

Agenda Item	7.1
Report No	PLS-36-33

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 June 2023
Report Title: 22/02553/FUL: Mr James Barnes
Land 40m NW of Bay View, Ardtoe, Acharacle
Report By: Area Planning Manager – South

Purpose/Executive Summary

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

Reason referred to Committee: 5 or more timeous objections from separate households

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This proposal is for the erection of a 5 bedroom, single storey detached dwelling. Accommodation would be split between two wings, with bedrooms, study and boot room within the eastern wing and dining room, living room, snug, kitchen and plant room set in the western wing. The eastern wing would measure 23.8m long x 8.4m wide with the smaller western wing measuring 14.4m x 8m, with a lower 2.2m link corridor. The house would measure approximately 4m high to the ridge (up to 4.8m high including chimneys).
- 1.2 The proposed house would be sited 100m north of the public road, 50m to the north of Bay View and 85m south east of Torr Na Beithe. The larger wing of the house would be orientated in a southerly direction, following the line of the public road and the orientation of Bay View to the south. The smaller western wing would be skewed, following the contours of the site and facing in a south easterly direction.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Visual information, design statement, private access checklist, access/layby information, drainage impact assessment, drainage report, SEPA consent, Arboricultural Impact Assessment and Tree Survey Report, Tree Protection Plan, Ecology Report.
- 1.5 Variations: Revised site layout plan, ground floor plan, elevation plans, and roof plan, including a 1m reduction in footprint (eastern wing) and house repositioned approximately 1m west

2. SITE DESCRIPTION

- 2.1 The site is located to the north side of the B8044 at Ardtoe. The site comprises a natural plateau, set in an elevated position above the public road and set between two existing properties, Bay View which is set at a lower elevation, adjacent to the public road to the east and Torr Na Beithe, which is set in a more elevated position to the west. The site is set against rising wooded ground to the north and east.
- 2.2 There is an existing private track which forms a loop from the B8044 public road to the north of Pier Cottage, which extends for approximately 450m and re-joins the B8044 to the north east side of Dal Ghorm. There is an existing, unsurfaced ATV track, which runs along the west side of the site which provides access to the site (plateau) and surrounding woodland.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|--|
| 3.1 | 01.06.2010 | 10/01175/PIP: Proposed house site at land North West of Bay View, Ardtoe (part of current site) | Planning Permission in Principle Granted |
| 3.2 | 01.06.2010 | 10/01174/PIP: Proposed house site at land 50m west of Bay View, Ardtoe (adjoining site on west side of access track) | Planning Permission in |

			Principle Granted
3.3	18.11.2016	16/02133/FUL: Demolition of existing cottage and erection of house (Pier Cottage, neighbouring dwelling - south side of B8044)	Planning Permission Granted
3.4	26.04.2010	10/01066/FUL: Extension to existing house to form 2 further bedrooms (Torr Na Beithe - neighbouring dwelling north west)	Planning Permission Granted
3.5	10.01.2005	04/00583/FULLO: Alterations (chimney installation) to house (Torr Na Beithe – neighbouring dwelling north west)	Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 23.06.2022

Representation deadline: 09.07.2022

Timeous representations: 48 objections (46 households)

1 representation (1 household)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Neighbour to north west do not object to the proposal. Note that the house and ground layout are sympathetic to the landscape and care has been taken to preserve trees/ground cover. If planning permission is granted, it is hoped the Planning Authority will safeguard this.
- b) Neighbour to south raises concern regarding surface water drainage and waste water drainage management which could discharge, increase flood risk to neighbouring house and garden.
- c) Contemporary design and materials at odds with existing properties/character of the settlement.
- d) Inappropriate scale of development, not affordable/suitable for locals.
- e) Adverse impact on landscape setting within Morar, Moidart and Ardnamurchan National Scenic Area.
- f) Development out of keeping with settlement pattern.
- g) Adverse impact on flora, fauna, migrating birds, adjacent SSSI and fish, seals and mammals at the shore during and following construction – noise, light pollution, waste management. Lack of ecological survey.
- h) Pressure on local waste services (particularly Acharacle bottle bank which is often over capacity).
- i) Existing roads insufficient particularly for construction traffic.
- j) Loss of trees/woodland.

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 **Acharacle Community Council:** Late comment received from Community Council

"Acharacle Community Council has given due consideration to this application and wishes to OBJECT for the following reasons:

- Located directly above and behind an existing property, we are concerned about increased water run-off and flooding to the neighbouring property due to a reduction in natural drainage, and the risk of septic tank run-off to that property.
- The B8044 is a poorly maintained single-track road with very poor visibility and limited passing places - additional traffic should not be encouraged until the road is adequately upgraded and maintained.
- The proposed design is clearly intended to limit visual impact, but it is still too large and out of keeping with local vernacular - a property with 5 bedrooms and 6 bathrooms cannot help but be large and imposing and will be visible from many directions.
- The Drainage Impact Assessment states that "Across such a large site the net increase in unmanaged impermeable areas of 15 sqm is insignificant", but that is potentially misleading and relative statement. ACC is of the view that any addition of impermeable areas in such a location is not acceptable. Furthermore, any areas "designated to be permeable" will not achieve the same level of permeability as natural undisturbed ground will do, and there will inevitably be an increase in surface water run-off in an area of very high rainfall.
- In addition to the impermeable area proposed for the house, the entrance area from the road has recently been significantly expanded and upgraded to what appears to be high quality road substrate standard, and a new spur left created a short distance from the road.
- We understand the need for new housing nationally, but it is not appropriate for it to be located in a National Scenic Area or in close proximity to SSSIs."

5.2 **Forestry Officer:** Woodland either side of the access track into the site and throughout the eastern side of the site. This woodland is listed on the Native Woodland Survey of Scotland as upland birchwood.

Initial advice given that it appeared that there was scope to develop as proposed without significant adverse impact on trees. A tree protection and planting plan were requested to demonstrate the potential impact on trees.

Concerns raised following receipt of original AIA, that 29 trees would need to be removed to accommodate development with pruning of 17 trees also required. Forestry Officer concerned that the tree survey had not been undertaken to inform the site layout design (including drainage) and therefore impact on trees and woodland significant despite there being other more open ground available within the site.

Forestry Officer subsequently advised that the woodland strip to the east of the site was most important to the landscape setting and there may be scope to move the house footprint to the west further out of the woodland to minimise adverse impact on trees.

Revised proposals submitted supported by updated arboricultural information, showing a minor revision to the site layout and improvement to the drainage layout. A reduction in the number of trees for removal from 29 to 21. The Forestry Officer advised that the application could be accepted subject to conditions for tree protection, arboricultural supervision during construction and tree planting to be undertaken in accordance with the details submitted.

5.3 **Flood Risk Management Team:** No objection.

- The applicant no longer proposes to drain surface and foul water via the two temporary watercourses, which have a partly defined route, and which traverse a neighbouring garden. Further, the applicant now describes the watercourses as surface water features/channels, which appears to be acceptable in this instance.
- The proposals now show that the surface water generated by the development would discharge to what may be a suitable watercourse, adjacent the access lane to the west of the neighbouring property. 'Proposed Drainage Layout' drawing G1036, DR C 2000 P02 shows 14m³ of attenuation, which is welcomed.
- It appears likely that some or all the distributed surface water that presently flows through the site would require to be intercepted by a land drain to allow development to proceed, though this is not clear from the Applicant's information.
- The newly proposed receiving watercourse has the same ultimate discharge point as the previously chosen surface water routes/channels, which is acceptable. However, development may lead to new land drainage entering this watercourse before entering a culvert under the B8044, to the west of the culvert it may presently enter.
- The applicant should ensure that the minimum possible land drainage flows to an alternative location.
- The FRMT no longer requires the provision of a riparian buffer as it is accepted that the house would not be constructed on a watercourse.
- Foul drainage is outwith the FRMT's remit however, the FRMT notes that a CAR licence has been granted to discharge treated foul water to the new location which appears to avoid the garden ground of the adjacent property.

Comment: FRMT were asked whether conditions should be applied to seek final details of the surface water drainage and cut off drain. The FRMT advised that this is a single house application where any water diverted away from the site is likely to reduce the flood risk to the neighbouring property. In this context, the FRMT does not feel that a planning condition would be useful. Any water not captured is likely to flow as pre development. Additional benefit of drainage surface water to the west watercourse improving movement of foul water drainage.

5.4 **Crofting Commission:** General standing advice, summarised below:-

- The siting of any proposed development should not restrict the continuing cultivation of a croft.
- The siting of any proposed development should not restrict proper access to all other areas of the croft.
- The siting of any proposed development avoids using the better quality land on a croft.
- Consideration be given to the number of existing developments relating to a croft to ensure that the croft should retain its identity as a crofting unit.

5.5 **Nature Scotland:** Although the proposal lies within the Morar, Moidart and Ardnamurchan National Scenic Area, it does not meet the criteria for Nature Scotland to comment on impact to the NSA.

5.6 **Scottish Water:** No objection.

