

Agenda Item	6.1
Report No	PLN/051/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 9th August 2023

Report Title: Supplementary Report
22/02645/FUL: Mr and Mrs Innes
Land 75m SW of Heights of Kilcoy, Muir of Ord

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of three holiday lodges and associated shared facilities for short term let (tourist) holiday accommodation

Ward: 08 – Dingwall and Seaforth

Development category: Local

Reason referred to Committee: More than 5 objections and Community Council objection

The purpose of this supplementary report is to update Members on the steps taken to address concerns raised about land ownership following removal of agenda item 6.8 from the NPAC 7th June 2023 agenda.

Recommendation

Members are asked to agree the recommendation to GRANT the application as set out in the committee report dated 7th June 2023 which is annexed to this supplementary cover report.

1. BACKGROUND

- 1.1 This application was intended to be considered at the meeting of the North Planning Applications Committee in June 2023, with a recommendation to grant planning permission subject to conditions. The report was removed from the agenda due to a procedural concern raised in relation to land ownership certification and the related notification.

This supplementary report should be read alongside the committee report and plans annexed to this report.

2. ASSESSMENT

- 2.1 The applicant's agent has submitted supplementary information and drawings to address the concern raised. The information provided shows that the Land Register has corrected a drafting error on the applicant's registered title plan. The applicant's landownership plan now correctly identifies the extent of land acquired by the applicant.

The following drawings were submitted on 13th July 2023:

LI1374-001-01 topographical survey

LI1374-001-02 Rev B site layout

LI1374-001-03 Rev B access

LI1374-001-04 Rev A visibility splays

LI1374-001-05 Rev B drainage layout

The list of plans under "relevant plans" section below supersedes the list of relevant plans on the committee report dated 7th June 2023.

Plans references in conditions in the committee report dated 7th June 2023 will be updated to state the revised plan numbers.

3. CONCLUSION

- 3.1 The Planning Authority is satisfied that the updating of the applicant's title plan satisfactorily addresses the concern about the land ownership. The land required for the development shown within the red line boundary on the plans submitted is either within the applicant's ownership or within the adopted verge. The submitted supplementary information solely clarifies land ownership matters. No further ownership notification is necessary. Accordingly the committee report for this application is now on the agenda for Members consideration.

4. 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

5. RECOMMENDATION

Action required before decision issued N

Subject to the consideration of the committee report and plans annexed to this report, it is recommended to **GRANT** the application subject to conditions and reasons set out in the report dated 7^h June 2023.

Signature: Dafydd Jones

Designation: Area Planning Manager – North

Author: Emma Forbes

Background Papers: Documents referred to in report and in case file
Committee report dated 7^h June 2023

Relevant Plans:

LI1374-001-01 Rev A topographical survey

LI1374-001-02 Rev B site layout

LI1374-001-03 Rev B access

LI1374-001-04 Rev A visibility splays

LI1374-001-05 Rev B drainage

LI1374-001-06 location plan

001a tree constraints

002a tree planting

003a tree protection

2020-LAI.2-10 REV A - General Plan – Service Building

2020-LAI.2-11 - General Plan – Nevis

2020-LAI.2-12 – General Plan – Torridon

2020-LAI.2-13 - General Plan – Assynt

2020-LAI.2-14 - General Plan - Shed

Agenda Item	
Report No	

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 7 June 2023
Report Title: 22/02645/FUL: Mr and Mrs Innes
Land 75m SW of Heights of Kilcoy, Muir of Ord
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of three holiday lodges and associated shared facilities for short term let (tourist) holiday accommodation
Ward: 08 – Dingwall and Seaforth

Development category: Local

Reason referred to Committee: More than 5 objections 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 Planning permission is sought for the erection of 3. no holiday letting units, and associated facilities and infrastructure. This includes a storage shed, a service building to accommodate communal laundry facilities, managers office/reception area and an ancillary shop. A new access, parking area for 9 cars (including 2 disabled bays) and shared septic tank and soakaway.

1.2 There is no existing infrastructure on site.

1.3 Pre-Application Consultation: This application is a resubmission following a refusal of planning permission (ref 21/00155/FUL - Erection of 3 no. holiday lodges, artist's studio, service building and implement shed with a 3 hole pitch and putt green) and the subsequent dismissal by the Planning Review Body. The applicant was advised prior to an application being resubmitted that they would have to indicate what had changed since the previous application was refused. They were also advised that any further advice on specific re-siting and design within the site should be subject to a formal pre-application submission. No further pre-application enquiry was made in advance of this current application being lodged.

1.4 Supporting Information:

- Arboricultural Impact Assessment
- Tree Report
- Business Plan
- Planning Statement
- Preliminary Ecological Appraisal Report
- Site Selection Assessment Report

1.5 Variations:

Amended Site Layout Plan - LI374-001-02 showing:

1. SDB 2 access and visibility splay plan added
2. Relocation of access point and parking area
3. Relocation and change to redline boundary to accommodate revised soakaway position
4. Addition of cycle storage

Further:

5. Submission of Arboricultural Impact Assessment, Tree Report and Tree Planting Plan
6. Submission of Preliminary Ecological Appraisal

2. SITE DESCRIPTION

2.1 The site comprises a portion of a long strip of field which measures approximately 0.27ha. The site is bounded to the north by a post and wire fence, and an area of trees and shrubbery which is within the road verge between the site and the U2638 Drynie Park-Kilcoy public road. The southern boundary is lined by mature trees with open fields beyond this.

The curtilage of the closest neighbouring property (Heights of Kilcoy) is located approximately 42m from the eastern site boundary separated by an area of scrub and trees. Beyond this, further east there is a cluster of outbuildings and area of hardstanding which shares an access with the property known as Milvus. Opposite the site access there is an access which serves an outbuilding to the northwest.

2.2 To the west of the site the eastern boundary of the house known as Jacaranda is located approximately 435m from the edge of the proposed soakaway which forms the western boundary of the application site. Iuman House is located to the north of this, on the opposite side of the public road approximately 415m away.

2.3 The wider area comprises scattered housing development which takes access from a network of single track roads forming Drynie Park and Muir of Allangrange to the north and west and Newton of Kinkell toward the east. The Kilcoy Road takes its main access from the A835 Tore – Dingwall Road where a Council depot and commercial supply business is located.

3. PLANNING HISTORY

3.1	26.10.2001	01/00607/FULRC – Erection of livery stables (phase 1) incorporating equestrian centre, outdoor training & teaching areas, horse husbandry/breeding facilities with owners' house and administration office	Application Refused
3.2	21.03.2002	01/00848/FULRC – (Appeal) Erection of livery stables (phase 1) incorporating equestrian centre, outdoor training & teaching areas, horse husbandry/breeding facilities with owners' house and administration office	Application refused and appeal dismissed
3.3	08.10.2018	18/03812/FUL – Erection of single storey training building and associated services	Application Refused
3.4	17.05.2019	19/01106/FUL - Erection of single storey training building, improved access and associated services	Application Refused
3.5	23.06.2021	21/00155/FUL - Erection of 3 no. holiday lodges, artist's studio, service building and implement shed with a 3-hole pitch and putt green	Application Refused
3.6	27.01.2022	21/00042/RBREF - Erection of 3 no. holiday lodges, artist's studio, service building and implement shed with a 3-hole pitch and putt green	Review Dismissed

4. PUBLIC PARTICIPATION

4.1 Advertised: Yes – Schedule 3 (bad neighbour) and Unknown Neighbour
Date Advertised: 1 July 2022 and 25 November 2022

Representation deadline: 9 December 2022

Timeous representations: 31 (19 objections, 11 in support and 1 neither objecting nor supporting)

Late representations: 0

4.2 Material considerations raised in objections are summarised as follows:

- a) Planning history
- b) Public road inadequate, lack of passing places
- c) Increase of traffic on road will be detrimental to road safety of users
- d) Applicant does not have land to accommodate visibility splays
- e) Does not illustrate how the proposal will result in a modal shift to sustainable transport/active travel, bus/train services remote from the site
- f) Principle does not comply with policy
- g) Landownership issues
- h) Protected Species impacts
- i) Impact on trees
- j) Drainage
- k) Does not demonstrate sensitive siting or design and would constitute sporadic ribbon development
- l) Overdevelopment of the area
- m) Visual Impacts
- n) Light pollution
- o) Loss of agricultural land
- p) Lack of Business Plan to support proposals – this should be made available for public scrutiny
- q) More tourism development would be detrimental to the area
- r) Development of pressurised agricultural land
- s) Construction noise

Material Considerations raised in support are summarised as follows:

- a) Shortage of this type of accommodation
- b) Proposal will not heavily affect traffic/congestion in the area
- c) Visitors will stay longer – spend and local economy benefits
- d) Self catering accommodation for disabled and their carers is needed
- e) Will support other business in the area
- f) Design complements the countryside area
- g) Need for more high quality tourist accommodation in the area
- h) Close to local amenities and towns
- i) Close to local bus and cycle routes
- j) Will not result in loss of houses being turned into holiday letting as purpose built

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 **Killearnan Community Council** object to proposals and commented to advise that their previous comments received in regard the earlier application (21/00155/FUL) would still apply. Having referred to the original consent comments were as follows:

'The CC supports residents objections with regard to the effect on the local environment, state of the single-track road, the junction with the A835 and the water supply problems'.

A further objection comment was received on 11 February 2023 restating previous objections on behalf of residents.

- 5.2 **Development Plans Team** provided two responses regarding policy. The first response was based upon the HwLDP, IMFLDP and Rural Housing Supplementary Guidance (RHSG), no objections were raised. It was noted that the siting and design of the lodges were considered to meet the definition of 'tourist accommodation' as defined in the RHSG and, on the proviso that planning conditions removing PD rights, restricting the lodges permanent habitation and creation of private garden grounds are attached to any permission, they would satisfy the first criteria of Section 3.30 of the RHSG.

It was advised that the Business Plan should be reviewed, and Development Management should be satisfied that the applicant demonstrated a sequential approach to the site selection and that it would meet with Section 2 'Requirements for all proposals' of the RHSG.

It was concluded that should the proposals comply with the above then, based on the reduced scale of the development from the previous refusal (21/00155/FUL) and the fundamental change in policy guidance (adoption of the Rural Housing Guide) that the current application would accord with policies 43, 44 and 35 of the HwLDP.

With regard to the retail unit, it was considered that the retail aspect of the proposal is a relatively small part of the overall development and unlikely to result in any negative measurable impact on the vitality and viability of nearby towns and village centres. If it was a standalone retail unit open to all it would be at odds with Policy 40 and IMFLDP policy 1 and therefore a condition is recommended requiring the lodges to be built and available to let prior to the retail unit commencing trading.

The improvement of the sustainability of all development is strongly advocated in Policy 28 (Sustainable Design) and Section 6.33 of the RHSG.

The Council Forestry Team should be consulted to ensure compliance with Policy 51 (Trees and Development).

Use of soakaways should be in compliance with Policy 66 (Surface Water Drainage) but could be enhanced with the creation of wetland habitat area in accordance with the RHSG. New native beech hedging can be supported in terms of biodiversity improvement, but further improvements could be sought including wildflower meadows, nesting boxes and food growing areas.

Finally, it was confirmed that business developments (including tourist developments) are exempt from education, community facilities and affordable

housing, contributions should relate to Transport, Active Travel, Green Infrastructure, Water and Waste and Public Art only.

Given the change in policy position due to the adoption of NPF4 dated 13 February 2023, Development Plans were consulted again.

17 May 2023 Development Plans Team response with specific reference to NPF 4 policies:

Policy 1 (Tackling the climate and nature crises) is an overarching policy that requires 'significant weight' to the global climate and nature crises.

Policy 3 (Biodiversity) requires all forms of development, to include appropriate measures to conserve, restore and enhance biodiversity proportionate to the nature and scale of development. The requirement to deliver biodiversity enhancement is a new duty, with further advice on the proportionate requirements for achieving biodiversity enhancement being outlined in NatureScot 'Developing with Nature Guidance' (2023).

Policy 29 (Rural development) seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy 30 (Tourism) b): require proposals for tourism related development to take into account the following:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

Considering these requirements with regards to the current proposal, it is recommended that the following information and/or evidence could be sought to be taken into account in the decision making of each matter respectively:

- i. how the business is to be funded to ensure it is financially viable and sustainable over a period of time, any research undertaken on the number of tourists the operation expects to attract, their length of stay, anticipated spend and the number of employees the operation is anticipated to support.
- ii. A Site Selection Report (incorporating a plan of the applicant's land holding) demonstrating that the site has been selected in accordance with the following:
 - There are no buildings or brownfield sites on the land holding which are available and lend themselves to conversion or redevelopment;
 - There are no opportunities for infill or rounding off of existing building groups;

- The site is selected based on limiting landscape and visual impact and taking into account amenity considerations.
- iii. In this instance, as the units are proposed to be newly built tailored holiday accommodation, no evidence is needed with regards to this requirement.
- iv. Evidence that the units will conform to disability accessibility standards.
- v. Details of all measures taken to minimise carbon emissions, which may include (amongst other things) micro-renewable generation, environmentally friendly space heating, and construction methods including increased insulation values. Refer to the Council Sustainable Design Guide Supplementary Guidance
- vi. Linking with NPF4 Policy 3 (Biodiversity), evidence of measures to conserve, restore and enhance biodiversity proportionate to the nature and scale of development and of any particular opportunities arising or secured from the locational choice for the particular proposal.

5.3 **Forestry** had no objection subject to conditions. Following submission of information requested in their initial response which included:

- Tree Constraints Plan
- Arboricultural Impact Assessment
- Tree Protection Plan

It was further commented that the Site Layout had been carefully re-designed around the tree constraints which now demonstrates that the proposed development can be accommodated without compromising the surrounding trees however this is still a high-risk site in terms of trees and so it is essential that all tree protection measures are closely supervised by an arboricultural consultant. 2.no conditions are recommended.

5.4 **Historic Environment Team (Archaeology)** had no objections subject to a condition being attached to any permission. The application lies within an area of archaeological potential. It is considered that there remains the potential for buried features or finds to be impacted by this development. While the likelihood of encountering buried deposits is not such as to warrant a full excavation, it is important that the nature and extent of any features is identified and recorded. Site clearance work should be done under archaeological supervision so that, if necessary, any recording can be done without causing undue delay or inconvenience for the development.

5.5 **Transport Planning** had no objection to the proposals following the submission of revised plans. Information initially requested included:

- Visibility splays (2.4 x 215m standard for 60mph road)
- Widening of footpath from parking area to lodges widened to 2m
- Details of proposed cycle parking
- Design of an additional passing place due to the loss of a passing place to create a site access.

Following submission of a revised Site Layout Plan, it was confirmed that there were no objections. Further clarity was sought on the rationale for the removal of the objection and it was confirmed that the visibility splay was found to be compliant,

that the footpaths are shown to be 2m in width, details of cycle parking are provided and that as the site layout had been revised the new access was placed out with the passing place that would have been lost which means that no mitigation is now necessary.

5.6 **Scottish Water** had no objections and commented that there is currently sufficient capacity in the Assynt Water Treatment Works. It was noted that there is no public Scottish Water Waste Water Infrastructure in the vicinity of the site therefore private treatment options would require to be investigated. Capacity to Scottish Water infrastructure cannot be reserved and connections to this require direct application to Scottish Water.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (Adopted 13 February 2023):

- 1 – Tackling the climate and nature crises
- 2 – Climate change and adaptation
- 3 – Biodiversity
- 5 - Soils
- 6 – Forestry, woodland and trees
- 7 - Historic assets and places
- 13 - Sustainable Transport
- 14 – Design, quality and place
- 22 – Flood risk and water management
- 28 – Retail
- 30 - Tourism

6.2 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 43 - Tourism
- 44 - Tourist Accommodation
- 51 - Trees and Development
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.3 Inner Moray Firth Local Development Plan (2015):

- Policy 1 – Promoting and Protecting City and Town Centres

6.4 **Highland Council Supplementary Planning Policy Guidance**

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

6.5 **Other Relevant Planning Policy**

Proposed Inner Moray Firth Local Development Plan (2022):

Policy 1 – Low Carbon Development

Policy 2 – Nature Protection, Preservation and Enhancement

Policy 6 – Town Centres First

7. **PLANNING APPRAISAL**

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise to be made in accordance with that plan.

Determining Issues

7.2 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) Planning history
- b) Development plan policies
- c) Siting and Design and Visual Impact
- d) Transport, roads and access
- e) Active travel
- f) Drainage
- g) Protected Species
- h) Trees
- i) Pollution
- j) Construction noise
- k) any other material considerations

Planning History

- 8.4 Planning permission was previously refused under 21/00155/FUL (Erection of 3 no. holiday lodges, artists studio, service building and implement shed with a 3-hole pitch and putt green) under delegated authority for the following reason:

The proposal fails to accord with policies 28 (Sustainable Design), 35 (Housing in the Countryside – Hinterland Areas) and 44 (Tourist Accommodation) of the Highland-wide Local Development Plan (HwLDP). The proposal is located outwith a settlement and within an area of pressurised countryside known as the hinterland where tourist accommodation proposals are required to comply with HwLDP policy 35 and the related Housing in the Countryside Supplementary Guidance March 2013. The proposal is located within a currently undeveloped parcel of agricultural land and does not form part of the diversification of an existing agricultural or crofting enterprise. The proposal fails to meet any of the policy 35 siting criteria which seeks to minimise the impact of development upon agricultural land and rural character. Furthermore, the proposal is not considered to be a sustainable use of land of within this pressurised area of countryside where development is directed to sites where loss of agricultural land and suburbanisation of the countryside is avoided or minimised.

- 8.5 The applicant sought a review of this decision. The Notice of Review was dismissed by the Planning Review Body for the same reason. Since the dismissal of the previous application by the Planning Review Body there have been changes to key policies which are described in detail below. The proposal itself has also changed. The level of development has been reduced. A pitch and putt area has now been omitted from the plans and the artists studio removed. The floor area of the shop has also been reduced and is to be ancillary to the accommodation.

Development Plan Policies

- 8.6 Since the dismissal of the previous application by the Planning Review Body NPF4 has become part of the development plan which has had consequences for the existing local development plan and the 2013 Housing in the Countryside Guidance has been superseded by the Rural Housing Supplementary Guidance dated December 2021 which set out a new list of criteria for the assessment of tourism accommodation in the countryside. The criteria includes:

- A clear definition of what will be termed ‘tourist accommodation’ and a requirement for the proposal to satisfy it.
- A requirement for a business plan and evidence the business is financially viable for a period of 5 years.
- A requirement for Site Selection assessment to be undertaken.
- Meeting the ‘Requirements for all Proposals’ outlined in Section 2

As highlighted in Development Plans response above it was considered that based on the reduced scale of the development and change in policy guidance that the proposal was considered to accord with HwLDP policies 43, 44 and 35.

- 8.7 Since that initial response detailed in the consultations section above, National Planning Framework 4 was adopted on 13 February 2023, all decisions now require to be made in accordance with NPF4 alongside the HwLDP and the adopted and

proposed IMFLDPs and any associated Supplementary Guidance. Where there is incompatibility between these then the most recent guidance (NPF4) shall prevail. NPF4 places significant emphasis on support for tourism and tourist accommodation particularly in rural areas where the scale of development is compatible with the surrounding area and that the proposal will not have an unacceptable impact on local amenity in an area. Alongside the Rural Housing SG the principle of development now also requires to be considered against NPF4 policies 29 (Rural Development) and 30 (Tourism).

