

07/02707/FUL
11th December 2007

Erect new dwellinghouse on Plot 1 Land Street Rothes Moray
for Mr James Innes

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 - not more than 5 written competent objections.

Procedure:

- Application to be considered at Special Meeting of Environmental Services Committee (11th March 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.

If minded to approve:

- Notification to Scottish Ministers as a development in which the Authority has an interest and as a departure from the development plan.

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

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. 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 shall relate to the amended plan 2007.241.INNES.02A submitted under cover of the applicants/agents letter dated 20th February 2008 regarding amended site arrangements including details of boundary walls and fences.
4. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed external roof and wall materials have been submitted to and approved by the Head of Development Services.
5. The use of Marley Modern (including mock bond) grey concrete tiles is not approved and as part of the samples or specifications required by Condition 4, the roof shall be externally finished in slates, or a good quality 'artificial' slate (eg Marley Edgemere or similar), or smooth grey Marley Ludlow Major tiles.
6. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any order revoking and re-enacting that order) no development specified in Article 3, Schedule 1, Part 1, Class 1 and 3 shall be carried out without the approval of the Council as Planning Authority.
8. 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.
9. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
10. Drop kerbs shall be provided across the access to The Moray Council specification.
11. Three (minimum) private parking space(s) shall be provided at all times within the site.
12. New boundary walls/fences shall be set back from the edge of the public road at a distance of 1.8 metres.
13. The footpath arrangements and location of the boundary wall along Land Street as shown on amended drawing H2007.241.INNES.02A are not approved, and
 - (a) prior to development works first commencing details shall be submitted to and approved by the Council, as Planning Authority regarding
 - i) the repositioning of the proposed boundary wall behind a 1.8 m footway to be provided along Land Street; and
 - ii) the location, design construction specifications and surfacing materials for a 1.8 m wide footway to be constructed along the whole frontage of the site onto the public road (i.e. for Plot 1 and Plot 2 as proposed under formal decision notice 07/02695/FUL) to tie into the existing footway to the south and north of the sites. (This shall include infilling of the existing breaks in the footway and the removal and replacement of road gullies currently located within the proposed footway position); and
 - (b) prior to first occupation of the house hereby approved the footway shall be constructed in accordance with the approved plans and made available for use.
14. 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.

15. No development shall commence until the developer has ensured all asbestos has been removed from the site by a specialised licensed contractor and disposed of to a suitable waste site. The details of removal and disposal shall be submitted by the developer in writing to the Council as Planning Authority for approval no later than fourteen (14) days prior to commencement of these works. Within six (6) weeks of completion of the agreed works a report shall be submitted by the developer, in writing to the Council as Planning Authority for approval which validates the removal and disposal of the asbestos.

Reasons:

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. 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.
4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
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6. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
7. In order that consideration can be given to the appearance and impact of the development specified in the condition.
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 and pedestrian safety.
14. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.

15. In order to safeguard the health and safety of the occupants of the properties, construction personnel and the local environment from the effects of asbestos contamination.

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 TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

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 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.

SCOTTISH & SOUTHERN ENERGY has commented that: -

See consultation response dated 14th December 2007.

Comments received from SCOTTISH WATER are attached for your information.