

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

**PERMISSION FOR DEVELOPMENT**

**[Speyside Glenlivet]  
Application Approval Matters spec conds**

TO     Rothes Forest Estate  
        c/o Grant And Geoghegan  
        96 Moss Street  
        Keith  
        Moray  
        AB55 5HE

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

**Erect house on Site At Upper Hangingfolds Birnie 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:                 **14th November 2011**

*Neil MacPherson*

**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 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 3 years from the date of the grant of planning permission in principle; or
  - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.
- 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 Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
- 4 Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
- 5 Development shall not commence until detailed access arrangements are submitted to and approved by The Moray Council (as planning authority). The access arrangements require the following:
  - a) The existing private access track shall be closed off to vehicular traffic.
  - b) The section of currently non-operation access track (as shown in The Moray Council Drawing No.1) approved under planning permission in principle consent 10/00922/PPP dated 9<sup>th</sup> September 2010) shall be reinstated.

- c) A parking lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road. The vehicular access(es) should lead off the lay-by(s). The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.
  - d) A visibility splay of 2.4m x 70m shall be provided and maintained in both directions at the junction of access track onto the public road.
  - e) No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.
  - f) The first 10m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
  - g) The width of the vehicular access shall be 2.4m - 3.0m, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.
- 6 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 7 Three private parking space(s) shall be provided at all times.
- 8 A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

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

- 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 as amended by the Planning etc. (Scotland) Act 2006.
- 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 To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
- 4 To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
- 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.

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

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

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 ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

It should be noted that the development is in near proximity to a consented domestic micro-wind turbine.

SCOTTISH WATER has commented that:-

Prior to commencement of development the applicant should contact Scottish Water on 0845 601 8855 to confirm if any of their infrastructure is affected by the development. The granting of this planning consent does not guarantee the connection to any public utility.

It is the applicant's responsibility to obtain the necessary approvals in this regard.

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground 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.

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

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

<b>Reference Version</b>	<b>Title</b>
010/0196/01	Site plan
010/0196/04	Elevations
010/0196/02	
010/0196/06	First floor plan
010/0196/05	Ground floor plan
010/0196/07	Survey and section plan
010/0196/08	Sections A and B
010/0196/03	Location plan
010/0196/09	Sections C and D

### **DETAILS OF MATTERS SPECIFIED IN CONDITIONS**

Reference number of application for planning permission in principle (or outline planning permission) in respect of which matters specified in conditions were imposed:

- 10/00922/PPP

Details of matters specified in conditions in respect of which approval, consent or agreement have been granted or refused:

- Details as required by conditions 4, 6 and 7 of the earlier application granted for planning permission in principle for the development relating to design and finishes.
- In respect to condition number 5, it should be noted that all requirements were submitted apart from means of access and details of areas for vehicle parking. It should also be noted that details required for condition 8 were not submitted either.

### **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: 11/01530/AMC

**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: 11/01530/AMC**

**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.**



## CIVIC GOVERNMENT (SCOTLAND) ACT 1982 STREET NAMING AND NUMBERING

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The Moray Council have a statutory duty under the above Act to provide street names and numbering of properties where appropriate for any new development.

You are advised to make requests for new property addresses **AS SOON AS YOU COMMENCE BUILDING WORKS** in order that the new addresses can be allocated and confirmed prior to the building being occupied. (Procedures for new road/street names can take up to 3 months.)

Requests for this service should be made using the tear off slip below and be accompanied by a **SMALL SCALE LAYOUT PLAN** (and composite floor plans in the case of flats) and sent to :-

Transportation Manager  
Environmental Services  
Roads Service  
Academy Street  
Elgin  
IV30 1LL

**Web Site : [www.moray.gov.uk](http://www.moray.gov.uk)**

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Planning Application Ref No : **11/01530/AMC**

Name and Current Address :

New Property Address

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

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

Telephone No :

