



## MORAY LOCAL REVIEW BODY

29 OCTOBER 2020

### SUMMARY OF INFORMATION FOR CASE No LR243

**Planning Application 19/01659/APP – Erection of visitor café on land adjacent to the Moray Coastal Path at Patrol Road, Portknockie**

#### **Ward 2 – Keith and Cullen**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 24 July 2020 on the grounds that:

The proposed shed is contrary to Moray Local Development Plan 2020 policies DP6 and Portknockie OPP1 and Moray Local Development Plan 2015 policies ED4 and Portknockie I1 for the following reasons:-

1. The proposal would introduce an incompatible use into an established business area and would create conflict with other existing uses.
2. The proposal fails to provide for a comprehensive scheme of improvement across the whole site and as such would fail to provide a development that would enhance the visual appearance of the site or the quality of the built environment.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

No Further Representations were received in response to the Notice of Review

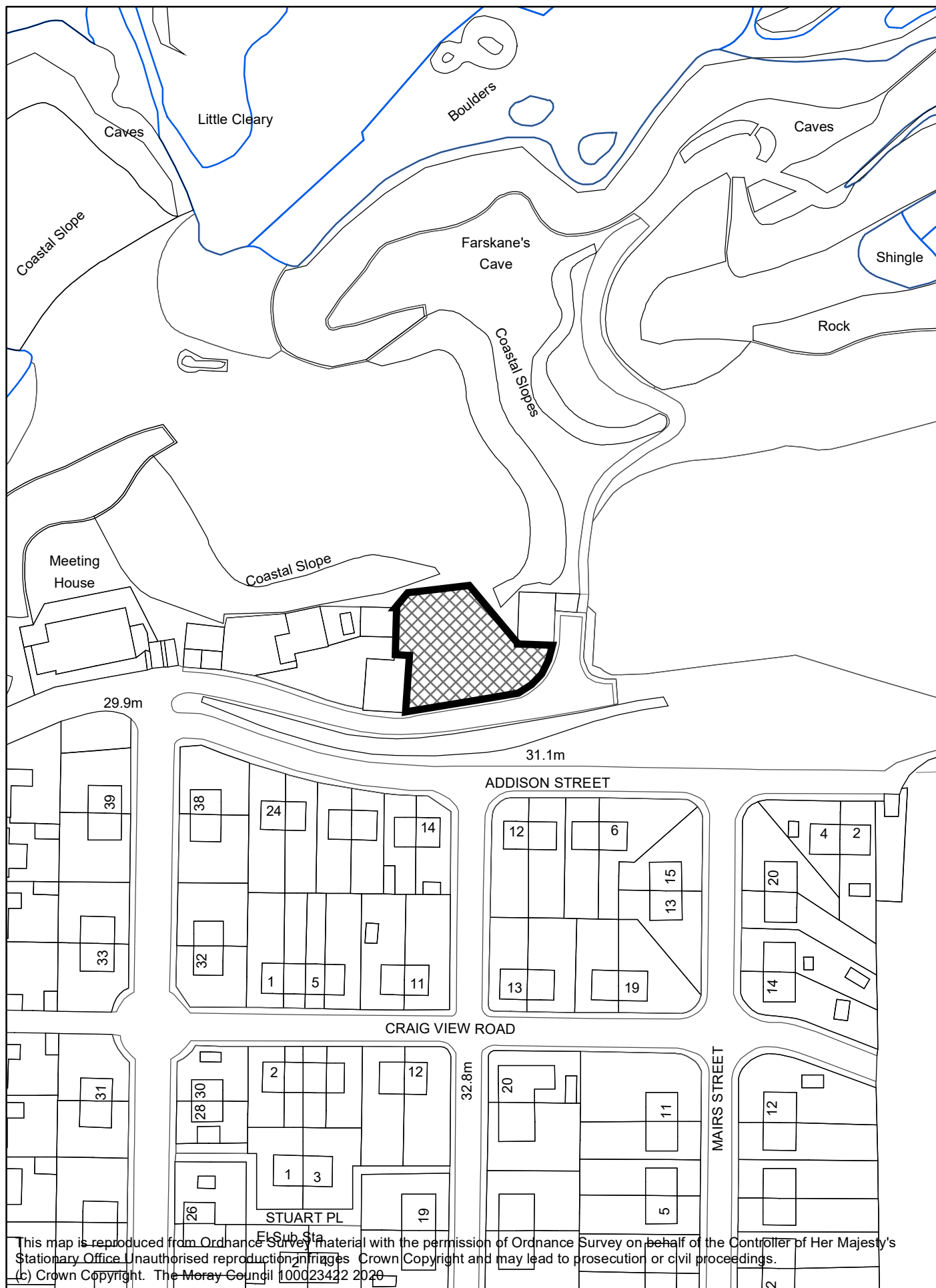
At the meeting of the Moray Local Review Body (MLRB) on 24 September 2020, the MLRB determined that they did not have sufficient information to make a decision therefore the MLRB deferred consideration of Case LR243 to request further photographs of the site as site visits are currently suspended due to the COVID-19 pandemic.

The photographs of the site can be found at **Appendix 3**.





# Location plan for Planning Application Reference Number : 19/01659/APP









# **APPENDIX 1**

## **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100219825-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of Visitor Cafe on land adjacent to the Moray Coastal Path at Patrol Road, Portknockie

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	1 Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Seapark Studios
Last Name: *	Sutherland McCook	Building Number:	
Telephone Number: *	07713 912473	Address 1 (Street): *	Seapark
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kinloss
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV36 3TT
Email Address: *	ian@1architects.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Alexander	Building Number:	3
Last Name: *	Laing	Address 1 (Street): *	Mairs Street
Company/Organisation		Address 2:	www.1architects.com
Telephone Number: *		Town/City: *	Kinloss
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	IV36 3TT
Fax Number:			
Email Address: *	ian@1architects.com		

## Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

868659

Easting

349169

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

The feedback was generally negative, but also contained some comments that we have used to improve the proposal.

Title:

Mrs

Other title:

First Name:

Lisa

Last Name:

MacDonald

Correspondence Reference  
Number:

19/01391/PELOC

Date (dd/mm/yyyy):

05/12/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

808.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Builders Yard

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒

Yes

☐

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☒

Yes

☐

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

13

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

☒

New/Altered septic tank.

☐

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐

Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

☒

Discharge to land via soakaway.

☐

Discharge to watercourse(s) (including partial soakaway).

☐

Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

All surface water collected by gullies on site, and then to soak-aways within the site. All foul and waste water piped to new septic tank and then to soak-aways within the site.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☒ Yes ☐ No

If Yes or No, please provide further details: \* (Max 500 characters)

Normal local authority bin collection facilities

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☒ Yes ☐ No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

135

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A



# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ian Sutherland McCook

On behalf of: Mr Alexander Laing

Date: 20/12/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☒ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: \* (Max 500 characters)

All necessary drawings are included

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Ian Sutherland McCook

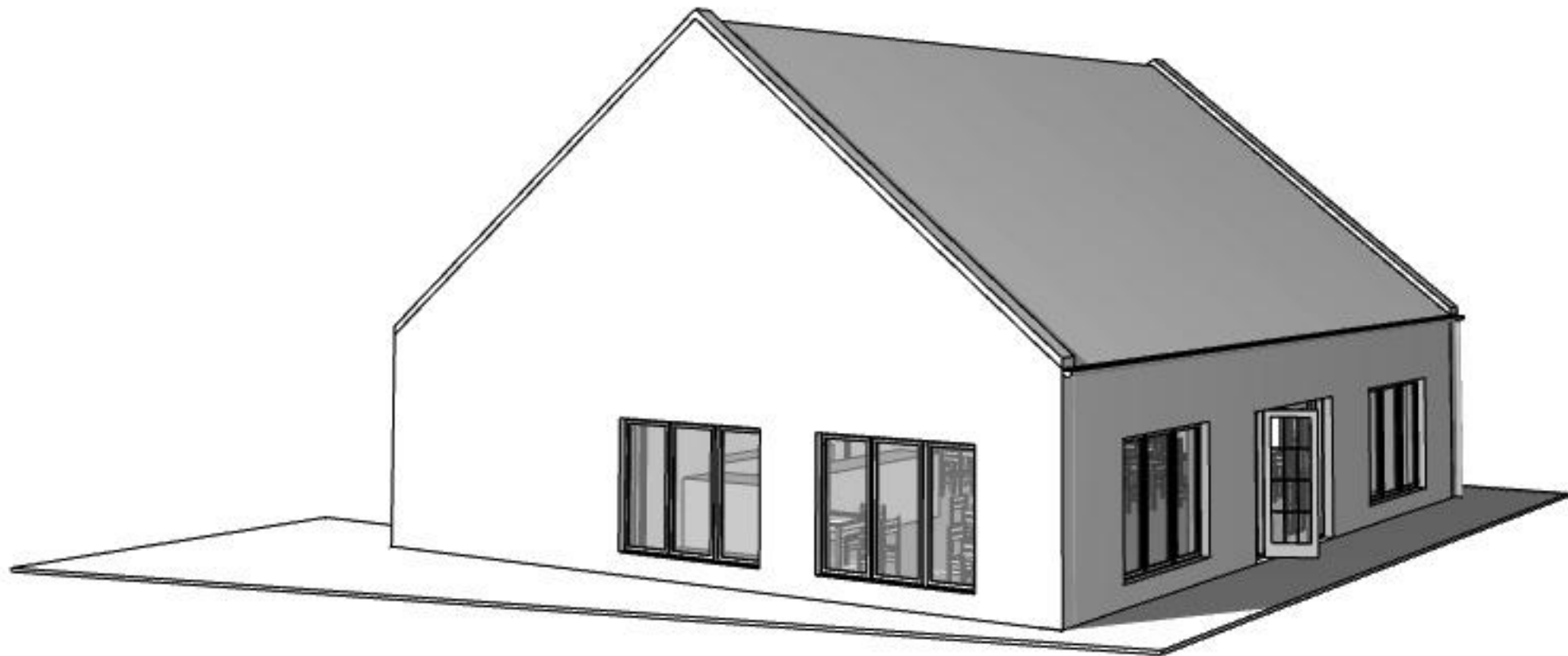
Declaration Date: 20/12/2019

## Payment Details

Telephone Payment Reference:

Created: 20/12/2019 19:46

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RevID	ChID	Change Name	Date

Client

Mr Alexander Laing

Project

Visitor Cafe, Portknockie

Drawing

External Views

Drawing No:

Revision:

Scale:

1:100

Date Created:

02/06/2020

Drawn By:

ISM



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RevID	ChID	Change Name	Date

Client

Mr Alexander Laing

Project

Visitor Cafe, Portknockie

Drawing

Kitchen Layout

Drawing No:

Revision:

Scale:

1:100

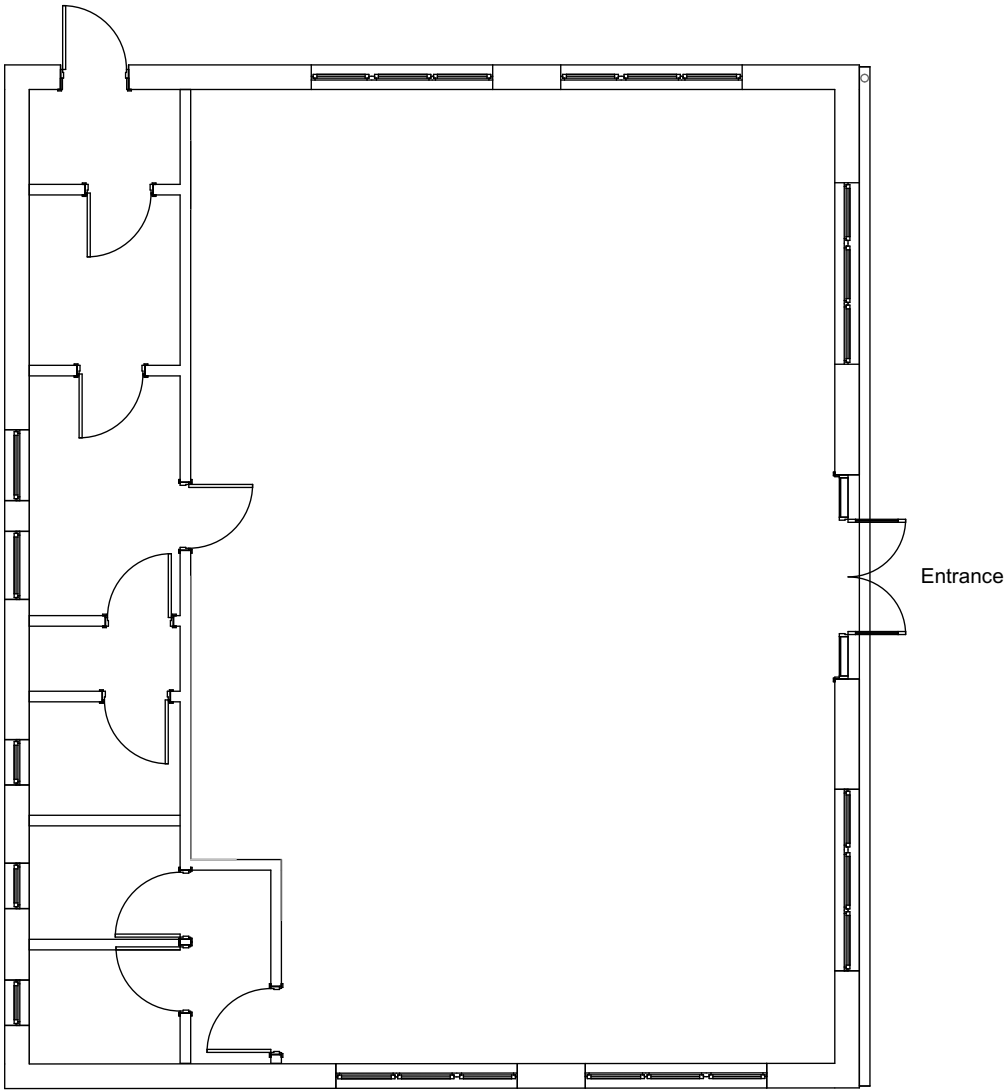
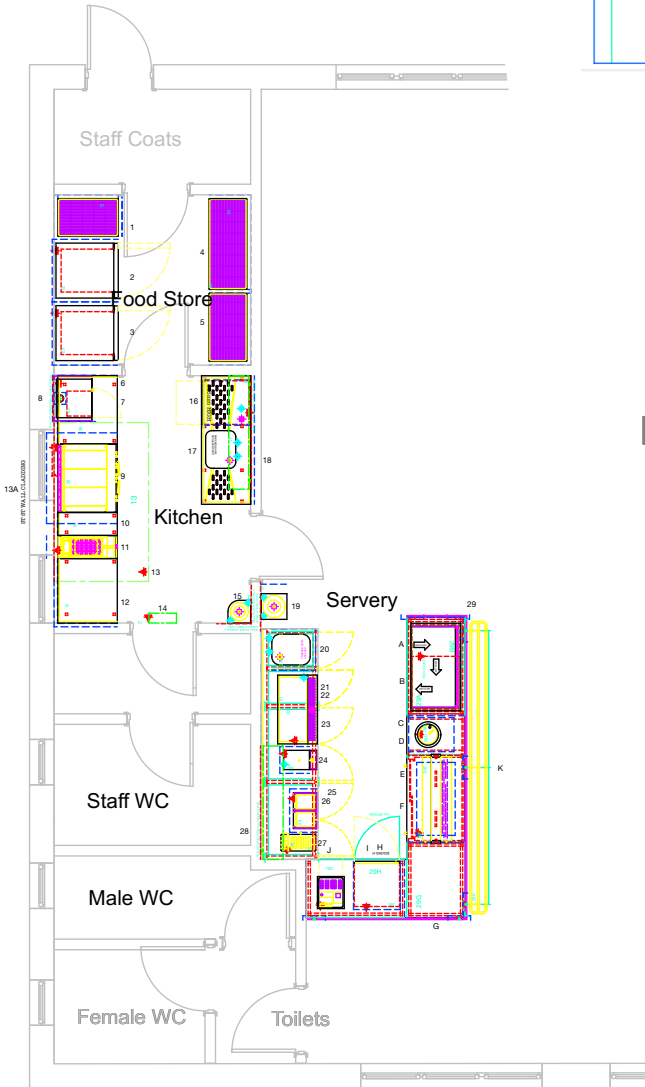
Date Created:

02/06/2020

Drawn By:

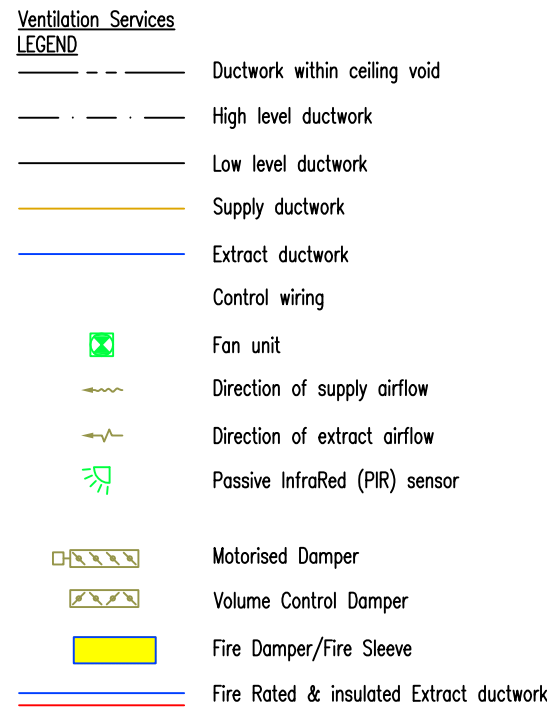
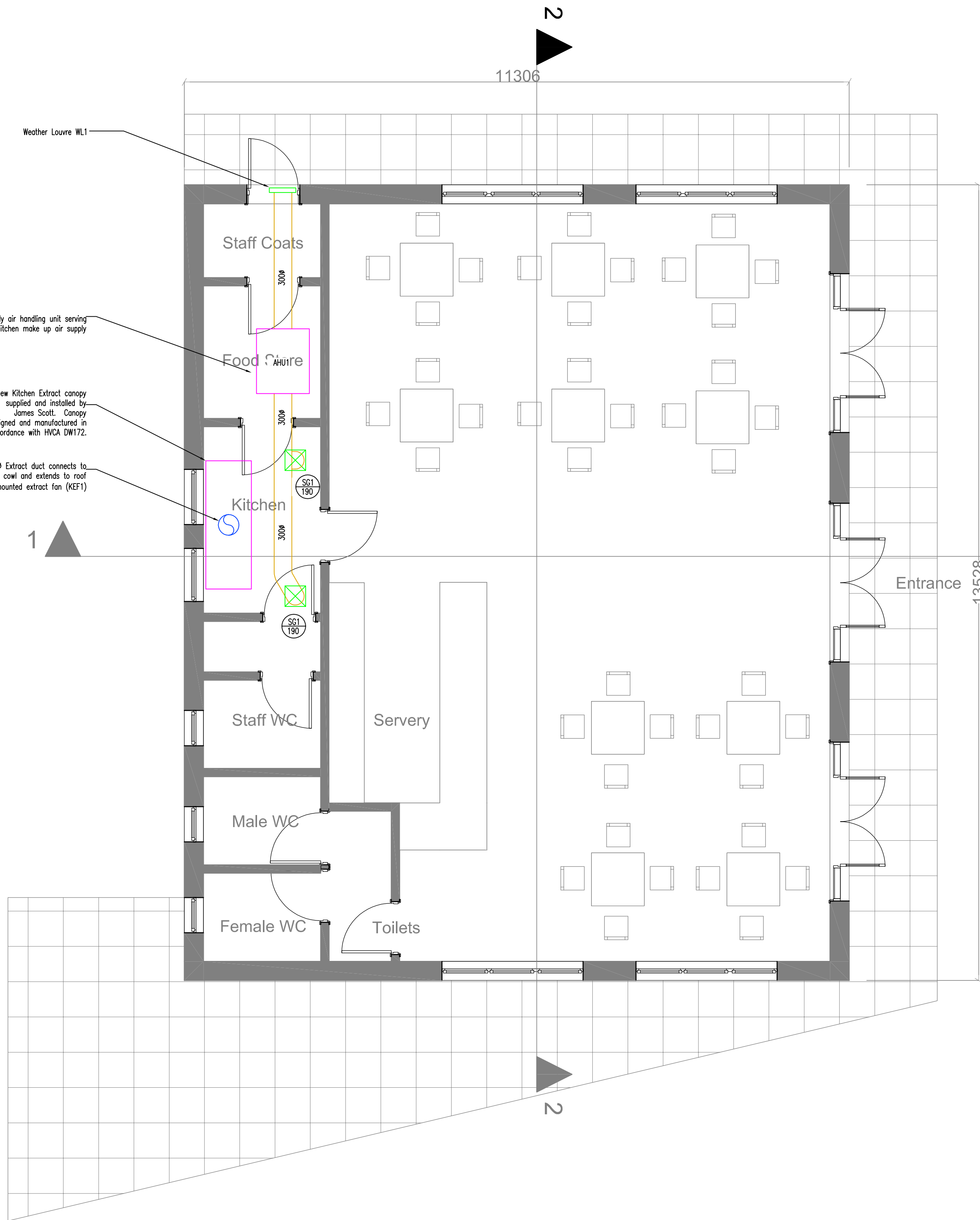
ISM