- 8.8 All development requires to be assessed against Policy 1 of NPF4 - Tackling the climate and nature crises - which states that when considering development proposals, significant weight will be given to global and climate nature crises with the intent of the policy being to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. Policy 2 – Climate mitigation and adaptation encourages promotion and facilitation of development that minimises emissions and adapts to the current and future impact of climate change.
- 8.9 Policy 3 – Biodiversity of NPF4 applies to all development proposals. This seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. For local developments such as this one Policy 3c states that proposals for local development will include measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Policy 2 of the Proposed IMFLDP requires enhancement to biodiversity in development and if adopted will seek a developer contribution to enhance biodiversity in future.
- 8.10 Policy 4 – Natural Places of NPF 4 states that where there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. This is also a requirement of Policy 58 – Protected Species which requires Protected Species Surveys and mitigation to protect species should there be potential impacts.
- 8.11 Policy 5 – Soils of NPF4 seeks to protect locally, regionally, nationally, and internationally valued soils. Part b of policy 5 is most relevant to the proposals. This states that development proposals on prime agricultural land will only be acceptable in a number of exceptional circumstances. The Scottish Government (Scotland's Soils) National scale land capability of agriculture maps provide information on the types of crops that may be grown in different areas dependant on environmental and soil characteristics. The site is located on land, which is classified as Class 3.2, the definition given being 'Land capable of average production though high yields of barley, oats and grass can be obtained. Grass leys are common'. It is stated that Classes 1 – 3.1 of the land capability of agriculture are prime agricultural land. Policy 5b would not apply to this proposal as the site is not defined as being prime agricultural land. It also does not comprise peat or carbon rich soils, therefore parts c,d and e would also not apply.
- 8.12 Due to the presence of trees on site consideration must be given to NPF4 Policy 6 – Forestry, woodland and trees, similar to HwLDP policy 51 – Trees and Development this supports proposals which enhance, expand and improve

woodland/tree cover and do not support proposals which would result in loss or adverse impact to individual trees or hedgerows of high biodiversity value.

8.13 Policy 7 – Historic assets and places of NPF4 (part o) relates to archaeology and where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. This aligns with policy 57 – Natural, Built and Cultural Heritage of the HwLDP and the Strategic Aims of the Highland Historic Environment Strategy (Aims 1, 16 and 17).

8.14 Policy 13 – Sustainable Transport requires development to encourage, promote and facilitate walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. These requirements are also reflected in Policy 56 – Travel of the HwLDP.

8.15 Policy 14 – Design, quality and place requires development proposals to be designed to improve the quality of the area whether in an urban or rural location and all proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

8.16 While the site is not at risk of flooding, Policy 22 Flood risk and water management is relevant as part c requires that proposals do not

- i) increase the risk of surface water flooding to others, or itself be at risk.
- ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii) seek to minimise the area of impermeable surface.

This is in line with Policy 66 – Surface Water Drainage, this requires all development to be drainage by way of SUDs and in accordance with Sewers for Scotland. Where it is not possible to connect to a public sewer Policy 65 – Wastewater Drainage of the HwLDP states that the preferred option is that any private system discharges to land.

- 8.17 Policy 23 – Health and safety main intent is to protect people and place from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. Policy 23 then goes on to list several criteria which proposals should take into account/comply with, these provide a presumption in favour of proposals which would have a positive impact on health such as but not limited to opportunities for exercise, community food growing etc and may require a Health Impact Assessment where development proposals are likely to have an adverse effect on health. Site which could impact significantly on air quality will not be supported. Under part e it is noted that development proposals which are likely to raise unacceptable noise issues will not be supported and that where the nature of the proposal or its location suggests that significant effects are likely then a Noise Impact Assessment may be required, this relates to the Agent of Change principle.
- 8.18 The proposal includes a small-scale shop located within the reception area and managers office. This has an approximate floor area of 13.5m² including the reception and is to be ancillary to the tourist accommodation but would be open to members of the public. This is located within the office/reception/laundry building. As it is located out with any town/village centre consideration must be given to Policy 1 – Promoting and Protecting Town and City Centres of the adopted IMFLDP. This states that the Council will not support proposals for development that is likely to have an adverse effect on the vitality and viability of any of the settlement centres listed, the closest to this site being Dingwall and Muir of Ord. This is reinforced under the Proposed IMFLDP Policy 6 – Town Centre First which states that only in exceptional circumstances will development which generates significant footfall be acceptable outside of town centres. Policy 28 – Retail of NPF4 with particular reference to part d) states that in island and rural areas, development proposals for shops, ancillary to other uses such as farm shops and craft shops for example will be supported where:
- i) it will serve local needs, support local living and local jobs;
 - ii) the potential impact on nearby town and commercial centres or village/local shops is acceptable;
 - iii) it will provide a service throughout the year; and
 - iv) the likely impacts of traffic generation and access and parking arrangements are acceptable.
- 8.19 As the site is located within a rural area NPF4 Policy 29 (Rural development) is relevant, this seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.
- 8.20 Policy 30 (Tourism) b): require proposals for tourism related development to take into account the following:
- i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;

- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

Most of the recommended information above is provided within the supporting information, on the drawings and in plans and it is considered that the detail provided at this point is sufficient to allow an assessment of the proposals under the provisions of policy 30. Reference to the recent decisions to consider the need for contributions for secondary letting (non-statutory) will be considered later in the report under Developer Contributions.

8.21 **Principle of Development**

It is acknowledged that there is a previous refusal and subsequent dismissal of a notice of review in respect of the application site. The key consideration in this instance is whether the development itself or the policy framework within which it is now considered is sufficiently different to allow the proposal to be supported. The policy position has significantly changed since those earlier decisions were made alongside the proposal itself being reduced in scale due to the omission of the pitch and putt area, removal of the artist's studio and reduction in the floor area of the shop.

8.22 NPF4 requires such proposals to take into account a number of factors before deciding whether the principle of development can be supported. These are taken in turn:

- i) How the business is to be funded to ensure it is financially viable and sustainable over a period of time, any research undertaken on the number of tourists the operation expects to attract, their length of stay, anticipated spend and the number of employees the operation is anticipated to support.

The application is supported by a Business Plan and Personal Statement. Confidentiality has been requested which is not an unusual request as Business Plans can be of a sensitive nature containing personal and financial information.

8.23 The Business Plan has been assessed. It is submitted that the tourism industry at present in Highland is 'thriving', and notes that the location is well placed to serve visitors on the North Coast 500 route. The Business Plan references the current increase in staycations, stating that up to 43% of local employment in the area is tourism related. The Business Plan notes that there is a demand for self-catering accommodation. Bookings of a nearby competitor are provided and show that there appears to be a demand in the local area, with the properties being largely fully booked for the whole of summer 2022. There is a section relating to market research. A table from HIE is provided which shows between 2010 and 2017 there was an uptick in the need for higher end self-catering facilities. Further, Visit Scotland figures are provided which show that self-catering accommodation within Accessible Rural Areas (close to towns and cities) has seen an increase in demand

of 124%. It is considered that it has been demonstrated that there is a demand for such accommodation within the area and this is therefore accepted.

- 8.24 Figures are provided which indicate start-up costs and how the business will be funded. Alternative funding options are also indicated and could include phasing the development if necessary. The proposed funding of the business as described is accepted as being viable and includes detail on potential income and projections within high, mid, and low seasons. This is also accepted.
- 8.25 Further clarity was sought over visitor spend in the local area and predicted employment opportunity arising from the proposed business. Information based on Visit Scotland figures found that visitors to Highland spend on average £235 per visit. It was also clarified that the business would employ three fulltime staff including the owners who will largely run the business by themselves. The reception/shop is expected to be open for 5 hours per day but would depend upon bookings. The business would also employ two cleaners who would require 2 hours per change over per unit. A groundskeeper is to be employed 3 hours per week for maintenance. Hours of employment would be dependent on booking and change overs. It was also noted that the business will require to employ a tree maintenance contractor for 7 hours per month until these are up to standard alongside a local tree expert annually. The information submitted in respect of part i) is considered to be acceptable
- 8.26 Part ii) requires a Site Selection Report (incorporating a plan of the applicant's land holding). A Site Selection Assessment Report was submitted in support of the application. While it doesn't specifically incorporate a plan of the applicant's landholding this is included on the Location Plan, so the extent of landownership is known to extend across the entire strip of land up to the property known as Jacaranda. As submitted within the Site Selection Report, there are no buildings or brownfield sites on the land, nor are there any opportunities on the applicant's land for infill or rounding off of existing groups. It is submitted that the site provides an appropriate setting for the scale of development proposed and will not have a significant visual impact on the character of the landscape. Screening by mature trees and the level nature of the site along with the lodges being single storey is considered within the Site Selection Assessment Report as limiting the overall visual impact of the proposal.
- 8.27 Recommendation v) requires evidence to ensure disability access. The applicant submits in the Business Plan that there appears to be a lack of such facilities in the local area. It is submitted within the Business Statement and supporting Planning Statement that one of the units is specifically designed for disabled people and families with less-abled children, with easy access and internal manoeuvre space. There is also 2.no dedicated disabled parking bays within the site and level paths and ramped accesses to the reception and shop alongside the Nevis unit. For the purposes of the planning application this is considered to be acceptable and will be subject to more technical scrutiny through the requirements of the Building Regulations.
- 8.28 Recommendations vi and vii) require that consideration is given to minimisation of carbon emissions and biodiversity. The Supporting Information submitted with the application notes that the units shall be constructed of sustainably resourced

materials, with solar PV units being installed to each of the buildings thus providing a renewable energy source. It is also noted that lighting will be solar powered. It is therefore considered that the proposal takes into account minimising carbon emissions through the use of renewable energy sources and sustainable materials which is considered to assist in reducing environmental impacts of the development. It is considered that this has been addressed and there are no issues in this regard.

- 8.29 With regard to biodiversity, a preliminary ecological survey was submitted which found that there were no protected species within the site which would be significantly impacted. No mitigation or further survey work is required. The main net loss therefore will be the loss of the area of grass to which the development will be situated. It is submitted that the proposal provides scope to enhance the biodiversity value of the area and that the site is made up of predominantly moss and low-quality grass. It is submitted that the long-term management of the site will result in the management of trees, enhancement and strengthening of hedgerows and planting out of berry bearing species to further encourage birds and wildlife. It is also noted that areas of grassland out with the site will be used as wildflower meadows and routes created through this to encourage access. Seed mixes are to be confirmed. The Preliminary Ecological Survey submitted in support of the application suggests means of net biodiversity gain. This includes the installation of 2.No bat boxes and bird boxes including a traditional nest box and open/balcony nest box. It is also noted that wildlife gaps could allow wildlife to pass through. The principle of this is supported and further information in this regard is recommended to be secured by condition.
- 8.30 With all of the above in mind it is considered that it has been satisfactorily demonstrated that criteria as required in Policy 30b) has been met. It is accepted that there is a demand for more tourist accommodation in the area and that based on financial information submitted the proposed development is viable and capable of being funded. It is accepted that the applicant has no further land within their landholding and there are no opportunities to round off or infill an existing group of buildings, nor are there any brownfield options on the site. It is considered that the site is within easy access of existing access travel links and opportunities for cycle parking will be available on the site. The proposed development takes into account disabled access as noted above. The development will make use of a renewable energy sources and sustainable materials taking into account climate change mitigation. In terms of biodiversity the site is currently of low value and through the submission of supporting information including a Preliminary Ecological Survey there will not be an impact on existing species and measures for net-biodiversity gain are included.
- 8.31 The principle of development within the area can therefore be supported, however, consideration still must be given to the specific siting and design to ensure compliance with policy 14 Design, quality and place, 23 – Health and safety and 29 Rural Development of NPF4, alongside ensuring that technical matters such as roads, drainage, amenity and other material considerations as raised in representations and by consultees comply with policy or can otherwise be mitigated by way of recommended planning conditions.

8.32 **Siting, Design and Visual Amenity**

As previously noted, the policy framework has significantly changed since the previous refusal on site. As described above NPF4 is broadly supportive of such development in the countryside where a number of criteria can be met, and as such it is considered that the principle of development can now be supported. The site is in an area which comprises a mix of uses and housing densities. The area surrounding the site comprises existing holiday lodges (Kilcoy Chalets to the southeast, Big Sky Lodges to the west) small clusters of 2 – 3 houses, individual houses, and also commercial development (Nearby industrial and commercial supply company). The development of the site is not considered to detract from this established pattern to an extent that it will have a significant impact on the settlement pattern, and it is considered to be compatible with these surrounding land uses. The units are single storey and will be set back within the site, largely screened from the public road by existing trees and hedges while and finished in natural timber. In this context it is not considered that the units, nor associated laundry facility and office/reception/shop will have a significant impact on visual amenity which would warrant refusal of the application. Overall, the location, layout and design can be supported.

8.33 The units are of the same design as previously submitted. They are to be set out in a row of three. The outlook from all of the lodges is out to the south/southeast. The unit titled Assynt is the eastern most lodge, this is two-bedroom with an open plan kitchen and living area.

The lodge has a footprint of approximately 12m x 6m with both the front and rear road facing elevations well broken up. This has been achieved due to the rooms all being offset from each other, the use of windows and different opening sizes and the orientation of the cladding varying across the lodge. The roof is single pitched with the peak measuring approximate 4m in height. An area of decking with French doors is located to the rear. Between Assynt and the public road there is a shed, this measures approximately 3m x 4.8m, is timber clad with a single pitched profile sheet roof.

8.34 The central lodge titled Torridon is a single bedroom unit with open plan kitchen/living area, again the outlook is to the south/southeast. The footprint is smaller than that of the adjacent Assynt lodge with an approximate footprint of 8m x 7m (including ramped access) the design is similar to that of the Assynt lodge.

8.35 The largest of the lodges titled Nevis would provide the western most lodge, this has a footprint of approx. 12.5 x 6.5m including ramped access, this is two bedroom with an open plan kitchen/living area. A wet room and bedroom with circulation space denoted on plan is shown accommodating the disabled friendly unit which is referred to within the supporting information. A disabled parking bay is to be located immediately adjacent to this lodge. As above a similar design is proposed.

8.36 The final building is multi use to the western side of the site. This is again of a similar design ethos to the lodges and shall accommodate a reception area, manager office, laundry facilities and a small shop, this has ramped access and a

further disabled parking bay adjacent to ensure all abilities access. A bike shelter is located between the operational building and Nevis.

- 8.37 There are no significant issues with the provision of a small retail unit on the site as this is to be ancillary to the tourist accommodation comprising the reception and office accommodation. This should therefore not generate footfall that would impact upon either Dingwall or Muir of Ord. It is not considered to conflict with Policy 6 – Town Centre First of the IMFLDP. Policy 28d of NPF4 provide support for shops in rural areas where they are ancillary to other uses such as farm shops and craft shops for example will be supported where they serve local needs and jobs, have an acceptable impact on villages/towns, support local living and provide a service throughout the year. The shop is considered to comply with all of the above and dependant on what is stocked could support other local business. A condition is recommended to ensure that the accommodation is in use prior to the shop becoming operational as a shop in this location would not otherwise be acceptable.
- 8.38 All structures are located approximately 4m apart. Overall, the design and layout of the buildings within the site are considered to be appropriate. While the use of materials and design of the structures on the site is largely similar, the way in which they have been broken up by having different footprint, use of cladding and windows and window openings shall result in a development which has variety. The set back from the road and trees/hedging will screen the lodges, the use of timber against the backdrop of trees and greenery is considered to be acceptable.
- 8.39 There is reference within the representations to the development comprising a sporadic ribbon/linear development which would be contrary to the development plan. The ribbon development rule largely relates to piecemeal and unplanned lines of housing development fronting rural roads and is provided within the Rural Housing SG. It is not considered that this would constitute sporadic ribbon development. The three proposed lodges are positioned in a row, this is acknowledged, however the level of development is not considered to be such that it constitutes a ribbon development, nor will it be read as such in its context. It is considered that the linear development rule relates to larger numbers of properties. This is not considered to be applicable in this case.
- 8.40 The original planning refusal (ref 21/0155/FUL) and Planning Review Body decision, alongside comments raised in representations refer to the loss of agricultural land as being a concern. It should be noted that there is no policy which restricts any development on all agricultural land, so this alone would not be a reason for refusal. As described in paragraph 8.11 above the relevant policy in assessing whether the loss of agricultural land is appropriate is covered under Policy 5 – Soils of NPF4. Part b states that development proposals on prime agricultural land will only be acceptable in a number of exceptional circumstances. The Scottish Government (Scotland's Soils) National scale land capability of agriculture maps provide information on the types of crops that may be grown in different areas dependant on environmental and soil characteristics. The site is located on land, which is classified as Class 3.2, the definition given being 'Land capable of average production though high yields of barley, oats and grass can be obtained. Grass leys are common'. It is stated that Classes 1 – 3.1 of the land capability of agriculture are prime agricultural land. This is therefore not defined as

being prime agricultural land and the proposal therefore could not be refused on that basis.

8.41 In terms of policy 14 – Design, quality and place considers the six qualities of successful places. It is considered that the proposal has potential to improve physical and mental health, it is considered that the design, landscaping, and encouragement of biodiversity would be pleasant and support an attractive natural and built space, it is close to active travel options alongside private car usage and so is considered to be connected; the design reflects the natural landscape through materiality and design and can be considered be distinctive. With regard to the fifth quality it has been demonstrated that the proposed development is largely sustainable, nature positive and supports efficient use of resourced. The sixth quality of place relates to investing in buildings, streets and spaces and changing them to accommodate different uses which is considered to relate more to urban areas. Further it is not considered that the development will have significant impact on the amenity of the area. Overall, the proposal is considered to comply with Policy 14 of NPF4 alongside policy 28 of the HwLDP.

8.42 Part b)ii) of policy 30 Tourism requires that proposals are compatible with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors. This scale of tourist development is reduced from the originally refused plans which included a golf facility. It is considered that the area can accommodate the level of holiday letting accommodation proposed without having a significantly detrimental impact on the settlement pattern, or visual amenity of the area. The proposal is therefore considered to comply with Policy 30 – Tourism and Policy 29 – Rural Development of NPF4 alongside Policy 28 – Sustainable Design of the HwLDP.

8.43 **Transport, Roads and Access**

A number of concerns have been raised by representations around transportation, roads and access surrounding the development. Initially, it was proposed to form an access and parking area to the eastern corner of the site. This would have involved the loss of a passing place. The Transport Planning team requested that this was replaced and delivered elsewhere along the Drynie Park – Kilcoy Road. The site layout has been revised to shift the site access to the western side of the site, with the access formed to an SDB2 design to include a service bay. Visibility splays of 2.4m x 215m in each direction are denoted on plan. No objections to this have been raised by Transport Planning therefore this proposed arrangement is considered to be acceptable.

8.44 The representations note that there is a lack of passing places along the road. It is acknowledged that there are not many opportunities however, Transport Planning have not recommended that it is necessary to provide further opportunities for this level of development, only to ensure that existing opportunities are not lost. No further passing places have therefore been requested as it would not be proportionate for the level of development proposed.

8.45 Road safety due to an increase in traffic is also raised as an issue in representations. An inevitable increase in traffic is acknowledged however it has not been deemed that this is significant to warrant a road safety issue which would

require additional mitigation. The site access has also been designed to ensure that cars can see and be seen the maximum distance of 2.4m x 215m in each direction on this stretch of road from the site access. This is considered to be appropriate for this level of development. It is also noted that concern is raised over a lack of landownership to accommodate the site access works and visibility splays. While the land may be in third party ownership, the Roads Authority has control over the verge between the fence line and the public road verge. Irrespective of landownership the delivery of any works on this land could be permitted under a Road Opening Permit. This is therefore not considered to be a significant issue. The access and parking arrangements for this level of development are considered to be proportionate and are acceptable. No objections have been raised by the Transport Planning Team. It is recommended that the access design and visibility splays are secured by condition for the avoidance of any doubt.

8.46 There is a parking area to the front of the reception building which accommodates parking and turning for 7. No vehicles and a further 2. No disabled parking bays. The level of parking has been accepted as adequate for the level of development. A footpath will give further access to Assynt and Torridon lodges, this arrangement is deemed acceptable and reduces unnecessary vehicular movements within the site. There are no issues with the parking and turning arrangements proposed and these are accepted. A condition is recommended to ensure that they are available prior to first occupation of any part of the development.

8.47 **Active Travel**

NPF4 places further emphasis on ensuring active travel opportunities. Concern is raised in representations that the proposal does not demonstrate a modal shift to sustainable/active travel. As referred to above the site is located approximately 900m away from a main bus route with the two bus stops at Drynie Junction. Dedicated cycle parking facilities are proposed at the site, and it is easily accessible to the main cycle route which runs alongside the A835 giving access to the National Cycle route at North Kessock and links to both Inverness and Dingwall. With this in mind it is considered that active travel options to the main nearby settlements are easily accessible and there are no further recommendations in this regard.

