

Agenda Item	<b>6.4</b>
Report No	<b>PLS/37/24</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 18 June 2024

**Report Title:** 22/03364/FUL: Mr Chris Barnett  
Land 120M SE Of Dun Ban, Bunloit, Drumnadrochit

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Erection of 4 holiday lodges and managers' accommodation and associated works

**Ward:** 12 – Aird and Loch Ness

**Development category:** Local

**Reason referred to Committee:** objections from 5 or more addresses

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

### **Recommendation**

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

## 1. PROPOSED DEVELOPMENT

- 1.1 The application is for the erection of 4 holiday lodges and a manager's house on land to the southwest of the existing chalet park at Ancarraig Lodges, Bunloit, Drumnadrochit.
- 1.2 The 4 lodges and house are single storey, with mono pitch roofs clad in a mixture of vertical and horizontal timber cladding for the walls, with black rubber roofs. The footprints are 14.5m by 8.6m, extending to 1.48m to the front and 1.2m to the rear. The buildings have a linear placement northeast to southwest on the site and are parallel to and set back approximately 180m from the single-track road to the southeast. They have differing separation distances from each other, varying between 4m and 11m. Parking provision for 2 vehicles will be provided within the curtilage of each building.
- 1.3 Vehicular access will be taken via an existing track which serves 1 other property, Dun Ban. The track meets the public road on the southeast boundary of the existing holiday accommodation of Ancarraig Lodges which is to the northeast of the application site. The public road forms part of the Great Glen Way.
- 1.4 The site will have its own foul water drainage, which will be achieved through the installation of a treatment plant with the discharge to the watercourse to the southeast boundary of the site. This has been agreed in principle with SEPA. Surface water drainage will be discharged to the watercourse to the southwest of the site.
- 1.5 The proposed source of potable water is from a borehole which is located approximately 120m to the north of the application site at its closest point. The borehole serves 'Dun Ban' which is approximately 85m to the northwest of the application site. A hydrological assessment has been submitted to show that the borehole will provide a source of water for the proposed development of 4 holiday lodges and manager's accommodation without compromising the supply to Dun Ban.
- 1.6 Pre-Application Consultation: None
- 1.7 Supporting Information:
- Design & Access Statement
  - Hydrological Assessment
  - Private Water Supply Questionnaire
  - Private Access Checklist
  - Drainage Impact Assessment
  - Business Plan
  - Pumping Test Report
- 1.8 Variations:
- 24.08.2022 Site Layout Plan and Topographical Plan
- 01.09.2022 Visibility Splays

24.02.2023 Revised Location Plan, Hydrological Assessment

21.08.2023 Revised Design Statement A, Business Plan, Landscaping Plan, Site Section Plan, Visibility Splays

21.08.2023 Drainage Impact Assessment

29.01.2024 Water Pumping Test Report

## **2. SITE DESCRIPTION**

- 2.1 The site consists of rough open ground approximately 120m to the northwest of Tigh Ban. The land slopes northwest to southeast towards the U1640 public road. Given the surrounding woodland and the topography of the land the site is only visible for a short stretch from the public road close to Tigh Ban. To the northeast of the site are the Ancarraig holiday lodges.

## **3. PLANNING HISTORY**

- |     |            |   |                             |
|-----|------------|---|-----------------------------|
| 3.1 | 09.03.2021 | 20/02160/FUL - Erection of replacement reception building, siting of 5 holiday pods, formation of car parking – adjacent site at Ancarraig Lodges                     | Planning Permission Granted |
| 3.2 | 15.09.2006 | 06/00693/FULIN - Extend seasonal holiday cottages from 12 to 20, house for manager, quad bike track, maintenance shed and 2 general needs housing plots               | Withdrawn                   |
| 3.3 | 20.07.2007 | 06/00926/FULIN - Extend the existing seasonal holiday cottages from 12 to 20, house for Manager and 2 general needs housing plots (previous 06/00693/FULIN withdrawn) | Planning Permission Granted |
| 3.4 | 09.08.2012 | 12/01353/FUL – Erection of house (Dun Ban)  | Planning Permission Granted |
| 3.5 | 09.03.2021 | 20/02160/FUL - Erection of replacement reception building, siting of 5 holiday pods at Ancarraig Lodges   | Planning Permission Granted |
| 3.6 | 14.12.2021 | 21/00915/FUL - Conversion and alteration of farm buildings to form maintenance, visitor and educational facilities at Easter Bunloit for Solar Sanctuary Ltd          | Planning Permission Granted |

