Agenda Item	6.2
Report No	PLS-058-20

### HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

Date: 8 December 2020

**Report Title:** 20/02274/FUL: Mr M Romeling

The Steading, Camas Inas, Acharacle, PH36 4JQ

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

# **Purpose/Executive Summary**

**Description:** Erection of boathouse with self-contained residential unit above

**Ward:** 21 – Fort William and Ardnamurchan

**Development category:** Local

**Reason referred to Committee:** 5 or more representations against

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 This proposal seeks the erection of a boathouse with self-contained residential unit above to provide ancillary accommodation to the main house, The Steading. The proposal has been simplified and reduced in scale and now comprises a detached building with a 5.7m x 18.8m footprint with external stair and balcony. The boathouse is of contemporary design with south facing glazed gable and would be finished with painted render walls at ground floor, stained vertical timber boarding at first floor with a metal standing seam roof. External doors would be finished in grey PVC. An area of hardstanding which broadly accords with the proposed boathouse footprint has been formed.
- 1.2 Connection to the private water supply is proposed and a private foul water drainage system proposed to serve the boathouse with septic tank and soakaway to the east side of the boathouse.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Statement in response to letters received from neighbours,
- 1.5 Variations: Location Plan 000001 Rev A, General Plan Floor Plan/Section 301 and Elevation Plan 302 submitted 20.08.2020, Site Layout Plan 301 Rev D submitted 06.11.2020 including tree constraints/protection proposals.

#### 2. SITE DESCRIPTION

- 2.1 The boathouse is proposed within the extended curtilage of The Steading at Camas Inas, approximately 70m to the south west of the house and located just above the foreshore. Camas Inas is a housing group occupying a small bay below the B8007 between Glenborrodale and Salen. The boathouse would be located approximately 75m from the nearest neighbouring residential property (Suynord) which sits immediately east of The Steading, and it is approximately 100m from Dolphin Cottage which is to the east, and set just above the shore. The site is adjacent to a shingle shoreline at the edge of woodland which adjoins the site to the west. A concrete hardstand has been formed at the site which broadly accords with the footprint and siting of the proposed boathouse.
- 2.2 The Steading is located at the western edge of the existing housing group at Camas Inas. Camas Inas is served by an existing private access 'loop' with two access points onto the B8007 public road. The access track is gated to the east and The Steading is currently served by the western access point onto the B8007 only. The access track steeply rises towards the road junction with the B8007 and adjoins the public road at an acute angle. Visibility is restricted in both directions but particularly to the west (approx. 60m). The track crosses a small wooden bridge adjacent to Suynord and extends westwards to The Steading, which is the last house served off this track.

## 3. PLANNING HISTORY

3.1 None directly relating to this site. Various planning applications for neighbouring properties which largely comprise alterations/extension to existing residential properties.

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 09.07.2020

Representation deadline: 23.07.2020

Timeous representations: 5 (5 households) & 3 further representations from 2 of

these households, following renotification of amended

proposals.

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
  - a) Development contrary to local planning policy
  - b) Negative impact on neighbouring privacy and amenity
  - c) Increased traffic/construction traffic on private access which is narrow, steep and unmade
  - d) Scale of development out of keeping with The Steading and existing residential development in Camas Inas
  - e) Scale of development detrimental to the shoreline/landscape setting
  - f) Potential insufficient private water supply to serve additional demand
  - g) Impact on wildlife and fauna
  - h) Flood risk
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

- 5.1 **Environmental Health:** No response
- Flood Risk Management Team: No objection subject to condition to ensure no development on ground below 4.68mAOD and FFLs to be set no lower than 4.93mAOD. Advise that a boathouse is considered a 'water compatible' proposal acceptable to this location. However, the residential element is considered 'highly vulnerable' and could introduce the occupants to an area of potential medium to high flood risk.

Sufficient information has been provided to demonstrate that the living accommodation will be located within the upper floor and safe access to/egress from the accommodation on the first floor would be available in a severe flood event.

5.3 **Forestry Officer:** No objection. Building proposed on existing concrete plinth which appears relatively recent but built in an area which is unlikely to have had significant

adverse impact on roots of existing trees. Clarification of the trees to be retained/removed, detailed tree protection plans and a tree planting plan will be required and planning conditions recommended to secure/agree these details.

- 5.4 **Marine Science Scotland:** Advise there are several aquaculture sites registered with MSS in Loch Sunart. No direct impacts on these sites identified.
- 5.5 **SEPA:** Initial objection withdrawn. Topographical information demonstrates that dry access to the residential unit can be achieved during a flood event.
- 5.6 **SNH:** No objection. SNH do not foresee any negative impacts to the designated features of the Sunart SAC and SSSI as a result of the proposal.

