

Agenda Item	6.3
Report No	PLS/024/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 12 March 2019
Report Title: 18/04298/PIP: Mr Alan Walker
Land 45m SW of Mains of Garten, Boat of Garten
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house
Ward: 20 – Badenoch and Strathspey
Development category: Local Development
Reason referred to Committee: More than 5 objections

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** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for planning permission in principle for the erection of a house.
- 1.2 There is no existing infrastructure on the site with the exception of a shared access.
- 1.3 Pre application advice has been submitted twice in respect of the proposed site. Initially it was advised that it was likely the development of the proposed site would meet the definition of development of an existing building group. Concern was raised about the trees on site. A further Pre Application enquiry was submitted which clarified the trees were not planted by the owner of the site. The advice again, reiterated that it was likely the site could accommodate a house and would meet the basic policy definition of a housing group as required by Policy 1 of the CNPA LDP.
- 1.4 Supporting Information: Detail on previous Approvals, Refusals and Appeal decisions have been submitted alongside Title Deeds
- 1.5 Variations: The site boundary was increased to demonstrate sufficient land to accommodate a private drainage solution.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of land which contains a small number of aspen trees of varying ages. The more mature trees are located on the edges of the proposed site with small self-seeded or more recently planted trees located across the proposed plot. To the north of the site there are 9 lodges (Mountain Lodges) and to the north east there are three residential properties which include Beechgrove Cottage and the Old Farm House. Further north again there are agricultural buildings and, rounding all of this off to the east there are three houses, all of which are relatively recently constructed. All of the units on site are served by a horseshoe shaped access. There is a band of trees to the south of the site which separate the western most side of all development from the public road.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|------------------|
| 3.1 | 24.04.1998 | 97/00252/OUTBS – Erection of house | Approved |
| 3.2 | 28.09.2001 | 01/00065/OUTBS – Erection of house | Refused |
| 3.3 | 03.02.2002 | 01/00276/OUTBS – Erection of house | Refused |
| 3.4 | 21.10.2007 | 06/00234/FULBS – Demolition of steading buildings; erection of self contained dwelling annexe | Withdrawn |
| 3.5 | 29.09.2008 | 07/433/CP (07/00294/FULBS) – Demolition of steading building; erection of self contained dwelling annex (amended proposal) | Approved by CNPA |
| 3.6 | 27.02.2009 | 08/00301/FULBS - Conversion of attic to | Approved |

provide carers self-contained accommodation

3.7	09.06.2017	17/01516/PREAPP – Erection of house	Closed
3.8	23.07.2018	18/01616/PREAPP - Erection of house	Closed

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 25.10.2018

Representation deadline: 27.01.2019 (neighbour re-notification)

Timeous representations: 7 (from separate addresses)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Reference to previous refusals on site and the reasons for refusal being due to the access and surrounding properties
- b) The development of the site would be overdevelopment
- c) The application brings the Mains of Garten 'complex' closer to the public road and acts as a screen between the dwellings and road
- d) The access track is overused and in a poor state at present
- e) Drivers speeding on the public road
- f) A building site would make the access unsafe for children who require to be picked up at the public road
- g) Problems with septic tank and percolation tests failing
- h) Development of the site will encroach on privacy of the chalets, the farm house and Beechgrove Cottage
- i) The development of the site will block views from existing properties
- j) Presence of birds including a number of rare breeding birds, habitats and other ecology on site, wetland area
- k) Trees on site over 30 years old and act as a screen between the Mains of Garten development and public road
- l) Development sited in agricultural land and a registered croft which has not been de-crofted
- m) Landownership disputed

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

5. CONSULTATIONS

5.1 **Flood Risk Management Team:** No objections to the proposals, however advise that any new private drainage arrangements will require the necessary consents

from SEPA.

- 5.2 **Forestry Officer** initially objected to the scheme on the basis that the proposal could result in the loss of the existing trees on site. As a result of information having been submitted to demonstrate that the more mature trees are on the edges of the site and would not require to be felled, the Forestry Officer has stated that it would be possible to develop the site through removal of only the smaller, naturally regenerated trees. On this basis the initial objection has been overcome subject to conditions.
- 5.3 **Transport Planning Team:** No objections raised, the maintenance and upkeep of the private access track is the responsibility of the landowner and other interested parties. No other comments to make.
- 5.4 **Cairngorms National Park Authority:** The application does not raise any planning issues of general significance to the park aims and no call-in is necessary.
- 5.5 **Scottish Water:** There is sufficient capacity in Aviemore Water Treatment Works, however capacity cannot be reserved, the applicant requires to contact Scottish Water directly.

6. DEVELOPMENT PLAN POLICY

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

6.1 **Cairngorms National Park Local Development Plan (2015):**

Policy 1- New Housing Development

Policy 3 - Sustainable Design

Policy 4 - Natural Heritage

Policy 10 - Resources

6.2 **Proposed Cairngorms Local Development Plan (2020):**

No relevant site specific policies.

6.3 **Cairngorms National Park Supplementary Guidance**

Policy 1- New Housing Development

Policy 3 - Sustainable Design

Policy 4 - Natural Heritage

Policy 10 - Resources

6.4 **Highland Council Supplementary Planning Policy Guidance**

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

Developer Contributions (Nov 2018)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

8. PLANNING APPRAISAL

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

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:

- a) Compliance with the development plan and other planning policy
- b) Siting and design
- c) Access and servicing
- d) Residential amenity
- e) Flood risk
- f) Trees and woodland
- g) Ecology and protected species
- h) Site on registered croft
- i) Affordable Housing Contribution

Development plan/other planning policy

- 8.4 The main policy of relevance in assessing the proposal is Policy 1 – New Housing Development within the Cairngorms National Park Local Development Plan. This applies a supportive approach to housing within settlement areas and also allows for the development within existing rural groups.
- 8.5 Proposals for new housing development which add to an existing rural group of three or more buildings, will be considered favourably where they connect to, reinforce and enhance the character of the group, integrating with existing built form, pattern of existing development, and do not add more than one third to the existing number of buildings in the group.
- 8.6 In terms of design, the application requires to be assessed against Policy 3 – Sustainable Design. This outlines that development should be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness while encouraging an appropriate design and use of appropriate sustainable materials which complement the setting of the surrounding area.

- 8.7 Subject to the proposal being appropriately sited and designed, having no adverse impact on the environment, the amenity of neighbouring occupants and/or existing services the proposal could be supported by the Development Plan.

Siting and Design

- 8.8 Representations highlight the relevance of planning history which relates to the previous refusal of permission for housing in this location. However, these were not supported at the time as a result of the policy requirement for no more than 4 houses to be accessed from a single private access. The Development Plan policy and the situation on site has significantly changed since these decisions were made and therefore the current application presents an opportunity to consider a new house proposal under the current Development Plan policies. The Pre Application advice indicated that the development of the site would likely meet the definition of development of an existing group under the provisions of the Adopted CNPA Local Development Plan.
- 8.9 This applies a broadly supportive approach to development where there are existing groups of buildings. The non-statutory guidance which supports Policy 1 defines a building group as a collection of three or more buildings, one of which must be an existing house. It notes that each building group has its own identity and any development must ensure that it fits with the group and adds to the cohesive pattern of built form within its landscape setting. It is also stated that development must not expand its undeveloped fields, particularly where a definable natural boundary exists between the field and the existing group.
- 8.10 The site is well screened from the public road, with a number of trees to its front edge. It is located adjacent to a collection of buildings which includes a traditional farm house to the east, more recent adjoining buildings to the north east, agricultural buildings and 'holiday lodges' to the north.
- 8.11 The footprint is of a modest house located to the northern corner of the site, with the frontage facing the access and roadside trees which are to be retained. The location of the site relates to the chalets behind, and the houses which are located to the east. Furthermore the defined garden/curtilage of the main farm house is located immediately opposite the site and access track, and therefore the site is assessed as being part of the grouping. It is not considered that the site brings the grouping closer to the public road than the curtilage of the Farm House; it is also separated from the public road by a band of trees; it is therefore unlikely that the proposal would appear incongruous in the wider scheme of development which has occurred at Mains of Garten.
- 8.12 The design and materials consistent with the Highland vernacular will be conditioned to secure for the avoidance of doubt. The scale of development for the site will also be restricted to a traditional 1½ storey house; a footprint which is significantly larger than the currently proposed indicative footprint is unlikely to be acceptable. The development should comprise a high quality design, which will be assessed at a further detailed application stage. The development of this site will require to be of a modest unit allowing for an appropriate amount of private garden ground.

