

Agenda Item	5.6
Report No	PLN/092/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 29 October 2024
Report Title: 23/05941/FUL : Mr & Mrs R & D Walker
Land to South of Roth-Ach, Gallowhill, Avoch
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of house

Ward: 09 - Black Isle

Development category: Local Development

Reason referred to Committee: Number of objections received

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 proposal is for the erection of a house off Cemetery Brae in Avoch's Settlement Development Area, with the principle of development on the site established previously by permission 21/02630/PIP.

The house proposed consists of two predominantly rectangular forms, creating a two-storey "L" shaped dwelling. Due to the slope of the site, the house presents as a single storey when approaching from Cemetery Brae, but two storeys from the rear of the property, which can be seen from Henrietta Street to the east, as it is downhill from the site.

The development would involve both cutting and filling on site to accommodate the house, the provision of hardstanding for parking, some tree felling and landscaping.

- 1.2 There is sufficient capacity to accommodate the proposed development at both Assynt Water Treatment Works and Avoch Waste Water Treatment Works.

Access is to be taken via 'Cemetery Brae', a single-track road that forms the western boundary of the application site, and there is sufficient capacity for an SDB1 access.

A streetlight and telegraph pole both stand within the application site's boundary.

- 1.3 Supporting Information: Site Investigation Report (Ground Stability), Tree Protection Plan, Arboricultural Report, Visualisations, Tree Data Sheet

- 1.4 Variations: An amended Site Plan (2023 057-000 REV D) was received 11.10.2024 showing the SDB1 junction.

An amended Elevations drawing (2023 057-002 REV B) was submitted 01.07.2024 with rooflights removed, per planning officer request.

An amended Tree Protection Plan (2023 057-006 REV A) was submitted 01.07.2024 to more accurately reflect the current tree coverage on site, and include more planting for the proposed development.

2. SITE DESCRIPTION

- 2.1 Access is taken from Cemetery Brae, which provides access to six homes and terminates at the Avoch New Cemetery. There are houses to both the north and south of the site along the road, with woodland to the west across Cemetery Brae.

- 2.2 The site itself is steeply sloped, with trees at both at the access point on the western edge of the site, and at the bottom of the hill on the eastern side of site. These trees are considered ancient woodland and defined as long-established trees of plantation origin. The trees are clustered both at the top of the hill to the west, and at the base of the hill to the east, with the slope at a nearly 25% gradient in places.

- 2.3 At the bottom of the slope, on the other side of the trees, is Avoch's Conservation Area, defined by traditional 1 - 1 ¾ storey cottages. The site is visible from Henrietta Street, but outwith the Conservation Area itself.

3. PLANNING HISTORY

- | | | | |
|-----|----------------|--------------------------------------|-----------|
| 3.1 | 08/00475/OUTRC | Erection of house (outline) 02/10/08 | PERMITTED |
| 3.2 | 21/02630/PIP | Erection of house 14/02/22 | PERMITTED |

4. PUBLIC PARTICIPATION

4.1 Advertised: Ross-shire Journal

Date Advertised: 26 January 2024

Representation deadline: 16 February 2024

Timeous representations: 8

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Stability of the ground for both the house and related landscaping.
Officer response : Boreholes were dug on the site to test the soils and following the findings, an engineer confirmed that a house of up to 300sqm could be supported on pilings within this site.
- b) Removal of trees causing further destabilisation and risk to homes below.
Officer response : The stability report and borehole tests on site did not take into consideration the risk of landslides posed by the removal of trees on and at the base of the slope. Tree felling was not included in the original proposal for the PIP. Based on the advice from the Forestry Team, a condition is proposed to retain all trees on the eastern site boundary for safety and the future stability of the site.
- c) Lack of SUDS infrastructure
Officer response : Plans indicate a surface water soakaway on the site.
- d) Excess rain water and surface water increasing risk of flooding and landslides.
Officer response : SEPA maps identify no known flood risks on the site or at surrounding sites due to surface water run-off. However, both the retention of trees and surface water soakaway mentioned above will mitigate any harmful effects of the development on the integrity of the slope and the safety of the homes and gardens below.
- e) Adverse visual impact on the Avoch Conservation Area.
Officer response : The visualisations submitted with the application include views from Henrietta Street, within the Avoch Conservation Area, looking uphill towards the site, which lies outwith the Conservation Area. The impact on views from Henrietta Street will be minimal and a barely perceptible, given that the house is an infill development and the neighbouring properties are already visible to the Conservation Area. While the house is contemporary in design, the shape and white render finish are not at odds with the traditional houses of the Avoch Conservation Area and will not negatively impact the few places from which the development will be visible.
- f) Adverse impact on the privacy of neighbouring properties on Henrietta Street.
Officer response : While it is noted that the house is at a much higher elevation than those below (east) on Henrietta Street, this does not necessarily entail

'overlooking'. From where the glazed gable at the rear elevation of the proposed house is sited, there is an excess of 50M to the closest home below. These 50M are comprised of the steep slope itself which will alter the line of site out from the proposed house, and the trees that are to be conditioned to be retained will also further obscure potential overlooking. Given the slope, elevation of the house and separation distance, it is considered the primary outlook will be over and not towards the houses on Henrietta Street.

- g) Proposed plan and house design are much larger than the conditions on the original PIP permission granted in 2022.

Officer response : The application was originally submitted as an Matters Specified by Condition application. The application as submitted showed a 2 storey house which differed from the 1 and a half story originally specified under the permission in principle. The 2 storey design which is split level has evolved reflecting the topography of the site. For this reason, the MSC has been changed to a full application and is being assessed on its own merits.

- h) Impacts of construction on wildlife in the trees

Officer response : These concerns are based on the current proposal that all the trees on site are to be removed in two phases. As stated above (and in the report), the permission would be conditioned to require the retention at the lowest point of the site, to allow for future slope stability and privacy, and will also minimise the disturbance to wildlife. Further tree planting will also improve the biodiversity on site in future.

4.3 Non-Material considerations raised are summarised as follows:

- a) Impacts on the integrity and future value of properties neighbouring and to the east (below) the application site.
- b) Financial impacts of construction on business (cottage rental) below site.

Officer response : Neither of the above are material planning considerations and will not be addressed.

4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 Avoch and Killen Community Council:

No objections raised in relation to this development; however, the Community Council has raised several issues to be addressed. They are as follows:

- a) Physical and financial impacts on the residents downhill from the development site (on Henrietta Street) regarding land slip and flood risks. The Developer and potentially the Highland Council could be liable for these costs.
- b) Further ground and stability studies should be undertaken, as no new report has been submitted since the PIP application in 2021.
- c) Uncertainty if there are sufficient flood risk mitigations in place.
- d) The Arboricultural assessment and tree management plan do not seem to take into account the loose soils at the base of the slope and impact that removing the trees will have on the site's stability.

5.2 **Highland Council Forestry Team:**

No objections raised. While there is no objection to the reports submitted on the quality of the trees on site, it is suggested that further planting to protect and expand forests should be undertaken on the eastern side of the site, at the bottom of the slope. Thus, it is conditioned that trees T1-T10 at the top of the slope on the western boundary of the site are to be removed, but trees T11-T17 should continue to be monitored with a view to retain them to safeguard the stability of the slope. A condition is proposed to address this.

5.3 **Highland Council Building Standards Team:**

No objections raised. Building Standards were consulted about the stability of the site and how it may be impacted, as the proposed footprint has been increased since the PIP submission in 2021. The trial pits covered most of the site for the currently proposed house, and, more importantly, as part of the Building Warrant process, a Structural Engineer Design Certificate is required to be submitted for the overall structure. This will cover not only the house, but any retaining walls required on the site.

5.4 **Highland Council Historic Environment (Conservation) Team:**

Objection raised. The initial objection was raised over the size of the house, in that it did not meet with the requirements of the conditions on the original PIP. The Conservation Team still object on the basis that the scale and bulk of the proposal will be over-bearing in the heritage context of the Avoch Conservation Area and overall village townscape. (This is addressed in section 8.6 of the report.)

5.5 **Highland Council Flood Risk Management Team (FRMT):**

No objections raised, however suitably worded conditions were suggested and added to this report based on consultation comments. There were concerns that the proposal could exacerbate perceived/existing drainage issues, which could in turn have a negative impact on a number of properties lying below the proposed site. Accordingly, a more rigorous drainage assessment than typically required must be submitted prior to the commencement of any development.

