

REPORT OF HANDLING

Ref No:	11/00011/APP	Officer:	Stuart Morrison
Proposal Description/ Address	Erection of dwellinghouse on Plot 2 Bowie Croft Keith Moray		
Date:	11.10.2011	Typist Initials:	GW

RECOMMENDATION		
Approve, without or with condition(s) listed below		Y
Refuse, subject to reason(s) listed below		
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Scottish And Southern Energy	21/03/11	No objections. No recommendations
Environmental Protection Manager		No response
Environmental Health Manager	17/03/11	No objections. No recommendations
Contaminated Land	15/03/11	No objection. Informative recommended.
Transportation Manager	26/04/11	Holding reply lifted. Conditions and informatives recommended.
Scottish Water	14/03/11	No objection. Note to applicant.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Whole of Policy 1	N	
Whole of Policy 2	N	
H8: New Housing in Open Countryside	N	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
EP5: SUDS	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
IMP1: Development Requirements	N	

REPRESENTATIONS

Representations Received YES

Total number of representations received

Names/Addresses of parties submitting representations

Name	Address
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Summary and Assessment of main issues raised by representations

Issue:

- Affecting natural environment
- Lack of landscaping
- Loss of value of property
- Over-development of site
- Precedent

Comments (PO):

The wordings of these two objections are exactly the same so the issues covered will be the same for both representations.

The representations are based on a fundamental objection to the principle of sub- dividing this plot. This principle was secured via applications 06/00308/OUT and 08/00073/FUL but the relevant consent periods have expired. Consequently, the principle of development is again assessed in the handling report.

Affecting Natural Environment: - This development on its own will have no significant impact upon the natural environment. In addition, the site does not lie on an area of any interest to natural science.

Lack of Landscaping: - in this regard, there was a condition imposed by Transportation on the previous consent which restricted the height of vegetation in a large portion of the site. As a result, the potential for planting on the site was restricted. This issue was addressed through alteration of the site boundary to allow for the required 25% planting. This is now considered to be acceptable.

Loss of Value of Property: - This is not a material Planning consideration and will not be taken into account in the decision making process.

Over- development of site: - the proposed dwelling will not result in over- development of the site.

Precedent: - This application has to be assessed on its own merits, therefore there can be no account taken for the potential for precedent to be set.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Site Characteristics;

The application site relates to a relatively flat area of rough ground to the south east of Bowie Croft and to the north of Foggiemoss. The neighbouring properties are single storey and typify housing in rural Moray in terms of design. There are overhead lines running through the site. The application site is to be served by a private access from a single track road so, consequently, the applicant has proposed the installation of a passing place immediately to the front of the site.

Proposal;

The principle of residential development was confirmed on this site through application 06/00308/OUT on the 6th of April 2006. This application for detailed Planning Permission was made valid on the 11th of January 2011 which is outwith the expiration of 3 years from the date of the grant of outline planning permission as stipulated in condition 1 of the previous consent. As a result, this application falls to be assessed against the whole of policy H8 which includes re- assessing the principle of development on the site, as well as detailed site factors relating to the siting, design and layout of the proposed dwelling.

The application relates to the erection of a 1½ storey dwellinghouse, attached garage and associated works, including the formation of a vehicular access onto an adjoining single track public road.

Analysis;

Moray Structure Plan 1(e) and Moray Local Plan H8 and IMP1 - Policy 1 (e) of the Moray Structure Plan 2007 seeks to encourage well located and designed houses in the countryside that have low environmental impact. Policy H8 New of the MLP 2008 contains criteria for assessing the suitability of new rural house sites. These include the requirement that new sites 1) should not detract from the character or setting of existing buildings, or their surrounding area, 2) are not overtly prominent in the landscape i.e. located on a skyline or within an open setting such as central areas of fields etc and where otherwise prominent are offset by a natural backdrop and 3) have at least 50% established boundaries. The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design. Policy IMP1 of the MLP 2008 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy IMP3 requires payment of financial contributions where any measureable adverse or negative impact on existing infrastructure, community facilities or amenity is identified. Policies T2 and T5 require a safe and suitable access and adequate parking provision.