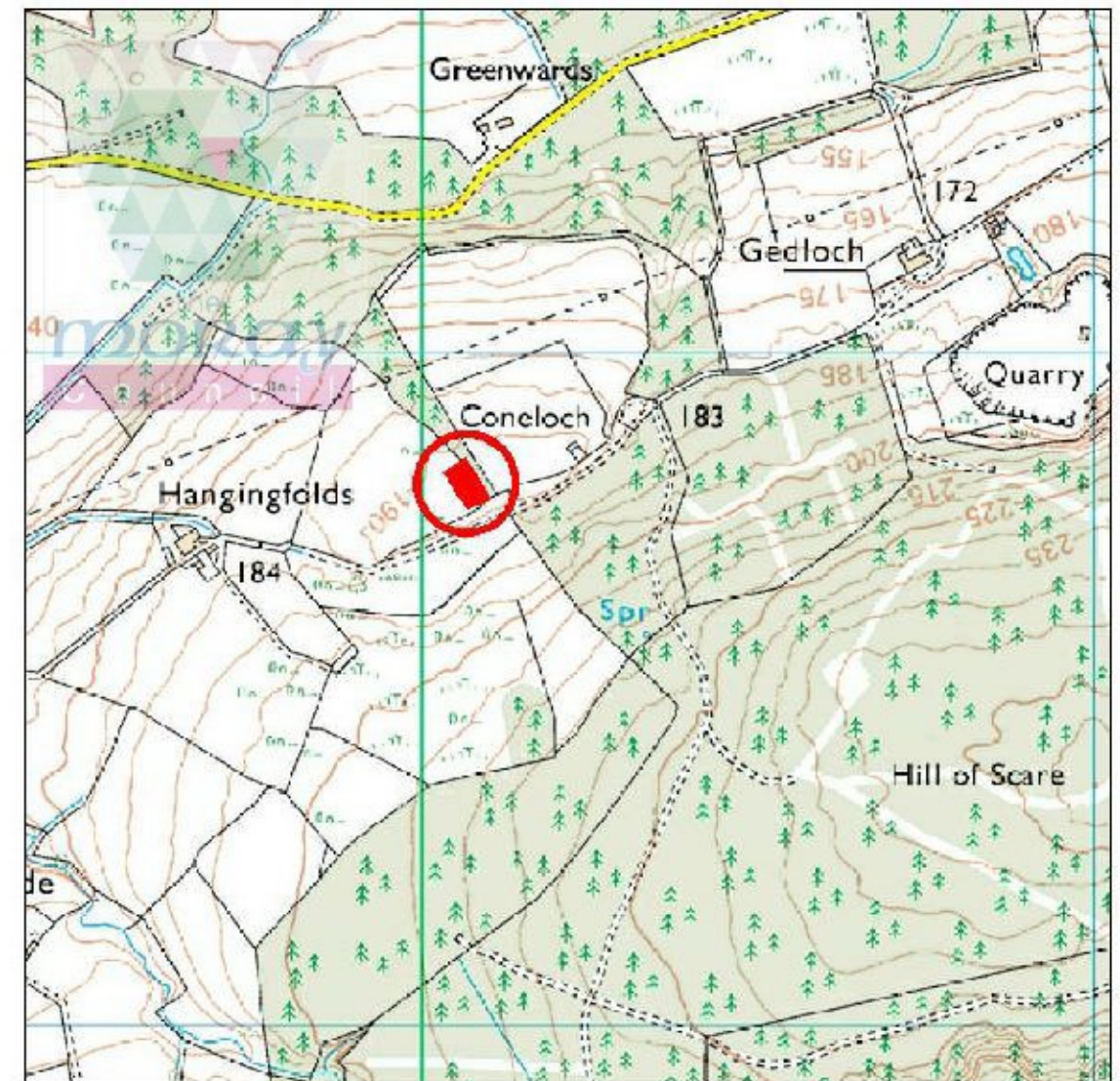
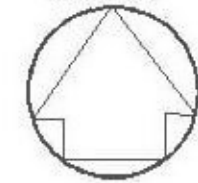
.....

Approximate date of house occupation:

.....