- The proposed development would be fed from Acharacle Water Treatment Works. A pre-development enquiry form should be submitted directly to Scottish Water to allow full appraisal of the proposals.
- There is no public Scottish Water, waste water infrastructure in the vicinity. A private treatment option will be required.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the West Highland wide Local Development Plan, 2019 and Highland wide Local Development Plan, 2012 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

6.2 The following policies are relevant to the assessment of the application

6.3 **National Planning Framework 4 (adopted 13 February 2023)**

- 1 - Tackling the Climate and Nature Crises
- 2 - Climate Mitigation and Adaptation
- 3 - Biodiversity
- 5 - Soils
- 6 - Forestry, Woodland and Trees
- 14 - Design, Quality and Place
- 17 - Rural Homes
- 22 - Flood Risk and Water Management
- 29 - Rural Development

6.4 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 47 - Safeguarding Inbye/AppORTioned Croftland
- 51 - Trees and Development
- 56 - Travel

- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Important Habitats
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.5 West Highland and Islands Local Development Plan 2019

No specific policies apply

6.6 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Rural Housing (Dec 2021)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None

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 National Scenic Area designation
- d) impact on croft land
- e) ecology and trees
- f) surface and waste water drainage
- g) Impact on infrastructure and services

h) any other material considerations

Development plan/other planning policy

- 8.4 This site is located in a 'remote rural' area. NPF4 Policy 17: Rural Homes offers support for development proposals for new homes, where the proposal would support and sustain existing fragile communities, support identified local housing outcomes and is suitable in terms of location, access and environmental impact. This approach accords with local development plan policy for housing development in wider countryside, outlined below.
- 8.5 The site is located outwith any Settlement Development Area or Growing Settlement as defined in the West Highland and Islands Local Development Plan, 2019 (WestPlan); it is in wider countryside. Development proposals in wider countryside must be assessed against Policy 36 of the Highland wide Local Development Plan, 2012 (HwLDP) to the extent that 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 incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics;
 - avoid, where possible, the loss of locally important croft land; and
 - can be adequately serviced.
- 8.6 Rural Housing Supplementary Guidance requires proposals to respect the local character, scenic quality and wider landscape characteristics, be compatible with the existing pattern of development and accord with adjacent land uses, sensitively address site constraints including topography, be compatible with existing servicing and utilities, protect public views over open water, demonstrate sustainable or low energy and impact design principles and provide safe access to the public road network. Subject to compliance with the above criteria, the proposal would accord with the adopted development plan and supplementary planning guidance.
- 8.7 Policy 47: Safeguarding Inbye/Appportioned Croftland requires development proposals to minimise the loss of inbye/appportioned croft land. Housing proposals should be for single houses (with consideration given to the history of development of the croft) and should where possible avoid:
- siting on the better part of a croft in terms of its agricultural value; and
 - impeding use of the remaining croftland by virtue of its location.

If proposals do not meet these criteria, they will only be deemed acceptable where there exists a proven/recognised wider community interest; and in terms of other policy considerations, such as accordance with settlement pattern or impact on a natural, built, or cultural heritage feature, they can be considered acceptable.

- 8.8 The site is located within the Morar, Moidart and Ardnamurchan National Scenic Area which is a feature designated of national importance. Development proposals will be supported where it can be shown not to compromise the natural environment, amenity and/or heritage resource.
- 8.9 Subject to the proposal being acceptable in terms of siting and design, having no adverse impact on the scenic qualities of the landscape in which it is situated, the natural environment, the functioning of the croft itself, the amenity of neighbouring residents or impact on existing infrastructure the proposal would accord with the development plan.

Siting and Design

- 8.10 In terms of NPF4, new rural housing development, within existing settlements is generally supported, to offer a mix of housing types and tenures available to strengthen more remote, rural settlements. The development site is situated within the existing low density settlement at the eastern side of Ardtoe. The site is located on the north side of the B8044, served by an existing private loop track and set between Bay View to the south east and Torr Na Beithe to the north west. Two infill sites were agreed in principle between these two existing properties in 2010, one within the south western part of the current application site and a second house plot opposite, to the west side of the private track. Although these permissions have both since lapsed, the principle of a single house at this site, set between existing properties to the north side of the track, is considered an acceptable infill development site which would follow the dispersed, low density settlement pattern.
- 8.11 The house has been designed with a low profile to contain development within the landform, utilising the plateau, set against the rising wooded backdrop. The low profile design, limited to a single storey has resulted in a larger footprint of development, mono pitch roof and contemporary design, compared to its neighbours. Fenestration is largely concentrated on the south facing elevations to maximise solar gain. While not typical of the more traditional housing stock in Ardtoe, the low profile design would be better contained within the topography, avoid sky lining and reduce the visual prominence of development at this elevated site. Development at this site will be seen in context with Bay View in the foreground, adjacent to the road and Torr Na Beithe set at a higher elevation to the north west. The revised siting (from the 2010 permission) results in development pushed back into the site, increasing the separation between the development and Bay View Cottage. The increased set back and separation and difference in levels between the house site and Bay View Cottage is welcome and the proposal raises no substantive concerns regarding loss of neighbouring or wider amenity.
- 8.12 The house is proposed to be finished with timber clad external walls, pre-treated for an immediate, consistent weathered appearance with a mid-grey coloured base course and local stone, rubble chimney to the front and elevation. The roof would be finished in grey metal sheeting. These finishes will help the house to recede into the wooded hillside. The proposals are considered to accord with policies 14 and 17 (NPF4) and policies 28, 29 and 36 (HwLDP) and the Council's Rural Housing Supplementary Planning Guidance in terms of siting and design.

Impact on National Scenic Area

- 8.13 The Morar, Moidart and Ardnamurchan National Scenic Area (NSA) is a large and diverse landscape. The NSA designation notes the flat expanse of Kentra Bay and Kentra Moss which is surrounded by rugged hills on three sides. The coastal hills rise dramatically from the boggy plain, contrasting with, and emphasising the sandy bay and level moss. Crofting settlement is confined to drier areas on the fringes and is loosely clustered, which helps maintain the open feel of the area.
- 8.14 The proposed house at this site would be seen set between Bay View Cottage and Torr Na Beithe to the north side of the B8004. Development set back northwards, utilising the natural plateau would be relatively well contained by the surrounding rising ground. The house would only be visible for a short stretch by pedestrians and traffic travelling along the B8004 and will be seen between existing housing development in wider views from the water.

Impact on Croftland

- 8.15 Planning policy offers support for proposals in wider countryside which would avoid siting on the better part of the croft in terms of agricultural value and not impede access to remaining croft land by virtue of its siting.
- 8.16 The site comprises an area of elevated, rocky ground surrounded by woodland (predominantly upland birch). It does not appear that development would be sited on an area of great agricultural value, nor would it impede access to surrounding croftland. In this respect the application is considered to accord with Policy 47 HwLDP. The Crofting Commission was consulted on this planning application and has provided standing advice which is not site specific. The Commission will consider proposals in detail at decrofting stage and reserve the right to review the extent to which these issues have been taken into account at the planning stage. In addition, the Crofting Commission will consider the effect of the purpose of the sustainability in the locality of the croft on crofting, the crofting community, the landscape and the environment, the effect of the purpose on the social and cultural benefits associated with crofting. Where the purpose relates to a development of the croft for which planning permission has been obtained, the Commission may, notwithstanding the existence of planning permission, take into account the effect the proposed development would have on the croft, estate, and crofting community in the locality of the croft.

Ecology

- 8.17 The Kentra Bay and Moss Site of Special Scientific Interest (SSSI) lies to the south side of the B8044, and the proposed site is located approximately 100m to the north. The site lies approximately 1km west of the Claish Moss and Kentra Moss Special Area of Conservation. A habitat and protected species survey has been submitted in support of this proposal covering the proposed house site and surrounding 250m buffer. Notified features/habitats of the adjacent SSSI present within the survey area are blanket bog and upland oak woodland.

- 8.18 The generalised soil type at this site is peaty gleys, found on hills and undulating lowlands with gentle and strong slopes, usually moderately rocky. The ecological survey shows the proposed house site within an area of mire dominated by purple moor grass, of relatively low conservation value. The development site is set over shallow peat and areas of peat approximately 0.5m deep. It is recommended that any excavated peat to be used for local habitat reinstatement and restoration where possible. The area around the site was surveyed for protected species and no signs of protected species were recorded during the survey. As protected species are known in the immediate area, mitigation measures are proposed during construction. Planning permission is recommended subject to condition to secure the mitigation measures identified in Section 7 of the habitat and protected species survey.
- 8.19 Policy 3 (NPF4) requires all proposals to contribute to the enhancement of biodiversity and integrate nature-based solutions where possible. There is ample space and scope for substantive biodiversity enhancement at this site. A biodiversity statement and plan will be sought through planning condition prior to works commencing on site.

Trees

- 8.20 Initial proposals sought removal of 29 trees and the applicant was asked to consider amendments to the proposal to reduce encroachment into the surrounding woodland, particularly to the east where the trees form part of a wider continuous wooded strip. The revised proposals require removal of 21 trees (19 birch – 50-120mm diameter, 1 early mature oak 260mm diameter and 1 willow tree, 60mm diameter). 10 trees within the footprint of the house, 5 trees between the house and track and 6 to the south of the house. The woodland at the site is not designated and no ancient or veteran trees would be lost as a result of development. The individual trees are not specimens of particular value, but contribute to the wider biodiversity, amenity and landscape setting of the site. A bat survey has been undertaken and no bat roosts found within trees to be removed.
- 8.21 Tree retention and protection of 148 trees within the site is proposed, together with compensatory planting of 21 trees and shrubs comprising 5 sessile oaks, 12 downy birch, 2 hazels and 2 holly trees to the west side of the site. NPF4 policy 6 seeks to protect and expand forests, woodland and trees. In this case, the principle of residential development at this site has previously been established, the revised siting offers greater separation between development and existing residential property to the south and tree losses would be adequately compensated for. On balance given the delivery of housing within a remote rural area, the proposal is considered acceptable in terms of NPF4.

Surface and Waste Water Drainage

- 8.22 A drainage impact assessment has been prepared in support of these proposals. Surface water run-off from the roofs of the development has been established. Surface water will be collected by hard walled drainage pipes and conveyed to a limestone filled reservoir with additional attenuation provided during excessive rainfall events, with overspill from the porous pavement stored within low points of the car parking/turning area.