8.48 **Drainage**

Concern has been raised in representations regarding the proposed drainage at the site. It is proposed to install a shared septic tank and soakaway to the western side of the site. Percolation test results were submitted taken from three trial pits within the site. It is submitted that an average VP of 18.8 secs/mm was recorded at the site. This falls within the normal rates as defined with the Building Regulations and is therefore considered to be acceptable for the purposes of planning however this will be subject to further scrutiny through other regulatory processes such as CAR Licensing with SEPA and the Building Warrant. It is considered that the proposal complies with policy 22 of NPF4 and policies 65 and 66 of the HwLDP as the site is not at risk of flooding and it has been demonstrated that foul and surface water drainage can be dealt with, within the site.

Protected Species

8.49 Potential impacts to protected species is raised as a concern within representations; a Preliminary Ecology Assessment has been submitted in support of the application to allow further consideration of this matter. This found that with regard to bats there was low to negligible potential for bat roosting, although opportunities for foraging are moderate. Breeding birds were identified on site however it was concluded that the proposed development would not result in any loss to suitable habitat for bird breeding – it is suggested that trees are protected by fencing before works are carried out. This is also a recommendation of the Forestry Officer; therefore it should be secured by condition. The survey also found that potential impact to protected invertebrates, reptiles, badgers, dormice, hedgehogs, otters, pine marten, polecats and water voles to be low or negligible.

There was found to be a moderate chance of red squirrels using the site, mitigation proposed notes that any works to trees should be avoided in the breeding season February to September and that trees should be checked for dreys prior to works commencing on site. It is recommended that this is secured by condition. The proposal is therefore considered to comply with policy 3 – Biodiversity of NPF4 and policy 58 – Protected Species of the HwLDP.

Trees

8.50 Concern was raised in representations around the impacts to trees from the development. The Forestry Officer was consulted and removed their objection following the submission of supporting information and a revised Site layout. It was considered that the revised layout provided takes into account tree impacts and ensures that the development can be accommodated without compromising the surrounding trees. Conditions are recommended to secure proper implementation of tree protection measures and to restrict any works taking place to trees without prior written consent from the Planning Authority. It is not considered that there will be a significant impact to trees subject to the conditions recommended at the end of this report. The proposal is therefore considered to comply with Policy 6 – Forestry, woodland, and trees of NPF4 and policy 51 – Trees and Development of the HwLDP.

Pollution

8.51 Representations raise concern around light and noise pollution including construction noise. Further information is requested by condition to secure specific detail on lighting, this will make is a requirement to have low level bollard style lighting with cut out and motion sensor timers to minimise the impact to surrounding amenity and the environment. This is not considered to be a significant issue. Noise from users of the letting accommodation is a matter for the manager of the site to control and it is out with the remit of the planning application to ensure the behaviour of guests. Finally, construction noise is an inevitable part of any development. This is a matter of concern for the Environmental Health Authority who prescribe the hours through which development can take place. Construction should not normally take place out with 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, an informative is recommended to remind the applicants of their obligations in this regard.

Other material considerations

8.52 Inaccuracies in Location, Site and Elevation Plans at validation - consider do not comply with HOPs standards

Planning Comment – The plans are considered to meet with the Highland Council's validation checklists

Lack of proposed and existing site level plans

Planning Comment – These have since been submitted

No reference in site description of installation of access, hardstanding or private drainage infrastructure

Planning Comment – The associated shared facilities is considered to cover other associated part of the development required for the development of the lodges.

Inaccuracies in application form around there being no trees on site

Planning Comment – this has since been revised

Case law provided in relation to validation standards, protected species, summary of development plan policies, inaccuracies with landownership, accurate description of development

Planning Comment – this is not material to the consideration of the planning application

Ombudsman decisions provided in relation to handling of applications, interpretation/non-inclusion of development plan policies and consideration of material considerations, failure to consider floor levels and amenity/overlooking

Planning Comment – floor levels, amenity and overlooking are considered, other references are not material to the consideration of the application

Changes to redline boundary now fall out with the scope of the current application

Planning Comment – changes to the red line are still in the scope of the current application but have resulted in re-advertisement and re-notification to ensure that further opportunity to comment was given to regularise the change to redline.

New landownership certificate should be required

Planning Comment – the landownership boundaries were amended to reflect landownership, this is therefore not required

Per the fee regulations the additional soakaway area should be subject to a new fee application highlighting the materiality of the change and need for a new application

Planning Comment – there is no additional soakaway area the plans were revised, red lines changed, and notification procedures followed to reflect these changes under the current submission.

Non-material considerations

8.53 Will set a precedent for future development

Planning Comment – All applications have to be assessed on their own merits.

Landownership incorrectly denoted on plans and does not reflect title deeds for the land

Planning Comment – Ownership boundaries on plan have since been amended
Views will be impacted due to the development

Planning Comment – the right to a view is not a material planning consideration
Land has been neglected and fallen trees are within the site

Planning Comment – state of land not a material planning consideration
Ross-shire Journal advert incorrect 'Heights of Kilroy, not Kilcoy'

Planning Comment – The advert has been viewed and appears to state the correct address

Name of nearby lodges quoted incorrectly in supporting information

Planning Comment – Not material to the consideration of the proposals

Matters to be secured by Legal Agreement / Upfront Payment

8.54 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

a) None

CONCLUSION

8.55 Since the proposals were previously considered the development has been scaled back. Further to this there has been two significant shifts in policy, the first being that the Housing in the Countryside Siting and Design Guidance from 2013 was superseded by the Rural Housing Guide in 2022 which provided a revised definition of tourist accommodation within the countryside and therefore changed the ways in which tourism accommodation in the hinterland is assessed, and secondly the adoption of NPF4. Where there is incompatibility between these then the most recent guidance (NPF4) shall prevail. The principle of development has therefore predominantly been assessed under the provisions of Policy 29, Rural Development and Policy 30 – Tourism of NPF4.

8.56 Policy 29b) requires that development proposals in rural areas should be suitably scaled, sited, and designed to be in keeping with the character of the area and should also take into account the transport needs of the development as appropriate for the rural location. As considered in detail in the report the area comprises a mix of individual houses, groups of housing, other holiday letting facilities and commercial development. The proposal is not considered to be inappropriately sited in this context and the design of the lodges is not out of keeping with the area and are in keeping with the wooded/natural site in which it is situated. Consideration has been given to the transport needs of the development

and are considered to be acceptable in terms of access, parking and active travel. The proposal is therefore considered to comply with Policy 29 – Rural Development of NPF4.

- 8.57 Policy 30 – Tourism of NPF4 requires proposals to take into account a number of factors which includes the contribution to the local economy, compatibility with the surrounding area in terms of the nature, scale of the activity and impacts of increased visitors, impact on communities and whether it hinders the provision of homes, taking account of opportunities for sustainable travel, accessibility for disabled people, measures to minimise carbon emissions and provision of opportunities to provide access to the natural environment.
- 8.58 As considered in detail in the report the Supporting Information including the Business Plan are accepted and demonstrate that a contribution will be made to the local economy. It is considered that the surrounding area can accommodate the nature and scale of development and will not have any impact in terms of hindering the provision of homes and services for local people as they are designed as holiday lets with shared facilities. Travel, disabled access, minimisation of carbon emissions are all embedded within the scheme and the development provides opportunities to access the natural environment. The proposal is therefore considered to comply with policies 29 and 30 of NPF4.
- 8.59 The proposals are considered to be suitably sited and designed and all technical issues including access and drainage alongside natural environment impacts have either been resolved or are subject to mitigation by way of recommended planning conditions.
- 8.60 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.

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 Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The retail unit/shop hereby approved shall not be operational until first occupation of the tourism accommodation units. Thereafter the retail area shall be confined to area denoted on the approved plans.

Reason: If the shop was a standalone unit, it would be contrary to policy 40 of the HwLDP and Policy 1 of the IMFLDP which promote retail development in town and village centres first.

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

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

4. A suitably qualified arboricultural consultant shall be employed at the applicant's expense to ensure that the approved Tree Protection Plan, Arboricultural Method Statement and Tree Planting Plan are implemented to the agreed standard. Stages requiring supervision shall be agreed with the planning authority and certificates of compliance for each stage shall be submitted for written approval. No development shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

Reason: To secure the successful implementation of the approved tree protection measures and tree planting.

5. With effect from the date of this permission, other than the work identified in the approved Arboricultural Impact Assessment & Method Statement, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority

Reason: To ensure the protection of retained trees during construction and thereafter

6. For the avoidance of doubt the Mitigation strategies outlined from paragraphs 8.7 – 8.14 in the approved document titled Preliminary Ecological Appraisal Report as prepared by ROAVR with the first issue dated 26.04.23 shall be complied with at all times including works taking place out with the breeding season (March to October) and all mitigation strategies such as the bat and bird boxes and wildlife corridors shall be provided on site prior to first occupation of the development hereby approved.

Reason: In order to ensure that detrimental impacts to any species within the site are mitigated and in order to assist in achieving net biodiversity gain.

7. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of 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 a high standard of landscaping is achieved, appropriate to the location of the site in the interest of amenity and in order to ensure that biodiversity is encouraged on site and landscaping maintained thereafter.

8. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

Reason: In order to protect the archaeological and historic interest of the site

9. No other development shall commence until the site access has been constructed in accordance with the approved Access Layout Plan drawing no L11374-001-03 and visibility splays of 2.4m x 215m in each direction formed from the centre line

of the junction. The visibility splays shall be maintained in perpetuity by the operator of the site.

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

10. Prior to first occupation of any of the lodges or shop hereby approved the car parking and turning and cycle storage shelter as denoted on the approved Site Layout Plan drawing no LI374-001-02 shall be completed and available for use.

Reason: In order to ensure that the level of off-street parking is adequate and to facilitate the use of alternative modes of transport.

11. No development shall commence until full details of all external lighting to be used within the site have been submitted to and approved in writing by the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. The lights shall be of a motion sensor low level bollard design.

Reason: In order to safeguard the amenity of neighbouring properties and occupants and to help mitigate impacts to the natural environment.

12. No development shall commence until details of all external paint/stain finishes (including manufacturer product codes) have been submitted to, and approved in writing by the Planning Authority. Thereafter, development shall progress in accordance with these details.

Reason: In the interest of visual amenity and to ensure that the development remains in keeping with its surroundings.

13. No development shall commence until full details on the design of the solar panel PV units and locations where the solar panels are to be affixed has been submitted to and approved in writing by the Planning Authority. Thereafter the solar PV panels shall be installed in accordance with the agreed details.

Reason: As no detail has been provided and in order to ensure a renewable energy source on site.

REASON FOR DECISION

It is considered that the surrounding area can accommodate the nature and scale of development and will not have any impact in terms of hindering the provision of homes and services for local people as they are designed as holiday lets with shared facilities. Travel, disabled access, minimisation of carbon emissions are all embedded within the scheme and the development provides opportunities to access the natural environment. The proposal is therefore considered to comply with policies 29 and 30 of NPF4.

The proposals are considered to be suitably sited and designed and all technical issues including access and drainage alongside natural environment impacts have either been resolved or are subject to mitigation by way of recommended planning conditions.

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. 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.

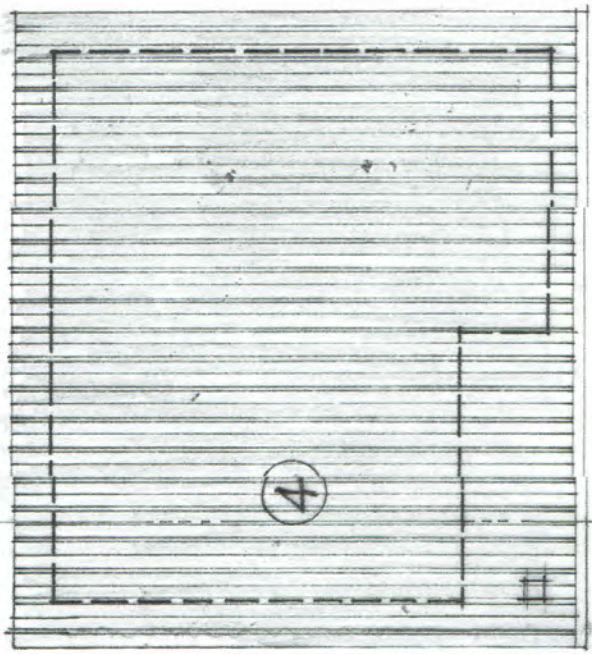
Advertisement Consent

You are advised that no signage or advertisements associated with the holiday letting business are approved as part of this permission and installation or display of any advert or sign will require Advertisement Consent.

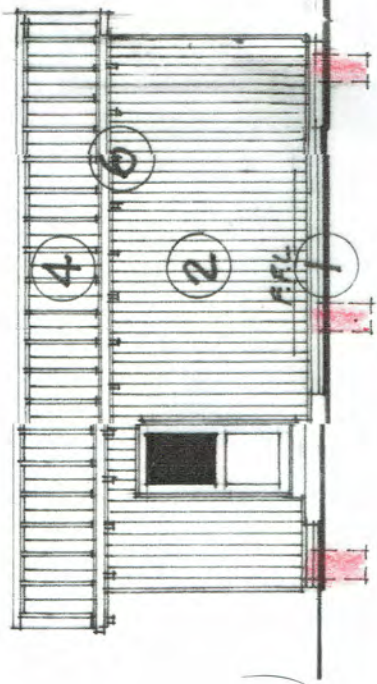
Protected Species – Halting of Work

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

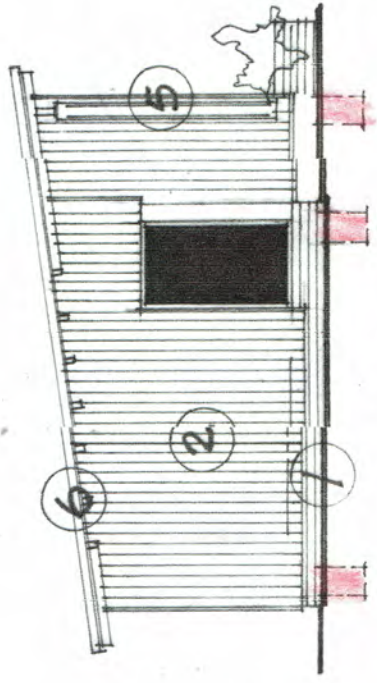
Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 000001 – Location Plan
Plan 2 - LI374-001-02– Site Layout Plan
Plan 3 - LI1374-001-03– Access Layout Plan
Plan 4 - 2020-LAI.2-10 REV A - General Plan – Service Building
Plan 5 - 2020-LAI.2-11 - General Plan - Nevis
Plan 6 - 2020-LAI.2-12 – General Plan - Torridon
Plan 7 - 2020-LAI.2-13 - General Plan - Assynt
Plan 8 - 2020-LAI.2-14 - General Plan - Shed
Plan 9 - 002 – Tree Protection Plan
Plan 10 - 003 – Tree Planting Plan



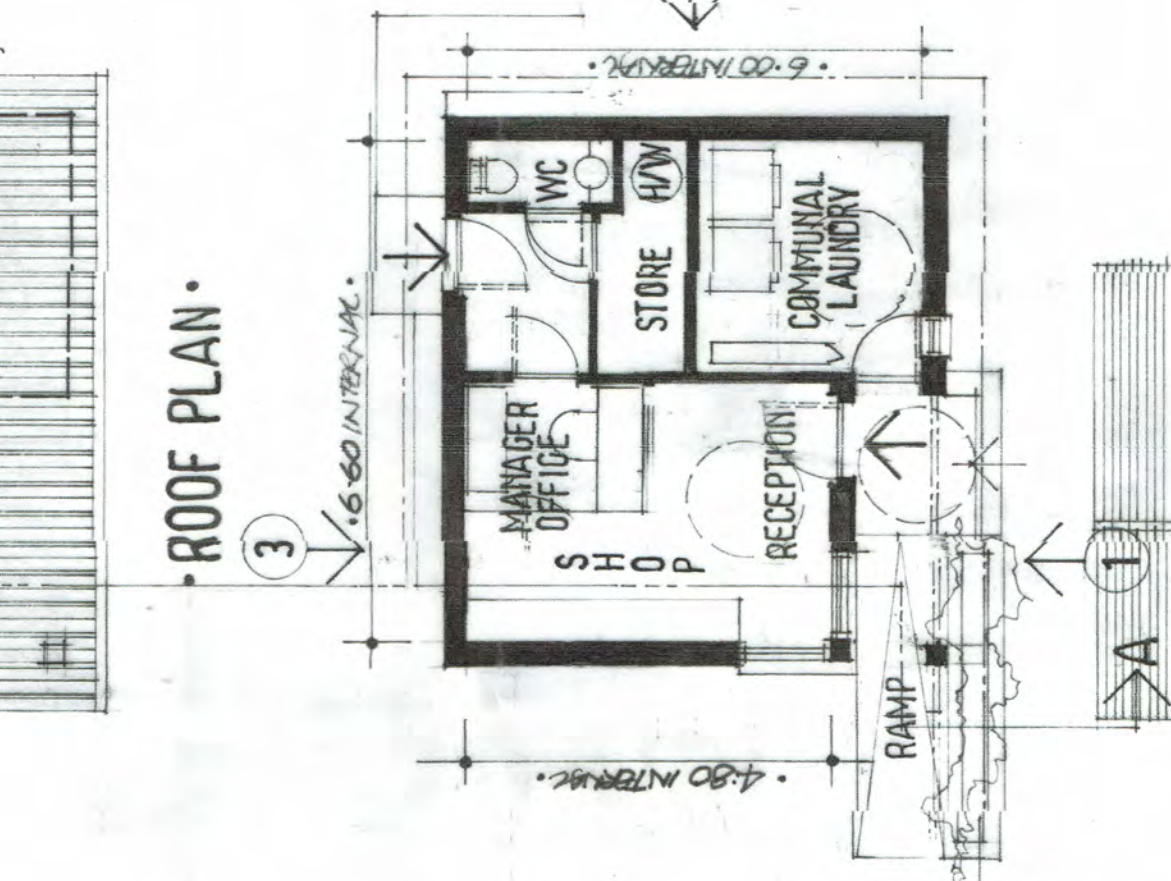
• ROOF PLAN •



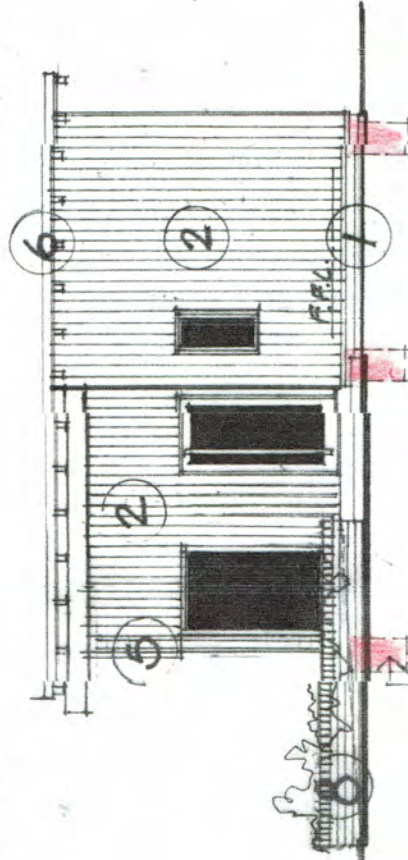
• ELEVATION 3 •



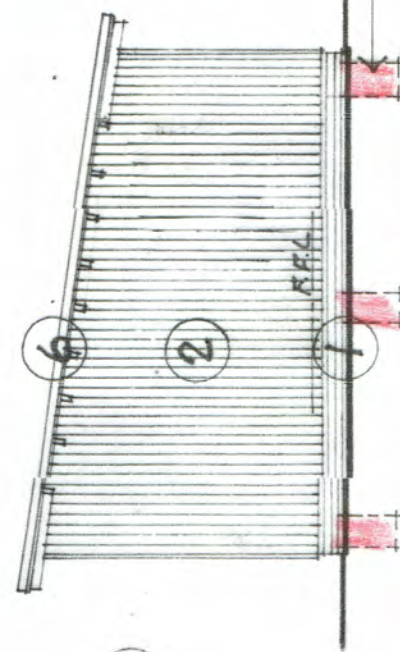
• ELEVATION 2 •



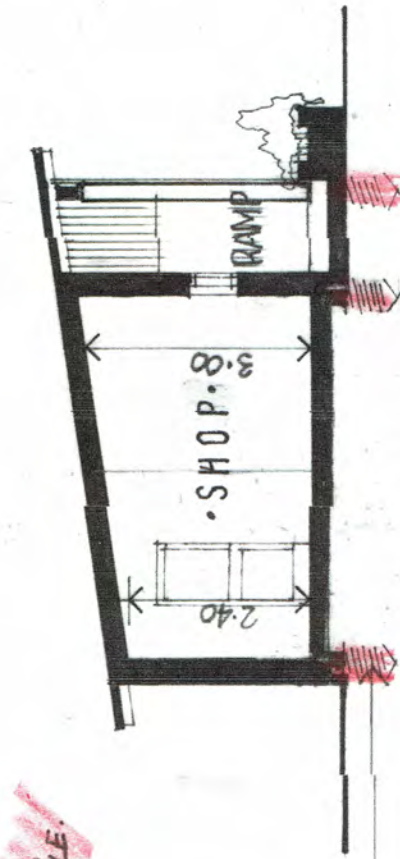
• FLOOR PLAN •
(AREA = 35.28 SQM)



