

Agenda Item	7.3
Report No	PLS-045-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 15 June 2021
Report Title: 20/04105/FUL: Mrs Nina Murray-Kiestra
Awelfryn, Viewhill, Inverness IV2 5EA
Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Change of use of land and erection of agricultural building
Ward: 19 – Inverness South
Development category: Local

Reason referred to Committee: Area Planning Manager Discretion

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** the application, subject to notification to Scottish Ministers, as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought to change the use of an existing area of garden ground forming part of the rear curtilage of the house 'Awelfryn', a registered smallholding, to agricultural land to facilitate the construction of an agricultural building to serve the smallholding.
- 1.2 The agricultural building would be used as an animal shelter and for the storage of hay, tools and equipment associated with the management of the land. The building is shown as being 12 metres in length, 3.6 metres wide and with an additional overhang of 900mm. The proposed height is approximately 1.9 metres to eaves and 3 metres to the apex. Proposed external finishes would consist of timber cladding for the walls and a corrugated sheet roof coloured green.
- 1.3 The site is located immediately to the northeast boundary of the relatively recent residential development at Viewhill Meadows, Culloden and would be accessed via the existing house curtilage. The site lies wholly within the Culloden Muir Conservation Area and the designated Inventory Battlefield.
- 1.4 Pre-Application Consultation: Not applicable.
- 1.5 Supporting Information: Not applicable.
- 1.6 Variations: A revised floor and elevation plan has been submitted to accurately illustrate the proposed agricultural building. This has resulted in a minor increase in height of the building from 2.75 metres to 3 metres.

2. SITE DESCRIPTION

- 2.1 The site forms part of a predominately rectangular shaped smallholding with the dwelling Awelfryn consisting of an 'L' – shaped bungalow set back approximately 22 metres from the private access road serving the dwellings at Viewhill, and with three separate agricultural land parcels located to the rear. The surrounding land to the northeast, east and south is in agricultural use.

3. PLANNING HISTORY

- 3.1 19 March 2017 07/00132/FULIN: Section 42 variation to delete condition 1 of 94/1032 as a single planning unit Planning Permission Granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Conservation Area
Date Advertised: 06.11.2020
Representation deadline: 27.11.2020
Timeous representations: None
Late representations: None

5. CONSULTATIONS

- 5.1 **Historic Environment Team (Archaeology):** No objection subject to a condition requiring an archaeological survey to be carried out, prior to any development.
- 5.2 **Historic Environment Team (Conservation):** No objection. Recommend that the external cladding for the building should be finished in a dark, recessive colour to ensure it remains as unobtrusive as possible in the longer term.
- 5.3 **Historic Environment Scotland:** No objection. Given that the proposed development would involve no excavations for foundations any impacts should be restricted to artefacts at, or very close to, the ground surface. HES is satisfied that such impacts can be satisfactorily mitigated by a programme of archaeological work as suggested by the Council's Historic Environment Team (Archaeology).
- 5.4 **National Trust for Scotland:** Object on the basis of the impact of the proposed development on a protected area and the potential for development to creep, and the precedent that such a development could set.
- 5.5 **Scottish Government (notification):** If the Planning Authority is minded to grant planning permission for this development, Scottish Ministers must be notified and will have 28 days to consider whether to call the application in for determination.

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 and Place-making
36 – Development in the Wider Countryside
57 – Natural, Built and Cultural Heritage
61 – Landscape

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply.

6.5 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy (Jan 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)
Historic Environment Policy for Scotland (May 2019)

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.

8.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority pays special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Determining Issues

8.3 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

8.4 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) the siting, layout and design of the development
- c) impact on historic environment
- d) any other material considerations

Development plan/other planning policy

8.5 The site lies within the hinterland surrounding Inverness and planning permission is essentially sought to erect an agricultural storage building on an area of ground that would change from garden ground to agricultural land.

8.6 The Highland-wide Local Development Plan recognises that agriculture is a core component of life in the Highlands and in principle the development complies with the Development Plan. However, there are a number of other key policy considerations against which the development must be assessed, including the siting, layout and design of the proposal and the impact of development on natural landscape and cultural heritage features and assets.

8.7 All development proposals need to be assessed against the importance and type of heritage features, form and scale of development and impact on the feature or setting. Subject to the development having no significant detrimental impact on the aforementioned considerations, the development would comply with the Development Plan.

Siting, layout, and design

- 8.8 The building is proposed to be located approximately 17 metres to the south of the existing house and adjacent to the southwest boundary of the smallholding. It is separated from the adjacent new housing at Viewhill Meadows by an informal path and would be approximately 20 metres behind the rear plot boundaries of these properties. This would result in the building being absorbed well into the existing landscape, with the new development at Viewhill Meadows remaining the clearly dominant development.
- 8.9 As originally submitted the proposed building had been drawn in a somewhat rudimentary manner. Minor discrepancies in the original plan resulted in a lack of confidence in exactly what was being proposed and crucially, if it would be considered acceptable. Consequently, the applicant was issued with a Regulation 24 letter requiring an accurate and representative plan to be submitted that would clearly show the intended design of the building and the materials to be used. The applicant duly arranged for a professionally drawn plan to be submitted. The proposed building is now well designed and typically agricultural in appearance. It is relatively low in height at 3 metres and has a familiar rectangular footprint. The external materials proposed, consisting of a metal profiled roof and walls of timber construction, are typical of an agricultural building. The siting, layout, and design is considered appropriate for the site.