- 8.13 The principle of siting a house here is considered to comply with Policy 1 – New Housing Development as it connects to an existing building group which will integrate with the existing built form and pattern of development. It is also considered to comply with Policy 3 – Sustainable Design as it complies with the existing pattern of development.

Access and Servicing

- 8.14 The Transport Planning Team was consulted on the proposals and indicated that it has no comment to make.
- 8.15 Representations have been received regarding the current condition of the private access. This however is a private civil matter. Any issues relating to the upgrade and maintenance of the private track is for agreement between the developer and existing owners and would not preclude supporting this proposal.
- 8.16 Representation also relate to speeding on the public road. The Council has no control over this. The enforcement of traffic speed is a matter for Police Scotland. Comments were also raised regarding children being picked up from the site access and that they would be endangered by a construction site. The site will require to be fenced off for safety purposes as part of the Building Warrant. It is not considered that one property under construction, and the level of traffic which this would generate would be a significant issue if all parties are acting in a safe and responsible manner which again, the Planning Authority has no control over. The proposal is considered to comply with Policy 3 – Sustainable Design in terms of the ability of the development to have an adequate means of access.
- 8.17 With regard to drainage, it was previously accepted with regard to previous appeal decisions that the site could accommodate a mounded soakaway system. The Reporter was of the view that this was sufficient. In more recent times, developers are moving away from such a drainage solution opting for water treatment plants instead. Discharge of foul water will require to be licensed by SEPA. All of the detail on drainage will require to be submitted with a detailed planning application. The amount of land available to the applicant provides comfort that a drainage solution can be accommodated for the house within the application site.
- 8.18 All drainage and water will require to be dealt with within the application site and should not impact on the River Spey SAC. The discharge of water will require to be licensed by SEPA, and additionally, full details submitted to comply with current Building Standards. It is likely that a high quality treatment plant with soakaway (such as Puraflo) will be required on site as technology has progressed since the original submission. A Puraflo system and treatment plant has been indicated on plan, and does not denote any drainage connecting to existing watercourses and therefore should not have an impact on the SAC. In order to ensure that the drainage can be accommodated within the applicant's landownership, the red line boundary of the site was increased. It is therefore considered that there is sufficient land to accommodate a house, and a drainage system.
- 8.19 Detail on the location of parking, turning and bin storage can be conditioned to secure within a subsequent detailed planning application.

Residential Amenity

- 8.20 It is a requirement of Policy 3 – Sustainable Design to ensure that neighbouring amenity is protected which includes minimisation of disturbance caused by access to the development, and that development includes an appropriate means of access, levels of private amenity ground and space for off-street parking. Issues of amenity have been raised within representations.
- 8.21 This includes that the development will have an impact on privacy to the chalets and surrounding properties and that the development will impact on views. With regard to privacy, the indicative footprint shows the rear of the house sitting at an angle to the chalets which are set back, and have no windows facing directly onto or towards the site. Beechgrove Cottage and the Old Farmhouse are set well back from the site, with the entire curtilage being surrounded by an approximately 2m high timber fence. It is therefore not considered that the site will impact on privacy of surrounding properties. Furthermore, the permission can be conditioned to secure further detail on landscaping which will include screening and planting on the boundary which will further ensure the privacy of existing residents and future occupants.
- 8.22 The proposal is considered to comply with the provisions of Policy 3 – Sustainable Design in that it is not considered that the development would have a significant detrimental impact on the amenity which is enjoyed by neighbours of the site.

Flood Risk

- 8.23 The site is identified as having had a historic flood risk, however does not appear on SEPA Flood Maps. With this in mind consideration has to be given to Policy 10 – Resources. This states that all development should be free from significant risk of flooding, not increase the risk of flooding elsewhere, and not add to the area of land that requires flood prevention measures. The Council's Flood Management Team has no objections to the development on flood risk grounds.

Trees and Woodland

- 8.24 Representations have been received regarding the loss of trees on site. It is acknowledged that there are trees which attracted an initial objection from the Forestry Officer. It was evidenced by the applicant that the trees central to the site have naturally regenerated within the last 20 years. The Forestry Officer confirmed that the site can be developed if the mature trees around the edge of the site are retained. This can be controlled by condition and will require further scrutiny at a subsequent matters specified in conditions application stage.
- 8.25 The application is considered to comply with the Highland Council's Trees, Woodlands and Development Supplementary Guidance as it does not involve the removal of any mature trees which would significantly deplete the amenity of the wider area. Further detail on landscaping, planting and tree removal has been requested by the Forestry Officer and will be controlled by condition. As the area of naturally regenerated trees is not protected, the development will not have an impact in terms of the removal of a designated heritage resource and therefore

complies with the principles of Policy 4 – Natural Heritage.