Site stability investigations have been undergone and submitted to the planning authority, however, given the sensitivity of the site, a soakaway test at a similar location and level to the proposed soakaway, accompanied with supporting calculations and design details should be supplied. All comments from the FRMT have been taken into consideration, and conditioned accordingly.

5.6 **Scottish Water:**

No objections raised. At the time of consultation, there was sufficient capacity to service this development from Assynt Water Treatment Works, and to provide a foul only connection to the Avoch Waste Water Treatment Works. However, there is no capacity to connect surface water drainage systems to the combined sewer system.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 7 - Historic Assets and Places
Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings
Policy 13 - Sustainable Transport
Policy 14 - Design Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 16 - Quality Homes
Policy 22 - Flood Risk and Water Management

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
34 - Settlement Development Areas
51 - Trees and Development
52 - Principle of Development in Woodland
55 - Peat and Soils
57 - Natural, Built and Cultural Heritage
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage

6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)

Site is located within Avoch's Settlement Development Area.

6.4 Highland Council Supplementary Planning Policy Guidance

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

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

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 planning history of this site is a significant consideration in the determination of this application. The principle of development for the erection of a house on this site was determined by the 21/02630/PIP permission granted on 14/02/2024. This proposal is assessed in the context of the suitability of the site for that purpose.

Development plan/other planning policy

- 8.4 Principle of Development:

It must be noted that policy content has been updated since the PIP was granted, and both the Inner Moray Firth Local Development Plan (LMFLDP) 2 and the National Planning Framework (NPF) 4 have been adopted. While this application was originally submitted as an MSC (matters specified in conditions), it did not meet the requirement of the condition put in place to limit the height of the dwelling. It therefore must be reassessed on its own merits as a full application, while keeping in mind that the principle has been established.

- 8.5 Settlement Development Area:

The site is located within the Avoch Settlement Development Area (SDA), and pursuant to Highland-wide Local Development Plan Policy 34, proposals within SDAs will be supported as long as they comply with the requirements outlined in Policy 28: Sustainable Design, as well as other relevant policies in the plan. An assessment of Policy 28 is provided in section 8.10, Siting and Design, while other relevant considerations are discussed below.

Policy 34 further stipulates that proposals must be evaluated for their compatibility with the existing development pattern, landscape character, adjacent land uses, and potential impacts on local heritage features. The surrounding area is characterised primarily by detached 1 - 1 ½ storey cottages, and the proposed application site itself (as it currently sits undeveloped) forms a small break in the existing pattern of development. Therefore, the proposed development aims to infill this gap along Cemetery Brae, thereby promoting a more cohesive pattern of land use and development in the area.

- 8.6 Heritage Impact:

In accordance with HwLDP Policy 57 on Natural, Built and Cultural Heritage, developments will be supported if they can demonstrate that they will adversely affect

locally significant heritage resources, in this case the Avoch Conservation Area. The site in question is adjacent to the Avoch Conservation Area, which includes the houses located downhill to the east along Henrietta Street. While this proximity has raised concerns from both third-party objectors and the Highland Council's Historic Environment Team, further assessment indicates that these concerns are unfounded.

Although the site itself lies outwith the Avoch Conservation Area, its elevated position means that it will be visible from Henrietta Street below. As such, it is essential to assess its visual impact. To this end, the development proposal included several visualisations illustrating how the new dwelling would affect the visual amenity from Henrietta Street and the Conservation Area. Given the retention of trees at the eastern edge of the site and the existing visual context provided by neighbouring properties along Cemetery Brae, the overall visual impact is deemed negligible.

The Highland Council HET have raised an objection to the proposal given the scale and bulk of the development and the impact on the Avoch Conservation Area. While their objection is noted, the site itself lies outwith the Conservation Area and is only visible from a few locations within it. Although the design, scale and finish are contemporary, the use of the site's topography ensures that the development is not expected to erode or significantly detract from the setting of the Conservation Area. Whilst the HET's comments are noted, their concerns are not shared by the planning Service. A thorough examination of the visualisations submitted with the application, along with the presence of existing development on the hill, clearly demonstrates that the proposed development will not have a significant impact on the Avoch Conservation Area.

8.7 Principle of Development in Woodland:

While the principle for development on this site has been established, a condition of that permission being granted was that an Arboricultural impact assessment, tree protection plan, and other tree management documents must be submitted. Even though this application is a full application rather than an MSC, significant consideration must be given to the trees on site and their future management and protection.

A survey was submitted together with the application documents, which confirms that the 17 mature trees on site are in varying stages of disease, decay, and death, and are not viable for long term protection and stability. While the removal of trees is not desired, the plans submitted include comprehensive replanting of new, native species at the base of the slope to the east of the site to ensure long-term biodiversity gains and a continued tree presence in this ancient woodland corridor. In the intervening period it is considered that the trees on the southeastern/eastern boundary are retained, and supplemented with additional tree planting. Once this has been completed to the satisfaction of the Planning Authority, the remaining trees at the base of the slope (on the eastern site boundary) may be removed.

8.8 Flood Risk Management and Site Stability:

Although no flood risk has been identified at the site, concerns regarding potential land slippage and flooding due to development at the top of the slope have been raised by third-party objectors, and as such it remains to be addressed.

Permission in principle was granted contingent upon the completion of an engineering survey to confirm that the slope can adequately support the proposed dwelling. At the time of assessment, boreholes were excavated, and the findings were submitted for review. The engineering response affirmed that the western half of the site is suitable for residential development.

It is important to note that the original assessment did not consider the current proposal to remove trees from the site, which may impact ground stability and introduce additional flood risks. To mitigate these concerns, trees located at the base of the slope will be preserved via attached condition. Additionally, following consultations with the Building Standards Team, it is considered that the proposed larger dwelling will not adversely affect site stability or exacerbate the risk of landslips. As part of the Building Warrant process, a structural engineering survey must be submitted to confirm site stability, ensuring that thorough evaluations will be conducted prior to any development activities on the site.

- 8.9 As noted in section 8.4, the principle of development on this site for a single house has been previously established. The above concerns are readily addressed via applied conditions, leaving the design as the main component to be addressed further.

Siting and Design

- 8.1 This development is subject to assessment based on its alignment with Highland-wide
0 Local Development Plan Policy 28: Sustainable Design. The development is evaluated on its capacity to promote and enhance the social, economic, and environmental well-being of the Highlands. The assessment criteria include, but are not limited to, the following factors:
- i. Compatibility with public service provisions
 - ii. Accessibility via public transport, active transport, and automobile
 - iii. Consideration of physical constraints
 - iv. Impact on individual and community residential amenity
 - v. Effects on non-renewable resources, including prime agricultural land
 - vi. Evidence of sensitive siting and high-quality design that harmonises with the local character, as well as the historic and natural environment, while utilising appropriate materials.

Requirements i. - iv. were addressed in the planning policy portion of this report, leaving v. and vi. to be assessed below.

The site is identified as class 3.1 soil, which is considered prime agricultural land. However, following the Arboricultural assessment and physicality of the site, it is not deemed viable farm or crofting land. Removal of the trees, resulting in disturbed and damaged soil, and the gradient of the slope are viewed as major obstacles in the development of this site for agricultural purposes. As such, the development of this site in the Avoch Settlement Development Area for a house rather than agricultural

reasons, is considered to be compliant with Policy 28, as well as NPF4 Policy 5 regarding soils.

Criteria iv. requires sensitive siting, high-quality design, and the use of appropriate materials. As mentioned previously, this application was submitted as an MSC before being changed to a full application given the topography of the site for the house proposed. The PIP had laid out other conditions in regard to the appearance of the house based on the site, however, and all of these conditions were met. This includes the white render finish, the strong vertical access of the house, a roof covering of natural slate, a predominantly rectangular form, and a 45° roof pitch.

The design submitted presents a modern aesthetic that is well-suited to the local context and surrounding environment. It aligns with the established pattern of development and reflects the Highland Vernacular architectural style. The only reason the design did not comply with the requirements of the 21/02630/PIP permission is its height; the proposed dwelling is two storeys instead of the maximum permitted 1 ½ storeys as specified in condition 2 of the PIP. However, constructing a 1 ½ storey house on this site has not been progressed and the application must be considered as submitted.

