

Agenda Item	6.2
Report No	PLN/079/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: Tuesday 18th October 2022
Report Title: 22/00567/FUL: Mr Timothy Lumsden
Land 50M SW Of Bower Old School, Bower
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of house and associated drainage
Ward: 02 – Thurso and North West Caithness

Development category: Local

Reason referred to Committee: Number of representations and 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 The application seeks full planning permission for the erection of a house and the installation of a sewage treatment plant and associated infiltration system, in addition to the formation of a new private access off the adjacent public road. The site is recognised as the plot of land 50m southwest of Bower Old School, Bower. The proposed single storey house with integral garage will have a natural slate tiled roof and White K-Rendered exterior, in addition to a Caithness Stone cladded entrance porch. The proposed house is predominantly formed over a rectangular footprint with a roof pitch of 40°. It is proposed for an Air Source Heat Pump to be installed to the property's rear, with vertically aligned grey uPVC windows utilised throughout the design and a steel flue situated upon the rear elevation roof.
- 1.2 A new private access with service bay off the adjacent public road is proposed to serve the dwelling, with a turning and parking area (excluding garages) for a minimum of 2 vehicles included within the curtilage of the site. It is proposed for a new sewage treatment plant to be installed to serve the property which will connect to a new Puraflow infiltration system on site. In terms of SUDS a rainwater soakaway is to be integrated on site to provide suitable surface water drainage. There is an existing overhead line running above the east site boundary, parallel with the public road.
- 1.3 Previous Pre-Application Advice was given regarding the erection of a house within the chosen site in 2012 under application reference 12/04361/PREAPP.
- 1.4 The application is supported with a Private Access Checklist
- 1.5 Variations: Following a site meeting, amended drawings were uploaded to the planning portal on June 23rd which detailed a revised house position in response to the concerns raised within the objection comments from neighbours and Bower Community Council. An amended site layout plan was also uploaded on September 28th detailing changes to the proposed foul drainage arrangements as the initial solution was not an acceptable arrangement.

2. SITE DESCRIPTION

- 2.1 The site is generally a flat piece of overgrown grassland which is recognised as garden ground of property Lekkerus, within a wider housing group. To the rear of the site is open countryside with the public road situated to the east. The site is currently screened by a line of trees along the north and east site boundaries. There is a neighbouring property, Bower Old School, on the opposite side of the tree boundary situated to the north of the proposed dwelling, with the existing neighbouring reed bed and property Lekkerus situated to the south.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 25/02/2022 & 15/07/2022

Representation deadline: 29/07/2022

Timeous representations: 5 representations received including Bower Community Council

4.2 Material considerations raised are summarised as follows:

- a) Additional water roof runoff from the proposed dwelling which will impact Bower's already overburdened drainage system
- b) Drainage of water soaking neighbours garden ground
- c) Too small a plot which is unsuitable for proposed development and does not reflect the size of surrounding rural property plots
- d) Property not in keeping with surrounding buildings in terms of size, scale, position and design
- e) Development goes against rural living ethos of distance and space between neighbours
- f) Not in keeping with guidelines stated within CaSPlan and the council's Rural Housing supplementary guidance
- g) Will lead to creation of ribbon development within rural area of Bower
- h) Creation of noise and light pollution
- i) Loss of privacy
- j) Building on the boundary – 2.5m to boundary wall of Bower Old School
- k) Removal of several mature trees which is omitted from plans
- l) Loss of wildlife habitat
- m) Adverse impact on protected species
- n) No full landscape and habitat impact review
- o) Road safety concerns regarding three property openings and a road junction located in close proximity along a 60mph road
- p) Development will outlive current residents and with shared amenities may result in future legal disputes over ownership of land – proposed development not singly sufficient.

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 **Forestry Officer:** Objects to the proposed development, pending further information. The proposed house is set back to within 5 metres of the northern boundary. The underground services and access ramp at the back of the house are within 3 metres of the boundary. This will have a direct impact on a number of the existing Sitka spruce trees which line this boundary. Similarly, the proposed access will affect some of the roadside spruce trees. Sitka spruce is generally grown commercially for timber production due to rapid growth rates and ultimate size. For these reasons, they are not well suited to a residential situation. It is therefore recommended that all the spruce trees are felled and replaced with native species. This will be more appropriate for long term retention within garden ground and create a robust screen from the neighbouring property. The smaller spruce trees along the roadside should be replaced with either a native hedge, or a beech hedge, which is not uncommon in Caithness. The house position should be moved further south to give greater separation from the northern boundary, allowing more space between the

replacement tree planting and the building. It is recommended that a 5 metre wide landscaping strip is created along the northern boundary and defined with a fence. This fence will protect the new planting during construction, as well as the neighbouring trees within the grounds of Bower Old School.