Recommend the SSSI and SAC boundary is fenced during construction to prevent any inadvertent damage to trees or other species or habitats through physical damage to trees or the ground flora, or through compression of soil causing impact on tree roots. Building materials, spoil, machinery and vehicles should not be stored within the SAC/SSSI boundary.

Otters are a biological feature and qualifying interest of the SSSI and SAC and also European protected species wherever they are found. Their presence should be considered during development and licensing may be required should otters (or signs of) be subsequently encountered during construction.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

## 6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 36 Development in the Wider Countryside
- 49 Coastal Development
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built & Cultural Heritage
- 58 Protected Species
- 61 Landscape
- 64 Flood Risk
- 65 Waste Water Treatment

## 6.2 West Highland and Islands Local Development Plan, 2019

No specific policies apply

### 6.3 Highland Council Supplementary Planning Policy Guidance

Access to single houses and small housing developments Flood Risk and Drainage Impact Assessment (Jan 2013) Highland's Statutorily Protected Species (March 2013) Special Landscape Area Citations (June 2011) Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

#### 7. OTHER MATERIAL POLICY CONSIDERATIONS

## 7.1 Scottish Government Planning Policy and Guidance

**Promoting Rural Development** 

Para. 83 "In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- Encourage sustainable development that will provide employment;
- Support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;
- Include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact..."

### 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, design and amenity
  - c) Natural Heritage and Special Landscape Area Designations
  - d) Trees
  - e) Access and Servicing
  - f) Flood Risk

## Development plan/other planning policy

- 8.4 The proposed boathouse is to provide a boat store with ancillary residential accommodation above to serve the existing residential property, The Steading. The site lies at the south west edge of the existing curtilage, above the Mean High Water Springs mark. A boathouse with ancillary domestic accommodation at this coastal site in principle would comply with development plan policy.
- 8.5 The boathouse is proposed outwith and to the east side of the Sunart Special Area of Conservation, Sunart Site of Special Scientific Interest and designated Ancient Woodland and within the Outer Loch Sunart and Islands Special Landscape Area.

Subject to the proposal having no significant detrimental impact on these natural heritage designations, the proposal would comply with the development plan.

# Siting, Design and Amenity

- 8.6 The boathouse is proposed to the south of The Steadings house above the Mean High Water Springs mark. Given the proposed use of the building with boathouse to the ground floor, the proposed position south of the main residence, adjoining the bay is considered acceptable in principle.
- 8.7 The proposed boathouse would be sited at least 70m from The Steading and other residential properties within Camas Inas. The accommodation above the boathouse is proposed to offer ancillary residential accommodation and boathouse to the main dwelling, The Steading, and for no other commercial or separate residential use (short or long term). The proposals have been assessed on this basis only and as such the proposal raises no substantive concerns regarding loss of neighbouring privacy and amenity.
- 8.8 The initial proposals sought a boathouse with the same footprint but with a larger overhanging first floor area, stepped ridge line, and wide upper floor gable which gave a 'top heavy' appearance. The proposals have been amended to reduce the scale of development at first floor, remove the overhanging element to the east, simplify the design with a single roof line and produce a simpler, rectangular form which is a more acceptable scale and design for an ancillary domestic building. The Steading, Suynord and Dolphin Cottage are single storey dwellings of mixed design and finishes. The boathouse would read as a contemporary building set over two storeys, but well contained at the south western edge of The Steading curtilage. The revised proposal is considered to better respond to the setting and proposed use and is considered to accord with policies 28 and 29 of the Highland wide Local Development Plan. Finishes proposed include painted render/vertical timber clad walls and a metal standing seam roof. It is recommended that final finishes/colours are secured through planning condition to ensure suitable integration into the landscape setting.
- 8.9 The boathouse would be sited at the western edge of Camas Inas bay, set against a rising wooded backdrop and within the curtilage of The Steading. The position set at the edge of the bay, adjacent to the woodland helps to ground the development in the landscape, reducing the visual impact and prominence of development within the bay. The siting of the proposal is considered to accord with development plan policies.
- An area of hardstanding had already been formed in the proposed location of the boathouse, and there are conflicting reports from objectors and the agent regarding the extent and timing of works carried out. The Planning Authority does not condone pre-emptive works or development undertaken without the benefit of planning permission (where planning permission is required), however this matter cannot be treated as a material consideration of the acceptability of this scheme. The current proposals relate to the formation of the boathouse building only. This planning assessment is based solely on the works proposed within this planning application. An informative note is proposed regarding the limits of development proposals considered under this application and the requirement to obtain further planning

permission should engineering/construction works subsequently be proposed to form a slipway. The current proposal is contained entirely above MHWS any future proposed works below this point would also be subject to Marine Scotland Licensing.