★ = SPECIAL REQUIREMENTS
PLUMBING NOTES:-
ITEM No 16 INTERNAL RINSE BOOSTER PUMP FITTED. INDEPENDENT WATER SUPPLY REQUIRED. WATER SUPPLY PRESSURE MUST HAVE A GUARANTEED 0.8 to 6 BAR TO MAINTAIN CORRECT BREAK TANK WATER LEVEL. EXTERNAL BOOSTER PUMP POA
ITEM No 16 DRAIN PUMP FITTED. STAND PIPE REQUIRED - BY OTHERS. POSITION OF STANDPIPE SHOULD BE LOCATED TO EITHER SIDE OF MACHINE.
ITEM No 22 DRINKING WATER, PRESSURE 0 to 6 BAR.
ITEM No 24 DRINKING WATER, PRESSURE 1 to 8 BAR.
ELECTRICAL NOTES:-
ITEM No 2, 3, 29B & 29I LOW LEVEL CABLE OUTLET WITH 24 Hr SUPPLY.
ITEM No 9, 11 & 16 LOW LEVEL CABLE OUTLET.
ITEM No 13 FRACTIONAL H.P. MOTOR 7-PH+N (7 AMP RUN CURRENT 7 AMP START CURRENT). STARTER/SPEED CONTROLLER SUPPLIED BY J. SCOTT & SONS (K.E.) Ltd. 7-CORE AND EARTH WIRING BETWEEN SPEED CONTROLLER & MOTOR BY SITE ELECTRICIAN.
ITEM No 13 HIGH LEVEL CABLE OUTLET WITH 24 Hr SUPPLY.
ITEM No 14 HIGH LEVEL CABLE OUTLET WITH 24 Hr SUPPLY.
ITEM No 29 CONNECTION 150mm ABOVE F.F.L.
GENERAL NOTES:-
ITEM No 8 & 19 WALLS TO BE SUITABLY STRENGTHENED TO SUPPORT WALL MOUNTED UNITS, I.E. WALL CUPBOARDS, WALL SHELVES, WHB & ANY WALL MOUNTED UNIT IN JS&S (KE) LTD LAYOUT STRENGTHENING TO BE CARRIED OUT BY OTHERS & COMPLY WITH REGULATIONS.
ITEM No 13 APPROXIMATE POSITION OF DUCT OUTLET THROUGH ROOF
ITEM No 2, 3 & 29I REFRIGERATION EQUIPMENT TO BE INSTALLED IN A WELL VENTED AREA TO COMPLY WITH ALL MANUFACTURERS REQUIREMENTS (REFER TO TECHNICAL LEAFLET FOR DETAILS OF HEAT OUTPUT)



Kitchen Equipment Layout





#### MECHANICAL VENTILATION INSTALLATION NOTES

Standard 2.1.14 - Openings and service penetrations - Where ductwork passes from one fire protected zone to another, fire dampers within the ductwork shall be utilised. Ductwork passing through building elements (walls, floors, partitions, etc) shall be enclosed within purpose made sleeves. Sleeves shall be cut of the same material as the ductwork and packed with mineral fibre or similar non-flammable and fire resistant material to form a fire / smoke stop of adequate rating and to prevent air movement and noise transmission between the duct and sleeve. Furthermore, upon initiation of the fire alarm system, all plant shall cease to function immediately. The plant shall remain inoperative until the resetting of the fire alarm system.

Standard 3.14.5 - Mechanical ventilation - Ventilation shall be in accordance with this Standard, C.I.B.S.E Guide B - Heating, Ventilating, Air Conditioning and Refrigeration and C.I.B.S.E Guide B2 - Ventilation and Air Conditioning.

Standard 3.14.6 - Control of legionellosis - The mechanical ventilation installation shall be constructed in accordance with the recommendations of 'HSE Approved Code of Practice and Guidance L8 - The Control of Legionella Bacteria in Water Systems' to minimise the risk of contamination by legionella.

Standard 6.4.1 - Insulation of pipes and ducts - All ductwork shall be insulated thermally in accordance with BS 5422 (2009). All insulation to only be applied to dry ductwork and to itself be completely dry. The insulation shall be securely attached to ductwork with an approved adhesive.

Standard 6.6 - Works will be designed/installed in such a way that a) the form and fabric of the building will minimise the use of mechanical ventilation and cooling systems for cooling purposes and b) the ventilation and cooling systems installed will be energy efficient and capable of being controlled to achieve optimum energy efficiency.

Standard 6.6.2 - Efficiency of HVAC equipment - Air distribution systems shall not exceed the maximum permissible specific fan power (SFP) and maximum external system pressure drop as outlined under this Standard.

Standard 6.6.3 - Ductwork Installation - All ductwork shall be in accordance with H.V.C.A DW/144.

Standard 6.6.4 - The mechanical ventilation installation shall have controls in accordance with this Standard and C.I.B.S.E Guide H - Building Control Systems.

Standard 6.7.1 - Inspection and commissioning - On completion of the installation, all new mechanical ventilation services shall be tested, set to work and commissioned in accordance with the manufacturers written instructions, the relevant British Standards and C.I.B.S.E Commissioning Code A.

Standard 6.7.2 - Ductwork leakage testing - On completion of the installation, all ductwork shall be tested in accordance with H.V.C.A DW/143.

Standard 6.8.1 - Logbook information - On completion of the works, the occupier shall left with 1No. copy of all manufacturers operating and maintenance instructions for each item of equipment installed during the works. All operation and maintenance manuals relevant to the mechanical ventilation installation shall be compiled and handed over to the occupier on completion of all commissioning. The contents and its presentation shall be in accordance with C.I.B.S.E TM31.

- Generally:
- All ductwork shall have identification bands and directional arrows in accordance with BS 1710: 1984.
  - The minimum mechanical ventilation rates ventilation shall be as follows;
    - WC's - 5 AC/h (Extract Only)
    - Kitchen to DW/172 (Supply & Extract)
    - All other areas Naturally Ventilated
  - On completion of the installation, the installation shall be tested and commissioned in accordance with the Mechanical Services Specification.
  - The Electrical Contractor shall wire to a local isolator adjacent to the new extract fan. All interconnecting wiring between isolator, fan and the control wiring is to be by the Mechanical Contractor.

#### EXTRACT FAN SCHEDULE

Ref.	Room	Duty (l/s)	Max. Pressure Drop (Pa)	Manufacturer	Model	Fan Size (mm)	Spigot Size (mm)
KEF1	KITCHEN	450	120	S&P	5136926700 - CTH/6-400 N	850# x 532(H)	400#

Notes: S&P FANS - FANS AND ACCESSORIES ALL IN ACCORDANCE WITH QUOTE REF QUOTATION No. : 1100060-203301264 (CONTACT STUART JOHNSTON +44 07827 303025)

#### AHU SCHEDULE

Ref.	Room	Duty (l/s)	Max. Pressure Drop (Pa)	Manufacturer	Model	Fan Size (mm)	Weight (kg)	Electric Heater battery (kW)
AHU1	KITCHEN	380	120	S&P	CAT-20 M5 E15 PRO-REG R	600(H) X 900 X 1100	99kg	16

Notes - KEF1 and AHU1 to be interlinked the gas shut-off valve serving the kitchen equipment, Gas shut off valve supplied by other.