Given these considerations, a split level two-storey dwelling on this site is deemed appropriate. The submitted visualisations effectively address any concerns regarding the design's integration into the landscape.

- 8.1 Since the principle of development on this site for a single house has been previously
1 established, the height that did not meet with the PIP conditions is the main component to be addressed and it has been found acceptable.

Non-material considerations

- 8.1 Non-Material considerations were raised regarding the impact of the development on
2 the value of adjoining houses and loss of income on a holiday rental closeby

Matters to be secured by Upfront Payment

- 8.1 Developer Contributions have been secured prior to the issuing of the 21/02630/PIP
3 Decision Notice.

9. CONCLUSION

- 9.1 The proposed development of a single dwelling house at the land to the south of Roth-Ach in Avoch is seen to be compliant with Highland-wide Local Development Plan Policy 34. It is also compliant with all relevant local and national policies regarding trees and ancient woodland, heritage, and flood risk management. Additionally, principle of a house on this site has been accepted. The sole reason it was not seen to comply with the conditions laid out in the original PIP (21/02630/PIP) permission is the proposed two-storey height of the home. Due to the physical constraints of the site, the appropriate design and materials, and the negligible impact as shown by the visualisations submitted, the proposal is considered acceptable.

- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained

within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10. Resource: Not applicable

1

10. Legal: Not applicable

2

10. Community (Equality, Poverty and Rural): Not applicable

3

10. Climate Change/Carbon Clever: Not applicable

4

10. Risk: Not applicable

5

10. Gaelic: Not applicable

6

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. A suitably qualified Arboricultural consultant must be employed at the developer's expense to ensure that the approved Tree Protection Plan and Landscape Plan are implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development, including site clearance or demolition, 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.

No development shall commence until the trees to the east have been thinned to approximately 3 metres spacing and the enrichment native tree planting (25no. Hazel and 25no. Gean) has been completed to the satisfaction of the planning authority. All trees shall be maintained thereafter until established to the satisfaction of the planning authority.

For the avoidance of doubt, no other tree felling shall take place without the prior approval of the planning authority.

Reason: To secure the successful implementation of the approved Tree Protection Plan and Landscape Plan.

3. 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 waste on the site is managed in a sustainable manner.

4. No development shall commence until details of bat mitigation plan has been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. minimum of one bat box;
- ii. two roof access slates; and
- iii. external lighting scheme.

For the avoidance of doubt the proposed bat box(s) and roof slates should be suitable for permanent roosting features. The boxes should be suitable for crevice dwelling species which are most likely to utilise existing Potential Roost Features (PRFs). The boxes should be positioned 3 - 5 metres above ground level, oriented southwards. There should be a clear path to the entrance thus creating a net gain in bat roosting habitat.

Thereafter, development and work shall progress in accordance with these approved details.

Reason: To minimise disturbance to potential bats within the application site and ensure the protection of protected species and enhance habitats.

5. Prior to the first occupation of the dwellinghouse, parking spaces (excluding garages) for a minimum of 2 cars shall be provided within its curtilage in accordance with The Highland Council's Access to Single Houses and Small Developments and shall thereafter be maintained for this use in perpetuity.

Reason: To ensure that access to the charging facilities for electric vehicles to allow for to low carbon transport options.

6. The parking and turning provision shown on the approved plans shall be provided prior to the first use of the development and thereafter maintained in perpetuity.

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

7. Prior to the first occupation of the development provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of the proposed house shall be installed.

Reason: To ensure that access to the charging facilities for electric vehicles to allow for to low carbon transport options.

8. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall be permitted within the curtilage of the site boundary without planning permission being granted on application to the Planning Authority.

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

9. No development shall commence until the Applicant has provided a Drainage Impact Assessment (DIA), written by a suitably competent engineer, in accordance with the Supplementary Guidance from the Flood Risk Management Team comments.

The DIA should demonstrate that any issues from existing land drainage and pluvial flows will not be exacerbated under the proposals and that water generated on new hardstanding/roof space will be drained appropriately.

Reason: To ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

10. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

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

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 and Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this

permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:

Designation: Area Planning Manager - North

Author: Claire Farmer-McEwan

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

Relevant Plans: Plan 1 - General Plan/Site Plan: 2023 057-000 REV D
Plan 2 - Elevations: 2023 057-002 REV B
Plan 3 - Floor Plans: 2023 057-001
Plan 4 - Tree Protection Plan: 2023 057-006 REV A
Plan 5 - Section Plan: 2023 057-007

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools²									
Primary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision ³	X units. Insert details of unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴	X units. Insert details of location, unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵	£0.00 per affordable unit not delivered on/off site. Insert expected timescale for payment - can be in installments	N/A	N/A	£0.00	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	Y/N. If delivery for affordable housing has not yet been agreed, enter Y and specify the date/timescale that the scheme for delivery is to be submitted for approval	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A

¹ 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

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

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Transport									
Active Travel	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Safer Routes to Schools	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Realm	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Wayfinding	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
School Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Improvements	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Parking	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
EV Charging	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Traffic Signals	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Lighting	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Open Space	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Network	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Glass Banks	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

