

Agenda Item	9.2
Report No	PLS-46-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 23 June 2022
Report Title: 20/03962/FUL: Mr P Maclellan
Rosevalley House, Cawdor, Nairn
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Siting of four camping pods and associated works
Ward: 18 – Nairn and Cawdor
Development category: Local Development
Reason referred to Committee: More than 5 objections.

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 Planning permission is sought for the installation of 4. No camping pods. The site is situated partially within the defined curtilage of Rosevalley House and land which meets with the edge of the River Nairn at Cantraybridge.
- 1.2 There is an existing access and car parking area associated with Rosevalley House which is to be utilised.
- 1.3 Pre-Application Consultation: None.
- 1.4 Supporting Information:
- Arboricultural Impact Assessment
 - Design and Access Statement
 - Flood Risk Assessment
 - Private Access Checklist
 - Site Management Plan
 - Visual Information
- 1.5 Variations:
- Revisions to pod position to remove from flood risk area
 - Revised site access

2. SITE DESCRIPTION

- 2.1 The site is located to the south side of the River Nairn and east of Galcantray Bridge at Rosevalley House, which is a large property with a relatively generous garden curtilage. Most of the site is located at the northern end of the garden situated above the River Nairn and is separated from the garden area by a post and wire fence and tree screening. The area is currently landscaped with a mix of trees and garden shrubbery. The site is bound to the west by a drystone dyke and mature trees which run alongside the single-track public road. To the east is an agricultural shed and open field area, with a paddock and Rosevalley House sited to the southeast. The house has an existing access to the south onto the public road and also a large area of parking which is to be utilised. The houses on the south side of the river are well spread out and are surrounded by open agricultural fields.

3. PLANNING HISTORY

- 3.1 26 April 2019 19/01457/PNO - Prior Notification for Farm-related Building Works (Non-residential) Prior Approval not Required

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 30 October 2020 and 14 October 2021
Representation deadline: 2 November 2021
Timeous representations: 12

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Road safety – increased use of unclassified road hazards to vulnerable people
- b) Proposed access doesn't meet with standard
- c) Proposed access situated off a blind corner, visibility inadequate
- d) Proposal contrary to efforts to divert traffic from area via Whitebridge
- e) Lack of public transport
- f) No provision for cycle storage or active travel
- g) Weak bridge could be impacted
- h) Substandard condition of public road, has resulted in accidents with cyclists coming off the road and one car crashed into a wall
- i) Access provision for emergency vehicles
- j) Public rights of way could be impacted
- k) Flood Risk – site at medium to high risk of flooding from River Nairn, road frequently floods
- l) River is a site for salmon spawning which could be impacted
- m) Contamination from wastewater treatment and soakaway
- n) No provision for disabled visitors
- o) No consideration for sustainable use of energy and water
- p) No provision for waste recycling
- q) Trees – Loss of trees conflicts with Council guidance
- r) A TPO has been requested to protect the trees in vicinity to the site
- s) Disturbance to livestock from guests
- t) Lighting shall affect neighbouring amenity and wildlife
- u) Protected Species including bats, squirrels and otters could be impacted
- v) Consider overdevelopment of the site due to house, pods and agricultural building alongside any ancillary infrastructure
- w) No Business Plan
- x) Recent proposal 650m away for 5 pods approved, no evidence to support a similar development in this location.
- y) Proximity of site to existing boreholes
- z) Historic Environment – Surrounded by A Listed building, two B Listed Buildings in proximity and a B Listed bridge. Proposal will be detrimental to the conservation area
- aa) Signage for site not specified
- bb) Non-compliance with relevant policies of the Highland-wide Local Development Plan (2012)

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Flood Risk Management Team (FRM)** initially objected on grounds of flood risk, and lack of information to demonstrate that the site would not be at risk of flooding. Following submission of a Flood Risk Assessment and the re-siting of the pods within the site to be set back from the area of flood risk, FRM removed its objection. Due to concern raised around occasional flooding to the road FRM commented that

it would require to be accepted that flooding to the principal road serving the site is a possibility, however that flooding to both routes either side of the access at the same time is likely to be low. FRM did not rule out that visitors to the site may find it necessary to traverse significant ponding on the access road.

- 5.2 **Forestry Officer** initially objected as no tree related information was submitted to allow a full assessment of trees and associated root protection areas which could be adversely affected. An Arboricultural Impact Assessment/Tree Survey Report was submitted. While some inaccuracies were considered to exist within the report the Forestry Officer confirmed that there were no further objections to the proposal subject to conditions which require an Arboricultural Method Statement to ensure Tree Protection Plans are implemented. Conditions required to ensure that no trees are affected.
- 5.3 **Transport Planning Team** has no objection. Utilising the existing vehicular access is welcomed. Visibility splays of 2.4m x 90m in each direction are shown on drawings which is comparable with Roads guidelines. Upgrading of the site access to a SDB2 service bay access arrangement is acceptable however it is noted trees may have to be lost to accommodate the splays. Recommend forestry are consulted. Regarding flood risk to the road, flooding was 200m to the south of the site access and as it was remote from the site would have nothing further to add.
- 5.4 **Scottish Water** has no objection. Note that the development would be fed from Inverness Water Treatment Works, capacity cannot be confirmed at this time and would require direct application to Scottish Water. There is no wastewater infrastructure serving the area. A private solution would be required.
- 5.5 **SEPA** initially objected on flood risk grounds as there was insufficient information to assess potential risk of flooding. Following submission of revised Site Layout Plans and Flood Risk Assessment, it commented that all four pods are situated on ground with a level varying between approximately 0.71m and 0.89m above the 1 in 1000-year flood level and between 0.27m and 0.45m above the 1 in 1000 year plus climate change allowance flood level. Plans also show a finished floor level (FFL) of 66.6m AOD which is 1.24m and 0.8m above the 1 in 1000 year and 1 in 1000 year plus climate change allowance estimated water levels. It has therefore been demonstrated that the proposed development is situated on ground with a level above the design 1 in 1000 year and 1 in 1000 year plus an allowance for climate change flood levels. SEPA had no further comments relating to surface water or the small ditch to the southwest of the site as this falls within the remit of the Council.

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
- 36 - Development in the Wider Countryside
- 44 - Tourist Accommodation
- 51 - Trees and Development

- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 77 - Public Access

6.2 Inner Moray Firth Local Development Plan 2015

No relevant site-specific policies, refer to HwLDP

6.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Rural Housing Guide (Dec 2021)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Inner Moray Firth 2 Proposed Local Development Plan

Policy 2 – Nature Protection, Preservation and Enhancement
Policy 3 – Water and Waste Water Infrastructure Impacts
Policy 14 - Transport

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy
National Planning Framework 3

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) residential amenity
- d) transport and servicing

- e) flood risk
- f) natural heritage
- g) cultural heritage
- h) trees
- i) cultural heritage
- j) any other material considerations

Development plan/other planning policy

- 8.4 The site is located outwith any Settlement Development Area as defined in The Highland Wide Local Development Plan (HwLDP). Therefore Policy 36 – Development in the Wider Countryside of the HwLDP applies in the consideration of this application. The policy assesses proposals for the extent to which they are acceptable in terms of siting and design and whether they are sympathetic to the existing patterns of development in the area. This is also covered under Policy 28 – Sustainable Design which lists several criteria against which all developments are assessed. Of relevance to this proposal is the impact upon individual and community residential amenity and the need to demonstrate sensitive siting and high-quality design which is in keeping with local character and historic and natural environment and that makes use of appropriate materials.
- 8.5 The proposal is for tourist accommodation, therefore consideration has to be given to Policy 44 – Tourist Accommodation. This states that outwith settlements, proposals shall be supported if it can be demonstrated that demand exists for this type of accommodation and that it can be achieved without adversely affecting the landscape character, or natural, built and cultural heritage features of the area, and that the proposal is consistent with guidance on siting and design set out in policy 36 – Wider Countryside. In such instances the Council will generally attach a planning condition to any grant of planning permission in order to control the occupancy and use of the accommodation.
- 8.6 In addition, Policies 29 – Design Quality, 51 – Trees and Development, 57 – Natural, Built and Cultural Heritage, 58 – Protected Species, 64 – Flood Risk and 65 and 66 relating to surface and waste water must be given due consideration.
- 8.7 Providing that the proposal is considered to be acceptable in terms of its siting and design, has no significant detrimental impact upon individual and community residential amenity, is not at risk of flooding, can be adequately serviced and would have no significantly detrimental impact on the natural, built and cultural heritage of the area then the proposal would comply with the Development Plan.

