

Agenda Item	9.8
Report No	PLS-52-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 23 June 2022
Report Title: 21/02839/FUL: Mr S Entwistle
Land 45M East of Na Sealgairean, Glenfinnan.
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of a House.
Ward: 11 – Caol and Mallaig

Development category: Local

Reason referred to Committee: Member referral.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 This planning application is for the erection of a detached, single storey house within a site located directly off the north side of Slatlach Road in the village of Glenfinnan. The proposed building has a footprint of 15mx10m and is 5.5m to the ridge. The proposed dwelling will be larch clad with profile metal sheeting for the roof with connections to public water supply and septic tank. The principal elevation faces the minor public road and incorporates a setback into the plot.
- 1.2 Access to the site is proposed to be taken from the minor Slatlach Road and the proposed house incorporates parking provision for two cars.
- 1.3 The site is located within an area of ancient woodland which has been partially cleared of trees and the Loch Shiel National Scenic Area.
- 1.4 Pre Application Consultation: No pre-application advice given.
- 1.5 Supporting Information: Design Statement; Arboricultural Impact Assessment
- 1.6 Variations: The site layout plan has been amended to include a setback further into the application site to bring the proposed positioning of the house in line with the settlement pattern. A further site plan was submitted which relocated the proposed dwelling back to nearer its original position to the front of the site to allow for less tree removal. The site boundary has also been redrawn slightly to align with the applicant's land ownership which was the subject of a public representation.

2. SITE DESCRIPTION

- 2.1 The site forms a strip of undeveloped land between a row of residential dwellings on the northern side of the minor public road in Glenfinnan and to the north-west of the Glenfinnan House Hotel. The application site is within an area identified within the Ancient Woodland Inventory as ancient semi-natural origin woodland (ANCW17). The front section of the site has recently been subject of tree felling. Trees are largely retained towards the rear of the site where the land rises and a thin tree line separates the site from adjacent residential boundaries. The site is approximately 0.25ha and is host to an overhead powerline that runs across its southern boundary.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 08.07.2021
Representation deadline: 23.07.2021

Timeous representations: 2 (2 households)

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- a) Road safety - The proposal will impact upon road safety and result in an increase of traffic to the local road. The site does not achieve the required visibility splays.
- b) Impact on trees – the proposal may have a negative impact upon existing trees which could threaten the roots of substantially older trees to the west of the site.
- c) Impact on woodland – The site is an area of important woodland between established houses and should remain that way.
- d) Materials – The proposed sheet metal for the roof is not in-keeping with other dwellings in the area.

4.3 One late representation was received in support of the proposals indicating that the Council has granted planning permission for houses in Glenfinnan as recently as 2021.

4.4 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 **Forestry Officer** objects on the basis that the Arboriculture Impact Assessment (AIA) makes no reference to the trees which have already been removed and in addition proposes the removal of a further 9 trees. The Tree Protection Plan (TPP) shows the area of woodland that would be permanently lost within the red dashed line, but all of the land within the plot would be lost to woodland if it were to become garden ground.

As stated in previous consultation response, before the applicant obtained a tree survey, the proposals are contrary to policies 51 and 52 of the HwLDP as well as the Scottish Government's policy on the Control of Woodland Removal (CoWR).

Policy 51 states that 'The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development.' The proposals have involved pre-emptive clearance of part of the site, would require the removal of a further 9 trees and do not provide adequate separation between retained trees and the proposed housing. The proposals do not accord with policy 51.

Policy 52 states that 'The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.' The applicant has not provided any of the required information and so the proposals do not accord with

policy 52.

The CoWR policy states that woodland 'removal should only be permitted where it would achieve significant and clearly defined additional public benefits'. In addition, the CoWR policy contains a strong presumption against removal of ancient semi-natural woodland. The applicant has not provided details of significant and clearly defined public benefits and in any case development should not be supported within Ancient Woodland.

5.2 **Scottish Water** has no objection to the application.

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
52 - Principle of Development in Woodland
51 - Trees and Development
56 - Travel
57 - Natural, Built & Cultural Heritage
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

Access to Single Houses and Small Housing Developments (May 2011)
Trees, Woodlands and Development (Jan 2013) Housing in the Countryside and Siting and Design (March 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, 2014)

Para 218: "The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland resources. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits". Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.

8. 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) impact on trees
 - d) access and servicing

Development plan/other planning policy

- 8.4 The site lies within the village of Glenfinnan, which is located within an area of Wider Countryside, where Policy 36 of the Highland wide Local Development Plan applies. This focuses on acceptability of proposals on the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development in the area, are compatible with landscape character and capacity, avoid where possible, the loss of locally important croft land and address drainage, infrastructure, access and servicing matters. Policy 28 is also of relevance and requires that developments must be assessed in terms of landscape setting and scenery, be of appropriate scale, siting and design and must not have an unacceptable impact on neighbouring or wider amenity.
- 8.5 Other policies must be given due consideration, not least given its location within ancient woodland, where Policy 57 requires that development impacting upon features of national importance should not compromise the natural environment, amenity and heritage resource.
- 8.6 Subject to the development being sensitively sited and designed so as not to have a significantly detrimental impact on existing servicing, the existing character of the area, the amenity and heritage value of the ancient woodland or on community and individual residential amenity, the proposal would accord with the Development Plan.

Siting and Design

- 8.7 The site sits within an area of ancient woodland between neighbouring residential properties which are mostly large, detached dwellings with a generous set back from the public road and within forestry clearings that benefit from substantial

woodland gardens. In settlement pattern terms, the introduction of a house on this site, set back from the road and aligned more closely with houses to the immediate east and west of the site, could fit with the development pattern of the area, however this would come at the expense of ancient woodland which would conflict with woodland and natural heritage policies. There has been a significant amount of development over the years within this part of Glenfinnan and there continues to be a need to carefully balance support for development with protection of woodland assets. As development density has increased, there is more pressure on the important areas of remaining woodland.

- 8.8 Alternative siting for the positioning of a house on this site has been explored, however this has been concentrated to the front of the site where a house in this location would be out of alignment with the neighbouring properties on the north side of the Slatach Road. Although this position reduces further tree losses, it is not considered to respect the existing pattern of development and would still conflict with woodland and natural heritage policies.
- 8.9 The design of the single storey timber clad house with a profiled sheet metal roof is broadly acceptable as properties in Glenfinnan utilise a mix of materials which include both traditional and modern materials. The design and scale is consistent with neighbouring properties.

Impact on Trees

- 8.10 The site is within woodland which is listed in the Ancient Woodland Inventory as Ancient semi-natural origin woodland (ANCW17). This is listed as a feature of national importance in Policy 57 of the Highland wide Local Development Plan where it is noted that Highland Council 'will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource'.
- 8.11 The amount of woodland loss that would be necessary to develop the site would be greater than 0.1ha at 0.25ha so the Scottish Government's policy on the Control of Woodland Removal (CoWR) will apply. The first two Guiding Principles of the policy are:
- i) 'There is a strong presumption in favour of protecting Scotland's woodland resources' and
 - ii) 'Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits'.
- 8.12 The applicant has submitted an Arboricultural Impact Assessment along with a Tree Protection Plan to support this application. The report concluded that a total of nine trees would need to be removed to service the proposed development. Two trees were graded Category A as being 'high value' and five trees being of 'moderate value' (Category B) and a further two trees classed as Category C.
- 8.13 The importance of trees at this site is not only due to their designation as ancient woodland but they are also a valuable amenity asset which adds greatly to the character and setting of the village. The report confirms the recent clearance of trees from this site and consequently they have been excluded from being assessed. It is estimated that 13 trees were felled on the site prior to the submission of this application based on the number of retained stumps on site. No

explanation has been offered by the applicant or the landowner to justify the removal of these trees and therefore, to accommodate the siting of the proposed house, a total of 22 trees would be nearer the true loss of trees at this site.

- 8.14 It is recognised that the applicant has attempted to address the forestry matters with the verbal offer of compensatory planting however, compensatory planting can only be permitted where it would achieve significant and clearly defined additional public benefits. No public benefit has been identified and a housing plot would not normally amount to a public benefit which would justify the loss of woodland in this case. Additionally, the applicant has also proposed an alternative position of the proposed house which would require the removal of only three trees in addition to the estimated 13 already felled. This approach is not recommended as the proposed siting of the dwelling does not conform with the existing settlement pattern as the house would sit uncharacteristically close to the road and fall out of alignment of the neighbouring row of houses which are all set further back from the minor road. While the repositioning of the house requires less trees to be felled, this would not offset the forestry concerns as all of the woodland within the plot would still be lost if it were to become garden ground.

Access and Services

- 8.15 The proposed house takes its access directly from the minor road. This has a 60mph speed limit although due to the road's single-track formation and southbound bend in close proximity, it is considered that the actual road speed is significantly reduced. Normally, splays of 90 metres are to be achieved for general residential roads or 40 metres for minor residential roads where the estimated speed of traffic is 30mph. The agent has not provided details of perceived splays however, it is considered that the appropriate splays may be achievable. Were it recommended to grant the application, further details of this could be secured by condition.
- 8.16 It is proposed to connect to the public water supply and foul drainage will be managed by way of a new septic tank and soakaway.

Other material considerations

- 8.17 There are no other material considerations.

Non-material considerations

- 8.18 The applicant refers to the grant of planning permission for various developments within the same designated woodland. It should be noted that the permissions 17/05917/FUL and 17/05916/FUL, both for the erection of a house, were determined before the adoption of WestPlan in 2019 and assessed under Policy 34 in the Highland-wide Local Development Plan as at that time Glenfinnan was at that time an identified Settlement Development Area (SDA). Policy 34 benefits from a presumption in favour of development. SDA designations were removed as part of WestPlan in favour of a settlement hierarchy approach which directs new development towards identified 'main' or 'growing' settlements. Glenfinnan was not identified as either and therefore proposals for new housing now needs to be assessed as part of Policy 36 (Development in the Wider Countryside) which does

not offer the same presumption in favour of development. As policy has changed in the intervening period, this proposal must be considered under current policy.

Developer Contributions

- 8.19 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. The following is what would be required in the event that planning permission were to be granted.
- 8.20 No developer contributions would be due in this case.

9. CONCLUSION

- 9.1 This planning application is for the erection of a house which would, if granted planning permission, ultimately require the loss of an area of Ancient Woodland. Council policies, along with the Scottish Government Control of Woodland Removal Policy, have a strong presumption in favour of protecting the woodland resource and without a clear and significant public benefit, the Council is not in a position to support an application that requires the removal of woodland. Additionally, Glenfinnan's status as a Settlement Development Area has ended with the adoption of the Council's WestPlan (2019) and therefore no longer benefits from a presumption in favour of development. While this is an important change, it should still be noted that the tree loss at the site also represents an adverse impact on the amenity and character of the area. Siting a house within woodland is not straightforward as a large area of open land is required to fit a house, drainage, driveway, amenity space etc and still retain sufficient separation from surrounding trees. In this case, to open up enough space for a single house would have a significant impact on the woodland.
- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

It is recommended that the application be **REFUSED** for the following reasons:

Reasons for Refusal

1. The proposal does not comply with Policy 36 (Development in the Wider Countryside) or Policy 28 (Sustainable Design) of the Highland-wide Local Development Plan in that it has failed to demonstrate that the proposed house can be satisfactorily accommodated within the application site without adversely impacting the local amenity and character of the area by virtue of loss of woodland important within the setting of the village and the development not according with the existing pattern of development.
2. The proposal does not comply with Policy 51 (Trees and Development), Policy 52 (Principle of Development in Woodland) and Policy 57 (Natural Built and Cultural Heritage) of the Highland-wide Local Development Plan and the Trees, Woodland and Development Supplementary Guidance in that it has failed to demonstrate that it is possible to develop this site without an unacceptable impact on the natural environment, amenity and heritage resource. It has further failed to demonstrate the need to develop a wooded site, nor has it been shown that the site has the capacity to accommodate the development without significant impact on existing woodland. Furthermore, the proposal does not comply with the Scottish Government's Control of Woodland Removal policy and is therefore contrary to section 218 of Scottish Planning Policy (2020) in that it has not demonstrated that the loss of woodland associated with the proposals would achieve significant and clearly defined public benefits.

Signature: David Mudie

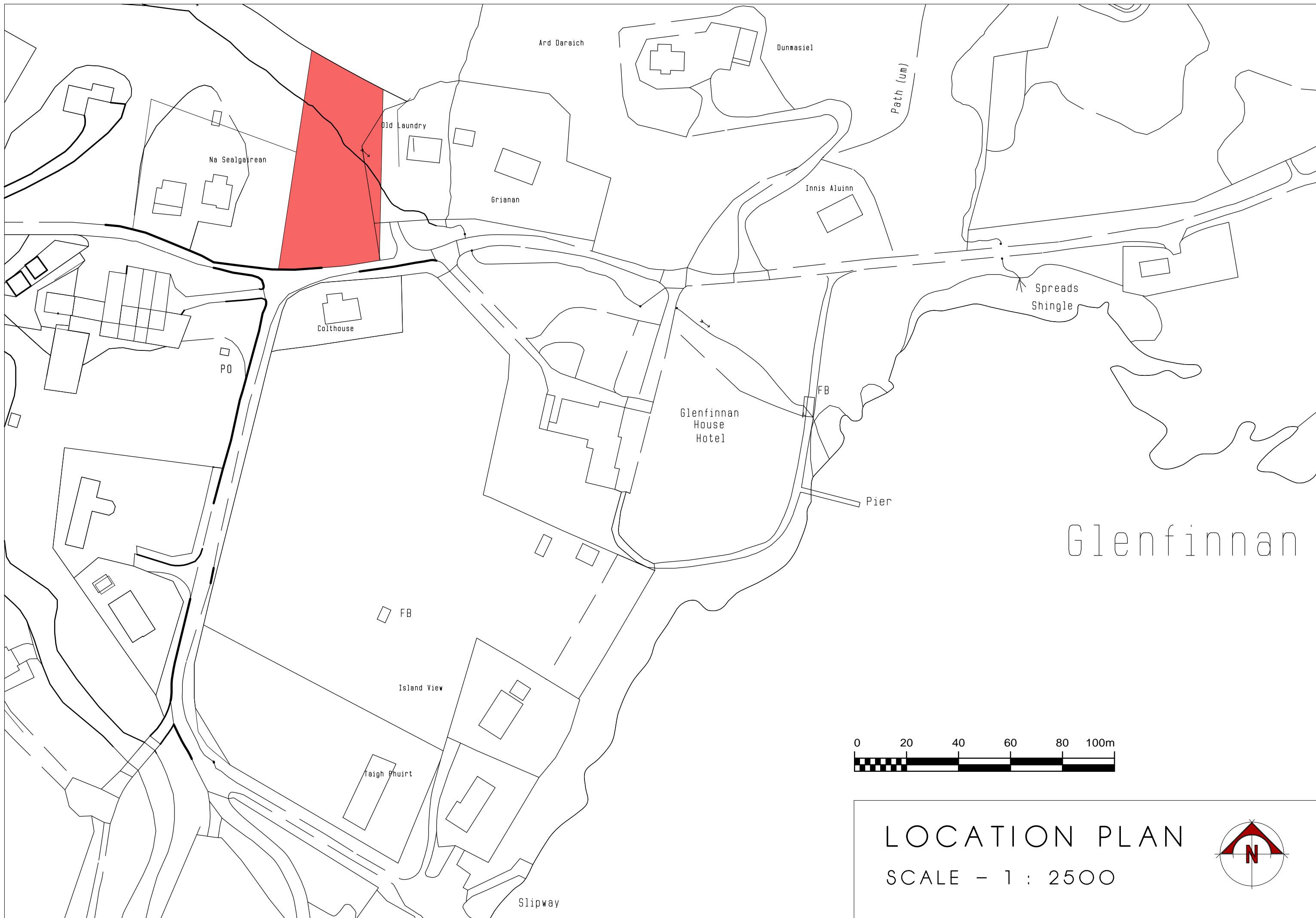
Designation: Area Planning Manager – South