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Schedule 3

Date Advertised: 02.09.2022

Representation deadline: 16.09.2022

Timeous representations: 8

Late representations: 0

4.2 Material considerations raised are summarised as follows:

Against:

- Contrary to Policy - In the Hinterland area of Local Development Plan; and no justifiable operational need in terms of land management
- Amenity - Scale and location of development
- Design, layout and density: Does not fit with the layout of the area
- Traffic – Single track public road with poor visibility sightlines. Road is narrow and steep and inadequate for volume of traffic. Extra traffic to the detriment of local residents. Additional passing places/road improvements would be appropriate. Road used as part of the Great Glen Way with walkers, cyclists and horse riders
- Water Supply – Residents use private water supplies and boreholes and concern extra pressure on existing springs may have impact on existing supplies
- Drainage: Ground conditions are not good for drainage. Development may affect Tigh Ban to the southeast of the site.
- Privacy of Tigh Ban: Proposal is on elevated ground and newly planted trees will not stop overlooking of the loch and Tigh Ban.
- Noise: Increase in the noise level because of the extra traffic and the lodges and manager's house.
- Future use of lodges - Sale for residential use

Support:

- Additional tourist accommodation in area of demand
- Managers' accommodation would help to consolidate facility

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Glenurquhart Community Council** object:

- Does not accept the assurances of this particular developer that the holiday lodges will not ultimately be sold on as private residences, and viewed as potential residential development
- Housing development in this location is contrary to policy 35 (Hinterland)
- Bunloit road is narrow and steep. Sightlines are often very poor. An increase in traffic on the road is undesirable. The road is shared with walkers, riders and cyclists using the Great Glen Way - increased traffic will increase safety risks.
- Proposed access onto the Bunloit Road will be shared with a number of adjacent properties, contrary to policy. Sightlines on the single-track road are poor, and there are no plans in evidence to improve sightlines to deal with the inevitable increase in traffic
- Neighbours referred to the adequate management of drainage and

wastewater

- Lodges and house are not in keeping with the area, will result in an unacceptable density of development, and have an adverse visual impact.

## 5.2 **Transport Planning Team:** No objection.

**Access Layout** - Proposed SDB 2 layout would seem appropriate. The layout should be constructed to the dimensions of the SDB 2 diagram as stated in Access to Single Houses and Developments, appendix 1. The service bay must have a final layer of bituminous surfacing, and this must also extend up the access road for distance of at least 6 metres from the public road edge. Any gate must be at least 8m from the public road and open inwards.

**Road Layout** - The Local Area Roads Office has assessed the potential impact of this development on the Bunloit Road. The site location appears to be in an area where the public road gives them cause for concern, should it be subjected to extraordinary HGV movements.

**Developer Contributions** - The Local Area Roads Office has worked with several interested parties regarding the implementation of a Strategic Timber Transport Scheme (STTS), which will result in improvements being made to the public road, additional passing places, improved drainage, etc These works were carried out in February 2023

**Visibility** - The access to this development is from the publicly adopted road [U1640 - Bunloit Road from A82 to end at Grottaig] "Great Glen Way" via an existing private access. The speed limit on this road is 60 mph. Therefore, the required visibility splays for this are 2.40m x 215m in both the right and left directions from the access.

**Waste and Recycling, Storage and Collection** - A suitable storage location for waste and recycling has been indicated on a drawing.

**Parking and Turning** - The parking appears to be appropriate for the size of the proposal.

**Cycle parking**, within developments, should be sited as close as possible to the main entrances of the facility being served, be well lit and signed and must not be hidden out of sight. It must be easily accessible for cyclists arriving from adjacent roads and cycle routes. For short-term cycling parking, the Council's preference is the provision of rack stands.

**Drainage** - Drainage should also be provided to prevent water flowing out into the public road at the access location. For the avoidance of doubt there shall be no drainage connections to the local road drainage network.

**Construction Traffic Management Plan** – Details should be addressed by condition

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

### **Flood Risk**

- i. Drainage Impact Assessment (DIA) (Holiday Lodges at Bunloit, Drumnadrochit, DIA Version 1. CainTech. July 2023) and other supporting information have been reviewed. The DIA demonstrates that the ditch to the south of the lodges is a relatively small, man-made or previously

straightened, watercourse. The watercourse falls quite steeply from north-west to south-east.

