

PLANNING PERMISSION

Reference No: 15/01099/FUL

To:
Mr & Mrs K. Smith
Allt A Mhullin
Ballachulish
Ballachulish
PH49 4JE

Per:
D Kelly Design
Duncan Kelly
Queen Anne House
111 High Street
Fort William
PH33 6DG

Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act

DECISION NOTICE

**Erection of dwelling house
Land 60m South East of Achindarroch Farm Duror Appin**

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following plans/drawings:

Type of Plan	Plan Number	Version No.	Date Plan Received
Ground Floor Plan	DS1	A	07.04.2015
Floor/Elevation Plan	DS2	A	07.04.2015
Location Plan			01.04.2015
Site Layout Plan	DS3		01.04.2015

This permission is granted subject to the following conditions: -

- (1.) **No development shall commence** until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason : *In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.*

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

Reason : *To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.*

- (3.) **No development shall commence** until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

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- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

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

- (4.) **No development or work (including site clearance) shall commence** until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason : *In order to protect the archaeological and historic interest of the site.*

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.

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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.

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 (p.198), 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).

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 & 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

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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.

Variations

1. None.

Section 75 Agreement

1. None.

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886608.

NOTIFICATION TO APPLICANT

1. If the applicant is aggrieved by the decision of the planning authority –
 - a. to refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
 - c. to grant planning permission or any approval, consent or agreement subject to conditions;

the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at <https://eplanning.scotland.gov.uk/WAM/>

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2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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To:
Planning & Development Service
Highland Council
Fulton House
Fort William
PH33 6XY

IMPORTANT: Failure to notify the planning authority of the initiation of development constitutes a breach of planning control.

Notification of Initiation of Development

ERECTION OF DWELLING HOUSE AT LAND 60M SOUTH EAST OF ACHINDARROCH FARM DUROR APPIN

Date of planning permission: 27th August 2015

In accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) you are advised it is intended to initiate the above development on the following date:

(a)	Insert date of initiation.
(b)	Insert full name, email address (if available) and address of the person(s) intending to carry out the development*
(c)	Insert full name and address of the owner(s) of the land to which the development is related if different from (b)
(d)	Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name and contact details of that person.

*In the first instance any correspondence relating to the Notification of Initiation of Development will be addressed to this person.

Signed agent/applicant

Dated

To:
Planning & Development Service
Highland Council
Fulton House
Fort William
PH33 6XY

Notification of Completion of Development

In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

**ERECTION OF DWELLING HOUSE AT
LAND 60M SOUTH EAST OF ACHINDARROCH FARM DUROR APPIN**

Date of planning permission: 27th August 2015

(a)	Insert date of completion of development
(b)	Insert name and address of the person submitting Notification of Completion*

*Any correspondence relating to the Notification of Completion will be addressed to this person.

Signed agent/applicant

Dated

HISTORIC ENVIRONMENT TEAM, DEVELOPMENT & INFRASTRUCTURE SERVICE
SPECIFICATION FOR AN ARCHAEOLOGICAL EVALUATION

**Proposed dwelling house at Land 60M South East Of Achindarroch
Farm, Duror (15/01099/FUL)**

1) Summary

This brief details the work required to fulfil the archaeological condition of this planning consent. It represents the minimum standard of work necessary to meet the needs of this condition and should be supplied to tendering archaeological contractors

This project may impact on valuable features of historic and archaeological importance. In view of the archaeological sensitivity and potential of the site, HET advised that an archaeological evaluation be undertaken in advance of development. The implementation of this brief will meet the concerns raised.

This brief is for an evaluation to determine the archaeological baseline of the application site. If significant deposits are encountered, recommendations for further measures necessary to mitigate the impact of the development should be made.

This brief has been produced for the applicant who will be responsible for the work and all costs incurred, including any tendering and contractual arrangements. This brief must be read with reference to the Highland Council *Standards for Archaeological Work* document that sets out in detail who is responsible for what, as well as the terms of reference, objectives, method, monitoring and reporting arrangements.

