

07/01650/FUL
27th July 2007

**Build 12 terraced houses at Former Filling Station And Land
Seafield Road Cullen Buckie Moray for Milne Property
Developments**

Comments:

- MEMBERS WILL HAVE VISITED THE SITE.
- Competent written objections/representations received from more than 5 separate households/premises/organisations.
- Not advertised.
- Development Control Manager minded to approve application (as recommended below) which is a departure from the emerging development plan.

Procedure:

- Application to be considered at a Special Meeting of Environmental Services Committee on 26th August 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. The development hereby granted shall relate to the application drawings as amended and submitted under cover of the applicant's agents letter dated 6th March 2008, including amended layout plan AT 0476 004 Rev C, regarding the reduction in the total number of units to 8 houses only, all vehicle access off Seafield Road and a single, dedicated pedestrian footpath to Judy's Lane.
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. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
7. A new/resurfaced footway shall be provided, in accordance with the Moray Council specification, along the full site frontage onto the public road. Drop kerbs shall be provided across each access to the Moray Council specification. A road opening permit must be obtained from the Moray Council before carrying out this work.

8. A drop kerbed pedestrian crossing point with tactile paving slabs shall be provided at the junction of York Place and Seafield Road for pedestrians north bound.
9. The altered footpath on Judy's Lane forming the 'safe route to school' shall be constructed as per the approved plans and to the Moray Council specification before occupation of the first dwelling.
10. A visibility splay 4.5m x 215m shall be provided at the junction of York Place onto Seafield Road (in a southerly direction only).
11. Parking areas shall be surfaced such that loose material is not carried from them onto the public road and so that spaces are clearly delineated to ensure optimum uses of the spaces available.
12. In respect of the proposals to remediate contamination on the site:
 - a) All works required to remediate contamination on the site shall be fully implemented in accordance with the applicant's Remediation Strategy Seafield Road, Cullen of 22nd January 2008.
 - b) No development works shall commence until the following have been carried out:
 - i) Full details of the methodology for the supplementary investigation of the site have been submitted to and approved in writing to The Moray Council, as Planning Authority. Thereafter these works will be implemented in accordance with the agreed details.
 - ii) Full details of the remediation methodology have been submitted to and approved in writing to The Moray Council as Planning Authority. Thereafter these works will be implemented in accordance with the agreed details.
 - iii) Full details of the validation methodology have been submitted to and approved in writing to The Moray Council as Planning Authority. Thereafter these works will be implemented in accordance with the agreed details.
 - iv) A full validation report has been submitted to and approved in writing by The Moray Council as Planning Authority which demonstrates that no pollutant linkages remain or are likely to occur.
13. 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 Moray Council as Planning Authority.

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 avoid any ambiguity regarding the terms of this consent and to ensure a satisfactory form of development in the interests of the amenities and appearance of the development and the surrounding locality, and in transportation terms.
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 the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. In order to safeguard the health and safety of the occupants of the properties, the building structures and the local environment from the effects of harmful ground contamination.
13. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.

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:-

No building materials/scaffolding/builder's skip shall obstruct the public road (includes footpaths) without permission from this Department.

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.

Comments received from SCOTTISH WATER are attached for your information.