## Natural Heritage and Special Landscape Area Designations

- 8.11 The site is located within the Outer Loch Sunart and Islands Special Landscape Area designated for the varied and intricate coastline with settlements along the northern shore, typically situated at the heads of bays where the road bends inland to bridge rivers and burns. This SLA has been identified as sensitive to change where development leads to felling of existing woodland areas, which would affect the pattern of screening and revelation of coastal views along the length of the road and where the addition of further marine installations could change the character of some sections of the coastline or introduce noise and activity which would disrupt the tranquillity.
- 8.12 The provision of an ancillary domestic building within the extended curtilage of The Steading will not require significant woodland felling and will be associated with an existing residential property and domestic activity. The proposed scale of development and siting associated with The Steading within the housing group at Camas Inas, is not considered to have a significant detrimental impact on the Special Landscape Area designation.
- 8.13 The proposed boathouse would be sited outwith the Sunart SAC and SSSI designated sites. SNH have advised they do not foresee any negative impacts to the designated features of the Sunart SAC and SSSI as a result of the proposal. Subject to condition to ensure the boundary of the designated area is fenced off and remains unaffected by construction activity the proposal is considered acceptable in terms of development plan policy.
- 8.14 The proposed boathouse sited at the edge of The Steading curtilage, on an area of hardstanding will not directly affect otter habitat. Given the lochside location, it is possible that otters may be encountered during construction and an informative note is recommended highlighting the developer/contractor's responsibilities under separate legislation should European Protected Species subsequently be found.

### **Trees**

8.15 The Forestry Officer has advised that one tree had been felled on the south-west side of the site and a single tree to the west side is proposed to be removed to facilitate development. Initially a second tree to the eastern side had been proposed to be removed however foul drainage has been rerouted to enable retention of this tree. The Forestry Officer has raised no objection to the proposal but has requested final agreement of tree retention/removals, a tree protection plan and tree planting plan in support of the application to compensate for any tree removals and ensure appropriate retention and protection of adjoining trees. In line with Forestry Officer recommendations, these matters will be secured by planning condition prior to the commencement of development/works.

## **Access and Servicing**

- 8.16 Camas Inas is served by an existing private access 'loop' road which joins the public road at an eastern and western access point. The 'loop' road is currently gated with access to The Steading taken from the western access junction with the public road. The western private access road is steep as it rises to the public road, with restricted geometry and visibility at the junction with the public road. As the proposed use of the boathouse would be for a family annex serving the occupants of The Steading only, the proposed development (following construction) would not generate significant additional use of this access and on this basis would not trigger the requirement for commensurate improvements to the private access or junction/visibility splay improvements where it joins the public road. Use of the boathouse would be restricted by planning condition to ensure infrastructure capacity is not exceeded.
- 8.17 Use, damage and maintenance of private accesses is primarily a civil matter outwith the remit of the Planning Authority: however, it is necessary to demonstrate that the proposed development will not impact public road safety. Given the steepness of the private track, tight geometry and restricted visibility at the junction with the public road, there may be difficulty with large construction vehicles/material deliveries to the site during construction. The applicant has confirmed that construction materials/heavy plant and machinery can be transferred by sea to the site to ensure the public road carriageway is not obstructed by construction vehicles or materials. Concerns have been raised by a neighbouring landowner regarding the proposed route of construction vehicles and materials in respect of rights to use and potential damage to the eastern access track, rights of access along the foreshore and storage of material on land outwith the applicant's ownership. A construction method statement and construction traffic method plan will be sought to consider these arrangements in detail, prior to the commencement of development. In addition, the applicant will need to obtain all other relevant permissions from neighbouring landowners regarding rights of access/use of neighbouring land. The construction method statement and traffic plan will also require materials to be stored in an appropriate place, outwith the SAC/SSSI boundary.
- 8.18 Neighbouring concerns include the sufficiency of the private water supply to serve the proposed boathouse. Given the proposed use, as a family annex for The Steading, it is unlikely that a significant additional demand will be made on the existing private water supply which appears to be taken from Camas Inas burn. To ensure that existing supplies are not compromised and to demonstrate compliance with development plan policy, permission is recommended subject to a suspensive condition to secure further details of the private water supply.

### Flood Risk

8.19 SEPA and the Flood Risk Management Team have been consulted on this proposal. Sufficient information has been provided to demonstrate that the living accommodation will be located within the upper floor and safe access to/egress from the accommodation on the first floor would be available in a severe flood event. Planning permission is recommended subject to a condition for a minimum ground/finished floor level in line with FRMT recommendations.

#### Non-material considerations

8.20 The issue of historical refusals to the south side of the track, precedent for shore side development, pre-emptive formation of hardstanding, restrictions on title deeds to prevent businesses or letting properties, damage to and maintenance costs of the private access track, erection of fencing across a shared meadow, potential future business/commercial letting use, previous tree removals, neighbour disputes, are not material planning considerations.

# Matters to be secured by Section 75 Agreement

8.21 None. No developer contributions identified for this type of development.

### 9. CONCLUSION

- 9.1 The boathouse is proposed to provide a detached family annex to serve the owners of The Steading. It is considered to be a 'water compatible' development appropriate to the coastal site. The revised boathouse proposal has resulted in a design and scale better suited to ancillary domestic use to serve The Steading and is considered acceptable in terms of siting and design. Due to amenity, servicing and infrastructure constraints the boathouse would not be suitable to accommodate separate permanent residential occupation, holiday letting or commercial use. The development as currently proposed is not for this purpose however can be controlled through use of a condition to restrict the use/operation of the boathouse in the interests of neighbouring amenity, and to ensure infrastructure and servicing capacity is not exceeded.
- 9.2 Use of the access and maintenance of the private access track during and following construction is a civil matter outwith the remit of the Planning Authority. A condition requiring fencing to be erected will ensure protection of the adjoining ancient woodland designation, Sunart SAC and SSSI during construction. A Construction Method Statement and Construction Traffic Management Plan will also safeguard public road safety during the construction phase.
- 9.3 Subject to conditions the development will have no adverse impact on adjoining natural heritage designations and would accord with policies 28 and 36 of the Highland wide Local Development Plan.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### 10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

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

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

## Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

### **Conditions and Reasons**

1. No development or work shall commence until a detailed specification for all proposed external materials, finishes and colours (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**: To ensure suitable integration into the landscape setting of the site.

2. No development shall commence until an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

**Reason**: To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

 No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan by sea for construction plant/machinery and materials) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

**Reason:** In the interests of public road safety during the construction phase of development.

- 4. 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. loading and unloading of plant and materials;
  - ii. storage of plant and materials used in constructing the development;and
  - iii. the erection and maintenance of construction compound fencing

For the avoidance of doubt the Construction Method Statement should include details of fencing to be erected along the adjoining Sunart SSSI and SAC boundary and building materials, spoil, machinery and vehicles should not be stored within the SAC/SSSI boundary.

The approved Construction Method Statement shall be adhered to throughout the construction period.

**Reason:** To safeguard the adjoining Sunart SSSI and SAC during construction.

5. With effect from the date of this permission, no trees other than those specifically agreed, 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. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to and approved by the planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity.

7. Prior to any site excavation or groundworks, a Tree Protection Plan is to be submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). The Plan will show how all retained trees are be protected against construction damage using protective barriers located beyond the Root Protection Area or following the edge of existing hardstanding (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are then to be installed and fixed to the ground. The barriers must remain in place throughout the construction period and they

must not be moved or removed without the prior written approval of the Planning Authority.

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

8. Development shall progress in accordance with the topographical details shown on approved plan 301 Rev D. For the avoidance of doubt no development shall take place on ground below 4.68mAOD and the Finished Floor Levels (excluding the external stair) shall be set no lower than 4.93mAOD.

**Reason**: To reduce the risk of flooding to the development during an extreme flood event.

9. The boathouse and residential accommodation hereby approved shall be used solely for purposes incidental to the enjoyment of the dwellinghouse shown as The Steadings on the approved drawings attached hereto, and for no other purpose or use.

For the avoidance of doubt the self-contained residential accommodation shall not be used for separate permanent residential or short term holiday letting use.

**Reason:** In recognition of the use applied for and in the interest of amenity and to ensure that the development does not result in infrastructure capacities being exceeded.

### **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.

## TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

### FOOTNOTE TO APPLICANT

# **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.

- 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.

## **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.

## **Planning Permission**

Please be advised this planning permission relates solely to the construction of the boathouse shown on the approved plans attached hereto. No additional engineering works or the formation/construction of a slipway to the shore have been considered or approved under this consent. Should additional works be proposed in future, these would be subject to due process through an application for further planning permission. Any works below MHWS would also be subject to Marine Science Scotland licensing procedure.

#### 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.

#### 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).

### **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 <a href="mailto:env.health@highland.gov.uk">env.health@highland.gov.uk</a> 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

#### **Shared Access**

If not already obtained, appropriate legal provision should be made regarding the right of use and the future maintenance of the shared access.

Designation: Area Planning Manager – South

Author: Christine Millard

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

Relevant Plans: Plan 1 - 000001 Rev A

Plan 2 - 301 General Plan - Floor Plan and Section

Plan 3 - 302 Elevation

Plan 4 - 301 Rev D Site Layout Plan