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

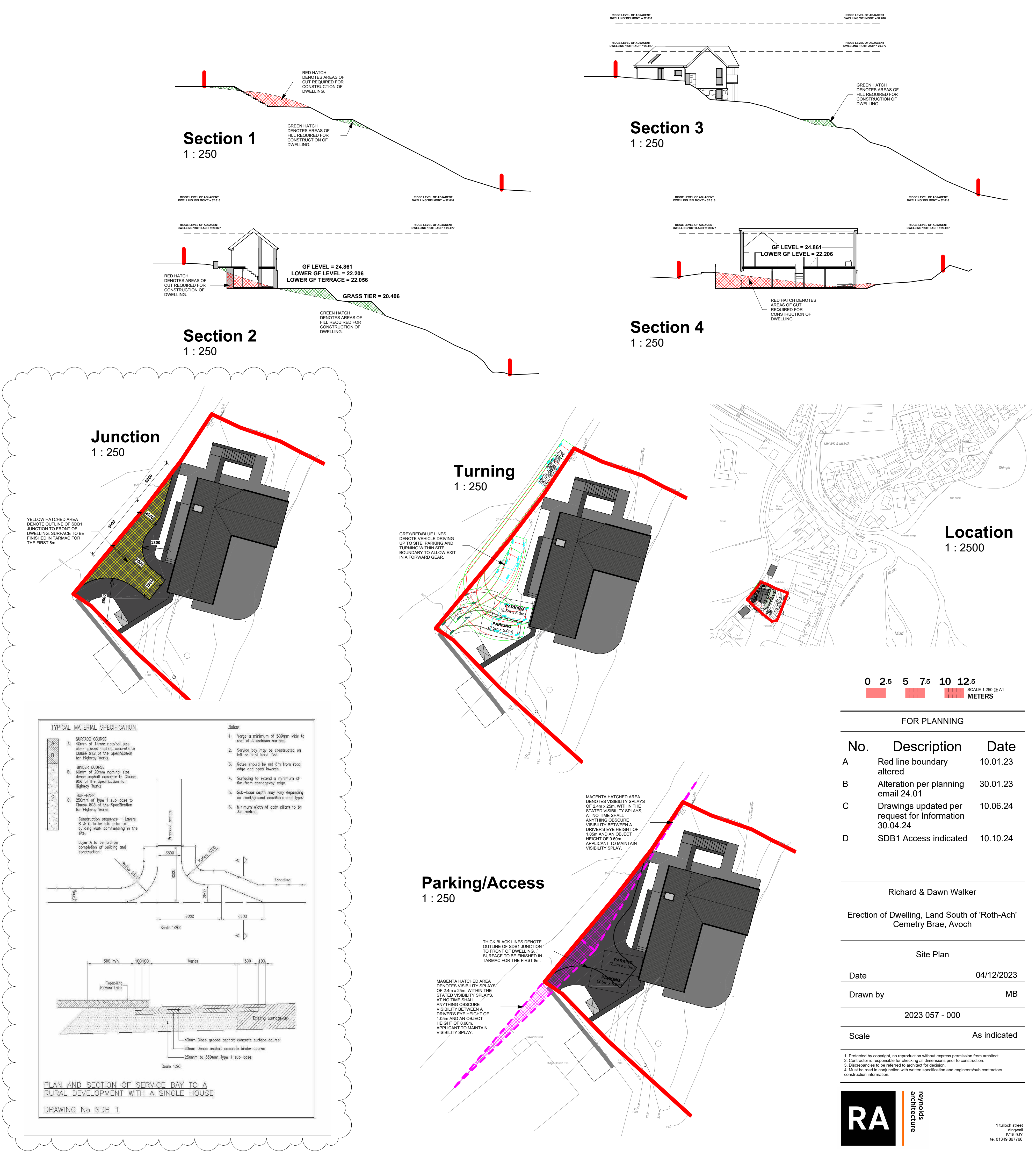
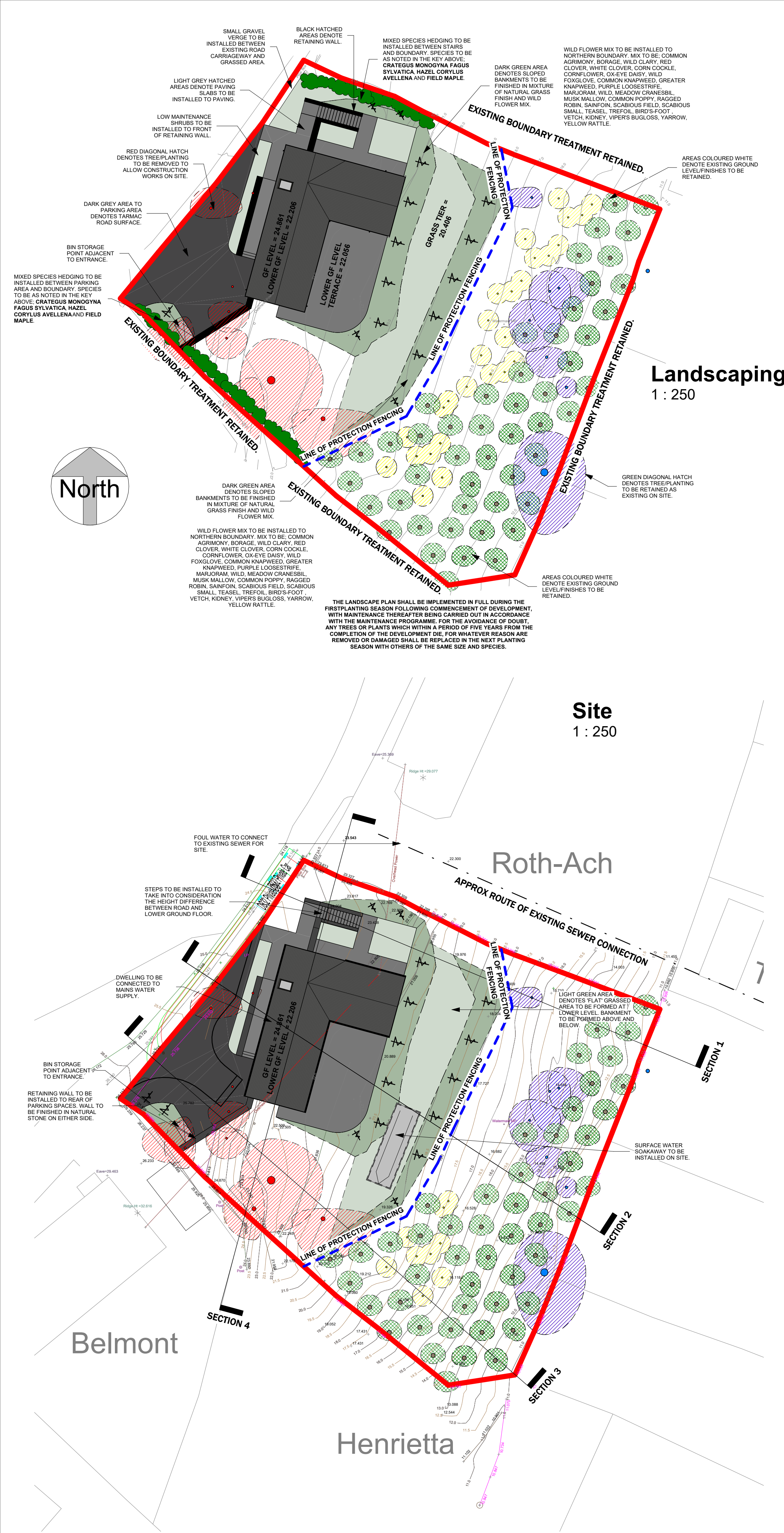
*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*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

Other Legal Agreement requirements

Type	Details
Bond	1. Describe the purpose of the Bond
	2. Specify the amount to be secured
	3. Restriction on Bond provider
	4. Set the review date and mechanism for review
	5. Describe the call on circumstances
	6. Any other relevant details
Habitat Management Plan	1. Describe what the Plan is to cover
	2. Describe the area the Plan is to cover (and provide a plan)
	3. Set the timetable for submission of the Plan
	4. Set the timescale for implementation of the Plan
	5. Describe requirements to consult third parties
	6. Specify the financial contribution (if any)
	7. Specify the clawback period (if any)
	8. Any other relevant details
Road Survey	1. Specify the timescale for the initial survey
	2. Describe which roads are to be surveyed (provide a plan)
	3. Specify an interim survey date (if required)
	4. Specify the final survey requirements and timescale
	5. Any other relevant details
Land and Asset Transfer	1. Describe the area of land / asset to be transferred (provide a plan)
	2. Describe the use of the land / asset
	3. Specify the cost of transfer
	4. Any other relevant details



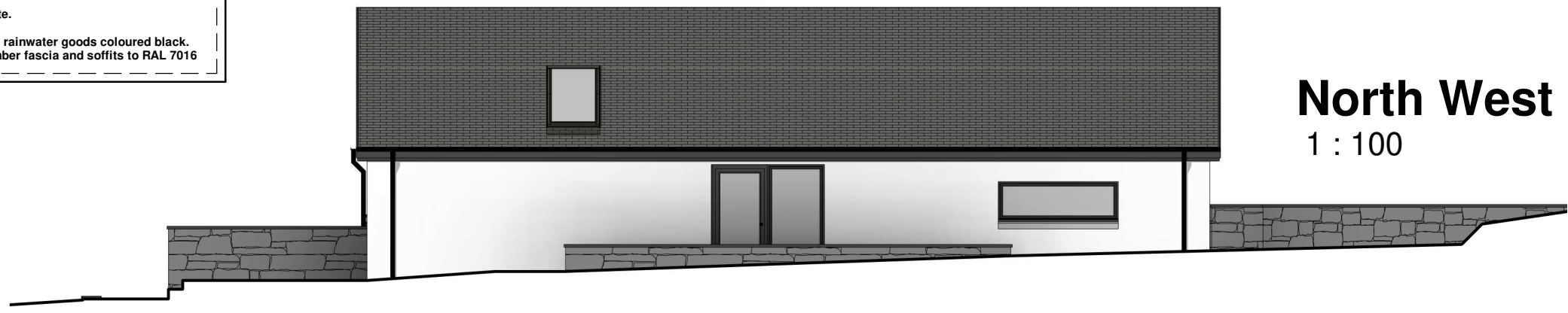


North East
1 : 100



South West
1 : 100

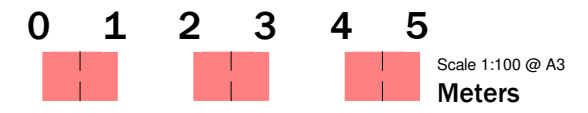
Material Specification:
 Wall - White wet-dash render.
 - Horizontal 'Eternit Cedral' cladding.
 - Natural stone cladding.
 Windows - Pre-finished to RAL 7016.
 Door - Pre-finished to RAL 7016.
 Roof - Grade A slate.
 Eaves - Aluminium rainwater goods coloured black.
 - Painted timber fascia and soffits to RAL 7016



North West
1 : 100



South East
1 : 100



FOR PLANNING

Rev	Description	Date
A	Alterations per planning email 24.01	30.01.24
B	Revised plans per planning officer comments.	15.05.24