The settlement pattern of this part of Moray is typified by single and small clusters of houses dispersed throughout the rural area. The introduction of the single proposed house into this area would not detract from this character or lead to an unacceptable build up of houses.

The submitted plans for a 1½ storey dwelling with a 45 degree roof pitch and a 7.4 m ridge height is acceptable on this site. The previous consent did have a condition attached which stipulated a single storey dwelling but it is considered that a small difference in the overall height will not detract from the character of the area. In addition, the Transportation Section have set a restriction on any structure being above 1 metre in height in a large portion of the proposed garden ground- 1½ storeys will allow for more floor area whilst reducing the footprint of the dwelling. By reducing the footprint of the dwelling, there is more opportunity for planting at the site which is necessary to comply with H8. The house would also lie downhill from the adjacent approved house site to the north so can accommodate a house of the height proposed.

The original proposal could not achieve the required 25% planting as a 90m visibility envelope was required by the Transportation section which restricted vegetation to 1 metre in height. This has been addressed through the alteration of site boundaries to allow for additional landscaping.

In terms of design, the submitted house positioned towards the rear of the plot and being of broadly traditional design would satisfy the minimum provisions set out in policy H8.

Access/parking (Policies Moray Local Plan policies T2 and T5) – The proposal involves formation of a vehicular access onto the adjoining public road, lay-by and parking area at the front of the site. Following assessment, the Transportation Engineer has raised no objection to these aspects subject to conditions covering drainage, parking, access, a lay-by and the provision of satisfactory visibility splays.

The Planning Gain Unit initially identified the requirement for Roads contributions. However, Transportation did not identify such requirements and it was confirmed with the section that no such contribution should be sought. As a result this requirement has been removed from the application.

The proposal is considered to represent an acceptable form of development which accords with the Development Plan policies pertaining to safeguarding the rural character of the surrounding area and accordingly attracts a recommendation of approval.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description			
06/00308/OUT	Outline planning application for proposed new traditional single storey cottage and septic tank at Bowie Croft Foggiemoss Crossroads Keith Moray			
	Decision	Permitted	Date Of Decision	06/04/06

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	No Premises	07/04/11	

DEVELOPER CONTRIBUTIONS (PGU)

Status	None identified
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DOCUMENTS, ASSESSMENTS etc. *

* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

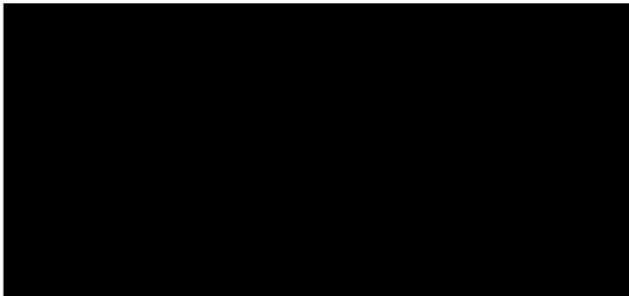


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

PERMISSION FOR DEVELOPMENT

**[Keith And Cullen]
Application for Planning Permission**

TO



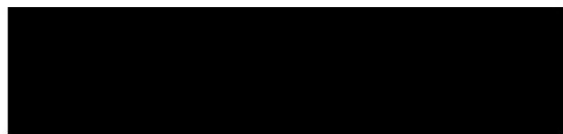
With reference to your application for planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby **GRANT** planning permission for the following development:-

Erection of dwellinghouse on Plot 2 Bowie Croft 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) 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: **17th October 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.
- 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 no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken;
 - (d) the position of any children's play areas and public amenity open space. Details of the surface finishes, boundary enclosures and number, type(for example, inclusion of manufacturer's specification) and position of pieces of play equipment to be provided.
- 6 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.

- 7 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 8 An access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.
- 9 Parking provision shall be as follows:
 - No. of spaces shall be three
- 10 A turning area shall be provided within the curtilage of the site/each plot to enable vehicles to enter and exit in a forward gear.
- 11 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.
- 12 A visibility splay of 2.4m x 90m shall be provided and maintained at the access in both directions, clear of any obstruction above 1.0m on height.
- 13 New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.
- 14 A forward visibility envelope of 90m shall be provided around the bend on the public road to the south and west of the site. The effect of this condition is that no obstruction will be permitted (such that interferes with visibility including planting) within the area between the red dotted line and the public road on the approved location and site plan.
- 15 That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
- 16 That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwelling 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.