- ii. In accordance with The Highland Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment a minimum 6m buffer, measured from the top of the bank of the watercourse shall be kept free from development. The site plans show that an appropriate buffer strip will be provided.
- iii. Given the ground conditions on site and the potential for surface water flooding and/or overland flow, the finished floor levels should be set a minimum of 250mm above surrounding ground levels, as recommended in the DIA.
- iv. We are content that, with the inclusion of the 6m buffer, the raised finished floor level and the fact that there is a relatively steep fall to the south-east, the flood risk to the lodges will be low.

### **Drainage**

- v. The DIA states that surface water from the development will be collected and attenuated before discharging to the watercourse at a controlled rate. A cut-off drain will be installed at the rear of the lodges to manage surface water runoff/overland flow from above the site. We are content with the proposed surface water drainage arrangements.
- vi. It is proposed that foul water will be treated and discharged to soakaways, with high level overflow into the watercourse. The foul water drainage arrangements will need to be discussed with, and agreed by, SEPA and Building Standards.

#### **5.4 Environmental Health: No objection.**

A private water supply questionnaire has been submitted which confirms that the development is to connect to an existing borehole supply, which currently serves only one house (8 people) and the proposed development will add a requirement for a further 20 people (total 28).

Hydrological Assessment has been reviewed and have requested the following information and has requested a pump test to demonstrate that there will be no detriment to existing water supply arrangements for other properties

(Planning Note - they have not had an opportunity to review the Pump Test Report at the time of the preparation of this Committee Report)

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 National Planning Framework 4 (NPF4) (2023)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 17 - Rural Homes

Policy 29 - Rural Development

Policy 30 - Tourism

## 6.2 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 31 - Developer Contributions
- 35 - Housing in the Countryside (Hinterland Areas)
- 36 - Development in the Wider Countryside
- 43 - Tourism
- 44 - Tourist Accommodation
- 57 - Natural, Built & Cultural Heritage
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

## 6.3 **Inner Moray Firth Local Development Plan 2015**

The site falls within the Hinterland and Loch Ness and Duntelchaig Special Landscape Area (SLA)

## 6.4 **Inner Moray Firth Local Development Plan 2 2024 (Intention to Adopt)**

The Inner Moray Firth Local Development Plan 2 is due to be adopted by the Council on 27 June 2024. It reconfirms the boundary of the Loch Ness and Duntelchaig Special Landscape Area (SLA) and that the site remains within the Hinterland.

Policy 1 – Low and Zero Carbon Development

Policy 2 – Nature Protection, Restoration and Enhancement

Policy 14 – Transport

## 6.5 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Rural Housing (December 2021)

Sustainable Design Guide (Jan 2013)

## 7. **OTHER MATERIAL POLICY CONSIDERATIONS**

### 7.1 PAN 61 Planning for Sustainable Urban Drainage Systems (SUDS)

PAN 68 Design Standards

PAN 79 Water and Drainage

The Highland Council: Biodiversity Planning Guidance (May 2024)

## 8. **PLANNING APPRAISAL**

### 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

#### **Determining Issues**

### 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance

and all other material considerations relevant to the application.

### **Planning Considerations**

- 8.3 The key considerations in this case are:
- a) planning history
  - b) compliance with the development plan and other planning policy
  - c) design, layout and landscaping
  - d) noise
  - e) access, parking and servicing;
  - f) drainage
  - g) water supply
  - h) any other material considerations.

### **Planning History**

- 8.4 Planning permission was granted for the erection of 8 holiday cottages, a manager's house and 1 house plot at Ancarraig Holiday Park (to the northeast of the current application site) (06/00926/FULIN). Four holiday cottages were to be located on the site of the current application site with the manager's house located within Ancarraig Holiday Park. The current applicant was the owner of the Ancarraig Holiday Park at that time, but this has since been sold onto another party.
- 8.5 The applicant sought to satisfy the conditions of that permission, which was confirmed by letter on 29 May 2012, before it expired on 20 July 2012. This allowed for the construction of the access track serving the current proposal and so effectively 'locked on' the permission. Accordingly, the planning permission has been implemented, albeit not completed. This is therefore a material consideration in the determination of the proposal under consideration.

### **Development plan/other planning policy**

- 8.6 NPF4 is now part of the statutory development plan. In addition to NPF4, regard is also had to the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan (IMFLDP). Where there is conflict between the provisions of NPF4 and HwLDP/IMFLDP, NPF4 shall generally take precedence due to it being the more recent document, although some weight is afforded to the HwLDP/IMFLDP policies in decision making where appropriate.
- 8.7 NPF4 Policies 1-3 apply to all development proposals. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. The emerging Inner Moray Firth Local Plan reflects this



policy shift.