Siting and Design

- 8.8 The proposed pods are to be sited to the northwest of Rosevalley House. The rear of the house looks onto a pony paddock with a rougher area of garden beyond. The pods shall be sited in the portion of the garden which overlooks the River Nairn. They are of a design typical of many new holiday/tourist letting accommodation units which are found across Highland with an 'upturned boat' roof form, and are entirely clad in timber. The pods have a footprint of 6.7m x 3.2m and an overall

height of 2.8m to the ridge. Their gable access door opens to a small, decked entrance area with a window at the rear which is to the shower room/wc. A small kitchenette is also provided within the pod.

- 8.9 The door of the pods and frontage will overlook the vegetation and trees that sit above the bank of the River Nairn with a setback of approximately 20.5m, and 23.5m from the river. The pods are considered of an appropriate design which is consistent with other tourist accommodation that exists in Highland to support the demand for tourist accommodation post pandemic. The setting within the extensive house curtilage and the screening from trees which line the public road mean that the proposed site will not be highly visible, with any visual impact being largely contained within the applicants own garden. Comments received from third parties consider that the proposal would constitute over-development of the site however, Rosevalley House is set within a generous and mature curtilage and the pods are situated well away from the house with ample curtilage space remaining. It is therefore not considered that the pods would result in over-development of the site.
- 8.10 Representations suggest that the proposal is not all-abilities accessible; this is acknowledged however it should be noted that pods are exempt from Building Standards Regulations which would secure all-abilities access. On that basis it is accepted that such development does not lend itself to being to the higher standard that is set for permanent structures.
- 8.11 The siting and design is therefore considered to be acceptable under the terms of Policy 28 – Sustainable Design, Policy 36 – Development in the Wider Countryside.
- 8.12 Supporting information has been submitted which identifies the closest similar ‘glamping pod’ development as being at Delny in Easter Ross. It should be noted that a similar site has since opened nearby this proposed site at Easter Galcantray. Even so, it is not considered that a total of seven pods in the area would comprise an oversaturation of this kind of development within the wider area. The proposal is therefore required to comply with Policy 44 – Tourist Accommodation on the basis that an occupancy condition is recommended to secure the proposed use and that the pods are not permanently inhabited in recognition of the use applied for, and that all facilities are shared.

Residential Amenity

- 8.13 The site is situated in isolation from neighbouring properties. It is at the bottom of the applicants’ garden and contained by trees and the river to the north, trees forming the boundary to the west and bound by trees and accesses to the south where the applicants land bounds Rosevalley Farm. It is considered that the main impact to amenity from noise arising from guests would be to the applicants’ property. This would be an issue for site management to resolve, who reside on the site.
- 8.14 Representations also refer to impacts from lighting. The supporting information states that low level LED lights will be provided at the pods only, and low level solar powered lighting to the pedestrian area. No significant high-power lighting at height is proposed which would impact on residential amenity. Further information can be secured by condition.

Transport and Servicing

- 8.15 A number of representations have been raised in regard to the site access and traffic generated by the development and potential impact to existing road users which includes users of Cantraybridge College.
- 8.16 When proposals were originally submitted, it was proposed to have a new access point at the bend in the road to the west of the site with parking accommodated adjacent to the pods. While Transport Planning did not object to this arrangement, initially seeking localised road improvements at the corner, there was further potential for impact on trees and potential works to the corner could have flood risk implications in terms of creating enlarged areas of hardstanding. It is now proposed to upgrade the existing access to the house to an SDB2 design which shall include a service bay. This shall utilise an existing large car parking area which already serves the house. It should be noted that the Council have no control over or responsibility for road manners, driving and cycling by individuals, and this is therefore not material in assessing the planning application. These would be matters to be raised with Police Scotland.
- 8.17 There is ample space within the site to accommodate parking for the house and four spaces for the pods. It is noted that concern is raised over the potential for 16 cars being required. As the pods have a single bedroom it is unlikely that more than 4 spaces will be required. It is also noted that the applicant has additional hardstanding adjacent to the agricultural building which could be utilised for their private vehicles. There are ample parking opportunities within the site which can be used and parking is not considered to be an issue.
- 8.18 It is noted in representations that cycle parking is not denoted on plan and it is recommended that this is secured by condition.
- 8.19 The improvement to both the access and increased visibility splays is welcomed and improves the current situation on site. Transport Planning confirm no objections and it is recommended the access design and splays are secured by condition. From the car parking area, a grass mown path shall give pedestrian access to the pods. This was initially denoted as being through the trees, however a formalised arrangement could affect root protection areas, this has therefore been changed to run alongside the paddock to the site.
- 8.20 Representations suggest that there is potential for conflict with existing road users. Given the road geometry around this area, including the bend in the single track main road to the northwest of the site, traffic speeds are reduced. Otherwise, the road to the south boundary is straight and there would be good forward visibility of any road users. In the immediate surrounding area, alongside residential uses there are a number of holiday lets, the Cycle Ability Centre, College and café. It is not considered that the addition of four pods is a significant increase over the existing number of road users in the locale and this would therefore not comprise a justified reason for refusal of the application. The site will be afforded the same accessibility by emergency services as is currently available. Representations have also been received around changes to the Highway Code requiring at least 1.5m when overtaking a cyclist. It is noted that this is when travelling at speeds in

excess of 30mph. Neither the Planning Authority nor applicant can monitor, control or enforce driver behaviour, this being a Police matter; if this was considered it would preclude much development in areas of Highland with large sections of single-track road. It is for the driver to ensure they adhere to the law and slow down to below 30mph when passing pedestrians and cyclists.

- 8.21 It is also submitted that the development could impact on public rights of way. There are no public rights of way or core paths which would be affected or impeded by this proposal.
- 8.22 Comments and photographs have been submitted in regard to flooding which occurs to the road. This is remote from the site and an existing issue which would not be exacerbated by the proposed development. Flooding remote from (some 200m to the south of the site access) but to either side of the access is likely to be infrequent and it is unlikely that this is completely impassable. It is acknowledged that on occasion vehicles may have to traverse pooling, as is the case for all existing road users in this area but no known issues with the road being completely impassable have been raised previously.
- 8.23 Foul water drainage is to be accommodated within the site. A new treatment plant for and to the south of the pods is proposed. Representations suggest contamination from such a system. It should be noted that discharge of foul water into the environment will require to be consented by SEPA through the CAR Licence process which ensures protection to the receiving environment. This will also ensure that the river is not impacted as submitted in representations and is therefore not considered to be a matter to which any significant planning weight can be given. Gravel around the pods shall act as an immediate surface water soakaway. A soakaway is also proposed alongside and underneath the mown pathway, it is indicated that this shall be a long narrow format in order to avoid root protection areas. The proposed arrangement are considered to be acceptable and the FRM have not objected to this scheme. A condition is recommended to secure a finalised drainage design to ensure that the indicative soakaway does not affect root protection areas. The proposal is considered to comply with the requirements of policy 65 – Surface Water Drainage and policy 66 – Wastewater Treatment.
- 8.24 Comments have been received around the proximity of the development to boreholes. As above, all drainage shall require to be dealt with within the site, so shall not impact on water supplies.
- 8.25 Representations also refer to bin storage and waste management. Supporting information clarifies that this is to be situated within the car parking area and visitors will be advised of facilities within a welcome pack. This is considered to be acceptable and it will be for the operator to arrange waste collection.

Flood Risk

- 8.26 The site is identified as being at risk of fluvial flooding from the River Nairn to the north of the site alongside surface water flooding. The FRM and SEPA have considered the matter in detail and required the submission of a Flood Risk Assessment alongside topographical survey work to show how the proposed site sits in relation to the flood risk area. Both SEPA and The FRM objections have

been resolved as the pods are now situated outwith the area of flood risk. The finished floor levels also sit outwith the area of flood risk. The proposal therefore meets with the requirements of Policy 64 – Flood Risk and there are no other issues in this regard.

Natural Heritage

- 8.27 It is noted within representations that protected species have the potential to be impacted. The site is not identified as being sensitive and forms part of an established residential curtilage. There are no natural heritage designations on site which require consideration and no evidence to suspect that there are any protected species utilising the site. It is recommended that an informative is attached to any decision which reminds the developer of their obligations with regard to protected species. The proposal is therefore considered to comply with Policy 58 – Protected Species.

Cultural Heritage

- 8.28 It is noted within representations that concern is raised over nearby cultural heritage features, Policy 57 – Natural Built and Cultural Heritage aims to ensure that the development does not have a significant negative impact on the architectural and historic importance of the building. This is also set out in the Strategic Aims of The Highland Historic Environment Strategy. There are no natural heritage designations on site which could be affected.

Trees

- 8.29 There are mature trees particularly along the southwestern boundary of the site with the public road. It is noted in representations that it has been requested that this should be subject to a Tree Preservation Order (TPO) however the area is undesignated so this cannot be considered as part of this application. The Forestry Officer has considered the proposal in detail, and, alongside flood risk, the finalised siting of the pods has been informed to mitigate any significant impact to trees. It is noted within the supporting report that two trees are to be removed to accommodate the development, one shall be within the proposed upgrade to the site access, and one adjacent to pod No.1 to provide for the drainage arrangements on site. Representations refer to permission from third parties to remove trees on third party land – this would be a civil matter to be resolved between parties and is not material in considering the planning application.
- 8.30 The Forestry Officer has considered the supporting tree related information including report and plans and has recommended conditions to secure additional information and the installation of tree barriers. These will be required to protect trees and root protection areas which are not agreed for felling. It is therefore considered that the proposal complies with policy 51 – Trees and Development as alterations to the proposed layout have been revised in order to mitigate impact to trees. Furthermore, an Arboricultural Method Statement will be required by condition to be provided prior to works beginning on site to ensure mitigation to trees is secured.

Cultural Heritage

- 8.31 An objection has been received which suggests that the proposal will be detrimental to the Conservation Area and Listed Buildings. There is no Conservation Area in vicinity to the site, and the nearest Listed Building is the former mill which houses the Cantraybridge Rural Skills College and Cantray Bridge itself which is listed. It is not considered that the bridge will be significantly impacted by additional traffic generation associated with the development. The proposal is isolated from these buildings and no impact will be had on their setting as a result of this development; the proposal is therefore not considered to conflict with the strategic aims of the Historic Environment Strategy, or Policy 57 – Natural Built and Cultural Heritage of the HwLDP.

Other material considerations

- 8.32 Representations refer to signage associated with the business. It should be noted that Consent to Display an Advertisement will be required and an informative is recommended to ensure that the applicant is aware of this requirement.

Non-material considerations

- 8.33 Sheep worrying is not a material planning matter; it will be the responsibility of visitors and site management to advise on livestock.
- 8.34 Safety aspects relative to working farms as set out by HSE is not a material planning reason to refuse planning permission. As above, it will be the responsibility of visitors and site management to ensure that visitors are acting in a responsible manner and adhering to the Scottish Outdoor Access Code. The applicant has submitted that they will provide visitors with a welcome pack providing advice on the local area and responsible access.
- 8.35 It is acknowledged that historic images were used in supporting information, however this is not considered to have any significant impact on the assessment of the application.
- 8.36 It is the developer's responsibility to conclude any agreement with third party landowners in relation to visibility splays or tree felling or enabling works over neighbouring land. Such agreements are private civil matters, and not ones which would preclude the determination of the planning application.
- 8.37 No Equality Impact Assessment has been submitted. This is not required for an individual planning application of this scale. Such an assessment is generally required to consider barriers or adverse impacts to different groups when formulating or introducing new policies.

Developer Contribution

- 8.38 None

Matters to be secured by Legal Agreement / Upfront Payment

8.39 None

9. CONCLUSION

9.1 The proposed development of four camping pods, situated within the grounds of Rosevalley House is considered to be appropriately sited and designed with minimal potential impact to wider community and individual residential amenity and therefore accords with the criteria highlighted within Policy 28 – Sustainable Design, Policy 36 – Development in the Wider Countryside, and Policy 44 – Tourist Accommodation. It has been demonstrated that issues around access, trees and flood risk can be adequately addressed and proposals have been revised and re-designed to mitigate any impacts. The proposal is therefore considered to comply with policy 51 – Trees and Development, Policy 56 – Travel and Policy 64 – Flood Risk.

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

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
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Notification to Scottish Ministers	N
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Conclusion of Section 75 Obligation	N
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Revocation of previous permission	N
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Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

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

Reason: To ensure that the development does not become used for permanent residential accommodation in recognition of the lack of private amenity space and in accordance with the use applied for.

2. No other development shall commence until the existing site access has been upgraded 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.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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

3. 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.

4. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plan (in accordance with BS 5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and shall not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

5. A suitably qualified Arboricultural consultant shall be employed by the applicant to produce an Arboricultural Method Statement (AMS) which details how the trees on site are to be protected and also to ensure that the Approved Tree Protection Plans are implemented to the agreed standard. Stages requiring supervision are to be set out in the AMS for the written agreement of the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

6. No development shall commence until full details of a bicycle storage/racking system for a minimum of four bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

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

7. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that the finalised drainage arrangement does not impact upon trees and can be accommodated within the application site.

8. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented. For the avoidance of doubt, the lighting shall use LED technology.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

REASON FOR DECISION

The proposed development of four camping pods, situated within the grounds of Rosevalley House is considered to be appropriately sited and designed with minimal potential impact to wider community and individual residential amenity and therefore accords with the criteria highlighted within policy 28 – Sustainable Design, policy 36 – Development in the Wider Countryside, and Policy 44 – Tourist Accommodation. It has been demonstrated that issues around access, trees and flood risk can be adequately addressed and proposals have been revised and re-designed to mitigate any impacts. The proposal is therefore considered to comply with policy 51 – Trees and Development, Policy 56 – Travel and Policy 64 – Flood Risk.

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.

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.

Advertisement Consent

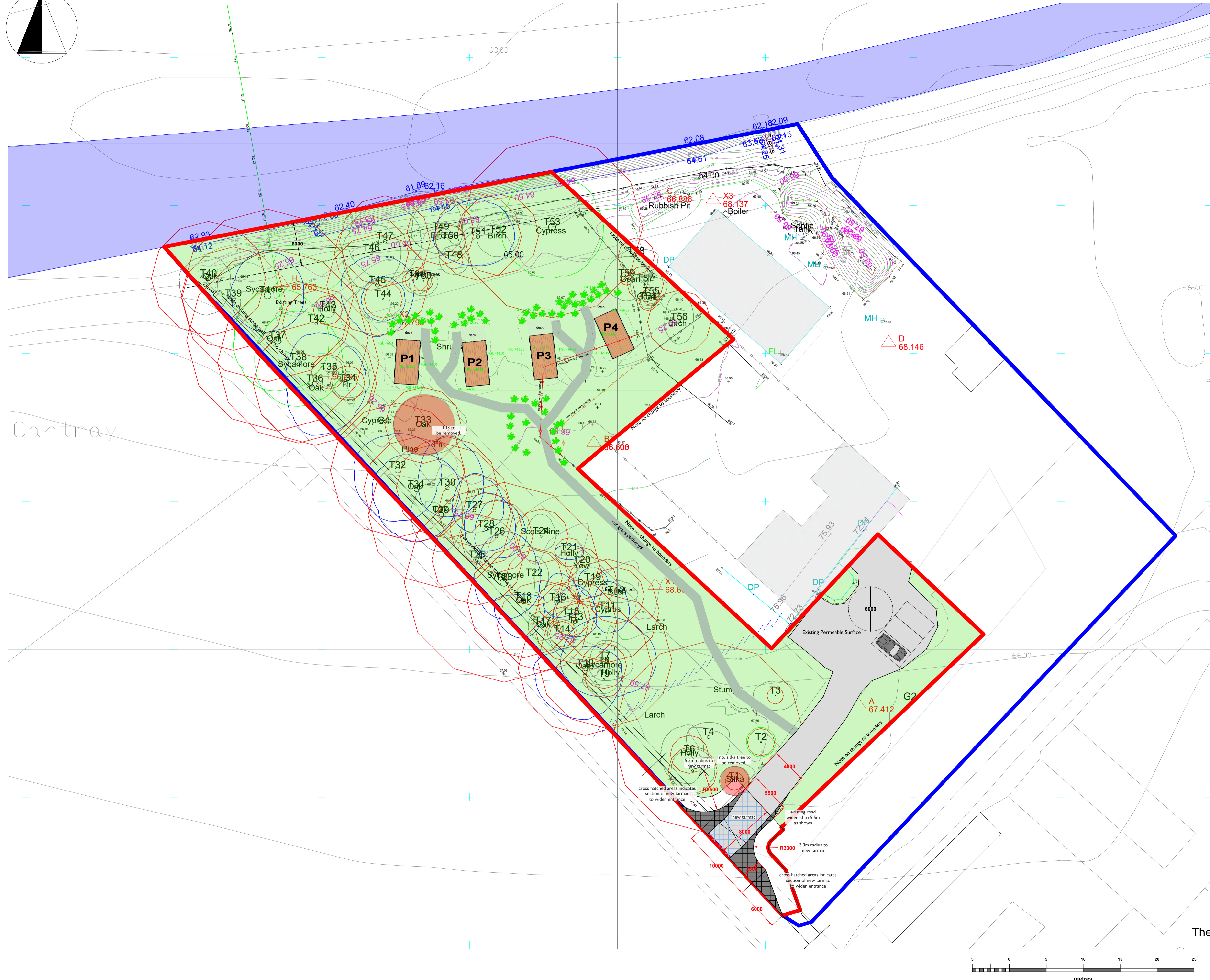
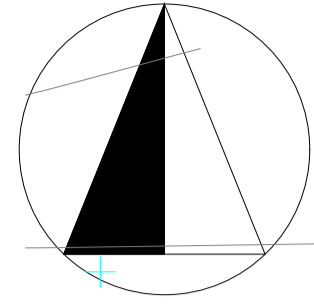
You are advised that any signage associated with the camping pods may require Advertisement Consent.

