

<b>Reference:</b>	18/05544/FUL	<b>Case Officer:</b>	Laura Stewart	<b>Contact No:</b>	01463 785074
<b>Email:</b>	<a href="mailto:laura.stewart2@highland.gov.uk">laura.stewart2@highland.gov.uk</a>				
<b>Proposal:</b>	Installation of clear water tank and kiosk, ground works and landscaping				
<b>Address:</b>	Land 970M East Of Allt An't Sluic Lodge, Dalwhinnie				
<b>Ward:</b>	20 - Badenoch And Strathspey				
<b>Target Date:</b>	5 February 2019	<b>Extension Sought? Y/N:</b>	No		
<b>Target Met:</b>	TARGET DATE MET	<b>Reason delayed:</b> n/a			
<b>Advertised:</b>	Strathspey and Badenoch Herald - Unknown Neighbour 14 Days	<b>Closing Date for Reps:</b>	27 December 2018		
<b>Reps:</b>	For: 0	Against: 0	Neutral: 0		
<b>Appropriate Assessment</b>	n/a	<b>EIA Development</b>	No		

## PLANNING HISTORY

No recent planning history on site.

## DEVELOPMENT PLAN

CNPA Local Development Plan (2015):

- 3 – Sustainable Design
- 5 – Landscape

Cairngorms National Park Guidance:

- 3 – Sustainable Design, Non-statutory Guidance
- 5 – Landscape, Non-statutory Guidance

Scottish Planning Policy & Other Guidance:

Scottish Planning Policy (The Scottish Government, June 2014)

## CONSULTATIONS

Consultee	Date Replied	Objections Raised
Transport Scotland Generic Email Address	21 December 2018	No

## ASSESSMENT

<b>Material Considerations:</b>	The planning assessment takes account of the following and other matters identified in the main issues section:	
Planning history	Infrastructure/drainage	Representations
Layout	Privacy/Day-lighting	Consultee comments
Design and materials	Noise	Conservation area
Trees and landscaping	Public Safety	Listed building
Car parking, access and servicing	Residential amenity/impact on neighbours	Protected Species

### **Main Issues**

#### **Proposal and Site Description**

The application seeks permission for the installation of a clear water tank and kiosk and associated groundworks and landscaping. The site is located to the west side of the Dalwhinnie to Laggan road north of the village. The site is to utilise an existing access which is located opposite the quarry. The site currently comprises an area of rough scrub sited at a lower elevation than the public road. There is a burn which runs to the south of the site which appeared relatively wet.

#### **Supporting Information**

Construction Pollution Prevention Plan

Drainage Impact Assessment

Ecology Survey

Supporting Statement

#### **Issues Raised by Consultees**

Transport Scotland – The Director does not advise against granting planning permission.

#### **Issues Raised by Third Parties**

None

#### **Description of Variations During Processing of Application**

None



## CONDITIONS AND REASONS RELATIVE TO APPLICATION 18/05544/FUL

1.	No vegetation clearance shall be undertaken on site between 1 <sup>st</sup> March to 31 <sup>st</sup> July inclusive.
Reason:	To avoid any impact on nesting bird species site clearance should be undertaken out with the above dates which is bird nesting season in accordance with mitigation outlined in the supporting ecology survey.

### REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

### TIME LIMITS

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.

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.

#### Mud & Debris on Road

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

#### Construction Hours and Noise-Generating Activities

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

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

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

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

You are advised that work on site must stop immediately, and 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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **SIGNATURES**

Case Officer Name:	Laura Stewart	Date:	31.01.2019
Principal Planner:	Keith Gibson	Date:	31.01.2019

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	18/05544/FUL
Decision Date	31.01.2019
Decision	Grant with Conditions
Decision Type	Delegated

Date signed by AM/TL or Committee date

Do Not Issue Decision	Tick if relevant	Action Required (✓)	Date Actioned
Notification to Scottish Ministers			
Section 75 Obligation/Modification or Discharge of Section 75			
Revocation/Modification of Previous Permission			

Issue Decision		Tick if relevant	Standard Notes, Directions and Other Information to Include				
Tick	Dev/Decision Type	Time Scale*	Initiation Notice	Completion Notice	Display Notice	Review Notes	Appeal Notes
			Only use if FUL/AMSC & Granted				
	National	✓	✓	✓	✓		✓
	Major	✓	✓	✓	✓		✓
	Local – Sch.3 - Committee	✓	✓	✓	✓		✓
	Local – Sch.3 – Delegated	✓	✓	✓	✓	✓	
	Local – Committee	✓	✓	✓			✓
x	Local – Delegated	✓	✓	✓		✓	
	Listed Building Consent	✓					✓
	Advertisement Consent	✓					✓
	Hazardous Substances Consent						✓
	Prior Notification/Approval						✓

\*NB. Standard time limit note/direction not required if application retrospective.

Include with Decision Notice	(✓)
Notification of Initiation Form	x
Notification of Completion Form	x
Roads Schedule	
Contaminated Land Form	
Private Water Supply Form	
Archaeology Notes (Photographic Record)	
Archaeology Notes (Extensive Ph. Record)	
Site Notice (Schedule 3)	
Site Notice (Major)	
Other:	

Notify of Decision	(✓)
Objectors/Contributors	
Community Council	
Transport Scotland	
Scottish Water	
SEPA	
Scottish Natural Heritage	
Health & Safety Executive (HSE)	
Transport Planning	
HQ Enforcement Team	
Monitoring Officer	
Other:	

Total Residential Units (FP3)			
Houses		Sheltered	
Flats		Affordable	

Affordable Housing Data Recording (✓)			
Required		Not Required	
UNIFORM screen: Functions / Case User Defined Screens / Houses and Affordable Housing			