- 8.8 NPF4 Policy 29 (Rural Development) aims to encourage rural economic activity, whilst ensuring that the distinctive character of the rural area is safeguarded and enhanced while Policy 30 (Tourism) aims to encourage, promote and facilitate sustainable tourism development.
- 8.9 The Highland wide Local Development Plan supports tourist accommodation (Policy 44) outwith settlements provided it complies with the siting and design elements of Policy 35, with Policy 35 applicable here given that the site lies within the Hinterland.
- 8.10 The proposal includes the erection of a house for a manager in relation to 4 holiday lodges. This needs to be considered in terms of its compliance with NPF4 Policy 17 (Rural Homes).
- 8.11 Policy 17 Rural Homes is relevant, with the site falling within a 'Remote Rural Area' as defined by the Scottish Government's classification. Proposals for new homes in rural areas will be supported where the development is suitably scaled, sited, and designed to be in keeping with the character of the area. In terms of Policy 17 (a) this is subject to meeting one of several criteria, the most relevant would being (v) "demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;"
- 8.12 The applicant identifies that a house is required for the management of the 4 holiday lodges. They have advised that there are staffing shortages in the tourism and hospitality sector in the Highlands, and that accommodation is necessary to recruit and retain staff, otherwise a business cannot operate. The applicant advises that there is a lack of suitable affordable long-term temporary accommodation capable of supporting a seasonal worker.
- 8.13 Policy 17 c) supports houses in remote rural areas where they
- i. supports and sustains existing fragile communities;
  - ii. supports identified local housing outcomes; and
  - iii. is suitable in terms of location, access, and environmental impact.
- 8.14 The Inner Moray Firth Local Development Plan and its proposed successor (IMFLDP2) refer to rural housing in the Hinterland Area and the site lies just within this area. Outwith the Plan's listed Main and Growing Settlements, the Spatial Strategy for housing is to manage pressure for new building because of its adverse environmental and economic effects. New development in the open countryside should be controlled to favour those with good reason to be there. Housing in connection with a business already in a countryside area or a new enterprise particularly suited to a rural area are viewed as reasonable exceptions.
- 8.15 The Supplementary Guidance for Rural Housing supports housing for any existing or new rural business where:
- The house is essential for the direct operational requirement of the existing

- or new rural business, which is itself appropriate to that rural location;
- The house is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise.

8.16 In addition, outwith Settlement Development Areas, Policy 36 (Development in the Wider Countryside) identifies that development proposals will be assessed on the extent to which they are:

- acceptable in terms of siting and design;
- are sympathetic to existing patterns of development in the area;
- would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

8.17 The site is located within the Loch Ness and Duntelchaig Special Landscape Area (SLA). It is also adjacent to the Great Glen Way. On the basis of this and that there is existing holiday accommodation to the northeast at Ancarraig, the location would appear suitable for the development of a tourism business. Provided the proposals are acceptable in terms of their siting and design and would have no significant adverse impact on individual and/or community residential amenity, existing infrastructure or the natural environment, the development would comply with the development plan.

8.18 Highland wide Local Development Plan Policy 28 on Sustainable Design assesses proposals on the extent to which they are compatible with a range of factors, including impacts on individual and community residential amenity and demonstrating high quality siting and design and Policy 29 regarding Design Quality and Placemaking requires new development to be so designed to make a positive contribution to the architectural and visual quality of the place in which it is located. There is Supplementary Guidance relating to these policies.

8.19 The development plan contains a number of further policy tests that must be taken into account in determining this application; in particular matters relating to layout, design, place-making and infrastructure provision. Subject to there being no significant impacts arising from these matters, then the application would comply with the Development Plan and could be supported.

### **Design, Layout and Landscaping**

8.20 The timber clad buildings have a rectangular plan form with a mono-pitch black rubber roof. This is a contemporary design for the site and is appropriate for this location. It is noted that a contemporary approach to design was also taken to 5 holiday pods (20/02160FUL) in the Ancarraig Lodges Park to the northeast.

8.21 The restriction of the height to single storey and the proposed mounded ground to the southeastern boundary will help to reduce the visual impact from closer views. Furthermore, the separation setback from the public road is such that it is not considered that they will visually intrude when viewed from the road.