An amended site layout is required showing the 5 metre landscape strip fenced off along the northern boundary, along with a further 3 metre buffer from the house. Any underground services may utilise this 3 metre buffer.

An amended landscape plan is required showing a 5 metre wide strip fenced off along the northern boundary which is to have all existing spruce trees removed and replanted with a mixture of native tree and shrub species. The roadside spruce trees are to be removed and replaced with either a native or beech hedge. The removal of the spruce trees, replacement tree planting and fencing are to be carried out prior to commencement of development.

- 5.2 **Scottish Water:** No objection, stated that there is sufficient capacity for the proposed development to connect onto the public fresh water supply at Loch Calder Water Treatment Works, however, with no public foul drainage infrastructure in vicinity of proposed development, private treatment options required. The development proposals impact on existing Scottish Water assets and the applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.
- 5.3 **Bower Community Council:** objected to the proposal. Following an amended house position the community council were reconsulted but did not respond.

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
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 51 - Trees and Development
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 Caithness and Sutherland Local Development Plan (2018)

No specific policies apply.

6.5 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2018)

Highland's Statutorily Protected Species (March 2013)
Rural Housing (December 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 (June 2014)

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) Amenity
- d) Access and Parking
- e) Drainage
- f) Trees
- g) Loss of wildlife habitat/ Protected species
- h) Impact on infrastructure and services and proposed mitigation (developer contributions)
- i) any other material considerations

Development plan/other planning policy

8.4 As an application to construct a new dwelling and associated drainage within the wider countryside the proposal requires to be primarily assessed against Policy 36 – Development in the Wider Countryside of the Highland-wide Local Development Plan. Policy 36 states that proposals will be assessed for the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development, are compatible with landscape character, avoid loss of Croftland, and

can be adequately serviced. In addition, the council's Rural Housing supplementary guidance also carries due weight within the assessment, particularly regarding the siting and design of the proposal.

8.5 Given the close proximity of the development to surrounding trees, Policy 51 – Trees and Development of the HwLDP also carries due weight within any planning assessment. This policy states that the council will support development which promotes significant protection of trees on or around a site, in addition to detailing that the acceptable developable area of a site is influenced by tree impact, and adequate separation distances which will be required between established trees and any new development. Other pertinent policy considerations include policies; 58 – Protected Species, 65 – Waste Water Treatment and 66 – Surface Water Drainage.

8.6 The wider countryside of Bower consists mainly of single houses within plots of land or open countryside. The proposed development site is presently recognised as garden ground of the property Lekkerus, which is situated just off a straight stretch of the adjacent public road. Along this stretch of road, there is an additional 7 dwellings within relative close proximity to this site. Therefore, it is considered within the immediate surroundings of the proposal, along this straight stretch of road, there is an existing dispersed residential land use pattern which runs adjacent to the public road. The proposed siting of a house on this current patch of garden ground would therefore be perceived as an infill development between the two neighbouring properties Lekkerus and Bower Old School. The location of the proposed house to neighbouring properties is considered similar to the separation distances found between existing properties situated along the straight stretch of road. Whilst we recognise the concerns raised within the representations with regards to the size of the site and the curtilage afforded to the proposed dwelling. The proposed development site is considered to have an awkwardly shaped truncated frontage, but this is due to the location of the existing soakaway system serving the neighbouring property Lekkerus. This existing reed bed is situated immediately to the south of the proposed private access driveway, and therefore due to potential maintenance issues this area was appropriately secluded from the proposed development site, hence, the awkwardly shaped frontage to the site boundary. It would have been preferable for the curtilage of the site to extend along the entire frontage. Conceivably this ground could have been incorporated within the curtilage, but the presence of the soakaway would have limited the use of the land and could give rise to future maintenance issues with the ground being in separate ownership. For these reasons the proposed layout and curtilage are deemed acceptable in this instance.

In addition, the site is sufficiently screened by existing trees along the north and east site boundaries, meaning the proposed development will be visually secluded when viewed from the adjacent public road and Bower Old School. With a maximum of four trees to be felled along the eastern boundary, to make room for the proposed private access, as well as additional tree planting proposed as part of this application, it is deemed that the proposal will have minimal adverse impact on existing trees both within and surrounding the site. Therefore, by proposing a development which is sympathetic to a surrounding residential land use pattern and landscape character, with minimal adverse impact proposed on existing trees, the proposed development is supported in principle by policy with the detailing of the application considered below:

Siting and Design

- 8.7 The proposed development site is of adequate proportion to accommodate a single dwelling and private treatment arrangements, as well as a private access and vehicle parking spaces. Following a site meeting, it was advised and agreed with the applicant that the position of the dwelling should be sited further to the centre of the site, and face directly onto the public road rather than at a 45° angle as originally proposed. This was advised by the Planning Authority following initial concerns that the proposed house position would not accord with surrounding properties by not facing the public road, but also to alleviate any concerns regarding privacy caused by the proposed dwelling directly overlooking the garden of Bower Old School. Following submission of a revised set of plans, the proposed dwelling now sits further to the centre of the site, with a greater separation distance from the western site boundary and faces directly onto the adjacent public road. It is considered that the proposal demonstrates an acceptable ratio between dwelling and garden ground within the site and to ensure no future development within the site takes place which would adversely affect this ratio, in addition to neighbouring properties and the amenity of the surrounding area, the Permitted Development Rights of this proposed dwelling will be removed to allow the Planning Authority to manage future development within the site. Therefore, the removal of Permitted Development Rights for the property should be secured by condition to ensure no future over-development of the site takes place.
- 8.8 The Rural Housing supplementary guidance notes that proposals within garden ground require the new house siting not to detract from the character and setting of existing buildings and the surrounding area. New houses can integrate within an existing housing group if careful attention is given to its siting, layout, landscaping and design with the amended proposal now addressing this guidance. In addition, in this instance the existing trees which border the site will ensure that the new house will be sufficiently screened both from the public road and neighbouring properties to ensure it does not become visually obtrusive within its location. The existing tree screen along the north site boundary means neighbouring property Bower Old School is not visible from the proposed location of the new dwelling, and the existing tree boundary to the east of the site which runs parallel to the public road ensures the proposal will not be significantly noticeable by passing vehicles. It is also proposed for a screen of Fir trees and a 1.5m high timber boundary fence to be installed along the south site boundary to further seclude the proposed development. All screening as well as the size of the proposed dwelling will mean that the proposal will not detract from the existing character surrounding the site and will ensure it appropriately integrates within the housing group without being visually dominant.
- 8.9 The proposed design of the dwelling, in particular the external use of materials, appropriately corresponds with the Rural Housing supplementary guidance. The proposed natural slate roof as well as the white rendered walls and traditional Caithness Stone elements of the design are all traditional aspects which are advised for new dwellings within the countryside.
- 8.10 The sensitive siting and appropriate design of the proposed dwelling, along with the sufficient screening afforded to the development site, ensure the proposal will not become visually obtrusive within its surroundings and will respect local character. In

terms of siting and design the proposal is assessed as complying with policy and the council's Rural Housing supplementary guidance.

Amenity Impact

- 8.11 The proposal is situated within garden ground of an existing dwelling Lekkerus and has a neighbouring property, Bower Old School, situated to the north of the site beyond the existing mature tree boundary. As already mentioned, the position of the proposed dwelling has been altered to be further to the centre of the site and to face directly onto the public road. Following this amendment, the proposal will no longer have 7 windows which directly overlook the garden of Bower Old School and will be situated at a minimum distance of 5m away from the existing boundary wall. Therefore, it is considered that the proposed dwelling will not overlook the garden of Bower Old School due to the revised house position, with only 2 windows from the proposed garage on the east elevation facing towards the neighbouring property. It should be noted that from these windows within the garage, a non-habitable area of the dwellinghouse, the neighbouring Bower Old School will not be visible due to the sufficient tree boundary.
- 8.12 In addition, the proposed distance between the new dwelling and neighbouring property Lekkerus, as well as the proposed boundary fencing and new Fir tree screening, there are no amenity concerns that the proposed dwelling will negatively affect the privacy of neighbours.
- 8.13 Concerns were raised within the comments of objection against the proposed development, that the existing tree boundary to the north of the site would be lost and its removal would result in a loss of privacy and an increase in noise and light pollution for neighbours. As per the associated plans for this development, none of these existing mature trees along the northern boundary are proposed to be removed as part of this application and their retention is secured by condition. As a result, both the new dwelling and Bower Old School will be sufficiently screened by the trees which will act as a suitable noise, light and privacy barrier between both properties. Neither property will be visible from the opposite side of the tree boundary.
- 8.14 Taking all of these elements into account, the altered position of the proposed dwelling, the retention of the existing tree boundaries and the installation of fencing and a new Fir tree screen to the south, it is deemed that the proposed property is sufficiently screened from both neighbouring properties and the surrounding environment. The inclusion of an Air Source Heat Pump is welcomed during a time of climate emergency; however, a condition should be used to ensure the noise generated from this sustainable measure is kept to an acceptable level.
- 8.15 It is considered that the proposed development will not create any invasion of privacy, blocking of daylight or increased noise issues with neighbouring properties. There are no amenity concerns with regards to this proposal.

Access and Parking

- 8.16 It is proposed for the creation of a new private access which will connect the proposed development onto the adjacent unmarked public road which runs to the

southeast of the site. The access will be required to adhere to the Access to Single Houses and Small Housing Developments guidelines with the junction formed in accordance with drawing ref SDB1 should consent be granted. Visibility splays of 2.4m x 215m shall be provided and maintained on each side of the access at its junction with the public road which is considered to be commensurate with the assessed road speeds on the public road. The submitted Private Access Checklist confirms that such splays can be achieved. There is also suitable space within the development site for a minimum of two parking spaces (excluding garages) and an adequate turning area. Both the access and parking requirements should be secured via condition to be fully delivered prior to the first occupation of the development.

- 8.17 In response to the road safety concern raised regarding the creation of an additional access opening close to existing access; it is noted that the nearest access opening is 30m from the proposed access and the nearest road junction is approximately a distance of 140m away. As per the councils Access to Single Houses and Small Housing Developments supplementary guidance any new private access should not normally be situated within 90m of a road junction or within 30m of an existing property access. Therefore, the proposed access opening is the required distance away from any existing opening or road junction and it is considered that the proposed private access will not create an increase in road safety concerns at its chosen location.

Drainage

- 8.18 Scottish Water have confirmed that there is sufficient capacity for the proposed development to connect onto the public fresh water supply, however, with no public foul drainage infrastructure in the vicinity of the development site, private treatment options are required. Therefore, it is proposed for a sewage treatment plant to be installed within the curtilage of the site which will flow to a new Puraflow infiltration system on site, which is considered acceptable.
- 8.19 In terms of surface water drainage, it is proposed for a Rainwater soakaway to be installed on site. This is considered a suitable SUDS arrangement which will provide suitable surface water drainage and should alleviate any concerns raised by objectors regarding increased water runoff from the roof of the proposed dwelling. The proposed SUDS as well as appropriate distance between the proposed dwelling and neighbouring garden ground will ensure the drainage of the proposal will not soak the ground of any neighbouring property. A condition should be used to ensure the proposed surface water drainage arrangements, as detailed on the submitted plans, are formed prior to first occupation of the proposed house.

Trees

- 8.20 The site accommodates existing trees along the north and east site boundary. The proposed development will be a minimum of 5m away from the mature trees along the northern site boundary, with only a maximum of four trees to be removed to accommodate the proposed private access to the east of the site.
- 8.21 It is also proposed for a Fir tree boundary to be created to the south of the site, in front of the proposed 1.5m timber boundary fencing. It is considered that the proposed development will have minimal adverse impact on the existing trees on site

due to the creation of appropriate separation distances between the new house and any surrounding trees. The existing and proposed trees on site will help to screen and seclude the development from the surrounding area, which will ensure the proposal respects the amenity of neighbours and does not become visually obtrusive. A condition should be attached to ensure all landscaping works are carried out in accordance with the scheme and plans submitted as part of this application.

- 8.22 In response to the objection from the council's Forestry Officer, it is noted that the existing Sitka spruce trees along the northern boundary of the site will grow to a large size, however, this could be managed by occupants of the proposed dwelling as well as existing neighbouring residents. Not all of these trees are within the proposed development site therefore, by retaining these existing trees within the applicant site the planning authority can control the screening element and ensure the privacy and residential amenity of both Bower Old School and the proposed dwelling will not be disregarded. If the trees along the northern boundary were to be felled as part of this application, the trees within the neighbouring garden would be relied on to maintain privacy on site, which could be removed by the neighbour at any time. In addition, if the applicant were to remove these trees, it would take a considerable length of time for replacement trees to grow. Both Bower Old School and the new dwelling would not be appropriately screened during this time period and both properties would become more visually dominant within the surrounding area. The residential amenity of both properties would also be adversely affected. The advice from the Forestry Officer was provided to the applicant, however, it is the applicants request that the existing trees on site remain, with only a maximum of four removed to make room for the new private access. Therefore, despite the Forestry Officer's objection, in this instance it is considered that the existing tree boundaries on site should be retained, in the interests of residential amenity.

Wildlife Habitat

- 8.23 The proposed development site is not located within any recognised nature conservation designations. Therefore, impact on wildlife habitat requires further investigation only if there is good reason to believe that a protected species may be present or affected by the proposed development. The site is not assessed as being at high likelihood of housing protected species, although it may well be used for foraging. There is, however, abundant adjacent farmland within the wider surrounding area which will remain available for foraging purposes. A protected species survey has therefore not been requested. An informative should be used to advise the applicant of the correct course of action should protected species be found within the site.

Other material considerations

- 8.24 There are no other material considerations.

Non-material considerations

Non-material considerations raised are summarised as follows:

- a) Numerous unsold building plots, with planning permission or planning permission in principle granted, throughout Bower which would be suitable for this development

- b) False declarations within application form which recognises the current use of the development site as a plot instead of garden ground
- c) Development does not increase the availability of required family homes in Caithness should it be re-sold
- d) No record of a drainage certificate
- e) Proposed development will affect the sale ability of all homes within close proximity.
- f) Development will outlive current residents and with shared amenities may result in future legal disputes over ownership of land – proposed development not singly sufficient.

Matters to be secured by Legal Agreement / Upfront Payment

8.26 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) Wick High School – Major Extension / New School - £903

The applicant has indicated a willingness to pay via an upfront payment which will be required prior to any decision being issued.

9. CONCLUSION

9.1 Policy 36 places a presumption that proposals regarding development within the wider countryside will be supported should they be acceptable in terms of siting and design, are sympathetic to existing patterns of development, are compatible with landscape character, avoid loss of Croftland, and can be adequately serviced. In this instance the proposed design, scale and layout of the proposed development accords with surrounding patterns of development, as well as with policy and the appropriate siting and design principles established with the council's Rural Housing supplementary guidance. Although the concerns of the Community Council and neighbours are understood, it is considered that following amendments to the house position and clarification of minimal loss of existing trees which border the site, the development will not disregard both the principles of rural living and the residential amenity of neighbouring properties.

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

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. Notwithstanding the provisions of Article 3 and Class(es) 1A to 3E and 6C to 6H 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 dwellinghouse hereby permitted without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

2. No other development shall commence until the site access has been constructed 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. SDB1; and
 - ii. visibility splays of 2.4m x 215m (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. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain

in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

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

4. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall 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 that retained trees are properly managed and maintained.

5. Prior to the first occupation of the dwellinghouse, parking spaces (excluding garages) and vehicle turning provision for a minimum of 2 cars shall be provided as detailed on the approved plans and shall thereafter be maintained for this use in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the public road.

6. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site.

7. Prior to the first occupation of the dwellinghouse, the 1.5m timber boundary fencing as detailed on the approved plans shall have been erected. The fence shall thereafter be retained in perpetuity

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

8. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment

9. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

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

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.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities

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

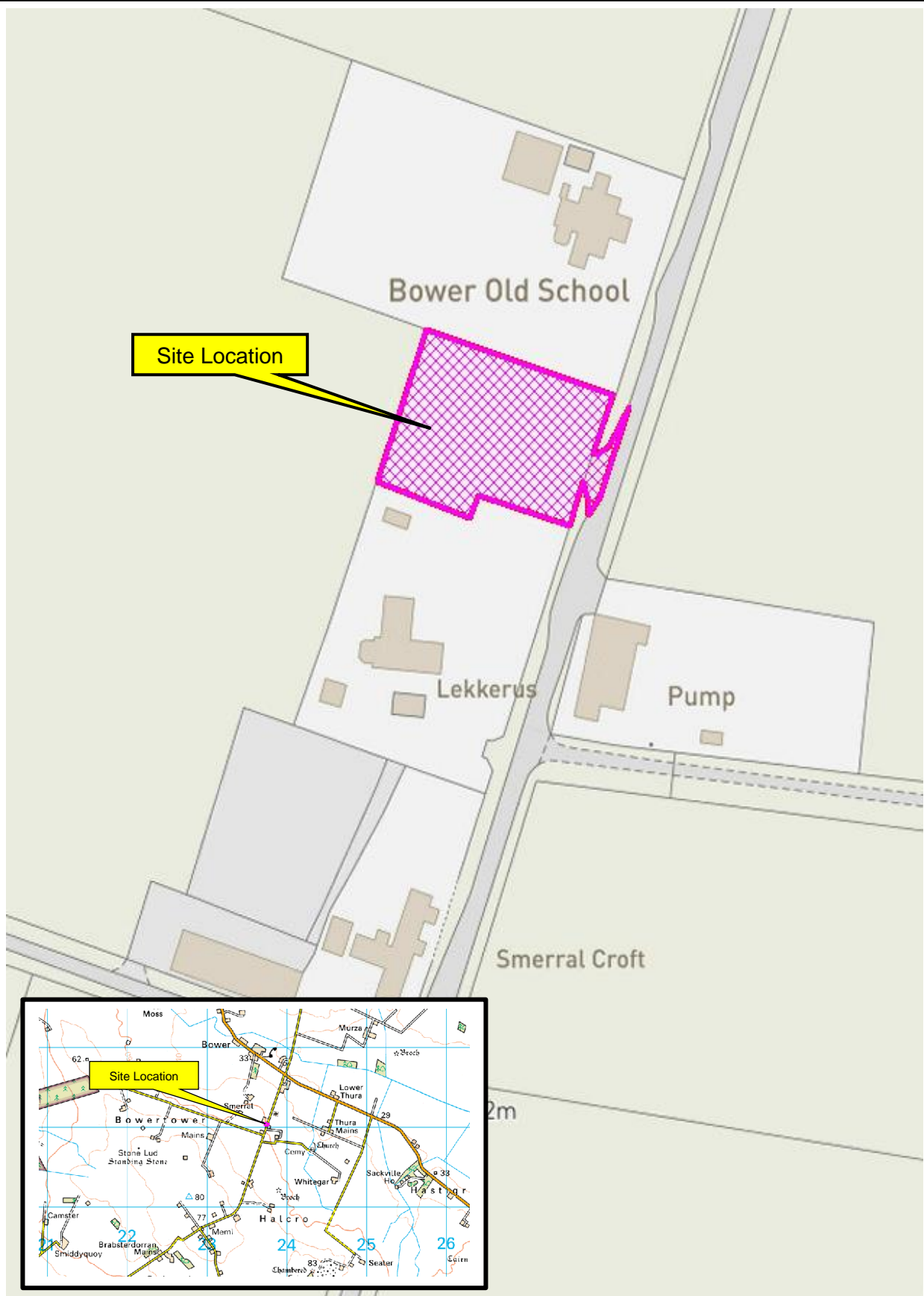
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage 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: Dafydd Jones
Designation: Area Planning Manager north
Author: Liam Burnside
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 001 REV AC Location Plan
Plan 2 - 002 REV AC Site Layout Plan
Plan 3 - 003 REV AA Floor Plan
Plan 4 - 004 Elevations
Plan 5 - 005 REV AA Elevations
Plan 6 - 006 Section Plan
Plan 7 - 007 REV AB Landscaping Plan



Infrastructure and Environment Service

22800567/FUL

Erection of house and associated drainage at Land 50m SW of Bower Old School

October 2022