# Site at Upper Haningfolds, Birnie

north



os map

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

**APPROVED**

14.11.2011  
Development Management  
Environmental Services  
The Moray Council

grant and  
geoghegan

chartered planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@ggmail.co.uk

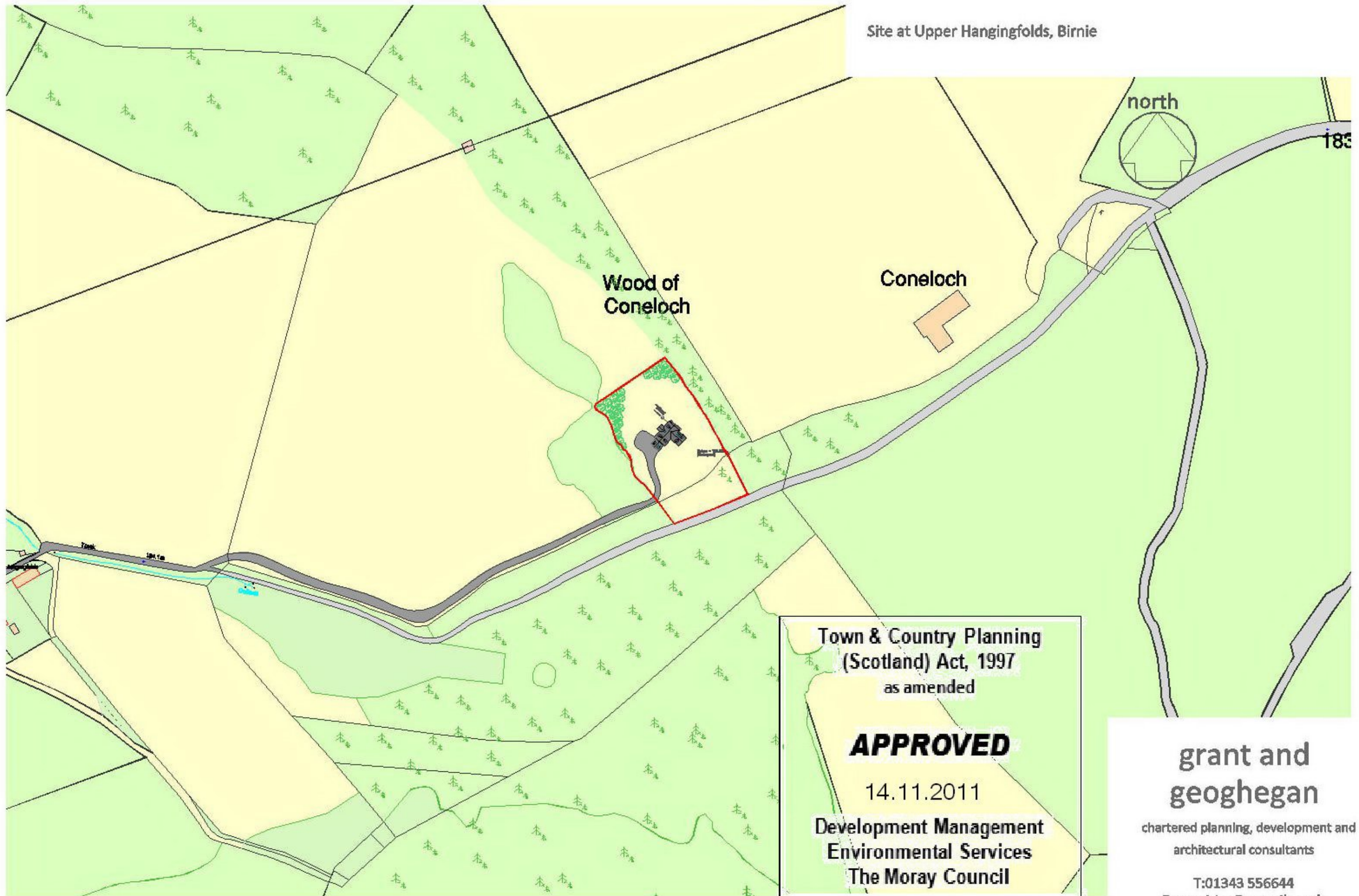
Drawing Title  
location plan

Scale at A3  
1:5000

Date:  
june 11

Drawing No.  
010/0196/03

Site at Upper Hangingfolds, Birnie



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

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T:01343 556644  
E:enquiries@ggmail.co.uk

Drawing Title  
block plan

Scale at A3  
1:2000

Date:  
june 11

Drawing No.  
010/0196/02

# Site at Upper Hangingfolds, Birnie



# AMENDED

Proposed mixture of native woodland and shrub species containing Ash, Birch, Rowan and Whitebeam to cover 25% of site area. All new trees to be at least 1.5m high.

Existing Woodland under control of applicant

Site Boundary (Existing Post and Wire Fence)

Site Boundary (New Post and Wire Fence)

Land under control of applicant

Datum = 192.32m (Gate post)

Land under control of applicant

Existing Track

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

## APPROVED

14.11.2011

Development Management  
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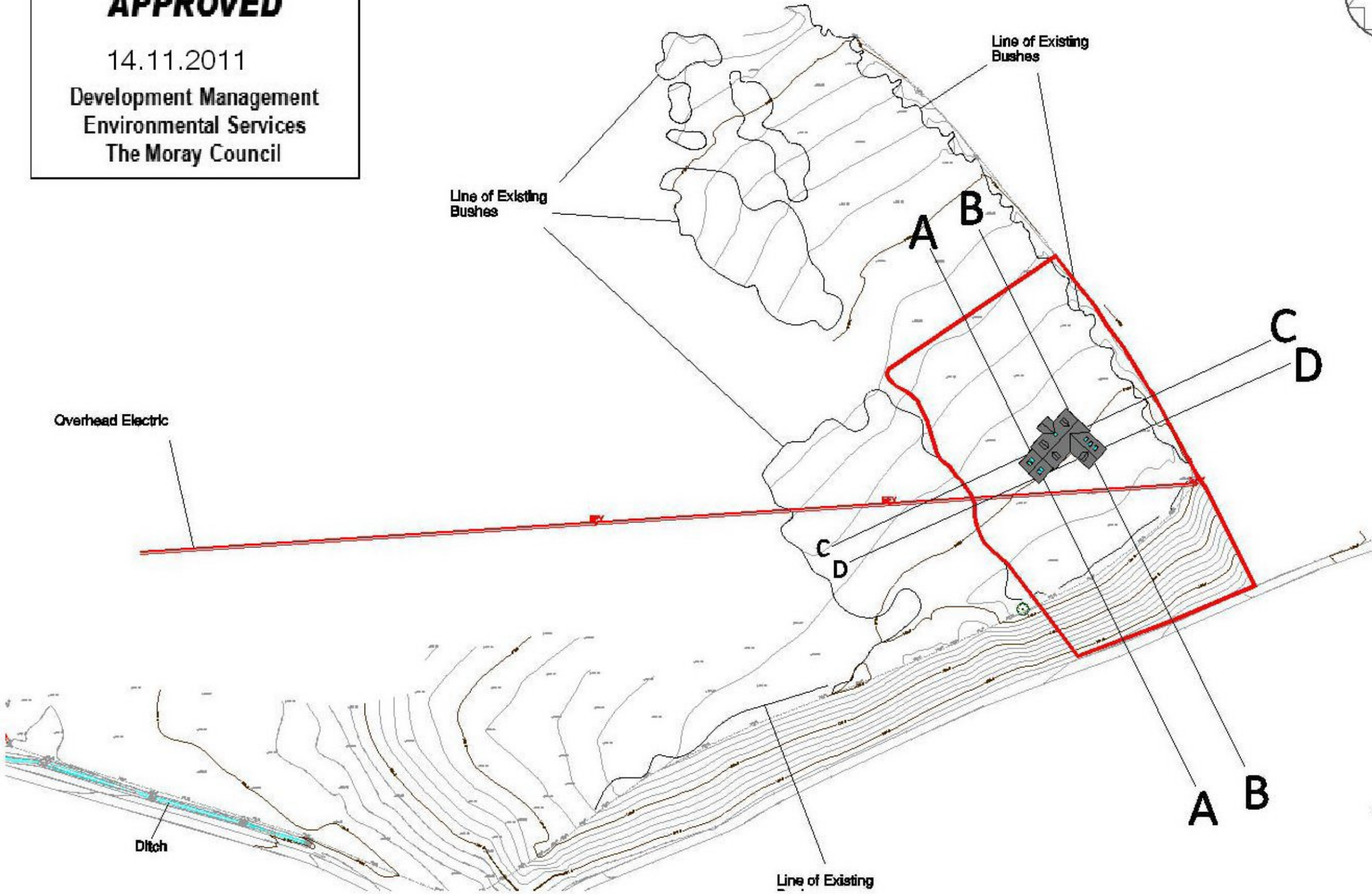
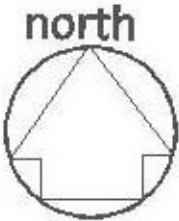
T:01343 556644  
E:enquiries@ggmail.co.uk

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

**APPROVED**

14.11.2011

Development Management  
 Environmental Services  
 The Moray Council



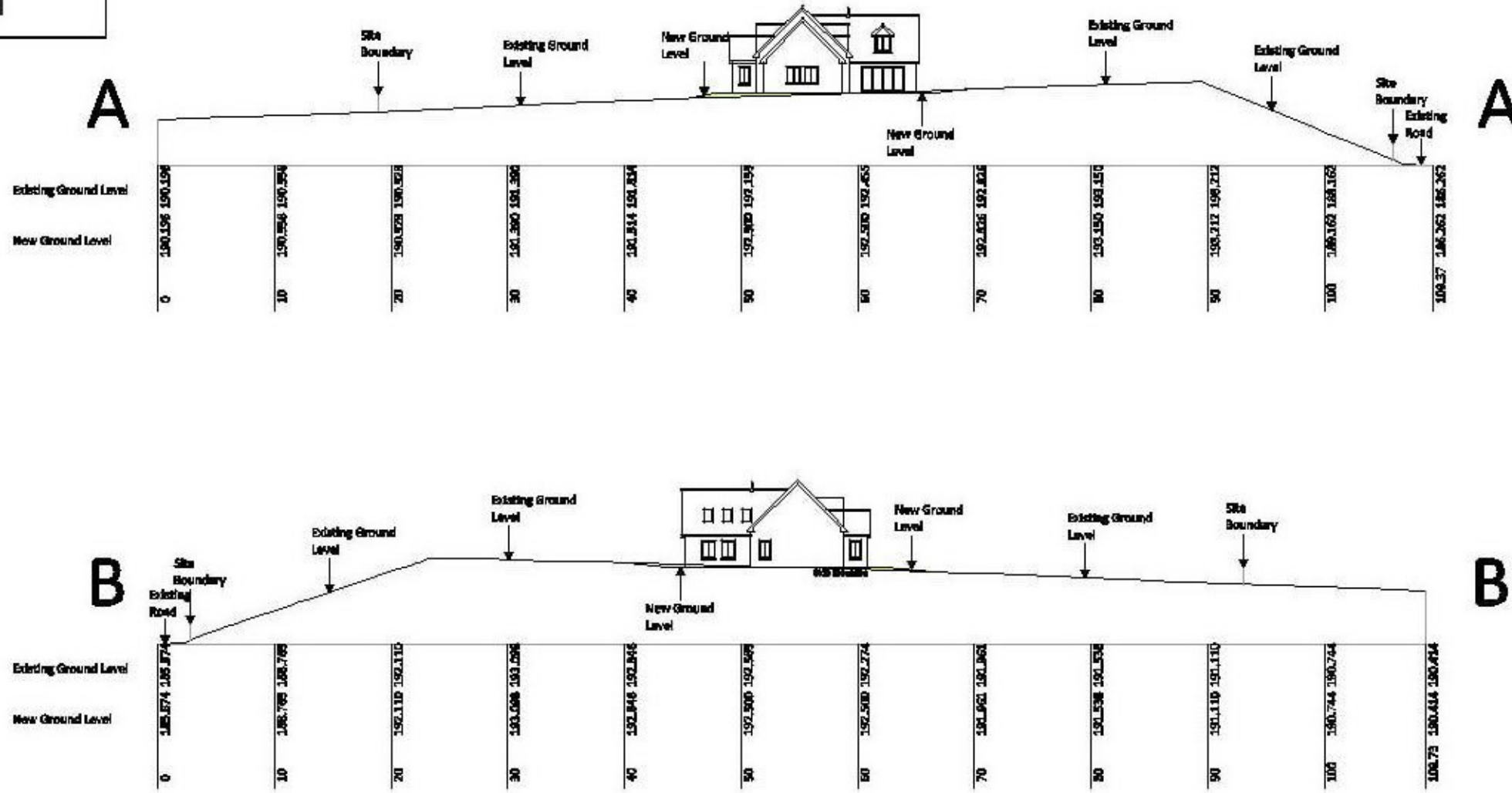
**grant and  
 geoghegan**

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 architectural consultants

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 E:enquiries@ggmail.co.uk

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14.11.2011  
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Environmental Services  
The Moray Council



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geoghegan

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architectural consultants

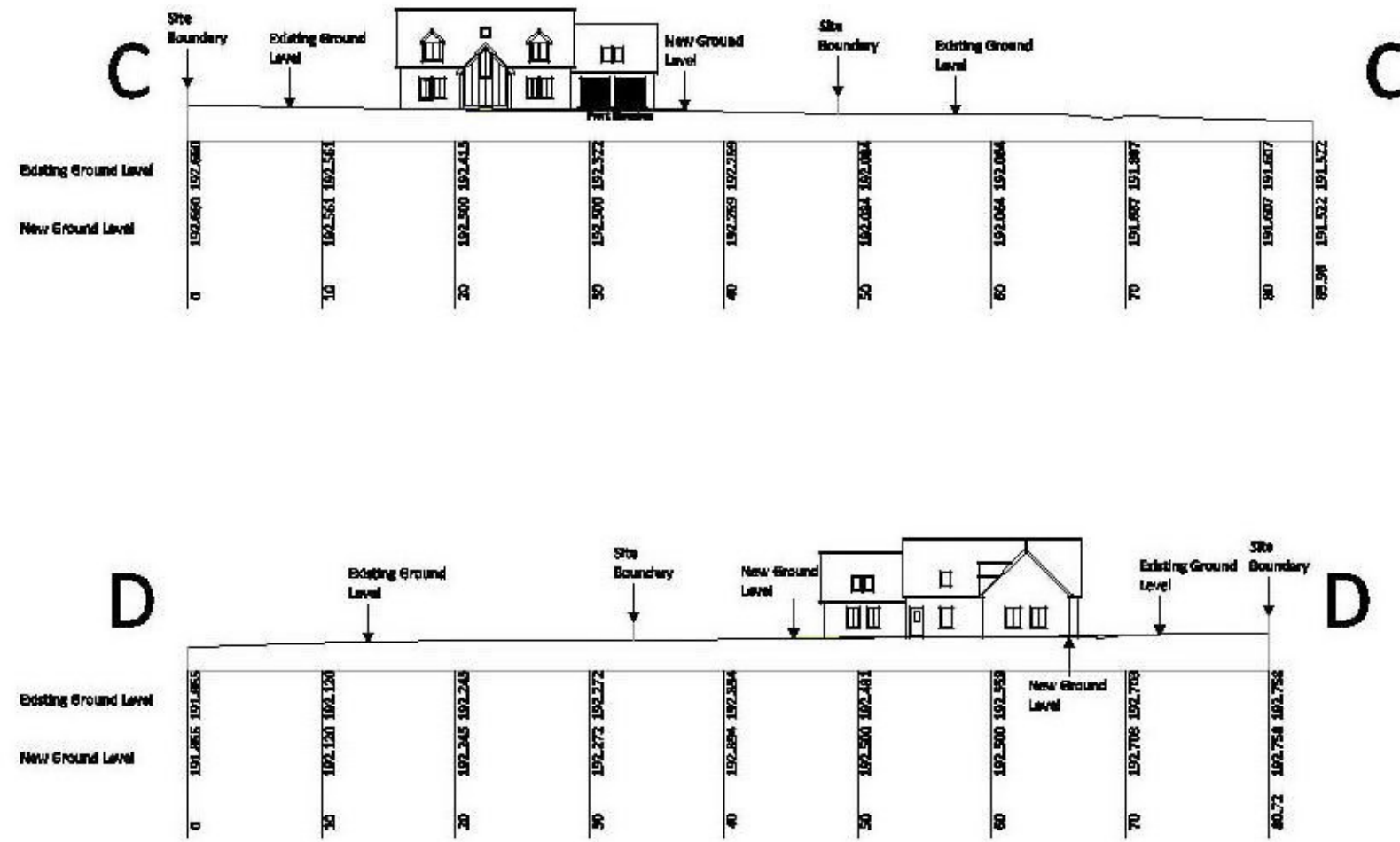
T:01343 556644  
E:enquiries@gmail.co.uk

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

**APPROVED**

14.11.2011  
Development Management  
Environmental Services  
The Moray Council

Site at Upper Hangingfolds, Birnie



grant and  
geoghegan

chartered planning, development and  
architectural consultants

T:01343 556644  
E:enquiries@ggmail.co.uk

Drawing Title  
sections C and D

Scale at A3  
1:500

Date:  
June 11

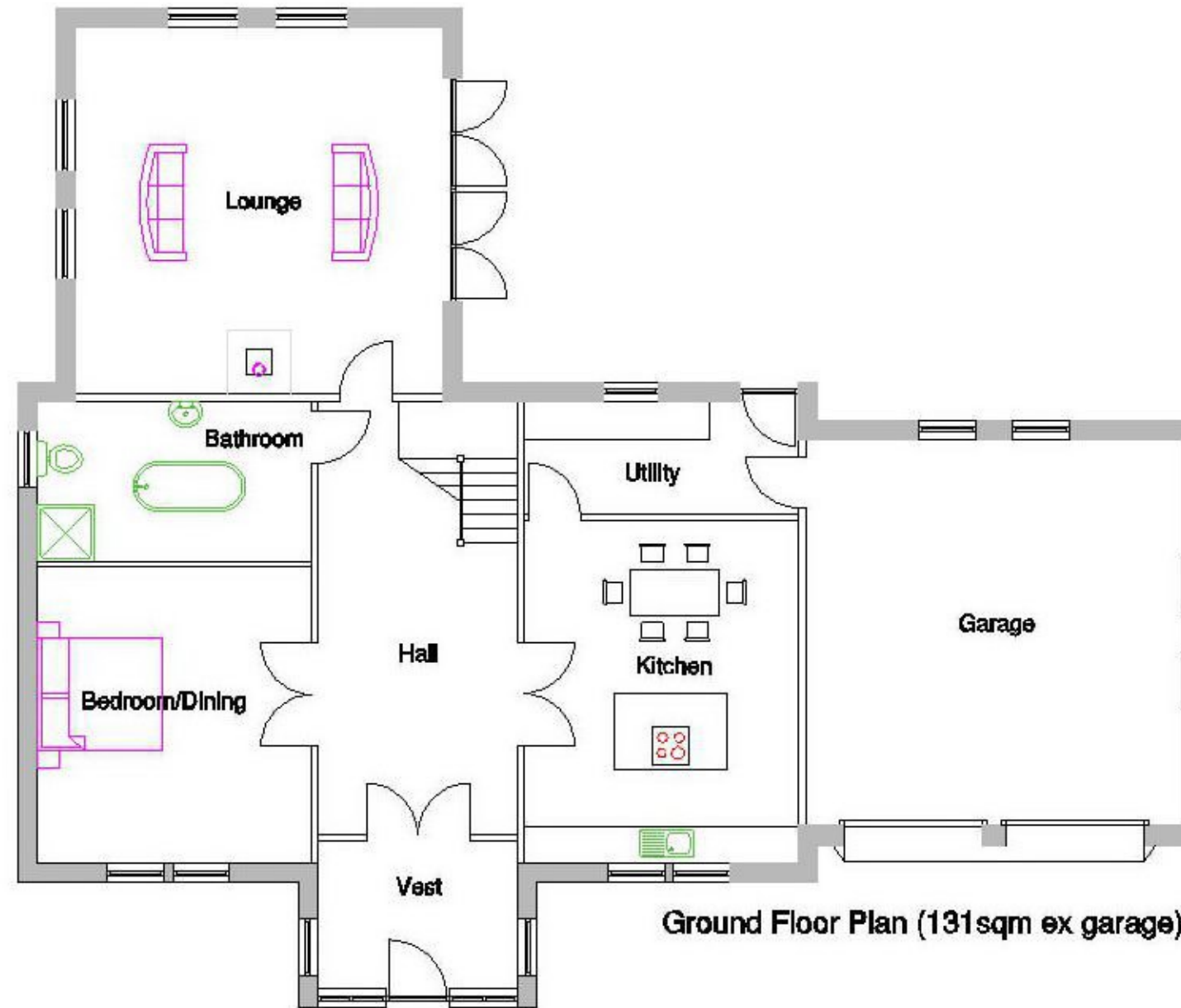
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010/0196/09

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

**APPROVED**

14.11.2011

Development Management  
Environmental Services  
The Moray Council



Ground Floor Plan (131sqm ex garage)

**grant and  
geoghegan**

chartered planning, development and  
architectural consultants

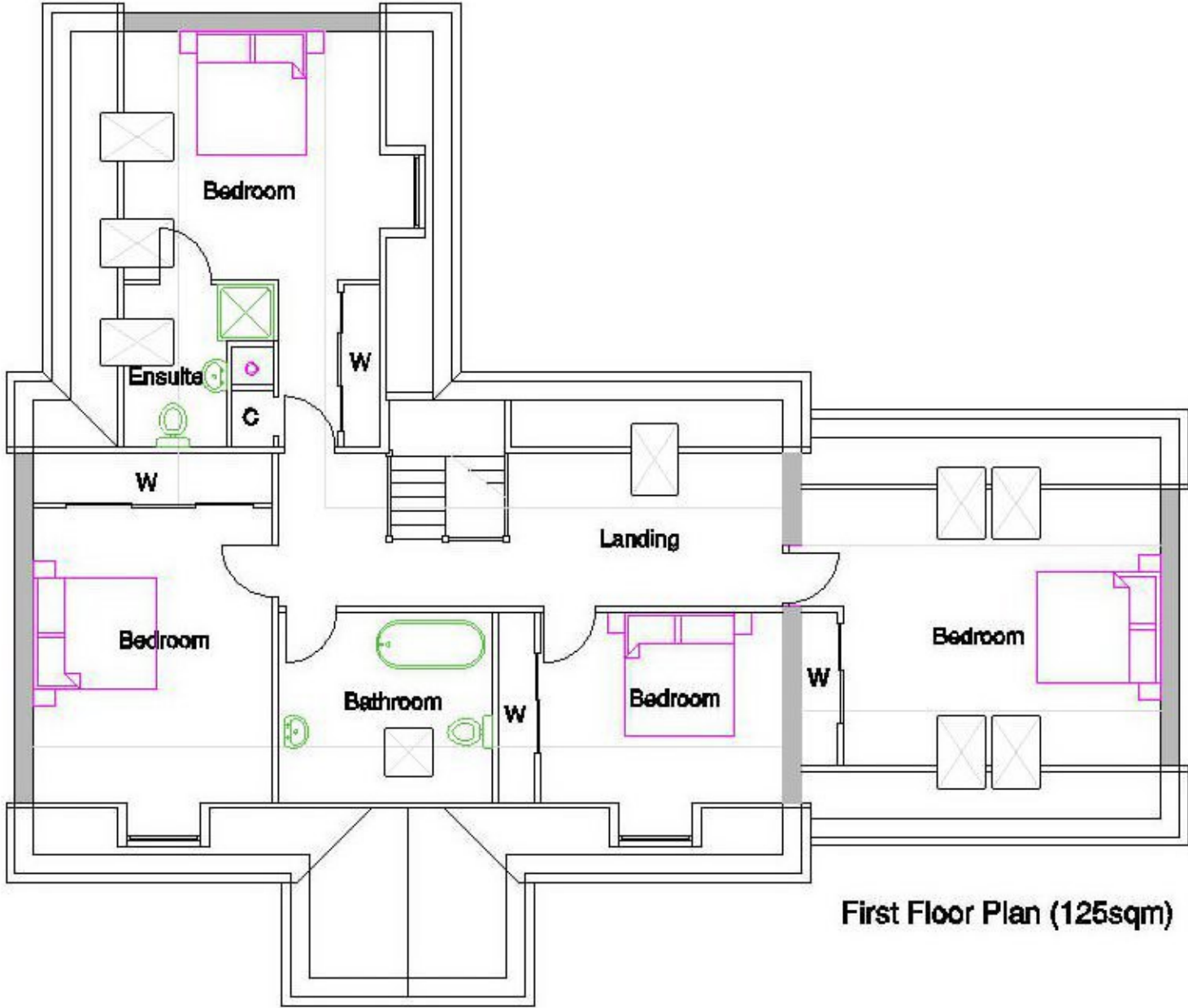
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E:enquiries@ggmail.co.uk

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

**APPROVED**

14.11.2011

Development Management  
Environmental Services  
The Moray Council



First Floor Plan (125sqm)

grant and geoghegan

chartered planning, development and architectural consultants

T:01343 556644  
E:enquiries@ggmail.co.uk

Drawing Title	Scale at A3	Date:	Drawing No.
first floor plan	1:100	june 11	010/0196/06

# AMENDED

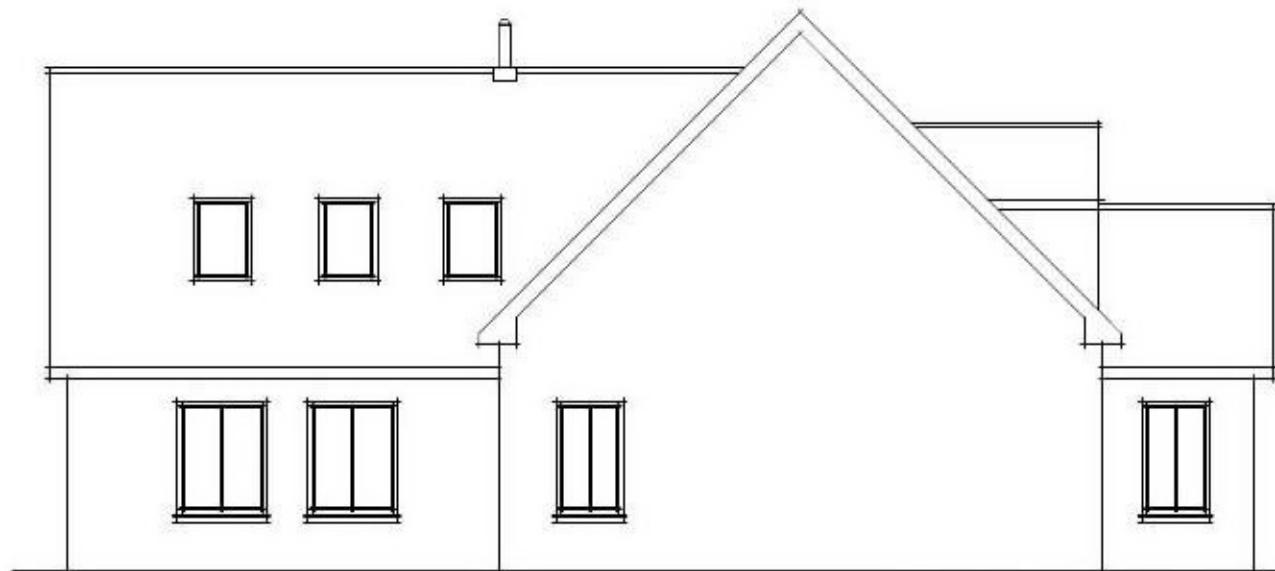
Site at Upper Hangingfolds, Birnie



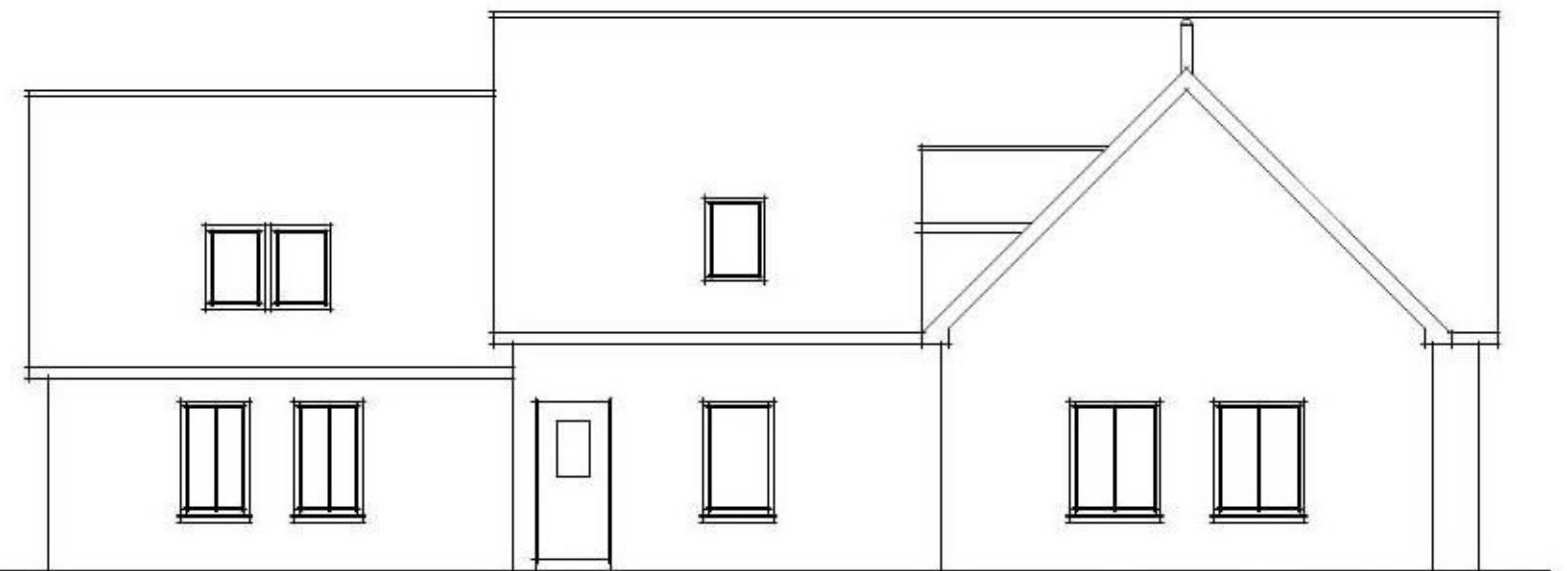
Side Elevation



Front Elevation



Side Elevation



Rear Elevation

## EXTERNAL FINISHES

- ROOF  
Natural Slate
- WALLS  
Wetdash Painted White
- WINDOWS, DOORS AND SOFFITS  
Grey upvc
- FLASHINGS  
Lead Code 5

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

**APPROVED**

14.11.2011  
Development Management  
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