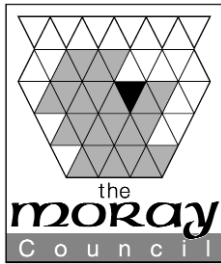


Appendix 8

Planning Consents (inc related reports of handling) for house at Bloomfield – 11/00049/PPP
and 13/00517/AMC



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

PERMISSION FOR DEVELOPMENT

**[Keith And Cullen]
Planning Permission in Principle**

TO Mr James Taylor
c/o Future Plans
The Barnyard Studios
GARMOUTH
Moray
IV32 7LX

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

Planning Permission in Principle to erect a house and garage on surplus rough ground close to farm steading at Bloomfield Farm Findochty 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: **23rd February 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 (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application for approval of matters specified in conditions may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.
- 2 The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.

- 3 The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 4-10 below.
- 4 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.
- 5 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 3 above.
- 6 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
- 7 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
- 8 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 3 above.
- 9 The design and materials of the dwellinghouse and landscaping proposals shall comply with the following requirements:-
 - (a) A roof pitch of between 40-55 degrees;
 - (b) A gable width of no more than 2.5 times the height of the wall from ground to eaves level;
 - (c) Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
 - (d) A vertical emphasis and uniformity to all windows;
 - (e) Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height. This shall incorporate an amended landscape plan showing an additional 440 sqm of the site planted with native species trees over and above that shown on the submitted indicative site plan;

- (f) Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.
- 10 The dwellinghouse shall be limited to a maximum of 1½ storeys with an overall height limit of 7.0m from finished site level to main ridge height (with any upper floor accommodation being contained almost entirely within the roof space
- 11 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:-

'post and wire fencing or traditional stone dyke'
- 12 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.
- 13 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.
- 14 Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, to ensure no water or loose material is permitted to drain or be carried onto the public footpath/carriageway
- 15 The first 10 metres of the private access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
- 16 A visibility splay of 4.5m x 215m is required at the access onto the public road in both directions. The provision of this visibility must be maintained free of any obstruction above 0.9m in height (for vehicular traffic) and must be detailed in full within the planning application drawings
- 17 Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, for the provision of an access lay-by 8.0 metres long by 2.5 metres wide with 30 degree splayed ends at the edge of the public road. The private 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.

- 18 Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, for the parking provision (based on 2 spaces for a dwelling with three bedrooms or less; or 3 spaces for a dwelling with four bedrooms or more) and turning areas within the curtilage of each house site.

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 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 4 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 5 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 6 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 7 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 8 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 9 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area and fully satisfies the requirements of policy H8 New Housing in the Open Countryside of the adopted Moray Local Plan 2008.
- 10 To ensure that the dwelling integrates sensitively with its surroundings and is designed to take account of its prominent roadside location.

- 11 In order to ensure that consideration can be given to the appearance and impact of boundary enclosures other than those specified.
- 12 To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
- 13 To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
- 14 To ensure acceptable development through the provision of details currently lacking that does not create any hazard to road users in the interests of road safety
- 15 To ensure acceptable development in the interests of road safety.
- 16 To ensure acceptable Access and Visibility in the interests of road safety for the visitors/residents of the proposed development and other road users
- 17 To ensure acceptable development through the provision of details currently lacking.
- 18 To ensure acceptable development through the provision of details currently lacking.

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:

- Former sand pit (reportedly infilled with stones) on site as indicated on map group D.

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 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.

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 is obliged to 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.

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

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

SCOTTISH SOUTHERN ENERGY has commented that:

If the applicant has any queries with regard to working in proximity to the overhead line, he should contact our Robbie McLeod, who is based at our Elgin Office (Tel: 01343 544642)

Comments from SCOTLAND GAS NETWORKS are attached for your information.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
1		Location Plan
2		Site Plan

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.

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: 11/00049/PPP

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

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: 11/00049/PPP

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.

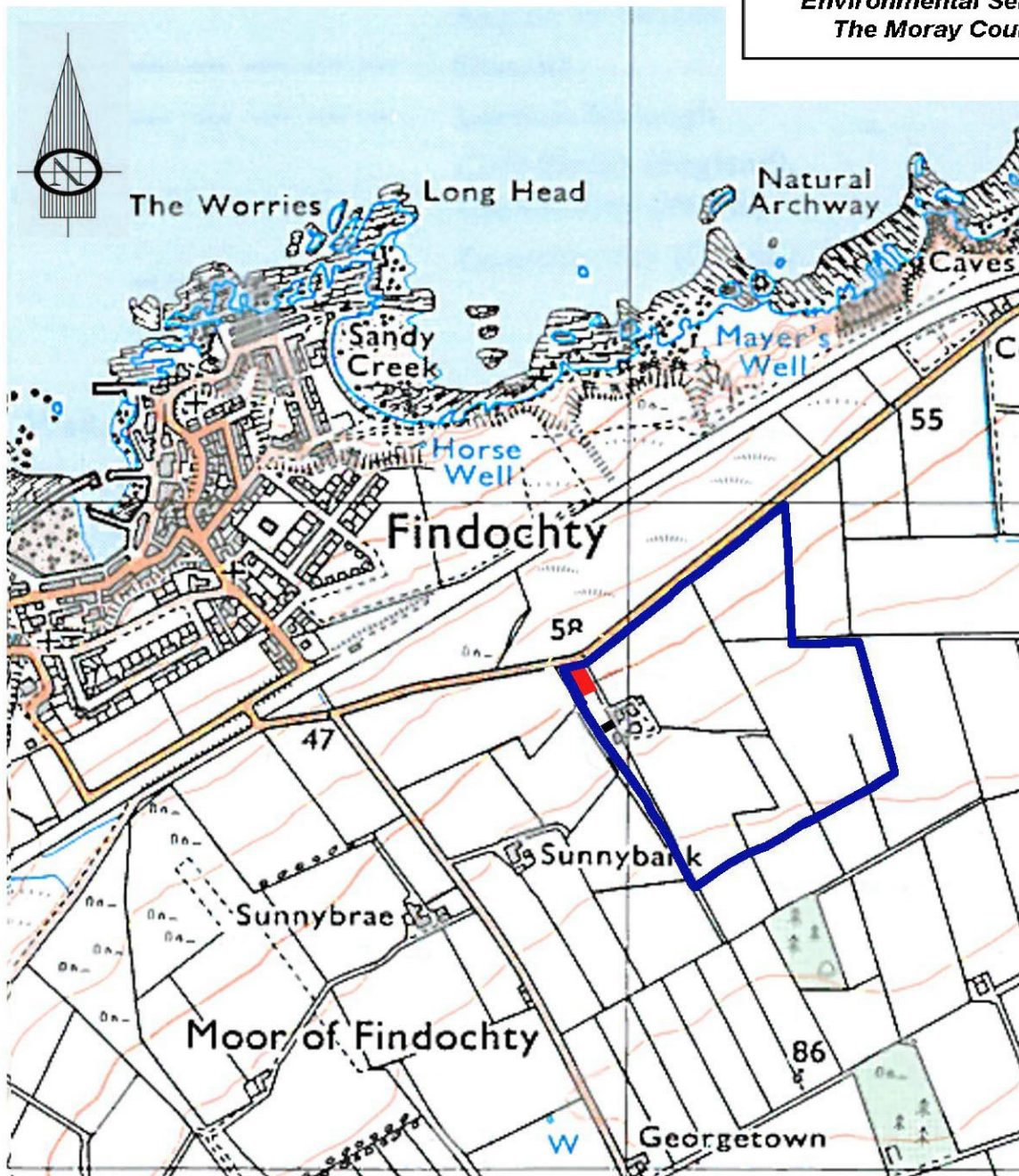
Please complete and return this form.