Author: William Langdon

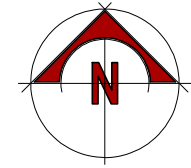
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

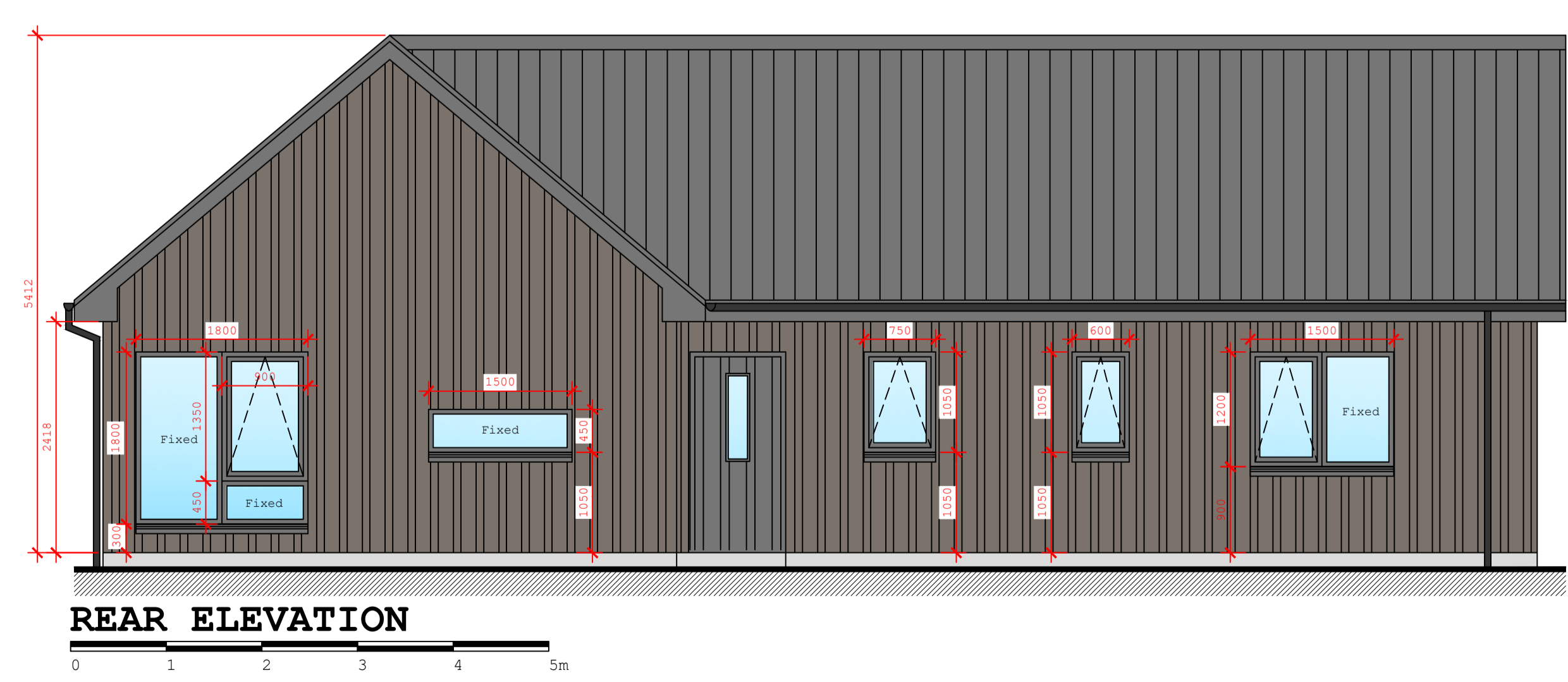
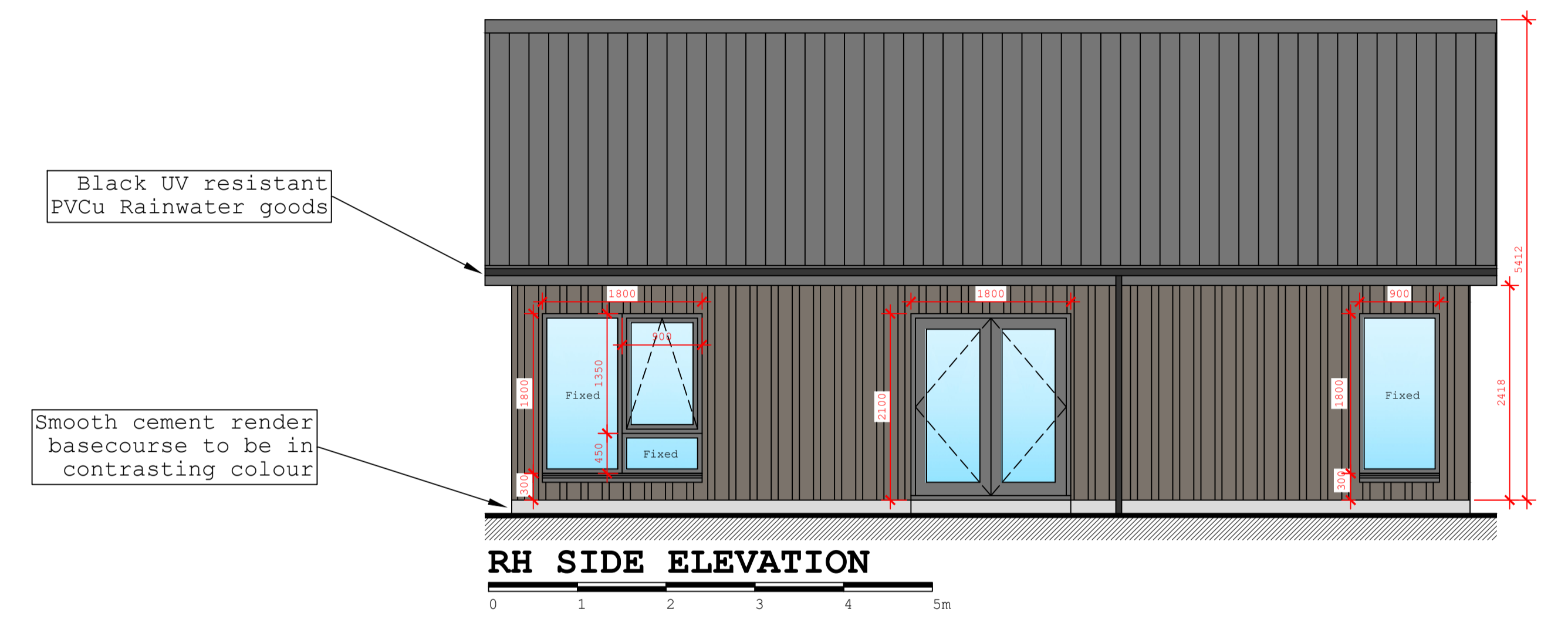
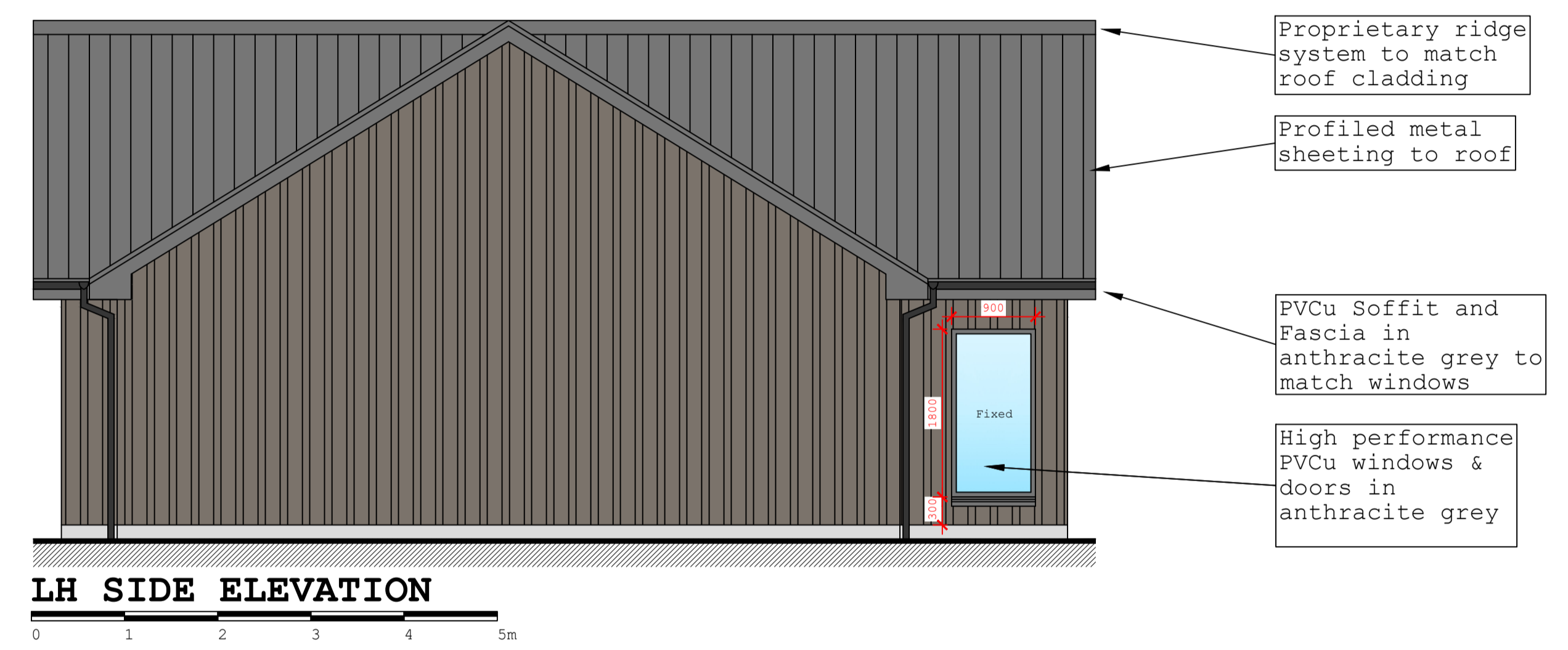
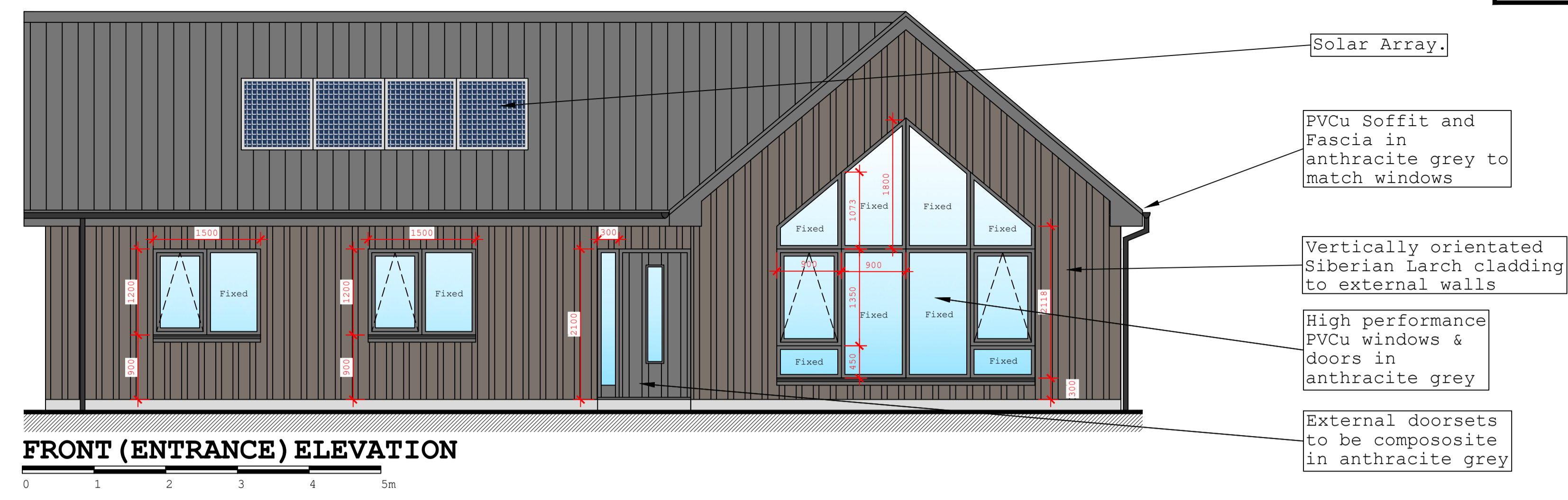
- Plan 1 - 000001 LOCATION PLAN
- Plan 2 - SF31057-PLN01-1 REV A FLOOR PLAN
- Plan 3 - SF31057-PLN01-2 REV A ELEVATIONS
- Plan 4 - 100 A SITE LAYOUT PLAN
- Plan 5 - 000002 SITE LAYOUT PLAN
- Plan 6 - 1 OF 1 REV A TREE PROTECTION PLAN
- Plan 7 - 1 OF 1 REV B TREE PROTECTION PLAN



LOCATION PLAN
SCALE - 1 : 2500



- NOTES:
- '3 STAR' CLOSED PANEL TIMBER FRAME KIT - 140mm Val-U-Therm
 - SOLID FLOOR CONSTRUCTION
 - PROFILED METAL CLAD ROOF
 - UPVC WINDOWS & COMPOSITE DOORS



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A	HOUSE MIRRORED	04/06/21
Rev		Date

Client:
Mr Shaun Entwistle

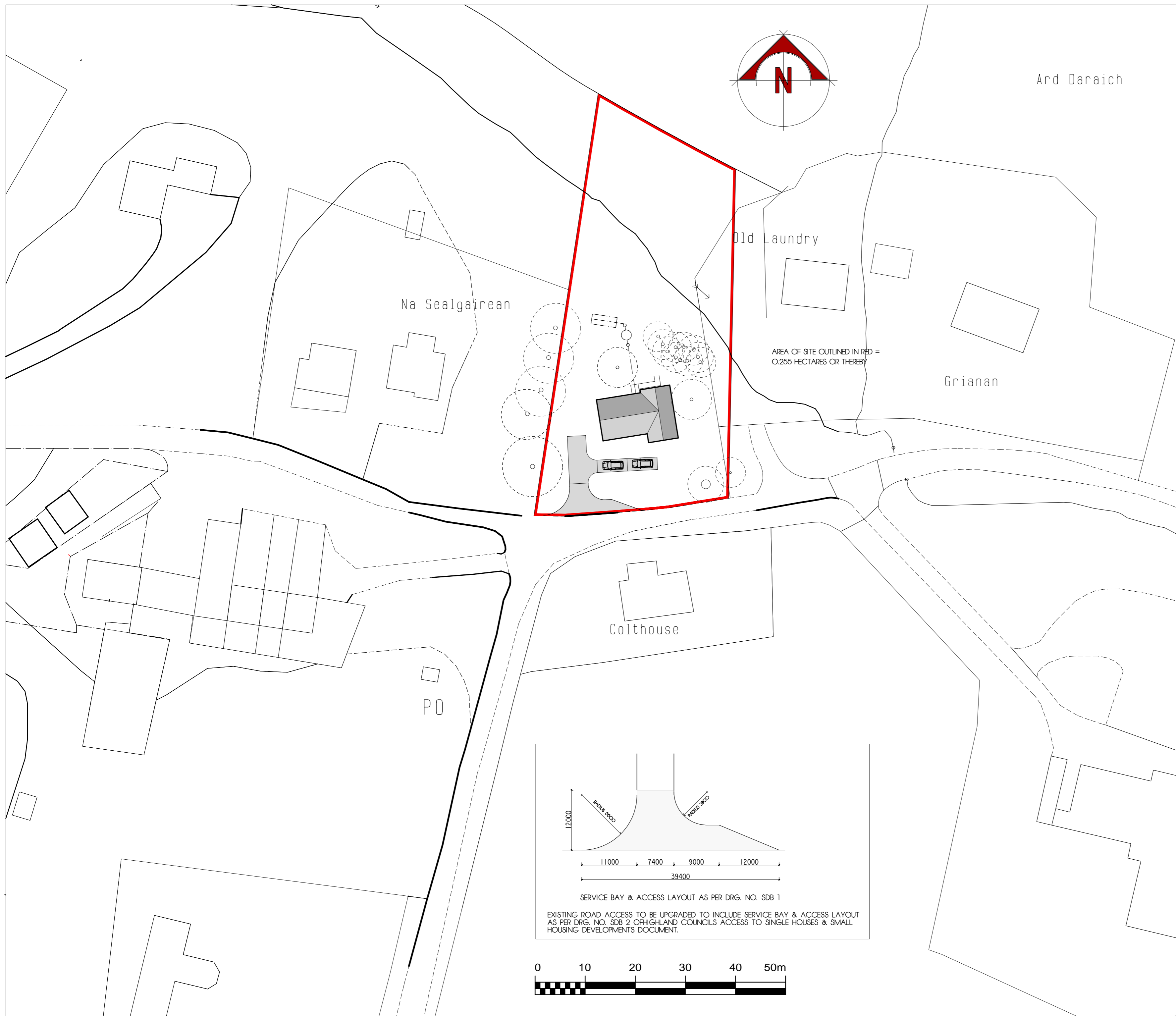
Site:
Proposed New House at
Plot West of Old Laundry, Glenfinnan



Scotframe Timber Engineering Ltd, Inverurie Business Park, Sauterford Avenue, Inverurie, Aberdeenshire, AB51 0ZJ
Tel (01467) 624440 Fax (01467) 624255
e-mail: inverurie@scotframe.co.uk

Also At:-
4 Deerdyles Place, Westfield Industrial Estate Cumbernauld G68 9HE
Tel (01236) 861200 Fax (01236) 861201
e-mail: cumbernauld@scotframe.co.uk

scales:	drawn:	date:	Dwg No:	rev:
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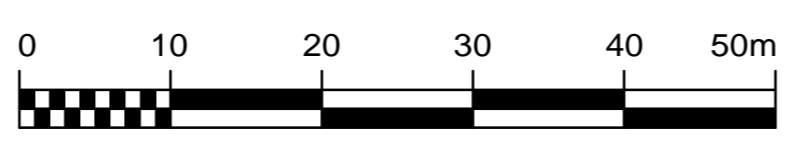
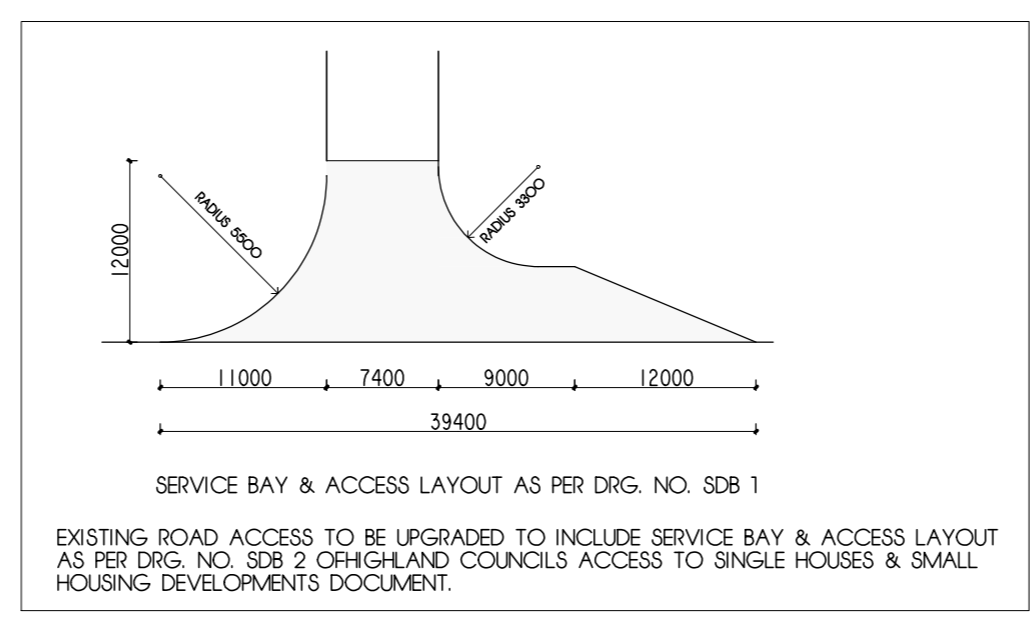
Note
 The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

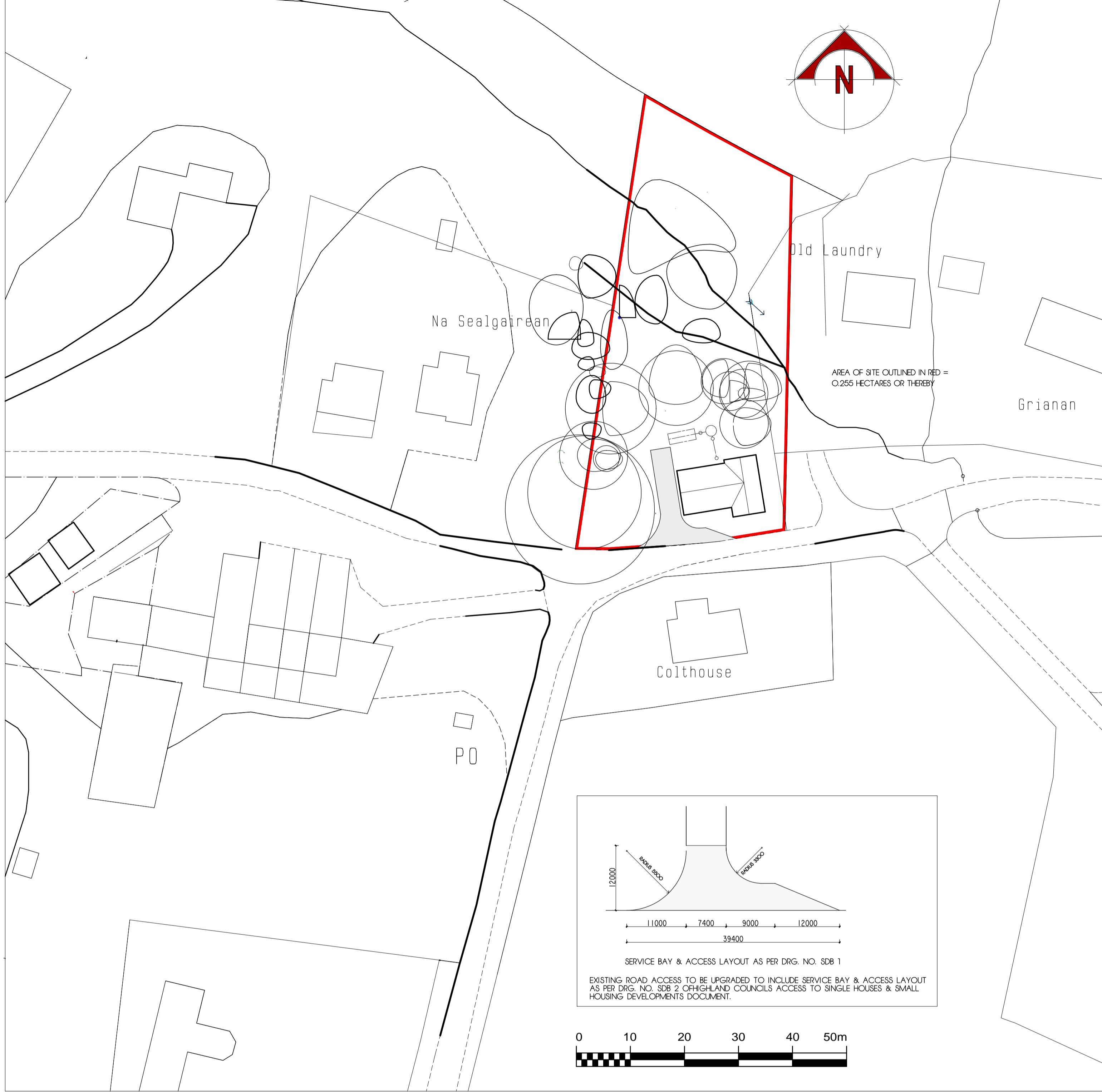
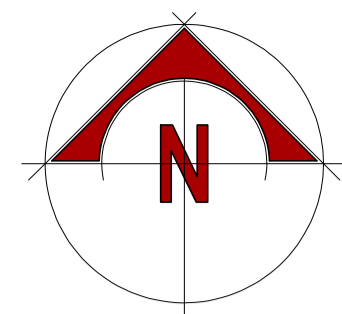
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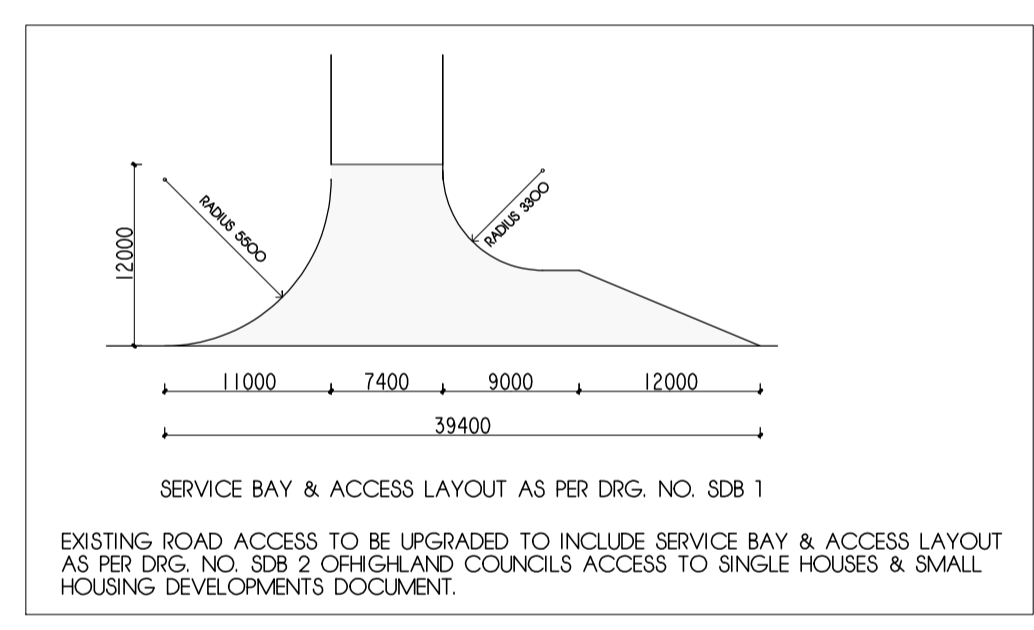
REV A - HOUSE AND CAR PARKING AREA REPOSITIONED
 28.09.21 DK

project	PROPOSED DWELLING HOUSE AT GLENFINNAN		
client	MR. S. ENTWISTLE		
detail	SITE PLAN		
 D KELLY DESIGN Architectural Consultant			
Queen Anne House • 111 High Street Fort William • PH33 6DG Tel: 01397 700999 • Fax: 01397 700888			
scale	1:500	date	05:05:21
job no.	21/039	drg no.	100A
		drawn	D. KELLY

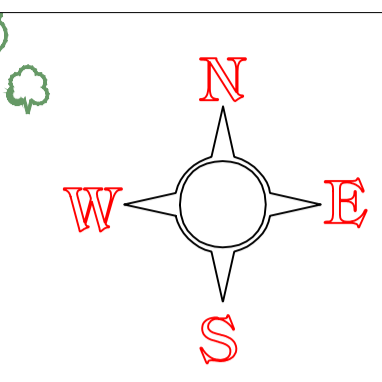




AREA OF SITE OUTLINED IN RED = 0.255 HECTARES OR THEREBY



Tree Protection Plan. Rev A

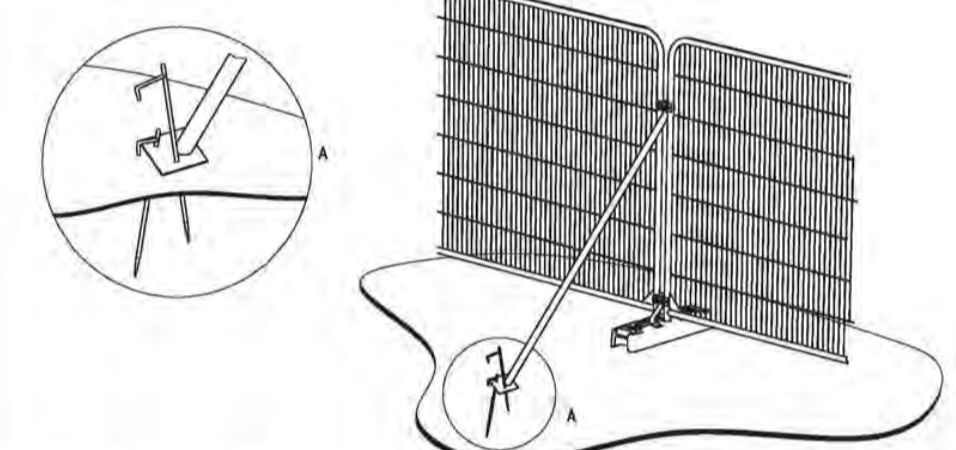




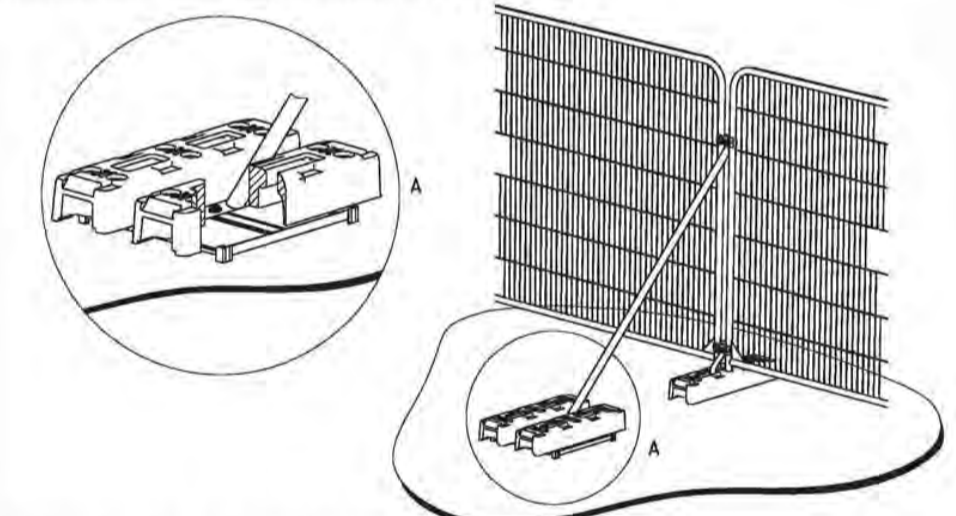
PROTECTIVE FENCING. THIS FENCING MUST BE MAINTAINED IN ACCORDANCE WITH THE APPROVED PLANS AND DRAWINGS FOR THIS DEVELOPMENT.



TREE PROTECTION AREA KEEP OUT!
(UNDER A COUNTY PLANNING (SOUTHWALES ACT 1987) TREES ENCLOSED BY THIS FENCE ARE PROTECTED BY PLANNING CONDITIONS AND/OR ARE THE SUBJECTS OF A TREE PRESERVATION ORDER. CONTRAVENTION OF A TREE PRESERVATION ORDER MAY LEAD TO CRIMINAL PROSECUTION. ANY INCURSION INTO THE PROTECTED AREA MUST BE WITH THE WRITTEN PERMISSION OF THE LOCAL PLANNING AUTHORITY.)

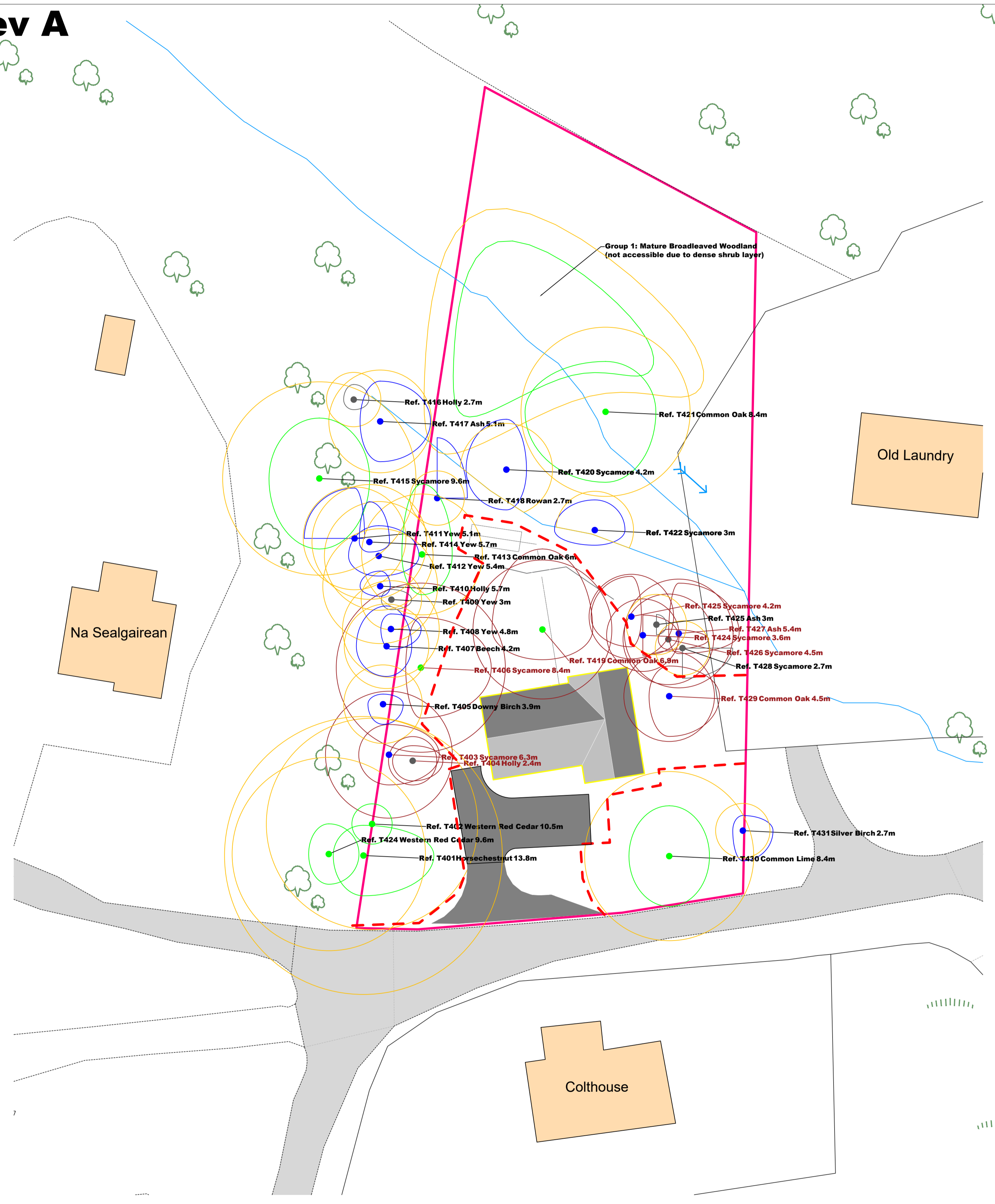


a) Stabilizer strut with base plate secured with ground pins



b) Stabilizer strut mounted on block tray

Tree Protection Fencing Specification



General Notes

KEY

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

Colours are in accordance with BS5837:2012 quality grading:

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

Root Protection Area (RPA): The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

Site Boundary

TREE TO BE REMOVED

Ref. T001 Silver Birch 2.7m

Tree Protection Fencing

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 25.10.2021

Urban-Arb
Arboricultural Consultants

No.	Revision/Issue	Date

Firm Name and Address

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



Project Name and Address

**Proposed House
Glenfinnan
21/02939/FUL**

Project TREE PROTECTION PLAN	Sheet
Date 04.11.2021	1 of 1
Scale 1:250@A1	

Urban-Arb
Arboricultural Consultants

Tree Protection Guidelines

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

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

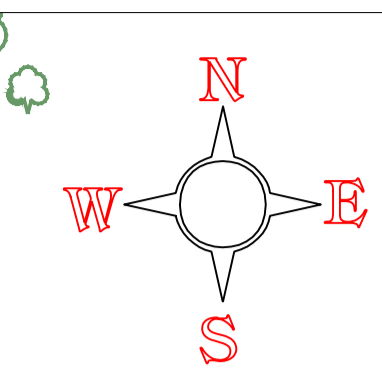
In the event of damage to a retained tree on this site please contact:

Arboriculturist: Callum McCutcheon
Tel: (01343) 821763
Mob: 07766735488

W: www.urban-arb.co.uk Email: callum@urban-arb.co.uk Tel: 01343 821763/07766 73488
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Tree Protection Plan. Rev B

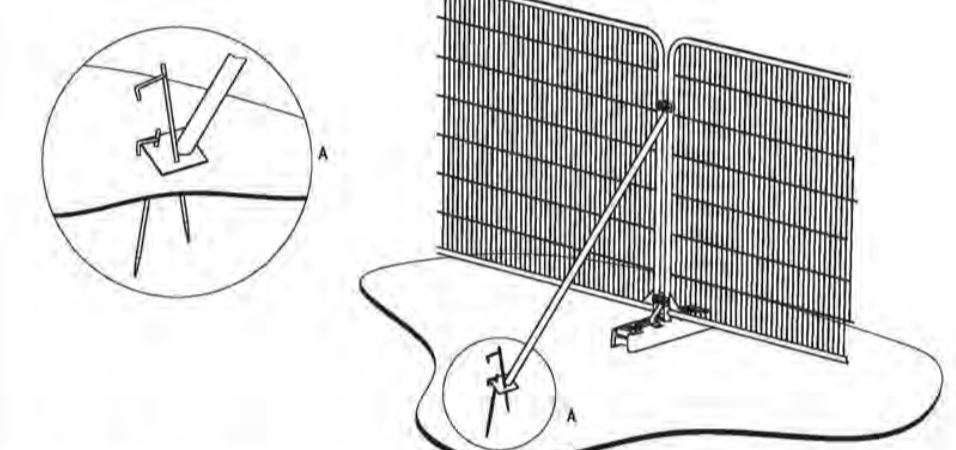




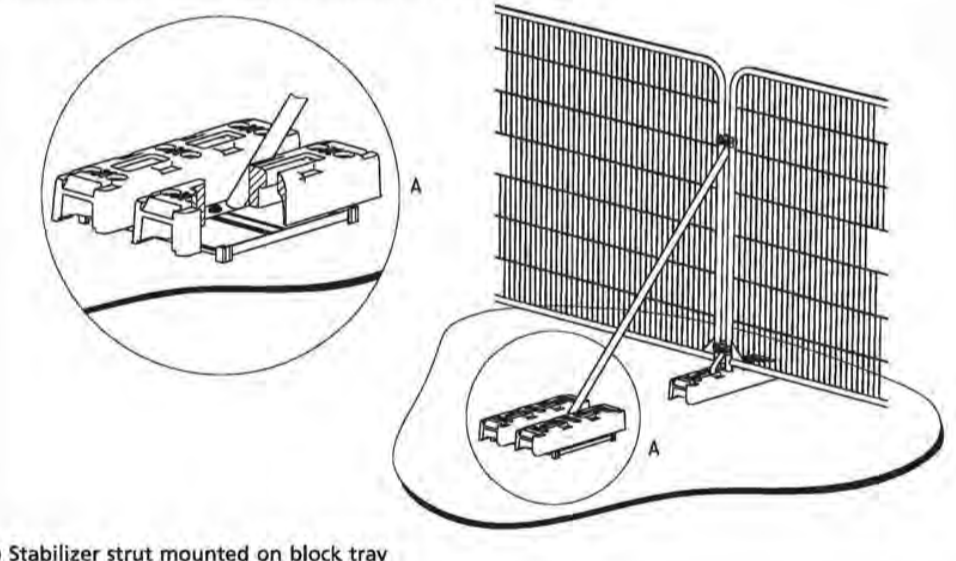
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a) Stabilizer strut with base plate secured with ground pins



b) Stabilizer strut mounted on block tray

Tree Protection Fencing Specification



Tree Protection Guidelines

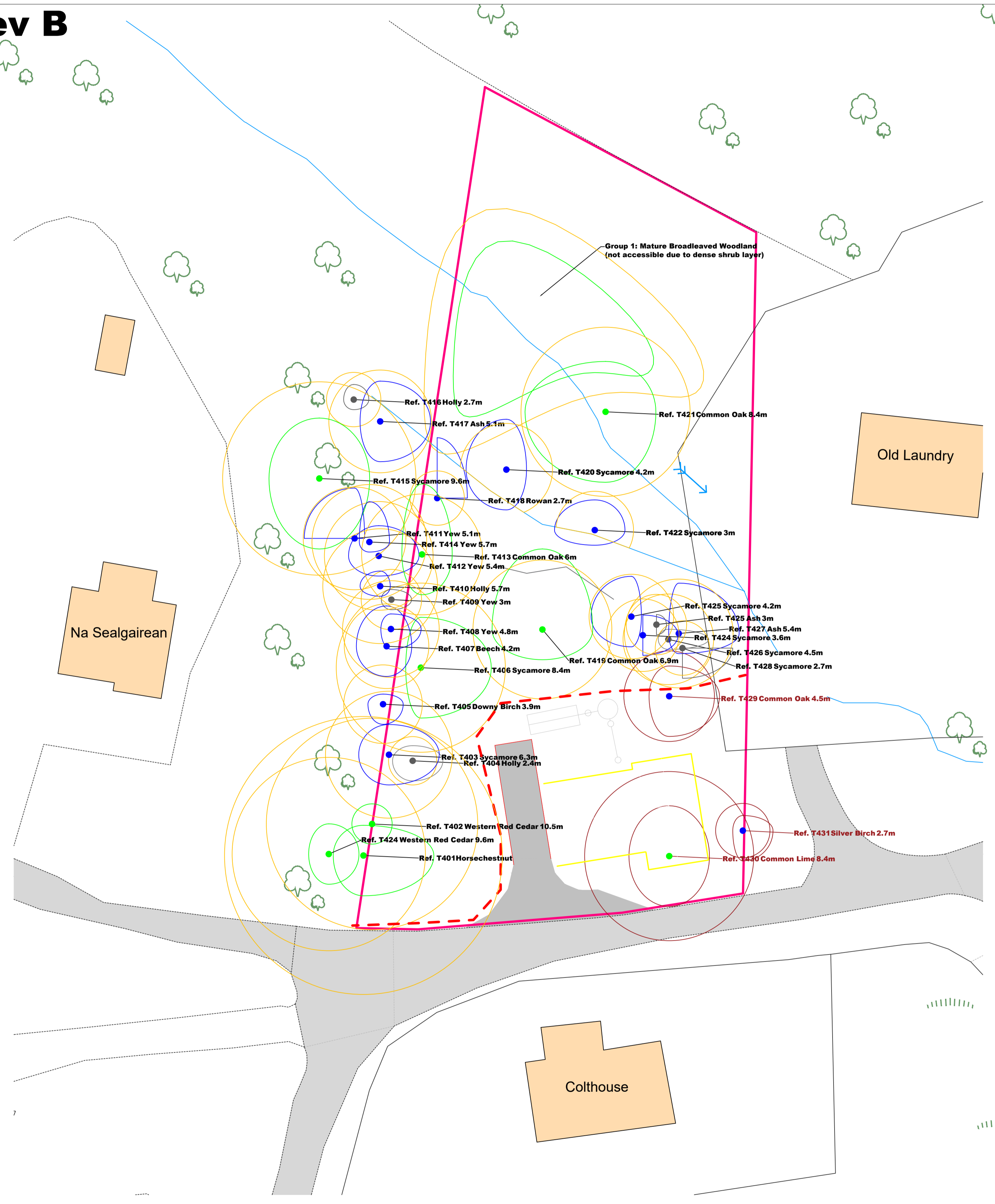
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In the event of damage to a retained tree on this site please contact:

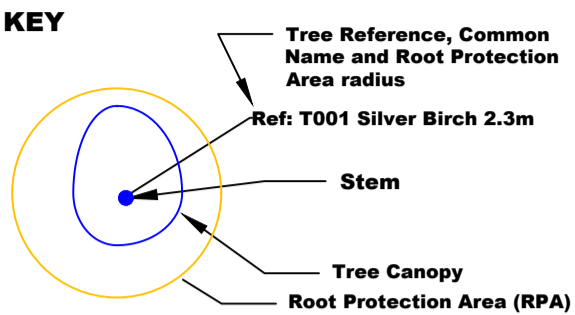
Arboriculturist: Callum McCutcheon
Tel: (01343) 821763
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General Notes

KEY



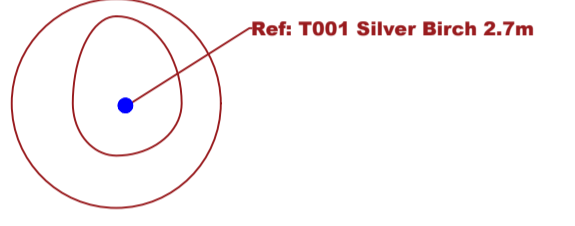
Colours are in accordance with BS5837:2012 quality grading:

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

Root Protection Area (RPA): The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

Site Boundary

TREE TO BE REMOVED




Tree Protection Fencing

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 25.10.2021

Urban-Arb LLP
Arboricultural Consultants

No.	Revision/Issue	Date

Firm Name and Address
Urban-Arb LLP
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Project Name and Address
Proposed House
Glenfinnan
21/02939/FUL

Project	Sheet
TREE PROTECTION PLAN	
Date	
10.02.2022	1 of 1
Scale	
1:250@A1	