Protected Species – Halting of Work



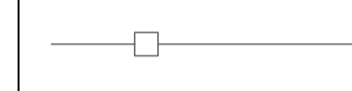
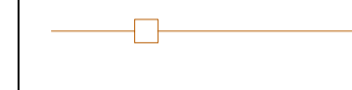
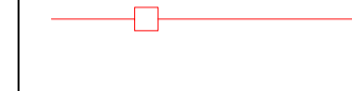

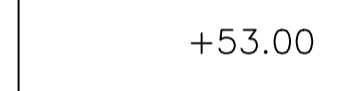

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it 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 SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 200801-01-01 REV D - Proposed Site Layout Plan
Plan 2 - 200801-01-10 REV A - Visibility Splay Plan
Plan 3 - 200801-01-02 REV A– Drainage Plan
Plan 4 - 210101-01-11 – Site Section Plan
Plan 5 - 200801-09-01 – Floor/Elevation Plan

NORTH

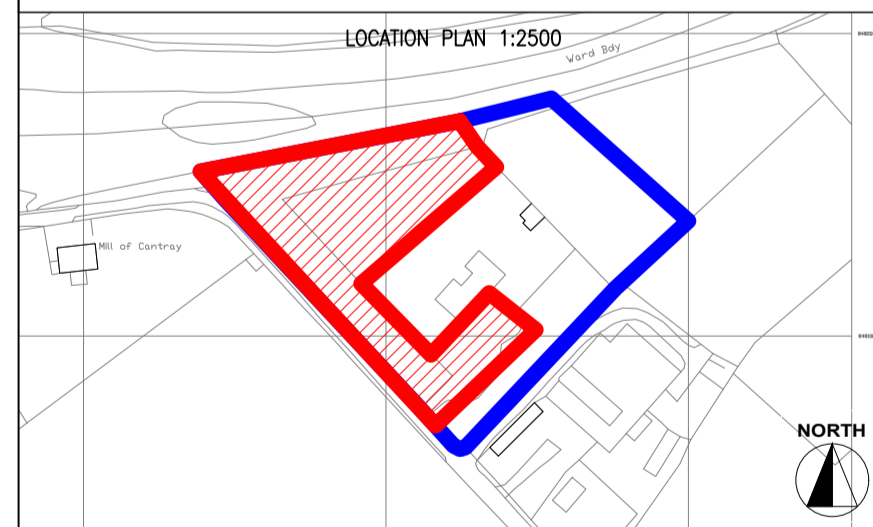


KEY TO SYMBOLS

-  GLAMPING POD
-  CUT GRASS FOOTPATH
-  EXISTING FENCING
-  NEW FENCING
-  FENCE REMOVED
-  PROPOSED LEVELS
FFL/FGL +52.89
-  EXISTING LEVELS
+53.00
-  NEW INDIGENOUS SHRUBBERY

17/02/22	Pod & drainage locations adjusted to avoid RRPA's to trees.	D	PT
18/01/22	FFL's raised to +66.6 to suit FRA recommendations.	C	PT
30/06/21	Path route revised to avoid trees & entrance updated.	B	PT
17/02/21	Changes in design due to topographic survey.	A	ZK
Date	Description	Rev	By

Revision Description



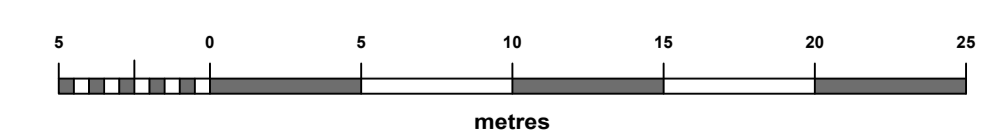
Project:
Cantray Pods
Rosevalley House, Cantray, Cawdor
IV12 5XT

Drawing Title:
Proposed Site Layout

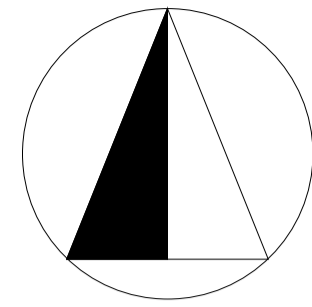
Drawing Number:
200801-01-01

Revision: D
Date: 01/02/2021
Scale: 1:250 @ A1
Drawn By: ZK
CAD Dwg File:
Checked by: PT

Issue Status:
Full Planning Application




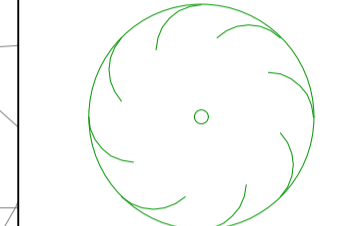



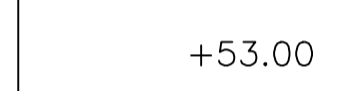

NORTH



GLampitect

W: WWW.GLAMPITECT.CO.UK
E: CONTACT@GLAMPITECT.CO.UK
T: 0131 248 3019

KEY TO SYMBOLS

-  GLAMPING POD
-  EXISTING TREES
-  PERMEABLE FOOTPATH
-  EXISTING FENCING
-  PROPOSED LEVELS
FFL/FGL +52.89
-  EXISTING LEVELS
+53.00
-  NEW INDIGENOUS SHRUBBERY



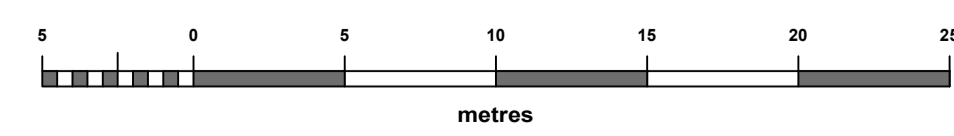
90m

90m

Rosevalley Farm

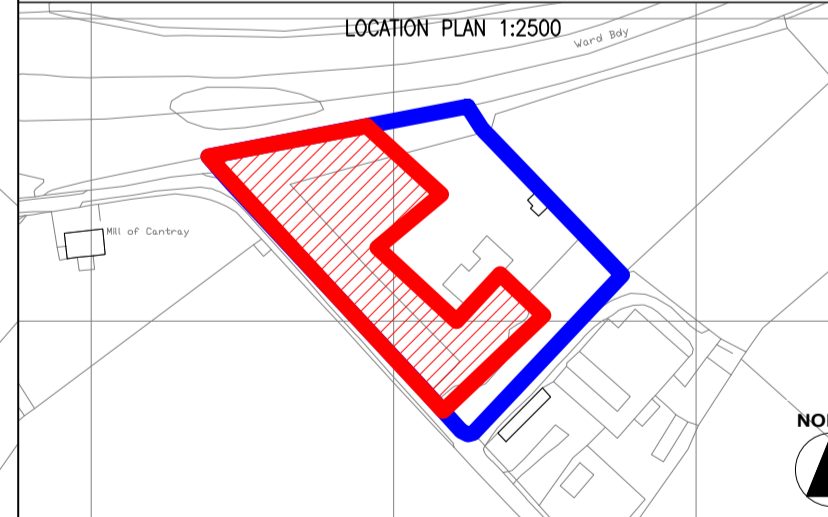
Site Entrance I:100

Visibility Plays I:250



Date	Description	Rev	By
01/06/21	Entrance to Site added & increased in width as shown.	A	PT