#### LOUVER SCHEDULE

Ref.	Systems	Duty (l/s)	Max. Pressure Drop (Pa)	Supplier	Model	Size (mm)	Comments
WL1	Kitchen	380	15	Solid Air	FBL/NB/S/I/O/F0/7	600x600	RAL TBC

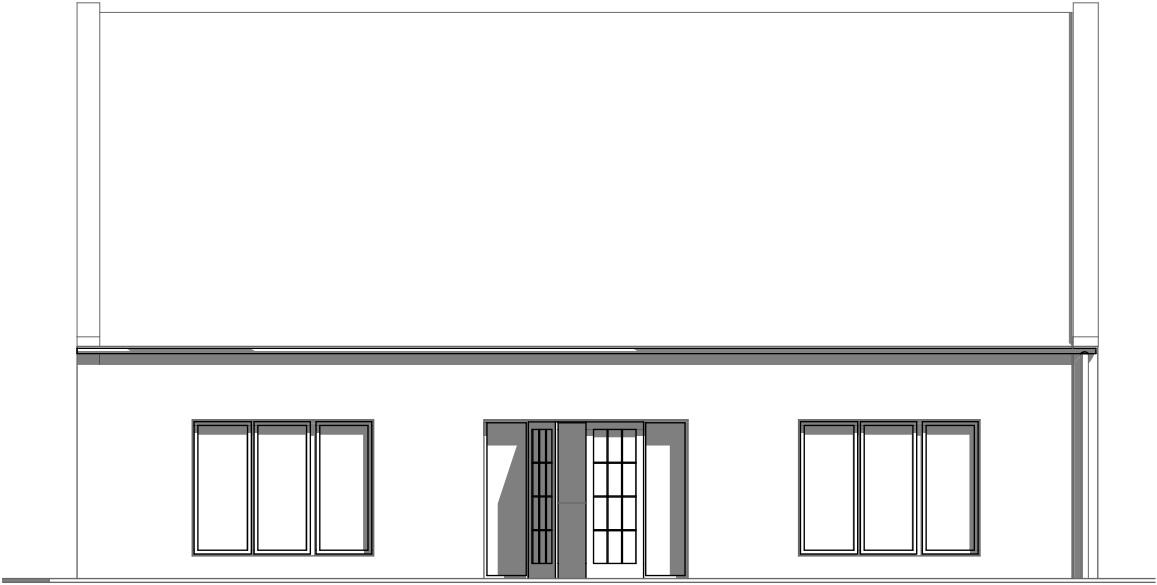
#### SUPPLY GRILLE SCHEDULE

Ref.	Systems	Duty (l/s)	Max. Pressure Drop (Pa)	Supplier	Model	Size (mm)
SG1	KITCHEN	190	150	Solid Air	SQD/S/4/O/R/F0/3	445x445

B2	Louvre and Grille Spec added	28.05.2020	Gc	JA
Rev.	Description	Date	By	Chkd
Project Title				
Portnockie Cafe				
Client				
A1 Architects				
Drawing Title				
Mechanical Engineering Services Kitchen Ventilation System				
Notes				
Building Warrant				
Drawing No.				
20004.M57.001				
Scale				
1:50				
Drawn				
GC				
Date				
01.04.20				
Page				
A1				
Revision				
B2				



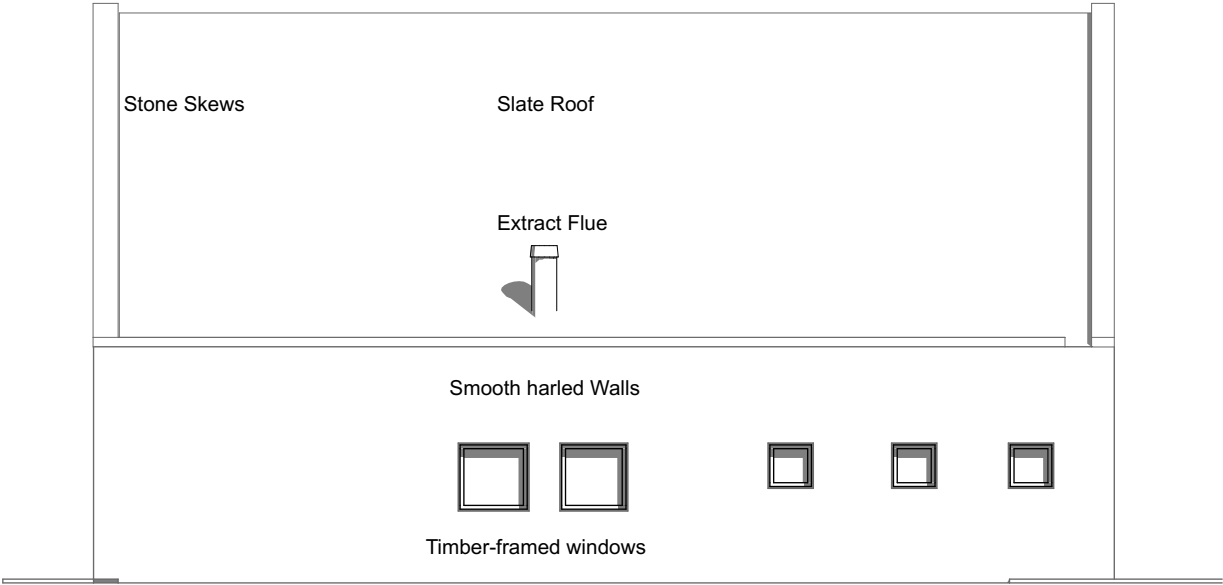




East Elevation



North Elevation



West Elevation



South Elevation


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RevID	ChID	Change Name	Date

Client  
Mr Alexander Laing

Project  
Visitor Cafe, Portknockie

Drawing  
Location Plan

Drawing No: 483.04

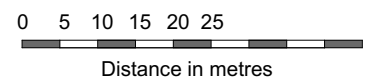
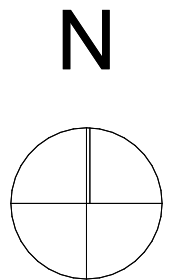
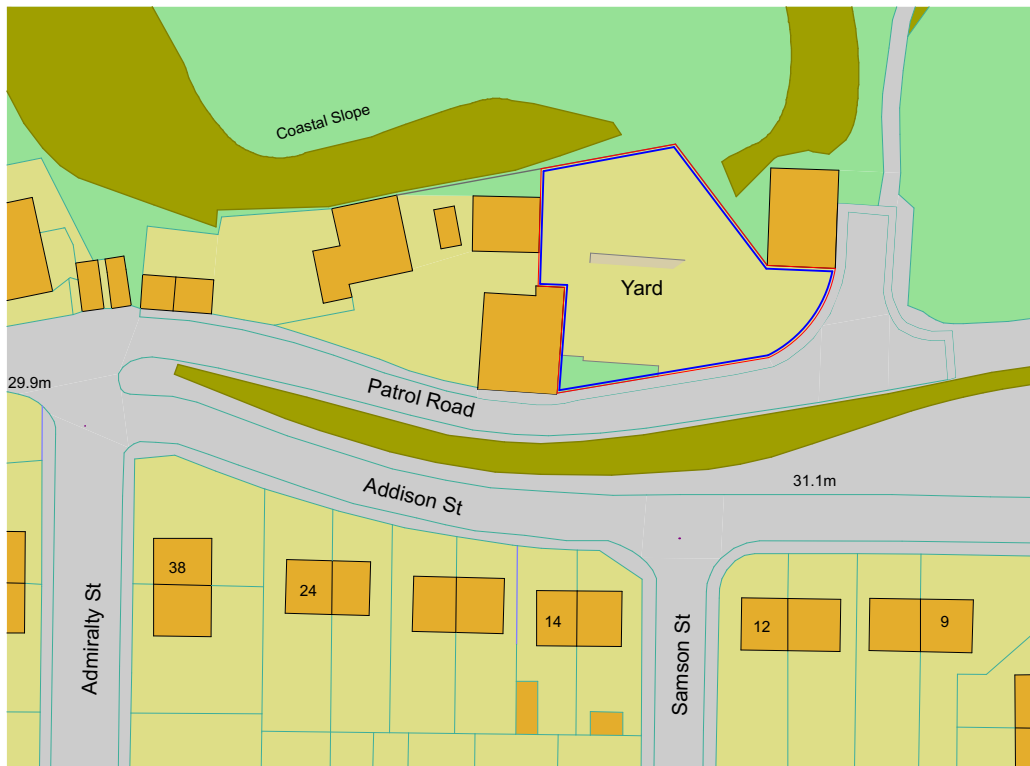
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Drawn By: ISM





# 1 Architects

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# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

VISITOR CAFÉ, PORTKNOCKIE

Gary Mackintosh Bsc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

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***Client:***

Mr A Laing

***Site Address:***

Proposed Visitor Cafe  
Patrol Road  
Portknockie

***Planning Reference:***

19/01659/APP

***Date:***

28<sup>th</sup> May 2020

***Job Number:***

0683

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

34 Castle Street

Forres

Moray

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***Site Description:***

The proposals are to erect a new Visitor Café and associated infrastructure within an existing builders yard located to the north east of Patrol Road, Portknockie, Buckie.

The SEPA Flood maps have been consulted which indicate the proposed site lies out with any areas of fluvial and pluvial flooding during a 1:200year event.

There is no existing drainage infrastructure located within the site boundary. There is an existing Scottish Water Sewer located at the junction of Patrol Road and Admiralty Street being the nearest located infrastructure approximately 85m west of the site.

GMC Surveys have been asked to carry out a site investigation in order to provide a drainage solution for the proposed plans.

***Soil Conditions:***

Excavations were carried out using a mechanical digger on 18<sup>th</sup> May 2018 to assess the existing ground conditions and carry out infiltration testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.5m.

