

MATTERS SPECIFIED IN CONDITIONS

Reference No: 09/00451/REMIN

To:
AG Contractors
Hania
Wester Inshes
Inverness
IV2 5GB

Per:
MRH Architectural Design And
Planning
The Design Studio
Drumbuie
Nairnside
IV2 5GX

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

DECISION NOTICE

**Erect two houses and garages
Plot 1 And Plot 2 Land At Borgorstan Torness Dores**

The Highland Council in exercise of its powers under the above Acts **approves the matters specified in conditions 1-10 of planning permission in principle** reference number 06/00492/OUTIN in accordance with the particulars given in the application and the following plans/drawings:

Type of Plan	Plan Number	Date of Plan
Sections	07/30-MRH-103	June 2009
Elevations, Floor, Location and Block Plan Plot 2	07/30-MRH-101	June 2009
Elevations, Floor, Location and Block Plan Plot 1	07/30-MRH-100	June 2009
Block and Location Plan Plot 1 and Plot 2	07/30-MRH-101	May 2009

This approval is subject to the following conditions: -

- (1.) **This approval of matters specified in conditions contained in outline planning permission 06/00492/OUTIN shall lapse TWO YEARS from the date of this decision notice unless the development has begun in accordance with s27 of the Town and Country Planning (Scotland) Act 1997.**

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- (2.) **No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this approval of matters has been submitted to and acknowledged by the Planning Authority.**

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Dated: 5th August 2009



Area Planning & Building Standards Manager

- (3.) Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- (4.) Prior to the commencement of development, arrangements for an archaeological watching brief to be carried out on site clearance and excavation works, in accordance with the attached specification, shall be submitted to, and require the approval in writing of the Planning Authority. No site clearance or excavation works shall take place until that approval has been given and all such works shall thereafter be implemented in accordance with the approved arrangements.

Reason : To protect the archaeological and historic interest of the site.

- (5.) Prior to the commencement of development the access to the site shall be formed in accordance with the requirements set out in the attached schedule.

Reason : In the interests of road safety.

- (6.) Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docketed as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 09/00451/REMIN

Please note: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

Variations

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

1. None.

Section 75 Agreement - None.

Dated: 5th August 2009


Area Planning & Building Standards Manager

NOTIFICATION TO APPLICANT

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 within three months from the date of this notice. The notice of review should be addressed to:
Highland Council Review Body Administration Team, Chief Executive Services,
Council Headquarters, Glenurquhart Road, Inverness.

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.

Dated: 5th August 2009



Area Planning & Building Standards Manager

Reference No. 09/00451/REMIN

To : Area Planning & Building Standards Office
1-3 Church Street, Inverness, IV1 1DY

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

Notification of Initiation of Development

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

ERECT TWO HOUSES AND GARAGES
Plot 1 And Plot 2, Land At Borgorstan, Torness, Dores
Date of planning permission : 5th August 2009

(a)	Insert full name and address of the person(s) intending to carry out the development*
(b)	Insert full name and address of the owner(s) of the land to which the development related if different from (a) above.
(c)	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 : Area Planning & Building Standards Office
1-3 Church Street, Inverness, IV1 1DY

Notification of Completion of Development

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

**ERECT TWO HOUSES AND GARAGES
Plot 1 And Plot 2, Land At Borgorstan, Torness, Dores**

Date of planning permission : 5th August 2009

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

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

Signed.....

Dated

STANDARD CONDITIONS - STD 2A

FORMATION OF ACCESS FROM PUBLIC ROAD, PLANNING CONSENT REFERENCE 09/00451/FULIN

In all matters relating to and requiring approval for access work described below the Area Roads and Community Works Manager, 94 Diriebught Road, Inverness, tel no. 703111 or his representative may be called upon to act as agent for the planning authority. In addition to planning permission, application must be made to The Roads Authority under Section 56 of the Roads (Scotland) Act for permission to carry out any alterations to the public road carriageway and verges.

1. Prior to the commencement of any sort of works in connection with the development, visibility splays shown shaded and to the dimensions stated in diagram no .1. shall be cleared and maintained thereafter so that there is inter-visibility between all points located 1metre or more above the adjacent road carriageway edge levels and the access shall be formed or improved to the dimensions shown in Diagram no .2

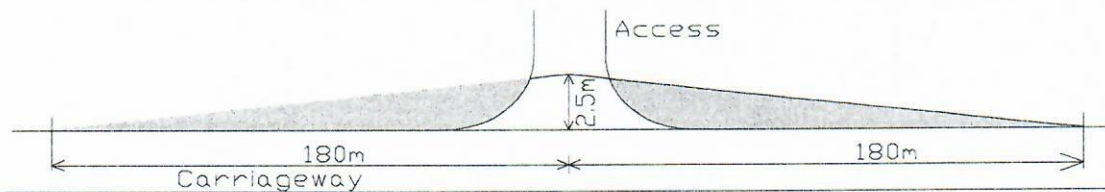


DIAGRAM No. 1

2. Any roadside ditch or drain shall be cleaned out as necessary and a pipe drain of an approved type and not less than 300mm internal diameter, adequate for flood conditions, shall be laid on and surrounded with concrete class 25/20, minimum thickness 150mm. Headwalls shall be constructed at the ends of the pipe and positive measures shall be taken to ensure that the surface water will be led into an acceptable drainage outlet to prevent flooding.
3. Prior to the commencement of any works on the application site, the sub-base material and base course construction layers of the area shown in hatching on Diagram 2 shall be constructed with the following approved materials and thicknesses: 250mm sub-base material to Clause 803 of the Specification for Highway Works, 60mm of 20mm nominal size dense base and binder asphalt concrete course to Clause 906 or Clause 929 of the Specification for Highway Work, and, on completion of the-site works prior to occupation of the house(s), 40mm of 14mm nominal size close graded asphalt concrete surface course to Clause 912 of the Specification for Highway Works shall be laid and shaped so that surface water will not discharge from the access onto the public road or discharge from the public road onto the access.
4. The gradient of the first 6metres of the access measured from the edge of the carriageway shall not be steeper than 1 in 40 and entrance gates, if any, shall be set back not less than 6metres from the edge of the carriageway. Any front boundary wall, fence or hedge shall be not less than 2metres from the edge of the carriageway and shall be clear of visibility splays.
5. Not less than 2 car parking spaces and an adequate vehicular turning space shall be provided within the curtilage of each house site so that all vehicles may both leave and join the public road in forward gear.

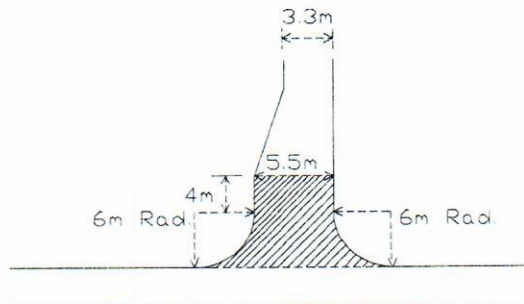


DIAGRAM No. 2

NOTE: To comply with the terms of the New Roads and Street Works Act 1991, application must be submitted to the Area Roads and Community Works Manager if it is necessary to excavate through a public road, footway or verge to connect to underground services or to occupy any part of a public road, footway or verge for the erection of scaffolding or hoarding, the placing of skips or building materials.

[Handwritten signature]
5/8/09

To the Applicant

Please ask for: Kirsty Cameron
Direct dial: (01463) 702250
Our Ref: IN-09-451
Your Ref: 09/00451/FULIN
Date: 14 July, 2009

Dear Sir/Madam,

**PLANNING CONSENT FOR TWO HOUSES & GARAGES AT LAND AT
BOGORSTAN, TORNESS: ARCHAEOLOGICAL CONDITION**

I enclose a brief for the archaeological work required to fulfill the archaeological condition of this planning consent. The brief represents the minimum standard of work necessary to meet the archaeological needs of this condition. You will need to engage the services of a professional archaeologist. The condition of the planning consent will only be discharged when an acceptable report has been received by Highland Council.

You should supply the attached brief to tendering archaeological contractors. The Highland Council Archaeology Unit would be happy to comment on tenders submitted, in confidence. Tenders should be accompanied by a project design, statement and evidence of competence.

For your information, a list of archaeological contractors is available on our webpage at www.highland.gov.uk/yourenvironment/conservation/archaeology or contact this office for a printed version. The list is not exhaustive and it is not an 'approved' list – however I recommend that the contractor you engage is a member of the relevant professional body, The Institute of Field Archaeologists.

Should you require any further information or clarification regarding this condition, please see the Development Guidance detailed on the archaeology webpage at www.highland.gov.uk/yourenvironment/conservation/archaeology or contact this office.

Yours sincerely



 **GEORGE HAMILTON**
Countryside, Heritage & Natural Resources Manager

encl: *Archaeological Brief*



5/8/09

HIGHLAND COUNCIL ARCHAEOLOGY UNIT, PLANNING & DEVELOPMENT SERVICE
SPECIFICATION FOR AN ARCHAEOLOGICAL WATCHING BRIEF

Two New Houses and Garages at Bogorstan, Torness, Dores
(IN-09-451) NGR 257954 827247

1) Summary

This project may impact on valuable features of historic and archaeological importance. In view of the archaeological potential/sensitivity of the site, HCAU advised that archaeological mitigation is required. The implementation of this brief will meet the concerns raised.

This brief is for a Watching Brief which will enable any discoveries to be recorded quickly and efficiently as they appear with minimum delay or disruption to the development. If significant deposits are encountered, recommendations for further measures necessary to mitigate the impact of the development must be made.

This brief has been produced for AG Contractors who will be responsible for the work and costs, including any tendering and contractual arrangements. This brief must be read with reference to the HCAU Development Guidance that sets out in detail who is responsible for what, as well as the terms of reference, objectives, method, monitoring and reporting arrangements.

The Development Guidance is available on our webpage at www.highland.gov.uk/yourenvironment/conservation/archaeology or a printed copy is available from this office on request.

2) Archaeological Background

An archaeological evaluation conducted at the site in May 2006 identified a number of buried features - including a series of putative prehistoric postholes. There is potential that unrecorded buried remains survive within the application site and will be impacted by the proposed development.

3) Objectives

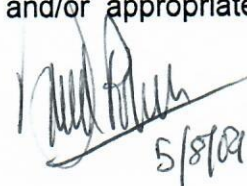
To identify and record any features or objects of archaeological importance that could be damaged or destroyed by this development, while minimising any delays or disruption to the development project.

4) Methodology

All fieldwork must be informed by a desk-based assessment undertaken in advance of the start of works. Reference should be made to the evaluation report (Wood & Peteranna 2006).

Fieldwork

Archaeological monitoring (a Watching Brief) is required during all site groundworks for this application. Topsoil stripping of the building footprints, the access road and all services must be monitored by an archaeologist so that any buried archaeological features can be identified, recorded and/or appropriate mitigation put in place to ensure their preservation.



5/8/09

All recovered artefacts and ecofacts must be subject to a programme of post-excavation analysis and the results incorporated into a final report.

The Archaeological Contractor must refer to the minimum standard requirements as laid out in HCAU Development Guidance. This brief itself is not comprehensive or definitive - tendering Archaeological Contractors will need to determine for themselves the methodology that will deliver the required product. This should be laid down in a Project Design (or Written Scheme of Investigation) and agreed with HCAU 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 Archaeological Contractor is responsible for agreeing arrangements for monitoring with HCAU 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 HCAU by the Archaeological Contractor.

The Archaeological Contractor must make a short progress report (by telephone) to HCAU 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 Archaeological Contractor immediately to the applicant and HCAU. 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 HCAU Development Guidance. 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.

All work will be undertaken according to the Code of Conduct, Standards and Guidance of the Institute of Field 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 Highland Council Archaeology Unit, to whom any enquiries should be addressed. No one else has authority to vary its terms.