APPROVED

23.2.11

Development Management
Environmental Services
The Moray Council

- Site Referred to
□ Land adjoining the site owned by the applicant



0 100 200 300 400 500m

Location Plan 1:10000

Application for Planning Permission in Principle to erect a house and garage at Bloomfield Farm, Findochty, Buckie, for Mr James Taylor



futureplans

architects & planners

The Barnyard Studios
Garmouth, Moray
01343 870007

The Redhouse Studios
Tain, Ross-shire
01862 894894

Dimensions not to be scaled. ©Future Plans reserve all copyrights in respect of the contents of this drawing.

Scale: 1:10000044

Job No: 612/0710/T

Drg No: 1

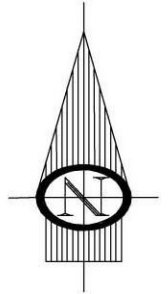
Date: 23/08/10

20/01/11

Rev:

Site Plan 1:500

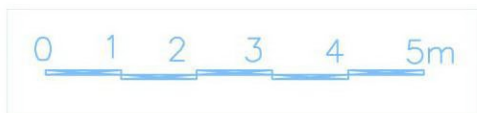
Site Area:
2363m² or thereby



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

APPROVED

23.2.11
Development Management
Environmental Services
The Moray Council



futureplans

architects & planners

The Barnyard Studios
Garmouth, Moray
01343 870007

The Redhouse Studios
Tain, Ross-shire
01862 894894

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Application for Planning Permission in Principle to erect a house and garage at Bloomfield Farm, Findochty, Buckie.
for Mr James Taylor

Scale: 1:500 A4
Date: 23/08/10

Job No: 612/0710/T

Drg No: 2
Rev:

REPORT OF HANDLING

Ref No:	11/00049/PPP	Officer:	Richard Smith
Proposal Description/ Address	Planning Permission in Principle to erect a house and garage on surplus rough ground close to farm steading at Bloomfield Farm Findochty Buckie Moray		
Date:	23.2.11	Typist Initials:	PAC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Protection Manager		No comment received
Environmental Health Manager	26/01/11	No objection
Contaminated Land	01/02/11	No objection
Transportation Manager	03/02/11	No objection. Conditions and informatives
Scottish Water	27/01/11	No objection
Planning Gain Unit	28/01/11	No contributions sought
Scottish And Southern Energy	27/01/11	No objection. Informative advice
Scotia Gas	26/01/11	Confirms gas main near site and provides safety advice

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H8: New Housing in Open Countryside		
IMP1: Development Requirements		
T2: Provision of Road Access		
T5: Parking Standards		
EP9: Contaminated Land		
EP10: Foul Drainage		
IMP3: Developer Contributions		
Policy 1(e)		

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):		
None.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The proposal:

- Application for planning permission in principle for the formation of a single house plot and associated works on agricultural land at Bloomfield Farm, Findochty. The indicative site layout shows the approximate position of the house and garage, landscaping and a proposed vehicular access onto an adjoining farm track. Foul drainage and water supply arrangements involve installation of a private septic tank/soakaway and a connection to the public water supply network.
- The application includes a supporting case from the agent and a letter from SAC, Agricultural Consultants and has been re-submitted to address objections cited in relation to previous application 10/01461/PPP, refused in Nov 2010 on prominence grounds. This new supporting information sets out the reasoning for the location of the site and confirms that it is required for security/farm management purposes as there is currently no farm house on the site. It further states that the dwelling will be no more prominent than the existing farm complex, will have a backdrop, landscaping, and if modestly proportioned will satisfy policy H8 criteria.

The Site and Surrounds:

The subject site is an irregular shaped parcel of farmland of 0.23 ha, which occupies a roadside position at the front of the Broomfield farm complex, 250m to the southeast of the settlement boundary of Findochty. It is gently sloping, rising away from the road and has approx. 80% site boundaries defined by post and wire fencing and the road verge.

Policy Assessment:

Moray Structure Plan policy 1 (e) and Moray Local Plan 2008 policies H8, IMP1, T2 and T5:

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 contains the necessary 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. Policies T2 and T5 require a safe and suitable access and adequate parking provision.

