advised that there is greater demand for more modest family homes than the currently consented executive style villas and a revised scheme would be sought to reduce the scale and footprint of the houses.
- 1.4 Supporting Information: Design Statement
- 1.5 Variations: Revised floor plans and elevations including amended fenestration to the south elevation and extension of the roof ridge to create a small, covered canopy to the south elevation. Revised site layout plans showing car park arrangement in accordance with current extant scheme.

2. SITE DESCRIPTION

- 2.1 This site is the eastern most plot, of the three house sites at the former garage site. This is a brownfield site which formed part of a former garage site which extends from the western side of Nether Lochaber Parish Church, north-eastwards, to the rear of the church hall and former manse in Onich. The site has been cleared of the garage and now comprises a generally level, open area, covered in loose rubble with sparse vegetation. The site backs on to rising wooded ground (Onich to North Ballachulish Woods and Shore Site of Special Scientific Interest and Onich to North Ballachulish Woods Special Area of Conservation).
- 2.2 The house at plot 3 would be set approximately 39.5m north of Old Manse which is the nearest neighbouring residential property and over 10m from the Old Manse Garden Wall. The house would be sited to the rear of the Nether Lochaber Parish Church Hall approximately 30m north east of the hall building. Access from the A82 through the former filling station site serves the church to the east side, Garage House to the north and Camus House to the west.

3. PLANNING HISTORY

3.1	21.04.2008	05/00391/OUTLO: Erection of house and associated car park (outline)	Outline Planning Permission Granted
3.2	30.03.2011	11/00330/PIP: Erection of house and associated car park (renewal of 05/00391/OUTLO)	Planning Permission in Principle Granted
3.3	06.02.2015	14/01337/PIP: Erection of house (renewal of 11/00330/PIP) including alteration to approved access arrangement	Outline Planning Permission in Principle Granted
3.4	27.04.2015	14/03785/FUL: Erection of 12 no. dwellings	Application Withdrawn
3.5	20.08.2015	15/02593/FUL: 12 no. houses (3 no. blocks of 4 no. houses)	Application Withdrawn
3.6	10.10.2017	16/03029/FUL: Erection of house, formation of vehicular access	Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour/Development Affecting Setting of Listed Building

Date Advertised: 16.12.2021

Representation deadline: 17.01.2021

Timeous representations: 3 (3 households)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Objection to car park design which would lead to vehicular obstruction in front of neighbour access and does not depict the previously referred to design in the application. Design contravenes historic legal and prescriptive safe rights of access to and from neighbouring property.
- b) The proposed car park layout nor previously approved scheme has sufficient space for turning of neighbour's main work vehicle, oil tank delivery lorries or emergency service vehicles.
- c) The church car park is packed to capacity when there is an event forcing church goers to park along neighbouring driveways. Any reduction in size to the church car park will cause problems and danger to its users.

- d) Concerns regarding access and car parking layout as visitors to the church would have to cross the access track from the car park to access the church.
- e) Previous planning permission presumed to have lapsed in 2020.
- f) Adverse impact on setting of Category C Listed Buildings (Old Manse and Garden Wall).
- g) Concerns regarding proximity of access to listed wall and potential damage to listed building through construction.
- h) Concerns regarding proximity of access to two mature coniferous trees in Old Manse garden ground.
- i) Site lies adjacent to SSSI which is a wildlife haven. Neighbouring gardens are often frequented by red squirrels, pine marten, deer, bats and a variety of birds. The wildlife, flora and fauna within the area of the applications must be preserved.

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 Nether Lochaber Community Council: Objection

“Road Safety

NLCC has campaigned long and hard to improve road safety along the A82 for two decades or more, and the Onich Bay area remains one of our gravest concerns for a number of reasons.

- i. Approaching from the West, there is a blind corner within 100m of the Onich Church carpark access in a 40mph zone, and approaching from the East, a blind summit by the Onich Hotel.
- ii. At both the blind summit and corner, the A82 carriageway width is significantly constrained by buildings, hedges, boundary walls and a cycleway (NCN78). The carriageway width does not meet the modern standard for road-building, nor is it suitable for modern-sized vehicles, having been constructed during the mid-1970s. The litter of broken wing mirrors frequently found along NCN78 at this point demonstrates this, particularly during the tourist season.
- iii. Within a 200m zone from there are 1 hotel, 1 guesthouse, 4 self-catering/B&B properties, 2 bus lanes, 1 church and carpark, 2 crossing points for pedestrians to access the beach, 7 private residences, and 1 semi-blind S-bend in a 40mph zone. It is a significantly busy location already, and the addition of 6 vehicles for these new developments will exacerbate a situation characterised by poor visibility, narrow lanes and, according to a speed limit survey conducted at NLCCs request in 2015, excess speed at specific times of day.
- iv. The proposed configuration of the church carpark and access route to the new developments, creates two additional hazards: (a) the necessity of church goers (many of whom are elderly) to cross an access road to enter the church building from the carpark, and (b), as detailed in objection comments from Camus and Garage House, by obstructing their rights of access in such a

way as to limit the capacity for emergency services to reach their neighbouring properties.

- v. Funeral services at the Onich Church are often very busy in terms of vehicle traffic, and the new carpark configuration will not have capacity to accommodate such events. This would also serve to exacerbate safety issues such as emergency service access to neighbouring properties and the three new residences. NLCC would like to formally request that Planning Officers consult with Police Scotland and the Lochaber Fire Officer in regard to the carpark configuration.

