

Notice of Review Reference: 13/00047/RBNON

Original Planning Reference: 13/02859/PIP

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

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- Application for review by Mr Ian Bochel
- Site address: Merryton, Merryton Gardens, Nairn
- Proposal: Formation of 3 House Plots
- Reason for Notice of Review: Conditions 2 iii and iv and Condition 4 attached by appointed officer.
- Related Plans:

Type of Plan	Plan No.	Version	Date Plan Received
Location Plan	ISB:2013:1		26.07.2013

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 **upheld** the Notice of Review, and granted permission subject to the following conditions:-

(1.) No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:

- i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
- ii. the design and external appearance of the proposed development;
- iii. landscaping proposals for the site of the proposed development (including boundary treatments);
- iv. details of access and parking arrangements; and
- v. details of the proposed water supply and drainage arrangements

**Reason:** Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

(2.) Any details pursuant to Condition 1 above shall show a development featuring the following elements:

- i. Houses shall be of single storey design only;
- ii. Houses on plots 1 and 2 sited so as to maximise their distance from the houses in 1-4 The Orchard;

- iii. Improvements to adoptable standard of the carriageway of Merryton Gardens along the frontage of Plots 1 and 2, including surface water drainage, re-surfacing and full carriageway re-construction, the full details and specification for which shall be submitted for the prior approval of the Planning Authority in writing and in consultation with the Roads Authority, and which shall include for a running surface to adoptable standard for vehicles shared with a 1.5m wide area for pedestrian priority suitably demarcated immediately adjacent to, and extending along the length of the frontage of Plots 1 and 2; and
- iv. Retention of the existing stone walls on site, appropriately altered and extended where practicable, to accommodate the required access arrangements to individual plots, including visibility splays, which shall demonstrate compliance with the design standards set out in The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with the junction formed and visibility splays provided to comply with Section 5 of the said guidance prior to any other development taking place at Plots 1 and 2.

**Reason:** In the interests of visual and residential amenity and of road and pedestrian safety.

(3.) Any details pursuant to Condition 1 above shall include a Tree Survey and Tree Protection Plan in accordance with BS5837: 2012 – Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time), together with a detailed landscape plan and proposals for planting of trees (on or off site) to compensate for any trees to be felled in connection with the development.

**Reason:** to ensure that trees are protected or replaced as appropriate, during development of the site and thereafter, in the interests of amenity.

(4.) Houses on Plots 1 and 2 shall not be occupied until the improvements to Merryton Gardens in accordance with the details to be approved as required by item iii. in Condition 2 above, have been completed.

**Reason:** For the avoidance of doubt and in the interests of road and pedestrian safety.

Dated: 9 April 2014 ..... Clerk to the Planning Review Body

### **REASONS FOR DECISION**

The Planning Review Body considers that the proposals accord with the provisions of the Development Plan with Conditions attached which are necessary but proportionate to the development proposed and accordingly there are no material considerations which would warrant refusal of the application.

## **TIME LIMIT**

### **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE**

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of **THREE YEARS** from the date on this decision notice;
- ii. The expiration of **SIX MONTHS** from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of **SIX MONTHS** from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than **TWO YEARS** from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

## **INFORMATIVES**

### **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.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads 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 TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **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.

**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.