Ecology and Protected Species

- 8.26 The site has been identified in representations as being wetland, home to flora and fauna and protected species. While it is appreciated that there may be birds, bats and other animals passing through the site, there are no natural heritage designations with any qualifying interests on the site which would warrant a level of protection from development, or a consultation of SNH. Furthermore, there is no evidence of this on site.
- 8.27 Development of the site is considered to be acceptable when viewed within its context of a wider countryside location. Accordingly the proposal accords with Policy 4 – Natural Heritage in relation to ecology and species.

Development on Croftland

- 8.28 It is noted from the representations that the site has not been de-crofted and that it is used by sheep. Given the level of cover on the site by small naturally regenerating trees, the use of the site for grazing is considered unlikely, and it would appear that the siting of a house here would avoid the use of better quality land as it is cut-off from the surrounding landholding by existing development and the belt of trees. Furthermore, the Crofting Commission will not de-croft an area of land until such a time as planning permission is granted. With the above in mind, it is not considered that the land being part of a registered croft raises any issue which would warrant refusal of planning permission.

Other material considerations

- 8.29 Landownership – Correspondence received claims landownership in respect of part of the site. The applicant refutes this, and differing landownership maps, and the same title deeds which both parties were party to have been submitted. While this has been taken on board in assessing the proposal, and clarity has been sought from the applicant in this regard, it is a matter of Law to determine a landownership dispute; the Planning Authority have no control over this.

Non-material considerations

- 8.30 Representations suggest that the proposal would impact on views; this is not a material planning consideration. It should also be noted that the predominant views from the chalets is towards the field to the west and the main views from the Old Farm House and Beechgrove cottage are to the south, away from the site.

Developer Contributions

- 8.31 As with all planning applications within the National Park boundary all new housing development requires to make provision for affordable housing. A contribution of £1,250 will therefore be required prior to any decision being issued. The application was submitted in advance of the recently adopted Highland Council Developer Contributions Guidance and no contributions toward education for a single house are therefore required. The site falls within the catchment of Deshar Primary School and Grantown Grammar. At present, neither of the schools is

identified as nearing capacity and no contribution for education would be due. This will be reviewed again in any future planning application should this situation change and a further contribution over Affordable Housing may be due.

Matters to be secured by Section 75 Agreement

8.32 None

9. CONCLUSION

9.1 As outlined above, previous decisions have been made under superseded Development Plans; since then policy, and the situation on site has changed and the proposals now have to be assessed against the current Development Plan Policy and relevant material considerations.

9.2 It is considered that the site does accord with the current Development Plan Policy relating to definition of development of a site which would add to an existing housing group. There are no ecological or protected species which would preclude determination of the application. All technical matters relating to access and drainage can be further considered in a detailed planning application and are addressed by condition.

9.3 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 Y Affordable Housing
Contribution Required.

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.
 - vi. All trees proposed for retention and removal shall be clearly marked on plan

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate;
 - iii. single storey or 1½ storeys in height;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - vi. predominantly rectangular in shape with traditional gable ends not covering an area in excess of the indicative footprint in the approved drawing no. 000001 Rev B.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. Any details pursuant to condition 1 above shall show car parking spaces and turning provided within the curtilage of the dwellinghouse and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:
 - i. Two spaces per 1 to 3 bedrooms.

Reason: In order to ensure that the level of off-street parking is adequate.

4. Any details pursuant to condition 1 above shall include full details of a recycling bin storage area located outwith any visibility splays. The storage area shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To ensure that waste on the site is managed in a sustainable manner and in the interest of visual amenity and road safety.

5. With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

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

6. Any details pursuant to Condition 1 above shall include a Tree Protection Plan to be submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt the plan shall be in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

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

7. Any details pursuant to condition 1 above shall include a detailed Landscape Plan and maintenance programme to be approved by the Planning Authority. The Landscape Plan shall be implemented in full during the first planting season following commencement of development. For the avoidance of doubt this shall include detail on any hard landscaping including fences to be installed on site.