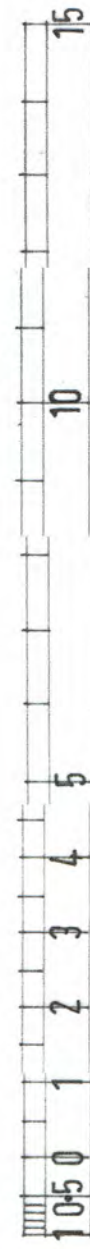
• ELEVATION 1 •



• ELEVATION 4 •



• SECTION A-A •



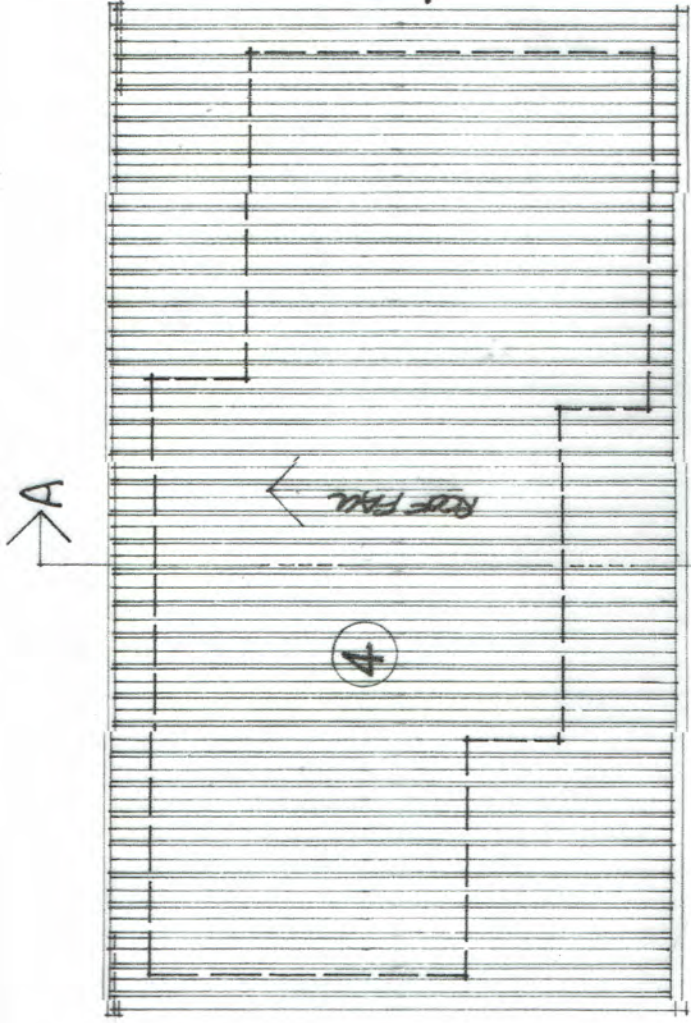
• SCALE 1:100 •

A3 SHEET
SCALE 1:100

REV. A - JUNE 22 - SERVICES BUILDING
AMENDED.

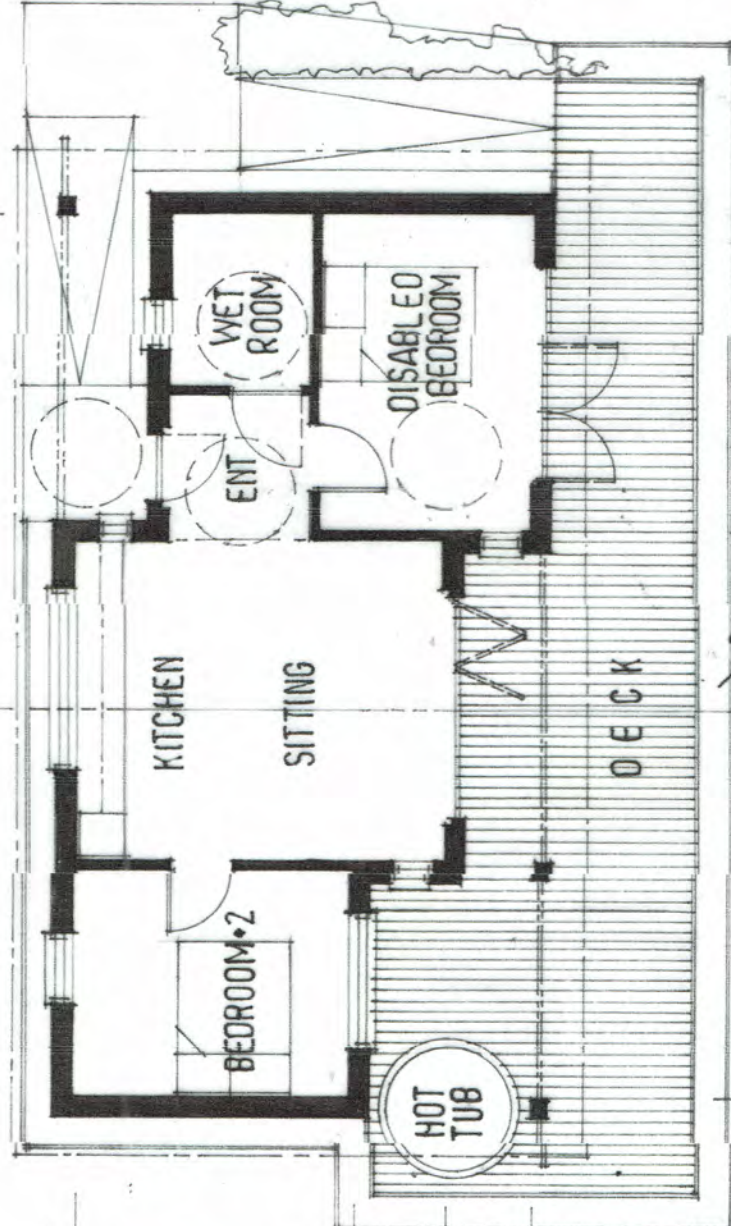
PROPOSED LODGE DEVELOPMENT
AT DRYNIE COUNTRY PARK.
KITCOY MUIR OF ORD IV6 7RP.
FOR LOUISE & ALAN INNES

DRG. NO: 2020/LAI/2/10-A.
LAUNDRY/SHOP/SERVICE BUILDING
PLANNING DRAWING
MAY 2022



• ROOF PLAN •

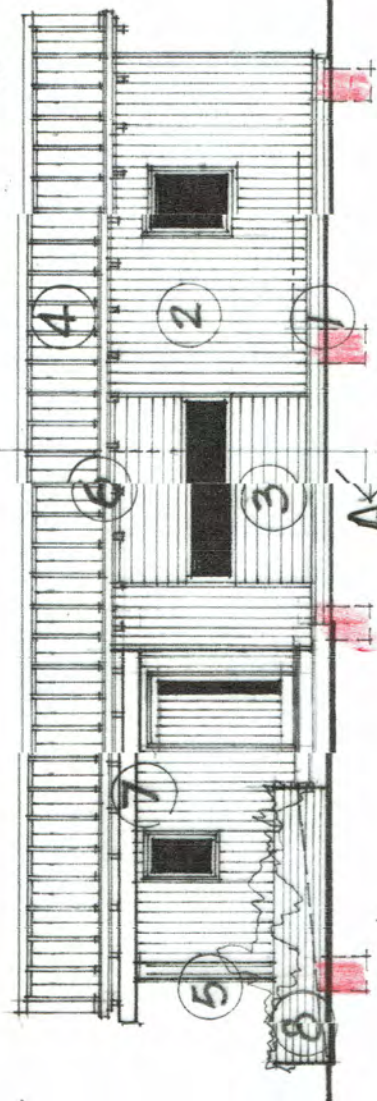
• 11.40 INTERNAL •



• FLOOR PLAN •
(AREA - 51.12 SQ.M)

A3 SHEET
SCALE • 1:100

• ELEVATION 1 •

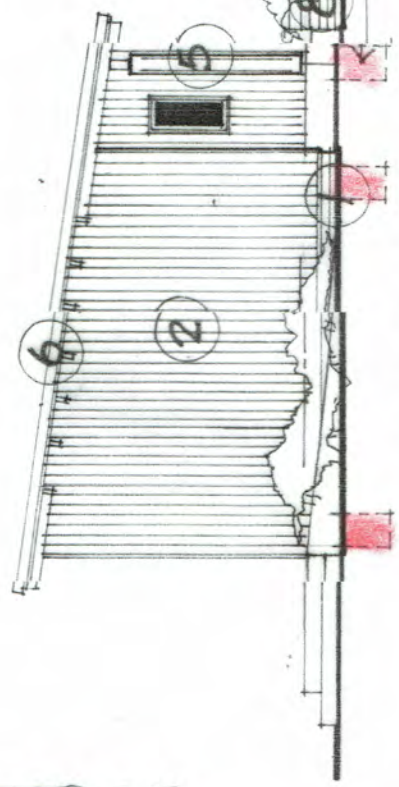


• ELEVATION 2 •

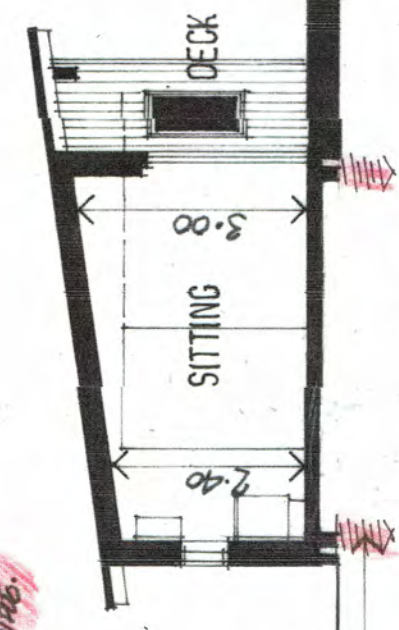


• ELEVATION 3 •

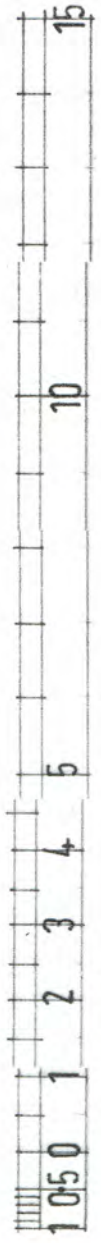
• 250 DIA. 3/5 SCREEN PIPE •



• ELEVATION 4 •



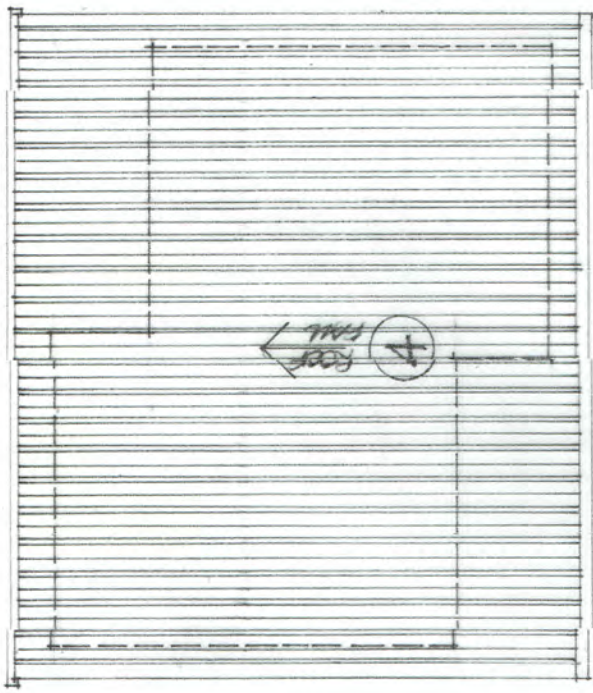
• SECTION A-A •



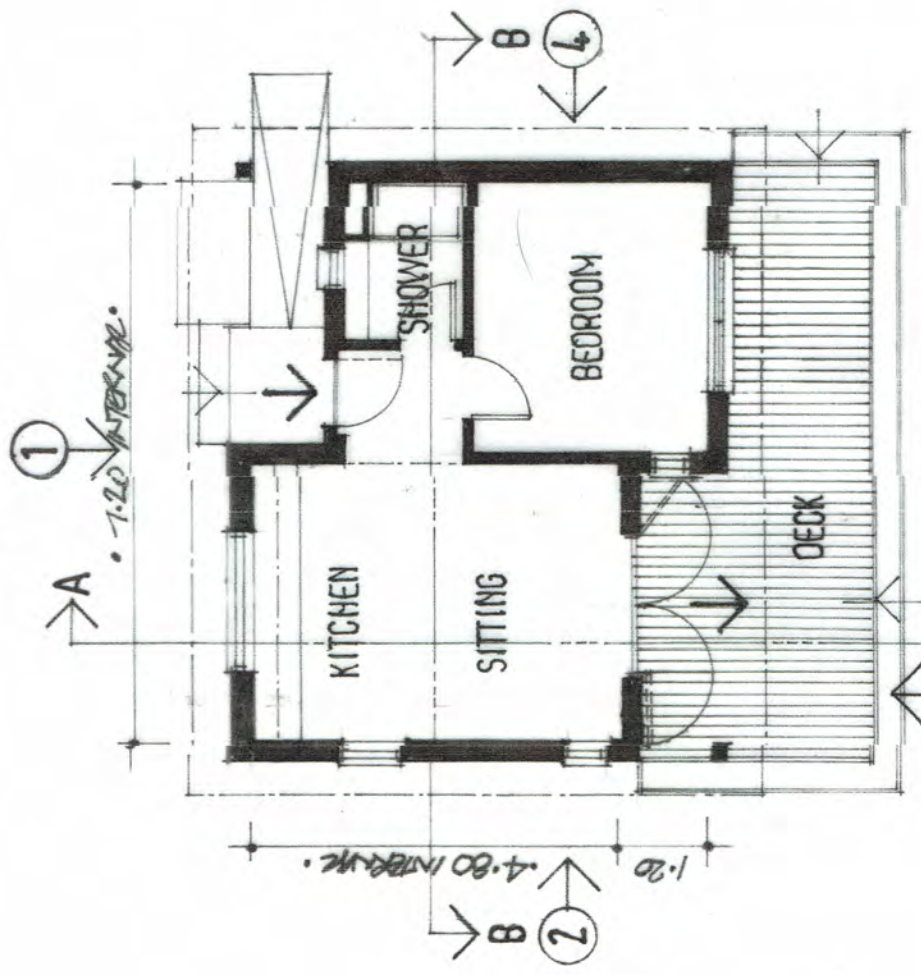
• SCALE • 1:100 •

PROPOSED LODGE DEVELOPMENT
AT DRYNIE COUNTRY PARK
KILCOY MUIR OF ORD IV6 7RP
FOR LOUISE & ALAN INNES

ORG. NO. 2020/LAI/2/11
GENERAL PLANNING DRAWING
LODGE TYPE • NEVIS
MAY 2022

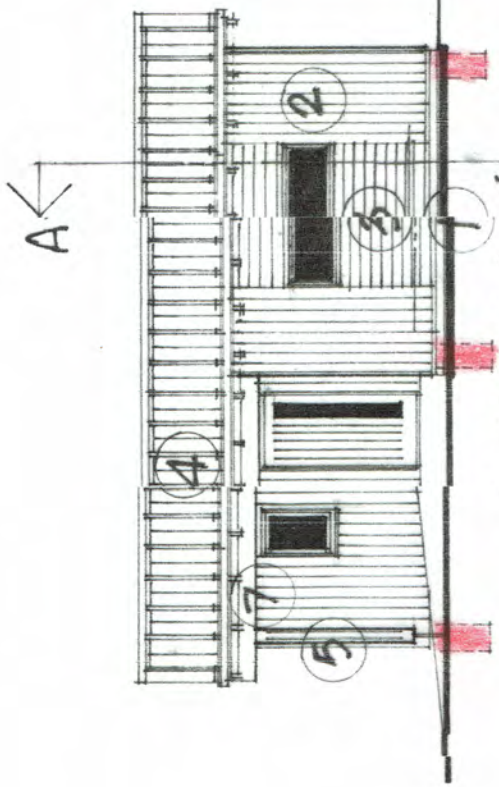


• ROOF PLAN •

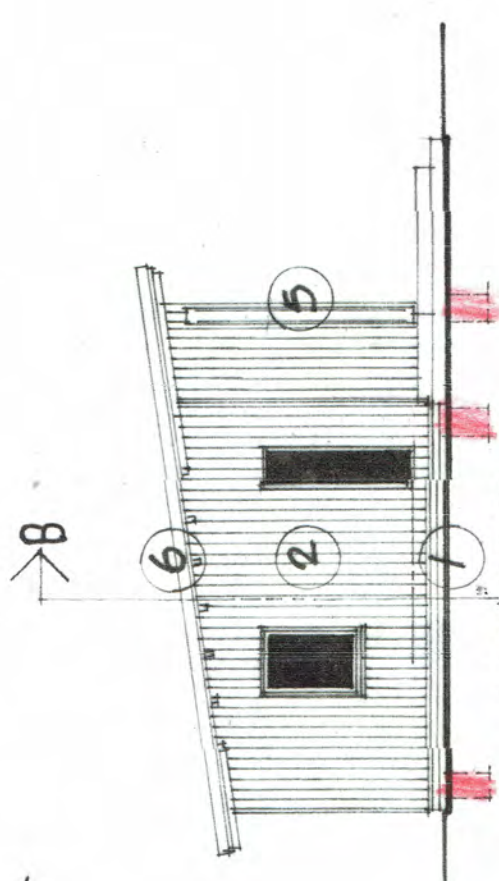


• A • FLOOR PLAN •
(AREA 34.56 sq.m)

