

Fochabers Lhanbryde WARD 04_07

**09/02279/APP
8th December 2009**

Change of use of amenity ground to private garden ground and erect 1.000m high fence at 19 Lennox Place, Portgordon, Buckie, Moray for Mr And Mrs Malcolm Sammons

Comments:

- MEMBERS WILL HAVE VISITED THE SITE
- Advertised under neighbour notification procedures, as there are no premises on the land adjacent to the site and as a departure to the development plan.
- The application is being reported to Committee because it relates to land in which the planning authority have a financial interest.

Procedure:

- If minded to approved hearing not required.
- Although an objection has been submitted it addresses a question of amenity loss to the objector's property and not the issue of departure from the Local Plan by the abstraction of ENV land.

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

1. The development to which this permission relates must be begun not later than the expiration of 3 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. 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.
4. 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.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
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. To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.

4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

List of Informatives:

THE CONTAMINATED LAND SECTION has commented that: -

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

- Railway approximately 20 metres to the south as indicated on map group B, C, D, 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. Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to contaminated.land@moray.gov.uk