

07/00681/FUL  
17th April 2007

Erect new house at Site Adjacent To Ben-Mhor Church Street  
Dufftown Keith Moray for Mr And Mrs L Thomson

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**Comments:**

- MEMBERS WILL HAVE VISITED THE SITE.
- Competent written objections received from more than 5 separate households or other premises.
- Not advertised.

**Procedure:**

- None.

**Recommendation:      Permit - Subject To The Following:-**

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The permission hereby granted shall not be exercised in addition to, or in conjunction with the permission approved under formal decision notice 06/01486/FUL dated 3rd November 2006.
4. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until details of the proposed roof tiles have been submitted to and approved by the Head of Development Services.
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) details of external material finishes for all hard surfaces and parking areas.

6. 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 dwellinghouse or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.
7. If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (or any other revoking and re-enacting that order), other than the vehicular access expressly authorised by this permission, no further vehicular accesses shall be formed to the site without written consent of the Council.
9. Prior to any development works commencing on the site, details for the provision of the "right of way" footpath link between points A and B including surface finish, design construction, drainage and fencing shall be submitted to and approved in writing by the Planning Authority. Thereafter, the footpath shall be constructed in accordance with the approved details prior to the commencement of development on the dwellinghouse.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order to avoid any ambiguity regarding the terms of this consent.
4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
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 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.
7. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
8. In the interests of protecting road safety and residential amenity.

9. In order to ensure a satisfactory form of development and in the interests of free access.

**List of Informatives:**

THE BUILDING STANDARDS MANAGER, has commented that:-

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

THE CONTAMINATED LAND SECTION has commented that:-

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

- Distillery approximately 41 metres to the east as indicated on map group F, E, D, C, B.
- Infilled dam approximately 79 metres to the north east as indicated on map group B.

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](http://www.moray.gov.uk/ContaminatedLand). Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to [contaminated.land@moray.gov.uk](mailto:contaminated.land@moray.gov.uk)

Comments received from SCOTTISH WATER are attached for your information.

Comments from Scottish Gas Networks are attached for your information.

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

The access from this site to Church Street is via a private driveway and then a private (unadopted) road.

SCOTTISH HYDRO ELECTRIC POWER DISTRIBUTION LTD has commented that:-

Please take note of the attached plan which identifies voltage cables in the locality of the site.

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

The applicant is reminded that badgers are protected in Britain under the Protection of Badgers Act, 1992. It is an offence to interfere with a sett by damaging or destroying it, obstruct access to, or entrance of, a badger sett, or disturb a badger when it is occupying a sett. While badgers are traditionally associated with rural habitats such as woodlands, hedgerows, scrub and open fields, they are increasingly found in and around villages and towns.

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