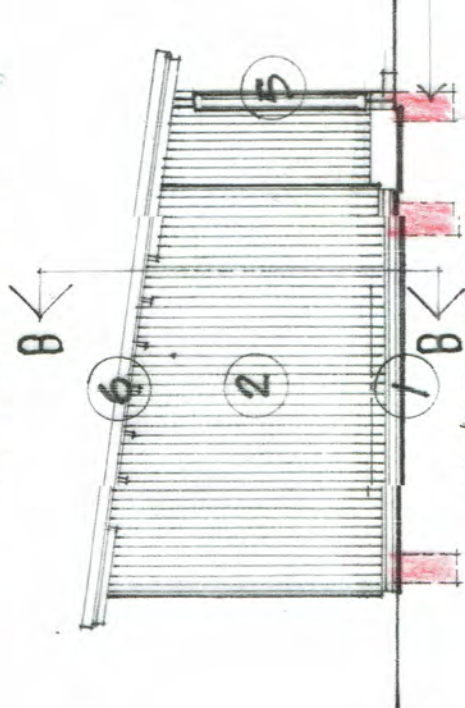
A3 • SHEET
SCALE • 1:100



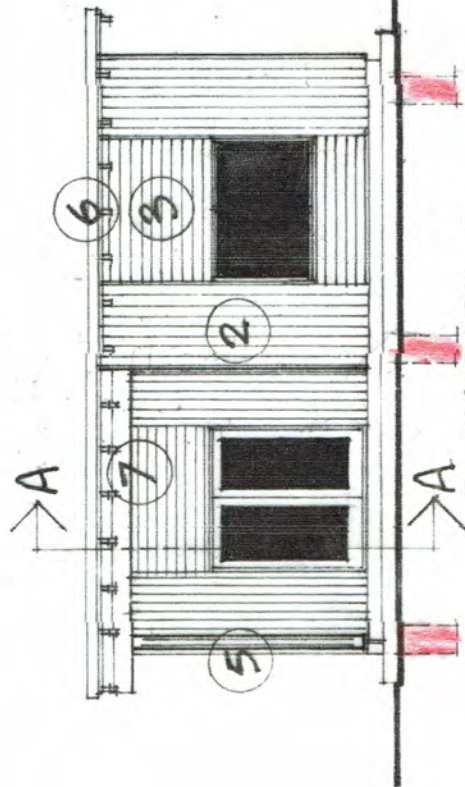
• ELEVATION 1 •



• ELEVATION 2 •

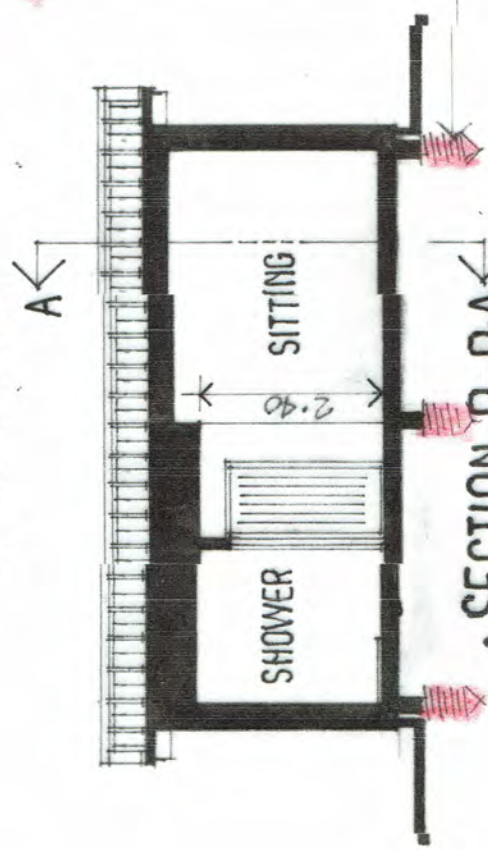


• ELEVATION 3 •

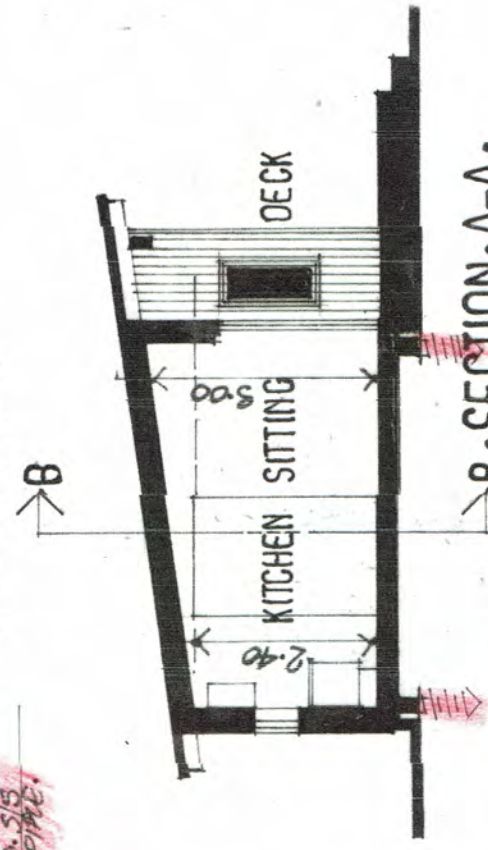


• ELEVATION 4 •

• 250 DIA. 5/8 SCREEN PIPE!



• SECTION B-B •



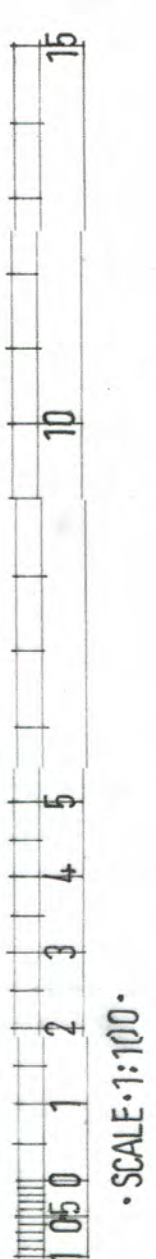
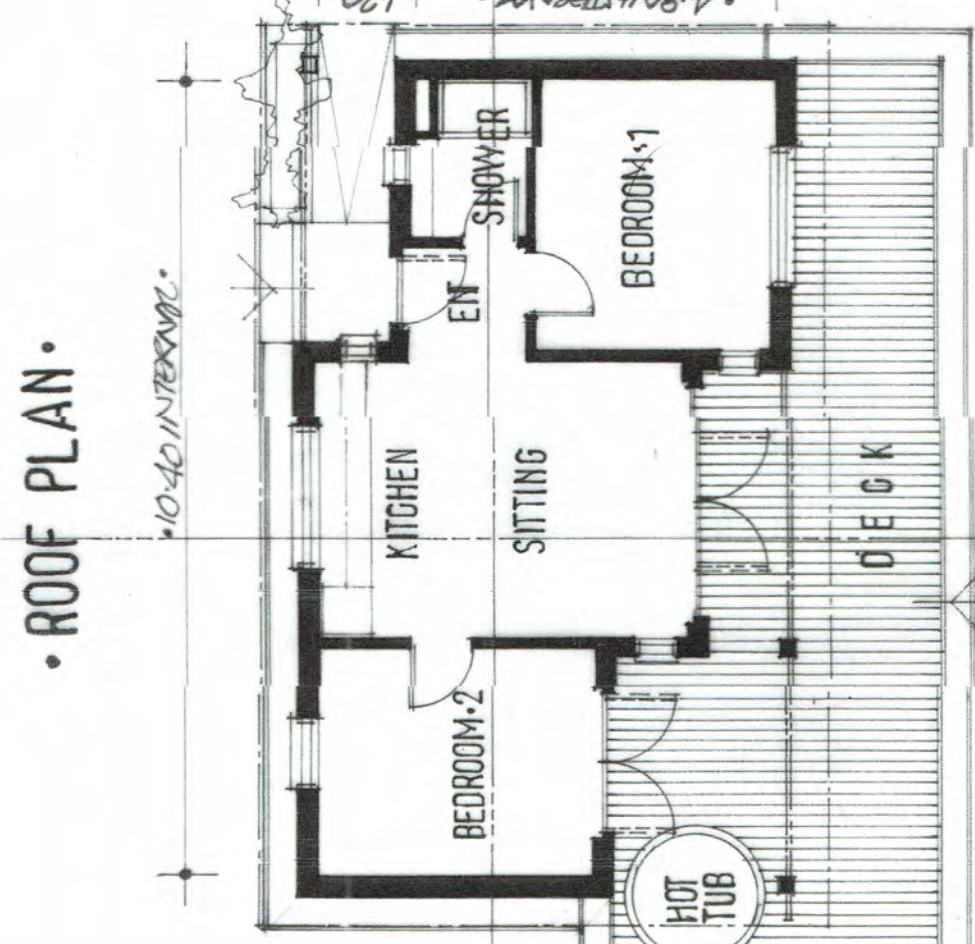
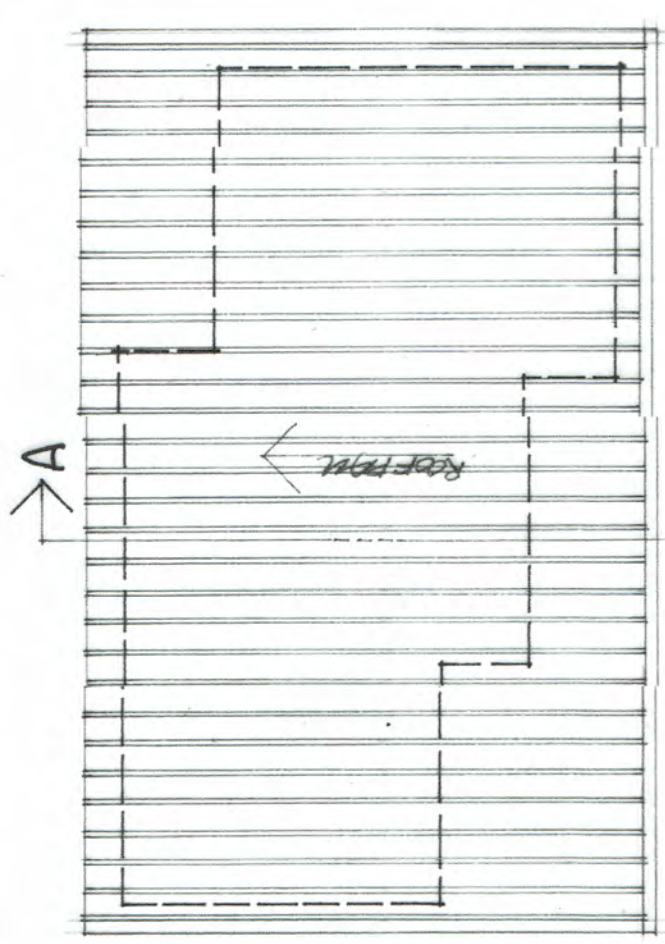
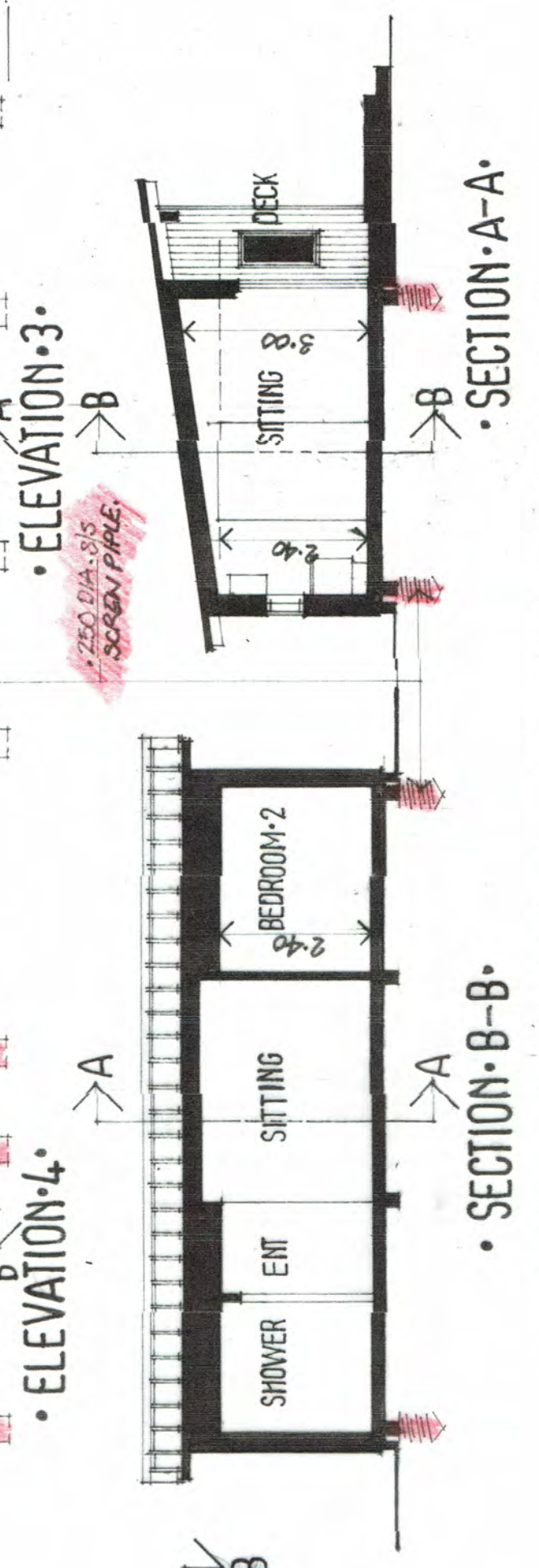
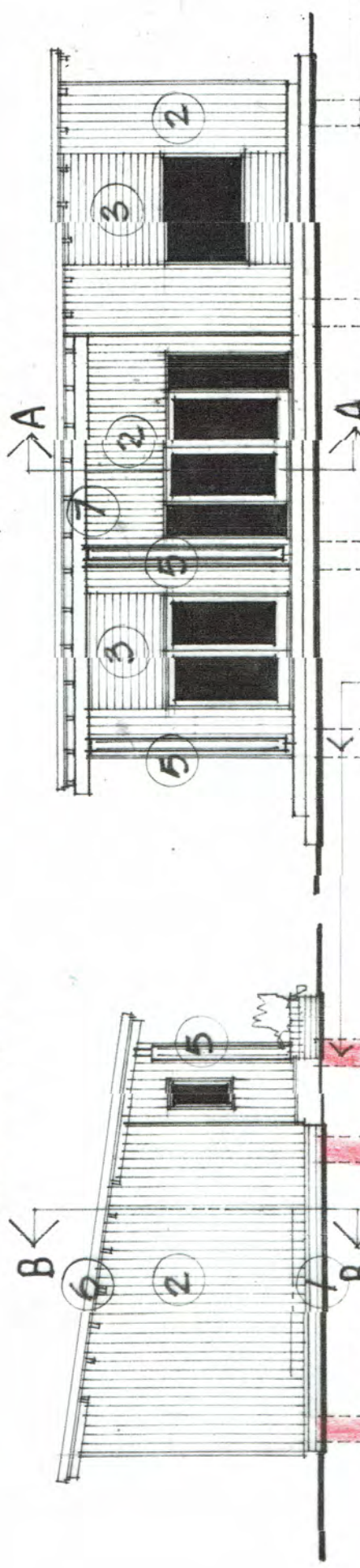
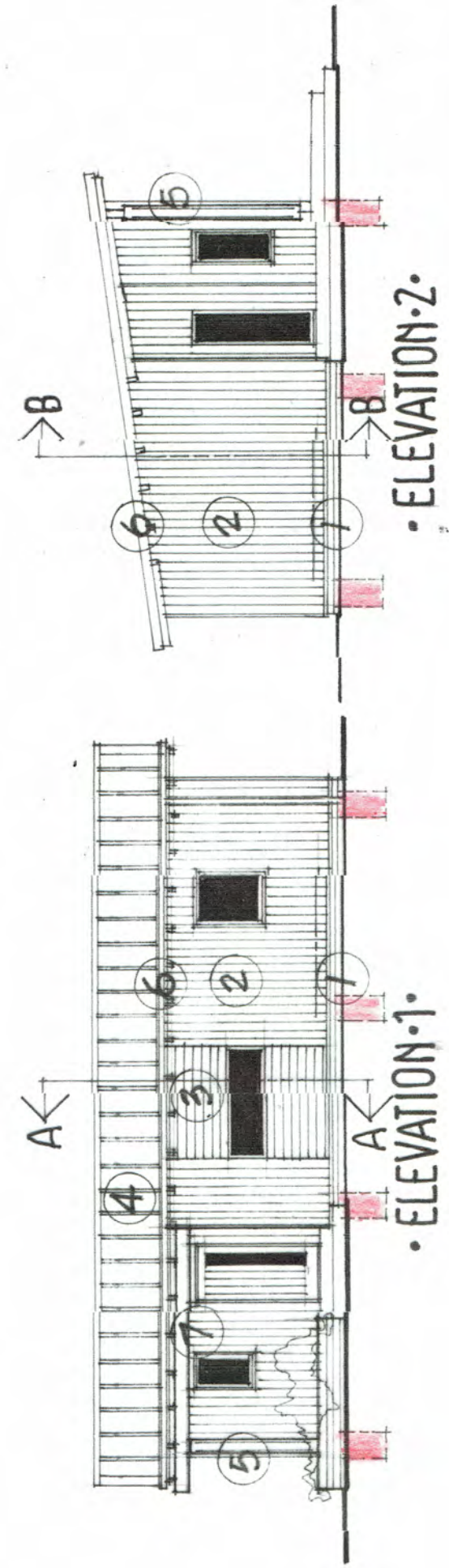
• SECTION A-A •



• SCALE • 1:100 •

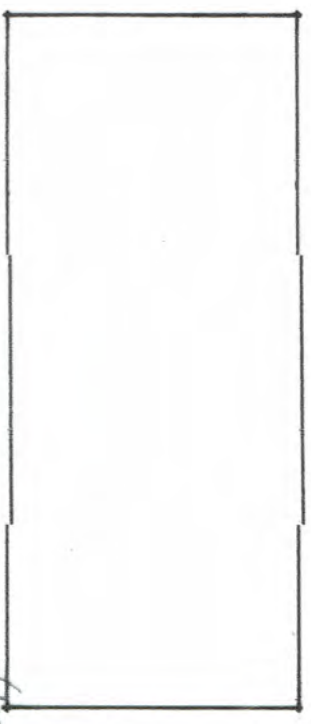
PROPOSED LODGE DEVELOPMENT
AT DRYNIE COUNTRY PARK.
KILCOY • MUIR OF ORD • IV6 7RP.
FOR LOUISE & ALAN INNES

ORG. NO. 2020/LAI/2/12.
GENERAL PLANNING DRAWING
LODGE TYPE • TORRISON.
MAY • 2022

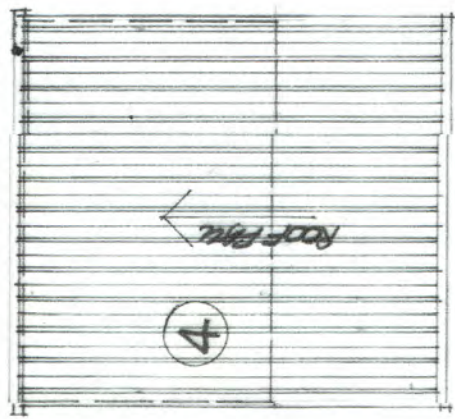


ORG. No: 2020/LAI/2/13.
 GENERAL PLANNING DRAWING
 LODGE TYPE - ASSYNT.
 MAY 2022

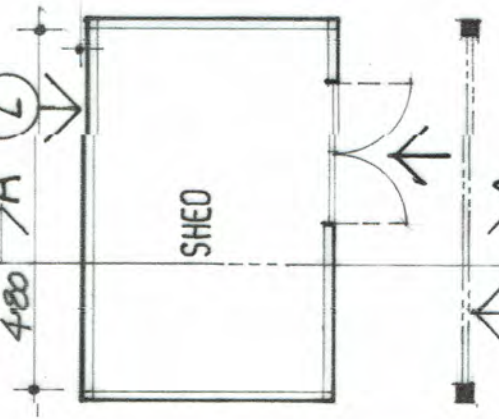
PROPOSED LODGE DEVELOPMENT
 AT DRYNIE COUNTRY PARK.
 KILCOY - MUIR OF ORD - IV6 7RP.
 FOR LOUISE & ALAN INNES



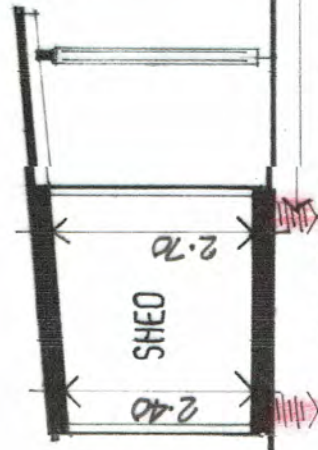
A3 SHEET
 SCALE: 1:100



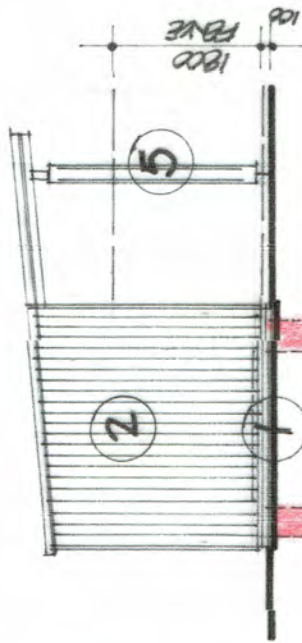
• ROOF PLAN •



• FLOOR PLAN •
(AREA - 14.4 SQM)

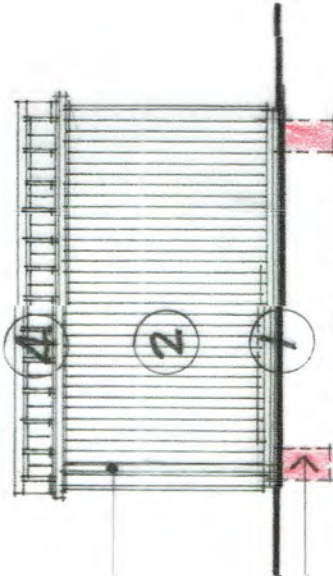


• SECTION A-A •



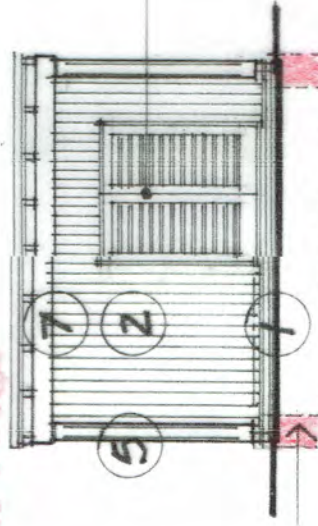
• ELEVATION 1 •

• RAIN WATER DRAINAGE THROUGH TO SOAK-AWAY.