- 8.22 Long views of the proposal are limited and therefore it is not considered that the proposal will have any significant impact on the Special Landscape Area.
- 8.23 The site slopes from northwest to southeast and is located behind and around 120m from the rear elevation of the closest property, Tigh Ban. In terms of rural amenity and privacy this is considered an appropriate distance to provide amenity separation. The proposal includes some landscaping measures that include providing mounding along the southeast boundary to provide screening to the proposed development. While the site lies within a field it is screened by deciduous woodland to the southwest, northwest and northeast and is only readily visible from a very short section of the public road to the northeast of Tigh Ban.
- 8.24 The siting of the lodges and manager's house in a linear fashion, and their design, reflects their use as tourist accommodation, and the lower degree of amenity separation typically expected compared to housing.
- 8.25 The principal elevations of the lodges and manager's house face southeast and maintain a uniform building line, reflecting the permission (06/00926/FULIN) for 4 holiday units. With that permission the manager's house was to be located further to the northeast within the boundary of the Ancarraig Chalet Park, which was owned by the applicant at that time. The design concept was that its lodges would form part of the Ancarraig development. The current proposal would be read in the landscape as being part of the Ancarraig development, given their close proximity.
- 8.26 It is considered that the development demonstrates sensitive siting, and therefore accords with Development Plan policy 28 (Sustainable Design).

### **Noise**

- 8.29 Representations refer to a potential increase in noise. Any development will have a degree of noise during the construction process. The southeast boundary of the site is located approximately 120m to the northwest of Tigh Ban. This degree of separation is considered appropriate to mitigate noise from the development. Notwithstanding this, if there was noise from the development during its operation, then this would be assessed as a statutory noise complaint by the Environmental Health.

### **Access, Parking and Servicing**

- 8.30 Access to the site is from the Bunloit single track public road. This road has passing places. The access has an existing 215m visibility splay onto the public road and is located on the southwest boundary of Ancarraig lodges and serves Dun Ban. The junction requires upgrading to include a combined service bay and layby. This can be controlled by condition.
- 8.31 The Transport Planning Team has identified that the public road is part of a Strategic Timber Transport Scheme (STTS), which will result in improvements being made to the public road, with additional passing places and improved drainage. It has indicated that the proposal would be subject to developer contributions towards these improvements.

- 8.32 It is noted that the most recent applications in the area relate to 5 holiday pods at Ancarraig (20/02160/FUL), and conversion and alteration of farm buildings to form maintenance, visitor and educational facilities at Easter Bunloit (21/00915/FUL). For both applications no Developer Contribution were sought. However, works for minor road improvements in the form of 2 passing places or localised carriageway widening at 2 locations were conditioned. Neither application has been implemented, with planning permission 20/02160/FUL now having lapsed. In the circumstances, it is considered necessary, proportionate, equitable and reasonable to apply a similar condition to the current proposal.

### **Drainage**

- 8.33 Foul water drainage will be achieved by a treatment plant with the discharge to a partial soakaway, to the southeast of lodge 4 in the southern part of the application site. Surface water drainage will be discharged to a watercourse to the southwest of the site.

### **Water Supply**

- 8.34 The development will be served by a private water supply from an existing borehole which serves one house, Dun Ban. Environmental Health has reviewed the submitted Hydrological Assessment and requested a pump test report for the existing supply to ensure that it can meet the proposed increase in demand, and to ensure that it will not have an impact on other supplies. The consultant for the pump test report has concluded that the system has the capacity to accommodate the 4 holiday lodges and manager's house and Dun Ban. Ancarraig Lodges is served by another borehole which will be unaffected by this proposal. At the time of preparation of the Committee report, Environmental Health has still to confirm that the pump test report is satisfactory. Notwithstanding this, it should be noted that matters relating to water quality are controlled by Environmental Health.

### **Other material considerations**

- 8.35 The proposal is for the siting of 4 holiday lodges and associated manager's accommodation. These are for tourist accommodation and are proximate to the Great Glen Way long distance walk. The units could potentially provide accommodation to those walkers, cyclists, and also other vehicle-borne visitors. The accommodation would therefore help to revitalise the rural (tourist) economy by providing local accommodation and therefore helping to tackle the climate and nature crises as identified by NPF4 Policy 1 Tackling the climate and nature crises.
- 8.36 Furthermore, the building designs, with timber cladding and areas of eastwards facing glass would provide both a modern design aesthetic, and reduced carbon impact from heating due to their aspect through positive solar gain, thereby reducing lifecycle greenhouse gas emissions as required by NPF4 Policy 2 Climate mitigation and adaptation.
- 8.37 Finally, with regard to NPF4 Policy 3 Biodiversity, it is considered that the local scale development will minimise any potential adverse impacts of the development proposals on biodiversity, nature networks and the natural environment are minimised through their careful planning and design. The fact that there is an extant

planning permission on the site is also a relevant consideration in this regard.