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 that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
- 6 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 7 To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
- 8 To ensure acceptable infrastructure at the development access.
- 9 To ensure acceptable development in the interests of road safety.
- 10 To ensure acceptable development in the interests of road safety.
- 11 To ensure acceptable infrastructure at the development access.
- 12 To ensure acceptable Access and Visibility in the interests of road safety for the proposed development and other road users.
- 13 To ensure acceptable development in the interests of road safety.
- 14 To ensure acceptable Visibility in the interests of road safety for the proposed development and other road users.
- 15 In order that detailed consideration can be given to the landscaping of the site.

- 16 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.

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:-

Your property has been identified as being in the vicinity of the following potential source of contamination:

- Large mill pond (potentially infilled but details unknown) approximately 175 metres to the south east as indicated on map group B.

In addition, 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.

Map Group A 1868 - 1897 Ordnance Survey Maps
Map Group B 1898 - 1906 Ordnance Survey Maps
Map Group C 1930 - 1938 Ordnance Survey Maps
Map Group D 1959 - 1971 Ordnance Survey Maps
Map Group E 1969 - 1992 Ordnance Survey Maps
Map Group F Present Day Ordnance Survey Maps

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. 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.

MANAGER (DEVELOPMENT MANAGEMENT) 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 note that any proposed discharges to land or the water environment will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. For further details refer to SEPA website
http://www.sepa.org.uk/water/water_regulation/regimes.aspx.

SCOTTISH WATER have commented as follows:

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

There are no public sewers in the vicinity of the proposed development.

Turriff Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the

Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:

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

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant must contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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

Construction Consent for the roads will/will not be required under Section 21 of the Roads (Scotland) Act 1984.

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.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
E2010/106/002		Ground and Upper Floor Plan
E2010/106/003		Elevations
		Site and Location Plan

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

None

**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

N/A

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

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.

Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development. Failure to submit the required Notice will be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions.

Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

Phased development – Under S.27B(2) of the 1997 Act where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. **The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.**

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 11/00011/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: Date:

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

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.....
.....

2. The full name and address of the landowner, if a different person:

.....
.....
.....

3. Where a site agent is appointed, their full name and contact details:

.....
.....
.....

4. The date of issue and reference number of the grant of planning permission:

.....
.....

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 11/00011/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.

REPORT OF HANDLING

Ref No:	14/01967/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Extend planning consent 11/00011/APP for erection of dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray		
Date:	04/12/14	Typist Initials:	LRM

RECOMMENDATION

Approve, without or with condition(s) listed below	Y	
Refuse, subject to reason(s) listed below	N	
Legal Agreement required e.g. S,75	N	
Notification to Scottish Ministers/Historic Scotland	N	
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Scottish And Southern Energy	24/10/14	No objections
Environmental Health Manager	24/10/14	No objections
Contaminated Land	23/10/14	No objections
Transportation Manager	30/10/14	No objections subject to conditions and informatives as applied to previous consent
Scottish Water		No response received

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Whole of Policy 1	N	
Whole of Policy 2	N	
H8: New Housing in Open Countryside	N	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
EP5: SUDS	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
IMP1: Development Requirements	N	

REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Name	Address	
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The application seeks to extend the duration of the planning permission initially granted under application 11/00011/APP. At the time of submission application 11/00011/APP had yet to expire.

There has been no change in development plan policy since the approval of the previous application on the site. The application is therefore recommended for approval subject to the same conditions as previously applied, minus the first 4 conditions which have been replaced with notes on the decision notice.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

There has been no change in material circumstances since the approval of the previous application on the site and as such this application for the renewal of permission is also recommended for approval.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
11/00011/APP	Erection of dwellinghouse on Plot 2 Bowie Croft Keith Moray			
	Decision	Permitted	Date Of Decision	11/10/11

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Herald	No Premises	27/11/14
PINS	No Premises	20/11/14

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



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

PERMISSION FOR DEVELOPMENT

[Keith And Cullen]
Application for Planning Permission

TO



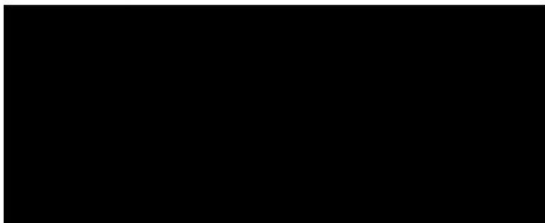
With reference to your application for planning permission under the above-mentioned Act as amended, the Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

Extend planning consent 11/00011/APP for erection of dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the 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: **4th December 2014**



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 **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under 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.**

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The development hereby granted relates solely to the duration of the planning permission within which development must be begun (see "Important Notes about this Decision" below) and as hereby approved, the development forms part of and is related to the decision to grant planning permission under formal approval decision notice 11/00011/APP dated 17 October 2011 and the terms and conditions of that permission (Conditions 5 - 16) are hereby re-iterated and remain in force.

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

- 1 To ensure an acceptable form of development having regard to the nature of the current proposal and to ensure the requirements for implementation of the development, including all design and site layout arrangements as previously approved are carried out in accordance with the earlier approved decision.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

There has been no change in material circumstances since the approval of the previous application on the site and as such this application for the renewal of permission is also recommended for approval.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, 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.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT - S.27A of the 1997 Act, as amended requires that 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. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

NOTIFICATION OF COMPLETION OF DEVELOPMENT - S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT – Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

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.

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

N/A

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

N/A

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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

N/A

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

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.

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 14/01967/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: Date:

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

.....
.....
.....

2. The full name and address of the landowner, if a different person:

.....
.....
.....

3. Where a site agent is appointed, their full name and contact details:

.....
.....
.....

4. The date of issue and reference number of the grant of planning permission:

.....
.....

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 14/01967/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.

Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

17.10.2011

Development Management
Environmental Services
The Moray Council

AREA OUTLINED IN BLUE OWNED BY APPLICANT
GRANTED PLANNING 08/00073/FUL

New Planting of trees equivalent to
291 m2 (25.37% of plot area).

Driveway incorporate a turning area to
allow all vehicles to leave the site in a
forward gear.

No obstruction above 1.0 metres in
height such that interferes with
visibility allowed to the west of this
line - visibility line for exiting site. As
per current planning permission -
06/00308/OUT

Area of land hatched brown is outwith
planning application but within
applicant's ownership

8T pole -
Datum level
100.000

1:200

Shelter belt of trees

Line of Boundary: proposed post and wire fence

surface water
soakaway min 5m
from boundary
and building

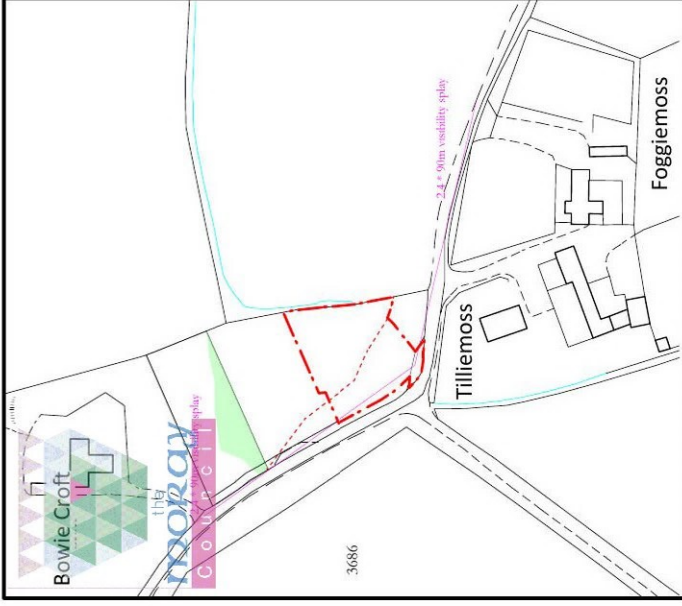
AREA OF SITE 1,147M2
(Bounded in Red)

proposed septic
tank position

proposed position of
ford water soakaway
min 5m from house
and boundaries

Proposed new shared access off a public road off the
B9018, with parking layby over 8.0m long by 2.6m
wide with 30 degrees splayed ends shall be
provided at the edge of the public road to allow
visiting and service vehicles to park clear of the road.
The vehicular access should lead off the layby. Layby
to be to Moray Council specification and be surfaced
in bitmac.

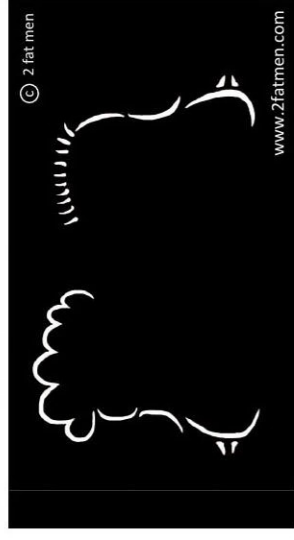
Site Plan



Location Plan

1:1250

Scale : As noted on Drawing



Client : Genesis Properties (Scotland) Ltd.

Project : Plot 2 Bowie Croft, Moray

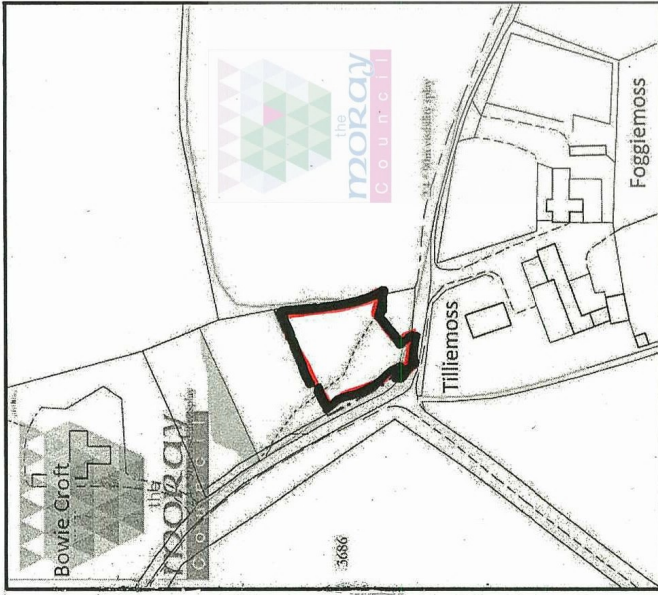
Drawing : Location & Site Plan

mwhs
Aug 11

Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED
05/12/14

Development Management
Environmental Services
The Moray Council



New Planting of trees equivalent to 291 m² (25.37% of plot area).

Driveway incorporate a turning area to allow all vehicles to leave the site in a forward gear.

No obstruction above 1.0 metres in height such that interferes with visibility allowed to the west of this line - visibility line for exiting site. As per current planning permission - 06/00308/OUT

Area of land hatched brown is outwith planning application but within applicants ownership

BT pole -
Datum level
100.000

1:200

Shaded out of trees

Line of Boundary 1:147M2 (Bounded in Red)

FFI 101.780

AREA OF SITE 1.147M2
(Bounded in Red)

surface water
swalloway into 5m
wide boundary
subsiding

proposed septic
tank position

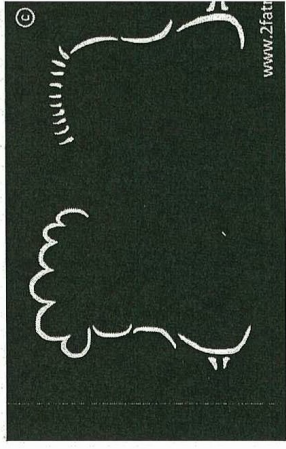
proposed position of
foot water swalloway
that 5m from house
and boundary

RECEIVED
13 OCT 2014

Proposed new shared access off a public road off the B9018, with parking, layby over 8.0m long by 2.6m wide, with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting and service vehicles to park clear of the road. The vehicular access should lead off the layby. Layby to be to Moray Council specification and be surfaced in bitmac.

Site Plan

Scale : As noted on Drawing



Client : ALISTAIR R ANDERSON

Project : Plot 2 Bowle Croft, Moray

Drawing : Location & Site Plan