Impact on historic environment (Inventory Battlefield and Conservation Area)

- 8.10 Scottish Planning Policy (SPP) asserts that the historic environment is a key cultural and economic asset and that the planning system should promote the care and protection of historic assets and their contribution to sense of place. It should also seek to enable positive change in the historic environment, informed by a clear understanding of the importance of those assets. Change in the historic environment should be sensitively managed to minimise or avoid adverse impacts.
- 8.11 The site is located within Culloden Battlefield which was added to Historic Environment Scotland's (HES) Inventory of Historic Battlefields on 21 March 2011. The Inventory is a list of nationally important battlefields in Scotland. SPP requires planning authorities to "protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields."
- 8.12 HES has updated its policy statement on decision-making that affects the historic environment through the recent publication of the Historic Environment Policy for Scotland (HEPS). It is non-statutory but nevertheless is a material consideration in the determination of this planning application and sits alongside the Scottish Government's SPP document.
- 8.13 There are six specific policies in HEPS. Of particular relevance to the determination of this application is the need to ensure that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and the cultural significance of the heritage asset; decisions should ensure the asset's understanding and enjoyment as well as securing its benefits for present and future generations; the need to effectively manage change in the historic environment; and

decisions affecting the historic environment should contribute to the sustainable development of communities and places.

- 8.14 HEPS is supported by specific guidance notes including 'Managing Change in the Historic Environment: Historic Battlefields'. This guidance note states that planning authorities have an important role in protecting historic battlefields and that local development plans should set out policies and criteria applying to the protection, conservation and management of Inventory battlefields.
- 8.15 In assessing proposals, the guidance note advocates the importance of identifying less tangible values, such as the contribution that a battlefield can make to a sense of place, or cultural identity, noting that these issues can be appreciated at local, national and even international level. Where development can be supported, it should be located and designed to conserve and enhance the key landscape characteristics of the battlefield.
- 8.16 The guidance note further advises that development on a battlefield can impact on the physical remains of the battle or its landscape and that the development management process should identify and assess these impacts, mitigating them where possible. Crucially, the guidance note states that the inclusion of a battlefield in the Inventory is not intended to simply be a barrier to development. It is intended to add protection to an area where particular consideration must be given to the impacts arising from development on a site and that this should focus on the special qualities and landscape characteristics of the battlefield. In determining proposals, planning authorities will have to carefully consider whether the development would significantly detract from the importance of the site.
- 8.17 Following an initial consultation, HES advised that:

"The Battle of Culloden is significant as the last pitched battle fought on the British mainland and was the last battle of the Jacobite Rising that commenced in 1745 and was led by Charles Edward Stuart (Bonnie Prince Charlie). The battle was a bloody defeat for the Jacobites and is one of the most important battles in the history of the British Isles. Its aftermath transformed the Highlands, bringing an end to a traditional way of life and contributing to subsequent clearances. The battle holds a prominent place within Scottish culture, frequently commemorated in art, music, literature and film. The battlefield includes one of the most visited tourist sites in the Highlands and holds a particular emotional connection for many within Scotland and with Scottish connections. Culloden was included on the Inventory of Historic Battlefield maintained by Historic Environment Scotland in 2011.

The battle was fought on partially open moorland on the crest of a broad sandstone ridge which runs east to west between Nairn and Inverness. The ridge is defined on the south by the valley of the River Nairn and by the slope down to the coastal plain along the Moray Firth to the north.

Contemporary records indicate that the Jacobite lines initially anchored their left and right flanks on stone enclosures (Culloden Parks to the north and Culwhiniac to the south) to block the Government army's approach across the Muir and towards Inverness. The Government lines arranged across the moor to the east at a slight angle to the Jacobite lines, with the Jacobite right and Government left positioned closer together than their centre and other flanks. Following some artillery fire, the

Jacobites charged the Government lines but the moor on this northern part of the battlefield was wetter ground than to the south and the Jacobite left flank was unable to close with the Government. This contrasts with the situation on the Jacobite right / Government left where fierce hand-to-hand fighting took place; an area now within the NTS property. After some initial successes on the southern flank, the Jacobite right wing's advance collapsed, eventually followed by the rest of the army. A staggered retreat westwards followed, with many Jacobites fleeing in all directions. The battle was followed by massacres of fleeing, injured and captured Jacobites. Whilst many of the dead were buried in mass graves, it is widely believed that others were buried where they fell.

