

07/01466/OUT  
3rd July 2007

Outline planning for dwellinghouse on Site At Birchgrove  
Longmorn Elgin Moray for Mr Robert McCallum

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**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 a special meeting of the Environmental Services Committee (27th 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.

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

1. (a) That in the case of any reserved matter, application for approval must be made before:-
  - (i) that expiration of 3 years from the date of the grant of outline planning permission; or
  - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - (i) the expiration of 5 years from the date of the grant of outline planning permission; or
  - (ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

2. The approval hereby granted is in outline and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.
3. The proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the reserved matters numbered 4-8 below.
4. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.
5. The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water shall be submitted in accordance with condition no. 3 above.
6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
8. Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 3 above.
9. 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.
10. 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.
11. 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.

12. As part of the consent hereby granted:

- The scale of the house shall not exceed 1½ storeys in height.
- No house shall occupy more than a third of the plot in which it is situated.
- No house is to be sited within 2m of its side site boundaries.
- All main windows (i.e. kitchen, living room, bedroom) must be at least 4m from the boundary they face.
- The house style must compliment both the character of the area, and the scale and architecture of surrounding properties.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the matters specified can be fully considered prior to the commencement of development.
3. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
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8. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
9. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
10. In the interests of road safety.
11. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
12. To ensure a satisfactory form of development in the interests of the amenities and appearance of the development and surrounding locality.

## **List of Informatives:**

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential sources of contamination:

- Road vehicle works approximately 25 metres to the west as indicated on map group F.
- Infilled gravel pit adjacent to the south west as indicated on map group B and D.
- Infilled gravel pit approximately 68 metres to the north east as indicated on map group B, 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's website at [www.moray.gov.uk/ContaminatedLand](http://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](mailto:contaminated.land@moray.gov.uk)

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

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.

Comments received from SCOTTISH WATER are attached for your information.