- 8.38 Representations suggest that the lodges could be sold as houses in the future. The use of the development can be controlled by condition ensuring that the lodges remain as holiday accommodation and the manager's accommodation remains tied to the holiday lodges.

### **Non-material considerations**

- 8.39 None.

### **Matters to be secured by Legal Agreement/Upfront Payment**

- 8.40 All planning applications are assessed against Policy 31: Developer Contributions and Policy 32: Affordable Housing of the Highland-wide Local Development Plan, and the Developer Contributions Supplementary Guidance (DCSG) adopted 2 November 2018. The adopted DCSG requires all scales of residential development to make proportionate contributions towards services and infrastructure in areas of identified need.
- 8.41 Due to capacity issues at Glenurquhart Primary a developer contribution is required of £2,635 for the manager's house.

## **9. CONCLUSION**

- 9.1 The proposal involves the erection of 4 holiday lodges and an associated manager's house
- 9.2 Planning Permission has previously been granted for the extension of holiday accommodation at Ancarraig Lodges, a manager's house and 2 house plots and this included this application site. The approved site plan for that development showed a linear development of 4 holiday cottages on this site. Work has started on that development through the formation of the access track leading up from the public road, making the permission extant.
- 9.3 The proposed location of the proposed lodges occupies the same area as the previously approved layout (06/00926/FULIN), albeit that the manager's house was not included at this site. The proposed location is considered to have a relatively low visual prominence in the landscape, with limited visibility from a short stretch of the public road. The proposed mound and planting will further assist in mitigating any wider visual impact, or amenity impact on Tigh Ban.
- 9.4 The proposal has two main elements, the holiday accommodation, and an associated manager's house. The design and placement of these buildings would be seen as one element in the landscape. The justification for the house in terms of the management of the holiday lodges is considered to be reasonable given the difficulty in businesses finding staff accommodation.
- 9.5 In order to maintain the proposal as a single development, it is considered appropriate to include a planning condition to tie the manager's house and holiday units to ensure that they are not separated from each other. In addition, a condition

is also recommended to ensure that the lodges remain as holiday accommodation.

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

## 10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

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

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

### Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 N  
Obligation

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 4 holiday lodges 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 one calendar year.

**Reason:** To ensure that the development does not become used for permanent residential occupation, in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

3. The proposed manager's house together with the 4 lodges shall form a single planning unit and neither shall be sub-divided one from the other unless with the

express permission of the Planning Authority.

**Reason:** To reflect the need for the manager's house in relation to the holiday lodges and to avoid its separation from the holiday lodges.

4. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** In the interests of visual amenity.

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

**Reason:** In order to ensure that the site is adequately drained; that surface water drainage is provided timeously and complies with the principles of SUDS; and in order to protect the water environment.

6. No development shall commence until a plan, and specification for, improvement works to the Bunloit Road, has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt, the improvement works shall include:
  - i. localised carriageway widening at 2 locations; OR
  - ii. the installation of 2No. passing places

The approved works shall be implemented in full by the developer prior to the commencement of any other part of the development hereby approved.

**Reason:** In the interests of road traffic safety.

7. Prior to first occupation of any part of development the existing site access shall be upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:
  - i. the junction formed to comply with drawing ref. SDB2; and
  - ii. visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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

**Reason:** In the interests of road traffic safety.

8. Prior to the start of any works the developer shall, in consultation and agreement with the local Roads Operations Manager, establish a Construction Traffic Management Plan (CTMP) aimed at controlling and minimising the impact of

construction activities on the local road network. As a minimum the CTMP shall include the following.

- i. Details of the number and type of vehicle movements that will be generated during the construction phase.
- ii. Proposed traffic management measures on the access route to the site.
- iii. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- iv. Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.

**Reason:** In the interests of road traffic safety

9. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

**Reason:** To ensure that further suitable provision is made for the storage of communal waste and recycling bins.

10. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

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

11. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction; and
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the



construction period.

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

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

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

13. The 6m buffer zone shown on approved Drawing RS-0087-002 REV B, measured from the top of the bank of the watercourse, shall be kept free from development.

**Reason:** In accordance with The Highland Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment

14. The finished floor levels for the lodges and house shall be a minimum of 250mm above surrounding ground levels.

**Reason:** Given the ground conditions on site and the potential for surface water flooding and/or overland flow.

## **REASON FOR DECISION**

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

## **INFORMATIVES**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Flood Risk**

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

### **Scottish Water**

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

### **Septic Tanks & Soakaways**

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

### **Local Roads Authority Consent**

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

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

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

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

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

### **Construction Hours and Noise-Generating Activities**

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

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

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

### **Protected Species – Halting of Work**

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

Signature:	David Mudie
Designation:	Area Planning Manager – South
Author:	Keith Gibson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	RS-0087-001 REV A Location Plan RS-0087-002 REV A Site Layout Plan

RS-0087-003 Elevations

RS-0087-004 Floor Plan

CTCH-J5133-002 Drainage Plan

RS-0087-008 A Landscaping Plan

RS-0087-009 REV A Section Plan

RS-0087-011 Site Section Plan - & Visuals

RS-0087-006 REV B Visibility Splays

## Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked <sup>1</sup>	Base Date* <sup>2</sup>	Payment Trigger* <sup>3</sup>	Accounting Dates* <sup>4</sup>	Clawback Period* <sup>5</sup>
<b>Schools<sup>2</sup></b>									
Primary – Build Costs	Glenurquhart Primary School	£2635	n/a	£2635	BCIS	Q2 2018	Upfront	Apr/Oct	N/A
Primary – Land Costs	Glenurquhart Primary School - No contribution required	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Secondary – Build Costs	Glenurquhart High School – No contribution required	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Secondary – Land Costs	Glenurquhart High School – No contribution required	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	

\*1 Adjust total to take account of flat exemptions

\*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

\*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

\*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

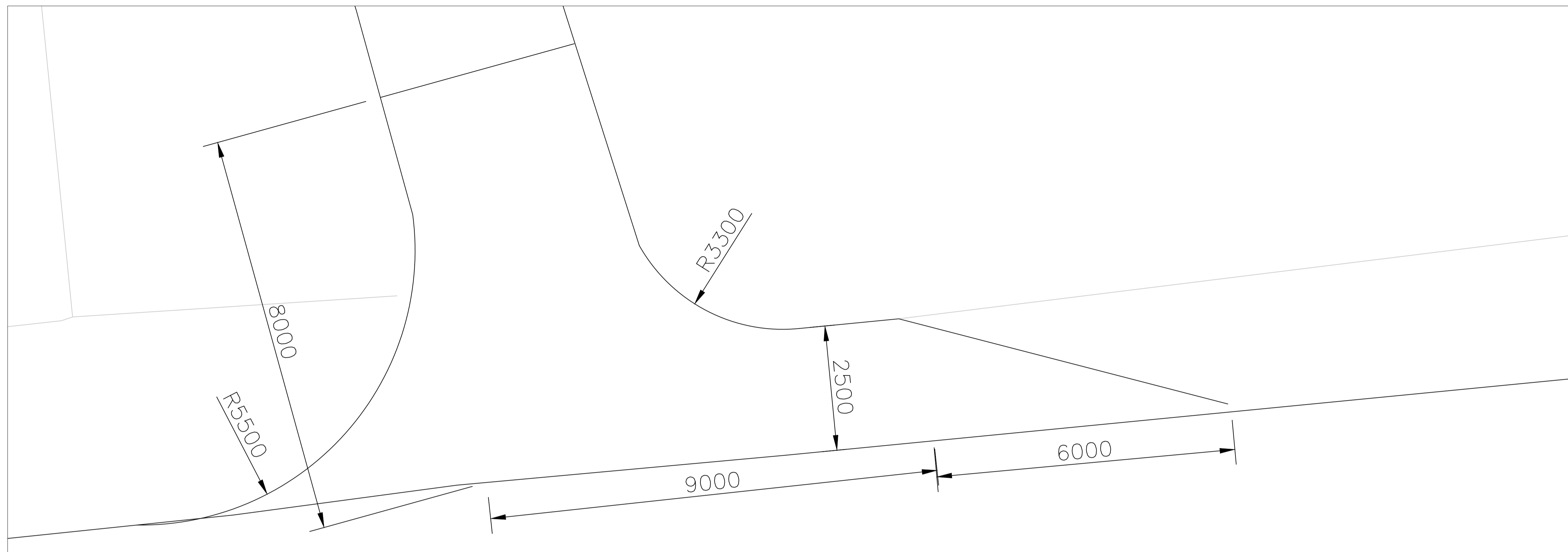
\*5 Clawback – 15 years for Major development; 20 years for Local development