Richard & Dawn Walker

Erection of Dwelling, Land South of 'Roth-Ach' Cemetery Brae, Avoch

(proposed) Elevations

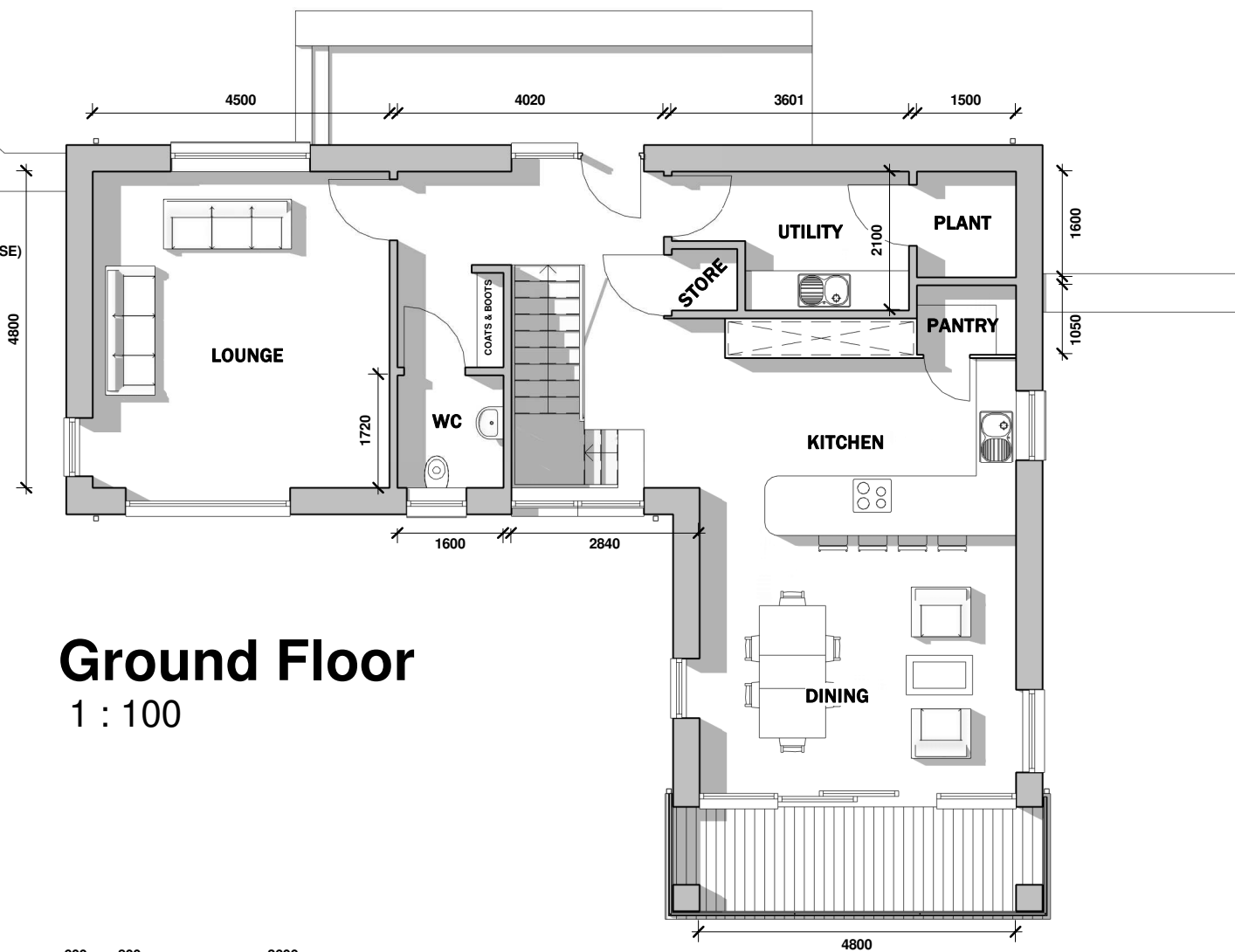
Date	16/11/2023
Drawn by	MB
Scale	1 : 100

2023 057 - 002

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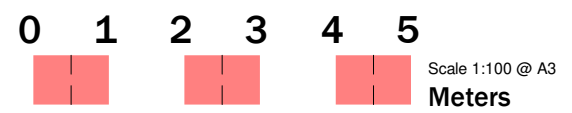


AREA = 84.8m²
(EXCLUDING BALCONY & STAIRCASE)

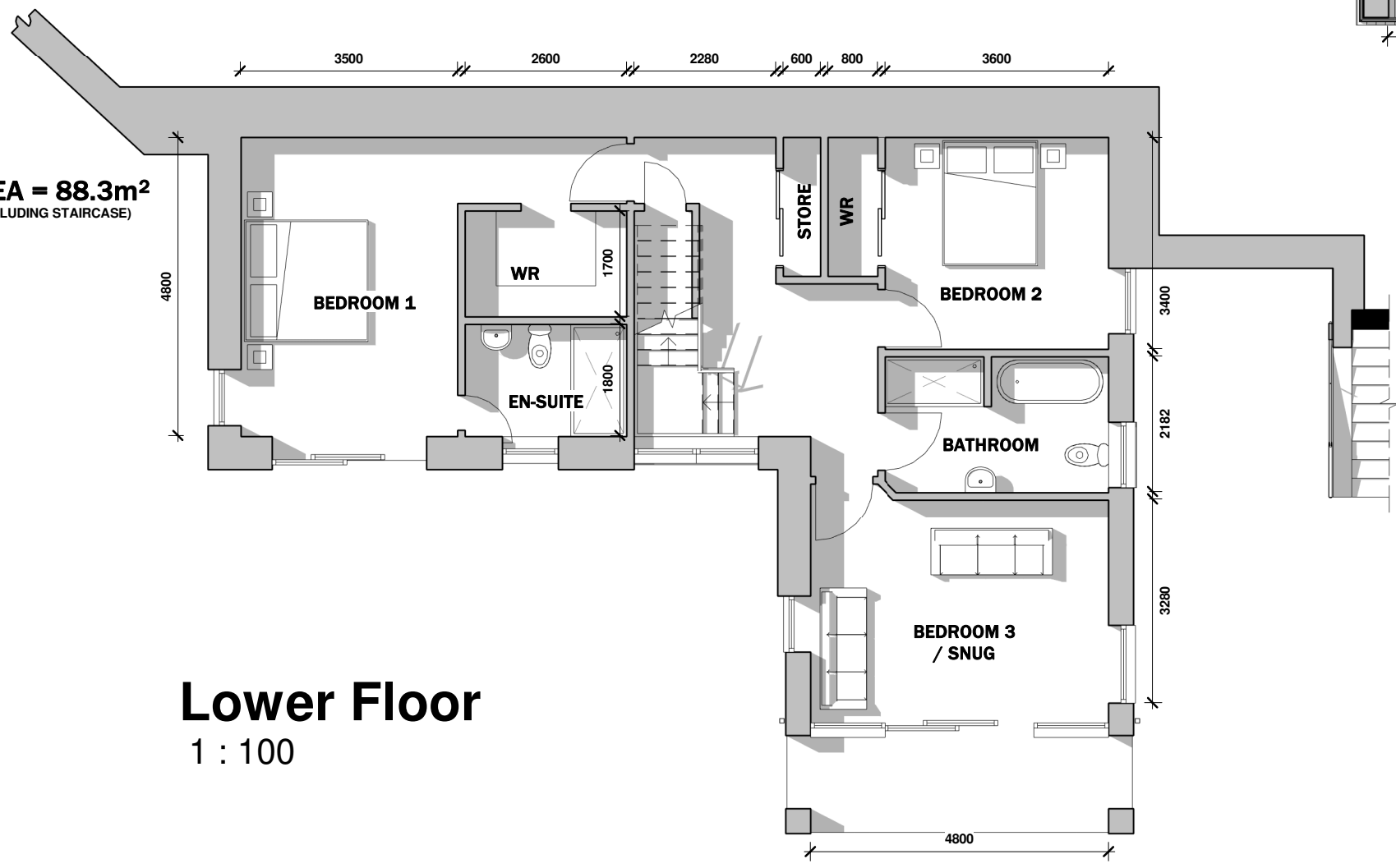


Ground Floor
1 : 100

Material Specification:
 Wall - White wet-dash render.
 - Horizontal 'Eternit Cedral' cladding.
 - Natural stone cladding.
 Windows - Pre-finished to RAL 7016.
 Door - Pre-finished to RAL 7016.
 Roof - Grade A slate.
 Eaves - Aluminium rainwater goods coloured black.
 - Painted timber fascia and soffits to RAL 7016



