



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

PERMISSION FOR DEVELOPMENT



**[Keith And Cullen]
Full**

TO J R (North) Limited
c/o Colin Thompson
Chartered Architect
Old Chapel Road
Inverurie
Aberdeenshire
AB51 4QN

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

Refurbish and extend 59 Main Street refurbish rear of 57 Main Street and erect two new dwellings on Souters Lane at 57 - 59 Main Street Newmill Keith 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):-

- 1 The development to which this permission relates must be begun not later than the expiration of five 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.
- 3 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.
- 4 No boundary fences, hedges, walls or any obstruction whatsoever over 1 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway. This shall include the rebuilt stone wall.
- 5 No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
- 6 No boundary walls fronting plots 1 and 2 shall be rebuilt in its existing position and the existing carriageway edge re-instated in accordance with The Moray Council specification.

- 7 Prior to either plots 1 or 2 being occupied the existing street lighting column at the access into the new plots shall be relocated/replaced at the applicants' expense and to a layout and specification approved by The Moray Council Street Lighting Section.

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 of the Town and Country Planning (Scotland) Act 1997.
- 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 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 4 In the interests of road safety.
- 5 In the interests of road safety.
- 6 In the interests of road safety.
- 7 In the interests of road safety.

This permission does not carry with it any necessary consent or approval to the proposed development under the Building (Scotland) Act 1959 as amended or other enactments.

The applicant(s) should also note the following comments:-

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:-

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.

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

The developer should contact the Transportation Manager, Direct Services, Environmental Services Department (Street Lighting Section) at Academy Street, ELGIN, Moray or by telephoning 01343 557343 to discuss his proposals.

Comments received from SCOTTISH WATER are attached for your information.

I enclose notes for guidance in cases where applications are refused or granted subject to conditions.

Date of Notice: **30th October 2007**



DP **HEAD OF DEVELOPMENT SERVICES**
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

NOTES:

- (1) If the applicant is aggrieved by the decision of the local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 **within six months of the date of this Notice**. The Scottish Ministers have power to allow a longer period for the giving of a Notice of Appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving Notice of Appeal. The Scottish Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the Local Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the local Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part V of the Town and Country Planning (Scotland) Act 1997.
- (3) In certain circumstances, a claim may be made against the local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Scottish Ministers on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Parts IV and V of the Town and Country Planning (Scotland) Act 1997.
- (4) Any Notice of Appeal should be sent to the -

Scottish Ministers
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
FALKIRK
FK1 1XR

and a copy of the Notice of Appeal should be sent to the local Planning Authority.