

07/01468/FUL  
20th July 2007

Erect two detached dwellinghouses at Tennis Courts Mount Street Dufftown Keith Moray for Genesis Properties Scotland Limited

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**Comments:**

- MEMBERS WILL HAVE VISITED THE SITE.
- The application has previously been reported to Committee and the Development Control Manager considers that significant amendments have been made to the proposal for Committee to reconsider the development.
- Advertised as a departure from the development plan.
- No objections/representations received.

**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. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Head of Development Services and the roughcast work shall not be carried out until agreement has been reached with the Head of Development Services regarding the type and colour of materials to be used.
4. 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.
5. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
6. 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.
7. 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 dwellings 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.
8. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:
- i) a full technical specification of the gas protection measures, including the membrane, to be installed;
  - ii) full details of the appropriately qualified person responsible for installing the gas protection measures;
  - iii) full details of the exact siting and extent of the gas protection measures;
  - iv) full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
  - v) the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).
9. Any extension, garage, shed, greenhouse, outbuilding or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the membrane or gas protection measures shall be provided in accordance with the approved details:
- i) a full technical specification of the membrane or gas protection measures to be provided;
  - ii) full details of the appropriately qualified person responsible for installing the membrane or protective measures;

- iii) full details of the exact siting and extent of the membrane or gas protection measures;
  - iv) full details of the means by which it will be ensured that the membrane or gas protection measures will be fully protected during and after installation. These details must demonstrate that the membrane or gas protection measures will prevent impacts from contamination migration and gas migration;
  - v) the timescale for providing the membrane or gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).
10. No work shall commence until details have been submitted of the proposed boundary enclosures/retaining wall for the site boundaries. The approved details shall be implemented prior to occupation of the dwelling.
11. The white roughcast is not permitted as part of this application. Details of an alternative colour shall be agreed in writing by the Planning Authority prior to work commencing.
12. A 1.8 metre wide footpath shall be formed in accordance with The Moray Council specifications along the full site frontage onto Mount Street to the east. Drop kerbs shall be provided across the access positions. The footpath shall be completed prior to either dwelling being occupied. A road opening permit must be obtained from The Moray Council Direct Services before commencing this work.

**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 ensure that the development harmonises with the appearance and character of the surrounding properties and area.
4. In the interests of road safety.
5. In the interests of road safety.
6. In order that detailed consideration can be given to the landscaping of the site.
7. 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.

8. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
9. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
10. In the interests of privacy.
11. To ensure the development is in character with the surrounding area.
12. In the interests of highway safety.

**List of Informatives:**

THE BUILDING STANDARDS MANAGER, has commented that:-

It is noted that an Application for a Building Warrant has been received in respect of these proposals.

THE CONTAMINATED LAND SECTION has commented that:-

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

- Infilled quarry approximately 97 metres to the south east as indicated on map group A - E.

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.