Although the exact position of the Government right flank is unknown the available evidence suggests it was initially positioned on the moor to the south of and below Viewhill. The subsequent extension of the Government line to the right during the course of the battle would have brought the line closer to the Viewhill area but it is likely that Viewhill would have remained peripheral to and behind both the Government line and the focus of conflict. After the Jacobite line broke most fled the field and attempted to get to Inverness, others may have taken whatever route was available out of the moor. Some of the fleeing troops were cut down as they fled and whilst most seem to have been buried in mass burials some writers have suggested that some may have been buried where they fell. Whilst there is currently nothing to suggest activity related to the battle and its aftermath in the development area, there is a slight possibility of artefacts or sensitive archaeological remains being present.

The proposed development site comprises paddock ground to the rear of a dwellinghouse at Viewhill, and it is located at the northern margins of the designated Inventory Battlefield of Culloden adjacent to a recently constructed housing development; to the north, west and south-west of the development site lies existing housing, and to the east and south lies open fields.

Indirect Impacts

The proposed shed will likely be visible from the area where the Government right initially formed up and its subsequent extension. However, it will have existing housing as its backdrop, and given the size of the shed (12m wide by 3.6m deep by 2.75m high) it is unlikely to have an impact on the character of the battlefield or on any key views across it, including prominent views across the battlefield from the Jacobite left looking towards the Government right. As such, it will not have an impact on the way that the battlefield landscape is appreciated and understood.

Direct Impacts

Given its location, there is a slight possibility that the development site might contain archaeological finds or sensitive buried deposits associated with the battle. Whilst this is an area that was peripheral to and behind the focus of the conflict as currently understood, it is possible that the area may contain chance losses associated with the formation of Government troops before the battle or more sensitive remains. As such, a precautionary approach needs to be adopted.

No details have been provided about the likely extent of groundworks required in order to form the foundation for the proposed structure and no archaeological work has been provided in support of the planning application. As such, it is not possible to ascertain the presence or otherwise of artefacts or remains associated with the battle, and thus there is insufficient information to enable either us or your Council to

determine whether or not the proposed development would have an impact on these deposits.

Mitigation

The application has not adequately assessed the potential of the proposed development area to contain artefacts or remains associated with the battle.

Consequently, we advise that details of the foundations for the proposed structure are provided. Once this information has been provided, if appropriate, a suitable programme of archaeological works should be agreed to determine a suitable method for assessing any remains that might be affected and recovering any related artefacts. Without wishing to prejudge the outcome of further discussions once the potential impacts are fully understood it seems likely that we would recommend metal detecting survey of the development area and its environs at a sufficient scale to ascertain the presence or otherwise of battlefield artefacts or remains. Whilst the broader scope and terms of work required to investigate this potential should be agreed with the Highland Council Historic Environment Team, who act as advisors to the local planning authority in this regard, we would recommend that this survey is undertaken in transects 3m apart or less, in order to ensure full coverage of the ground during sweeps, rather than a standard 5m transect that is typically used for prospective survey. Depending on the outcomes of the survey, it may be that archaeological evaluation or mitigation through redesign of the foundations is required.

Our Position

The Battle of Culloden was a significant event in Scotland's national story. Whilst the visual impacts of the proposed shed are negligible and do not raise issues of national significance, the application has not adequately assessed the potential of the proposed development area to impact upon artefacts or remains associated with the battle.

Given the above, we object to this application. Upon submission of details of the foundations proposed a suitable programme of pre-determination archaeological assessment should be agreed and carried out. We would then be happy to revise our current position. If this work demonstrates that there are no physical battlefield remains present on the development site then we would consequentially be in a position to remove our objection to the scheme."

- 8.18 Following receipt of further information from the applicant HES was consulted again and subsequently advised:

"We note the applicant has stated that the proposal would not require foundations and there would be no ground disturbance (email to Highland Council dated 15 December 2020). We also note that Highland Council Historic Environment Team (Archaeology) have advised that there should be a metal detecting survey to assess the archaeological potential of the area.

Given that the proposed development would involve no excavations for foundations any impacts should be restricted to artefacts at, or very close to, the ground surface. We are content that any such impacts can be successfully mitigated by a programme of archaeological work as suggested by your Historic Environment Team (Archaeology).

On that basis we withdraw our objection to the proposed development.”

- 8.19 HES has however stated that whilst in its view the proposals do not raise historic environment issues of national significance, their decision not to object should not be taken as support for the proposal. This is a standard approach taken by HES in responding to planning consultations where they do not object on a proposal.
- 8.20 The Council’s Historic Environment Team (Archaeology) has advised that “the proposed development may have limited direct impacts on below-surface deposits, where buried artefacts or features may survive. Such features may notably relate to the Battle of Culloden, or its build-up or aftermath. As such, the proposed development location is considered to have archaeological potential. As any unrecorded remains could be impacted by the proposed development, we recommend that the applicant engages the services of a professional archaeological contractor to carry out an evaluation of the proposed development area. This should be by a metal-detecting survey of the area to be impacted by development. Dependent on the results of this work, further study may be required in advance of, and during, construction works. The survey will be backed up by desk-based research to produce a report setting out the results and any required mitigation strategy.”
- 8.21 Whilst it was initially suggested that the survey should be carried out in advance of any permission being granted, following submission of further information confirming that no foundations will be formed to facilitate the construction of the building, it has subsequently been agreed that it is acceptable to require this through a planning condition in the event that planning permission is granted for the proposal.
- 8.22 The site is located within the Culloden Muir Conservation Area which was originally designated in 1968 before being significantly expanded in 2015. The site lies within this expanded area. SPP requires development within conservation areas to preserve or enhance the character and appearance of the conservation area and this is a duty enshrined in primary legislation.
- 8.23 The expansion of the conservation area was brought about in recognition that the Inventory battlefield area extended beyond the original conservation area and because it also presented an opportunity to afford protection to land further to the southeast across the Nairn valley to include the historically important Neolithic and Bronze Age relict landscape represented by the Balnuarin Clava Cairns and other Clava group Scheduled burial monuments and standing stones located north and south of the River Nairn.
- 8.24 In support of the expansion of the original conservation area the Council commissioned a Conservation Area Character Appraisal and Management Plan (CAMP). This was produced in November 2015 and has subsequently been adopted as supplementary planning guidance.
- 8.25 The CAMP identifies opportunities for preservation and enhancement as well as defining planning policies in relation to the management, preservation and enhancement of the conservation area. The policies require to be read in conjunction with the Culloden Muir Visual Setting Assessment, produced in October 2014. Policy 1 of the CAMP states a presumption against all development within the Inventory

battlefield unless it accords with the development plan and any relevant guidance and would result in development commensurate with the principal battlefield designation. The policy lists examples of scenarios that may be considered appropriate development including development that is sited within an existing established group and does not increase the established group boundary. Policy 4 of the CAMP requires all new development proposals to be accompanied by detailed landscape visualisations which clearly show the impact of the proposals on any known or recorded historic environment assets.

8.26 The CAMP also includes a number of supporting maps and diagrams, including a 'Traffic Lights Map' dated 29 October 2014. This map colour codes the entire revised conservation area and highlights the core visual setting (red); ancillary visual setting (amber); and potential sites for infill development (green). The application site is located on the very edge of the Core Visual Setting, which includes the now developed housing at Viewhill Meadows.

8.27 The Council's Historic Environment Team (Conservation) initially asked for more detailed plans to enable a more robust assessment of the proposal. Following the subsequent submission of detailed plans, the team advised that "we note that materials have now been confirmed as traditional, with timber cladding, corrugated metal roof and timber window and door, appropriate to the functional design of the building. Indirect impacts on the setting of the battlefield are as described by HES in their response dated 26.11.2020, with which we would concur, i.e. the proposal is unlikely to have an impact on the character of the battlefield or on any key views across it.

In terms of the conservation area more widely, large parts of the conservation area have an agricultural character and therefore functional agricultural buildings are not an incongruous or unusual feature. Furthermore, when entering the conservation area from Balloch to the east the proposed building will be seen against the backdrop of the Viewhill development, thereby ensuring that in most views the proposal will be seen as part of an existing building group, rather than as an isolated new development in the landscape. Whilst the larch cladding is welcomed, it will silver with age which, although an attractive finish, may result in the building becoming more prominent over time. It is therefore preferred that the cladding is finished in a dark, recessive colour to ensure that it remains as unobtrusive as possible for the longer term."

8.28 The matters raised by the Council's Conservation Officer could be addressed by condition in the event that planning permission was granted.

8.29 The National Trust for Scotland (NTS) has objected to the proposal, based on the initially submitted elevation plans, commenting that the proposed blue colour of the building and the height of the building at 2.75metres would make an inappropriate intrusion into what NTS has described as a "very significant historical area." NTS has suggested reducing the height of the building to 2.5 metres if possible and making the building a natural wood colour. Its main concerns however are the impact of the proposed development on a protected area; the potential for development creep; and the precedent that such a development could set.

Other material considerations

- 8.30 Whilst the application involves the change of use from existing garden ground to agricultural land, it should be noted that this change in use does not in itself require planning permission. Section 26 (2) of the Town and Country Planning (Scotland) Act 1997 (as amended) specifically excludes from the definition of development the use of any land for the purposes of agriculture. However, the change does facilitate the release of land to agriculture with the main purpose of enabling the erection of the agricultural building and hence it is appropriate to include it in the description of the development.

Non-material considerations

- 8.31 The comments raised by NTS that the proposal if granted may result in further development creep and set a precedent for further development are unfounded and not material planning considerations. The applicant has provided information confirming that the site is a registered smallholding and therefore a bona fide agricultural land use. Any future development proposals would invariably come under planning control and be assessed on merit.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.32 None.

9. CONCLUSION

- 9.1 Planning permission is sought for the change of use of an area of garden ground to agricultural use and the subsequent erection of an agricultural building. The building would be used for the purposes of agriculture as a shelter for animals, plus storage of hay, straw, a tractor and other tools and equipment required directly in connection with the management of the land.
- 9.2 The building has been designed in such a manner and of such a scale to be entirely appropriate for the site's location. Its positioning within the site, against the backdrop of existing houses at Viewhill Meadows, will ensure its impact on the landscape is minimised.
- 9.3 The method of construction, which will not consist of the digging of foundations or the significant disturbance of land, coupled with the requirements to carry out an archaeological survey beforehand, will ensure that the development will be respectful of, and sensitive to, the historic battlefield. Furthermore, in terms of the duty imposed on the Planning Authority by virtue of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposal, if implemented, would preserve the character of the Conservation Area.
- 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 Y

Notification to Scottish Ministers Y

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, 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.

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details. For the avoidance of doubt, the external walls and roof of the agricultural building shall be dark green or dark brown in colour.

Reason: To enable further consideration of this matter, in the interests of the amenity of the area and to ensure that the appearance of the building remains as unobtrusive as possible for the longer term.

3. No excavations are permitted in relation to the siting of the building and no foundations shall be laid. Following compliance with Condition 1 above, the agricultural building will be installed in position with minimal disturbance to the ground.

Reason: To ensure that any impact is properly mitigated and to protect the integrity of the Inventory Battlefield.

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.

INFORMATIVES

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.

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 and 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

Mud and 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.

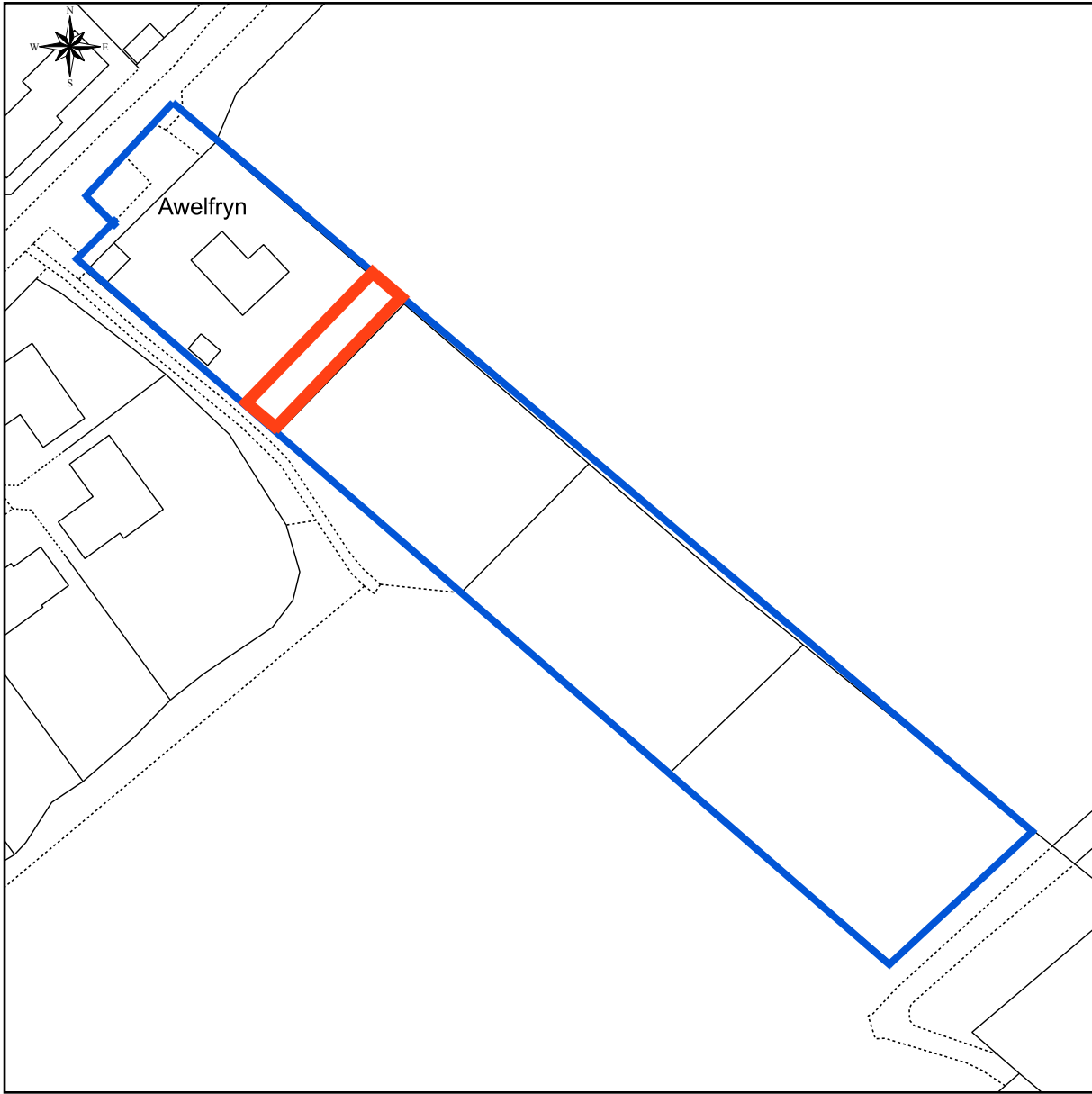
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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 for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan (land) 00002 Rev A
Plan 2 - Location Plan (agricultural building) 00004
Plan 3 - Floor/Elevation Plan 0521.2409.01

Awelfryn



This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2020. Ordnance Survey 0100031673

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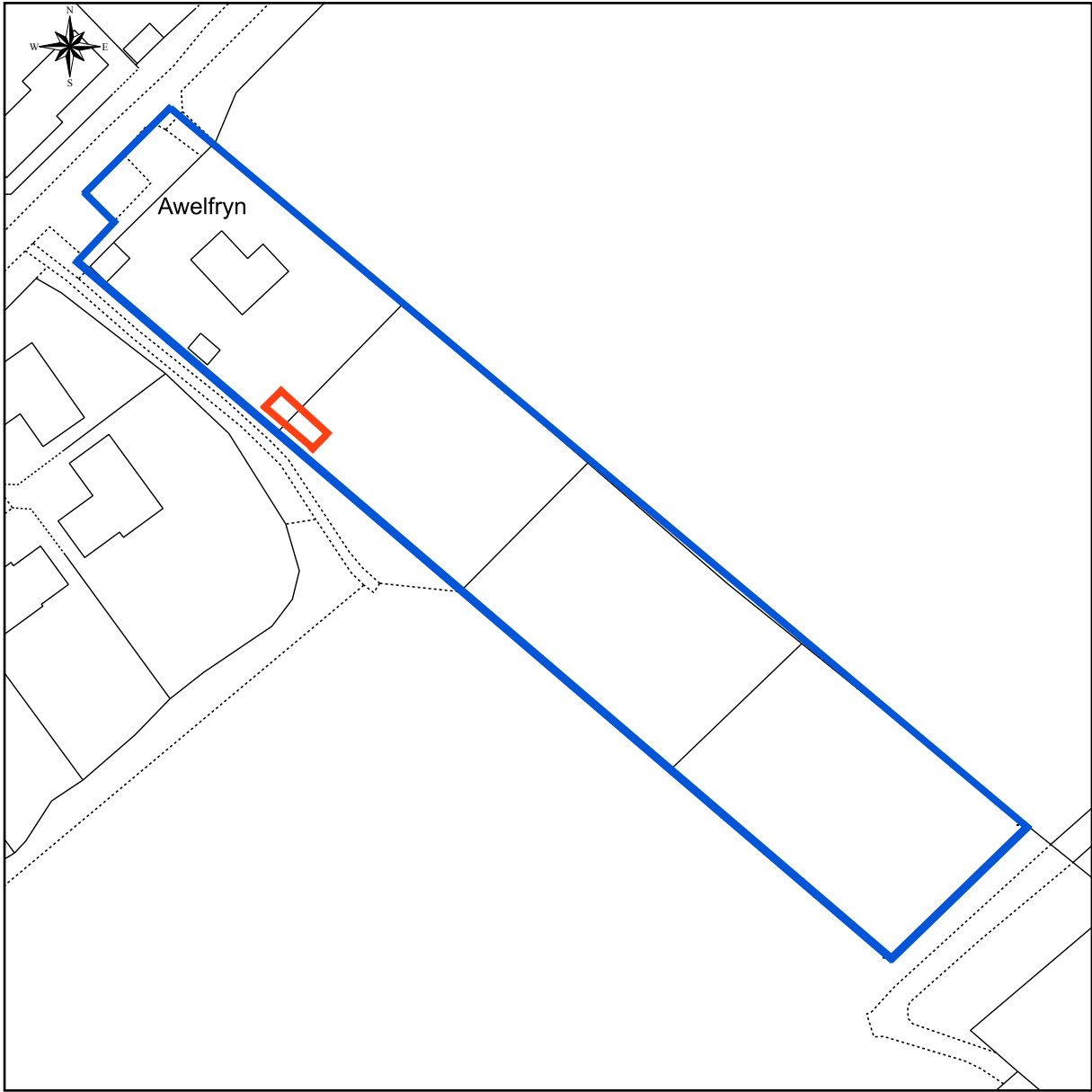
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Field boundaries



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plans

Awelfryn



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0m 20m 40m 60m 80m 100m

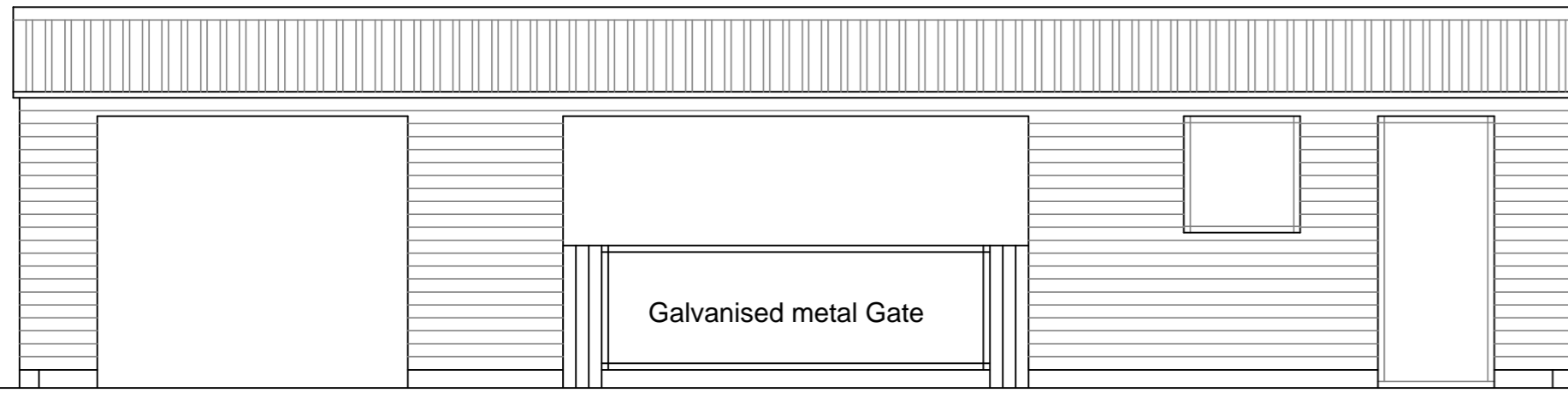
Scale: 1:1250, paper size: A4

Field boundaries

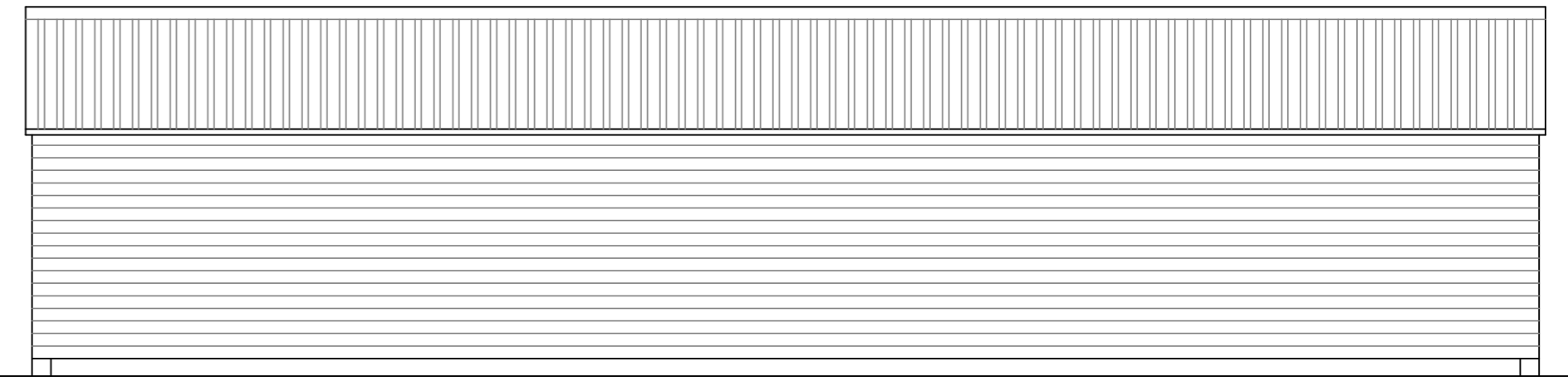


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Corrugated Profile sheets - Juniper Green

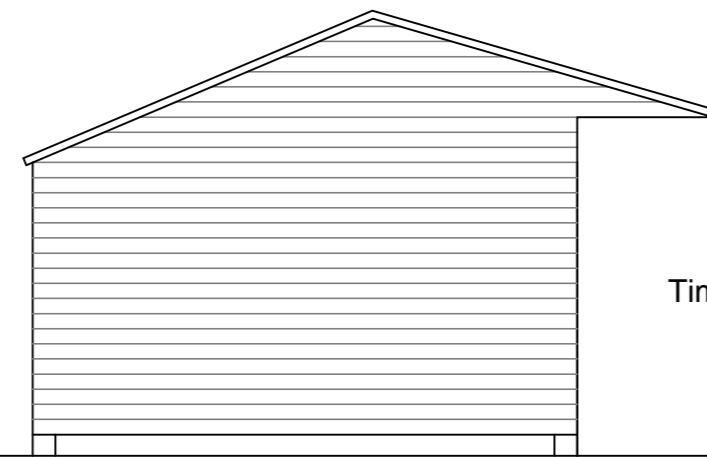


North - East Elevation

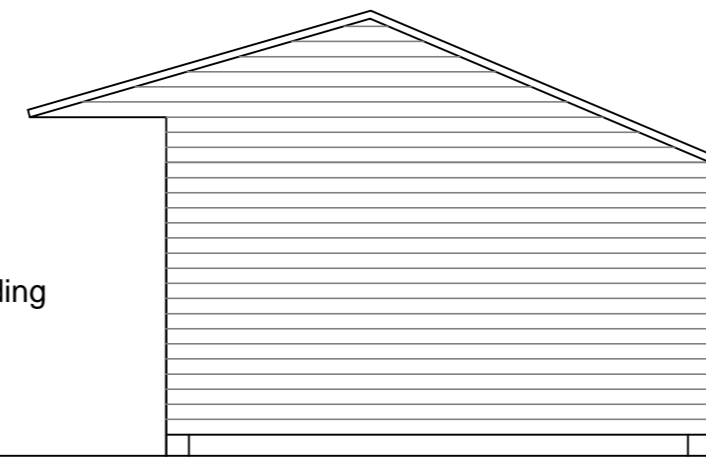


South - West Elevation

Timber Cladding-larch
Timber door & window

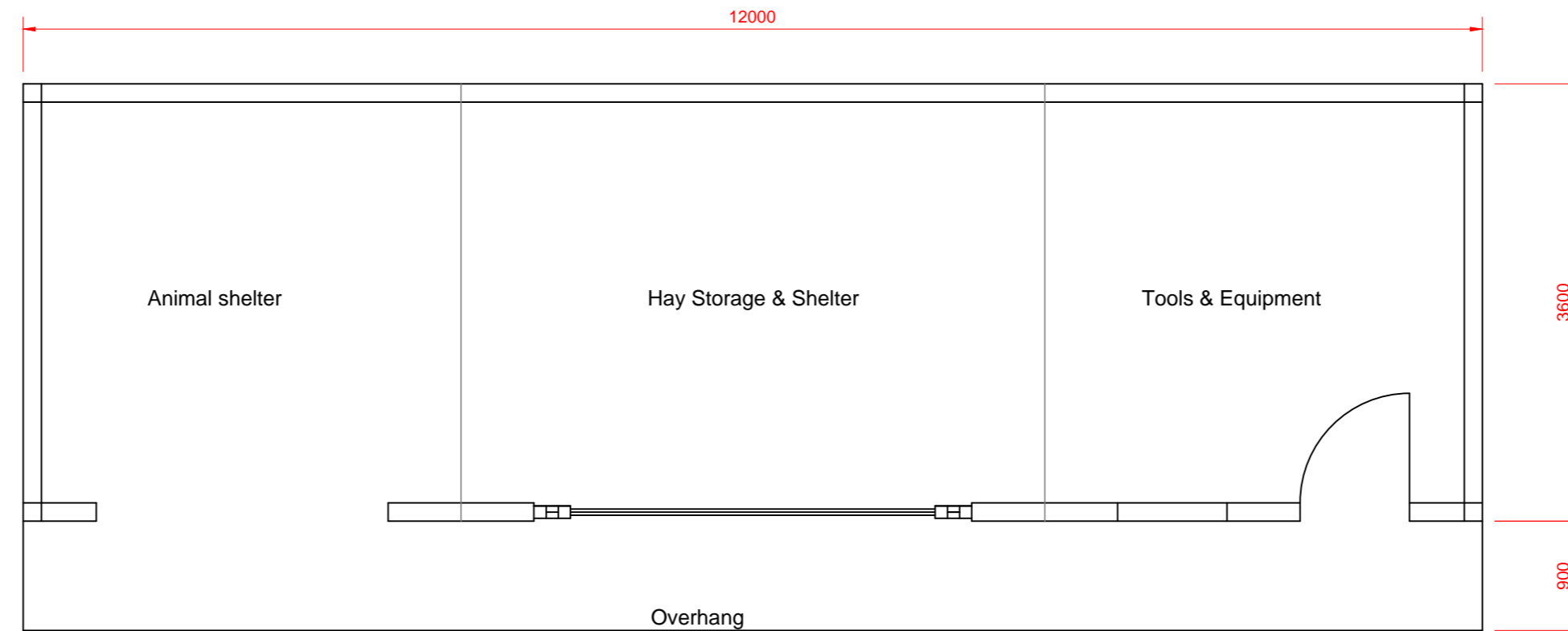
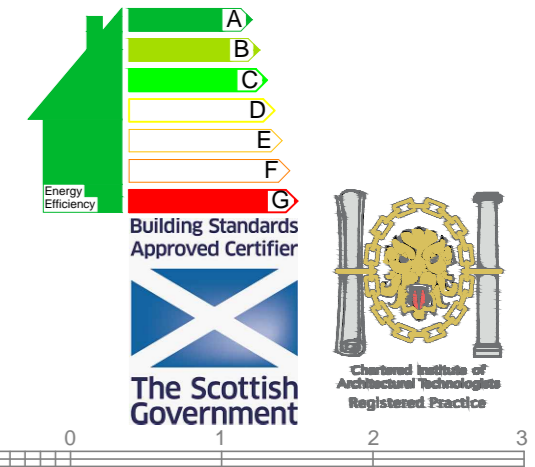


South - East Elevation



North - West Elevation

Timber Cladding



Planning Reference 20/04105/FUL
Building Control Reference

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client
Mr & Mrs Murray

project
**Erection of outbuilding at
AWELFRYN, VIEWHILL,
INVERNESS, IV2 5EA**

**Floor plans
Elevations**

date
18/05/2021

scale
1:50

drawn
k macdonald

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