

PLANNING PERMISSION IN PRINCIPLE

Reference No: 18/02175/PIP

To:
Mr Peter Gibson
10 Simpson Street
Nairn
Scotland
IV12 4NT

Per:
Ashley Bartlam Partnership
Per Alistair Murdoch
Wards House
Wards Road
Elgin
Moray
IV30 1NL

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

DECISION NOTICE

Erection of house

Land North Of Birchwood Belivat

The Highland Council in exercise of its powers under the above Acts grants **planning permission in principle** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Visibility Splay Plan	1-VS		19.12.2018
Block Plan	1-BP1	E	19.12.2018
Location Plan	1-LP1	B	19.12.2018

CONDITIONS & REASONS

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

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.

Dated: 27th March 2019

David Mudie

.....
Area Planning Manager

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. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate;
 - iii. windows with a strong vertical emphasis;
 - iv. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - v. predominantly rectangular in shape with traditional gable ends.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal.

- 3. With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

Reason: To ensure the protection of retained trees during construction and thereafter.

- 4. A Matters Specified in Conditions application shall include a plan clearly showing the footprint of the house, garage and driveway, along with any underground services due to be excavated. All trees proposed for retention and removal are to be clearly and accurately marked on the plan.

Reason: To ensure the protection of retained trees during construction and thereafter.

- 5. A Matters Specified in Conditions application shall require a Tree Protection Plan to be submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

Reason: To ensure the protection of retained trees during construction and thereafter.

- 6. The house shall not be occupied unless the surface water drainage associated with the development including areas of hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDs.

Reason: In order to ensure that the site is properly and adequately drained.

- 7. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Dated: 27th March 2019

David Mudie
.....
Area Planning Manager

Reason: In the interests of public health.

8. Prior to any works commencing on site, proposals for a new passing place and an SDB1 service bay on the C1173 shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The location of the new passing place shall be either in land the applicant controls or within the existing adopted road boundary and in a location where there is limited forward visibility. The development of the house shall be undertaken in accordance with the agreed passing place details.

Reason: In order to ensure the safety and free flow of traffic on the public road, facilitate servicing outwith the carriageway and maintain the integrity of the public road carriageway.

9. No other development shall commence until the site access has been upgraded in accordance with the Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 26.03.2019), with the junction formed to comply with drawing ref. SDB1.

Reason: In the interest of road safety, and that the works comply with applicable standards.

10. The house shall not be occupied until the provision for the parking and turning of two cars within the curtilage of the house is made as per the Council's car parking standards as set out in Table 6.1 of the 'Roads and Transport Guidelines for New Developments' and shall be maintained at all times thereafter.

Reason: In the interests of road safety.

11. Prior to any works commencing on site, a scheme for altering the height of the verge on the southern visibility splay shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

Variations

1. None.

Section 75 Obligation

1. None.

Dated: 27th March 2019

David Mudie
.....
Area Planning Manager

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 PERMISSION

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.

FOOTNOTE TO APPLICANT

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 & 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).

Dated: 27th March 2019

David Mudie

.....
Area Planning Manager

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 & 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.

Dated: 27th March 2019

David Mudie

.....
Area Planning Manager

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

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.

Dated: 27th March 2019

David Mudie

.....
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 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).

Dated: 27th March 2019

David Mudie
.....
Area Planning Manager