

**ABERDEENSHIRE COUNCIL
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
WOODHILL HOUSE
WESTBURN ROAD
ABERDEEN
AB16 5GB**

**Application Reference No 01/95/0250
Decision Date 20 Sept 1995**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

To **A C Buchan, Fraserburgh Construction Services, 12 Middleburgh Road,
Fraserburgh, AB43 5SG**

On behalf of **Mr & Mrs Alexander Duthie**

In pursuance of powers exercised by them as Regional Planning Authority, this Council, having considered your application dated **14 March 1995** for **Outline Planning Permission** for the following development:

Erection of dwellinghouse and garage at Mink Howe, Crovie

in accordance with the plan relating thereto do hereby give notice of their decision to **GRANT** Planning Permission for the said development, subject to the following conditions.

- 1 Application for approval of reserved matters shall be made to the planning authority within three years beginning with the date of this outline permission.
- 2 The development hereby granted shall be begun on or before whichever is the later of the following two dates:
 - (a) The expiration of five years beginning with the date of the outline permission;
or
 - (b) The expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.
- 3 For a house of 5 or less apartments 2 car parking spaces should be provided. For 6 or more apartments 3 car parking spaces should be provided. A garage or space for a garage located behind the principal frontage building line is required and may be treated as constituting one of the above required car parking spaces.

- 4 That the development hereby approved shall not commence until drainage plans have been submitted to, and approved by the planning authority and any building shall not be occupied until the drainage works have been completed in accordance with these approved plans.
- 5 That the development hereby permitted shall not be occupied until a space not less than 7.6 metres by 7.6 metres has been laid out within the site to enable vehicles to turn so as they may enter and leave the site in a forward gear and that this space shall thereafter be kept available for manoeuvring purposes.
- 6 That no development shall take place until there has been submitted to and approved by the planning authority a scheme for landscaping the development.
- 7 That the development is designed in such a manner and use such materials so that it blends in with and respects the special nature of the surrounding area. Before detailed plans are prepared for approval sketch plans shall be submitted to enable the planning authority to confirm or otherwise that the proposed development complies with this condition.
- 8 That the siting, landscaping and design of the development shall be in accordance with the guidance set out in Appendix 7: "Building in the Banff and Buchan Countryside. A Guide for Prospective Developers", as contained in the Deposit Copy of the Banff and Buchan Local Plan 3. (A copy is enclosed with this Decision Notice).
- 9 That the height of the house shall not exceed 6.5 metres and the pitch of the roof shall be a minimum of 35 degrees.
- 10 That the colour of roofing material to be used shall be dark grey.
- 11 That prior to the commencement of development, samples of materials to be used on the roof and walls of the development, shall be submitted to, and approved by Planning Authority.
- 12 Notwithstanding the provisions of the Class 7 in Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any Order revoking or amending that Order, and unless alternative agreements are reached with the Head of Planning Services, the boundaries of the site shall be comprised of either: (a) a wall to match the house; or (b) a hedge comprised of a double row of broadleaf hedge plants comprising of an equal number of at least two of the following species; beech, hawthorn, blackthorn or other broadleaves as may be agreed with the Head of Planning Services, planted 18" apart and fully protected by wire mesh rabbit fencing. Such a hedge shall be planted during the first planting season following occupation of the dwellinghouse and then fully maintained thereafter, with any dead or dying plants replaced with new plants of the same species.

The foregoing conditions are imposed by the Council for the following reasons:

- 1+2 To satisfy the requirements of sections 38 + 39 of the Town & Country Planning (Scotland) Act 1972
- 3+5 In the interests of road safety
- 4 In the interests of the proper drainage of the area
- 6,7+11 To give further consideration to the details which have yet to be submitted.
- 8,9,10+12 In the interests of the appearance of this area of landscape significance.



Peter Suttie
Director of Planning & Economic Development
Dated: 24 April 1996
Reference: D.1.158