Reason: To ensure a high quality of landscaping which is appropriate to the site in the interest of visual amenity and to ensure that adequate screening is provided between the application site and other development in the interest of residential amenity.

8. Any details pursuant to condition 1 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

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

Previous decisions which have been made on site were under superseded development plans, since then policy, and the situation on site has changed and the proposals can be scrutinised afresh. It is considered that the site would meet with the current policy definition of development of a site which would add to an existing building group. There are no designations on site in terms of ecology or protected species which would warrant refusal of the application. All technical issues can be further addressed in a detailed planning application and are addressed by condition.

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

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

Scottish Water

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

Septic Tanks & Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud & Debris on Road

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

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

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

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your

Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

Protected Species - Contractors' Guidance

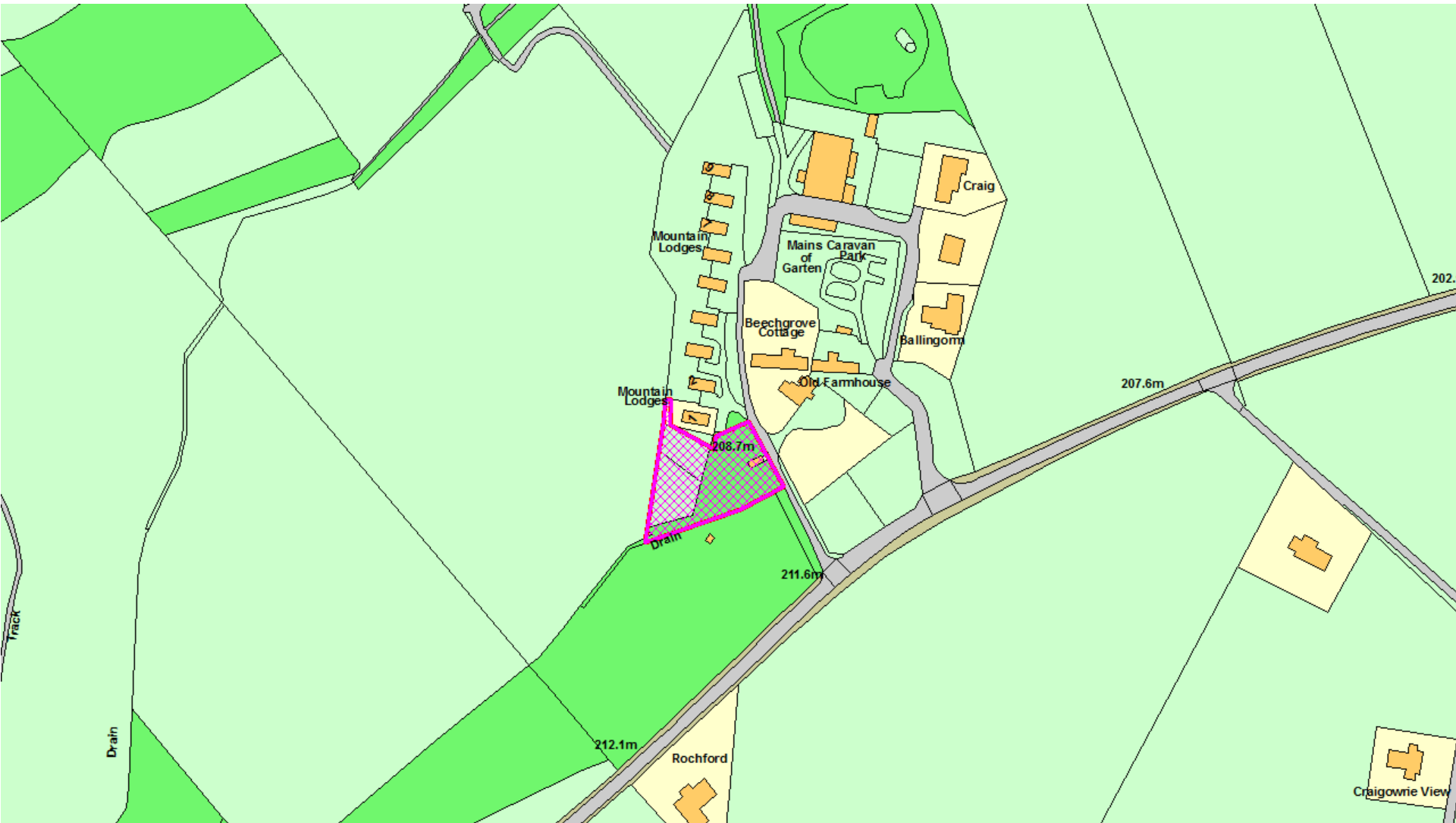
You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

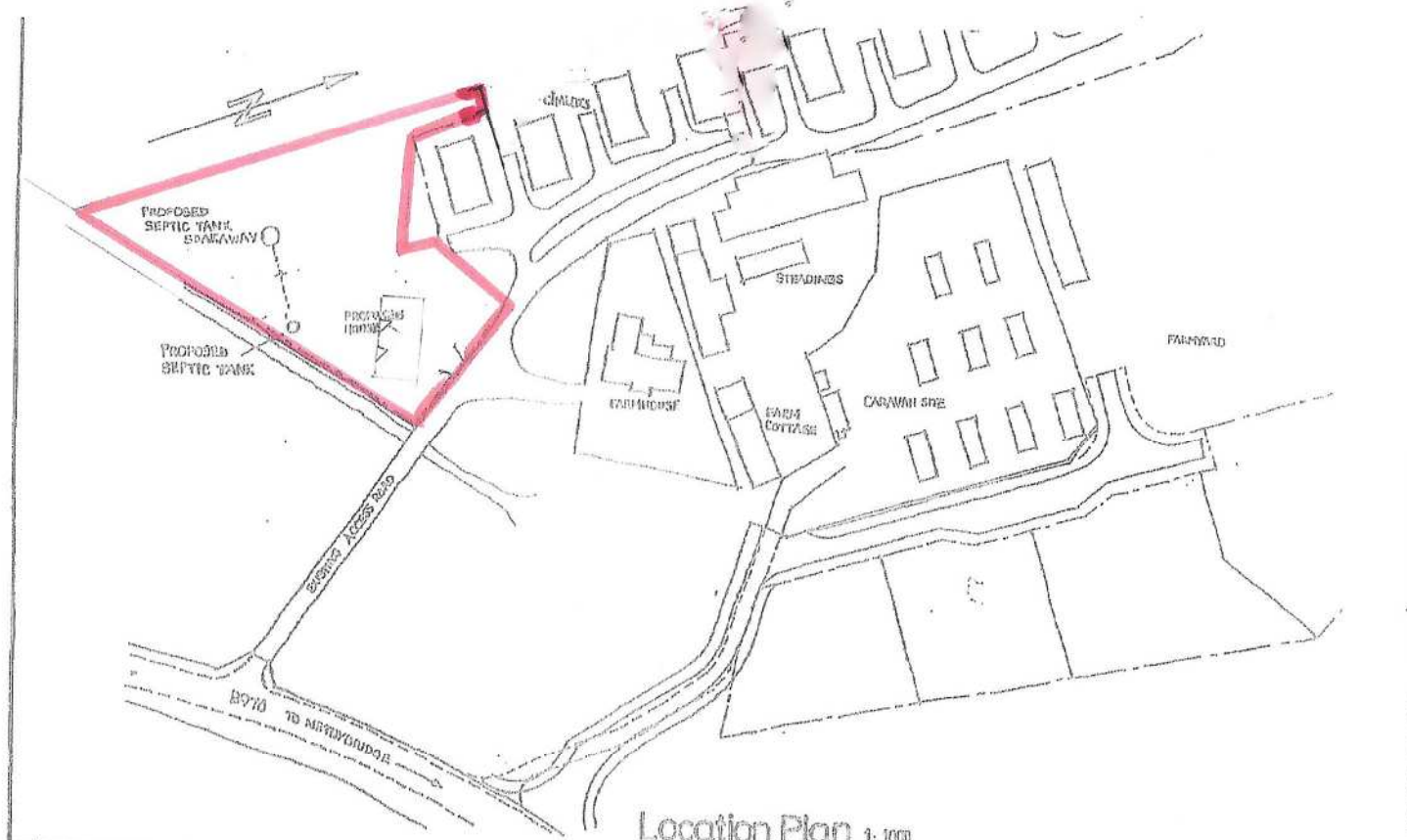
Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 000001 Rev B – Location Plan

18/04298/PIP Location Plan





Location Plan 1:1000

		DATE	SCALE	
			1:500 / 1:1000	
		DRAWN BY	DRG. NO.	