The excavations provided existing ground conditions of 300mm made ground/hardcore/surfacing overlying brown turning light brown, medium, fine, slightly gravelly Sands proved to the depth of the excavations.

There was no evidence of fill material, contamination or water table present within the test hole.

***Infiltration testing:***

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

<b>Infiltration Test</b>	<b>Pit Dimensions (w/l)</b>	<b>Test Zone (mbgl)</b>	<b>Infiltration Rate (m/s)</b>
INF01	0.6m x 8.0m	0.4 – 1.5	$2.801 \times 10^{-5}$

### ***Conclusion and Recommendations:***

Due to the location of the existing sewer, a gravity connection is not achievable due to the topography. Given the nature of the development it is anticipated that SEPA will require a private pump system to be installed to discharge the foul water to the existing sewer.

The final details of the foul drainage are to be confirmed by the chosen supplier/manufacturer of the pump system and in agreement with SEPA and Scottish Water.

Based on the site investigation the ground conditions are suitable for the use of standard stone filled soakaways as a method of dispersal of surface waters.

### ***Surface Water Dispersal via Soakaway:***

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **6.0m x 3.0m at a depth of 0.8m** below the invert level based on a contributing area of 150m<sup>2</sup> (proposed new building roof area) up to a 1 in 30year event with 35% allowance for climate change. The soakaway is to be located beneath the parking bays located to the north east of the site.

The parking area is to be surfaced in bituminous macadam and is to be graded to falls as indicated within the drainage layout. The parking bays are to be formed using permeable pavements with infiltration sub base below:

Contributing Area – 568m<sup>2</sup> (Full area of car parking and access road)

Area of parking Bays – 125m<sup>2</sup>

Infiltration Rate –  $2.801 \times 10^{-5}$ m/s or 0.101m/hr

The calculation sheet below demonstrates that permeable paving with infiltration sub - base at a minimum depth of 375mm below the construction would be adequate to manage surface water flows up to and including a 1:200year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix B.

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course and any inland and coastal waters, permeable drain (including culvert), road or railway
- 5m from a building or boundary



MasterDrain  
SW 16.53

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Job No.	<b>0683</b>		
Sheet no.	<b>1</b>		
Date	<b>01/06/20</b>		
By	<b>GM</b>	Checked	Approved
Title			

Project **Visitor Cafe, Portknockie**  
Title **Surface Water Soakaway**

#### Rectangular pit design data:-

Pit length	=	6 m	Pit width	=	3 m
Depth below invert	=	.8 m	Percentage voids	=	30.0%
Imperm. area	=	150 m <sup>2</sup>	Infilt. factor	=	0.000028 m/s
Return period	=	30 yrs	Climate change	=	35%

#### Calculations :-

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 7.2 \text{ m}^2$$

Outflow factor :  $O = a_{s50} \times \text{Infiltration rate} = 0.0002016 \text{ m/s}$

Soakaway storage volume :  $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 4.3 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m <sup>3</sup>	Depth (hmax) m	Outflow m <sup>3</sup>	Storage m <sup>3</sup>
5 mins	85.9	1.1	0.19	0.06	1.01
10 mins	65.8	1.6	0.28	0.12	1.52
15 mins	54.5	2.0	0.34	0.18	1.86
30 mins	38.0	2.9	0.46	0.36	2.49
1 hrs	25.5	3.8	0.57	0.73	3.10
2 hrs	16.5	5.0	0.65	1.45	3.50
4 hrs	10.5	6.3	0.63	2.90	3.41
6 hrs	8.0	7.2	0.53	4.35	2.88
10 hrs	5.7	8.6	0.24	7.26	1.32
24 hrs	3.2	11.4	0.00	17.42	0.00

Actual volume :  $S_{\text{actual}} = 4.320 \text{ m}^3$

Required volume :  $S_{\text{reqd.}} = 3.500 \text{ m}^3$

Soakaway volume storage OK.

Minimum required  $a_{s50}$  : 5.83 m<sup>2</sup>

Actual  $a_{s50}$  : 7.20 m<sup>2</sup>

Minimum depth required: 0.65 m

Time to maximum 2 hrs

Emptying time to 50% volume =  $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 02:24 \text{ (hr:min)}$

Soakaway emptying time is OK.



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Job No. <b>0683</b>		
Sheet no. <b>2</b>		
Date <b>01/06/20</b>		
By <b>GM</b>	Checked	Approved

Project **Visitor Cafe, Portknockie**  
Title **Surface Water Soakaway**

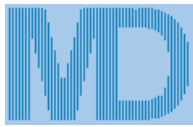
**Location hydrological data (FSR):-**

Location	=	FINDOCHTY	Grid reference	=	NJ4668
M5-60 (mm)	=	12.4	r	=	0.26
Soil index	=	0.30	SAAR (mm/yr)	=	725
WRAP	=	2	Area	=	Scotland and N. Ireland

**Soil classification for WRAP type 2**

- i) Very permeable soils with shallow ground water;
- ii) Permeable soils over rock or fragipan, commonly on slopes in western Britain associated with smaller areas of less permeable wet soils;
- iii) Moderately permeable soils, some with slowly permeable subsoils.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.



MasterDrain  
SW

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Job No. <b>0683</b>		
Sheet no. <b>1</b>		
Date <b>02/06/20</b>		
By <b>GM</b>	Checked	Approved

Project	<b>Proposed Visitor Cafe, Potknockie</b>
Title	<b>Permeable Paving Depth Requirements</b>

#### Data:-

##### FSR Hydrology:-

Location = FINDOCHTY

M5-60 (mm) = 12.4

Soil index = 0.30

Return period = 200

Grid reference = NJ4668

r = 0.26

SAAR (mm/yr) = 725

WRAP = 2

- i) Very permeable soils with shallow ground water;
- ii) Permeable soils over rock or fragipan, commonly on slopes in western Britain associated with smaller areas of less permeable wet soils; The layer is low in organic matter, mottled and (fragipan - a natural subsurface horizon having a higher bulk density than the solum above. Seemingly cemented when dry but showing moderate to weak brittleness when moist. Slowly or very slowly permeable to water. It is found in profiles of either cultivated or virgin soils but not in calcareous material).
- iii) Moderately permeable soils, some with slowly permeable subsoils.

#### Design data:-

Total drained area = 568 m<sup>2</sup>

Storm duration = 6.00 hrs

Inf. coefficient = 0.1010 m/hr

Saturation depth = 80.0 %

Perm. pavior area = 125 m<sup>2</sup>

Climate change factor = 1.35

% Voids = 30.0%

Runoff factor = 95%

#### Calculated data:-

Mean rain intensity = 11.9 mm/hr @ 200yrs/6hrs with 1.35 climate change factor

Total rainfall volume = 40.515 m<sup>3</sup>.

Total runoff volume = 38.490 m<sup>3</sup>.

Mean discharge rate = 3.507 l/s.

Infiltration volume = 75.750 m<sup>3</sup>.

Infiltration volume exceeds the total runoff volume.

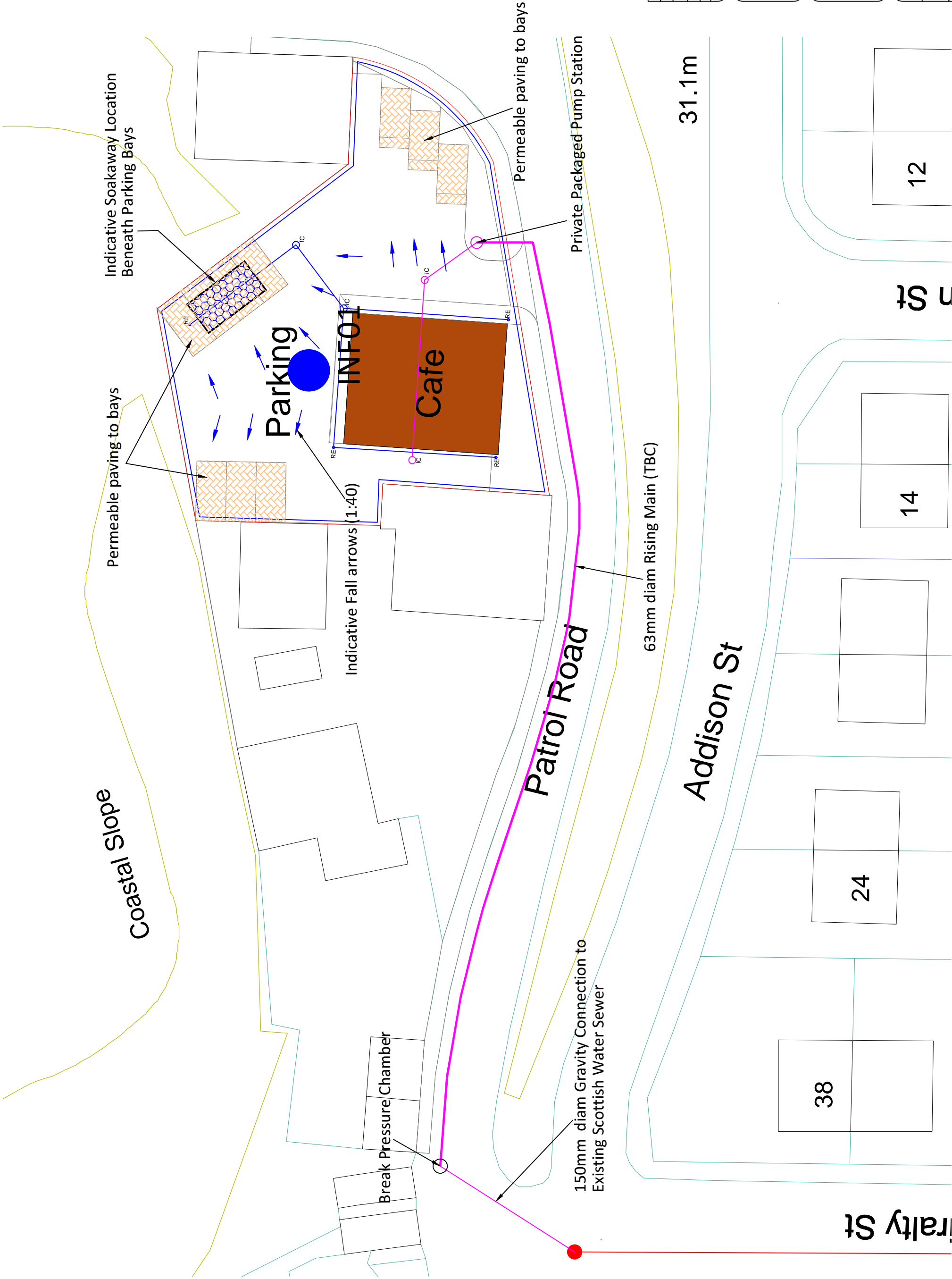
Minimal storage is required, therefore a minimum construction thickness of 375mm should be used.

Storm profile used = Summer

## **APPENDIX A**

### Test Hole Location – Proposed Soakaway Position





REV:	DESCRIPTION:		BY:	DATE:	
STATUS: <b>ISSUE</b>					

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T: 07557 431 702  
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CLIENT: Mr A Laing

SITE Proposed Visitor Cafe Patrol Road, Portknockie				
TITLE Test Hole/Soakaway Location				
SCALE AT A/E	DATE	DRAWN	CHECKED	
NTS	MAY20	GM		
PROJECT NO:	DRAWING NO:		REVISION:	
0683	Appendix A		-	

## **APPENDIX B**

### Drainage Details





# Drainage Statement

Visitor Cafe at Patrol Road, Portknockie

December 2019

## **Introduction**

This Drainage Statement is to accompany the planning application for a new Visitor Cafe at Patrol Road, Portknockie, adjacent to the Moray Coastal Path.

## **Site**

The site is located at the eastern end of Patrol Road, immediately below the junction with Addison St and Samson St. The site is currently used as a builder's yard and contains no buildings.

The proposal is to clear the site, erect a traditional single-storey building to house the Visitor Cafe, and provide adequate parking.

## **Foul Drainage**

The new building will contain 2 public wc's with basins, and one staff wc with basin, plus 2 kitchen sinks with the appropriate grease traps and filters.

These will all be connected to a new septic tank and soak-away in accordance with the appropriate building standards.

## **Surface Water**

Surface water soak-aways are feasible on this site because of the friable nature of the subsoil. Percolation tests will of course prove or disprove this, early soil sampling has shown consistently firm sand to a depth of at least 1.5 metres.

Surface water will be collected from gullies around the property and connected to soak-aways that are separate from those serving the septic tank.

1 Architects Ltd  
December 2019

# Level 1 Flood Report

Visitor Cafe at Patrol Road, Portknockie

December 2019

## Introduction

This Level 1 Flood Report is to accompany the planning application for a new Visitor Cafe at Patrol Road, Portknockie, adjacent to the Moray Coastal Path.

## Site

The site is located at the eastern end of Patrol Road, immediately below there junction with Addison St and Samson St. The site is currently used as a builder's yard and contains no buildings.

The proposal is to clear the site, erect a traditional single-storey building to house the Visitor Cafe, and provide adequate parking.

## Scope of Report

This report will consider all sources of flooding including fluvial, surface water, coastal, and sewers within the study area.

## Fluvial

There are no rivers or streams in the vicinity of this site, and therefore no risk of fluvial flooding. The SEPA Flood Map confirms this.

## Coastal

The site is over 30 metres above sea level, and at no risk of coastal flooding. The SEPA Flood map also confirms this.

## Surface Water

There are no records of this site ever being flooded, and certainly the highly-sandy nature of the subsoil makes this unsurprising. Patrol Road, adjacent to the site, is also well-served with gullies to take away any surface water finding its way down the road.

It seems extremely unlikely that the site will be at risk from surface water, and the SEPA Flood Map agrees with this.

## Sewers

There are no sewers on or close to the site, the nearest being in Addison Street. The risk of flooding from sewers therefore does not arise.

## Summary

It seems that there are no flood risks present, and therefore further assessment is not necessary.



# Risk Assessment for Odour

## June 2020

### PROJECT DETAILS

CLIENT	SITE	PREPARED BY
Alexander Laing.	Patrol Rd, Portknockie	DH

### DETAILS OF REPORT

Please find below our assessment of the potential for nuisance odour arising from the cooking process carried out at the above site. This assessment has been carried out using Annex C: Risk assessment for odour from the DEFRA 'Guidance on the control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

### DISPERSION

SCORE	SCORE	DETAILS	RESULT
Very poor	20	Low level discharge, discharge into courtyard or restriction on stack	10
Poor	15	Not low level but below eaves, or discharge at below 10m/s	
Moderate	10	Discharging 1m above eaves at 10-15m/s	
Good	5	Discharging 1m above ridge at 15m/s	

### PROIMITY OF RECEPTORS

SCORE	SCORE	DETAILS	RESULT
Close	10	Closest sensitive receptor less than 20m from kitchen discharge	5
Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge	
Far	1	Closest sensitive receptor more than 100m from kitchen discharge	

### SIZE OF KITCHEN

SCORE	SCORE	DETAILS	RESULT
Large	5	More than 100 covers or large sized take away	3
Medium	3	Between 30 and 100 covers or medium sized take away	
Small	1	Less than 30 covers or small take away	

## COOKING TYPE (ODOUR AND GREASE LOADING)

SCORE	SCORE	DETAILS	RESULT
Very high	10	Pub (high level of fried food), fired chicken, burgers or fish and chips	1
High	7	Kebab, Vietnamese, Thai or Indian	
Medium	4	Cantonese, Japanese or Chinese	
Low	1	Most pubs, Italian, French, Pizza or Steakhouse	

## CONCLUSION

IMPACT RISK	ODOUR CONTROL REQUIREMENT	Score
Low to Medium	Low level odour control	Less than 20
High	High level odour control	20 to 35
Very High	Very High level odour control	Over 35

Please see below some examples of levels of filtration which may be required, please note the final section will be based on a site by site requirement factoring in all the elements to make the best selection.

### LOW LEVEL ODOUR CONTROL – RECOMMENDED

CANOPY BAFFLE FILTERS USED AS PRIMARY FILTERS WITHIN CANOPY AND BARRIER TO FLAME

Canopy coalesce filters behind canopy to remove further grease from air stream

Carbon filtration\*

Odour neutralizer\*

\*where required

### HIGH LEVEL ODOUR CONTROL – EXAMPLE ONLY

CANOPY BAFFLE FILTERS USED AS PRIMARY FILTERS WITHIN CANOPY AND BARRIER TO FLAME

Canopy coalesce filters behind canopy to remove further grease from air stream

UV Filtration

Electrostatic Precipitators (ESP)

## VERY HIGH LEVEL ODOUR CONTROL – EXAMPLE ONLY

### CANOPY BAFFLE FILTERS USED AS PRIMARY FILTERS WITHIN CANOPY AND BARRIER TO FLAME

Canopy coalesce filters behind canopy to remove further grease from air stream

UV Filtration

Electrostatic Precipitators (ESP)

G4 Panel filters

F9 Bag filters

H10 Hepa filters

Activated carbon panel filters (NFX)

## SERVICING AND MAINTENANCE

Regular servicing and maintenance is required to allow the systems to operate as designed, please see below guidelines for servicing frequencies. Please note this is a guideline only and each site will vary depending on cooking styles and levels of trade.

The washable stainless steel grease filters to be cleaned daily as part of the staff cleaning regime. The UV System is to be included in a formal cleaning regime as well as maintenance to the fan unit which will be as per the manufacturer's recommendation and this should form the basis of a services contract.

All ductwork cleaning to be in accordance with TR19 as published by the HVAC

### Example of servicing frequencies

	LOW TO MEDIUM LEVEL	HIGH LEVEL	VERY HIGH LEVEL
Canopy baffle filters used as primary filters within canopy and barrier to flame	Daily	Daily	Daily
Canopy coalesce filters behind canopy to remove further grease from air stream	Daily	Daily	Daily
UV Filtration	See manufactures spec	See manufactures spec	See manufactures spec
Electrostatic Precipitators (ESP)	4-6 weeks	4-6 weeks	4 weekly minimum
G4 Panel filters	6-8 weeks	4-8 weeks	1-3 weeks
F9 Bag filters	6-8 weeks	4-8 weeks	3-6 weeks
H10 hepa filters	10-12 weeks	6-12 weeks	3-6 weeks
Activated carbon panel filters (NFX)	40-60 weeks	30-40 weeks	12-20 weeks



# Supporting Statement 2

Visitor Cafe at Patrol Road, Portknockie

June 2020

## Background to Application

The highly-popular Moray Coastal Trail runs through Portknockie, and passes alongside this site. Very close by is the major tourist attraction of Bow Fiddle Rock. Particularly in summer, but to some extent all year round, there are visitors spending long periods walking in the open air, and who would appreciate somewhere to sit down and take refreshments. There are no facilities for visitors adjacent to the Coastal Path anywhere in Portknockie.

Our client wishes to provide such a facility in the form of a simple cafe serving plain local food and drink immediately adjacent to the coastal path.

Our client is a retired local builder who was born in Portknockie and has lived here all his life. He has owned and used this site for many years, and has witnessed over that time the constant requests from walkers on the Coastal Path for directions to the nearest cafe. It has become increasingly apparent to him that there is a strong demand for this facility, and we believe that this location is very well-suited. We further understand that there is strong local support for this proposal.

## Planning Status

**The emerging Local Plan identifies this site as an Opportunity Site, and requires a number of points to be met. We are happy to confirm that the proposals satisfies the following stated requirements:-**

- Only proposals that enhance the overall quality of the built environment and visitor facilities will be supported.
- Proposals must be compatible with visitor use and must include formalised parking arrangements for this popular area. The existing turning head must be retained for this function, therefore parking in accordance with current Moray Council Parking Standards must be provided to ensure no overspill car parking.
- .....the proposal includes measures to improve the visual appearance and enhance the overall building environment.
- Proposals must be single storey to protect the open aspect/vistas down Admiralty Street, Samson Street, and towards Bow Fiddle Rock.
- Footway to be widened to a minimum of 2m with the missing section provided to create a continuous pedestrian route.
- Any development to be connected to mains water and sewerage, or otherwise to demonstrate that there will be no adverse effect on the integrity of the proposed Moray Firth Special Protection Area (pSPA) or cause changes in water quality affecting the habitat and prey species that the qualifying interest of the pSPA rely on.

**The Pre-Application response states that there should be a wholesale redevelopment of the entire Patrol Road industrial site, rather than improvement of sites individually.**

This is not practicable. There are 3 or 4 owners, all with different ongoing businesses utilising a variety of existing buildings on site, whereas our client has an empty yard. Why should they cease trading and lose income to join our client in discussing a speculative redevelopment. Even if they did talk there is no guarantee that they will ever agree on what is to be done. And how would the equity be split amongst them? To block development in the unlikely hope that all owners agree to redevelop at the same time and for the same purpose would simply mean that no development ever took place, and the site remained an undeveloped builders yard.

If you impose the "whole site" condition, no improvements will ever be made, and that is surely the exact opposite of what Moray Council wants. The council presumably wishes to enable sustainable and sensible developments that benefit the community.....not make them impossible? It is likely that this policy was developed with other sites in mind, and is not appropriate for this situation. If this is to be described as an Opportunity Site, then you should not deny people the opportunities.

**The Emerging Local Plan for Portknockie (OPP1) specifically identifies small scale business and residential uses are potentially suitable for the site. The cafe clearly falls within the category of small-scale business, and there is nothing in the OPP1 that suggests that visitor facilities would be inappropriate.**

## Employment Generation

The Visitor Cafe would employ a significant number of local people. There will be a permanent requirement for cooks, kitchen assistants, waiting staff, and cleaners. The operation will generate support work from local businesses such as accountants, solicitors, compliance advisors, newspaper advertising etc. The construction phase will employ local tradesmen from all disciplines, and of course there will be ongoing maintenance work to the building in the coming years.

## Parking

We have reduced the size of cafe to 30 seats and 10 car spaces, which aligns with the Moray Council standards of 1 space per 3 seats. There is also space to turn within the site.

## Transport

Visibility is moderately limited at the entrance to the site, but this road is a dead end with very very little traffic. Travel speeds are consistently low because the road terminates just a few metres past the site entrance. Anyone intending to enter the site would naturally be driving very slowly....in fact the road does not any point allow fast driving.

The reduced number of parking spaces has allowed us to set the building back further from the road frontage. This adjusted position permits a visibility splay of over 25 metres, which we think is adequate given that this is a clearly-signposted cul-de-sac with tight bends, thus ensuring that traffic speeds will be low. The Scottish Government "Designing Streets" guidance states that for speeds of 20mph a sightline of 22 metres is acceptable. If there are concerns, speed bumps can be installed.

It has been suggested that parts of the road are too narrow for 2 cars to pass, but regular experience of driving this road does not support that notion. It is quite wide enough for 2 normal vehicles to pass, and in any event the frequency of traffic on this road is and will remain low. With travel speeds that are already slow, there does not appear to be a problem here.

**NB** It is noted from Moray Council's own "List of Public Roads and Public Streets", that this section of Patrol Road is not adopted. We would therefore be grateful for clarification on whether the Transport Department can dictate standards.

## Drainage and SUDS

A report on "Site Investigation and Drainage Assessment" is attached. This shows that satisfactory filtration has been recorded, and that adequate surface water treatment is possible within the site.

## Environmental Health

Our client has appointed a highly-experienced specialist kitchen equipment supplier and a separate Heating & Ventilating Consultant to design and specify the catering equipment layout and the air-handling system. Both their proposals are attached to this application

## Safety and Geotechnical Stability

There has been a suggestion that the edge of the site may be endangered by this development, but there is no reason for concern. Our client is building only to the front of the site, and no structures are being erected to the rear. Only parking will take place to the rear, and that imposes less load and disturbance than the current use as a builders yard where heavy vehicles and machinery could be parked at the rear.

Mention has also been made of potential landslips, but Moray Council has already published a list of the sites in Portknockie where landslips may be a problem,, and this is not one of them.

## Design

Originally the cafe had a hipped roof similar to some traditional buildings found already in Portknockie, but at the request of the planning department we have changed that to a pitched gable roof. We have also incorporated stone skewers to more closely reflect the prevalent local roof style.

On the main entrance elevation we have also removed some entrance doors and changed them to windows, leaving just one main entrance with traditional full-height glazed doors. All windows to the two main frontages are full-height windows in keeping with the commercial nature of the premises.

## Conclusion

With the information presented by 3rd party consultants, we are able to demonstrate compliance with all requirements apart from the policy requirement to develop the whole site at once. We believe that we have shown that a narrow interpretation of the policy is not appropriate for this situation and that it should be widened. Our view is that once our client has shown what can be achieved on the site, others will want to follow with other tourist-related developments, but to expect these all to happen at once is unrealistic, and serves only to stifle, even prevent, development. This is surely not the aim of Moray Planning Department.

We believe that the proposal is in the best interests of the community, and is worthy of support.

1 Architects Ltd

June 2020





## Portnockie Kitchen Vent

Client:

S&P UK VENTILATION SYSTEMS LTD - Wentworth Road, Ransomes  
Europark, Ipswich. Suffolk. IP3 9SW, United Kingdom / tel: 08454  
700 074 Fax: 08454 700 075 / [www.solerpalau.co.uk](http://www.solerpalau.co.uk) /  
[sales.uk@solerpalau.com](mailto:sales.uk@solerpalau.com)

**Soler&Palau**  **Ventilation Group**



Project: Portnockie Kitchen Vent

Date: 3/30/2020 12:33:43 PM

Rev: 1 (24)

Updated: 3/30/2020 12:53:17 PM

Printed by: ()

Telephone:

Telephone:

Mobile:

Mobile:

Fax:

Fax:

Email:

Email:

#### ENQUIRY

Pos.	Product Ref.	Prod. Code	Desc.	Qty	Volume	Pressure
1	KEF1	5136926700	CTHT/6-400 N (230/400V50HZ)	1	0,561 m³/s	233 Pa
1,1		5401618900	VFTM TRI 0,37 IP55(x1)	1		
1,2		5136824900	JPA-630(x1)	1		
1,3		5136864500	JAA-630 (x1)	1		
1,4		5136884300	JCA-630 N(x1)	1		
1,5		5138908300	JAЕ-630 N (x1)	1		
1,6		5138907500	JBR-630 N (x1)	1		
1,7	AHU	L1000000681	PREP/COOK Switch (IP66)(x1)	1		
2		5209376700	CAIT-20 M5 E15 PRO-REG R	1		
3		5209373300	BCC-355 CAIB-20	2		
4		5416762700	REEV-355	1		
5		5416763000	LF-24 S	1		
6		5138921000	ACOPEL F400-355/160 N	2		
7		5130861700	KSE-45	1		
8		5211812200	SIL-250	2		



# MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS



Centrifugal roof mounted fans in horizontal discharge format, designed for smoke extraction in fire conditions and specially recommended for extracting smoke from the fireplaces, suitable for air stream temperature up to 120°C and certified F400-120 (CE marked). Base is manufactured from galvanized sheet steel and cowl is manufactured from spun aluminium and it incorporates a bird-proof guard.

## Motor

Motor is IP55, Class F and equipped with ball bearings greased for life.

Electrical supply:

Three phase 400V-50Hz.

This model is speed controllable by voltage or frequency. When is using a speed controller, the electrical installation must be equipped with a security system which allows the maximum speed of the fans in case of fire.

Brand S&P model CTHT/6-400 N (230/400V50HZ) for an airflow 0,561 m³/s and static pressure 233 Pa.