---

<sup>1</sup> If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

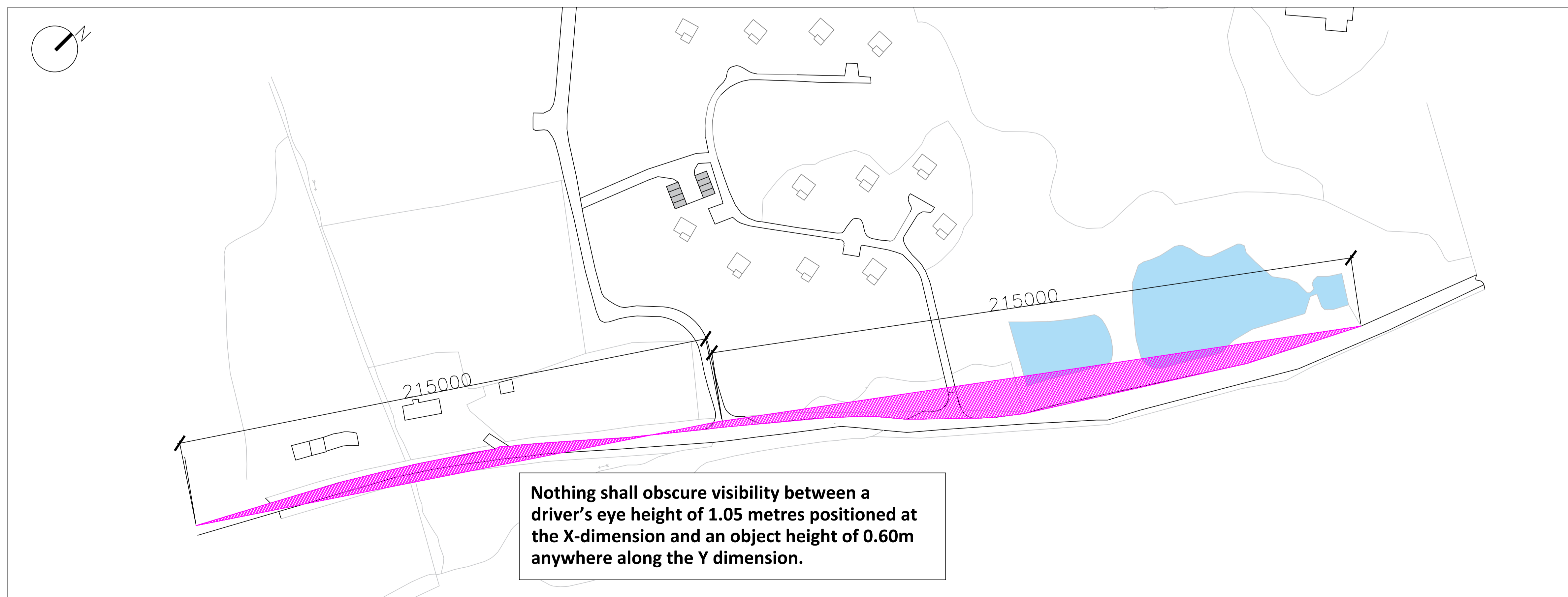
<sup>2</sup> Indicate whether or not 1 bed houses/flats are exempt

ALL SIZES TO BE TAKEN AND CHECKED ON SITE BY THE CONTRACTOR PRIOR TO PREPARATION OF SHOP DRAWINGS OR FABRICATION OF PARTS. THIS DRAWING SHOULD NOT BE SCALED. ANY DISCREPANCIES TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE DESIGNER. COPYRIGHT OF DESIGN AND DRAWING RESERVED BY REDSIX ARCHITECTURE LTD



**SDB2 Service Bay**

1:50



**Visibility Splays**

1:1000

REV	DESCRIPTION	DATE
A	Visibility and Service bay revision	01-09-2022
B	Visibility and Service bay revision	01-09-2022

STATUS	
Planning	
PROJECT NAME	
Bunloit Lodges	
SHEET NAME	
Visibility Splays	
CLIENT	
Mr Chris Barnett	
DRAWN BY	DATE
AM	28-06-2022
SCALE (@ A1)	PROJECT NUMBER
1 : 100	0087
DRAWING NUMBER	REV
RS-0087-006	B