The additional information, supported by the submission from SAC, Agricultural Consultants has been taken on board in the assessment of this application and subject to conditions covering scale/design and landscaping (along the lines of those outlined within the supporting case to mitigate visual impact) satisfactorily addresses the concerns previously raised in relation to the earlier application. Whilst any dwelling would occupy the skyline when viewed at a distance from the A942 road and be prominent due to its roadside location (see comments below re potential departure), any visual impact would be mitigated by the existing farm buildings and the measures proposed in the supporting case for a modestly proportioned dwelling and generous tree planting. In this regard, to ensure that any prospective dwelling integrates sensitively with its surroundings conditions shall be attached limiting the height of any dwelling to 1 ½ storeys (7 metres) and requiring at least 25% of the site to be planted with trees as per policy H8 requirements. These elements shall be covered by condition to be addressed during consideration of any subsequent application for PP or AMC.

Note. Although the application was the subject of statutory advertisement procedures as a potential departure at registration stage, further assessment including consideration of supporting information has concluded that the proposal is not a departure to the development plan.

Access/parking (Policies MLP - T2, T5) - Transportation Engineer has assessed the access arrangements for the proposal and has raised no objection to the granting of permission subject to conditions requiring the provision of a satisfactory visibility splay, drainage, parking, etc

Recommendation:

Bearing in mind the above, the application is considered to represent an acceptable form of development, which complies with development plan requirements and accordingly attracts a recommendation of conditional approval.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Agent's Supporting Case:

At present there is no farmhouse at Bloomfield. Bloomfield is a working farm.

The applicant owns the farm steading with the surrounding farmland and also works the farm.

He is keen to live on site for convenience and ongoing supervision. However, bearing in mind the type of activity carried on at the farm steading and the standards of residential amenity expected in the 21st century he also, quite reasonably, wishes to live at a modest distance from the steading itself. In the interests of ongoing security, he would like to be in a position to easily supervise and control all traffic entering and leaving the steading. His options to achieve this are restricted. The house really has to be between the steading and the public road. This being the case he has selected land that is not of good agricultural quality and which is not required for outdoor storage. In so doing he is also restricted somewhat by the existence of an overhead power line and a gas main. He has therefore selected a location which is at a safe distance between the two.

The applicant is prepared to design a one and a half storey house to be in character with the surrounding area and buildings and also provide indigenous screening by sensitive application of the 25% planting required by policy. He would also be prepared to screen the outdoor storage area between the steading and the proposed house, thereby creating a visual improvement to the mutual benefit of his house and the surrounding area.

Our client has discussed his proposals with the Senior Agricultural/Consultant/Area Manager of SAC and has received her written support, (see attached letter dated 21/12/2010). In particular she

recommends that the house be adjacent to the entrance track in front of the steading for monitoring security, but also clear of the steading buildings to allow efficiency in the use of current storage and working areas. The proposed site meets these recommendations.

In terms of Policy H8: -

This application is for one house only.

It will quite obviously be associated with the farm buildings and will not detract from them, especially when the requirement for 25% planting is implemented. The house will only be as prominent as the farm steading itself. Rising ground to the south and the farm buildings will provide natural and built backdrop.

50% of the site boundaries in the form of the public road and the farm access track are already in existence.

HISTORY				
Reference No.	Description			
10/01461/PPP	Planning Permission in principle to erect a house and garage surplus rough ground close to farm steading at Bloomfield Farm Findochty Buckie Moray			
	Decision	Refuse	Date Of Decision	24/11/10

ADVERT			
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser	Departure from development plan	21/02/11	
Banffshire Advertiser	No Premises	21/02/11	

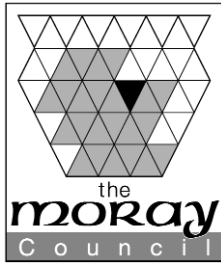
DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

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]

Approval of Matters Specified in Conditions

TO Mr James Taylor
c/o Future Plans Ltd
The Barnyard Studios
South Road
Garmouth
Fochabers
IV32 7LX

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

Approval of Matters Specified in Condition to erect house and garage at Site Northwest Of Bloomfield Farm Buckie Moray

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where 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: **15th May 2013**

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 APPROVAL OF MATTERS SPECIFIED IN CONDITIONS**, subject to condition(s) 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 Prior to the commencement of any development a visibility splay of 4.5m x 215m shall be provided at the access onto the public road in both directions and maintained thereafter free of any obstruction above 0.9m in height (measured from the level of the carriageway).
- 2 The first 10m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
- 3 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 4 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.
- 5 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.
- 6 A minimum of two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.
- 7 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.

- 8 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 house 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.
- 9 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:-
 - post and wire fencing or traditional stone dyke.

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

- 1 To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road, in accordance with 2008 Moray Local Plan Policy T2.
- 2 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 3 To ensure acceptable development that does not create any hazard to road users in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
- 4 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 5 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 6 To ensure an acceptable development in terms of parking provision and amenity of the area, in accordance with 2008 Moray Local Plan Policy T5.
- 7 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 8 In order to ensure that the approved landscaping works are timeously carried out in accordance with policy H8 of the Moray Local Plan 2008 and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
- 9 In order to ensure that consideration can be given to the appearance and impact of boundary enclosures other than those specified.

REASON(S) FOR DECISION

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

The proposal accords with the relevant provisions of the development plan relating to rural housing proposals and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2		Elevations, Floor Plans, Site Plan
1		Location Plan

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
- (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

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

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.

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Reference number of application for planning permission in principle (or outline planning permission) in respect of which matters specified in conditions were imposed:

11/00049/PPP, dated 23 February 2011.

Details of matters specified in conditions in respect of which approval, consent or agreement have been granted or refused:

Siting, design and external appearance of the building, means of access and landscaping against.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

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.