AREA = 88.3m²
(INCLUDING STAIRCASE)



Lower Floor
1 : 100

FOR PLANNING

Rev	Description	Date
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Richard & Dawn Walker
 Erection of Dwelling, Land South of 'Roth-Ach'
 Cemetery Brae, Avoch

(proposed) GA's

Date	16/11/2023
Drawn by	MB
Scale	1 : 100

2023 057 - 001

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1 tulloch street
 dingwall
 IV15 9JY
 te. 01349 867766

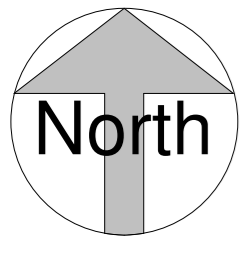
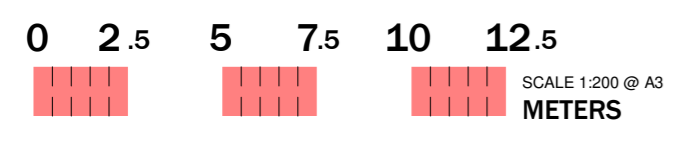
6.7. Landscape Plan

As part of a sustainable development tree planting can assist with screening of new developments, cleaning of air and locking up carbon.

With this project an opportunity exists to improve the area by planting native trees of suitable choice to restore the original native woodland character of the area.

Sylvestrus Ltd. recommends the following after completion of works:

- Planting of No. 6 Sessile Oak, No. 6 Gean and No. 6 Hazel, half standards if available, into prepared ground and within a 1m radius weed free soil pit, secured by tree stakes if necessary.
- Maintenance of planted trees, for 5 years or until established, whichever is longer, by carrying out protection from grazing, loss replacement and weeding to ensure said trees are able to grow to their full potential.

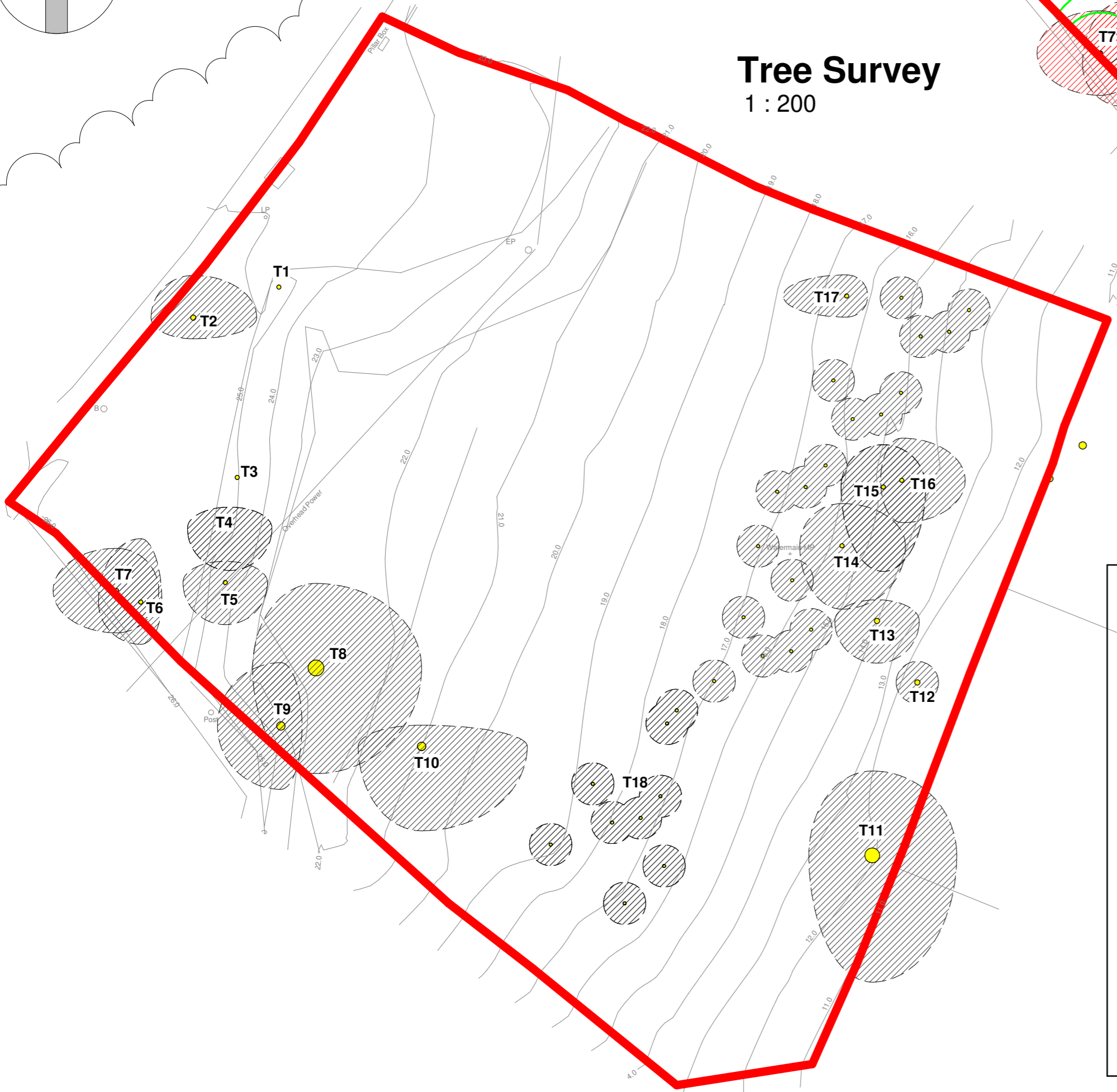


Tree Protection Plan

1 : 200

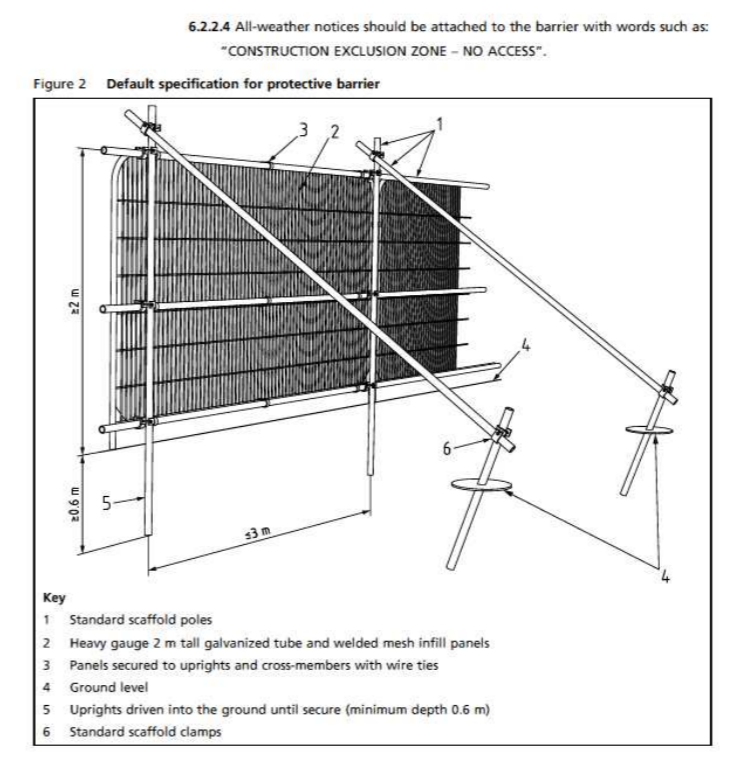
Tree Survey

1 : 200



LEGEND

- Blue dashed line denotes recommended line of protection fencing.
- Green line denotes theoretical root protection area.
- Grey hatched area denotes canopy spread as per data sheet in arboricultural report.
- Red hatched area denotes tree recommended for removal per data sheet in arboricultural report.
- Yellow hatched area denotes tree recommended for monitoring/reassessment per data sheet in arboricultural report.
- Blue hatched area denotes tree recommended for removal once new planting is established per data sheet in arboricultural report.
- Green hatched area denotes recommended new tree planting of sessile oak, gean and hazel per arboricultural report.
- Text denotes tree identification number as surveyed on site.



