

Notice of Review Reference: 14/00018/RBCON

Original Planning Reference: 14/01113/FUL

**DECISION NOTICE OF THE HIGHLAND COUNCIL PLANNING REVIEW BODY**

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- Application for review by Munro Fruit Merchants Ltd
- Site address: Land 50M North of Morangie Filling Station, Morangie Road, Tain
- Proposal: Industrial & Retail Unit
- Reason for Notice of Review: Conditions imposed on consent by appointed officer
- Related Plans:

Type of Plan	Plan No.	Version	Date Plan Received
Ground Floor Plan	P41.10.02	A	14.04.2014
Proposed Elevation Plan	P41.10.03	A	14.04.2014
Proposed Site Level	P49.10.03		14.04.2014
Location Plan	P49.10.02		19.03.2014
Site Layout Plan	P41.10.01		19.03.2014
General Plan	P41.10.04		19.03.2014

This Notice constitutes the formal decision notice of the Planning Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

The Planning Review Body **partially upheld** the Notice of Review, subject to the conditions below, namely:

1. The external material finishes of the building shall be:
  - Walls – Kingspan Symphony profiled steel panels – Camouflage RAL 110 50 10 (dark grey) for store / Willow Green RAL 100 80 20 for the shop/office;
  - Smooth plastic laminate to chillers - white

**Reason:** In the interests of amenity

2. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access and/or buildings shall have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented. For the avoidance of doubt, any lighting system shall be fitted with an automatic cut-out timer to ensure that the system cannot operate outwith the hours of 1900-0630 (overnight).

**Reason:** in order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

3. No development shall commence on the site until the developer has submitted full written and plan details of street lighting works (including cabling) along the new footway for the approval in writing of the Planning Authority in consultation with the Area Lighting Engineer. The development shall be implemented in accordance with the approved details and shall be fully completed before the first use of the premises to the satisfaction of the Planning Authority in consultation with the Area Lighting Engineer.

**Reason:** In the interests of road safety and as no details have been provided.

4. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Area Roads Engineer and shall be completed prior to the first use of the premises. For the avoidance of doubt:
  1. The developer shall construct a 2m wide footway (with double dropper kerbs and tactile paving across the access road), contiguous with the public road, to link with the footway at the petrol station and along the entire frontage of this site on each side of the access point to the public road. The footway shall also include dropped kerbs and tactile paving at the adjoining access from the petrol station.
  2. The developer shall construct the site access to the current Highland Council standards (Roads and Transport Guidelines for New Developments), this access to be completed to a minimum of base-course level prior to building work commencing on the site, and be fully completed before the first use of the premises. The access carriageway shall be a minimum radius of 10m. The visibility splay onto the public road shall be a minimum of 90m.
  3. The site access shall tail away from the public road into the site as shown on the approved drawing, to ensure water does not flow from the site on to the public road.
  4. Car parking shall be provided at the following levels in accordance with the Council's Roads and Transport Guidelines for New Developments and maintained for that use in perpetuity. For the avoidance of doubt, the developer shall provide 5 public spaces including 1 disabled space with 7 staff spaces.
  5. The access bellmouth and site frontage contiguous with the public road shall be landscaped to a high level of design and associated planting treatment appropriate to the locality. For the avoidance of doubt, no development shall commence on site until plan details of the landscaping measures proposed, including a specification, have been submitted to, and approved in writing by, the Planning Authority. The development shall thereafter be undertaken in accordance with the approved details within an agreed timescale to be submitted and approved as part of the measures proposed under this condition.

**Reason:** In the interests of road safety, and to ensure maintenance of an appropriate standard of amenity to the area.

## **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **TIME LIMITS**

### **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.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Surface Water Drainage**

A consent from SEPA (under CAR) may be required for the surface water drainage as it is proposed to discharge to a field drain into the Firth. You should contact SEPA direct to ascertain the requirements of this [http://sepa.org.uk/about\\_us/contacting\\_sepa.aspx](http://sepa.org.uk/about_us/contacting_sepa.aspx)

## **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent at the western existing access gate, a road openings permit, occupation of the road or pavement permit etc.) from the Council as Roads Authority prior to work commencing. Consent may also be required for any works impacting upon the road surface, the verge, drainage or any roadside footway or pavement.

These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local 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 (**Note:** any works to improve the existing access onto an 'A' class road requires planning permission) 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

## **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.

## **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

## **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](mailto:env.health@highland.gov.uk) for more information.

**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 886606.

Dated: 22 August 2014 ..... Clerk to the Planning Review Body

**Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**

1. If the applicant is aggrieved by the decision of the planning authority-
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement subject to conditions,the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
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 the 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 V of the Town and Country Planning (Scotland) Act 1997.