

07/01679/FUL
20th July 2007

Demolish existing house and replace with 4 bed house at
Strathlene Cottage Calcots Elgin Moray IV30 8NB for Mr
Steve Cox

Comments:

- MEMBERS WILL HAVE VISITED THE SITE.
- Development Control Manager minded to approve application (as recommended below) which is a departure from the development plan.
- Advertised as a departure from the development plan.
- Objections/representations received.

Procedure:

- Application to be considered at a Special Meeting of Environmental Services Committee (3rd June 2008) to include a hearing at which applicant/agent and objectors to be given opportunity to speak to application and stated objections prior to determination.

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. The roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.
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. This will require considerable trimming or removal of existing vegetation but is essential for road safety.
6. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
7. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.

8. Three no. private parking spaces shall be provided at all times.
9. 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.
10. 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 dwelling 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.
11. Notwithstanding the provisions of Class 7 in Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any Order revoking or amending that Order, and unless alternative agreements are reached with the Head of Development Services, the boundaries of the site shall be comprised:-
 - Post and wire fence
 - Native hedgerow
12. 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.
13. Prior to the commencement of development an archaeological watching brief shall be submitted to and approved by the local Planning Authority in writing. Terms of reference for the watching brief shall be supplied by the Aberdeenshire Council Archaeology Service. The watching brief shall include details of: -
 - the schedule/timetable for development;
 - the name of the archaeological organisation retained shall be given to the Planning Authority and to Aberdeenshire Council Archaeology Service not less than 14 days before development commences.

14. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record the structures that are to be demolished and recover items of interest and finds.
15. No work shall commence on the site until the site has been thoroughly checked for breeding birds and if any are found no breeding birds should be disturbed (breeding season is between 1st April and 31 July inclusive).
16. The finished floor level of the dwelling hereby permitted shall be set no lower than 5.90m AOD (N) as detailed in drawing no. A896.07.02, received 25th October 2007.
17. Prior to any work commencing on site an emergency response plan for the dwelling shall be submitted and approved in writing by the local Planning Authority following consultation with the local emergency services, SEPA and the Moray Flood Team.

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.
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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 that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
10. 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.
11. In the interests of amenity and to ensure that the appearance and character of the area is maintained.

12. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
13. In order to observe work in progress and record items of archaeological interest and finds.
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15. To protect any breeding birds and comply with the Wildlife and Countryside Act 1981 (as amended).
16. To prevent the dwelling from being flooded.
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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 source of contamination:

- Milltown naval airfield on site as indicated on map group D and 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

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

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal.
- Damage or destroy the breeding sites or resting places of such animals.

Furthermore, where it is proposed to carry out works that will affect a European Protected Species or their shelter/breeding places, whether or not they are present, a licence is required from the appropriate licensing authority.

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application. Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, telephone(01343) 563243.

Please also note that if you are proposing a discharge to a watercourse this will require separate consent from SEPA (Scottish Environment Protection Agency) under the Control of Pollution Act 1974.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

REGULATORY ADVICE FOR THE APPLICANT

Local SEPA Office:

28 Perimeter Road, Pinefield, Elgin, IV30 6AF Tel:01343 547663

The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR)

Foul Drainage

For private foul drainage systems discharging to land or the water environment a CAR authorisation (registration or licence) from SEPA will be required. A leaflet explaining how to apply for authorisation is available from SEPA's website at www.sepa.org.uk/pdf/publications/wfd/septic_tanks.pdf or from the local SEPA office.

Surface Water Drainage

As the risk of pollution from surface water drainage from small-scale residential developments, or to non-sensitive coastal waters is low, SEPA does not regulate such discharges through CAR provided a satisfactory scheme is proposed.

If the application ensures compliance with General Binding Rules (GBRs) 10 and 11 of the CAR regulations, for both the construction phase and the final surface water scheme, then it is not necessary to contact SEPA for authorisation.

The GBRs can be found on page 9 of CAR practical Guide - available at www.sepa.org.uk/pdf/wfd/regimes/car_practical_guide.pdf or in the local SEPA office.

SEPA has produced a leaflet as a useful Do's and Don'ts guide on SuDS, with a further explanation on the legal requirements. This is available from SEPA's website at www.sepa.org.uk/pdf/publications/wfd/suds_leaflet.pdf or from the local SEPA office.

Pollution Prevention and Waste Management

SEPA encourages waste minimisation and reuse/recycling whenever possible and the proper disposal of waste where necessary.

SEPA has published a range of Pollution Prevention Guidance Notes, including PPG6: 'Working at Construction and Demolition Sites' - available from SEPA's website at www.sepa.org.uk/pdf/guidance/ppg/ppg06.pdf or from the local SEPA office. Although these guidelines are geared more towards the construction and demolition industry, the guidance on proper disposal of waste and pollution prevention measures is relevant to all developments.

Useful information and advice on waste minimisation can be found on SEPA's website (found at www.sepa.org.uk/wastemin/index.htm) or from the local SEPA office. There is also a link to key partners in the SEPA Waste Minimisation Programme on the website.

Any proposals for reuse or recycling of materials, such as soils from other sites, may require to be registered with SEPA under a Waste Management Exemption. For further details the application should make contact with a member of the Environment Protection and Improvement team in the local SEPA office.

Comments received from SCOTTISH WATER are attached for your information.