



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

PERMISSION FOR DEVELOPMENT

**[Forres]
Outline Application**

TO Duneland Limited
c/o Gaia Architects
The Monastery
2 Hart Street Lane
Edinburgh
EH1 3RG

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

Outline planning application for development of 40 housing units (with associated infrastructure and commercial educational and community facilities) on Land At Duneland Rear Of Universal Hall Findhorn Moray

in accordance with the plans) docketted as relative hereto and the particulars given in the application, subject however to the following condition(s):-

- (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 detailed or reserved matters application shall be accompanied by a Transport Statement fully considering the potential safety issues related to the increase in traffic generated by this proposed development and any mitigating measures proposed to address any safety concerns raised in the Transport Statement.
- 10 The proposed parking provision within the site should comply with The Moray Council's parking policy, or in the stated intention of providing a lower level of parking space, any reduced provision shall be accompanied by a Travel Plan indicating the measures to be taken to reduce car use and ownership within the site.

- II 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.
- 12 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 development 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.
- 13 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 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.
- 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 That the SUDs proposals for the site shall be developed in accordance with the principles set out in the outline planning application (Gaia Report dated February 2007) and agreed with relevant parties, including SEPA.
- 16 That all foul drainage from the proposed development shall connect to the public mains drainage system.
- 17 That prior to the approval of any application for detailed planning consent, a Noise Impact Assessment shall be carried out by a suitably competent acoustic engineer detailing mitigation measures to ensure internal noise levels commensurate with Noise Exposure Category A are met.

- 18 Eight affordable/special needs units of accommodation shall be provided within the site hereby approved and: -
- a) prior to development works first commencing, details of the location of the required units shall be submitted to and approved by the Council as Planning Authority;
 - b) prior to any development works first commencing on the approved location for the affordable/special needs units, details regarding the design and arrangements to ensure the long term delivery and provision of the required units shall be submitted to and approved by the Council as Planning Authority, and;
 - c) thereafter the development shall be implemented in accordance with the approved details.

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

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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- 7 As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
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- 9 In the interests of road safety.
- 10 In the interests of road safety.
- 11 In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
- 12 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.

- 13 In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.
- 14 In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
- 15 In the interests of amenity and effective planning control.
- 16 In the interests of amenity, public health, and effective planning control.
- 17 In the interests of amenity, public health, and effective planning control.
- 18 To ensure an acceptable form of development and safeguard the required provision of such housing on the site (see policies *UH7* and *UH8* of the Moray Development Plan) including details of matters specified which are currently lacking from the submission.

This permission does not carry with it any necessary consent or approval to the proposed development under the Building (Scotland) Act 1959 as amended or other enactments.

I enclose notes for guidance in cases where applications are refused or granted subject to conditions.

Date of Notice: **22nd February 2008**



PP. **HEAD OF DEVELOPMENT SERVICES**
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

NOTES:

- (1) If the applicant is aggrieved by the decision of the local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 within six months of the date of this Notice. The Scottish Ministers have power to allow a longer period for the giving of a Notice of Appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving Notice of Appeal. The Scottish Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the Local Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the local Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part V of the Town and Country Planning (Scotland) Act 1997.
- (3) In certain circumstances, a claim may be made against the local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Scottish Ministers on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Parts IV and V of the Town and Country Planning (Scotland) Act 1997.
- (4) Any Notice of Appeal should be sent to the -

Scottish Ministers
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
FALKIRK
FK1 1XR

and a copy of the Notice of Appeal should be sent to the local Planning Authority.