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

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roads.permits@moray.gov.uk and reference to the following page on the Council web site
Road Opening: http://www.moray.gov.uk/moray_standard/page_79860.html

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site

Transportation Service Requirements for Small Developments in the Countryside

Full document <http://www.moray.gov.uk/downloads/file79761.pdf>

Checklist <http://www.moray.gov.uk/downloads/file68812.pdf>

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk 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 applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

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.

**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

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

None

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: 13/00517/AMC

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

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: 13/00517/AMC

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.**

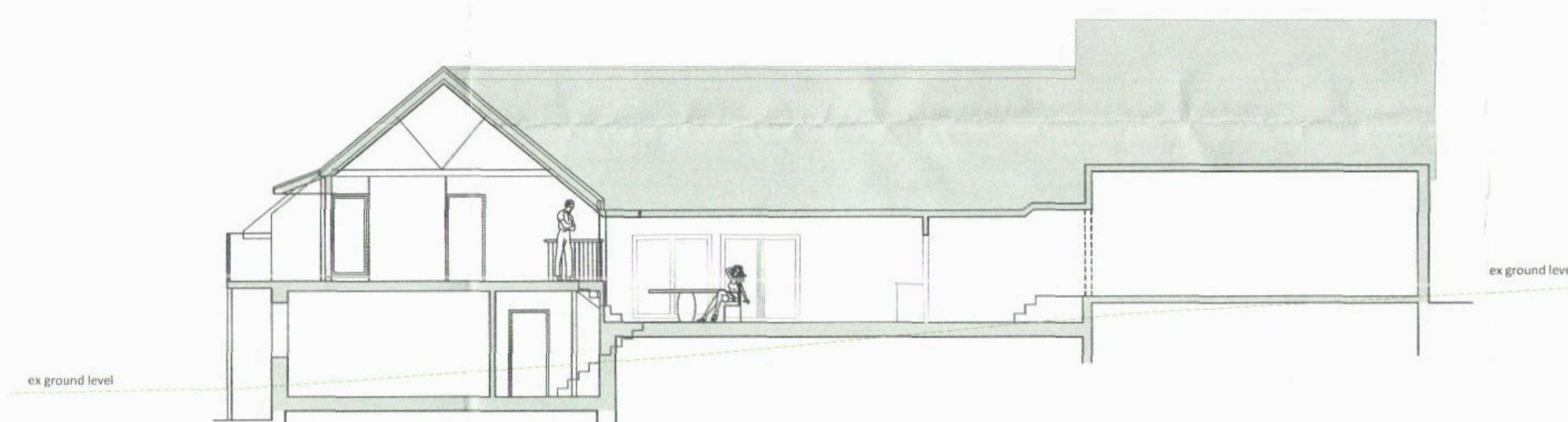
Please complete and return this form.