- 8.23 Foul drainage is proposed to be treated via a biological treatment plant with outfall to the neighbouring watercourse, which runs adjacent to the access, via a 25m² partial soakaway. The technical sufficiency of the proposed foul drainage system will be subject to control through the Building Warrant process and by SEPA under the controlled activity regulations (CAR).
- 8.24 The Flood Risk Management Team has assessed the Drainage Impact Assessment and find the proposals acceptable. A CAR license has been obtained by the applicant from SEPA for the proposed foul drainage. The proposals are considered to accord with NPF4 policy 22, Flood Risk and Water Management.

Impact on Infrastructure and Services

- 8.25 This application is for a single house, at an infill site, within the settlement at Ardtoe. The provision of a single house at this site is not considered to impact the wider public road network and infrastructure to a significant degree. It is acknowledged that there will likely be a temporary increase in traffic during the construction phase, however this is not considered to adversely impact public road safety and amenity to a significant degree. The site is served by an existing access track and planning permission is recommended subject to planning condition for the upgrade of the site entrance on to the public road.
- 8.26 Details of waste management within the site have not been provided and will be sought via planning condition.

Other material considerations

- 8.27 There are no other material considerations.

Non-material considerations

- 8.28 The issue of works (new access/hardstanding) undertaken outwith the planning application site, precedent/potential future development in the surrounding area and potential use of the property for holiday letting are not material planning considerations in this instance.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.29 None.

9. CONCLUSION

- 9.1 The proposed house would be sited at an infill plot, set between two existing residential properties at Ardtoe. Planning permission in principle has previously been granted for a house here. The house would read as part of the small group of houses to the landward side of the road, which includes Bay View set adjacent to the public road to the east and Torr Na Beithe which is set at a higher elevation to the west. The siting utilises an existing plateau, set back from Bay View backed by rising, wooded ground. The design and position have been revised to reduce tree removals to an acceptable degree. The house has a contemporary design, with larger footprint and lower profile than neighbouring properties. The proposal is considered to

adequately respond to the setting, set back from the edge of the plateau and with a low profile which reduces the visual mass and prominence of development at this elevated site in public views. The proposal is considered to accord with the pattern of development in the area and is compatible with landscape character and capacity. The development is considered to accord with policy 17 NPF4 and policies 28, 29 and 36 (HwLDP).

- 9.2 The development would not have an adverse impact on the NSA. Conditions are proposed to ensure protection of the 148 trees to be retained within the site and compensatory planting within the site boundary for the 21 trees to be removed to facilitate development. There is shallow peat within the site which will be used for local habitat reinstatement and restoration. Planning permission is recommended subject to conditions to secure further details of these works and additional biodiversity enhancement.
- 9.3 The Flood Risk Management Team has assessed the Drainage Impact Assessment and find the proposals acceptable. The applicant has obtained a CAR licence from SEPA for the proposed foul drainage. The proposals are therefore considered to accord with NPF4 policy 22, Flood Risk and Water Management.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

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

11. RECOMMENDATION

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

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

1. 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.

Reason: In accordance with Sections 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 23.05.2023), with the junction formed to comply drawing ref. SDB1.

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

3. Prior to the first occupation of the dwellinghouse, a turning area and parking spaces for a minimum of three 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.

4. The external finishes of the development shall comprise untreated vertical larch timber, natural stone and zinc roof as detailed in the Fair Planning & Design, Design Statement dated 1 June 2022, unless otherwise first agreed in writing by the Planning Authority.

Reason: To ensure suitable integration into the landscape and the wider Morar, Moidart and Ardnamurchan National Scenic Area setting.

5. No other development shall commence until, a peat management and biodiversity enhancement statement has been submitted to, and approved in writing by, the Planning Authority. Thereafter, works shall be undertaken in accordance with the approved scheme and agreed timescale.

Reason: To secure local habitat reinstatement, restoration and biodiversity enhancement.

6. 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 and Construction). Barriers are to remain in place throughout the construction period and must 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.

7. A suitably qualified Arboricultural Consultant must be employed by the applicant to ensure that the approved Tree Protection Plans and

Arboricultural Method Statement (AMS) submitted 11.04.2023 are implemented to the agreed standard. Stages requiring supervision are to be set out in an Arboricultural Supervision Statement and submitted for the written agreement of the Planning Authority, and certificates of compliance for each stage are to be submitted for approval.

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

8. The areas identified on the Tree Protection Plan for tree planting and specifications provided in Appendix F of the Arboricultural Impact Assessment submitted 11.04.2023 shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: In the interests of amenity.

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.

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. The granting of 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 and 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 and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

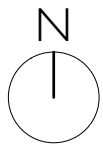
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:	David Mudie
Designation:	Area Planning Manager – South
Author:	Christine Millard
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan 1246-KTB-P-001
	Plan 2 - Site Layout Plan 1246-LTB-P-003 REV B
	Plan 3 - Ground Floor Plan 1246-LTB-P 100 REV A
	Plan 4 - Elevation Plan - Front 1246-KTB-P 201 REV A
	Plan 5 - Elevation Plan - Rear 1246-KTB-P 202 REV A
	Plan 6 - Elevation Plan - Gable 1246-KTB-P 203 REV A
	Plan 7 - Roof Plan 1246-KTB-P 101 REV A
	Plan 8 - Proposed Section Plan – 1246-KTB-P 301 REV B
	Plan 9 - Proposed Section Plan - 1246-KTB-P 303 REV B
	Plan 10 - Proposed Section Plan - 1246-KTB-P 303 REV B
	Plan 11 - Proposed Section Plan - 1246-KTB-P 304 REV A



163500m

163600m

163700m

770400m

770300m

770200m

770100m

163700m



revision	date	notes
-	02.06.2022	issued for planning

PLANNING

NOT FOR CONSTRUCTION

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KENTRA BAY
ACHARACLE

LOCATION PLAN

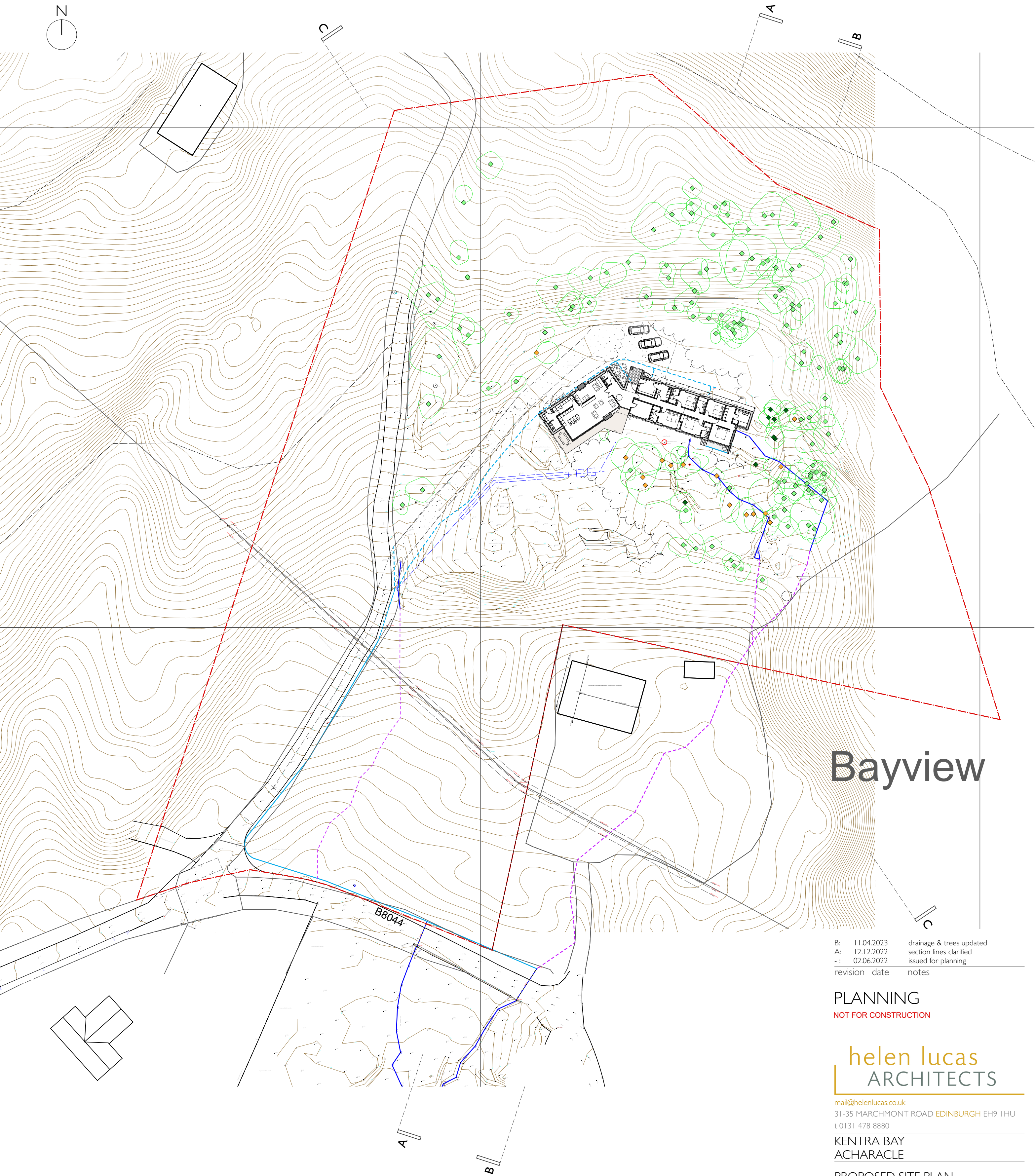
I246-KTB-P_ 001 Rev:--

I:1250 @ A3

scale bar: 1:1250



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5. Location of stud in partitions are indicative only.



