

**THE MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT  
1997, as amended**

**PERMISSION FOR DEVELOPMENT**

**[Speyside Glenlivet]  
Outline Application**

TO     Rothes Forest Estate  
       c/o Grant And Geoghegan  
       46 Glenlossie Road  
       Thomshill  
       Elgin  
       Moray  
       IV30 8GY

With reference to your application for outline planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby now **GRANT** planning permission in principle for the following development: -

**Erection of dwellinghouse on Site Adjacent To The Bridge Of Dowery Birnie Elgin Moray**

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice:                 **15th December 2009**

**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department  
The Moray Council  
Council Office  
High Street  
ELGIN  
Moray     IV30 1BX

## IMPORTANT NOTE

### YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

#### SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

- 1 The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.
- 2 The grant of planning permission hereby granted for 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 matters specified in conditions numbered 3-8 below.
- 3 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. 2 above.
- 4 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 (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 2 above.
- 5 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. 2 above.
- 6 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 2 above.

- 7 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. 2 above.
- 8 Plans, sections and elevations, showing the proposed method of conversion and external alterations to existing building(s), the design and external appearance of all proposed building(s) and the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 2 above.
- 9 The design and materials of the dwellinghouse and landscaping proposals shall comply with the following requirements:-
  - (a) A roof pitch of between 40-55 degrees;
  - (b) A gable width of no more than 2.5 times the height of the wall from ground to eaves level;
  - (c) Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
  - (d) A vertical emphasis and uniformity to all windows;
  - (e) Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
  - (f) Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.
- 10 No water shall be permitted to drain onto the public footpath/carriageway.
- 11 A parking layby 8.0 m long x 2.5 m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access(es) should lead off the layby(s). Layby to be to The Moray Council specification and be surfaced in bitmac.
- 12 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.
- 13 A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
- 14 A visibility splay of 2.4 metres x 60 metres shall be provided at the access.
- 15 Parking provision shall be outwith visibility splays.

The Council's reason(s) for imposing the above condition(s) are: -

- 1 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 2 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
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- 8 As the approval is granted for planning permission in principle 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 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.

## **ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT**

The following notes are provided for your information including comments received from consultees: -

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 free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

## **LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision: -

Reference	Version	Title
CM/AC/S11	2	Location Plan
CM/AC/S11	1	Site Plan

## **DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

None.

## **DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)**

None.

## **TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION**

N/A

## **NOTICE OF APPEAL**

### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

#### **NOTIFICATION OF INITIATION OF DEVELOPMENT**

S.27A of the 1997 Act requires any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission.

Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development. Failure to submit the required Notice will be a breach of planning control under S.123(1) of the 1997 Act.

#### **NOTIFICATION OF COMPLETION OF DEVELOPMENT**

S.27B of the 1997 Act requires any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions.

Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

**Phased development** – Under S.27B(2) of the 1997 Act where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

# The Moray Council

## NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 09/01457/OUT

**Date issued:**

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: ..... Date: .....

**THE FOLLOWING INFORMATION MUST BE PROVIDED:**

1. Name and address of person carrying out the development:

.....  
.....  
.....

2. The full name and address of the landowner, if a different person:

.....  
.....  
.....

3. Where a site agent is appointed, their full name and contact details:

.....  
.....  
.....

4. The date of issue and reference number of the grant of planning permission:

.....  
.....

Please return this form, duly completed to: - The Moray Council  
Development Management  
Development Services  
Environmental Services Department  
Council Office,  
High Street  
Elgin IV30 1BX

### **IMPORTANT**

**It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.**

**Please complete and return this form.**

# **The Moray Council**

## **NOTIFICATION OF COMPLETION OF DEVELOPMENT**

**Section 27B Town and Country Planning (Scotland) Act 1997**

**Planning Application Reference No: 09/01457/OUT**

**Date issued:**

I hereby give notice that works as detailed under the above planning application will be completed on: .....

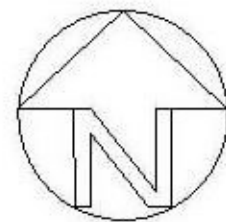
Signed: ..... Date: .....

Please return this form, duly completed to: - The Moray Council  
Development Management  
Development Services  
Environmental Services Department  
Council Office  
High Street  
Elgin IV30 1BX

### **IMPORTANT**

**It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.**

**Please complete and return this form.**



The Dowery House

2.4x80m  
VISIBILITY  
SPRAY TO BE  
PROVIDED

All ground encroached by  
visibility splay in control of  
applicant

Site enclosed with  
boundaries formed by  
public road, burn, gorse  
hedging and existing  
broadleaf trees

2.4x82m (overall)  
VISIBILITY SPY  
TO BE PROVIDED  
(2.4x41m to bridge)

Access

Public Road

Indicative  
House  
Position

Existing  
broadleaf  
trees

Bridge of Dowery

Gedloch Burn

Weir

Gedloch Burn

Stripe of Fullern

Bardonside

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**APPROVED**

15-12-09

Development Management  
Environmental Services  
The Moray Council

Rev B Visibility Information Revised 15/8/09  
Rev A Visibility Information Added 10/8/09

JG Planning Consultants

Pentland House, Grampian Road  
Elgin, IV30 1XJ  
Tel 01343 558844  
E-MAIL [jg@jgplanningconsultants.co.uk](mailto:jg@jgplanningconsultants.co.uk)

Client  
**Roths Forest Estate**

Job Title  
**Proposed House  
Site adjacent to the Bridge of Dowery  
Bimie, By Elgin**

Drawing Title  
**Site Plan**

Scale of A3 1:1000

Drawing Status  
**Outline Planning**

Job No **CM/AC/S11** Drawing No **1**