Revision Description



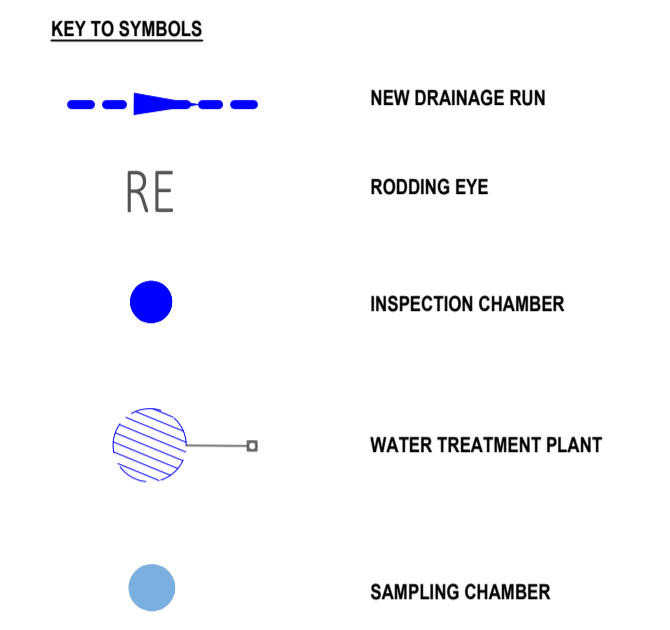
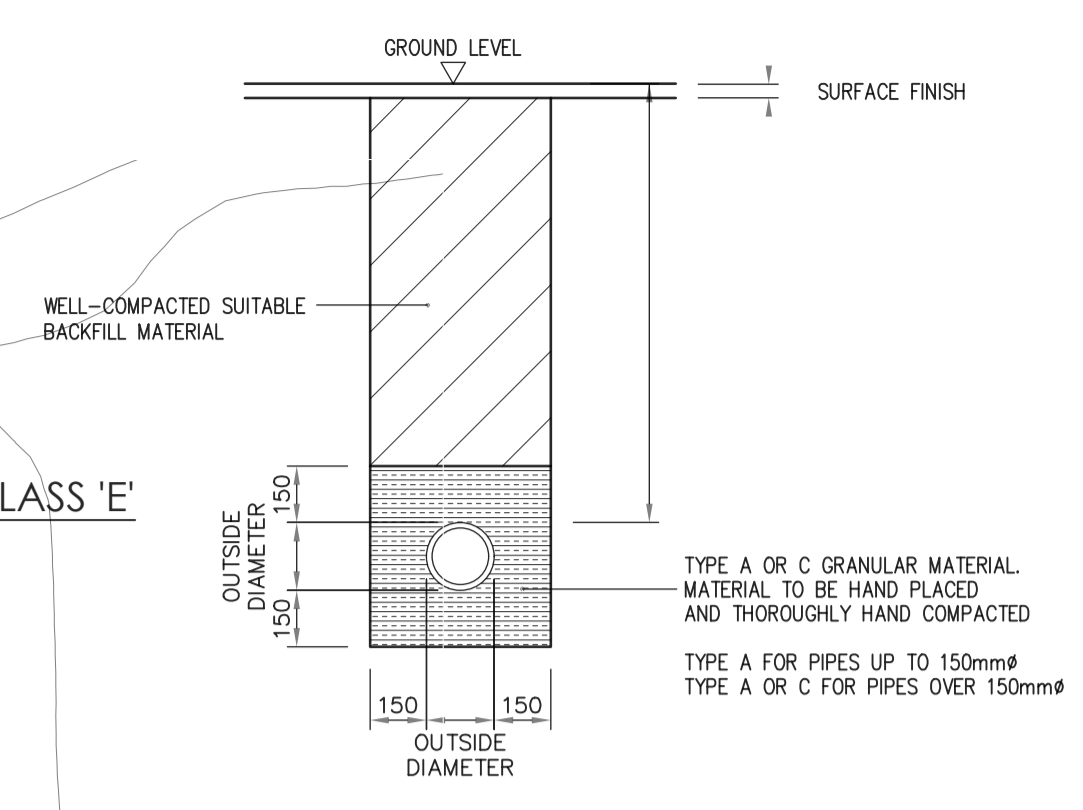
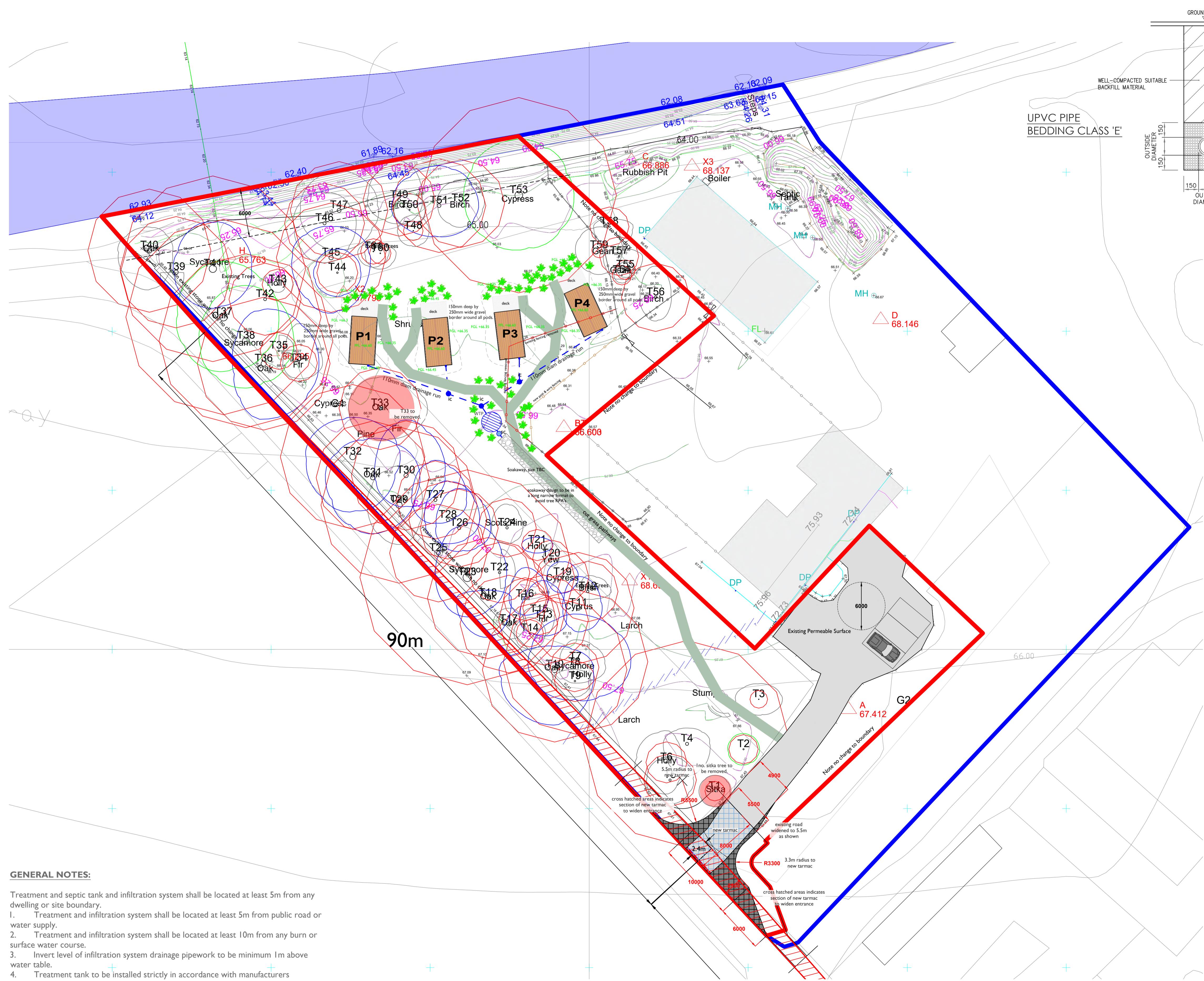
Project:
Cantray Pods
Rosevalley House, Cantray, Cawdor
IV12 5XT

Drawing Title:
Visibility Play

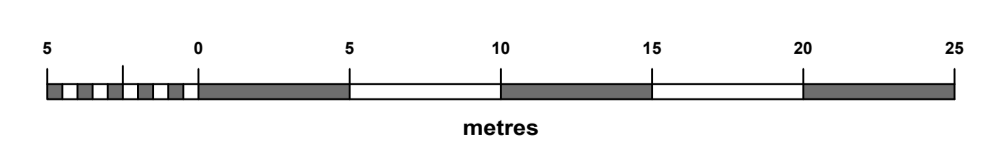
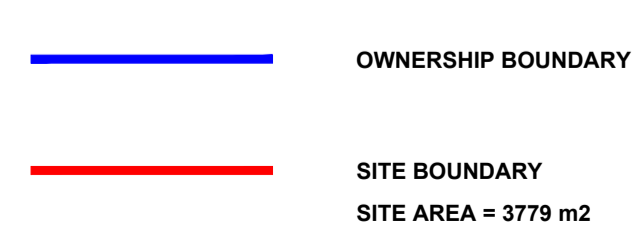
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200801-10-01

Revision: A
Date: 01/03/2020
Scale: 1:250 @ A1
Drawn By: ZK
CAD Dwg File:
Arch. Base Dwg:

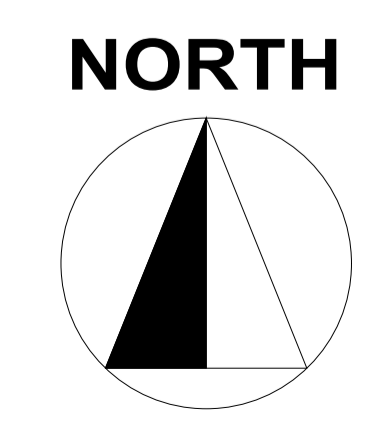
Issue Status:
Full Planning Application



- GENERAL NOTES:**
- Treatment and septic tank and infiltration system shall be located at least 5m from any dwelling or site boundary.
1. Treatment and infiltration system shall be located at least 5m from public road or water supply.
 2. Treatment and infiltration system shall be located at least 10m from any burn or surface water course.
 3. Invert level of infiltration system drainage pipework to be minimum 1m above water table.
 4. Treatment tank to be installed strictly in accordance with manufacturers instructions.
 5. All of the land which treatment tanks and infiltration system shall be sited is owned by the installer