Sewerage

NLCC has been consistent in recent years in objecting to proposals that are commercial in nature which will sequester spare capacity at the N. Ballachulish Wastewater Treatment Works.

To date, at least 75 properties between the western end of Onich Bay and the settlement of Inchree remain on private septic systems, with no indication from SEPA or Scottish Water that a future connection to this modern sewerage main will take place. Whilst a percentage of these properties are new-build, with septic systems satisfying a modern standard, the majority are older houses with antiquated tanks and soakaway systems discharging into local watercourses and/or Loch Linnhe itself.

In effect, contamination of the riverine and coastal environment at one end of Nether Lochaber is being turned a blind eye to, in order to facilitate commercial expansion at the other, and residential expansion in the neighbouring settlements of Ballachulish and Glencoe.

Until all the existing properties in Nether Lochaber are connected to a modern system in order to protect our environment and NSA, NLCC feel it inappropriate that applications of this nature be supported.

Impacts on wildlife

As detailed by a number of residents with historic connections to the Glebe, the area is a hotspot for wildlife including CITES 1 'Red List' species. The lack of any appropriate environmental impact assessment on riparian ground adjacent to a Special Area of Conservation, nor any comment or analysis from NatureScot in this regard is surely a failure to fulfil their remit.

NLCC would like to formally request that Planning Officers require an EIA in regard to protected wildlife species resident on the SAC from NatureScot. Whilst we recognise that the Glebe has been zoned for development for many years, the lack of any progress in this regard has allowed an ecological niche to appear, and destruction of such may well contravene laws protecting our native wildlife.

Negative impacts on neighbouring businesses

Whilst it is not a material consideration on which NLCC can object, the unresolved boundary dispute over access rights and a missing boundary wall between the Church of Scotland and Camus and Garage House does mean that granting planning permission to these applications would be to accept plans that are incorrect in regard to the title deeds of the area. This could result in development being halted by a civil court case in future.

What NLCC can object to is the negative impact that this lack of resolution is likely to have on the guest house and B&B businesses already established at those neighbouring properties. Given the recent pandemic crisis, it is surely incumbent on Planning Officers to ensure that established local businesses are not caused to unduly suffer by development work that, as yet, does not address their rightful concerns over safe and appropriate access to their properties.”

- 5.2 **Forestry Team:** No objection. Although the site boundary is slightly different to the previous consent on this site, the proposals are much the same as before. There is no objection to the revised proposal subject to planning conditions as previously imposed.
- 5.3 **Scottish Water:** No objection. Advise there is current capacity in the Camisky Wellfield Water Treatment Works to service development. Advise there is current capacity for a foul only connection in the North Ballachulish Waste Water Treatment Works to service development.
- 5.4 **Transport Scotland:** No objection subject to the existing access on to the A82 trunk road being upgraded as illustrated on the Site Plan 100 Rev F approved under the previous consent.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
36 - Development in the Wider Countryside
42 - Previously Used Land
51 - Trees and Development
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 West Highland and Islands Local Development Plan 2019

No specific policies apply

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Rural Housing (2021)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

National Planning Framework 3

Creating Places

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting and design
- c) access and parking
- d) servicing
- e) natural, built and cultural heritage designations and protected species
- f) trees

Development plan/other planning policy

- 8.4 This is one of three house sites originally granted planning permission in outline in 2008, and subject to a number of subsequent renewals. Detailed planning permission was granted in 2017 for the erection of three substantial villas together with associated works to the church car park to formalise the parking area and access arrangements for these sites and neighbouring properties at Camus House and Garage House to the east. The existing permission for this site remains extant due to the provisions of The Coronavirus (Scotland) Act 2020 and The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations which came into force on 30 March 2022.
- 8.5 Residential development of three house sites is long established; this application seeks a revised house siting and design with reduced footprint and amended division of residential curtilage. Access, servicing and the car park layout proposed remain as approved under existing detailed planning permission.

- 8.6 The site is located within the small settlement at Onich, within an area of 'wider countryside' where Policy 36 of the HwLDP applies. Proposals for housing within wider countryside must be assessed to the extent to which they are acceptable in terms of siting and design, sympathetic to existing patterns of development in the area, compatible with landscape character and capacity and can be adequately accessed and serviced.

Subject to compliance with these criteria the revised application would accord with the Development Plan.

Siting and Design

- 8.7 The extant scheme, that could be implemented until the 31 March 2023, comprises a substantial, 4 bedroom villa with 140m² footprint and additional 30m² car port to the east side. The 1³/₄ storey villa was 7.8m in height to the ridge and had a 13.8m long principal elevation (18.4m in length including car port), orientated with the main ridge running in a north west to south east direction, overlooking the church hall. It had a 7.2m wide gable, with front projecting wing, extending 1.5m to the south west and rear projecting wing, 4.35m long, extending to the north west. Approved external finishes include a natural slate roof and wet dash rendered roughcast walls, with natural stone finish to the car port wall. Pitched dormer windows are featured on the principal and rear elevations.
- 8.8 The house proposed through this application would be positioned within the site on the existing villa footprint. The footprint, as now proposed, would be reduced from 140m² to 102m², with height of 7m. The house is to be orientated with the main ridge running in a north east to south west direction with a glazed gable looking across the church hall and church car park. The revised scheme seeks a smaller, family home of more modest scale and simpler design. The external finishes remain broadly as currently approved with natural slate roof and white rendered external walls featuring areas of vertical weatherboard cladding.
- 8.9 The position of the house granted planning permission was amended in 2017 to ensure development did not encroach unnecessarily into rising ground to the north and finished ground and floor levels agreed. The revised proposal adheres to these previously agreed parameters. Planning permission for this revised scheme is recommended subject to planning condition to remove certain permitted development rights, to protect the rising, wooded backdrop and landscape setting of the site.
- 8.10 Residential development at this site would be set back from the church hall and Old Manse Garden Wall. The revised orientation now proposed is considered appropriate at this site, set back from the roadside properties at Onich and alongside Garage House which has recently been rebuilt and now features a glazed, gable (side) wing orientated in north east to south west direction. Arguably the reduced height and footprint of development and amended offset position of the house set further west, between The Old Manse and Church Hall will have less impact on neighbouring and wider amenity in this village setting. The revised proposals raise no substantive concerns regarding loss of neighbouring residential amenity.

Access and Parking

- 8.11 Originally Transport Scotland recommended that a single shared access serve the three house plots, church car park and Camus House and former Garage House site. The existing access which serves Camus House and the former Garage House site adjacent to the western site boundary was recommended to be permanently stopped up and a boundary treatment erected along the southern boundary to stop up the open frontage to the former filling station site and the trunk road. The single access point and boundary treatment was sought by Transport Scotland to reduce the number of access points to the trunk road and prevent traffic emerging onto the trunk road anywhere along the former filling station site frontage.
- 8.12 At planning permission in principle stage in 2014, Transport Scotland determined that it was acceptable in terms of public road safety to retain the existing access adjacent to the western side of the site and improve the access at the eastern side of the site. However, boundary treatment to close the former filling station site frontage between the two accesses was required in terms of trunk road safety to prevent a proliferation of access/egress points to the trunk road. Permission was subsequently granted in 2017 for proposals to formalise the current informal church parking arrangements and for the provision of a spur between the eastern and western access with associated signage to manage vehicle movements.
- 8.13 This proposal seeks no change to the parking and access arrangements to serve this development, the Nether Lochaber Parish Church and neighbouring properties Camus House and Garage House. As indicated earlier, the extant permission could be implemented up to 31 March 2023. The arrangement has been reviewed and accepted by Transport Scotland and the Transport Planning Team.
- 8.14 Neighbours and the Community Council have raised a number of concerns regarding the access layout shown on the site layout plan submitted. This application for a revised house design has been submitted by a new agent and an earlier version of the parking layout was included on the site plan in error. This error has been corrected and a revised the site plan submitted which accords with the agreed access and parking layout granted in 2017. The corrected details show two access points onto the A82 with the wider frontage closed off by a landscaped bund, an access spur to the south side of the car park to serve Garage and Camus House and car parking spaces along the southern boundary removed. Transport Scotland raise no objection to this application on the grounds of public road safety, subject to the upgrade of the access and car park layout in accordance with the currently consented scheme. The Trunk Road Authority considers controlled points of access and egress onto the trunk road and formalised car parking arrangements an improvement to the current arrangement in public road safety terms.
- 8.15 Planning history acknowledges a long standing dispute regarding rights of access across the former filling station forecourt which is primarily a civil matter, outwith the remit of planning control. A fully negatively worded condition, as previously imposed, is recommended to secure the necessary improvements to the car park and access, prior to the commencement of development of the houses within these plots. The developer will need to satisfy themselves that they have obtained all relevant

permissions and agreement with other landowners and parties with legal rights in this location, prior to the commencement of development.

Servicing

- 8.16 Connection to the public water supply and public sewer is proposed to serve this revised scheme and is consistent with the servicing details approved under the extant planning permission, granted in 2017. The Nether Lochaber Community Council has raised concerns regarding the proposed connection to the North Ballachulish Waste Water Treatment Works, as 75+ properties between Inchree and Onich Bay remain on private septic tanks because neither SEPA nor Scottish Water have attempted to facilitate connection to a modern standard sewerage main. The perceived “unfairness” of new developments securing mains connection, whilst existing customers in older properties remain on private systems is a matter for Scottish Water and not the planning system. The provision of waste water treatment works at the strategic level is addressed as part of the Development Planning process, and not at the level of individual planning applications.
- 8.17 Scottish Water has confirmed there is sufficient capacity within the public sewer to serve residential development at this site. There is no basis for requiring private foul drainage proposals to serve this development and connection to Scottish Water infrastructure accords with Policy 65 of the Development Plan which seeks connection to public infrastructure wherever feasible.