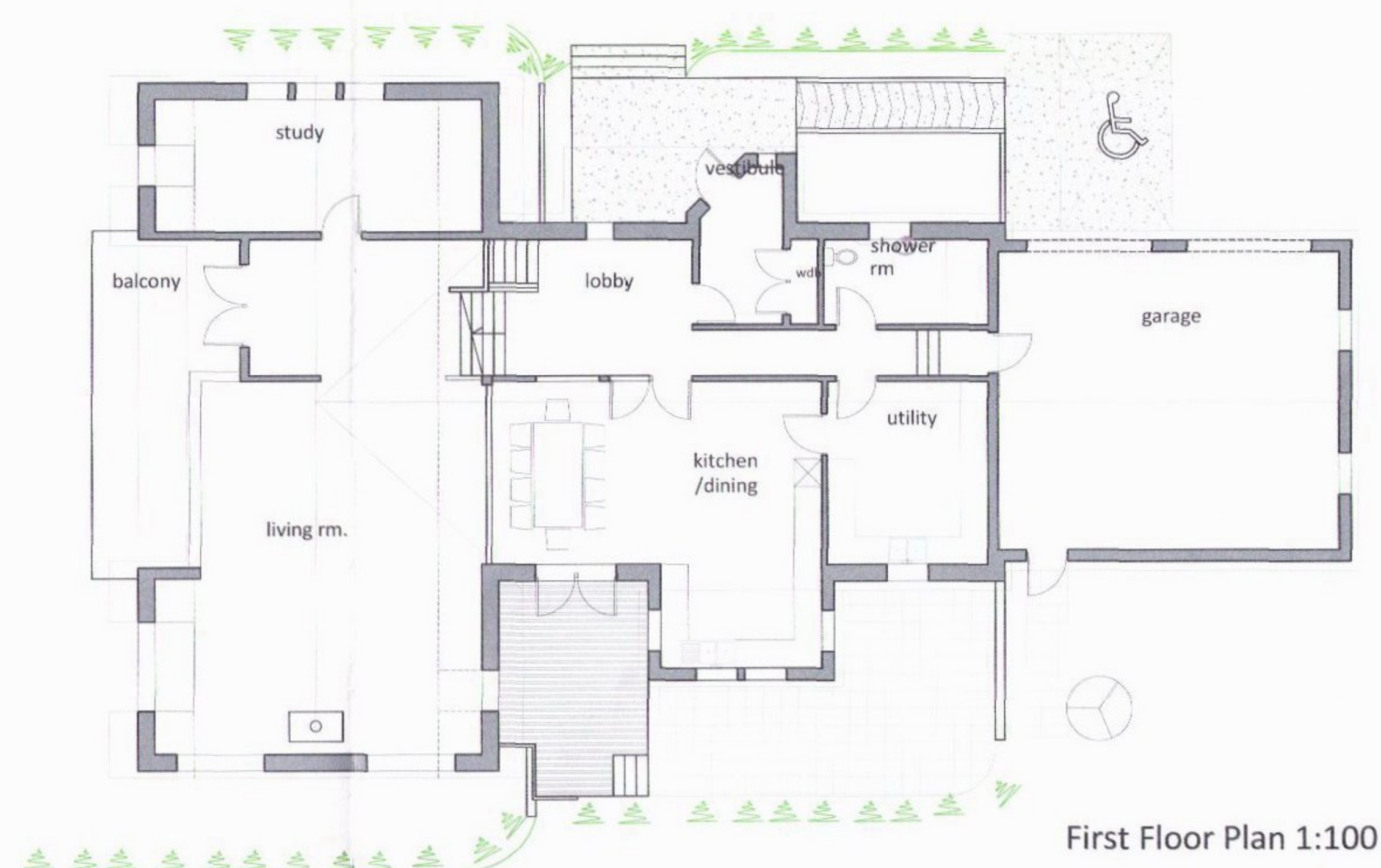
NE Front elevation 1:100



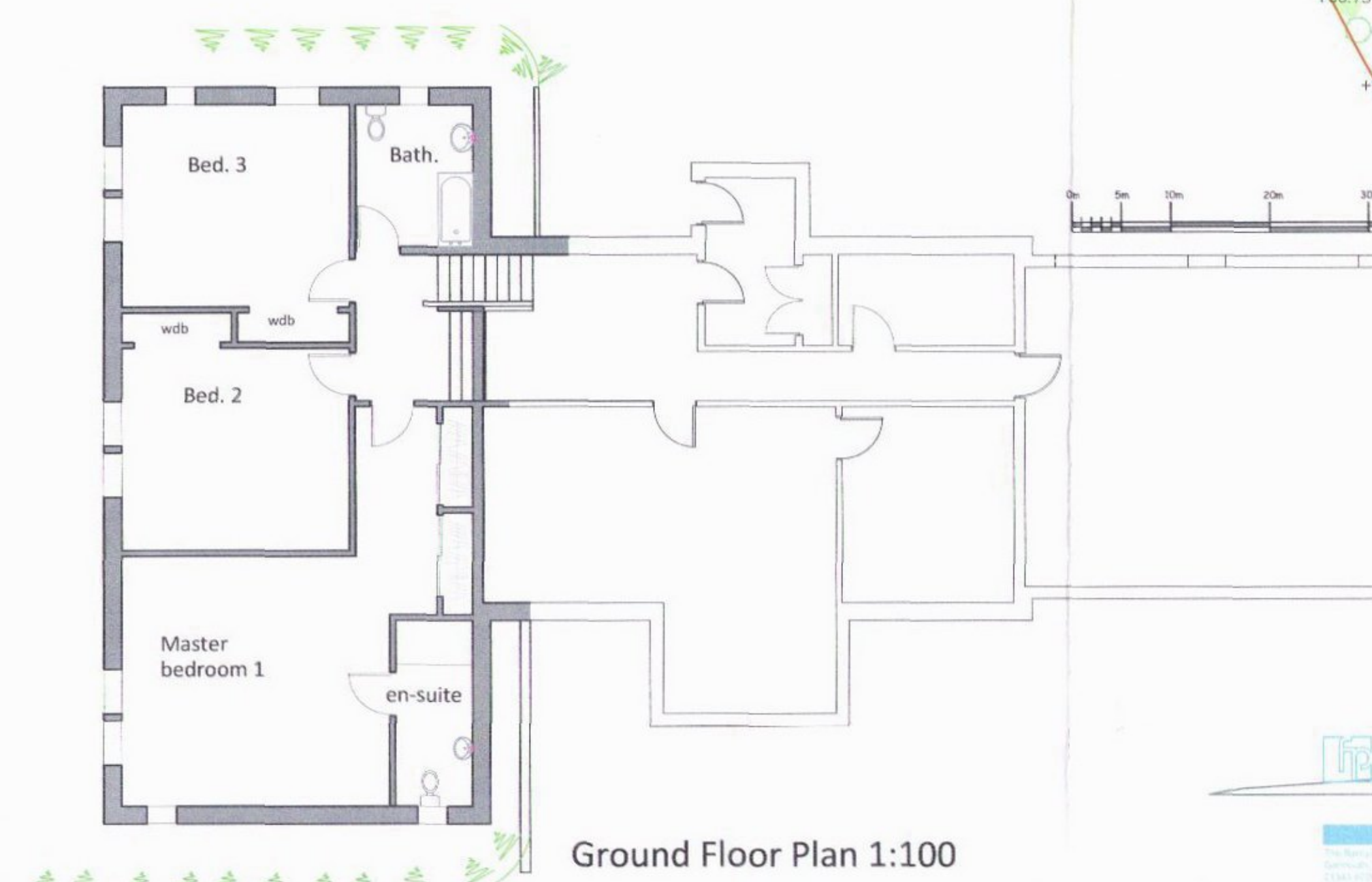
SW elevation 1:100



section 1:100



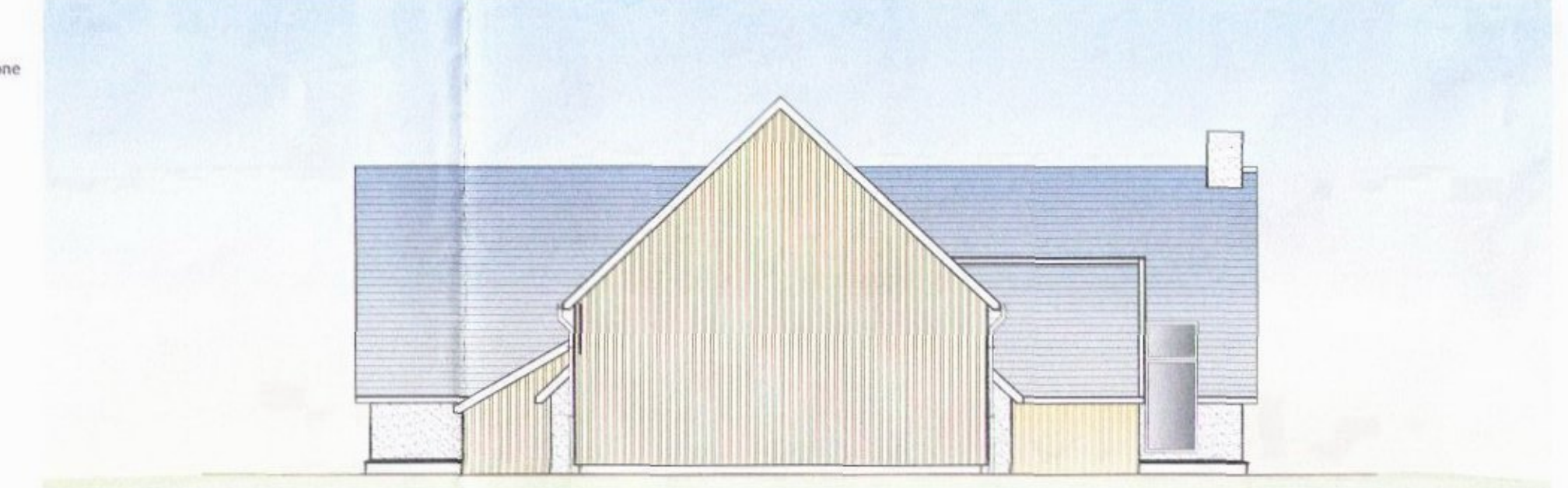
First Floor Plan 1:100



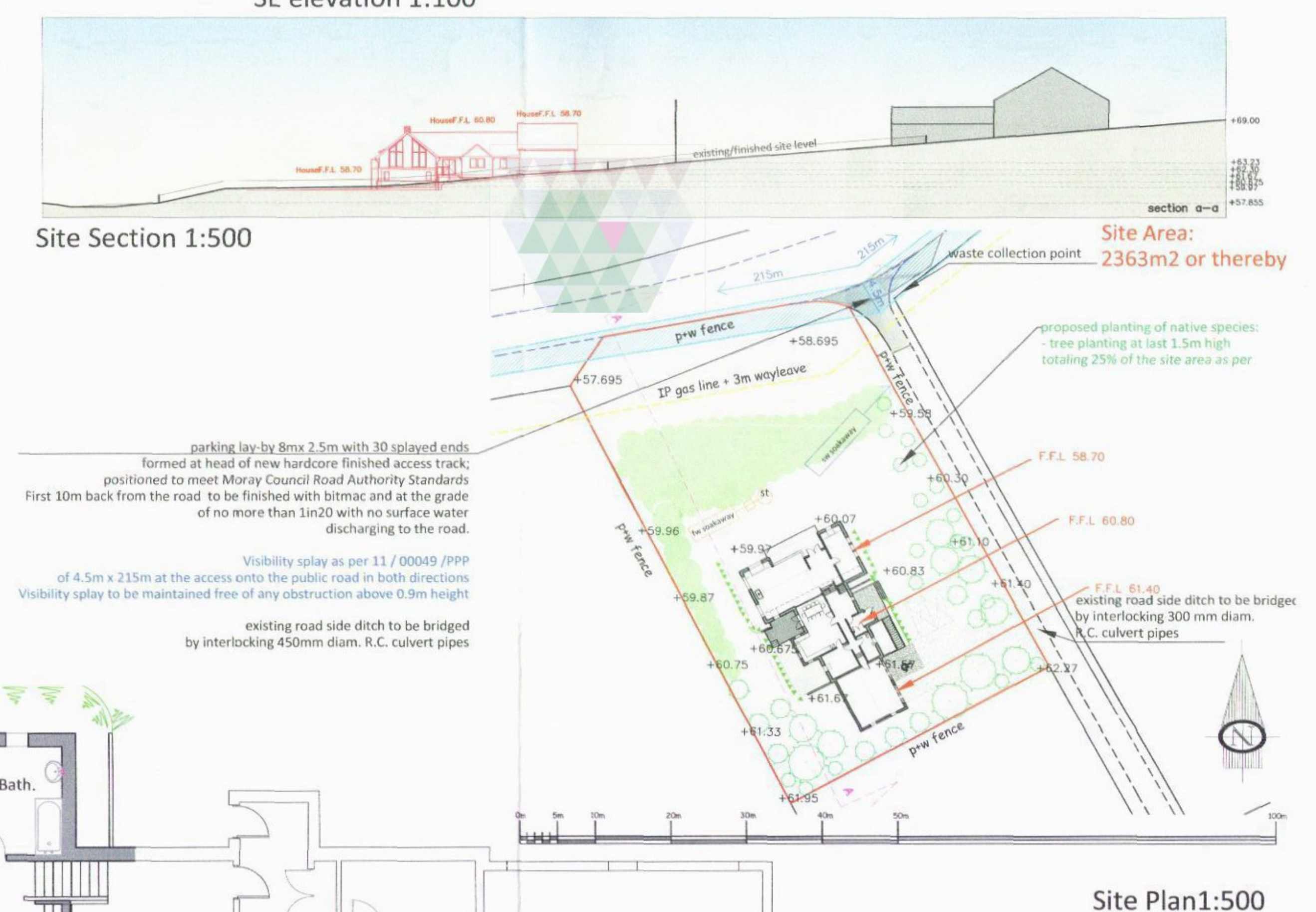
Ground Floor Plan 1:100



NW elevation 1:100



SE elevation 1:100



Site Plan 1:500

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

APPROVED
15.05.2013
Development Management
Environmental Services
The Moray Council

Proposed house and garage at Bloomfield Farm, Findochty,
Buckie, for Mr James Taylor
February 2013

futureplans
architects & planners

The Rapp and Thomas
Greenwich, Maine
213.63.4730/57

The Institute Modern
Type: Plaza House
610.02.0700

Scale: **varied A1** Job No: **612/0710/T** Drg No: **2**

REPORT OF HANDLING

Ref No:	13/00517/AMC	Officer:	Richard Smith
Proposal Description/ Address	Approval of Matters Specified in Condition to erect house and garage at Site Northwest Of Bloomfield Farm Buckie Moray		
Date:	14.05.2013	Typist Initials:	JM

