

PLANNING PERMISSION

Reference No: 18/05443/FUL

To:
Mr & Mrs E Campbell
Steall
74 Camaghael
Fort William
PH33 7NF

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

**Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006**

DECISION NOTICE

**Erection of Dwelling House
Land 30M West Of Steall 74 Camaghael Fort William**

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 documents:

Document Type	Document No.	Version No.	Date Received
Elevations	202	A	12.03.2019
General Plan	201	A	12.03.2019
Site Layout Plan	202	A	12.03.2019
Location Plan	000001	A	03.05.2019

CONDITIONS AND REASONS

This permission is granted subject to the following conditions and reasons:

1. The roof of the development shall be finished in natural slate and the external walls of the development shall be finished in white painted, smooth cement render; unless otherwise first agreed in writing by the Planning Authority.

Reason: *To ensure that the development is sensitive to, and compatible with, its context and local architectural styles; in accordance with policies 28, 29 and 34 of the Highland wide Local Development Plan, 2012.*

2. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 31.05.2019), with the junction formed to comply with drawing ref. SDB2.

Dated: 6th August 2019

Susan Macmillan
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Area Planning Manager

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Reason: *To ensure an adequate level of access is timeously provided for the development, in the interests of road safety and amenity; in accordance with policy 28 and 56 of the Highland wide Local Development Plan, 2012.*

3. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no new windows or other openings shall be installed at the first floor in the east facing elevations of the development hereby approved, without planning permission being granted on application to the Planning Authority.

Reason: *In order to safeguard the privacy and amenity of occupants of the adjacent properties; in accordance with policy 28 of the Highland wide Local Development Plan, 2012.*

Variations

During the processing of the application the following variations were made to the proposal:

- Revised site layout plan showing increase in spacing between proposed house and Steall and surface water drainage proposals.
- Revised floor plans and elevations showing first floor window removed on east facing gable.

Section 75 Obligation

None.

IMPORTANT INFORMATIVES

Please read the following informatives and, where necessary, act upon the requirements specified:

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 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.

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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.

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.

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.

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

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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.

Radon Protection

Please be advised that the development falls within an area where there is a requirement for basic radon protection. Basic Radon Protection measures will be required to be incorporated in the building design as per the guidance in publication BRE-211 Radon-Guidance on protective measures for new buildings (including supplementary advice for extensions, conversions and refurbishment projects) 2015 edition, or equivalent protection.

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

Shared Access Track

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

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**.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Dated: 6th August 2019

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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.

RIGHT OF APPEAL, REVIEW ETC.

1. If the applicant is aggrieved by the decision to refuse permission for, or approval required by a condition in respect of the proposed local development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. Notices of Review can be submitted by an email to review.body@highland.gov.uk or addressed to:

**Highland Council Review Body
eProcessing Centre
Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX**

Please quote the relevant application reference number with any submission.

2. If permission to develop land is refused or granted subject to conditions 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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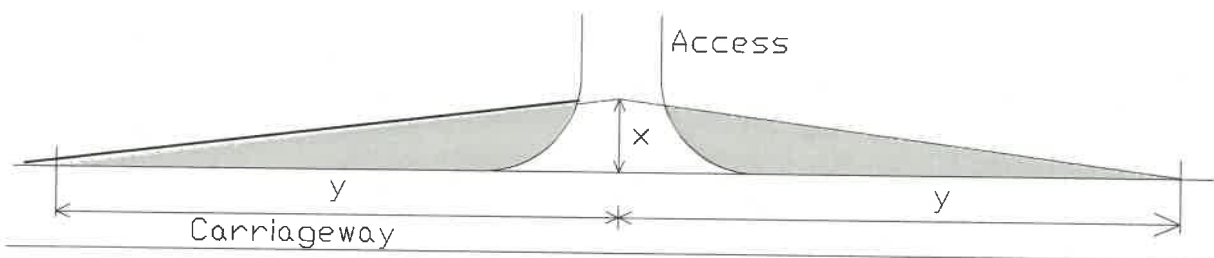
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Area Planning Manager

Access Schedule
Pàipear-Taice

Planning Application Ref.	18/05443/FUL
Proposed Development	Erection of dwellinghouse at land 30m West of Steall, 74 Camaghael, Fort William
Schedule Date	31.05.19

The access for this development shall comply with the requirements of The Highland Council's 'Access to Single Houses and Small Housing Developments' guidelines, the relevant planning conditions and this schedule.

1. The junction shall be formed in accordance with drawing ref. SDB2.
2. The cohesive finishing material shall extend for a distance of at least 6m back from the nearside edge of the public road.
3. Visibility splays of 2.4m x 90m shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by X metres along the centreline of the access road and Y metres in each direction along the nearside edge of the main road from the intersection of the access road with the main road.



Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.05 metres positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Note: The applicant must demonstrate control of the land needed to provide and maintain the visibility splays. Where control is not demonstrated, a Section 75 Planning Obligation or Deed of Servitude may be required.

4. The gradient of the access shall not exceed 1 in 20 for the first 5 metres, measured from the nearside edge of the public road and thereafter should not exceed 1 in 10.
5. Any roadside drainage ditch shall be culverted under and adjacent to the access. The culvert shall have sufficient capacity to accommodate anticipated flows and shall be no less

than 300 mm diameter. Suitable masonry or concrete headwalls shall be provided at each end of the culvert.

6. No surface water from the site shall shed onto the public road and the applicant shall be responsible for the provision and maintenance of any measures necessary to prevent surface water from the public road entering the site.
7. Facilities for the storage and collection of wheelie bins shall be provided in accordance with The Highland Council's Supplementary Planning Guidance 'Managing Waste in New Developments'. A suitable collection point of at least 2m x 1m shall be provided within 10 metres of the public road edge, but outwith the required visibility splays.

Note: All access works must be completed prior to any other part of the development commencing. This is to ensure that safe access is available during the construction phase, as well as afterwards, and the free-flow of traffic on the public road is not adversely effected.

Other Statutory Requirements

Riatanasan Achdail Eile

In addition to planning permission, prior to starting any access works within the public road boundary, you will require separate written permission from the Roads Authority (The Council's Community Services). This is a legal requirement.

Permission will also be required for the installation of, or connection to, any utility apparatus within the public road boundary and any occupation of the public road by building materials, equipment or plant.

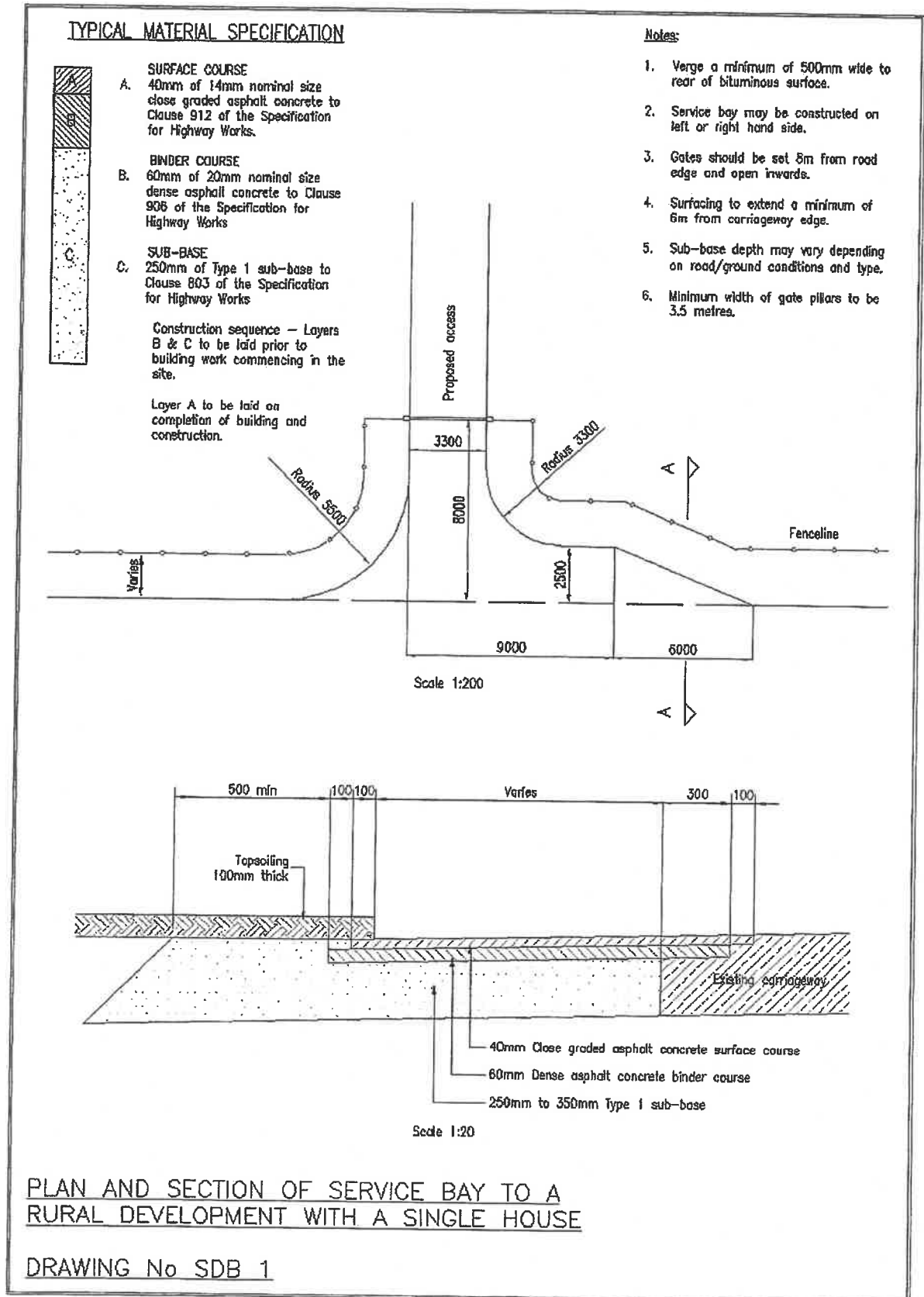
No connections should be made to any public road drainage system without the formal written permission of either Community Services (Roads) or Scottish Water, as appropriate.

Application forms and guidance on the above requirements can be obtained from your local Community Services (Roads) office or from the Council's website using the following link:

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

Note: All works must be completed to the satisfaction of both the Planning Authority and the Roads Authority, and in accordance with all relevant consents. To ensure compliance, one or more inspections may be carried out by Council officials during and/or after completion of the development.

Appendix 1: Access Drawing SDB1



Appendix 2: Access Drawing SDB2