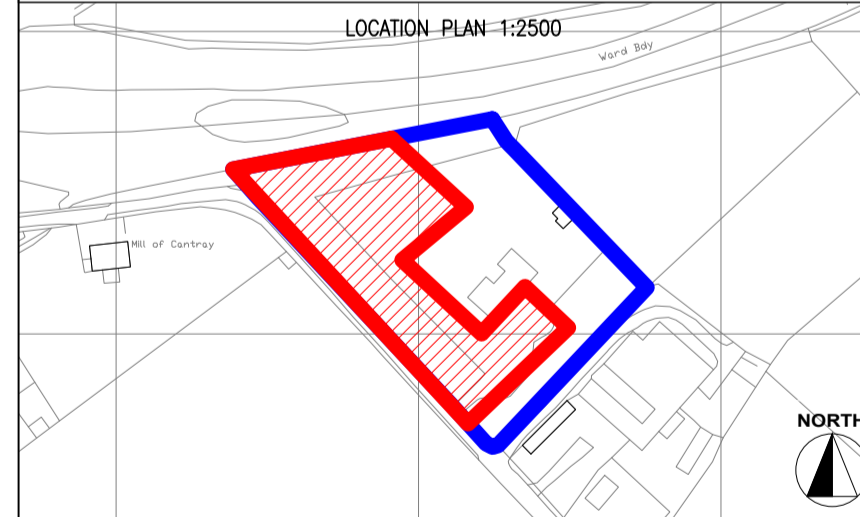


- All works to be carried out in accordance with the following:-
1. UK water industry research ltd. 'Civil Engineering Specification for the water Industry, 5th Edition.
 2. WATER UK, 'Sewers for Scotland'
 3. BE EN 752 Drain and Sewers Systems outside buildings.
- Foul Water: Falls in runs - 1:10 max - 1:60 min.
 - All new drainage branches to be swept in direction of flow.
 - All new drainage branches to be fitted with a RE.



22/02/2022	Drainage & Layout design revised to suit RPA's. Paths now cut-grass	B	PT
17/02/2021	Changes in design due to topographic survey	A	ZK
Date	Description	Rev	By

Revision Description




Project:
 Cantray Pods
 Rosevalley House, Cantray, Cawdor
 IV12 5XT


Drawing Title:
 DRAINAGE PLAN

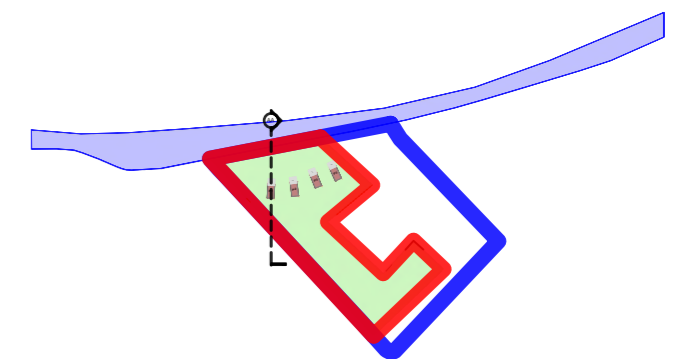
Drawing Number:
 200801-01-02


Revision: A
Date: 01/03/2021
Scale: 1:250 @ A1
Drawn By: ZK
CAD Dwg File:
Checked by: PT


Issue Status:
 Planning Application


 OWNERSHIP BOUNDARY
 AREA = 3699m²

 SITE BOUNDARY
 SITE AREA = 1535m²

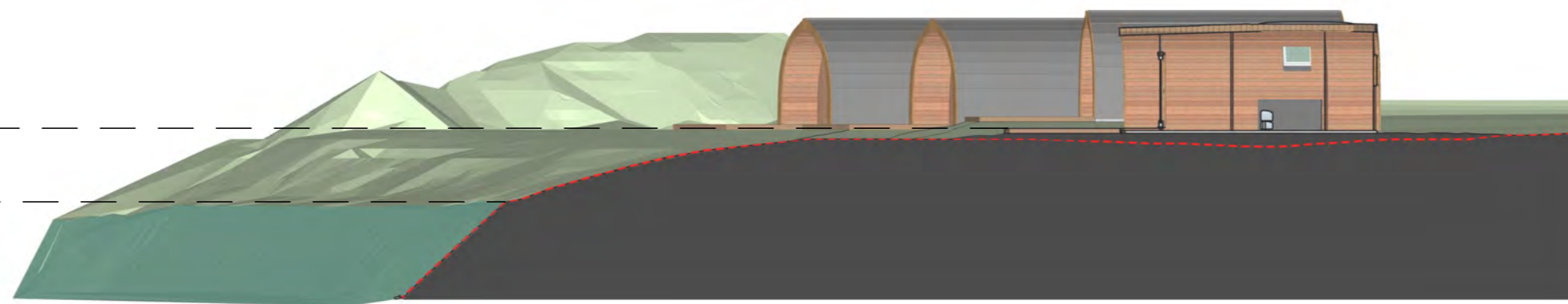


FFL of PI 66.30


 Surveyed Water Level 64.60


 Lowest Accessible Survey Point 61.89


NOTE: All values represent m MSL



Section AA

Date	Description	Rev	By
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Revision Description



