

07/02364/FUL
25th October 2007

Erect 2 dwellinghouses and form community amenity area on Site To The Rear Of Dailuaine Terrace Carron Moray for Mr And Mrs Alan Gall

Comments:

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

Procedure:

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

Recommendation: Permit - Subject Section 75 Agreement regarding the future maintenance of the proposed community amenity area and 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 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.
4. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
5. Two parking spaces shall be provided for each house.
6. No boundary fences, hedges, walls or any obstruction whatsoever over 1 metre in height and fronting onto the access road shall be within 2.4 metres of the edge of the carriageway.
7. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.

8. 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.
9. 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 dwellings 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.
10. That no trees, shrubs or hedgerows on the site shall be removed without the prior written consent of this Council as Planning Authority.
11. 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 commencement of development. 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 ensure that the development harmonises with the appearance and character of the surrounding properties and area.
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 order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
9. 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.
10. In order to ensure that the existing trees, shrubs or hedgerows are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith and to enhance and preserve an area covered by a Tree Preservation Order.
11. 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 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 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 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.

SCOTTISH NATURAL HERITAGE has commented that:-

The applicant is reminded that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season.

Comments received from SCOTTISH WATER are attached for your information.