TREE/ROOT PROTECTION REQUIREMENTS

FOR PLANNING		
No.	Description	Date
A	Drawings updated per request for Information 30.04.24	10.06.24

Richard & Dawn Walker
Erection of Dwelling, Land South of 'Roth-Ach' Cemetery Brae, Avoch

Tree Survey/TPP

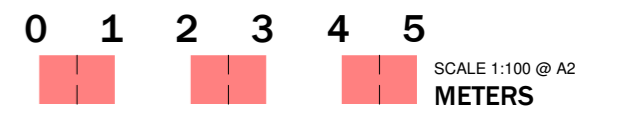
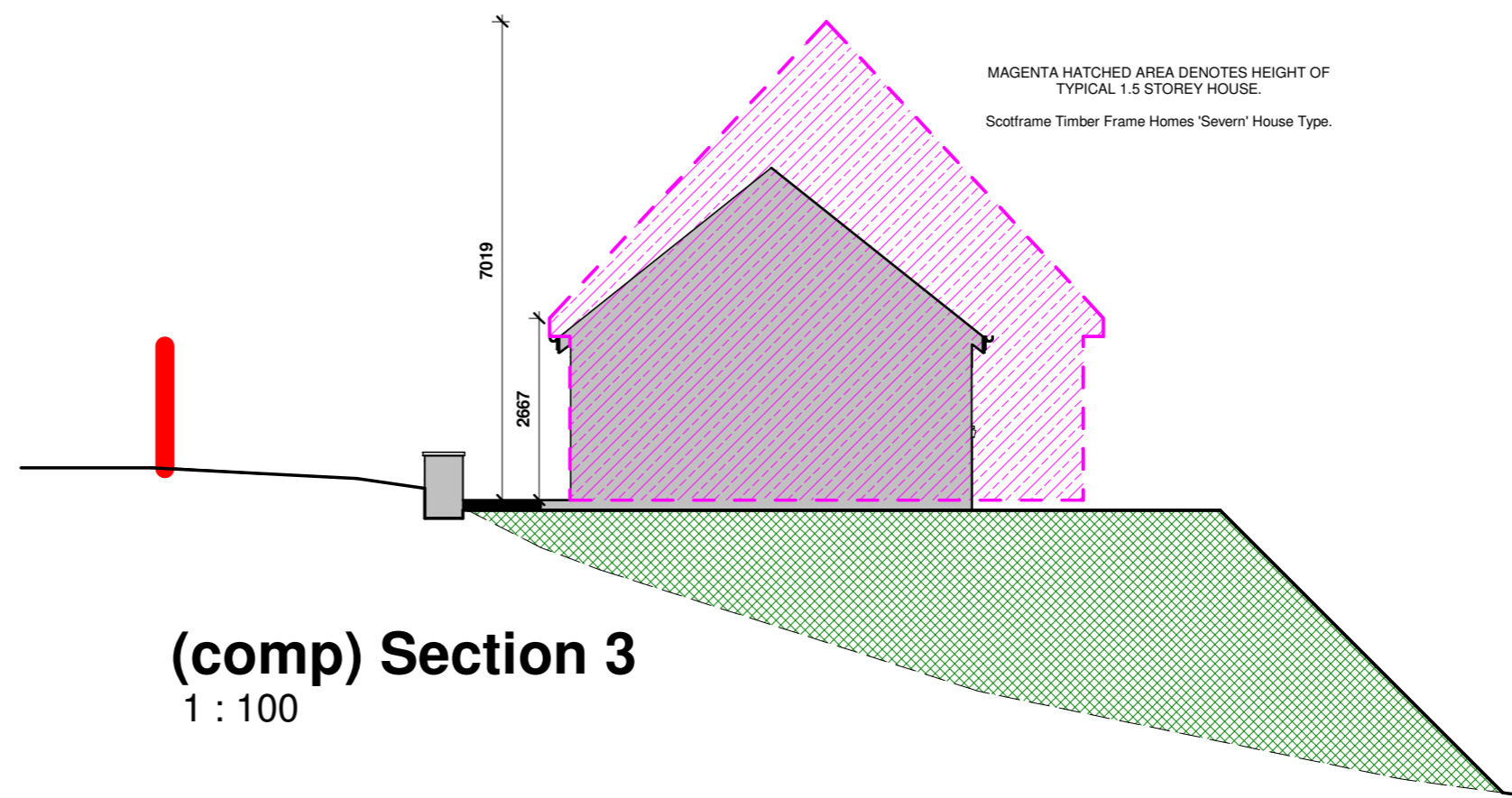
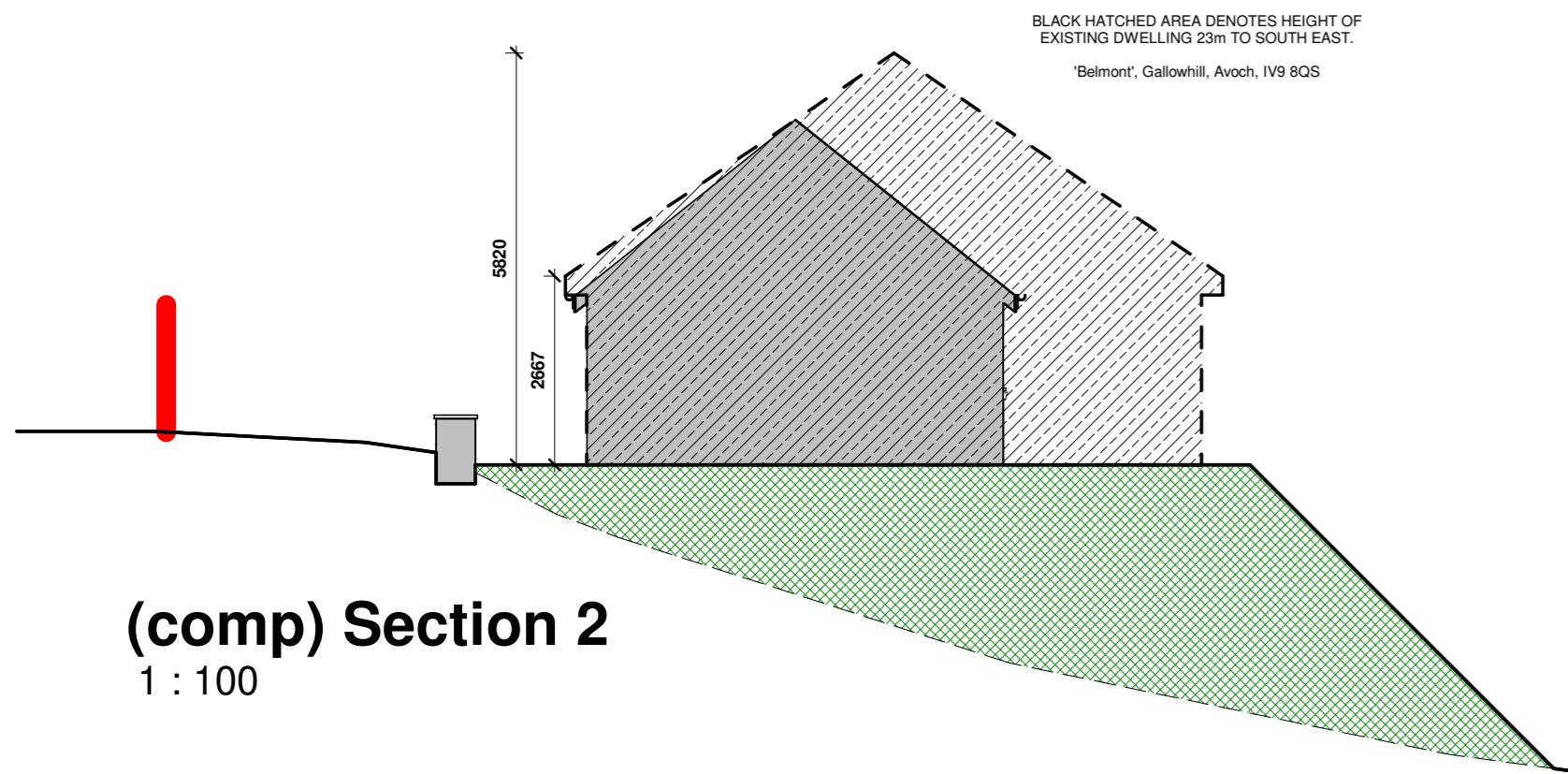
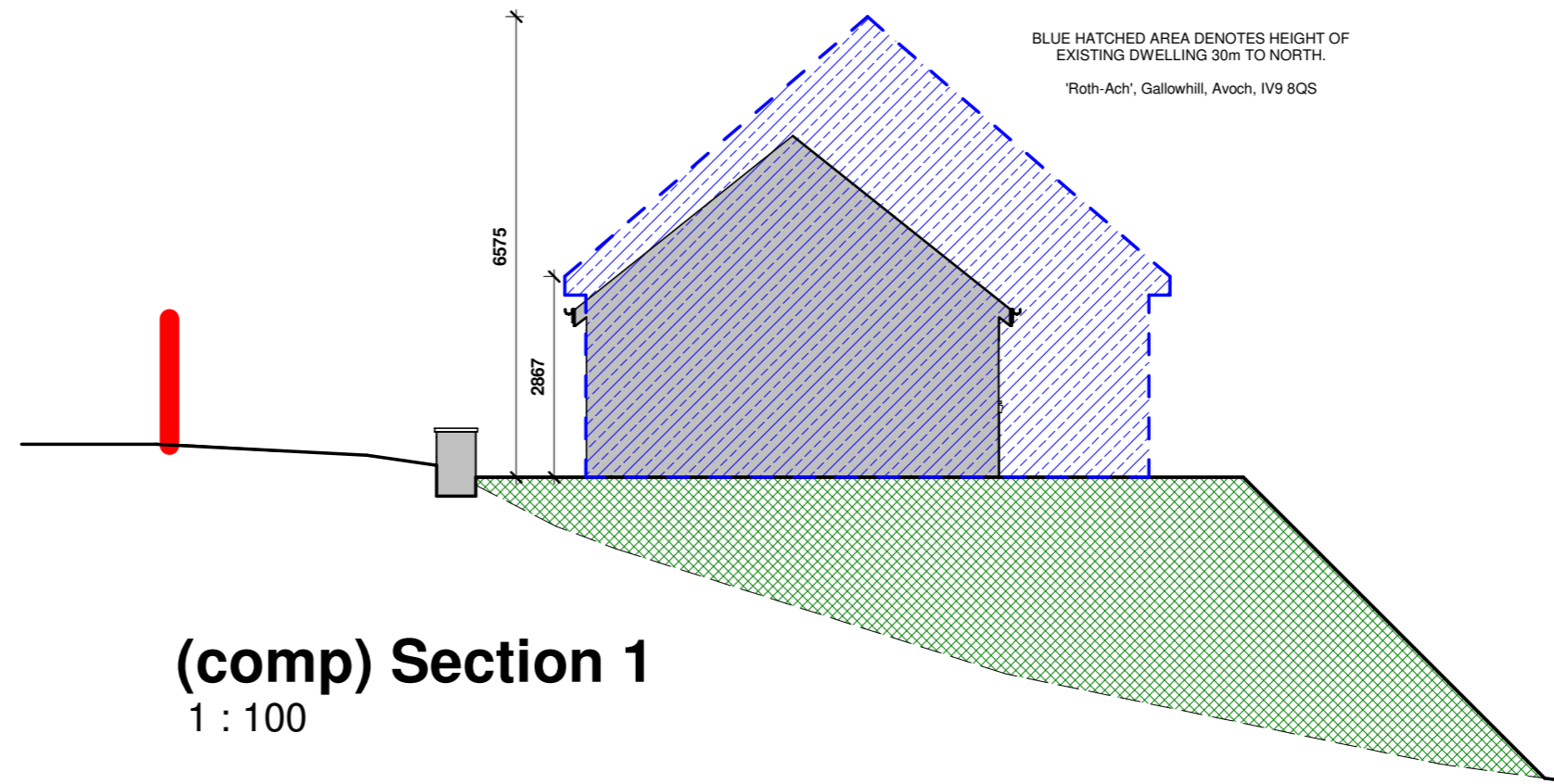
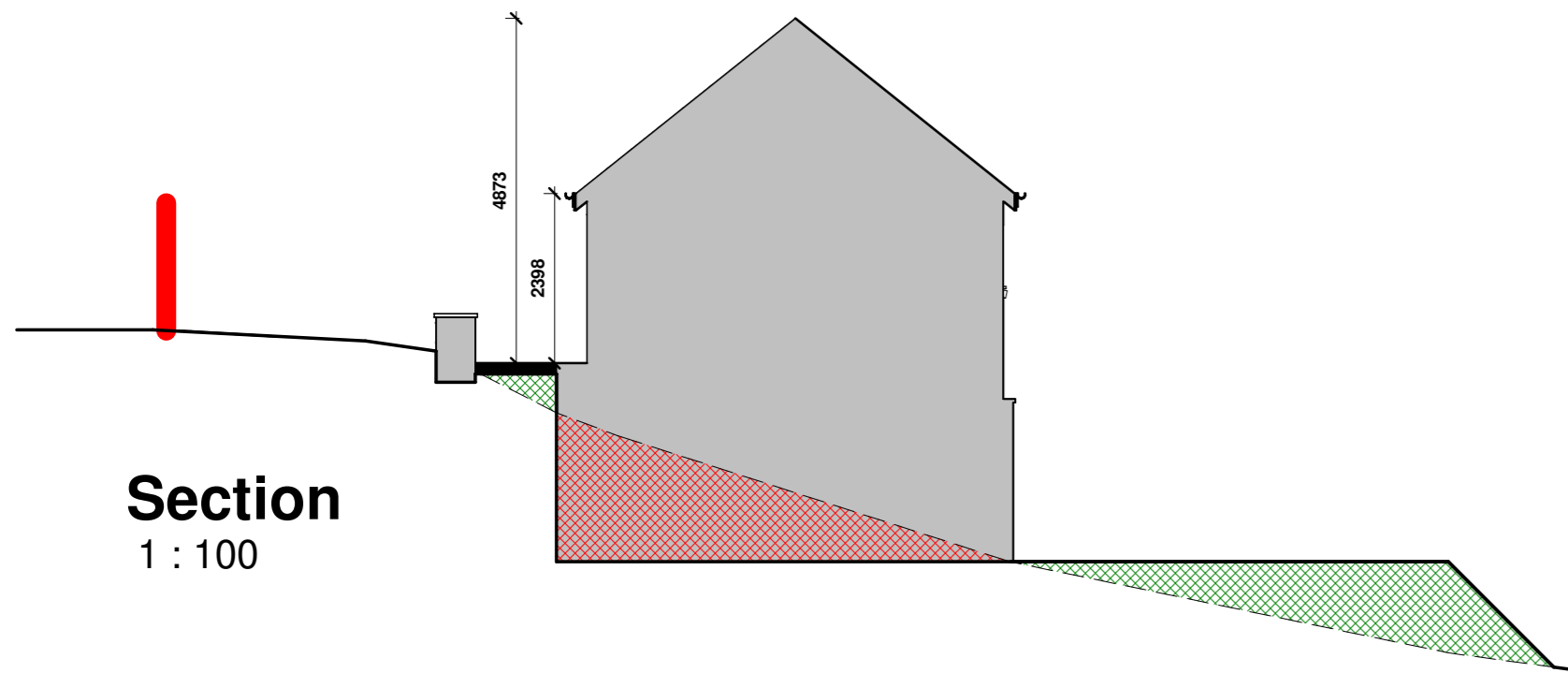
Date 04/12/2023

Drawn by MB

2023 057 - 006

Scale As indicated

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FOR PLANNING

No.	Description	Date
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Richard & Dawn Walker

Erection of Dwelling, Land South of
'Roth-Ach' Cemetery Brae, Avoch

Height Comparison

Date	04/12/2023
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Drawn by	MB
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2023 057 - 007

Scale	1 : 100
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