

07/01549/FUL
1st August 2007

Detailed planning application for single dwellinghouse on Plot 1 (Phase 1) and detailed planning application for access road servicing and Plots 2 - 23 at Dunnyduff Road Keith Moray for L C Innes Consultancy

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:-**

1. For the avoidance of doubt this consent is for a total of 21 residential units, as per the approved plans, and not for 23 plots as described in the applications description.

Conditions 2 - 10 relate to both Phase 1 and 2 of the development hereby approved.

2. 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.
3. 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.
4. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
5. 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.
6. Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.
7. New boundary walls/fences shall be set back from the edge of the public road at a distance of 1.8 metres.
8. Drop kerbs shall be provided across the access to The Moray Council specification.

9. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.
10. A new 2.5 metre wide footpath, designed and constructed in accordance with The Moray Council specification shall be provided between the existing footpath outside No. 36 Dunnyduff Road to the new access road. Unless otherwise agreed with the Transportation Manager the footpaths are also to be completed on the north east side of the new access road adjacent to the site boundary.

Conditions 11 - 21 shall relate to Phase 2 of the development including roads, pavements, SUDS Lagoon, landscaping and play area provision.

11. A visibility splay of 4.5 x 70 metres shall be provided from the new access onto Dunnyduff Road (in both directions). There shall be no obstruction to visibility over 1 metre in height within the splays.
12. The access road serving plots 7 - 21 shall be constructed to basecourse level and have operational street lighting before any dwelling is occupied.
13. Detailed SUDS proposals, designed in accordance with the agreed Drainage Impact Assessment/SUDS Strategy (previously submitted by the applicant) must be submitted to and approved by the Council in consultation with SEPA and Scottish Water prior to the commencement of development on Phase 2. The final approved SUDS scheme must also be implemented and operational (to the Council's satisfaction) prior to the occupation of any dwellings in Phase 2.
14. 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.
15. 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:
 - a) a full technical specification of the gas protection measures, including the membrane, to be installed;
 - b) full details of the appropriately qualified person responsible for installing the gas protection measures;
 - c) full details of the exact siting and extent of the gas protection measures;
 - d) 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;

- e) the timescale for installing the gas protection measures;
 - f) 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).
16. 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:
- a) a full technical specification of the membrane or gas protection measures to be provided;
 - b) full details of the appropriately qualified person responsible for installing the membrane or protective measures;
 - c) full details of the exact siting and extent of the membrane or gas protection measures;
 - d) 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;
 - e) the timescale for providing the membrane or gas protection measures;
 - f) 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).
17. That no development shall take place beyond Phase 1 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 layout 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. Unless otherwise agreed with the Council (as Planning Authority) no dwelling shall be occupied beyond Phase 1 until the playpark has been installed and completed to the satisfaction of the Council (as Planning Authority).
19. Unless otherwise agreed with the Council (as Planning Authority) plots 16 - 19 inclusive shall be low-cost housing units as defined by the Moray Development Plan Affordable Housing supplementary planning guidance document. Prior to development of Phase 2 commencing agreement and approval must be obtained from the Housing Programmes Manager for the details of the low cost housing provision.
20. Unless otherwise agreed with the Council no dwellinghouse shall be occupied until such time as it is serviced by a section of roadway and footpath finished with a hard surface at least to basecourse level to the satisfaction of the Transportation Manager.
21. Prior to the commencement of development of Phase 2 approval shall be obtained for: -
- (a) A schedule of maintenance for all landscaped areas, SUDS Lagoon and the play area, showing the arrangements for maintenance in perpetuity in accordance with policy L/IMP4 of the Moray Local Plan 2000, including details of the administration arrangements for on-going landscape maintenance;
 - (b) Detailed plans showing finished levels and any means of enclosure for the SUDS lagoon area.

Reasons:

1. In order to avoid any ambiguity regarding the terms of this consent.
2. 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.
3. 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.
4. In the interests of road safety.
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9. In the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. In the interests of road safety.
13. In order that further consideration can be given to the surface water drainage arrangements for the development, and to ensure the agreed scheme is implemented prior to occupation of dwellings in Phase 2.
14. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
15. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
16. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
17. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
18. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
19. In order that full consideration can be given to the provision of low cost housing, and the timing of its provision.
20. In the interests of road safety.
21. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.

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 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 applicant shall be responsible for ensuring that water does not run from the public road into his property.

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.

Comments received from SCOTTISH WATER are attached for your information.

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

Comments regarding Health and Safety guidance for working near powerlines, have been forwarded from Scottish and Southern Energy onto the applicant via his architect.