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
Environmental Protection Manager	11/04/13	No objection.
Environmental Health Manager	10/04/13	No objection.
Contaminated Land	11/04/13	No objection.
Transportation Manager	18/04/13	No objection, conditions/informatives.
Scottish Water	16/04/13	No objection, informatives.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
H8: New Housing in Open Countryside	N	
IMP1: Development Requirements	N	
T5: Parking Standards	N	
T2: Provision of Road Access	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
Whole of Policy 1	N	
Whole of Policy 2	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):		
No objections/representations received.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal:

Application for Approval of Matters Specified in Conditions of permission 11/00049/PPP for the erection of a house, garage and associated work at Bloomfield Farm, Findochty. The house would be a single/1 ½ storey building with a T-shaped foot print, located at the front of the farm complex and would be finished in buff stone, white render, timber cladding and dark blue slate/effect tiles. Associated works include cut and fill excavation works to set the house down (as per a conditional requirement of the previous consent) and formation of a driveway from the existing track. The house would be served by a private foul drainage system i.e. septic tank and discharge to land via soakaway and would connect to the public water supply network. The proposals include a submitted landscape scheme proposing 25% tree planting.

Policy Assessment:

Main considerations when assessing applications for Approval of Matters Specified in Conditions of permission involve assessment of the siting, design and external appearance of the building, means of access and landscaping against development plan policies H8 and IMP1 and whether these satisfy the conditional requirements of the previous outline consent.

The submitted house type positioned towards the rear of the plot and being of broadly traditional form/proportions (albeit with some contemporary glazed and balcony features) would be acceptable in design terms satisfying the requirements of policies H8 and IMP1 and conditional requirements of the Planning Permission in Principle. Substantial cut and fill excavation works to lower the overall height of the house to 7m (in line with the previous permission to offset its roadside location), the proposed material finishes and requisite 25% tree planting would also serve to ensure that the development integrates satisfactorily with its surroundings.

Access/parking (MLP Policies T2, T5) - The Transportation Engineer has assessed the proposal against the relevant transportation standards and has raised no objection to the granting of permission subject to conditions.

Scottish Water, Environmental Health and Contaminated Land have also raised no objection to the granting of planning permission and no objections have been received as a result of neighbour notification procedures.

The proposal raises no amenity or nature conservation issues.

Foul and surface water drainage arrangements would be addressed under the Building Regulations and informative advice covering this issue shall be attached to the decision notice.

Recommendation:

Based upon the above considerations, the application represents an acceptable form of development which conforms to development plan requirements and is recommended for approval.

Footnote: Although initial concerns regarding the visual impact of the proposal led to the requirement for a departure advert (potential) at registration stage, these were addressed following detailed consideration of the submitted cross section drawings and site visit which confirmed the extent of proposed ground works, requisite tree planting and compliance with the conditions of the previous approval.

REASON(S) FOR DECISION

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

The proposal accords with the relevant provisions of the development plan relating to rural housing proposals and there are no material considerations that indicate otherwise.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
11/00049/PPP	Planning Permission in Principle to erect a house and garage on surplus rough ground close to farm steading at Bloomfield Farm Findochty Buckie Moray			
	Decision	Permitted	Date Of Decision	23/02/11

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser	No PremisesDeparture from development plan	13/05/13	
PINS	Departure from development planNo Premises	13/05/13	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
--------	-----

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:		

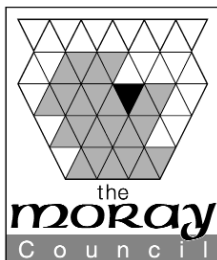
S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

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)			

Appendix 9

Planning Consent for additional house site at Bloomfield (inc Report of Handling) –

13/00478/PPP



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

PERMISSION FOR DEVELOPMENT

**[Keith And Cullen]
Planning Permission in Principle**

TO Mr James Taylor
c/o Future Plans Ltd
The Barnyard Studios
South Road
Garmouth
Fochabers
IV32 7LX

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

**Erect house at Site South Of Bloomfield Farm Steading Findochty Buckie
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: **15th May 2013**

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 IN PRINCIPLE** 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 approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.
- 2 The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 3 - 7 below.
- 3 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 2 above.
- 4 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access and areas for vehicle parking shall be submitted in accordance with condition no. 2 above.
- 5 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 2 above.
- 6 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 2 above.
- 7 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken, which in total shall cover a minimum of 25 percent of the plot area and details of all surfacing materials shall be submitted in accordance with condition no.2 above.

- 8 Notwithstanding the provisions of Class 3E in Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any Order revoking or amending that Order, and unless alternative agreements are reached with the Planning Authority, the boundaries of the site shall be comprised:-
- Natural drystone dyke, a post and wire fence or a hedge made of native species to be agreed in writing with the Planning Authority prior to planting.
- 9 The dwellinghouse hereby approved shall be a maximum of one and a half storeys with a maximum height from ground to ridge of 7 metres.
- 10 Prior to any development works commencing:
- i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 215 metres and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.9 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.
- 11 Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, to ensure no water or loose material shall be permitted to drain or be carried onto the public footpath/carriageway for the life time of the development.
- 12 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.
- 13 The first 10m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
- 14 Parking provision shall be as follows:
- 2 spaces for a dwelling with three bedrooms or less; or
 - 3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

- 1 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 2 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 4 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 5 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 6 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 7 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 8 To ensure an appropriate boundary enclosure in keeping with the countryside location.
- 9 To ensure the visual impact of the development is minimised.
- 10 To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road, in accordance with 2008 Moray Local Plan Policy T2.
- 11 To ensure acceptable infrastructure at the development access through the provision of details currently lacking, in accordance with 2008 Moray Local Plan Policy T2.
- 12 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 13 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 14 To ensure an acceptable development in terms of parking provision and amenity of the area, in accordance with 2008 Moray Local Plan Policy T5.