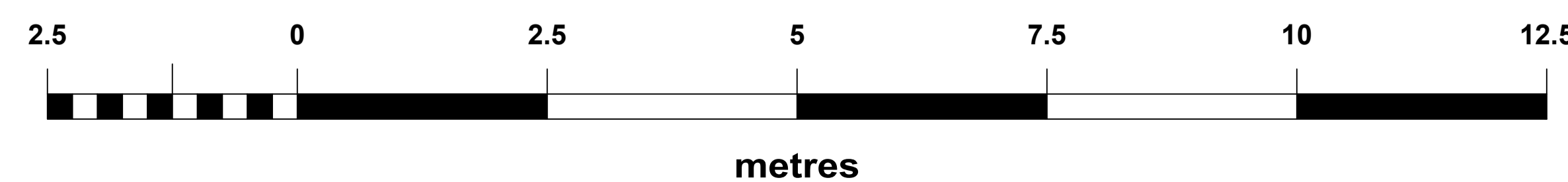
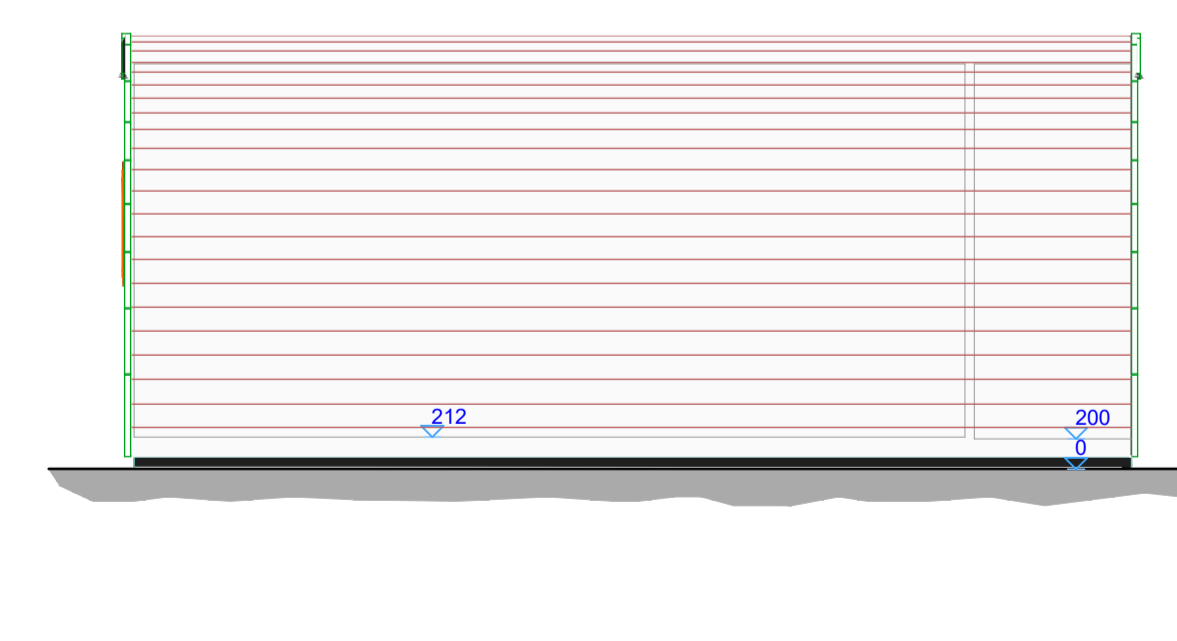
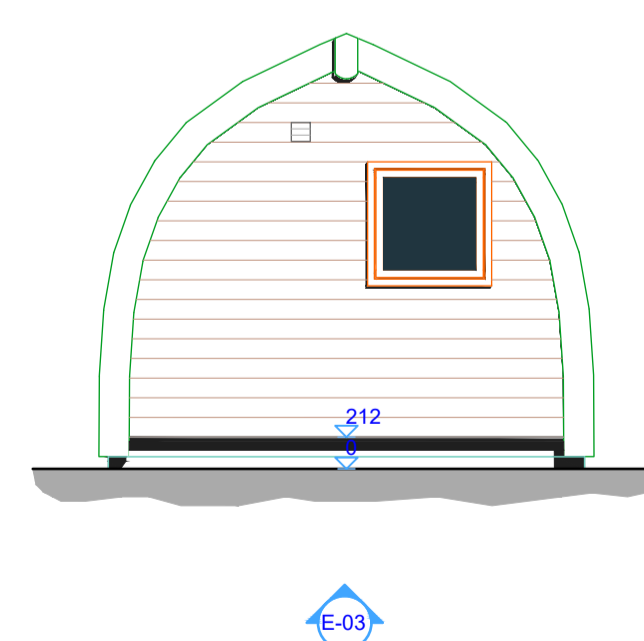
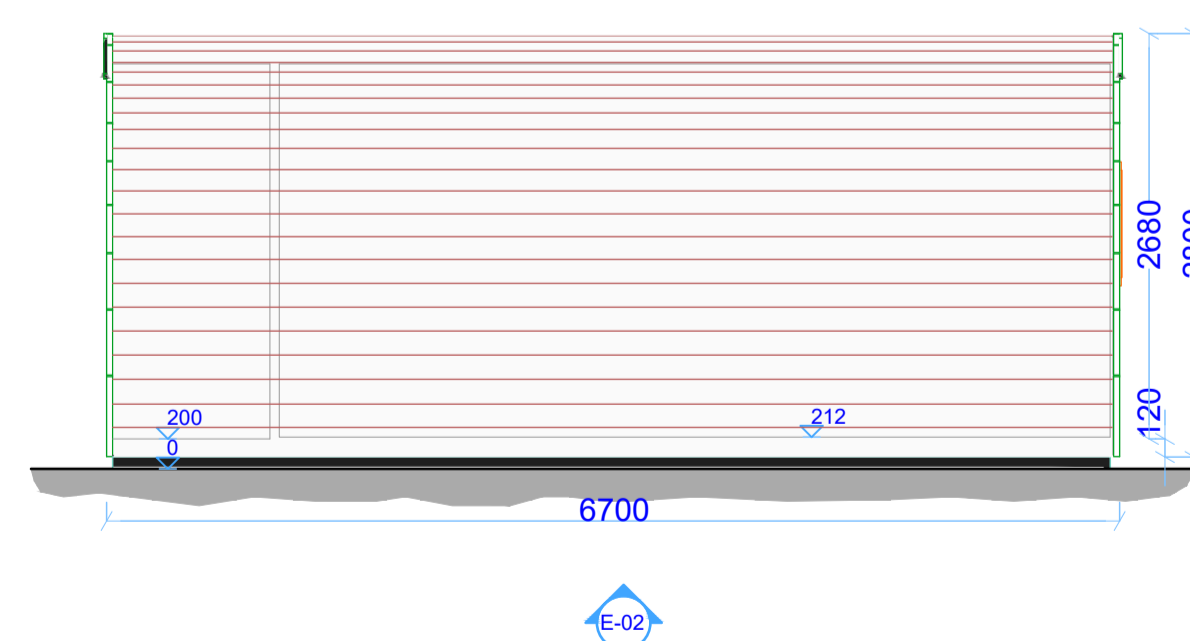
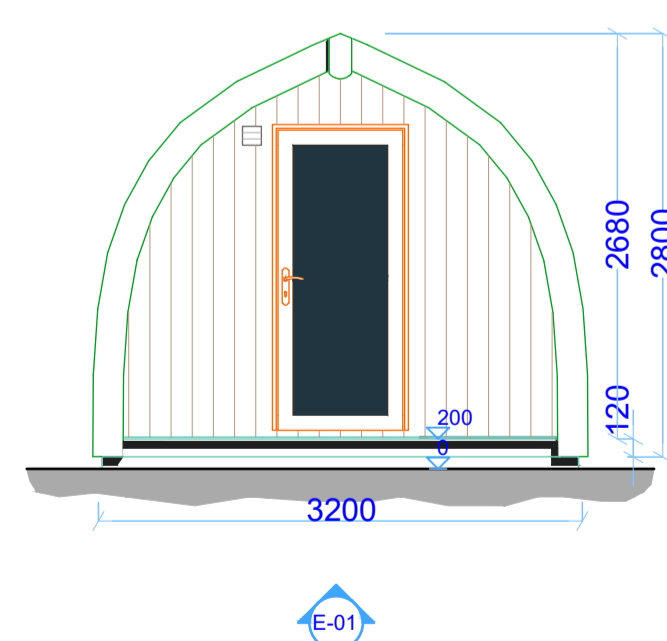
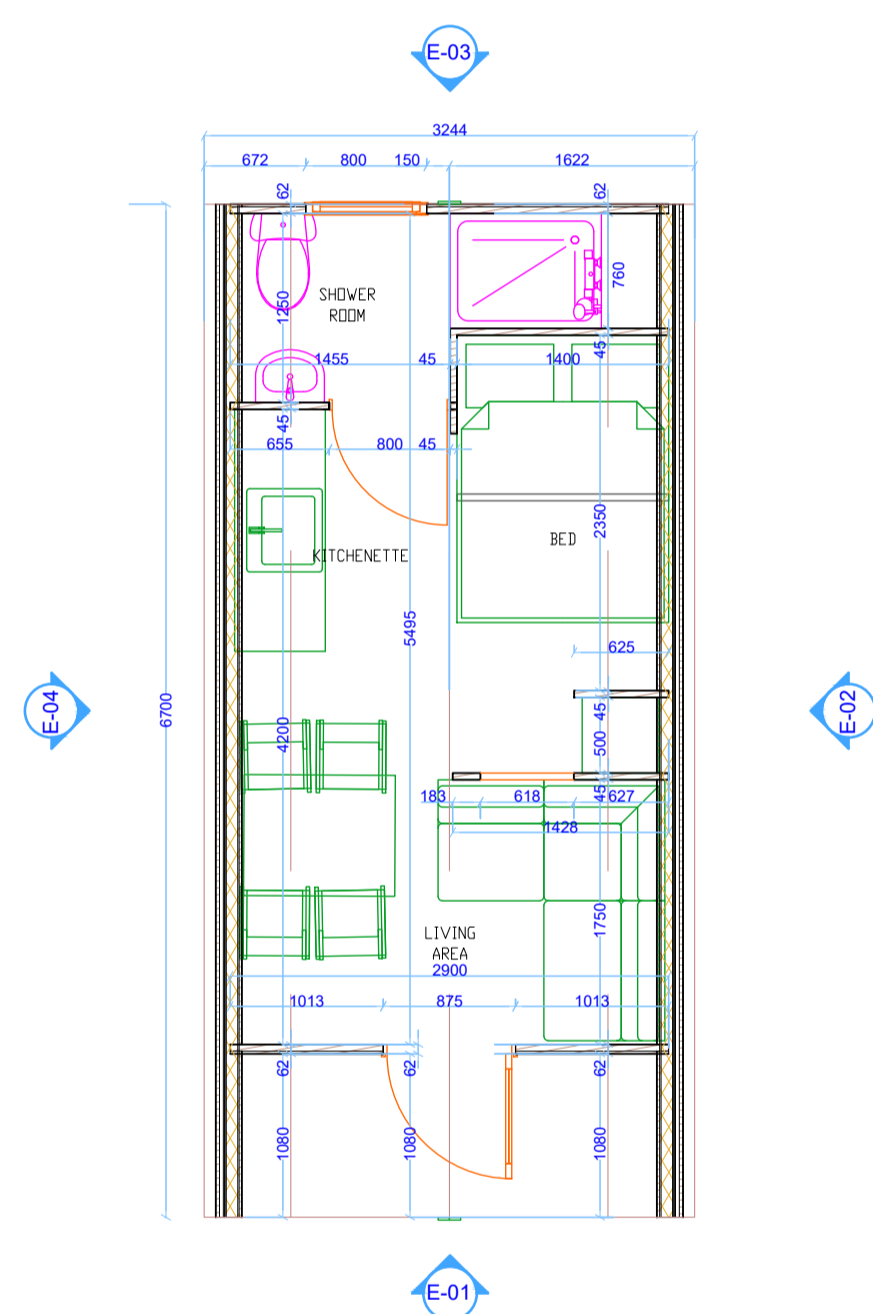
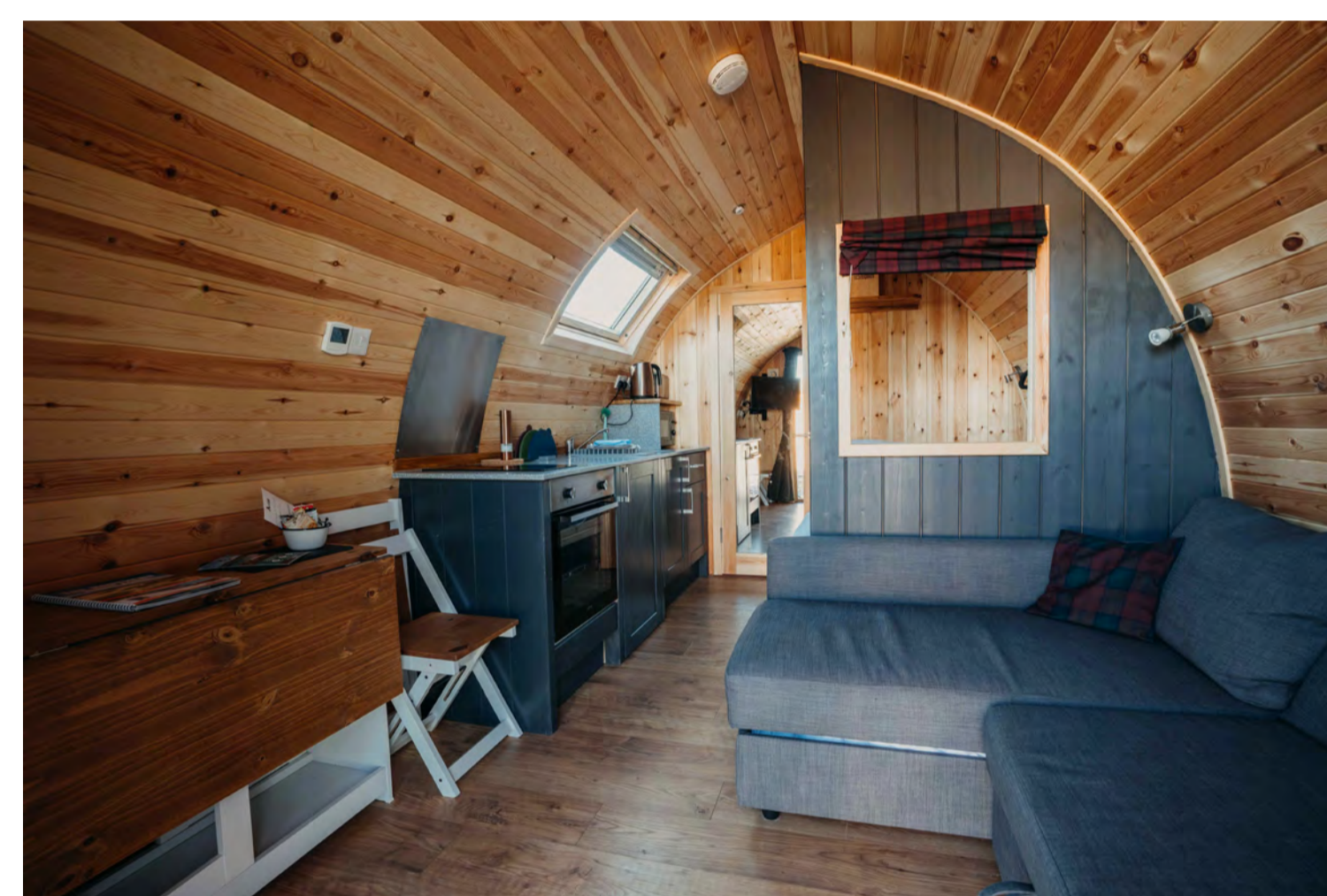
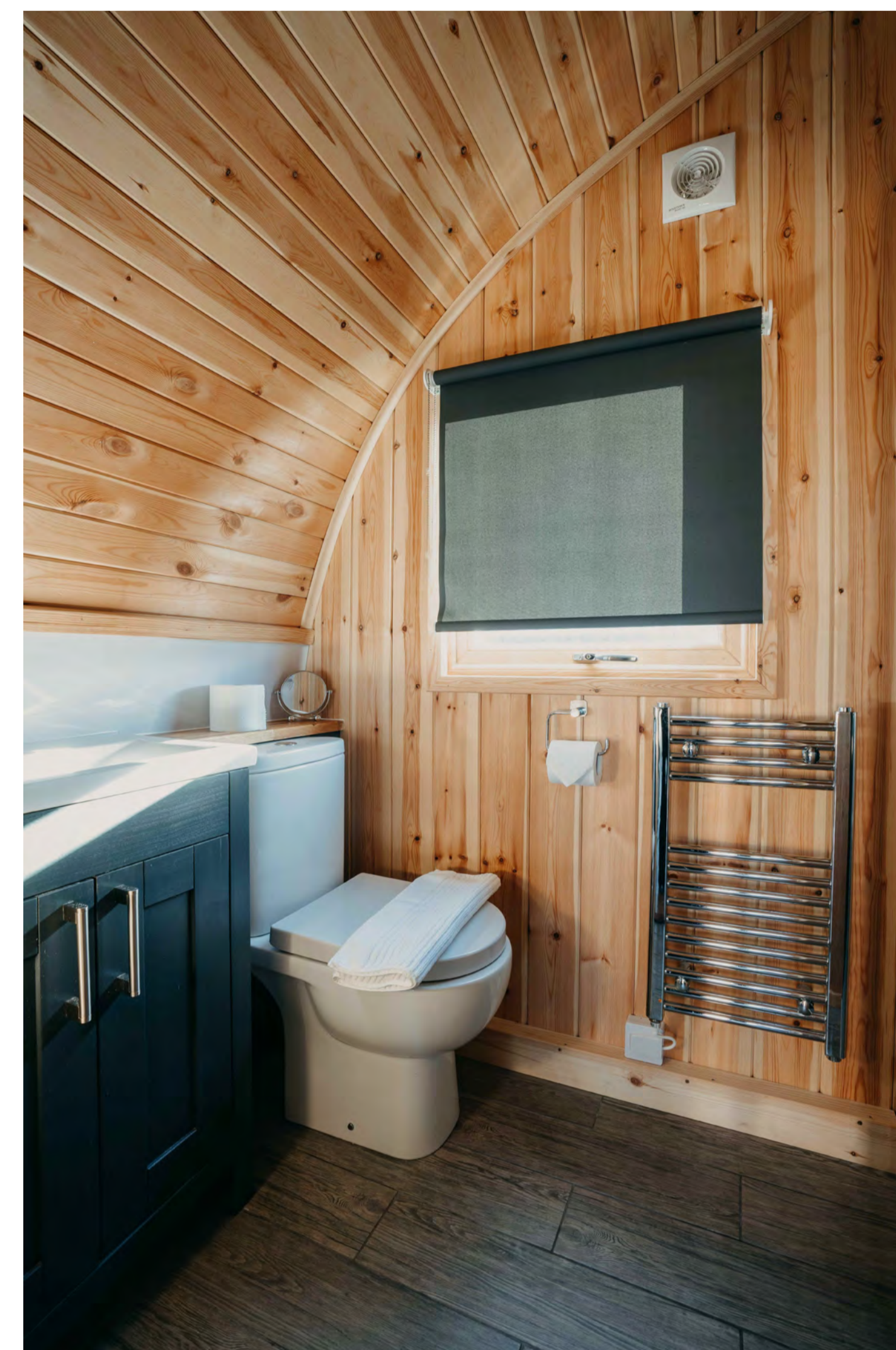
Project:
 Cantray Pods
 Rosevalley House, Cantray, Cawdor
 IV12 5XT

Drawing Title:
 SITE SECTION

Drawing Number:
210101-01-11

Revision: -
 Date: 02-03-21
 Scale: 1:150 @ A2
 Drawn By: ZK
 CAD Dwg File: -
 Arch. Base Dwg: -

Issue Status:
Planning Application



Date	Description	Rev	By
Revision Description			

Project:
 Cantray Pods
 Rosevalley House, Cantray, Cawdor
 IV12 5XT

Drawing Title:
 PROPOSED POD PLAN AND ELEVATIONS

Drawing Number:
200801-09-01

Revision:
 Date: 23-10-2020
 Scale: 1:50 @ A1
 Drawn By: JK
 CAD Dwg File:
 Arch. Base Dwg:

Issue Status:
Planning Application