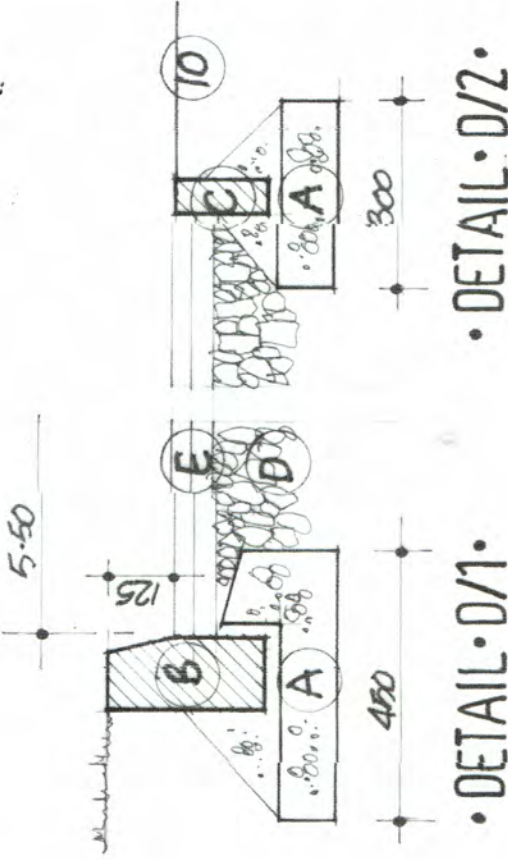


• ELEVATION 2 •

• 250 DIA. 3/5 SCREEN PIPE.



• ELEVATION 3 •



• DETAIL D/1 •

• DETAIL D/2 •

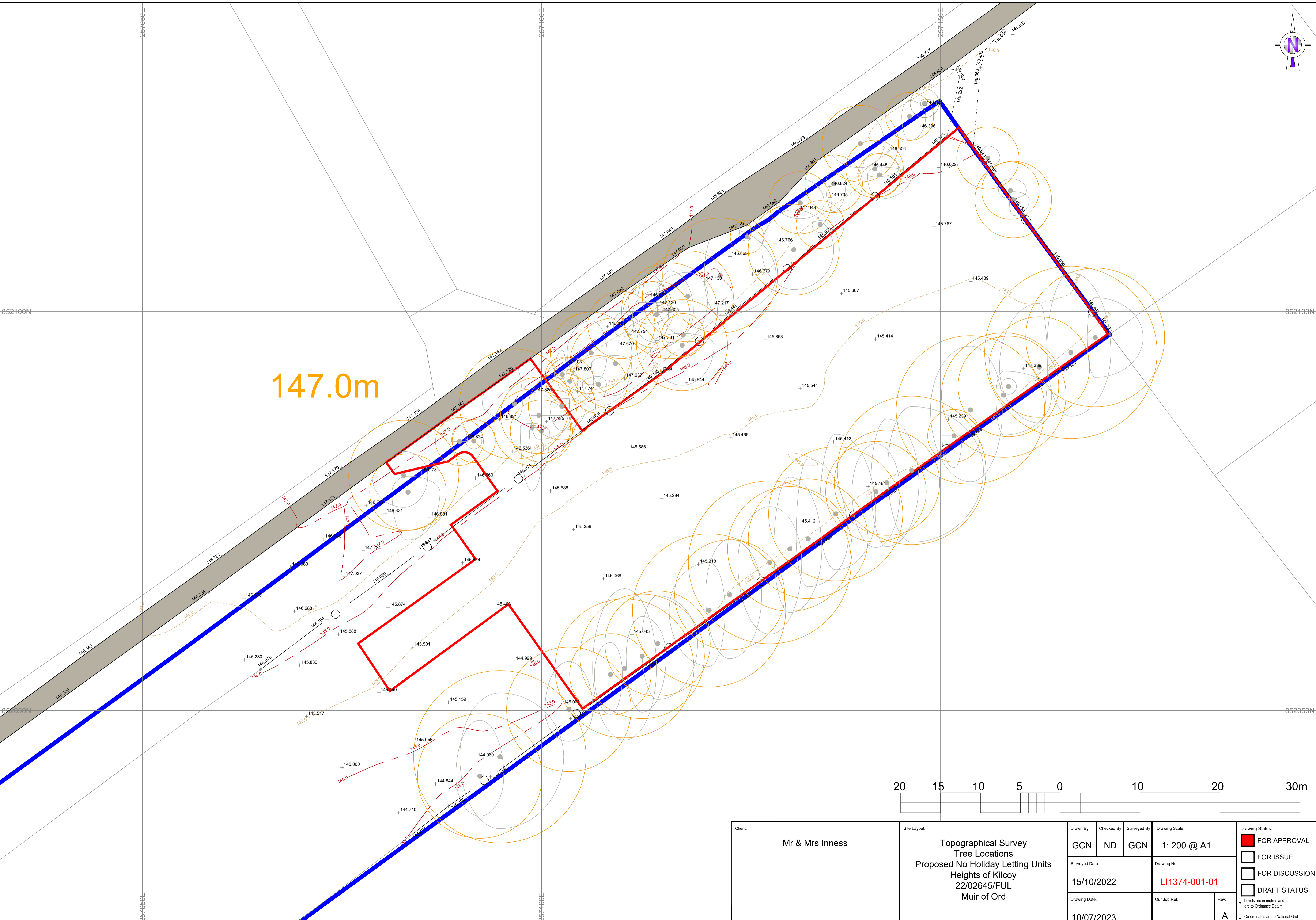
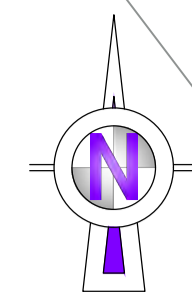
- EXISTING GATE ACCESS RELOCATED AS SHOWN ON SITE PLAN. SPACET. 1.
- CONCRETE FOUNDATION AND HAIRING TO BS. 5328 STANDARD MIX. 5/2.
- 255 X 125 HPPC HALF BATTERED KERB LAID IN ACCORDANCE WITH BS. 7263 PART 2.
- 150 X 50 HPPC HALF KERB LAID IN ACCORDANCE WITH BS. 7263.
- 200 TYPE 1 SUB-BASE TO CI. 803
- 25 CLOSE GRADED ASPHALT CONCRETE SURFACE COURSE TO CI. 912 ON 40 DEGREE ASPHALT CONCRETE BINDER COURSE TO CI. 906.

- C/F FROM ORD. - 200 (LAI 2/14).
- DIVERSITY OF PLANTS.
- K'CARABER FOR 12 PERSONS SEPTIC TANK
- SOAK-AWAY SYSTEM TO MEET TEST RESULTS.
- PRIVATE ACCESS GATE TO SHOW ACCESS FOR TONKER.
- Omitted.
- HARD STANDING FOR PRIVATE BARBEQUE.

A3 SHEET
SCALE 1:100 & 1:250

PROPOSED LODGE DEVELOPMENT AT DRYNIE COUNTRY PARK. KILCOY. MUIR OF ORD. IV6 7RP. FOR LOUISE & ALAN INNES

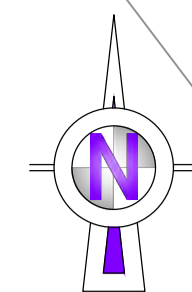
DRG. NO. 2020/LAI/2/14.
IMPLEMENT SHED & LANDSCAPE DETAILS. PLANNING DRAWING
MAY 2022



147.0m



Client: Mr & Mrs Inness	Site Layout: Topographical Survey Tree Locations Proposed No Holiday Letting Units Heights of Kilcoy 22/02645/FUL Muir of Ord	Drawn By: GCN	Checked By: ND	Surveyed By: GCN	Drawing Scale: 1: 200 @ A1	Drawing Status: <input checked="" type="checkbox"/> FOR APPROVAL <input type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS <small>• Levels are in metres and are to Ordnance Datum. • Co-ordinates are to National Grid. (GPS Network)</small>	
		Surveyed Date: 15/10/2022			Drawing No: L11374-001-01		
		Drawing Date: 10/07/2023			Our Job Ref:		Rev: A



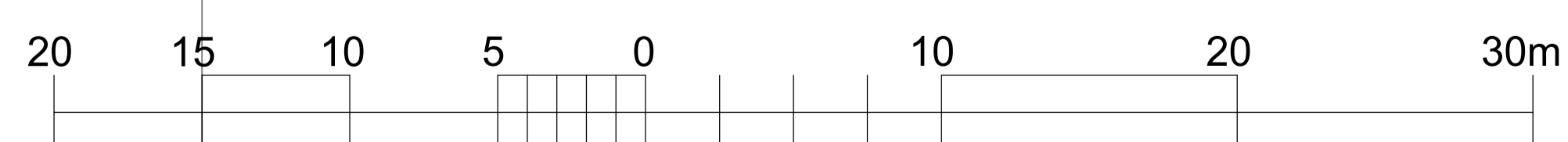
General Note:-
 For Proposed Building Elevations & Floor Plans See:-
 GENERAL_PLAN_-_IMPLEMENT_SHED__LANDSCAPE_DETAILS-2744093.
 GENERAL_PLAN_-_NEVIS-2744089.
 GENERAL_PLAN_-_TORRIDON-2744095.
 22_02645_FUL-GENERAL_PLAN-2744083. (ASSYNT)
 GENERAL_PLANS_-_LAUNDRY_SHOP_SERVICE_BUILDING-2744086.

For Tree Protection and Removal Information Please Refer to Urban-Arb LLP
 Plan - Kilcoy.TREE CONSTRAINTS PLAN-ISO A1

Title Boundary Taken from ROS26822

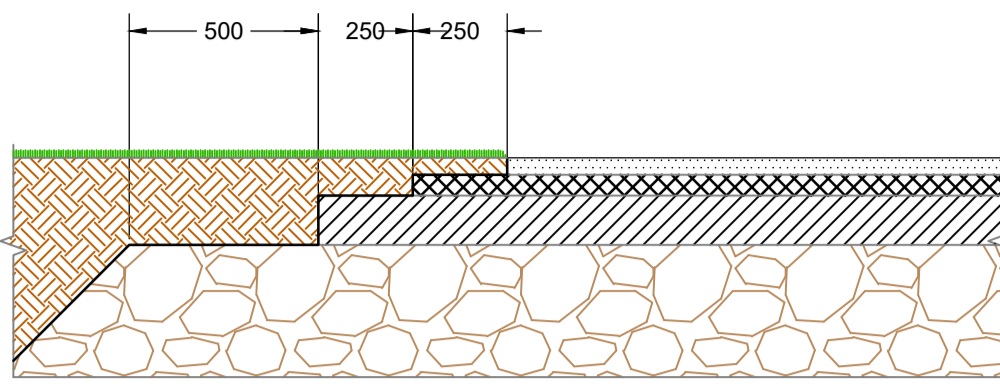
Topographical Survey See Drg No. LI1374-001-01
 Access Design Plan See Drg No. LI1374-001-03
 Visibility Splay Plan See Drg No. LI1374-001-04
 Drainage Plan (Planning) See Drg No. LI1374-001-05

147.0m

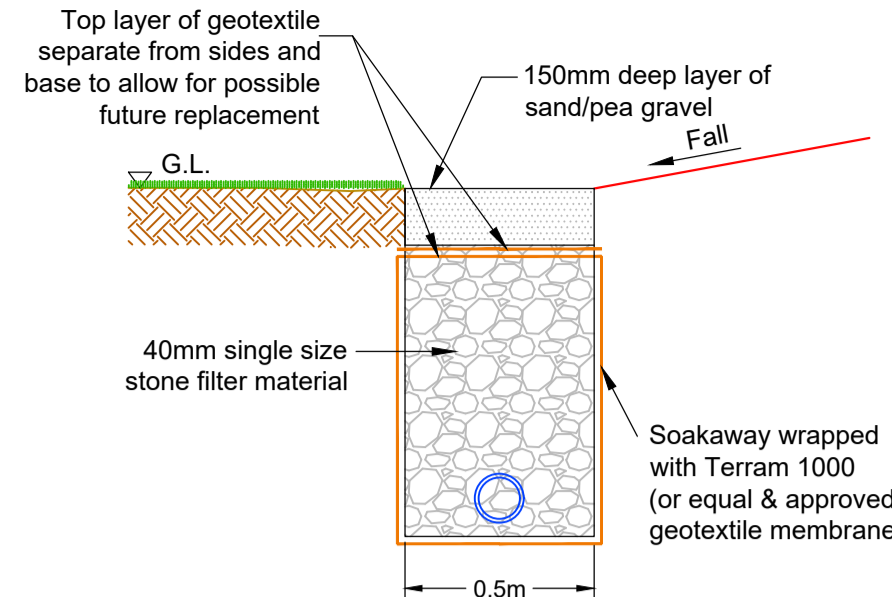


Client: Mr & Mrs Inness	Site Layout: Proposed Site Plan Proposed No Holiday Letting Units Heights of Kilcoy 22/02645/FUL Muir of Ord	Drawn By: GCN	Checked By: ND	Surveyed By: GCN	Drawing Scale: 1: 200 @ A1	Drawing Status: <input checked="" type="checkbox"/> FOR APPROVAL <input type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS <small>• Levels are in metres and are to Ordnance Datum. • Co-ordinates are to National Grid. (GPS Network)</small>	
		Surveyed Date: 15/10/2022			Drawing No: LI1374-001-02		
		Drawing Date: 10/07/2023			Our Job Ref:		Rev: B

ASPHALT ROAD CONSTRUCTION
 45mm Hot Rolled Asphalt Surface Course to Cl. 910 or Cl. 943
 55mm Dense Asphalt Concrete Binder Course to Cl. 906 or Cl. 929
 100mm Dense Asphalt Concrete Base to Cl. 906
 250mm Type 1 Sub-base to Cl. 803 (Based on CBR of 2.5%)
 Approved Granular Fill Down to Suitable Formation



Edge Section Detail Through New Road
 (Scale 1:20)



Typical Section Through Soakaway/French Drain
 (Scale 1:20)

Proposed New Access as Per 'Access to Single Houses and Small Housing Developments Drawing No. SDB 2' (See Road Construction Detail).

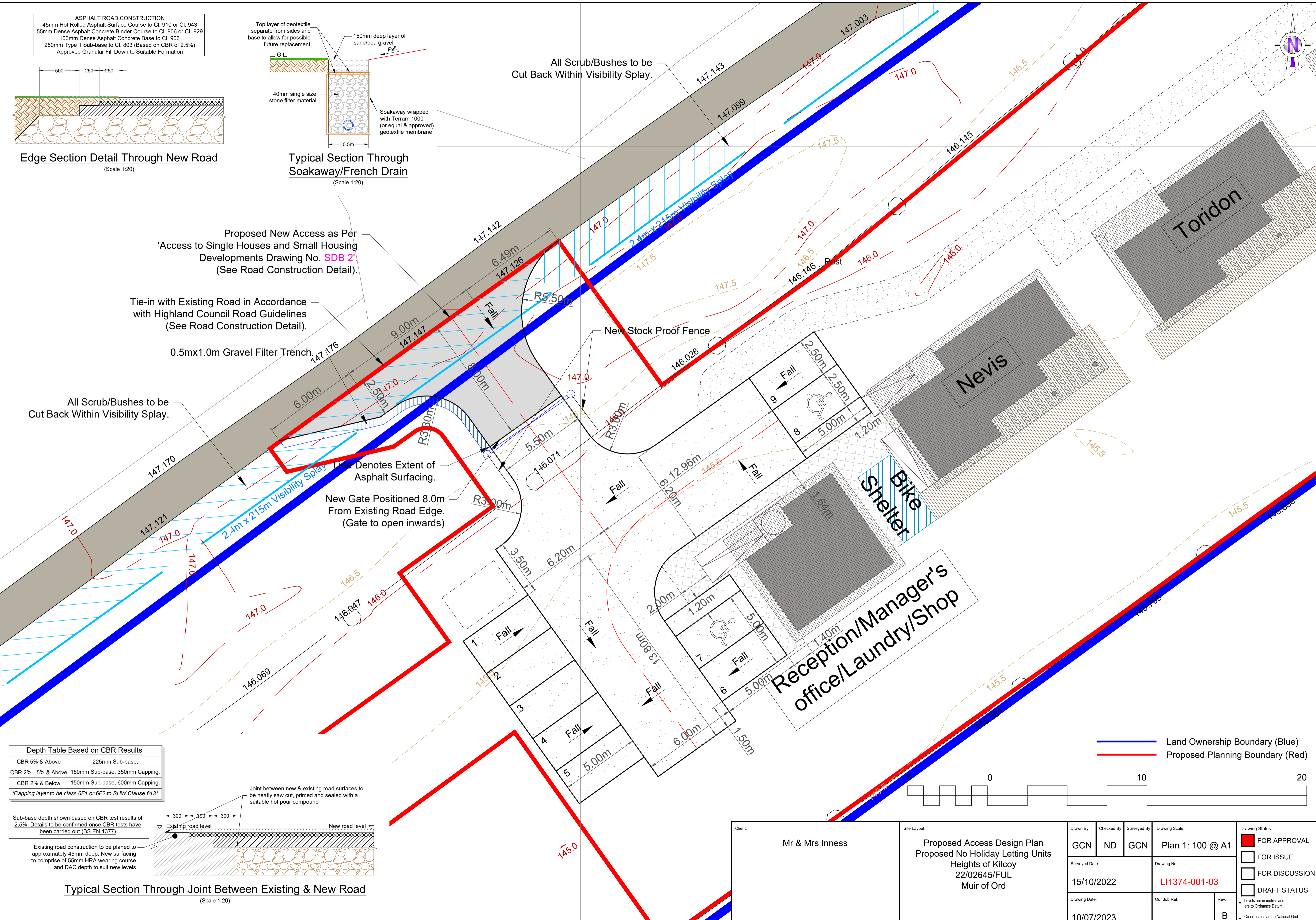
Tie-in with Existing Road in Accordance with Highland Council Road Guidelines (See Road Construction Detail).

0.5mx1.0m Gravel Filter Trench.

All Scrub/Bushes to be Cut Back Within Visibility Splay.

New Gate Positioned 8.0m From Existing Road Edge. (Gate to open inwards)

All Scrub/Bushes to be Cut Back Within Visibility Splay.

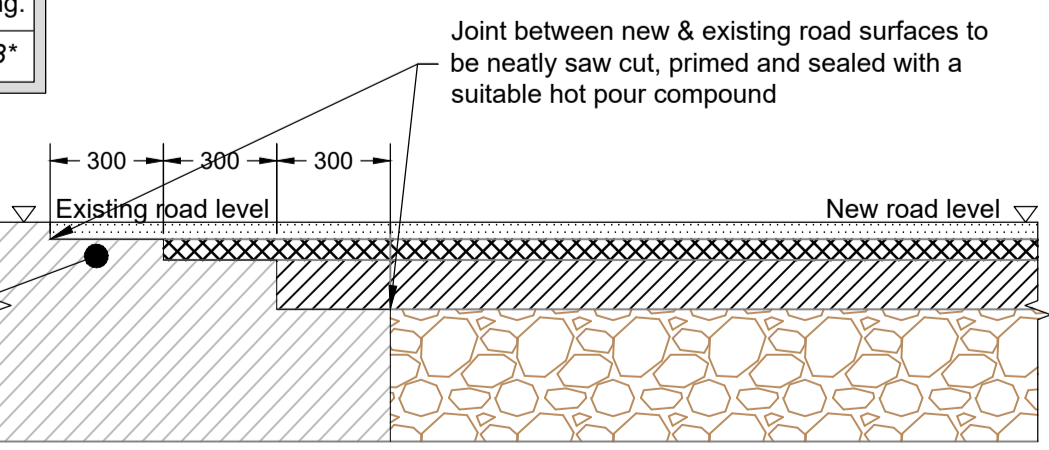


Depth Table Based on CBR Results

CBR 5% & Above	225mm Sub-base.
CBR 2% - 5% & Above	150mm Sub-base, 350mm Capping.
CBR 2% & Below	150mm Sub-base, 600mm Capping.

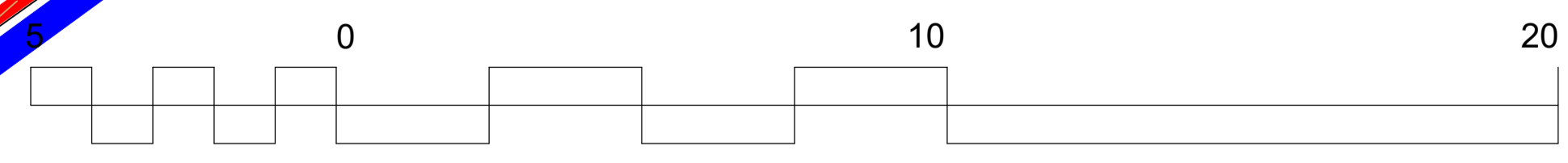
Capping layer to be class 6F1 or 6F2 to SHW Clause 613

Sub-base depth shown based on CBR test results of 2.5%. Details to be confirmed once CBR tests have been carried out (BS EN 1377)

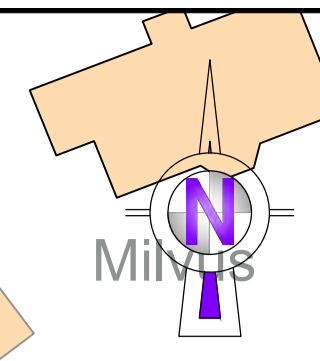


Typical Section Through Joint Between Existing & New Road
 (Scale 1:20)

— Land Ownership Boundary (Blue)
 — Proposed Planning Boundary (Red)



Client: Mr & Mrs Inness	Site Layout: Proposed Access Design Plan Proposed No Holiday Letting Units Heights of Kilcoy 22/02645/FUL Muir of Ord	Drawn By: GCN	Checked By: ND	Surveyed By: GCN	Drawing Scale: Plan 1: 100 @ A1	Drawing Status: <input checked="" type="checkbox"/> FOR APPROVAL <input type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS
		Surveyed Date: 15/10/2022	Drawing No.: L1374-001-03	Our Job Ref:	Rev: B	Levels are in metres and are to Ordnance Datum. Co-ordinates are to National Grid. (GPS Network)
		Drawing Date: 10/07/2023				



Heights of Kilcoy

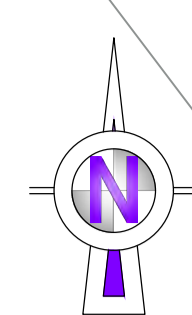
147.0m

2.4m x 215m Visibility Splay

2.4m x 215m Visibility Splay

— Land Ownership Boundary (Blue)
— Proposed Planning Boundary (Red)

Client: Mr & Mrs Inness	Site Layout: Visibility Splay Plan 2.4m x 215m Proposed No Holiday Letting Units Heights of Kilcoy 22/02645/FUL Muir of Ord	Drawn By: GCN	Checked By: ND	Surveyed By: GCN	Drawing Scale: 1: 200 @ A1	Drawing Status: <input checked="" type="checkbox"/> FOR APPROVAL <input type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS <small>• Levels are in metres and are to Ordnance Datum. • Co-ordinates are to National Grid. (GPS Network)</small>
		Surveyed Date: 15/10/2022		Drawing No: L1374-001-04		
		Drawing Date: 10/07/2023		Our Job Ref:	Rev: A	



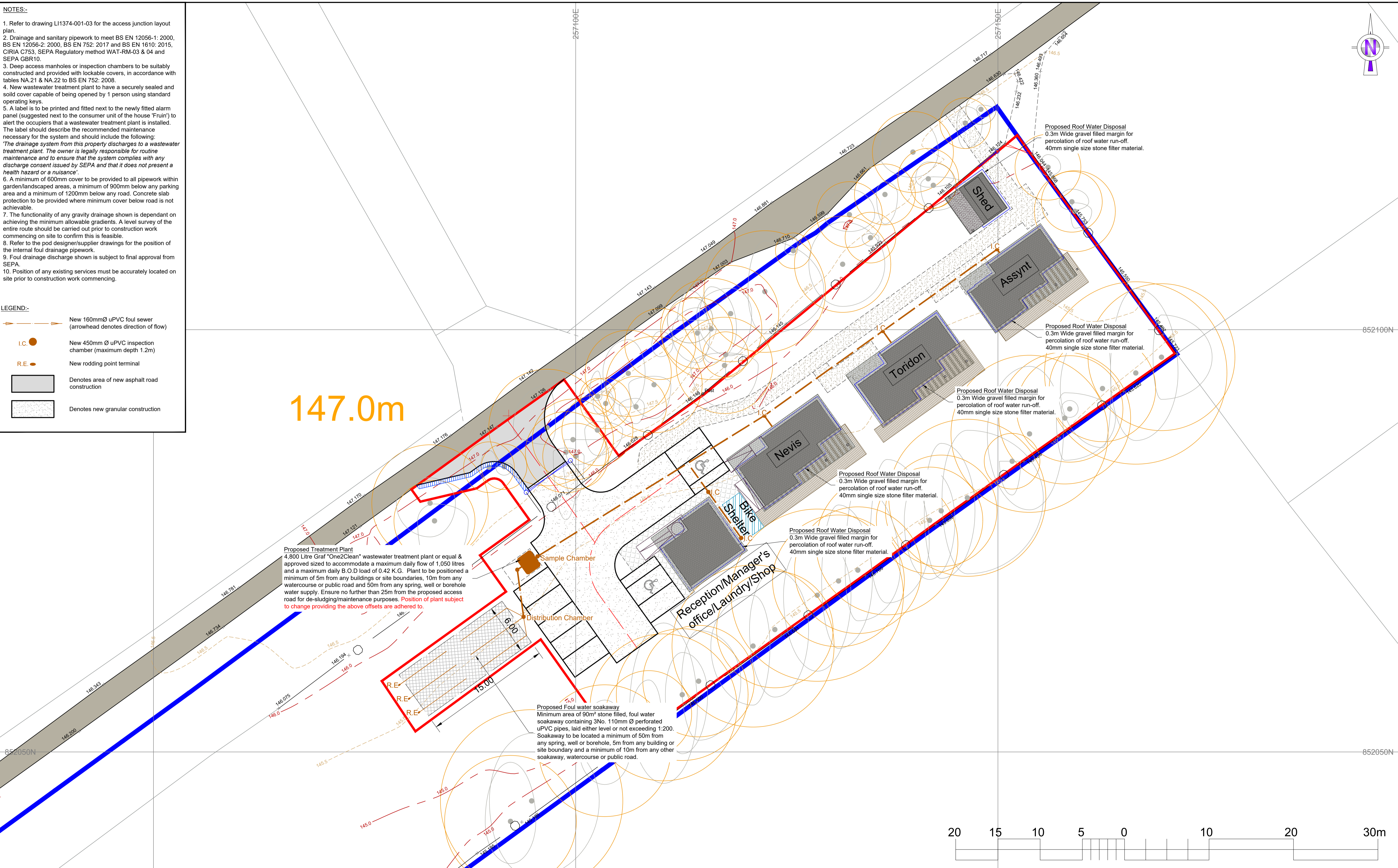
NOTES:-

1. Refer to drawing L11374-001-03 for the access junction layout plan.
2. Drainage and sanitary pipework to meet BS EN 12056-1: 2000, BS EN 12056-2: 2000, BS EN 752: 2017 and BS EN 1610: 2015, CIRIA C753, SEPA Regulatory method WAT-RM-03 & 04 and SEPA CBR10.
3. Deep access manholes or inspection chambers to be suitably constructed and provided with lockable covers, in accordance with tables NA.21 & NA.22 to BS EN 752: 2008.
4. New wastewater treatment plant to have a securely sealed and solid cover capable of being opened by 1 person using standard operating keys.
5. A label is to be printed and fitted next to the newly fitted alarm panel (suggested next to the consumer unit of the house 'Fruih') to alert the occupiers that a wastewater treatment plant is installed. The label should describe the recommended maintenance necessary for the system and should include the following:
"The drainage system from this property discharges to a wastewater treatment plant. The owner is legally responsible for routine maintenance and to ensure that the system complies with any discharge consent issued by SEPA and that it does not present a health hazard or a nuisance".
6. A minimum of 600mm cover to be provided to all pipework within garden/landscaped areas, a minimum of 900mm below any parking area and a minimum of 1200mm below any road. Concrete slab protection to be provided where minimum cover below road is not achievable.
7. The functionality of any gravity drainage shown is dependant on achieving the minimum allowable gradients. A level survey of the entire route should be carried out prior to construction work commencing on site to confirm this is feasible.
8. Refer to the pod designer/supplier drawings for the position of the internal foul drainage pipework.
9. Foul drainage discharge shown is subject to final approval from SEPA.
10. Position of any existing services must be accurately located on site prior to construction work commencing.

LEGEND:-

- New 160mmØ uPVC foul sewer (arrowhead denotes direction of flow)
- New 450mm Ø uPVC inspection chamber (maximum depth 1.2m)
- New rodding point terminal
- Denotes area of new asphalt road construction
- Denotes new granular construction

147.0m



Proposed Treatment Plant
4,800 Litre Graf "One2Clean" wastewater treatment plant or equal & approved sized to accommodate a maximum daily flow of 1,050 litres and a maximum daily B.O.D load of 0.42 K.G. Plant to be positioned a minimum of 5m from any buildings or site boundaries, 10m from any watercourse or public road and 50m from any spring, well or borehole water supply. Ensure no further than 25m from the proposed access road for de-sludging/maintenance purposes. Position of plant subject to change providing the above offsets are adhered to.

Proposed Foul water soakaway
Minimum area of 90m² stone filled, foul water soakaway containing 3No. 110mm Ø perforated uPVC pipes, laid either level or not exceeding 1:200. Soakaway to be located a minimum of 50m from any spring, well or borehole, 5m from any building or site boundary and a minimum of 10m from any other soakaway, watercourse or public road.

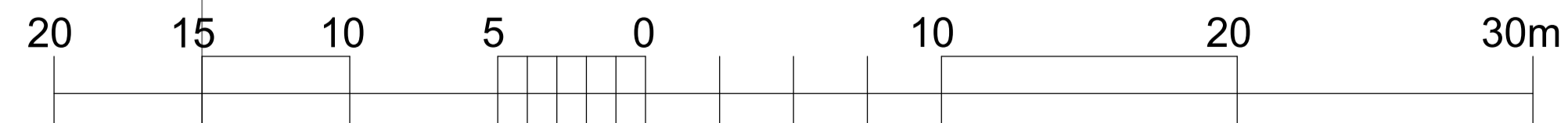
Proposed Roof Water Disposal
0.3m Wide gravel filled margin for percolation of roof water run-off. 40mm single size stone filter material.

Proposed Roof Water Disposal
0.3m Wide gravel filled margin for percolation of roof water run-off. 40mm single size stone filter material.

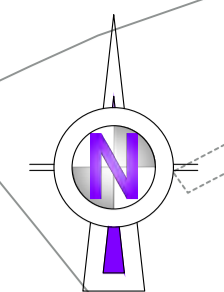
Proposed Roof Water Disposal
0.3m Wide gravel filled margin for percolation of roof water run-off. 40mm single size stone filter material.

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Client: Mr & Mrs Inness	Site Layout: Proposed Drainage Plan (Planning) Proposed No Holiday Letting Units Heights of Kilcoy 22/02645/FUL Muir of Ord	Drawn By: GCN	Checked By: ND	Surveyed By: GCN	Drawing Scale: 1: 200 @ A1	Drawing Status: <input checked="" type="checkbox"/> FOR APPROVAL <input type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS <small>• Levels are in metres and are to Ordnance Datum. • Co-ordinates are to National Grid. (GPS Network)</small>
		Surveyed Date: 15/10/2022		Drawing No: L11374-001-05		
		Drawing Date: 10/07/2023		Our Job Ref:	Rev: B	



Heights of Kilcoy

Milvus

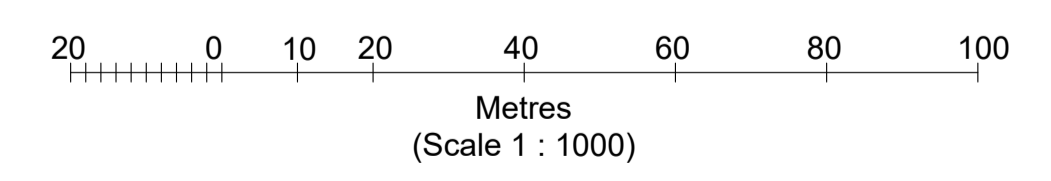
147.0m

145.4m

Carnurnan

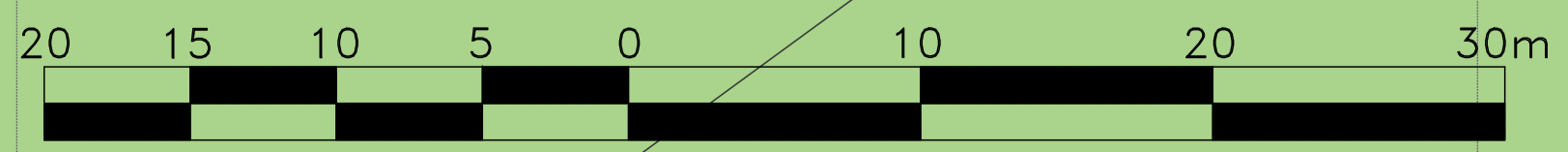
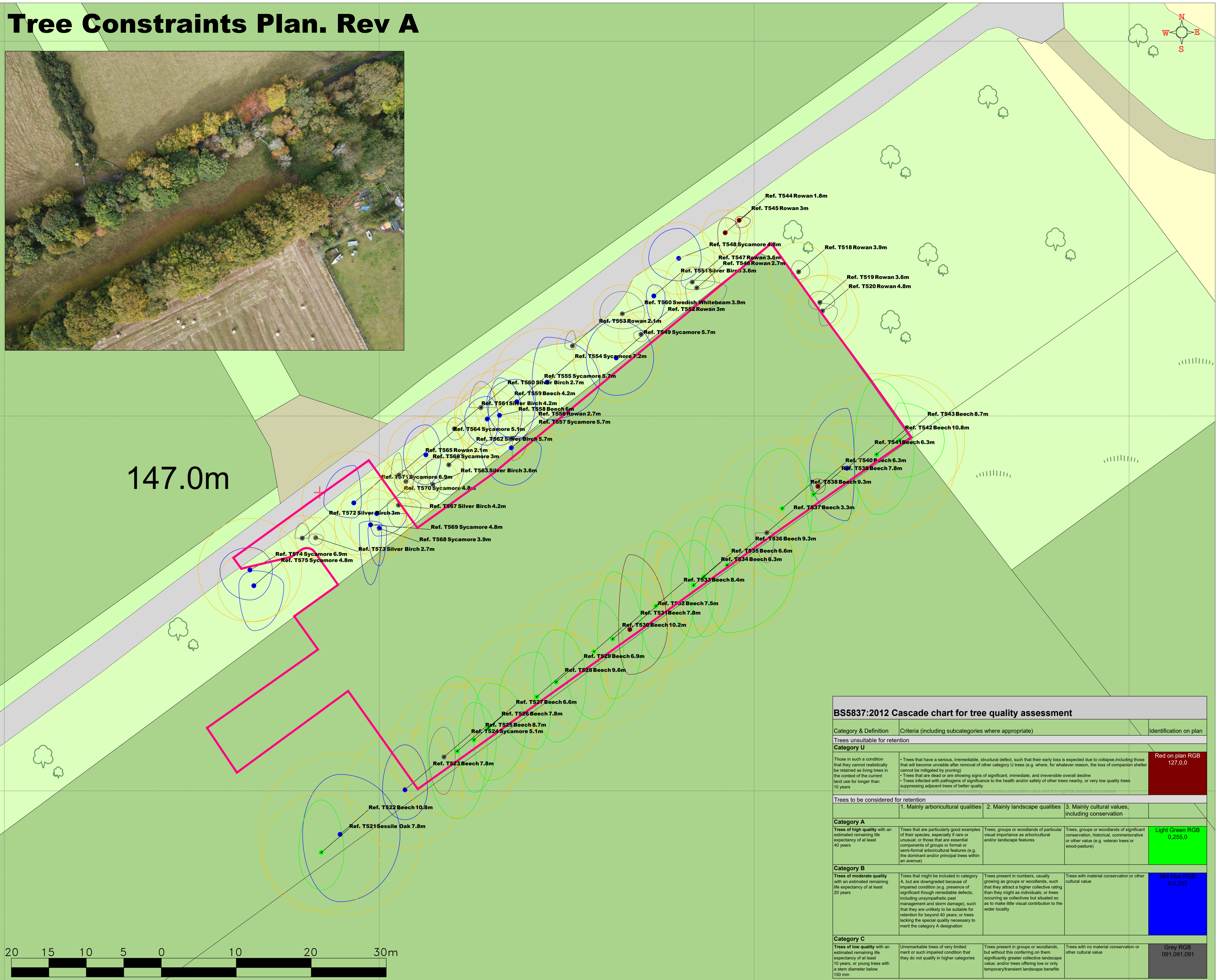
Iurnan House

Jacaranda



Client: Mr & Mrs Inness	Site Layout: Location Plan Proposed No Holiday Letting Units Heights of Kilcoy 22/02645/FUL Muir of Ord	Drawn By: GCN	Checked By: ND	Surveyed By: GCN	Drawing Scale: 1: 1000 @ A1	Drawing Status: <input checked="" type="checkbox"/> FOR APPROVAL <input type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS <small>• Levels are in metres and are to Ordnance Datum. • Co-ordinates are to National Grid. (GPS Network)</small>
		Surveyed Date: 15/10/2022		Drawing No: L11374-001-06		
		Drawing Date: 20/07/2023		Our Job Ref:	Rev:	

Tree Constraints Plan. Rev A



General Notes

KEY

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

Colours are in accordance with BS5837:2012 quality grading:

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

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

Site Boundary

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 11.10.2022



No.	Revision/Issue	Date

Firm Name and Address

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

Project Name and Address

Erection of 3 Holiday Lodges
Land 75M Sw of
Heights of Kilcoy
22/02645/FUL

Project: TREE CONSTRAINTS PLAN

Date: 20.07.2023

Scale: 1:250@A1

Sheet: 001a

BS5837:2012 Cascade chart for tree quality assessment

Category & Definition	Criteria (including subcategories where appropriate)	Identification on plan
Trees unsuitable for retention		
Category U	Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	Red on plan RGB 127,0,0
Trees to be considered for retention		
Category A	Trees of high quality with an estimated remaining life expectancy of at least 40 years	Light Green RGB 0,255,0
Category B	Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Mid Plus RGB 0,0,255
Category C	Trees of low quality with an estimated remaining life expectancy of at least 10 years; or young trees with a stem diameter below 150 mm	Grey RGB 091,091,091

Tree Planting Plan

Timescale for landscaping operations

All planting should be done whilst the trees are dormant (Nov-March).