The *Standards for Archaeological Work* is available on our webpage at [http://www.highland.gov.uk/downloads/file/1022/standards for archaeological work](http://www.highland.gov.uk/downloads/file/1022/standards%20for%20archaeological%20work).

2) Archaeological Background

A low mound that has been identified as potentially the remains of a prehistoric burial cairn appears to lie partly or mostly within this application area. The feature (MHG56873) was identified during survey by James Kenworthy in 1998 and the survey report can be accessed at <http://her.highland.gov.uk/SingleResult.aspx?uid=EHG129>. Consequently, the feature and the area must be subject to an archaeological evaluation to assess the content, nature and extent of buried archaeological features and deposits.

3) Objectives

- To identify the location, nature and extent of any features or objects of archaeological importance that would be damaged or destroyed by this development.
- To propose arrangements for the safeguarding where possible, and recording where necessary of any archaeological features or finds identified. These will need to be agreed with the Historic Environment Team.

4) Methodology

All fieldwork must be informed by a desk-based assessment undertaken in advance of the start of works.

Slot Trench Evaluation

The mound identified as a putative burial cairn should be investigated by the removal of turf and topsoil across two quadrants and continuing for at least three metres beyond the outer visible edge of the mound. This work will aim to identify the character and importance of the feature and will inform whether further excavation will be required. Trenches will be manually deturfed and excavated.

All identified features will be cleaned, planned, excavated and recorded. The archaeological contractor will maintain close communication with HET in advance of the start of this work. A brief methodology and trench location plan will be outlined in a Project Design to be submitted and approved by HET in advance of works. This will set out a methodology for the required evaluation, recording and any required excavation, post-excavation analysis and reporting.

The evaluation report will make recommendations regarding the need for further excavation work to record any identified features. It is likely that further evaluation and/or a watching brief will be required across the remainder of the site should this feature be confirmed as a prehistoric burial. All recovered artefacts and ecofacts must be subject to a programme of post-excavation analysis and the results incorporated into a final report.

The Historic Environment Practitioner must refer to the minimum standard requirements as laid out in the *HC Standards for Archaeological Work*. This brief itself is not comprehensive or definitive - tendering Historic Environment Practitioners will need to determine for themselves the methodology that will deliver the required product. This should be laid down in a Project Design and agreed with HET in advance of the start of site works. The start of archaeological work will be subject to the submission and approval of this document.

5) Schedule & Monitoring

The Historic Environment Practitioner is responsible for agreeing arrangements for monitoring with HET staff. We will monitor projects as necessary to ensure that minimum standards are met. Prior notice of fieldwork starting dates, with contact names, telephone numbers and arrangements for access must be given to HET in advance of the start of works.

The Historic Environment Practitioner must make a short progress report (by telephone) to HET for every week of fieldwork undertaken. Any unexpectedly significant or complex discoveries, or other unexpected occurrences which might significantly affect the archaeological work and/or the development must be notified by the Historic Environment Practitioner immediately to the applicant and HET. The finds or features must be left in situ until arrangements have been agreed for safeguarding or recording them. In the meantime work may continue on other areas of the site.

6) Products

Following completion of the fieldwork, an archive and report will be produced and disseminated according to the standards set out in the *HC Standards for Archaeological Work*. The report should describe the nature of the field work

undertaken; the conditions and limitations within which the work was carried-out; the results that were obtained and recommendations for mitigation and/or further work, as appropriate. Further work may include additional fieldwork, post-excavation analysis, specialist studies and publication.

All work will be undertaken according to the Code of Conduct, Standards and Guidance of the Chartered Institute for Archaeologists.

The brief has been produced specifically for this scheme based on documents supplied at the time it was issued. It is valid for one year from the date of issue. Where work is not carried out in full within that time, a revised specification may be issued.

This brief has been produced by the Historic Environment Team, to whom any enquiries should be addressed. No one else has authority to vary its terms.

Highland Council Historic Environment Team
www.highland.gov.uk/yourenvironment/conservation/archaeology

Thursday, 9 July 2015