NB This planning permission is accompanied by a Section 50 Agreement

Attention is drawn to the notes overleaf

NOTES

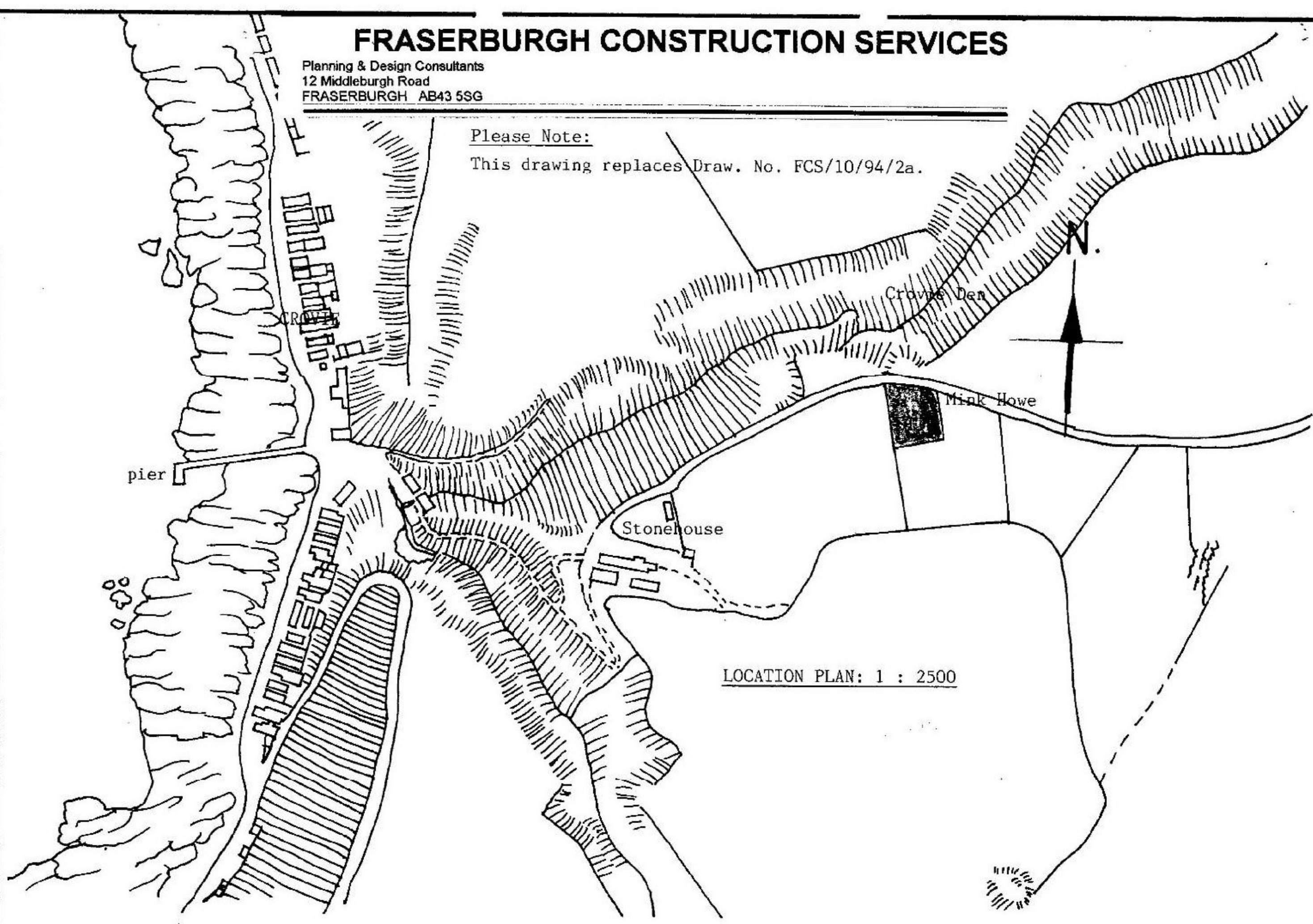
- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with section 33 of the Town and Country Planning (Scotland) Act 1972 within six months of receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the 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 planning authority or by the Secretary of State, 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of part IX of the Town and Country Planning (Scotland) Act 1972.
- 3 In certain circumstances, a claim may be made against the planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 158 of the Town and Country Planning (Scotland) Act 1972.

FRASERBURGH CONSTRUCTION SERVICES

Planning & Design Consultants
12 Middleburgh Road
FRASERBURGH AB43 5SG

Please Note:

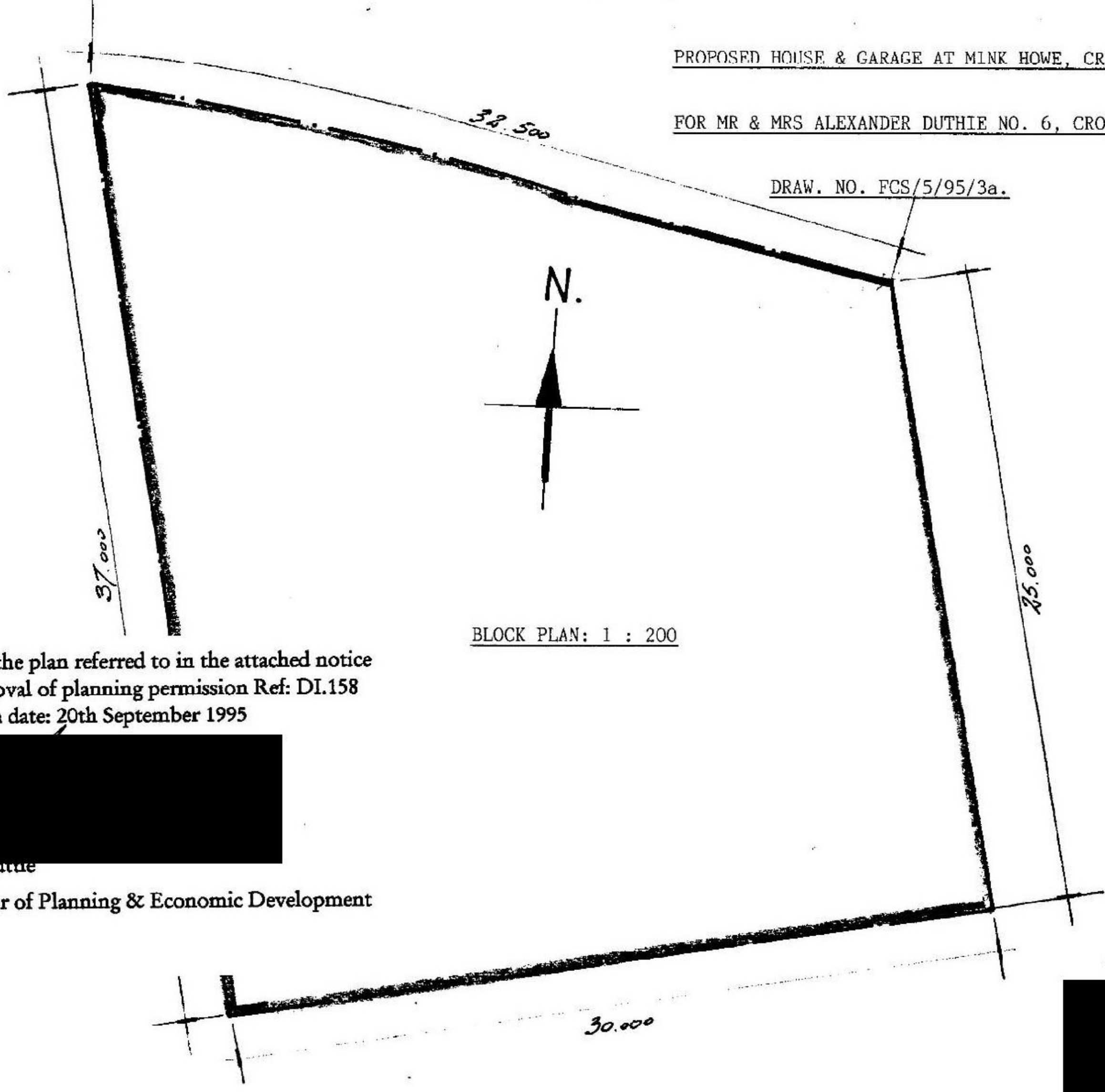
This drawing replaces Draw. No. FCS/10/94/2a.



PROPOSED HOUSE & GARAGE AT MINK HOWE, CROVIE

FOR MR & MRS ALEXANDER DUTHIE NO. 6, CROVIE.

DRAW. NO. FCS/5/95/3a.



This is the plan referred to in the attached notice
of approval of planning permission Ref: DI.158
decision date: 20th September 1995

Peter Suttie

Director of Planning & Economic Development

31 MAY 1995

MINUTE OF AGREEMENT

between

THE GRAMPIAN REGIONAL COUNCIL, incorporated under the Local Government (Scotland) Act 1973, as Planning Authority for the said Region in terms of the Town and Country Planning (Scotland) Act 1972, and having their principal offices at Woodhill House, Westburn Road, Aberdeen and their statutory successors as Planning Authority (hereinafter referred to as "the Council") OF THE FIRST PART

and

MR AND MRS ALEXANDER DUTHIE, residing at No 6 Crovie (hereinafter referred to as "the Applicants") OF THE SECOND PART

and

MR WILLIAM GEDDES, residing at Crovie Farm, Crovie, Banffshire (hereinafter referred to as "the Proprietor") OF THE THIRD PART

WHEREAS the Applicants have made an application for planning permission to Banff & Buchan District Council for the erection of a dwellinghouse and garage at Mink Farm, Crovie lying to the south side of the old road leading from Crovie to Stonehouse along which it extends thirty-five metres or thereby and bounded on the east, south and west by other ground belonging to the proprietor along which it extends respectively thirty metres or thereby and forty-four metres or thereby and twenty-three metres or thereby as shown coloured red on the plan annexed and signed as relative hereto under planning application PA950250P and which subjects now known as "the Application Site" form part and portion of ALL and WHOLE the subjects more particularly described in, disposed by and delineated and coloured pink on the plan annexed and executed as relative to the Feu Disposition by Alexander Garden, Esquire of Troup in favour of William Geddes Junior recorded in the Division of the General Register of Sasines applicable to the County of Banff on the Twenty-fourth day of August, Nineteen Hundred and Eighty-three all of which subjects are hereinafter referred to as "the development site" and are shown outlined in black on the plan annexed and signed as relative to this agreement; AND WHEREAS the Council acting in terms of Section 179 of the Local Government (Scotland) Act 1973 have called in the said Planning Application because the granting of the same would be in breach of the Grampian Region Structure Plan and Local Plan; AND WHEREAS the Proprietor owns the said subjects, hereinbefore described and indicated on the plan executed and annexed as relative hereto; AND WHEREAS the Council has resolved not to

grant planning permission in terms of the said Application (PA 95 0250P) until an agreement under Section 50 of the Town and Country Planning (Scotland) Act 1972 has been concluded with the Proprietor and the Applicant for the purposes of ensuring that after the development takes place there will be no future development on the aforementioned "development site"; NOW THEREFORE in terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 the parties have agreed and do hereby agree as follows:-

(ONE) The Council in exchange for the execution of these presents by the Applicants and Proprietor will grant planning permission for the erection of the said new dwellinghouse and garage within the said subjects and that subject to such further conditions as the Council in their discretion as planning authority deem appropriate.

(TWO) The Applicants and the Proprietor for themselves and their respective successors in title hereby undertake that at no time in the future after the proposed dwellinghouse and garage have been constructed in terms of the said application will any further development take place on the aforementioned "development site".

(THREE) The undertaking stated in Clause (TWO) hereof is hereby created a real and preferable burden upon and affecting the subjects previously described and indicated on the plan executed and annexed as relative hereto and as such are appointed to be recorded or otherwise be validly referred to in terms of law in all future conveyances, Disposition and other such deeds relating to the subjects.

(FOUR) In the event of a change in the planning circumstances of the area which appear to any party to the Agreement or their successors to render the conditions, instruction, obligations and others contained in this Agreement or any of them, no longer relevant, the parties or their successors shall consider whether the said conditions, obligations and others, or any of them, should be modified or discharged, failing agreement on such matters the same shall be referred to the decision of an arbiter to be mutually chosen by the parties, or in the event of a failure to agree to the President of the Lands Tribunal for Scotland, such decision being final, the cost of such a referral being deemed to be an expense of the arbitration.

(FIVE) The Applicants shall be responsible for the whole costs in respect of the preparation, registration and the obtaining of extracts of these presents, and of any other deeds modifying or discharging these presents.

(SIX)\

(SIX) This Agreement shall be enforceable at the instance of the Council or their successors against all parties deriving title to the development site to which this Agreement relates, or any part thereof.

(SEVEN) The parties hereto consent to registration hereof for preservation and execution as well as for publication: IN WITNESS WHEREOF these presents consisting of this and the preceding two pages together with the plan annexed and executed as relative hereto are executed as follows:- they are sealed with the Common Seal of The Grampian Regional Council and subscribed for them by Alexander Joseph Shaw, Assistant Director of Legal Services being a duly authorised signatory of the Council at Aberdeen on the Twenty-eighth day of March Nineteen Hundred and Ninety-six; and they are subscribed by the said William Geddes before this witness; Walter Gerrard Lyall, Solicitor, Thirty-one Duff Street, Macduff, all at Macduff on the Twenty-ninth day of March Nineteen Hundred and Ninety-six; and they are subscribed by the said Mr and Mrs Alexander Duthie before this witness; Gordon Kenneth Chegwyn, Solicitor, Eighty-three Broad Street, Fraserburgh on the Second day of April Nineteen Hundred and Ninety-six.

REGISTER on behalf of the within named THE GRAMPIAN REGIONAL COUNCIL for preservation as well as for publication in the REGISTER of the COUNTY of BANFF.

Solicitor, Aberdeen
Agent.

REGISTER on behalf of the within named MR AND MRS ALEXANDER DUTHIE for preservation as well as for publication in the REGISTER of the COUNTY of BANFF.

Solicitor, Banff
Agents.

REGISTER on behalf of the within named [redacted] as well as for publication in the REGISTER of the COUNTY of BANFF

Agents

SECTION 50 AGREEMENT

among

THE GRAMPIAN REGIONAL COUNCIL

and

MR AND MRS ALEXANDER DUTHIE

and

MR WILLIAM GEDDES

1996

Subjects:- Dwellinghouse at Mink Howe, Crovie

Director of Legal Services
Grampian Regional Council
Woodhill House
Westburn Road
Aberdeen
AB9 2LU
Ref: PL/269
FAS1269 SM/PL