Tree planting stock

(All sizes in accordance with BS3936-1 1992)

- All stock should conform to relevant standards and be sourced from a reputable nursery.
- Where possible, stock should be of local provenance.
- Trees should have/be:
 - Good vitality with vigorous leading shoot.
 - Healthy fibrous root system.
 - Free from pests and diseases.
 - Free from girdling roots/damage/deformity.

Tree handling

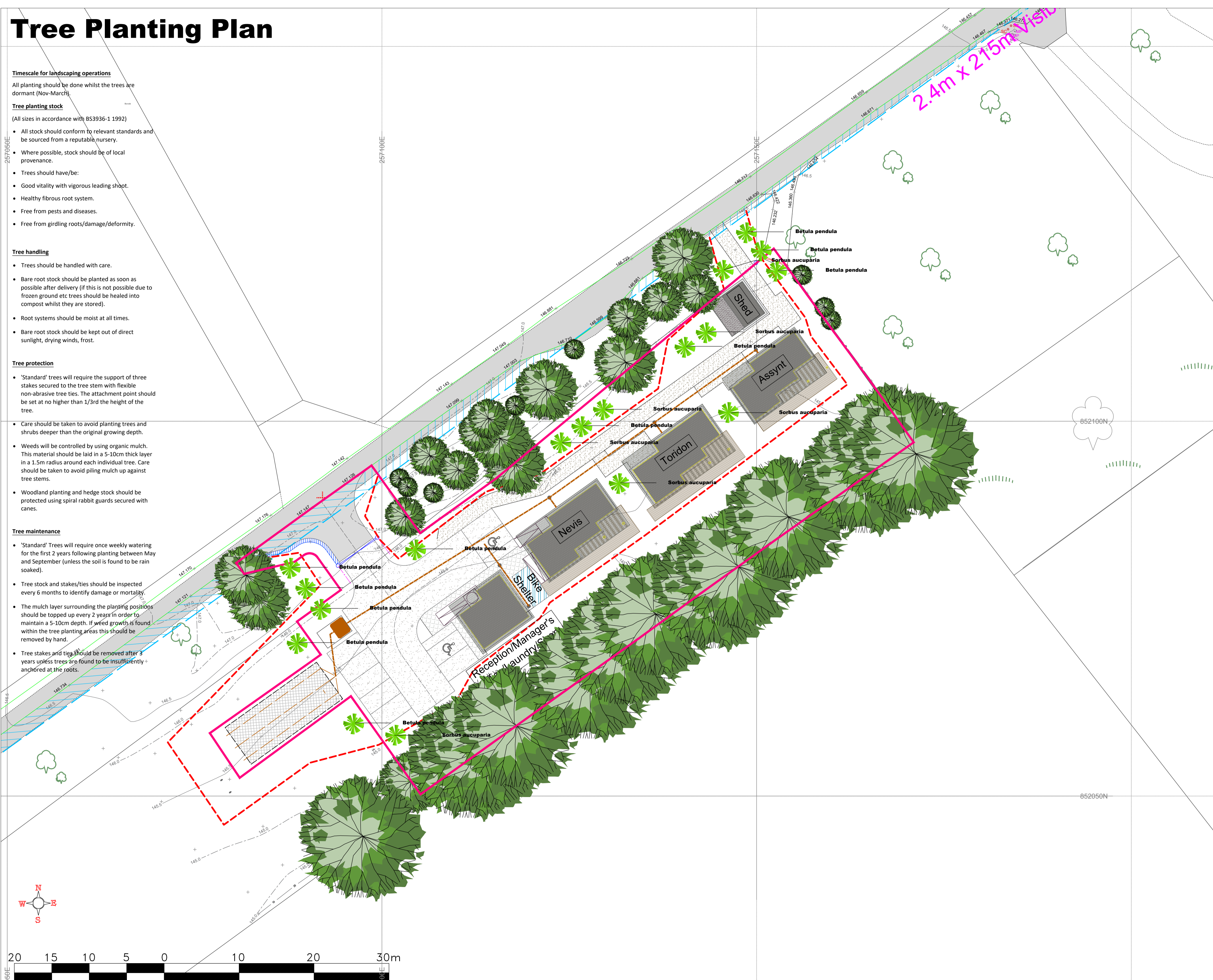
- Trees should be handled with care.
- Bare root stock should be planted as soon as possible after delivery (if this is not possible due to frozen ground etc trees should be healed into compost whilst they are stored).
- Root systems should be moist at all times.
- Bare root stock should be kept out of direct sunlight, drying winds, frost.

Tree protection

- 'Standard' trees will require the support of three stakes secured to the tree stem with flexible non-abrasive tree ties. The attachment point should be set at no higher than 1/3rd the height of the tree.
- Care should be taken to avoid planting trees and shrubs deeper than the original growing depth.
- Weeds will be controlled by using organic mulch. This material should be laid in a 5-10cm thick layer in a 1.5m radius around each individual tree. Care should be taken to avoid piling mulch up against tree stems.
- Woodland planting and hedge stock should be protected using spiral rabbit guards secured with canes.

Tree maintenance

- 'Standard' Trees will require once weekly watering for the first 2 years following planting between May and September (unless the soil is found to be rain soaked).
- Tree stock and stakes/ties should be inspected every 6 months to identify damage or mortality.
- The mulch layer surrounding the planting positions should be topped up every 2 years in order to maintain a 5-10cm depth. If weed growth is found within the tree planting areas this should be removed by hand.
- Tree stakes and ties should be removed after 3 years unless trees are found to be insufficiently anchored at the roots.



General Notes

- Existing retained tree
- 'Standard' trees. 8-10cm girth. Clear stem to 175-200cm. Container grown (>20) or rootball. 11 No. Betula pendula (Silver Birch) & 7 No. Sorbus aucuparia (Rowan).

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 11.10.2022

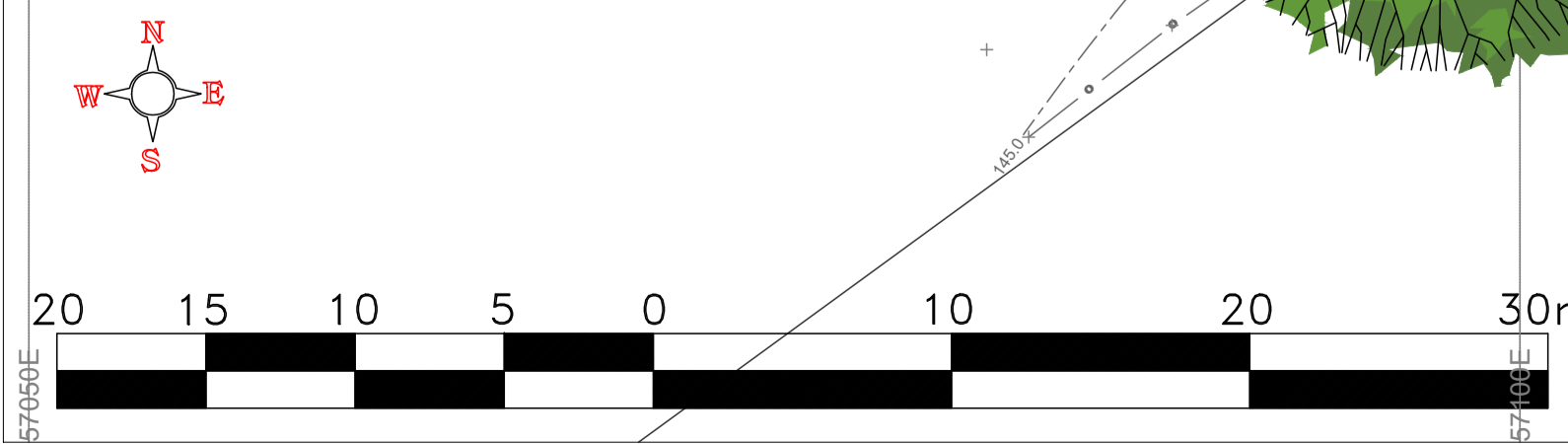


No.	Revision/Issue	Date

Firm Name and Address
Urban-Arb LLP
 Dolphin Cottage
 11 The Muir
 Bogmoor
 Spey By
 Fochabers
 Moray IV32 7PN
 www.urban-arb.com

Project Name and Address
Erection of 3 Holiday Lodges
 Land 75M Sw of
 Heights of Kilcoy
 22/02645/FUL

Project	Sheet
TREE PLANTING PLAN	
Date	003a
Scale	1:250@A1



Tree Protection Plan. Rev A



Tree Protection Guidelines

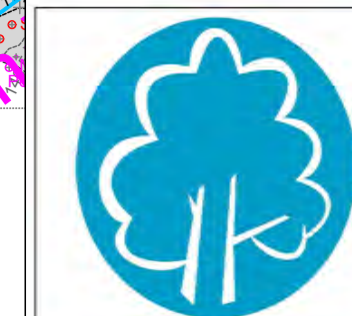
In order to safeguard the trees on this site please observe the following:

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

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

Arboriculturist: Callum McCutcheon
 Tel: 01343 821763
 Mob: 07766735488

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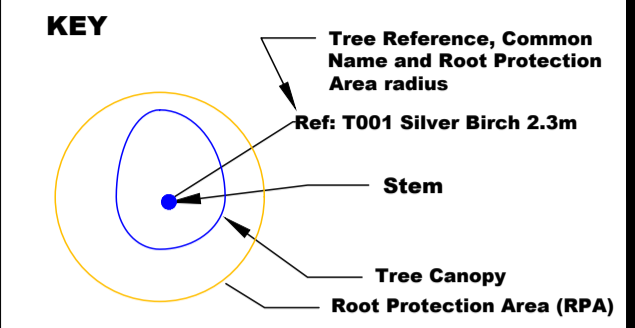


PROTECTIVE FENCING. THIS FENCING MUST BE MAINTAINED IN ACCORDANCE WITH THE APPROVED PLANS AND DRAWINGS FOR THIS DEVELOPMENT.



TREE PROTECTION AREA KEEP OUT! FROM EXISTING PLANNING PERMISSIONS, TREES ENCLOSED BY THIS FENCE ARE PROTECTED BY PLANNING CONSERVATION ORDERS AND THE BREACH OF A TREE PROTECTION ORDER IS A CRIMINAL OFFENCE. CONTRAVENION OF A TREE PROTECTION ORDER MAY LEAD TO CRIMINAL PROSECUTIONS. ANY PENETRATION INTO THE PROTECTED AREA MUST BE WITH THE WRITTEN PERMISSION OF THE LOCAL PLANNING AUTHORITY.

General Notes



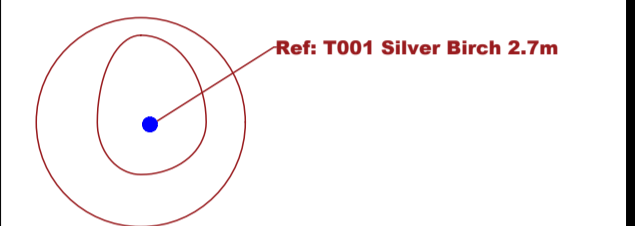
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Site Boundary

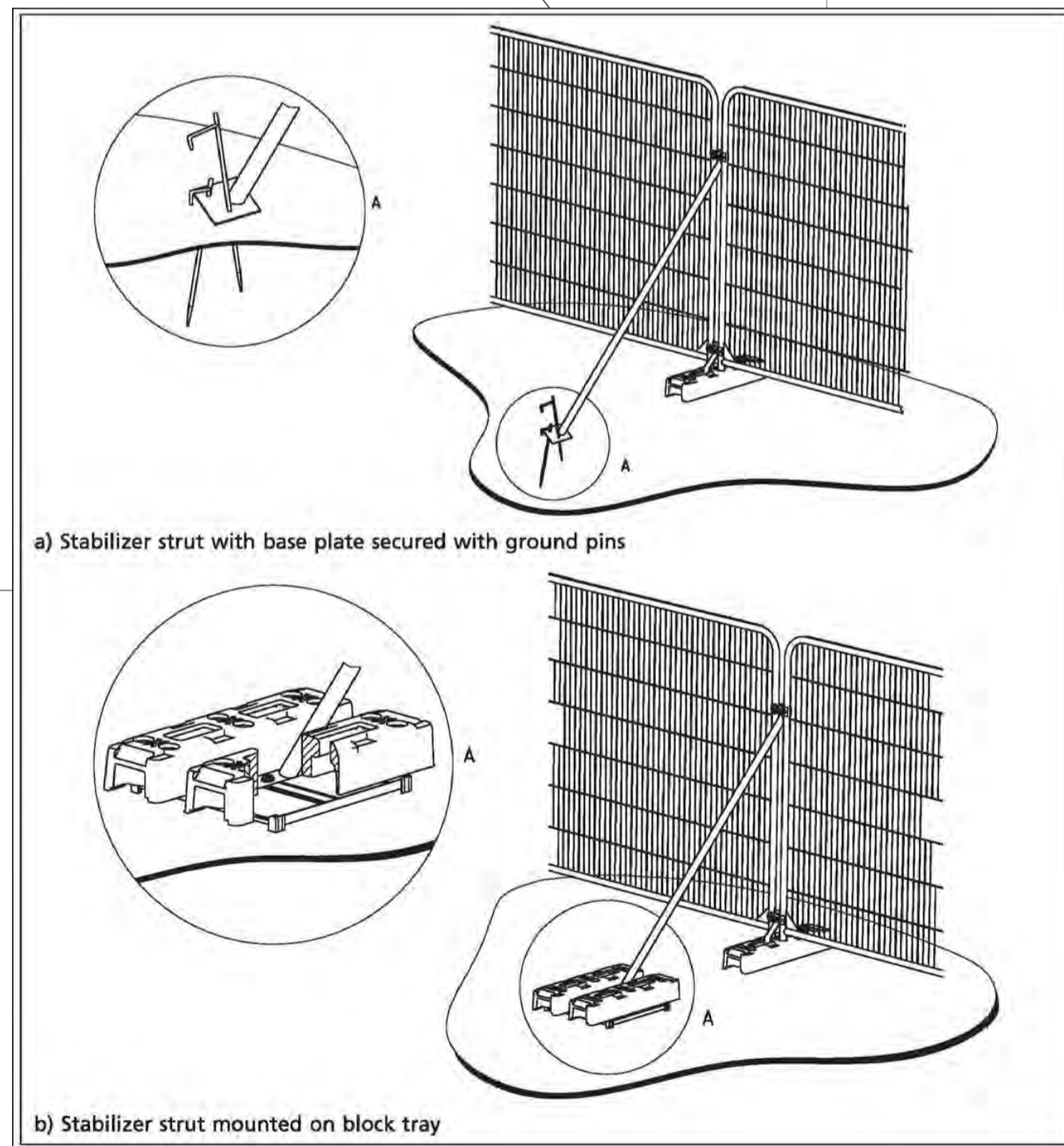
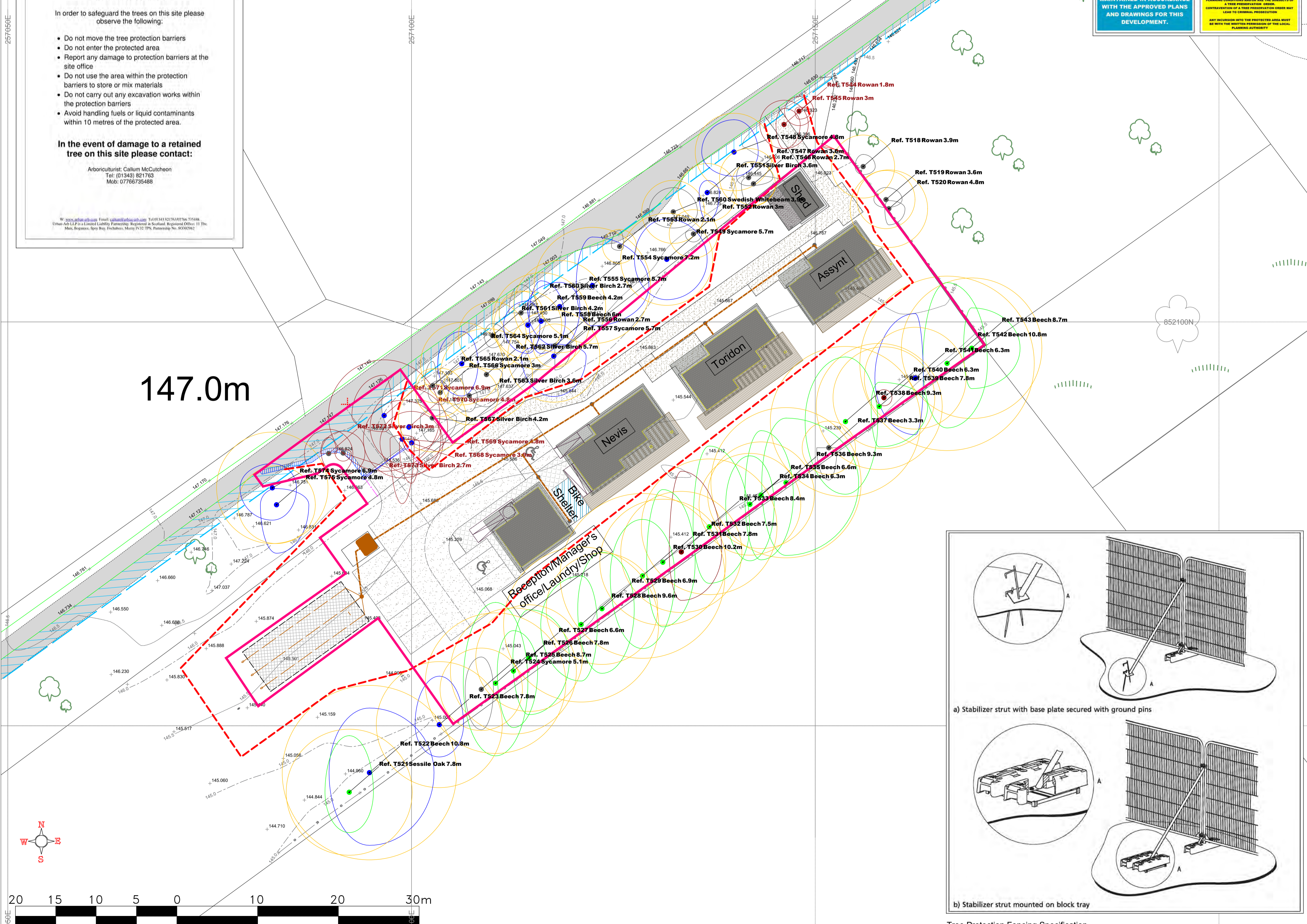
TREE TO BE REMOVED



Tree Protection Fencing

147.0m

2.4m x 2.15m



Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 11.10.2022



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 Land 75M Sw of
 Heights of Kilcoy
 22/02645/FUL

Project TREE PROTECTION PLAN	Sheet
Date 20.07.2023	002a
Scale 1:250@A1	