REASON(S) FOR DECISION

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

The development is considered to comply with the Development Plan policies.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
1		Location Plan
2		Site Plan

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended:

- (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If an application for approval of matters specified in conditions has not been made or the development has not begun within the specified dates this planning permission in principle shall lapse unless there is a specific condition attached to this permission which varies the stated timescales.

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

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roads.permits@moray.gov.uk and reference to the following page on the Council web site
Road Opening: http://www.moray.gov.uk/moray_standard/page_79860.html

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site

Transportation Service Requirements for Small Developments in the Countryside Full document <http://www.moray.gov.uk/downloads/file79761.pdf>
Checklist <http://www.moray.gov.uk/downloads/file68812.pdf>

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

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

**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

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

None

**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: 13/00478/PPP

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:

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.....

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: 13/00478/PPP

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

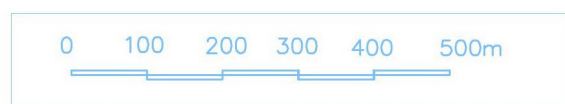
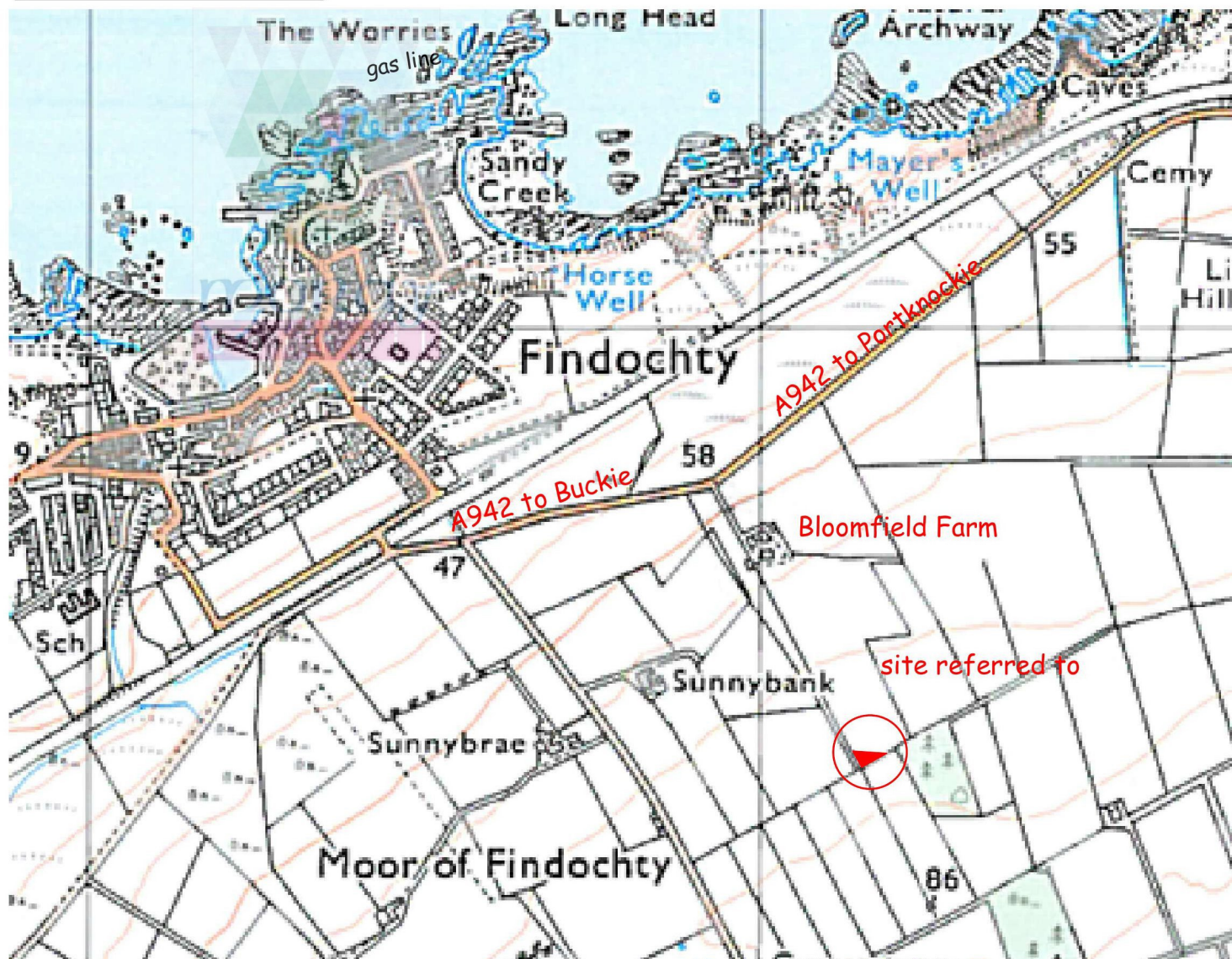
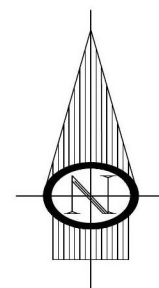
IMPORTANT

**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.

APPROVED
15.05.2013

Development Management
Environmental Services
The Moray Council



Location Plan 1: 10000



futureplans

architects & planners

The Barnyard Studios
Garmouth, Moray
01343 870007

The Redhouse Studios
Tain, Ross-shire
01862 894894

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Application for Planning Permission in Principle to erect a house and garage on ground to the south of Bloomfield Farm, Findochty, Buckie. for Mr James Taylor

Scale: 1:25000 A4 Job No: 712/1212/T

Drg No: **1**

Date: 13/03/13

Rev: