

## PLANNING PERMISSION

Reference No: 20/00817/FUL

To:  
Mr Michael Johnson  
19 Holding  
Woodside  
Blairgowrie  
PH13 9LP

Per:  
IMAC Architecture  
Per Ian MacGregor  
5 Hawthorn Place  
Blairgowrie  
PH10 6UP

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

## DECISION NOTICE

### **Erection of house Land 20M NE of Old Schoolhouse Arinacrinachd Arrina Strathcarron**

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:

<b>Document Type</b>	<b>Document No.</b>	<b>Version No.</b>	<b>Date Received</b>
Location Plan	044-EX-100A		20.02.2020
Site Layout Plan	044-GA-101C		20.02.2020
Floor Plan	044-GA-300		20.02.2020
Section Plan	044-GA-400A		20.02.2020
Elevations	044-GA-500A		20.02.2020
Roof plan	044-GA-700		20.02.2020

### **CONDITIONS AND REASONS**

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

1. The existing "half house" on the site shall be maintained, and shall not be demolished, altered or extended without the prior written approval of the Planning Authority.

Reason: In the interests of amenity, and to protect this property of historic interest.

2. No development or work (including site clearance) shall commence until a photographic record has been made of the existing "half house" and/or other features affected by the development/work, in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

Reason: In order to assist the Council with maintaining an accurate and current record of the historic environment.

**Dated: 4th May 2020**

*Julie Ferguson*

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**for Area Planning Manager**

3. Prior to the commencement of development, details of how the development shall be set down into the site, with a minimum of under-building, shall be submitted for the written approval of the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In the interests of amenity.

4. At all times the existing access to the adjoining property "The Old Schoolhouse" and the public road through the village of Arrina shall be maintained unimpeded, both during construction works and in perpetuity.

Reason: In order to safeguard public access both during and after the construction phase of the development.

5. 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.

6. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 04.05.2020), with:

- i. the junction formed to comply with drawing ref. SDB1; and
- ii. visibility splays of 2.4m x 60m to the south and 2.4m x 41m to the north (the X dimension and Y dimension respectively) formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

7. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan ref. 044-GA-101C shall be completed in full and made available for use. Thereafter, all car parking and turning spaces shall be maintained as such in perpetuity.

**Dated: 4th May 2020**

*Julie Ferguson*  
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**for Area Planning Manager**

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the public road.

8. The external flues shall be of a non-reflective finish, coloured dark grey.

Reason: In the interests of amenity.

**Variations**

None.

**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.

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.

**Dated: 4th May 2020**

*Julie Ferguson*  
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**for Area Planning Manager**

**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).

**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](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.

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**for Area Planning Manager**

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) .

**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](mailto: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.

**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.

**Dated: 4th May 2020**

*Julie Ferguson*  
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**for Area Planning Manager**

**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](mailto: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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