



**THE MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT  
1997, as amended**

**PERMISSION FOR DEVELOPMENT**

**[Fochabers Lhanbryde]  
Application for Planning Permission**

TO

1 Services

With reference to your application for planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby **GRANT** planning permission for the following development:-

**Erection of 3 no 1¼ storey houses with attached garages at Plots 1 -3  
Minduff Drybridge Buckie Moray**

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **11<sup>th</sup> March 2011**

**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department  
The Moray Council  
Council Office  
High Street  
ELGIN  
Moray IV30 1BX

## IMPORTANT NOTE

**YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES**

### SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
- 2 Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions. For the avoidance of doubt, this permission does not convey approval for 1 ¼ storey dwellings as stated within the original application description'.
- 3 Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
- 4 Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
- 5 That all planting, seeding or turfing forming part of the approved landscape scheme as shown in the approved site plan, drawing number GS0130 - 006 Rev F shall be carried out in the first planting and seeding seasons following the occupation of the dwellinghouse; or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

- 6 Notwithstanding the provisions of Class 7 in Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any Order revoking or amending that Order, and unless alternative agreements are reached with the Head of Development Services, the boundaries of the site shall be comprised of post and wire fencing or traditional stone dyke.
- 7 The paddock areas associated with each of the plots as identified in the approved site plan, drawing number GS0130 – 006 rev F shall be only used as paddock land, and not for domestic garden purposes. Note. For the avoidance of doubt, the paddocks do not have the benefit of permitted development rights under Article 3, Schedule 1, Part 3, Class 3 (domestic outbuildings or enclosures) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that order).
- 8 The roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.
- 9 Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until details of the proposed external finishes to the roofs and walls; have been submitted to and approved by the Head of Development Services.
- 10 No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.
- 11 The width of the vehicular access shall be as shown on drawing no GS 0310-006 Rev F and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.
- 12 The access track, from the edge of the public road to the banjo shaped turning circle as shown on drawing no GS 0310-006 Rev F, and the turning circle itself shall be constructed to the Moray Council specification and surfaced with bituminous macadam. This shall be constructed prior to occupation of any of the dwelling houses hereby approved.
- 13 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 14 Parking provision shall be as follows: 3 parking spaces per dwelling house.

- 15 Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.
- 16 The mutual turning area in front of the dwellings as shown on drawing no GS 0310-006 Rev F shall be provided to enable visiting service, delivery and winter maintenance vehicles to enter and exit in a forward gear. This shall be constructed prior to occupation of any of the dwelling houses hereby approved.
- 17 The access radii shall be as shown on drawing no GS 0310-006 Rev F and shall be kerbed using 254 x 127mm splayed/half battered precast concrete kerbs to the Moray Council specification.
- 18 New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
- 3 To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
- 4 To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
- 5 In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
- 6 In order to ensure that consideration can be given to the appearance and impact of boundary enclosures other than those specified.
- 7 In order to ensure that the existing trees, shrubs or hedgerows are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith and to safeguard the rural character of the site and its surroundings, by minimising any domestic encroachment into adjoining farmland.

- 8 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 9 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 10 In the interests of road safety.
- 11 In the interests of road safety.
- 12 In the interests of road safety.
- 13 In the interests of road safety.
- 14 In the interests of road safety.
- 15 In the interests of road safety.
- 16 In the interests of road safety.
- 17 In the interests of road safety.
- 18 In the interests of road safety.

**ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT**

The following notes are provided for your information including comments received from consultees:-

THE CONTAMINATED LAND SECTION has commented that:-

Due to the past agricultural use of the site, there is always a potential for contamination to have arisen from, for example, farm tips, chemical storage or animal burial sites. The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council website at [www.moray.gov.uk/ContaminatedLand](http://www.moray.gov.uk/ContaminatedLand).

Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to contaminated.land@moray.gov.uk

THE BUILDING STANDARDS MANAGER, has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE DEVELOPMENT CONTROL MANAGER, DEVELOPMENT SERVICES, has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application. Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant. An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, telephone(01343) 563243.

Please also note that if you are proposing a discharge to a watercourse this will require separate consent from SEPA (Scottish Environment Protection Agency) under the Control of Pollution Act 1974.

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice. It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal.
- Damage or destroy the breeding sites or resting places of such animals.

Furthermore, where it is proposed to carry out works that will affect a European Protected Species or their shelter/breeding places, whether or not they are present, a licence is required from the appropriate licensing authority.

SCOTTISH NATURAL HERITAGE has commented that:-

The applicant is reminded that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season.

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence and a road opening permit must be obtained. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

The developer must contact the Roads Authority Roads Maintenance Manager (East) at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7325 to discuss the proposals with respect to the diameter of the pipe under the access.

#### **LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

Reference	Version	Title
GS0130-011		Location Plan
GS0130-001	B	General arrangement Plot 1
GS0130-002	B	General arrangement Plot 2
GS0130-003	B	General arrangement Plot 3
GS0130-006	F	Site plan
GS0130-008	A	Site sections

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

1. Dwelling design, layout and access changes.

**DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF  
PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)**

None.

**TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION**

The terms, or summary of terms of the Agreement can be inspected at:-

1. Moray Council HQ

**NOTICE OF APPEAL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed 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 The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

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 5 of the Town and Country Planning (Scotland) Act 1997.

**NOTIFICATION OF INITIATION OF DEVELOPMENT**

S.27A of the 1997 Act requires any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission.