

07/01634/FUL
26th July 2007

Development of 12 houses at Tombain Farm Sellar Place
Aberlour Moray for Tombain Farm LLP

Comments:

- MEMBERS WILL HAVE VISITED THE SITE.
- Development Control Manager minded to approve the application (as recommended below) which is a departure from the development plan.
- Competent written objections received from more than 5 separate households or other premises.
- Advertised as a departure from the development plan.

Procedure:

- Referred to a hearing in accordance with the agreed scheme of delegation.

Recommendation: **That this application be delegated to the Director of Environmental Services to permit, subject to the agreement on the provision of affordable housing and the following conditions: -**

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. 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.
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 (or prospectively public road).
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. Drop kerbs shall be permitted across the access to Roads 2, 3, and 4 to the Moray Council Specification.
8. Minimum number of three private parking spaces shall be provided per property.

9. A turning area shall be provided within each plot to enable vehicles to enter/exit in a forward gear.
10. A visibility splay of 4.5m x 70m (in both directions) shall be provided at the access onto Sellar Place.
11. Road 1 shall be constructed to an adoptable standard as specified in The Moray Council's Design Guidelines and Specification. Roads 2, 3 and 4 are to be private access roads which will not be adopted for maintenance purposes by the Moray Council.
12. Road 1 carriageway and footway shall be surfaced to basecourse level and street lighting installed before any dwellinghouse is occupied. The final wearing course shall not be laid until all house construction is complete.
13. Any planting within the road verge or within 5 metres of the edge of the carriageway to be of a type agreed with the Roads Authority.
14. That prior to the occupation of any of the approved houses, the footway on the north side of the access road shall be extended along Sellar place and Dowans Road to tie-in with the existing footway outside No. 11 Dowans Road.
15. That prior to the completion and occupation of any of the approved houses, a pedestrian crossing point of Dowans Road shall be provided to a new footway on the north side of Dowans Road. This new footway shall be constructed by the developer in accordance with the Moray Council Design Guidelines and Specifications, along the north west side of Dowans Road to tie-in with the existing footway on the A95 opposite 'Cononbank'.
16. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed roof and walls have been submitted to and approved by the Head of Development Services.
17. 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 development 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.
18. That a Schedule of Maintenance for the landscape areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to occupation of any house. This Schedule of Maintenance shall include a written undertaking which includes the arrangements for the implementation of the Landscape Scheme and the future maintenance.

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 safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
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 the interests of road safety.
13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of road safety.
16. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
17. 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.
18. 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:-

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:-

Due to the past agricultural use of the site, there is always a potential for contamination to have arisen from, for example, farm tips, chemical storage or animal burial sites.

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 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 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.

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.