Natural, Built and Cultural Heritage Designations and Protected Species

- 8.18 The Nether Lochaber Parish Church is a later building and unlisted. The Old Manse, built by Thomas Telford, is a category C listed building. The associated Old Manse garden wall and gate piers are included in this listing. The house site is contained to the rear and set back from The Old Manse. This site benefits from extant planning permission for the erection of a substantial residential villa. This revised proposal, seeks a reduced residential development in terms of smaller footprint, lower ridge height and house positioned further from the Old Manse garden wall and curtilage. and is not considered to adversely impact the setting of these category C listed buildings.
- 8.19 These revised and reduced proposals, sited offset from The Old Manse, arguably will have less of an impact on the setting of the listed buildings than the extant scheme. Principal views of the frontage of The Old Manse and relationship to the church will be maintained. The two large conifers in the rear garden of The Old Manse are important to the setting of the listed buildings and will mitigate the impact of development to a degree. Although not previously raised in 2016 (under 16/03029/FUL) an objection has now been received from the neighbour at The Old Manse regarding the impact of development and proximity of construction of the access road to the listed Garden Wall. Previous permission was granted subject to condition for the submission of a method statement and specification for a ‘no dig’ cellular confinement system for the access road where it passes within close proximity to the trees within the curtilage of The Old Manse. The Conservation Officer has advised that this method of construction would safeguard the trees and listed wall. Given the change in applicant and agent in this case, an informative note to the developer is proposed to highlight the status of the listed building and to ensure

all construction workers are briefed to ensure the construction of the access driveway to plot 3 is appropriately undertaken without damage to the listed building.

- 8.20 Turning to the impacts on Ben Nevis and Glencoe National Scenic Area (NSA), main views of the house from the trunk road to the south will be of the house set against a rising backdrop and set within a small cluster of residential and ecclesiastical buildings within the village setting. This and adjoining sites currently benefit from extant planning permission for the erection of three substantial residential villas. This revised proposal, seeks greatly reduced residential development in terms of houses with smaller footprint, lower ridge height. The house positions and ground levels have previously been agreed to avoid encroachment into rising, wooded ground and to minimise impacts on the landscape setting of the site and wider National Scenic Area designation. The revised proposals, subject to planning conditions in line with those previously imposed, are not considered to significantly adversely impact the NSA designation.
- 8.21 Onich to North Ballachulish Woods and Shore Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) lie to the south, and outwith, the site. The Onich to North Ballachulish Woods SAC is designated for woods of variable species with downy birch, rowan, sessile oak, hazel holly and ash. Ground flora is variable and includes grassy, sweet vernal-grass and wavy hair-grass, heather and bilberry or mossy species. The woods support lichen and bryophytes. Mammalian fauna includes pine marten, red squirrel and badger. This site comprises an area of sparsely vegetated, brownfield land which lies outwith the SSSI and SAC designations. The original and revised proposals are not sited on qualifying habitat and do not meet the threshold for Nature Scot consultation.
- 8.22 The Community Council have requested that the proposals are screened for EIA development. The proposal does not constitute Schedule 1 or Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposal therefore does not constitute 'EIA development' and Environmental Impact Assessment (EIA) is not required.
- 8.23 This site forms part of a larger brownfield area, former filling station and garage site. There is no Special Protection Area designation (protected areas for birds) or Special Area of Conservation Area designation (protection for one or more special habitat and/or species) on this site and the site shows signs of previous use with little established foliage. While this brownfield site is less likely to offer suitable protected species habitat, the site does lie close to the southern edge of the SSI and SAC where protected species and wildlife may be encountered.
- 8.24 Concerns have been raised from neighbours and the Nether Lochaber Community Council regarding the potential presence of protected species within the vicinity of this site. Although there is no current requirement under the existing permission for protected species surveys to be undertaken, the developer has advised that they would be willing to undertake a pre-development wildlife survey if so required.
- 8.25 Given the condition of the site, its former use and its siting outwith the SSSI and SAC and the existing permission, which do not require protected species surveys to be carried out, the imposition of such a condition for this revised proposal is not

considered to meet the six tests when applying planning conditions (Circular 4/1998: the use of conditions in planning permissions) in terms of necessity and reasonableness. Informative notes to the developer are proposed to highlight their responsibilities under separate legislation – The Wildlife and Countryside Act 1981, Habitats Directive and Habitats Regulations and Protection of Badgers Act 1992, should protected species or habitat subsequently be encountered.

Trees

- 8.26 The Forestry Officer has advised there is no impact expected on existing trees. Tree planting of new native trees has been agreed under the extant permission to include Scots Pine, Silver Birch and Rowan, grass seeding of bare earth and excavated ground within the application site. Planting and landscaping works will be secured through planning condition, together with tree protection measures, in line with the existing consent and Forestry Officer recommendations.

Non-material considerations

- 8.27 The issue of private landownership and private rights of access are not material planning considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.28 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) None

9. CONCLUSION

- 9.1 This is one of three house sites with detailed consent for the erection of a substantial residential villa together with associated works to the church car park to formalise the parking area and access arrangements. The existing permission for this site remains extant due to the provisions of The Coronavirus (Scotland) Act 2020 and The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations which came into force on 30 March 2022.
- 9.2 This is one of three applications seeking revised proposals to deliver smaller residential properties aimed at providing 3 bedroom, family homes within the settlement at Onich. The revised proposals if granted, represent a more modest scheme, with arguably reduced impact on the landscape and village setting and neighbouring and wider amenity.
- 9.3 Subject to the planning conditions recommended in the report, the revised proposals are considered to comply with current development plan policy.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

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

11. RECOMMENDATION

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

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. No development shall commence on the construction of the house hereby approved until the access and parking layout (including signage and lining) as shown on approved plan 479-100-105 Rev B attached hereto and in accordance with plan 100 Rev F approved under planning ref. 16/03023/FUL, has been fully formed in accordance with the approved details. For the avoidance of doubt, the "no exit" sign at the western access shall comprise a red circular sign with white horizontal bar to indicate no entry. Thereafter the access and car parking arrangement shall be maintained in accordance with the approved details for this use in perpetuity.

Reason: In order to ensure the safety and free flow of traffic on the trunk road; in accordance with policy 28 of the Highland wide Local Development Plan, 2012.

2. No development shall commence on the construction of the house hereby approved until a Method Statement which includes a specification for a 'no-dig' cellular confinement system for the access road where it passes along The Old Manse boundary wall or within 8m of trees within the curtilage of The Old Manse, has been submitted to, and approved in writing by, the Planning Authority. Thereafter works will proceed in accordance with these approved details, unless otherwise first agreed in writing by the Planning Authority.

Reason: To avoid damage to the listed boundary wall and root damage to existing trees through excavation or compaction both during the construction

phase and post development, to ensure the protection of retained trees during construction and thereafter, in accordance with policies 51 and 57 of the Highland wide Local Development Plan, 2012.

3. The external finishes of the house hereby approved shall accord with the details provided in the supporting statement by Bracewell Stirling, dated 22.11.21. For the avoidance of doubt the roof of the development shall be finished in natural slate and the external walls shall be finished in a white render. Notwithstanding the details shown on the approved plans attached hereto, the vertical composite weatherboard cladding shall be finished in a grey recessive colour; unless otherwise first agreed in writing by the Planning Authority.

Reason: In order to retain and protect important elements of the existing character and amenity of the site and to safeguard the landscape setting within the National Scenic Area; in accordance with policies 28, 29, 36 and 57 of the Highland wide Local Development Plan, 2012.

4. Notwithstanding the provisions of Article 3 and Class(es) 1A, 1B, 3A, 3B, 3C, 3D 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 hereby approved, without planning permission being granted on application to the Planning Authority.

Reason: In order to safeguard the landscape setting within the National Scenic Area and to prevent overdevelopment which might otherwise occur; in accordance with policies 28, 29, 36 and 57 of the Highland wide Local Development Plan, 2012.

5. The finished floor level of the house hereby approved shall be set at 11mAOD as shown on approved plan 479-100-105 Rev B attached hereto; unless otherwise first agreed in writing by the Planning Authority.

Reason: In order to integrate development into the landscape setting and to safeguard the scenic quality of the National Scenic Area; in accordance with policies 28, 29, 36 and 57 of the Highland wide Local Development Plan, 2012.

6. The new, mixed, native tree planting shown on approved plan 479-100-103 Rev B attached hereto, shall be carried out in the first planting season following the commencement of development; unless otherwise first agreed in writing by the Planning Authority. Any excavated banks or bare earth surfaces shall be grass seeded in the first seeding season following the commencement of development. For the avoidance of doubt, new tree planting shall be protected using a minimum 3" machine stake, tie, spacer and spiral guard.

Any trees or plants which within a period of five years from the completion of development die, or 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 the interests of visual amenity, in order to ensure that a high standard of landscaping is achieved, appropriate to this location within the National Scenic Area; in accordance with policies 28, 29, 36 and 57 of the Highland wide Local Development Plan, 2012.

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.

INFORMATIVES

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.

Proximity of Construction to Listed Building – Old Manse Garden Wall and Gatepiers

Please note that The Old Manse Garden Wall and Gate Piers is a Category C listed building. It is a criminal offence to demolish or materially alter a listed building without first obtaining listed building consent. In terms of meeting planning Condition 2 above, the developer is advised to satisfy themselves that the method statement and specification for the construction of the access drive includes sufficient measures to

protect the listed structure from construction work. The developer must ensure that all construction workers are briefed on the listed building structure and agreed methods of construction prior to the commencement of development. It is recommended that any protective measures to separate the Old Manse Garden Wall and Gate Piers from access construction are agreed with the neighbouring landowner prior to the commencement of construction.

Legal Agreement / Road Maintenance

The developer is advised that separate legal/landowner permissions will be required to secure the rights to allow compliance with condition 1. Appropriate legal provision will be required to address the right to use and future maintenance responsibilities of the shared access and signage.

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

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.

Radon

Please be advised that the development falls within an area where there is a requirement for basic radon protection. Basic Radon Protection measures will be required to be incorporated in the building design as per guidance in publication *BRE-211 Radon-Guidance on protective measures for new buildings (including supplementary advice for extensions, conversions and refurbishment projects) 2015 edition*, or equivalent protection.

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.

Trunk Roads Authority Consent

You are advised that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the

trunk road, you are required to contact Transport Scotland using the contact details listed below.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Where the requirements of CD123 cannot be achieved then a Departure from Standard application will be required. A link to the guidance is below.

Departures from Standard – Advice and Procedures Guide (transport.gov.uk)

<https://www.transport.gov/scot/publication/departures-from-standard-advice-and-procedures-guide/>

Transport Scotland Contact Details

Gerard McPhilips

Roads - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Email: development_management@transport.gov.scot

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and 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>

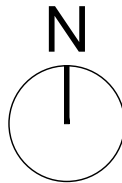
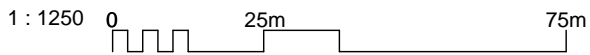
Signature: David Mudie
Designation: Area Planning Manager – South
Author: Chris Millard
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 4790-100-104 Rev A Location Plan
Plan 2 - 4790-100-105 Rev B Proposed Site Layout Plan
Plan 3 - 4790-HT01-001 Proposed Floor Plans
Plan 4 - 4790-HT01-004 Proposed Elevation Plan



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Location Plan

SCALE 1:1250



REV	DATE	DESCRIPTION	DRN
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Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF	01259 750301
5 NESS BANK, INVERNESS, IV2 4SF	01463 233760
15 LOCHSIDE STREET, OBAN, PA34 4HP	01631 359054

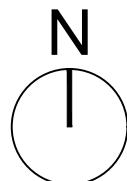
ERECTION OF DWELLING
FORMER FILLING SATION, ONICH
PATTERDALE PROPERTIES LTD.

LOCATION PLAN - PLOT 3

STATUS: **PLANNING**

SCALE:	1:1250	DRAWN:	AMD
PAPER SIZE:	A4	DATE:	Nov 2021

DWG No.	4790-100-104	REV.	A
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Note to Designers and Contractors

Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol ▲.

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them where possible.

Measures to minimise residual hazards will be reviewed on a regular basis.



Erection of dwelling house : 16/03029/FUL - Condition 5
Landscaping and planting works to be completed in accordance with current consent documents

Post & wire fence boundary

Erection of dwelling house : 16/03029/FUL - Condition 5
Landscaping and planting works to be completed in accordance with current consent documents

Parking and turning for two vehicles

Existing stone wall retained

Access road layout realigned to accommodate access, parking and turning

Existing stone wall retained

Surface water drainage to local soakaway
Foul water drainage to existing connection

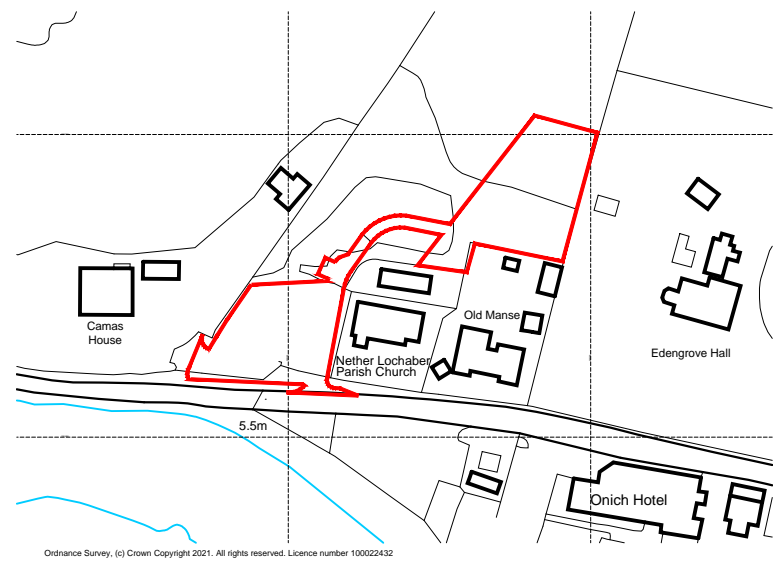
Old Manse

Upgrade works to road access and parking to be completed in accordance with current Planning consent

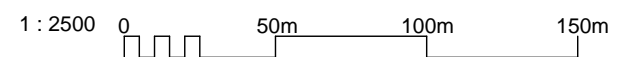
Erection of dwelling house : 16/03023/FUL - Condition 1
Approved Plan 100 Rev F

Nether Lochaber Parish Church

Refuse and recycling storage in accordance with current Planning consent



Location Plan
SCALE 1:2500



B	2021	Planters revised as per Approved Plan 100 Rev F	AMD
REV	DATE	DESCRIPTION	DRN

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

**ERECTION OF DWELLING
FORMER FILLING STATION, ONICH
PATTERDALE PROPERTIES LTD.**

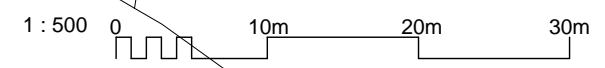
SITE PLAN - PLOT 3

STATUS: **PLANNING**

SCALE:	1 : 500	DRAWN:	DL
PAPER SIZE:	A3	DATE:	Nov 2021

DWG No.	4790-100-105	REV.	B
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PROPOSED SITE PLAN
SCALE 1:500



5.5m

A 82 TRUNK ROAD

TO GLASGOW

CAR PARK

Plot 3
1555m²
Footprint 102m²
Built area ratio 6.5%

Proposed dwelling located within footprint of dwelling within original consent.

