

07/01049/FUL  
1st June 2007

**Detailed planning application for road layout site services boundary wall and demolition of Red Craig Hotel and outline planning application for 41 plots incorporating 8no affordable housing units on Red Craig Hotel Burghead Elgin Moray IV30 5XX for Mr Peter Hizzet**

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**Comments:**

- MEMBERS WILL HAVE VISITED THE SITE.
- Referred to Committee as the proposal involves more than 10 houses and is a departure from the development plan.
- Advertised as a departure from the development plan.
- No objections/representations received.

**Procedure:**

- None.

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

**The following conditions apply to the roadway and all accesses to the existing public roadways:**

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. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.
4. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
5. Two private parking spaces for up to a three bedroomed dwelling, three private car parking spaces for a four or more bedroomed dwelling, and fifteen communal parking spaces for each flatted property shall be provided.
6. A visibility splay of 4.5m x 70m shall be provided at the access onto Sigurd Street. A splay of 4.5m x 120m shall be provided at the access onto Fraser Road. 4.5m x 120m splays shall be maintained at the accesses from Fraser Road and Sigurd Street onto the B9040.
7. New boundary walls/fences shall be set back from the edge of the public road at a distance of 2.0m minimum metres.

8. The new footpath to the west side of Fraser Road shall be 3m wide shared use cycle/pedestrian path.
9. 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.

**The following conditions apply to the indicative housing layout for the site:**

10. The approval hereby granted is in principle and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.
11. 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 reserved matters numbered 12-16 below.
12. 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. 11 above.
13. 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 shall be submitted in accordance with condition no. 11 above.
14. 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. 11 above.
15. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 11 above.
16. 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. 11 above.
17. 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.
18. That a Schedule of Maintenance for the landscape areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to occupation of the first house plot. This Schedule of Maintenance shall include a written undertaking which includes the arrangements for the implementation of the Landscape Scheme and the future maintenance.
19. That eight units of affordable/special needs housing shall be provided within the site hereby approved, and
- a) prior to development works first commencing, details of the location of the required unit of accommodation shall be submitted to and approved by the Council as Planning Authority; and
  - b) prior to any development works first commencing on the approved location(s) for the affordable/special needs units of accommodation, details regarding the design and arrangements to ensure the long term delivery and provision of the required affordable/special needs units of accommodation shall be submitted to and approved by the Council, as Planning Authority; and
  - c) thereafter, the development shall be implemented in accordance with the approved details.
20. That prior to the commencement of housing development additional play equipment shall be provided within the Sigurd Street play park to the satisfaction of this Council as Planning Authority in consultation with The Moray Housing Partnership.

**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 the interests of road safety.
4. In the interests of road safety.

5. In the interests of road safety.
6. In the interests of road safety.
7. In the interests of road safety.
8. In the interests of road safety.
9. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
10. In order to ensure that the matters specified can be fully considered prior to the commencement of development.
11. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
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15. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
16. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
17. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
18. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.
19. To ensure an acceptable form of development and safeguard the required provision of such housing on the site (see policies L/H7 and L/H8 of the Moray Local Plan) including matters specified which are currently lacking from the submission.
20. To accordance with policy L/F1 of the Moray Local Plan for developer contributions.

### **List of Informatives:**

THE CONTAMINATED LAND SECTION has commented that:-

Due to the past agricultural use of the site, there is always a potential for contamination to have arisen from, for example, farm tips, chemical storage or animal burial sites.

The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council website at [www.moray.gov.uk/ContaminatedLand](http://www.moray.gov.uk/ContaminatedLand). Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to [contaminated.land@moray.gov.uk](mailto:contaminated.land@moray.gov.uk)

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

Construction consent for the roads will be required under Section 21 of the Roads (Scotland) Act 1984. The detail of the road construction to be finalised at Roads Construction Consent stage.

The applicant shall be responsible for ensuring that 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 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 Transportation Manager must always be contacted before any works commence. This includes any temporary access which should be agreed with the Transportation Manager prior to work on it commencing.

No retaining walls shall be constructed along the edge of the road whether retaining the public road or ground adjoining the public road without consultation with the Transportation Manager.

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