Bayview

revision	date	notes
B:	11.04.2023	drainage & trees updated
A:	12.12.2022	section lines clarified
-:	02.06.2022	issued for planning

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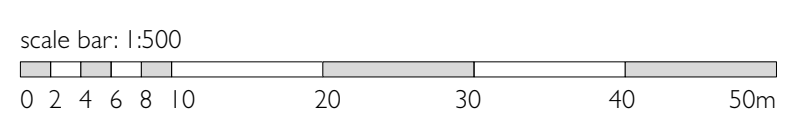
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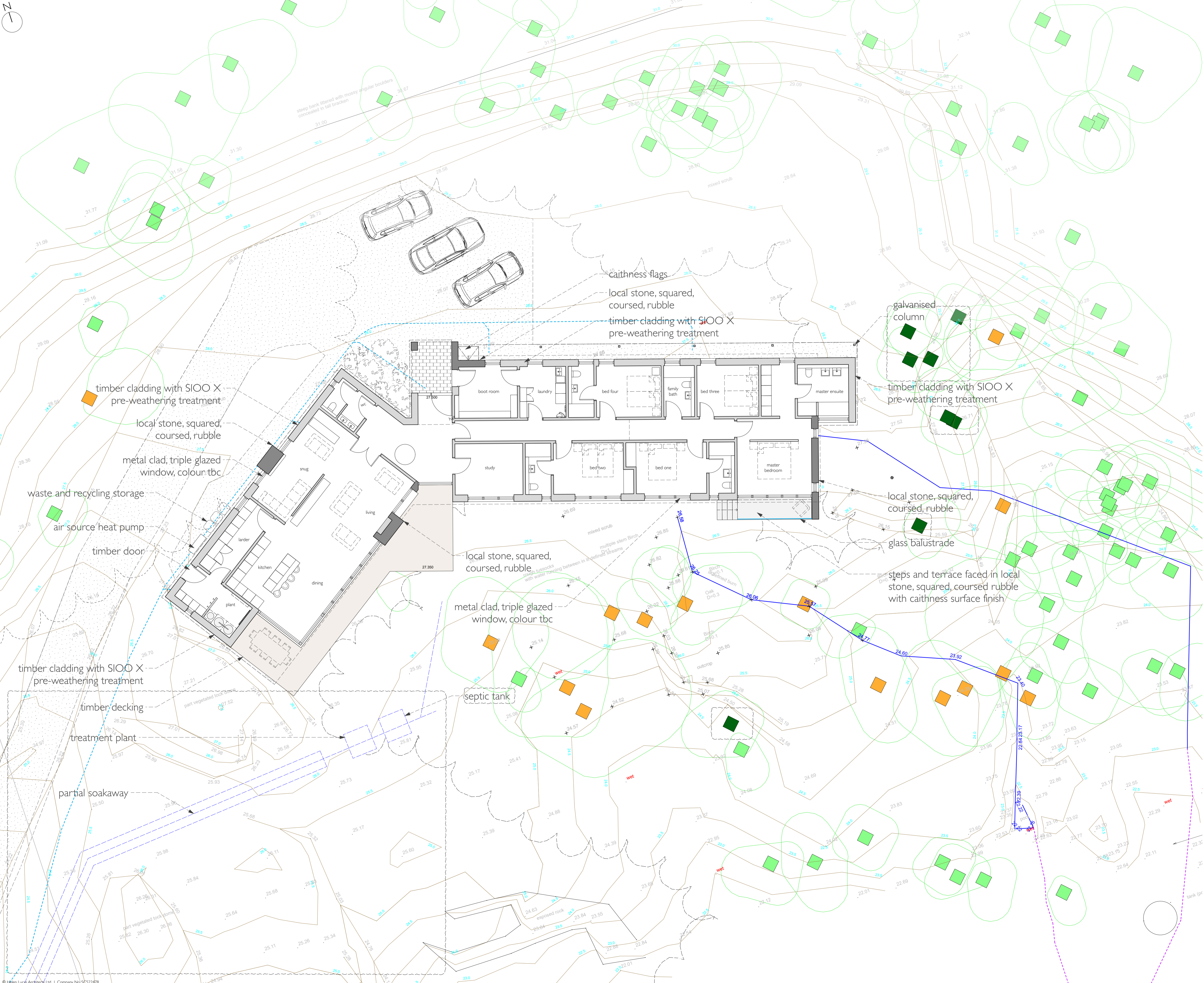
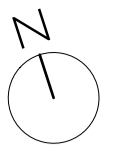
PROPOSED SITE PLAN

1246-KTB-P_003 Rev: B

1:1250 @ A3



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caithness flags
local stone, squared, coursed, rubble
timber cladding with SIOO X pre-weathering treatment

galvanised column
timber cladding with SIOO X pre-weathering treatment

timber cladding with SIOO X pre-weathering treatment

local stone, squared, coursed, rubble

metal clad, triple glazed window, colour tbc

waste and recycling storage

air source heat pump

timber door

local stone, squared, coursed, rubble

metal clad, triple glazed window, colour tbc

local stone, squared, coursed, rubble

glass balustrade

steps and terrace faced in local stone, squared, coursed rubble with caithness surface finish

timber cladding with SIOO X pre-weathering treatment

timber decking

treatment plant

partial soakaway

septic tank

A:	11.04.23	tree survey information added, building reduced in size and repositioned, septic tank & treatment plant relocated
-:	02.06.22	issued for planning
revision	date	notes

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KENTRA BAY
ACHARACLE
AS PROPOSED
GROUND FLOOR PLAN

I246-KTB-P 100 Rev: A

1:100 @ A1

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01. FRONT ELEVATION OF BEDROOM WING



02. FRONT ELEVATION OF LIVING WING

A:	11.04.23	Building reduced in size and repositioned
-:	02.06.22	issued for planning
revision	date	notes

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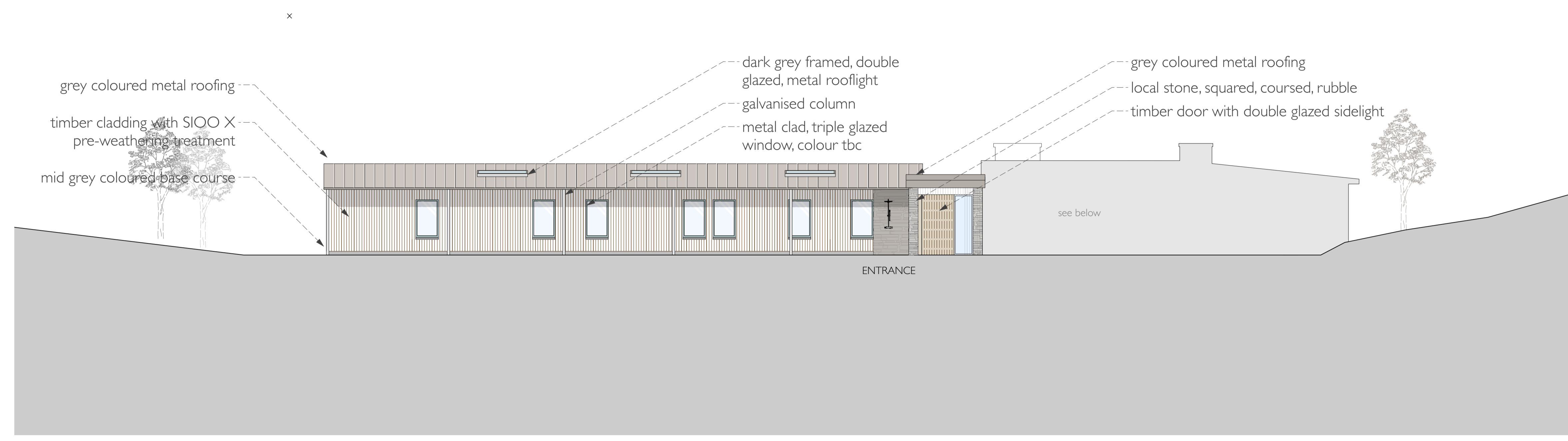
KENTRA BAY
ACHARACLE

AS PROPOSED
FRONT (SOUTH) ELEVATIONS

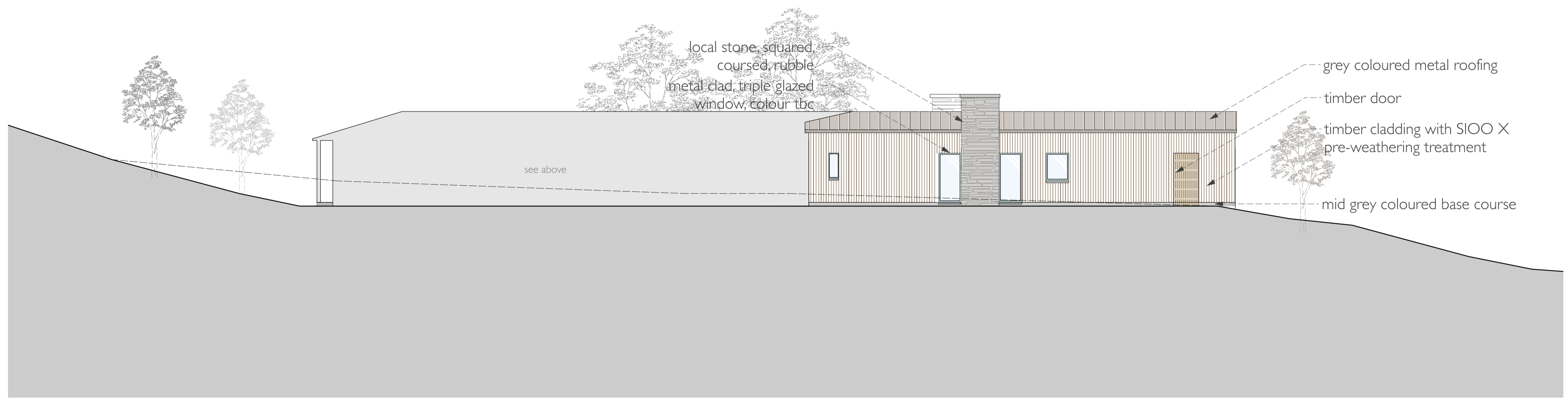
I246-KTB-P 201 Rev: A

1:100 @ A1

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01. REAR ELEVATION OF BEDROOM WING



02. REAR ELEVATION OF LIVING WING

revision	date	notes
A1	11.04.23	Building reduced in size and repositioned
-	02.06.22	issued for planning

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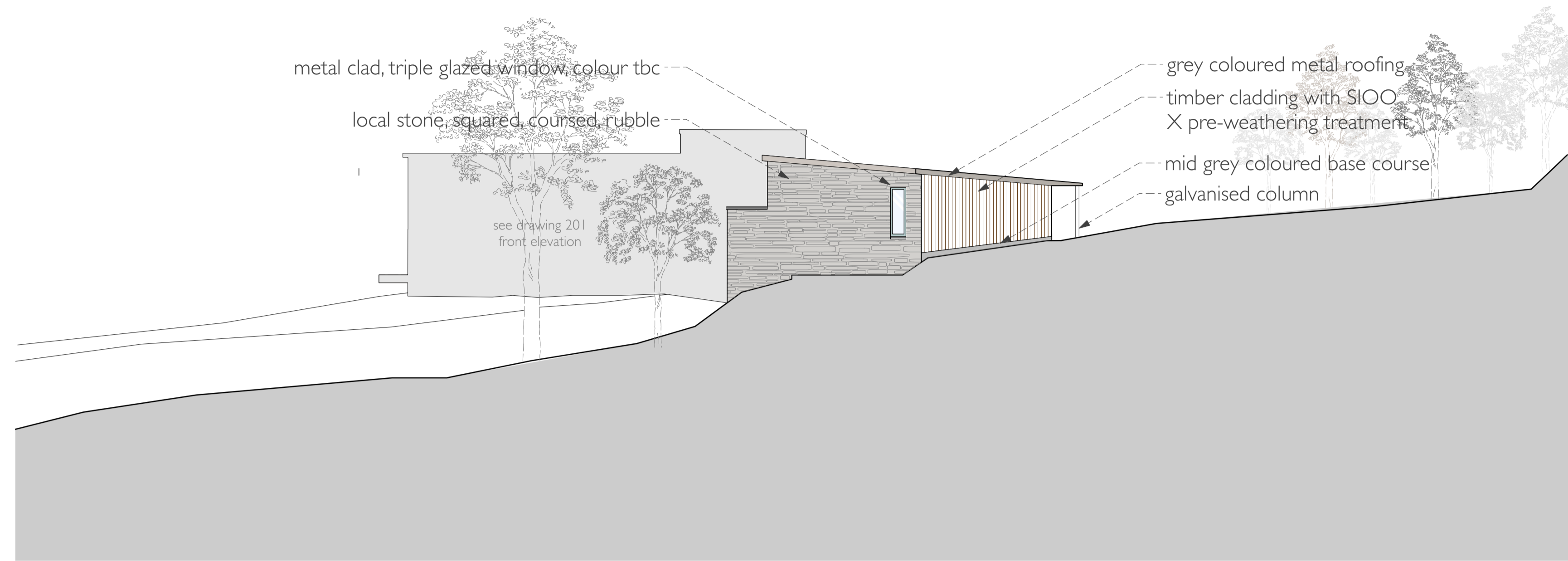
mail@helenlucas.co.uk
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AS PROPOSED
REAR (NORTH) ELEVATIONS

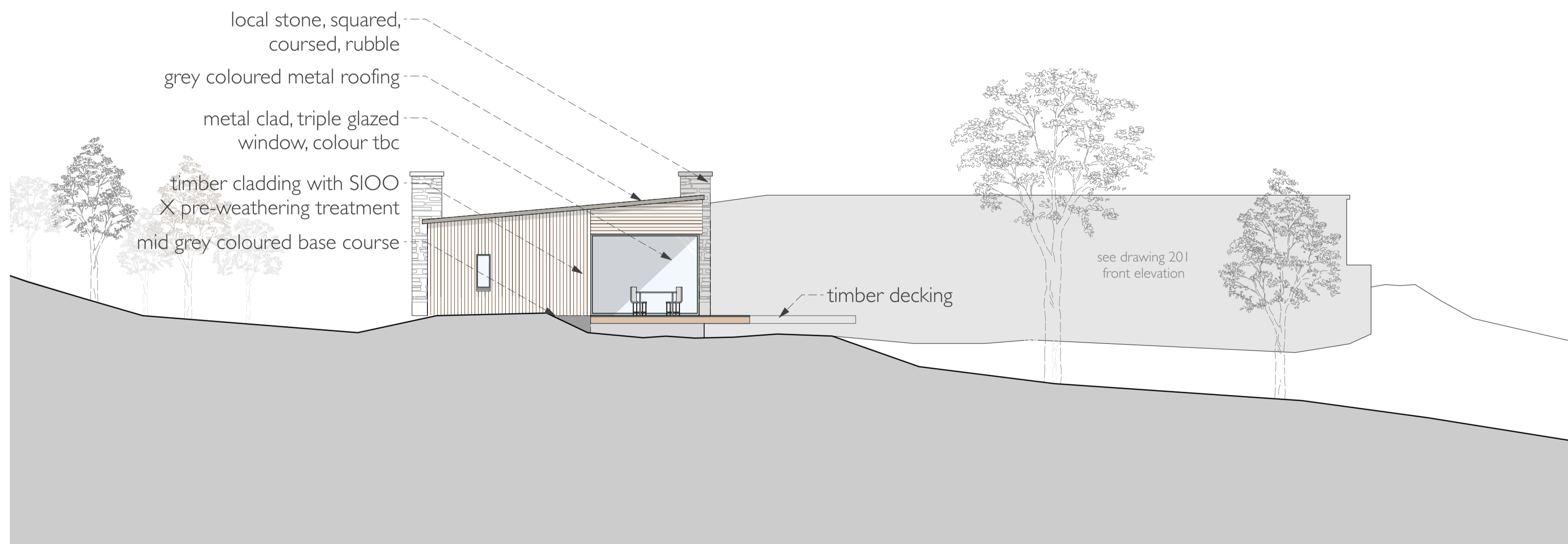
I246-KTB-P 202 **Rev: A**

1:100 @ A1

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01. EAST ELEVATION
BEDROOM GABLE



02 WEST ELEVATION
LIVING ROOM GABLE

revision	date	notes
A1	11.04.23	Building reduced in size and repositioned
-	02.06.22	issued for planning

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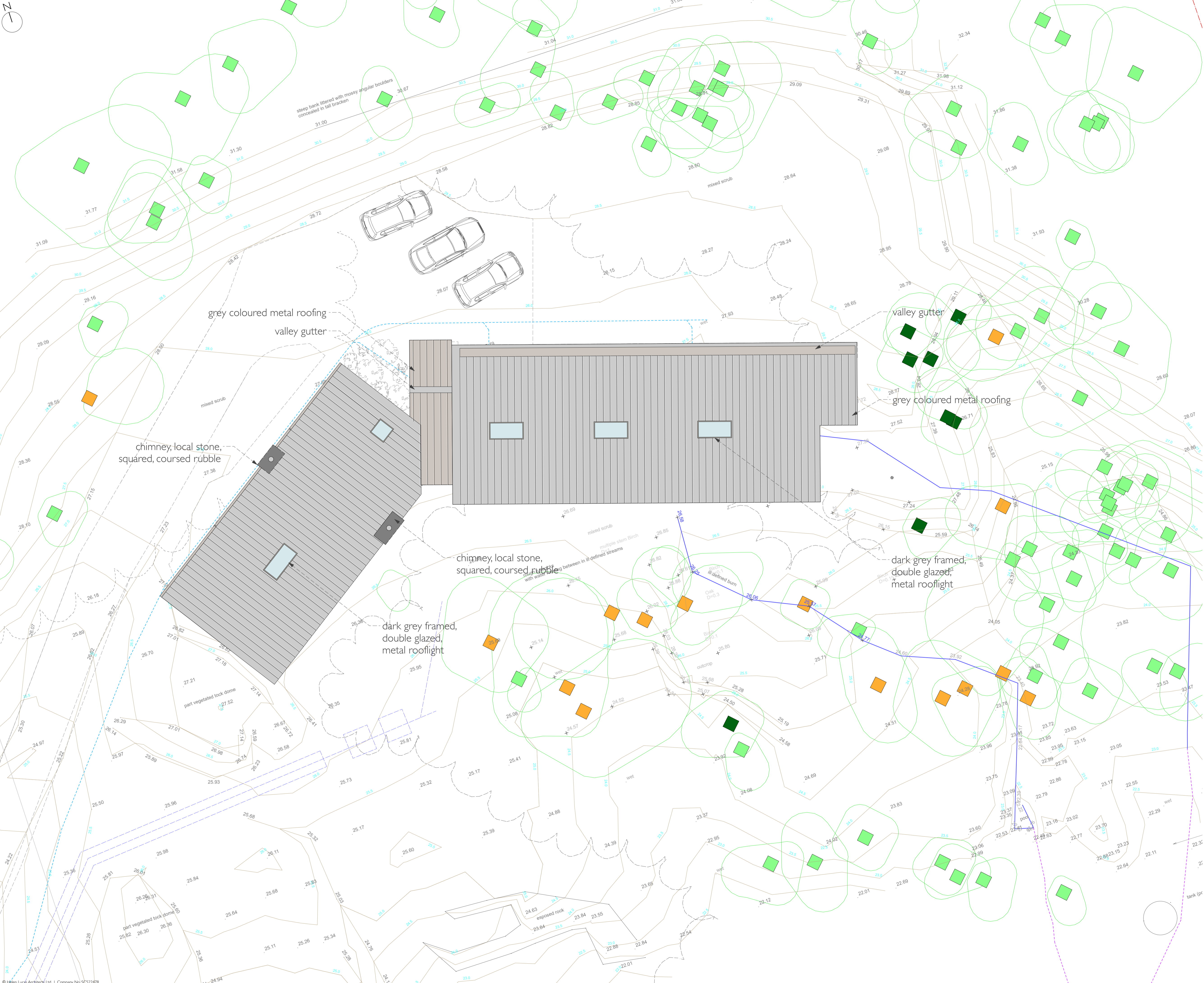
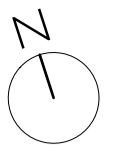
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AS PROPOSED
GABLE ELEVATIONS

I246-KTB-P 203 Rev: A

1:100 @ A1

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5. Location of stud in partitions are indicative only.



grey coloured metal roofing
valley gutter

chimney, local stone,
squared, coursed rubble

chimney, local stone,
squared, coursed rubble

dark grey framed,
double glazed,
metal rooflight

valley gutter
grey coloured metal roofing

dark grey framed,
double glazed,
metal rooflight

A:	11.04.23	tree survey information added, building reduced in size and repositioned, septic tank & treatment plant relocated
revision	02.06.22	issued for planning
date		notes

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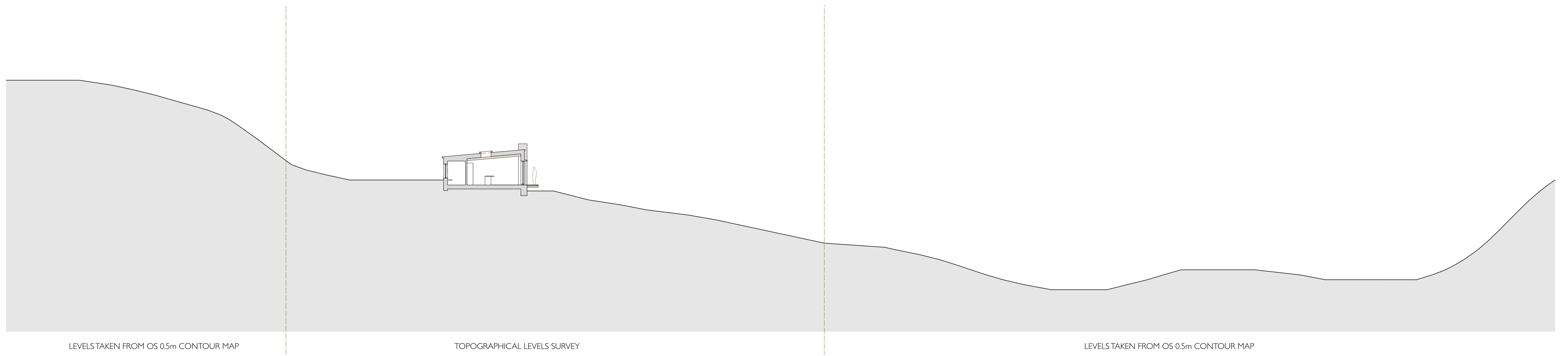
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AS PROPOSED
ROOF PLAN

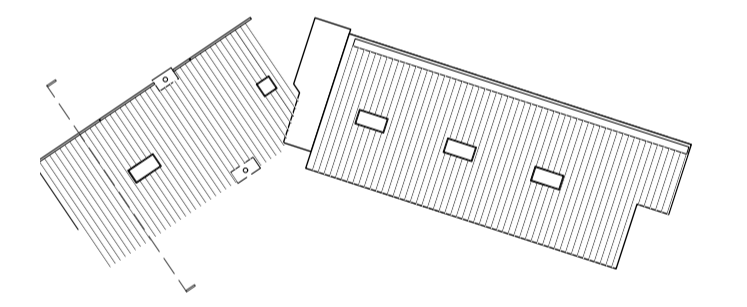
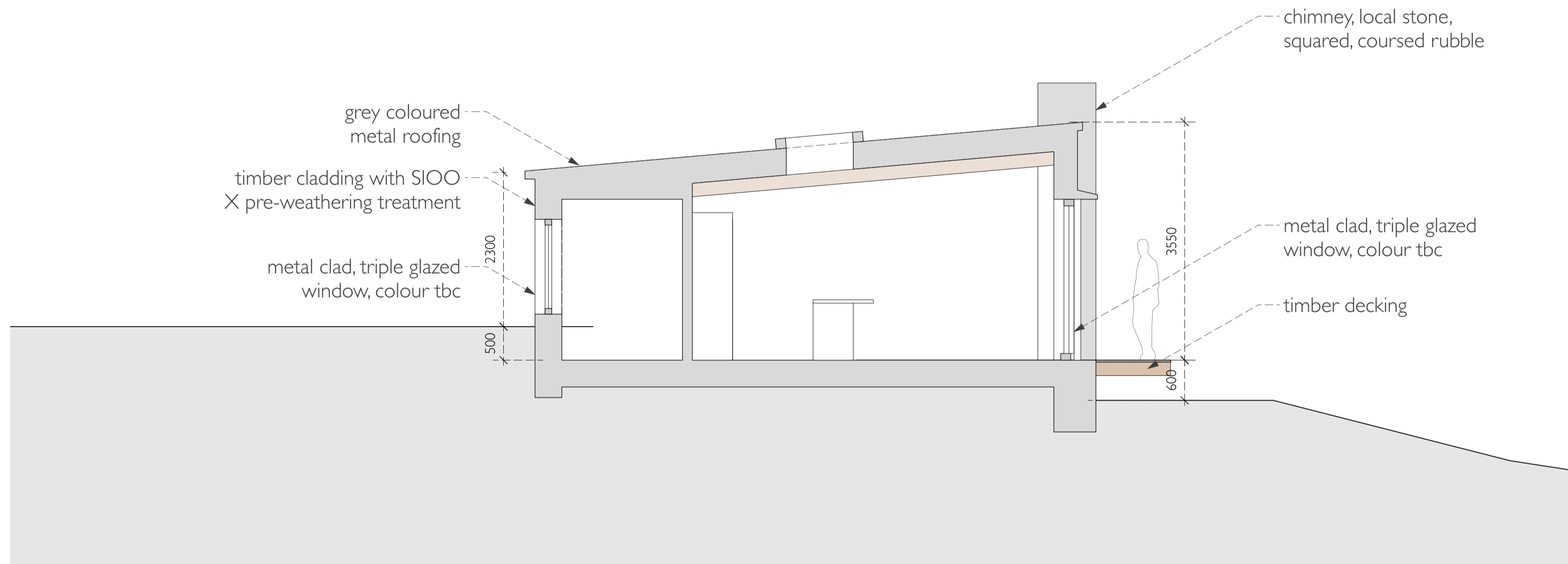
I246-KTB-P 101 Rev: A

1:100 @ A1

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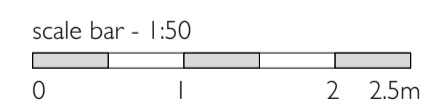
01. SECTION THROUGH KITCHEN IN CONTEXT



B:	01.06.2023	Building position updated
A:	29.11.22	Eaves & Ridge Annotated, Site levels clarified
-:	02.06.22	issued for planning
revision	date	notes

PLANNING
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02. SECTION THROUGH KITCHEN



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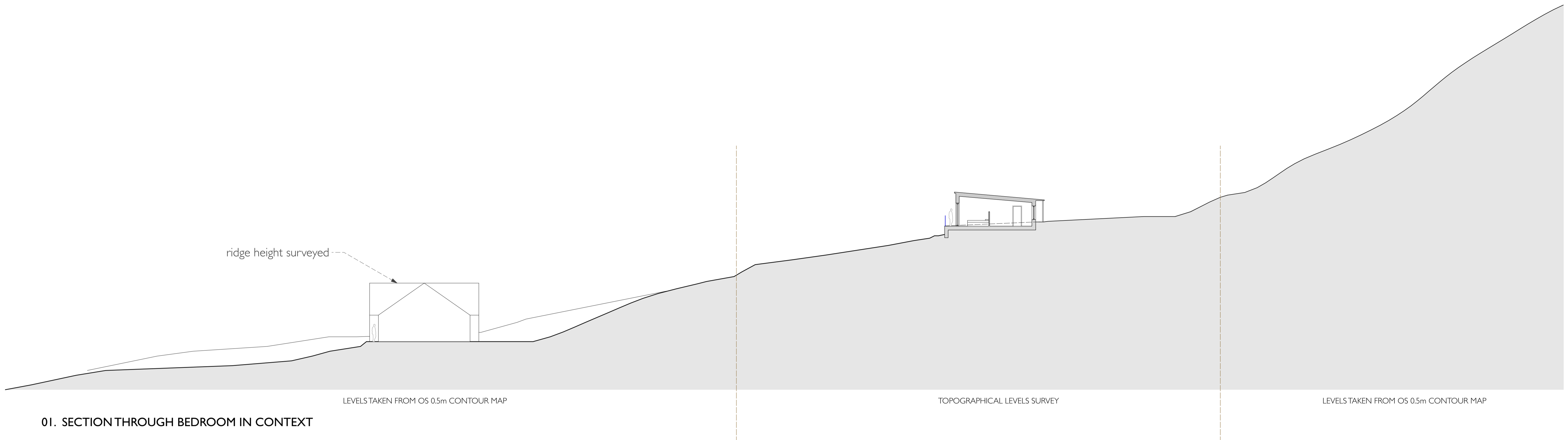
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ACHARACLE
AS PROPOSED
SECTION AA

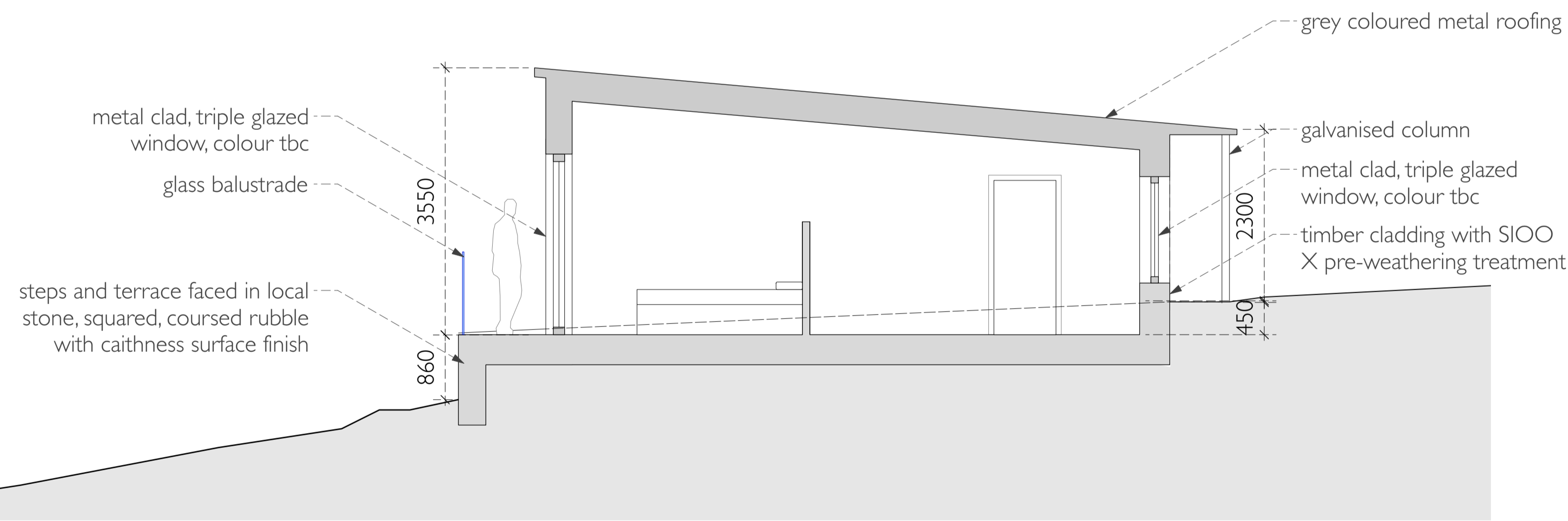
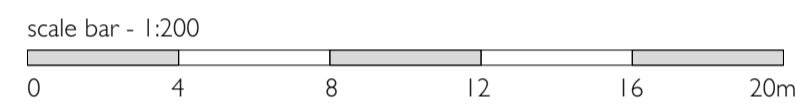
I246-KTB-P 301 Rev: B

1:50 @ A1

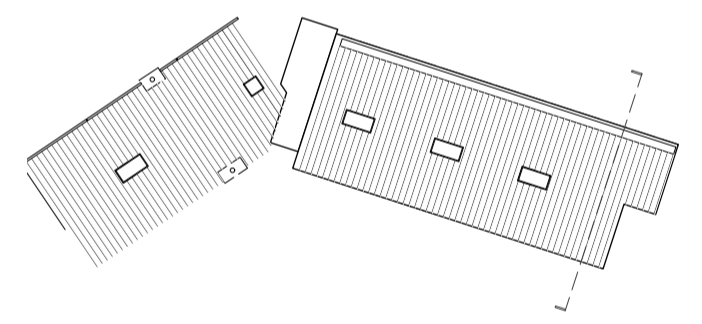
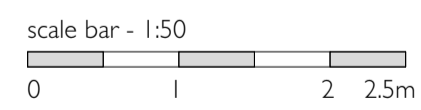
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01. SECTION THROUGH BEDROOM IN CONTEXT



02. SECTION THROUGH BEDROOM



revision	date	notes
B:	01.06.2023	Building position adjusted, sections cut updated.
A:	29.11.2022	topographical levels clarified, eaves and ridge heights noted
-:	23.05.2022	issued for planning

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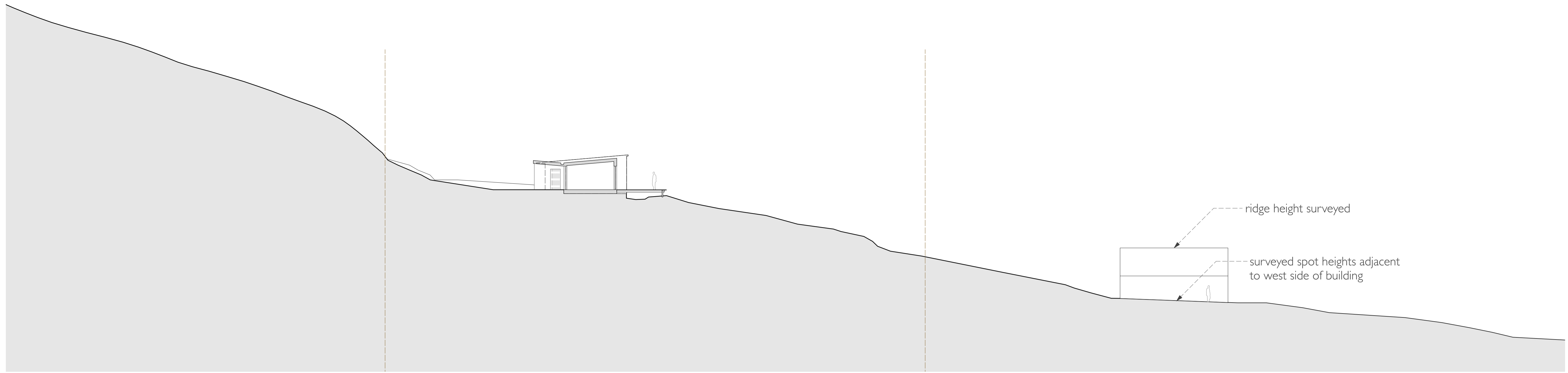
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KENTRA BAY
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AS PROPOSED
SECTION CC

I246-KTB-P 303 Rev: B

1:50 @ A1

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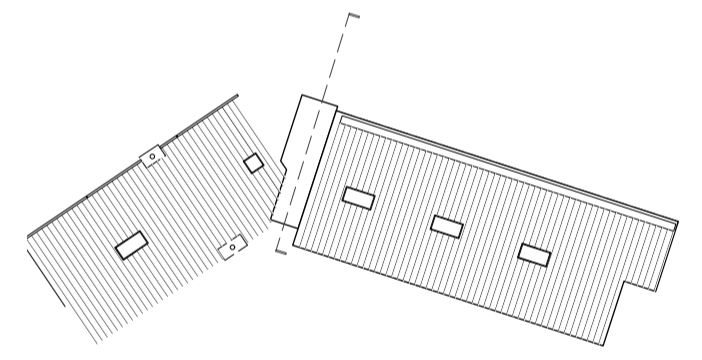
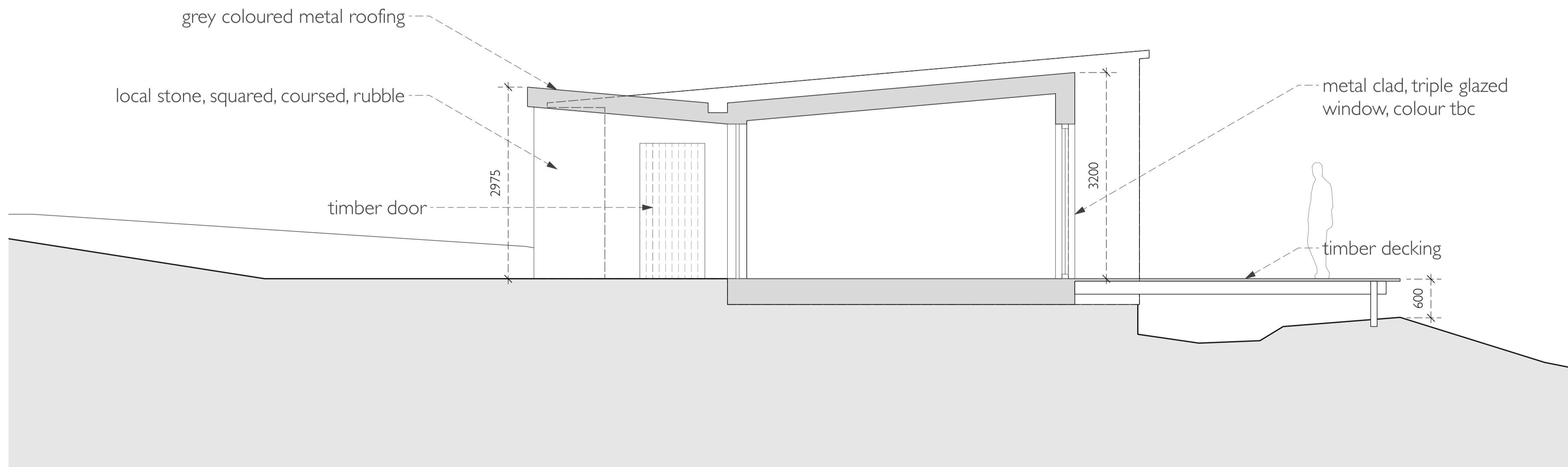
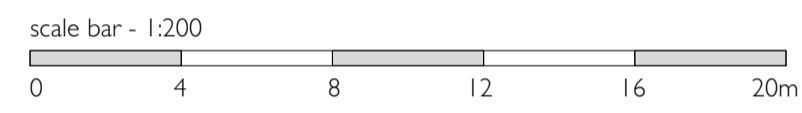


LEVELS TAKEN FROM OS 0.5m CONTOUR MAP

TOPOGRAPHICAL LEVELS SURVEY

LEVELS TAKEN FROM OS 0.5m CONTOUR MAP

01. SECTION THROUGH ENTRANCE IN CONTEXT



B:	01.06.2023	building position adjusted, no change to section at this location
A:	29.11.2022	topographic levels clarified, eaves and ridge heights added
-:	23.05.2022	issued for planning
revision	date	notes

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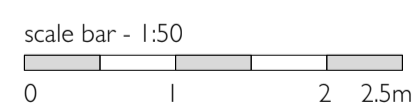
KENTRA BAY
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AS PROPOSED
SECTION CC

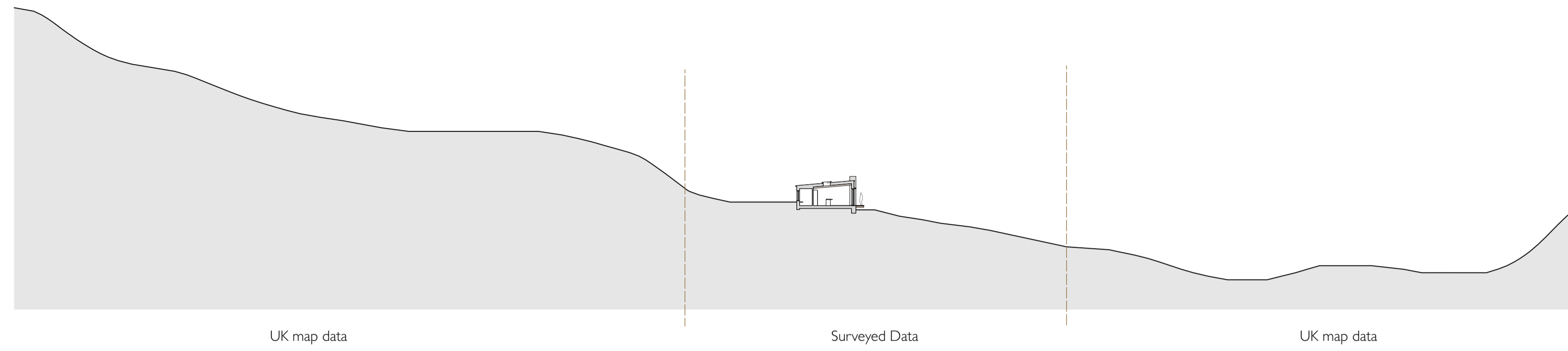
I246-KTB-P 303 Rev: B

1:50 @ A1

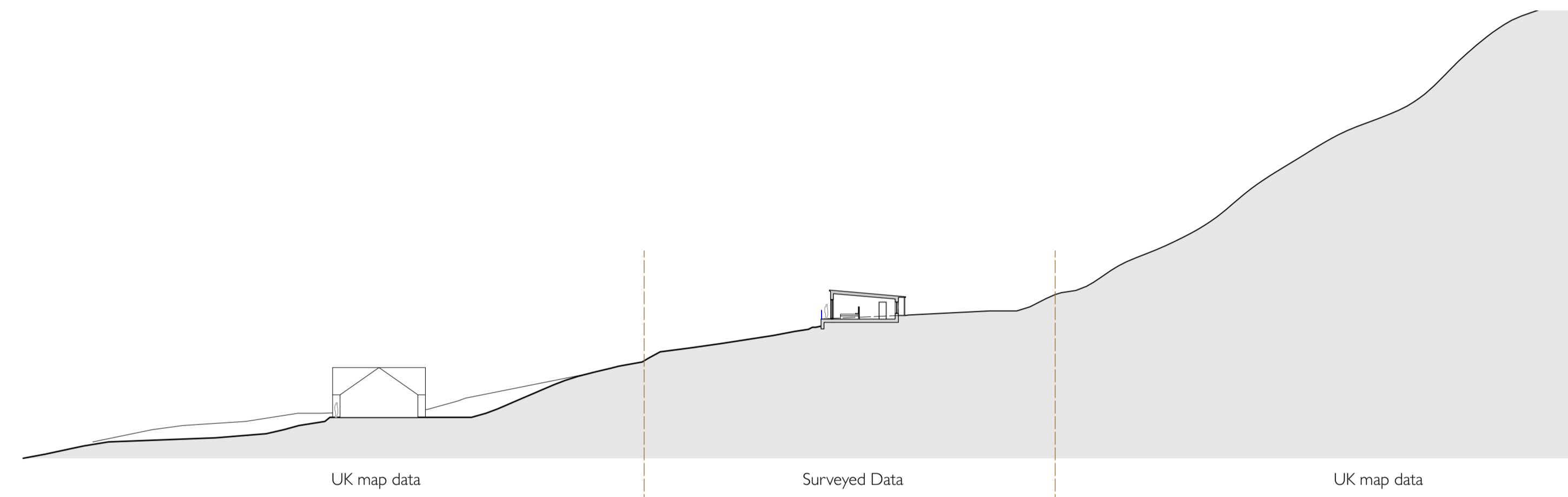
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02. SECTION THROUGH ENTRANCE

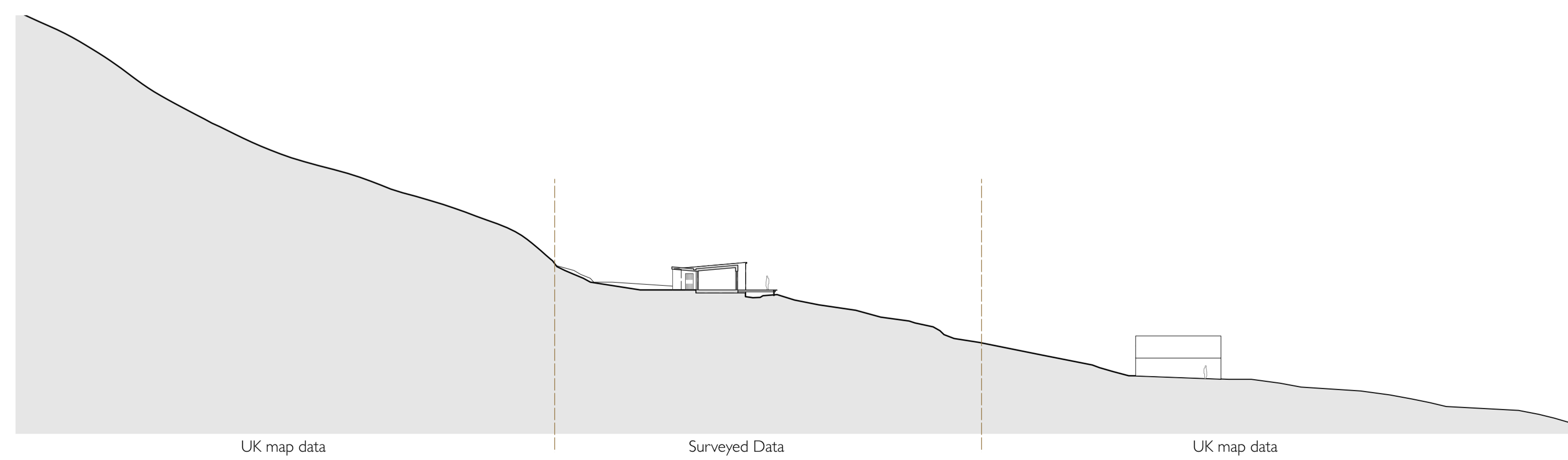




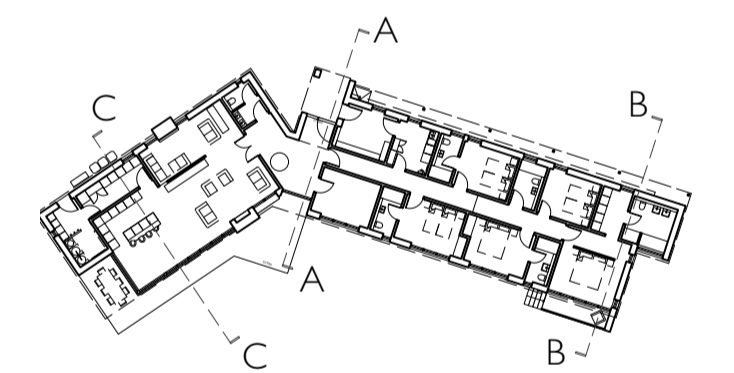
01. SECTION THROUGH KITCHEN IN CONTEXT AA



02. SECTION THROUGH BEDROOM IN CONTEXT BB



03. SECTION THROUGH ENTRANCE IN CONTEXT CC



revision	date	notes
A:	01.06.2023	building position updated, sections updated
-:	29.11.22	first issue

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KENTRA BAY
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AS PROPOSED
 SITE SECTIONS

1246-KTB-P 304 Rev: A

1:500 @ A1

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