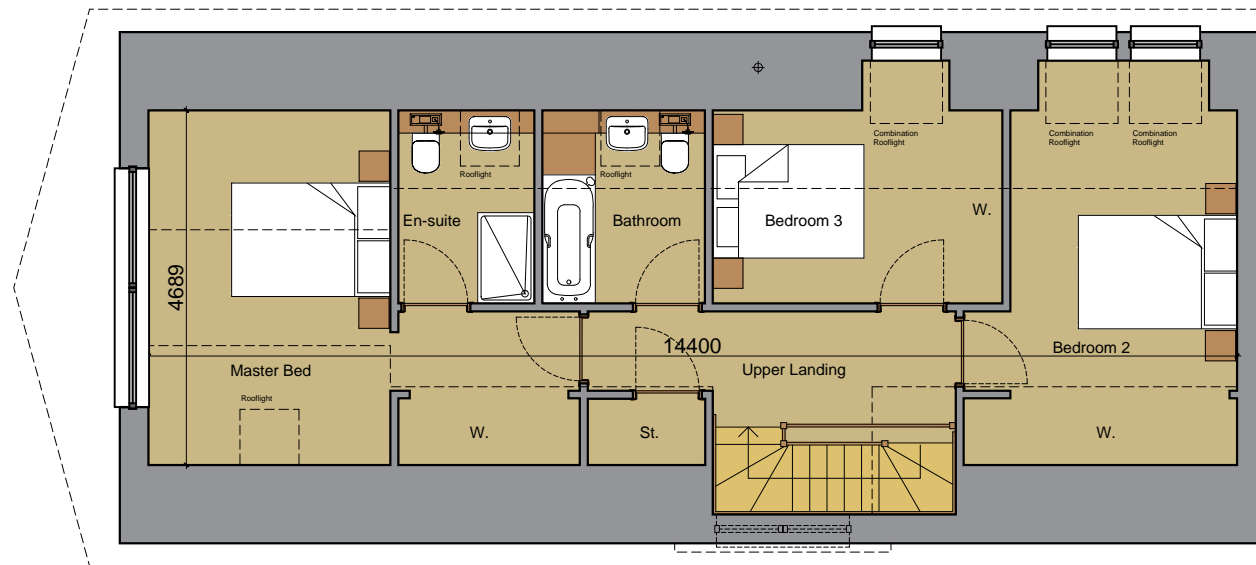
Footprint of dwelling, garage and access road approved under previous consent delineated in dashed line.

Erection of dwelling house : 16/03029/FUL - Condition 4
FFL to dwelling to be maintained at 11.00

Plot 1

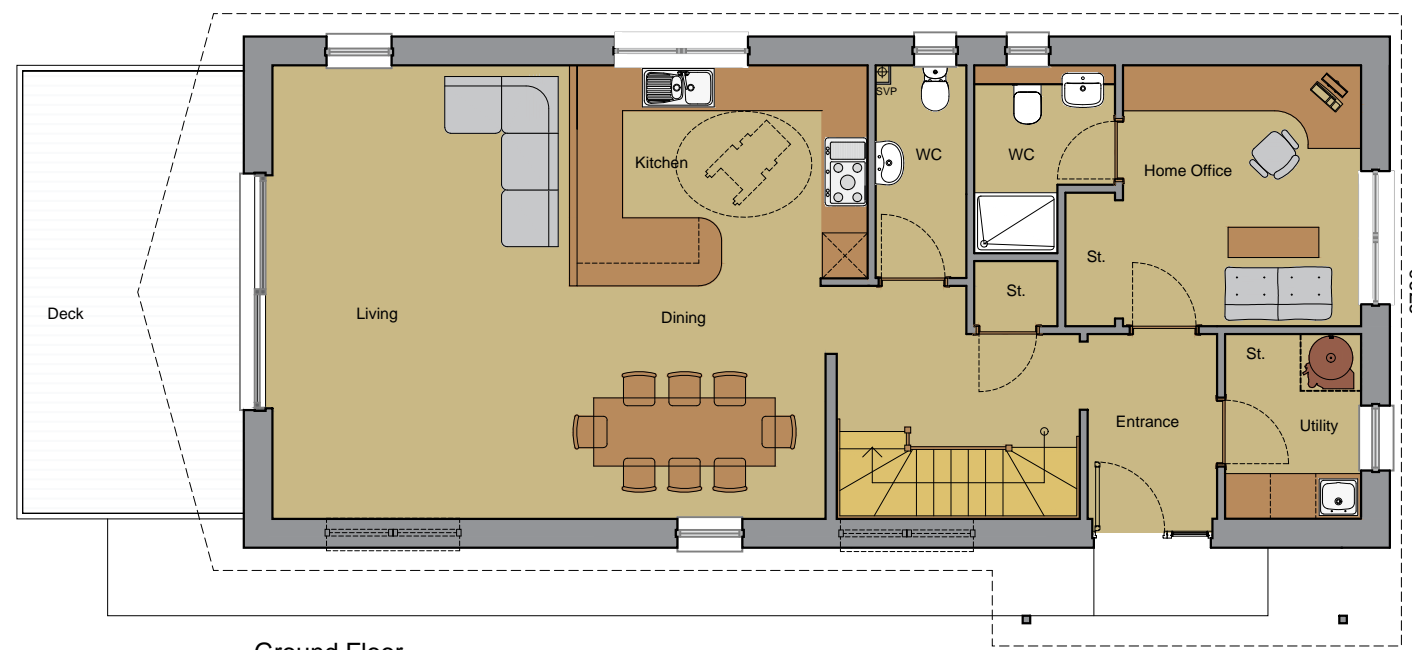
Plot 2

Plot 3



First Floor

GF Area = 86.40 m²
 UF Area = 67.54 m²
 Total = 153.94 m²



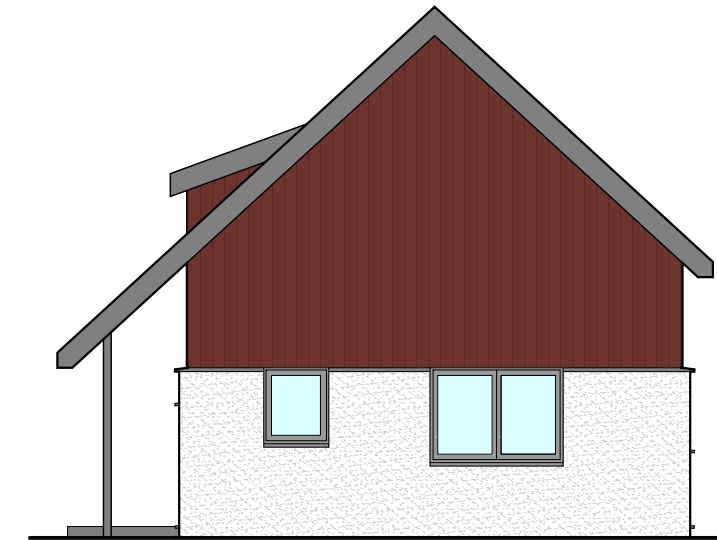
Ground Floor

3000 15160

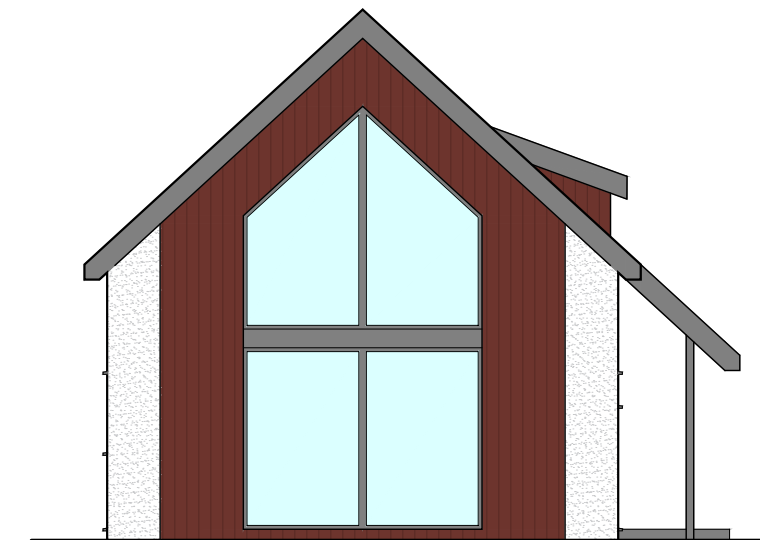
1 : 100 0 1m 2m 3m 6m



Artists Representation



North Elevation



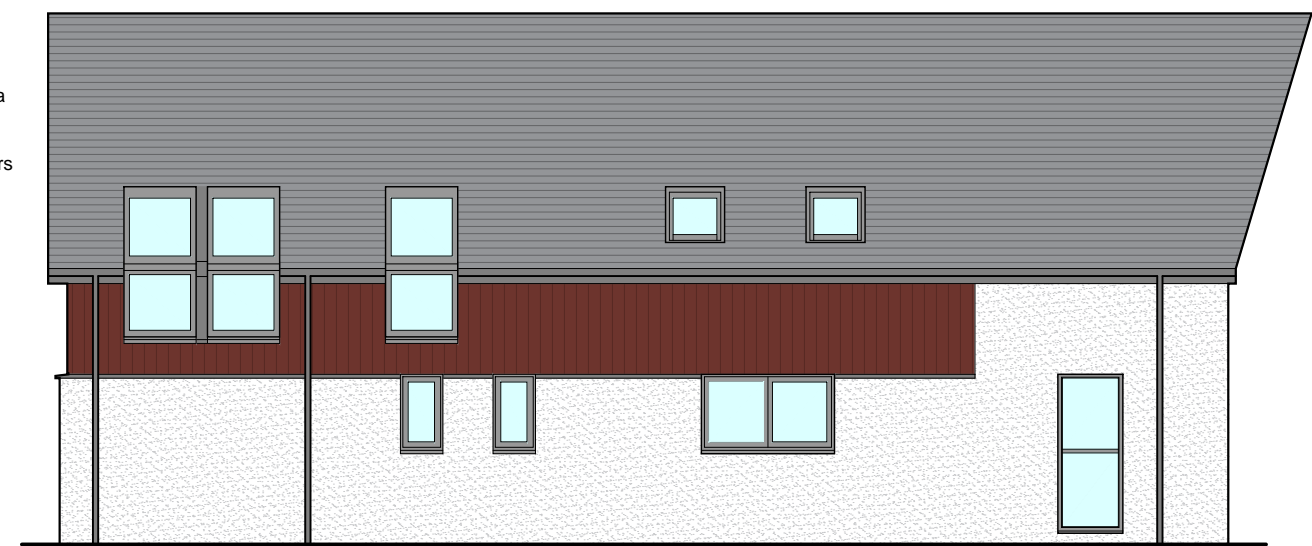
South Elevation

Finishes

- Slate roof finish
- Dark grey uPVC fascia and soffits
- uPVC deep flow gutters and down pipes
- Dark Grey uPVC windows and doors
- Vertical weatherboarding
- Fair faced precast cill string course
- White render finish to external walls



East Elevation



West Elevation