5136926700 - CTHT/6-400 N (230/400V50HZ)

Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

## Theoretical Working Point

Airflow	0,450 m³/s
Static Pressure	150 Pa
Temperature	20 °C
Altitude	0 m
Density	1,2 kg/m³
Frequency	50 Hz

## Working Point

Airflow	0,561 m³/s
Static Pressure	233 Pa
Dynamic pressure	1,64 Pa
Total Pressure	235 Pa
Input power	0,331 kW
Outlet speed	1,6 m/s
Fan speed	917 rpm
Specific Fan Power	0,59 W/l/s
Specific Fan Power reg	0,42 W/l/s

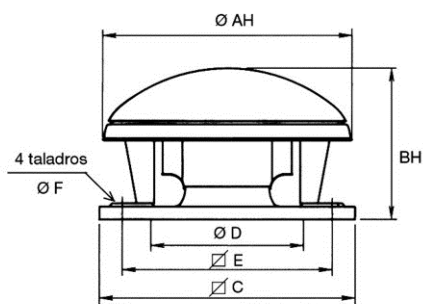
## Construction

Fan size	400
Weight	44,00 kg

## Motor Characteristics

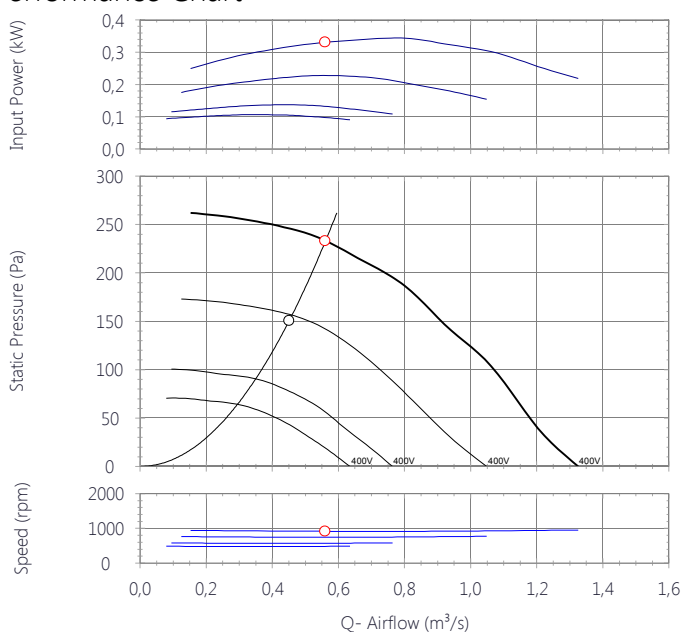
Number of poles	6
Maximum absorbed current	1,4 A / 0,8 A
Voltage	3-230/400V-50Hz
IP Rating	IP55
Motor insulation class	F

## Drawing



AH	BH	C	D	E	F
850	532	630	400	535	12

## Performance Chart



## Sound Performance

	63	125	250	500	1k	2k	4k	8k	Overall
Inlet (LwA)	38	52	61	62	59	59	61	49	68
Inlet LpA @ 3m	17	31	40	41	38	38	40	28	47
Outlet (LwA)	45	56	66	69	65	65	64	54	73
Outlet LpA @ 3m	24	35	45	48	44	44	43	33	53





# MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS

Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

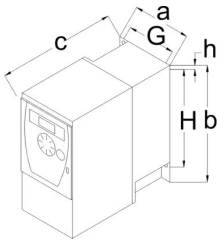
## Accessories

5401618900 - VFTM TRI 0,37 IP55



Adjustable frequency drive [INDPROT]. Three phase supply (400V 50/60Hz), three phase 400V output.

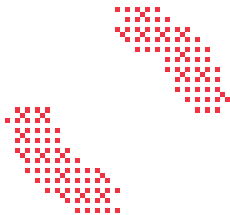
### Dimensions



a	b	c	G	H	I
215	297	192	197	277	5.5

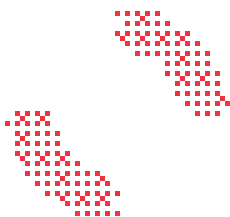
5136824900

JPA-630



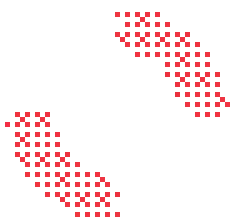
5136864500

JAA-630



5136884300

JCA-630 N





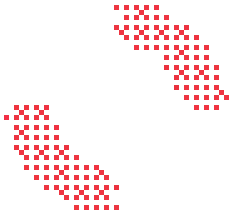
## MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS

Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

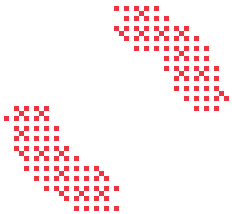
5138908300

JAE-630 N



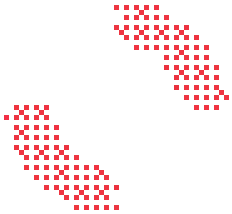
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JBR-630 N



L1000000681

PREP/COOK Switch (IP66)





# MAX-TEMP CTHB/CTHT

5136926700 - CTHT/6-400 N (230/400V50HZ) - ROOF MOUNTED FANS

Project: Portnockie Kitchen Vent (rev. 1 (24)) - Reference: KEF1

## ErP Data

Ecodesign	
Commission regulation (EU) N°1253/2014 of July 2014	
Information requirements (Annex V)	
Product description	CTHT/6-400 N (230/400V50HZ)
Manufacturer's Info	S&P ES-08150 CIF-B64911928
Identifier	-
<a href="https://www.solerpalau.com/">https://www.solerpalau.com/</a>	

**From:** DeveloperObligations  
**Sent:** Mon, 20 Jan 2020 13:28:44 +0000  
**To:** Lisa MacDonald  
**Cc:** DC-General Enquiries  
**Subject:** 19/01659/APP Erection of visitor cafe on Land Adjacent to the Moray Coastal Path, Patrol Road, Portknockie

Hi

Given the nature and scale of the proposal, no developer obligations will be sought in this instance.

Regards  
Hilda

**Hilda Puskas** | Senior Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development  
[hilda.puskas@moray.gov.uk](mailto:hilda.puskas@moray.gov.uk) | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)  
01343 563265







# Consultation Request Notification – Development Plans

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	22nd January 2020
<b>Planning Authority Reference</b>	19/01659/APP
<b>Nature of Proposal (Description)</b>	Erection of visitor cafe on
<b>Site</b>	Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133066715
<b>Proposal Location Easting</b>	349173
<b>Proposal Location Northing</b>	868653
<b>Area of application site (M<sup>2</sup>)</b>	808
<b>Additional Comments</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q2YEDTBGG4X00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q2YEDTBGG4X00</a>
<b>Previous Application</b>	19/01391/PELOC
<b>Date of Consultation</b>	8th January 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Alexander Laing
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	1 Architects Ltd
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Seapark Studios Seapark Kinloss United Kingdom IV36 3TT
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Lisa Macdonald
<b>Case Officer Phone number</b>	01343 563479
<b>Case Officer email address</b>	<a href="mailto:lisa.macdonald@moray.gov.uk">lisa.macdonald@moray.gov.uk</a>
<b>PA Response To</b>	<a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a>

## NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you. For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

**PLEASE COMPLETE AND RETURN WITHIN 48 HOURS**  
to [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

## **MORAY COUNCIL PLANNING CONSULTATION RESPONSE**

**From:** Development Plans

**Planning Application Ref. No:** 19/01659/APP

**Erection of visitor cafe on Land Adjacent to the Moray Coastal Path Patrol Road  
Portknockie Moray for Mr Alexander Laing**

**Ward:** 02\_17 Keith And Cullen

### **DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN** *(For Structure/Local Plan Comment)*

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015	9	PP3 Placemaking	X	
		15	ED4 Existing Business Areas	X	
		84	IMP1 Developer Requirements	X	
		267	Portknockie I3 Patrol Road	X	
2	Further Discussion Required				

### **REASONING FOR THIS DECISION:**

The proposal is for the erection of a visitor café on Land Adjacent to the Moray Coastal Path, Patrol Road, Portknockie.

#### **Portknockie I3 Patrol Road (Policy ED4)**

The site is located wholly in Portknockie I3 Patrol Road, retained for small scale business activities.

Policy ED4 Existing Business Areas prevents the introduction of non-business uses except where the total redevelopment of the site is proposed. The proposal seeks the introduction of a café on part of an industrial designation which contains small workshops. Such a use is not considered to be a suitable business use and therefore the proposal is contrary to Portknockie I3 and Policy ED4.

## **Scale and Design (Policies PP3 and IMP1)**

The scale and design of the proposal, emphasised by a high pitched roof, is not appropriate to the surrounding area and would have a detrimental impact on the open aspects/vistas down Admiralty Street, Samson Street and towards Bow Fiddle Rock. No information has been provided on the proposed finishes, however based on the submitted plans it does not appear that the finishes reflect the form, scale and style of surrounding traditional development, such as window and quoin stone details and slate or red-pantiled roofs. Therefore, the proposal is contrary to Policies PP3 Placemaking and IMP1 Developer Requirements.

## **Moray Local Development Plan (MLDP) 2020**

At its special meeting on 18 December 2018, the Planning & Regulatory Services Committee approved the MLDP 2020 – Proposed Plan and agreed that it be treated as a material consideration, with limited weight at this time, for development management purposes as of 1 February 2019. Subsequently, at its special meeting on 25 June 2019, the Committee approved the submission of the Proposed Plan for examination by Scottish Ministers and agreed to give greater weight to sites within the Proposed Plan which are not subject to the Examination process for development management purposes as of 1 August 2019.

The Proposed Plan which can be viewed at [www.moray.gov.uk/proposedplan2019](http://www.moray.gov.uk/proposedplan2019).

### **OPP1 Patrol Road and Policy DP6**

The Proposed Plan proposes to change the designation of the site from industrial to an Opportunity Site, with small scale business and residential being suitable uses.

Proposals for the site will only be supported where they enhance the quality of the built environment and visitor facilities. The site requires that any proposed development must be for the whole site and include a comprehensive scheme for improvement across it to enhance the built environment and overall visual appearance. Individual applications for single uses within the site will not be supported. Given that the proposal relates to only part of the site, it is contrary to OPP1 Patrol Road and Part (b) of Policy DP6 Mixed Use (MU) and Opportunity Sites (OPP).

The designated site will not be subject to the Examination process and therefore will be given greater weight. As there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

### **Special Landscape Area (SLA)**

The site is located wholly in the Portgordon to Cullen Coast SLA. SLAs have been identified to protect and enhance the special character and qualities of Moray's most valued landscapes as well as promoting a greater understanding of them.

Given that the proposal does not reflect the traditional settlement character in terms of siting and design, the proposal does not meet the requirements set out in Part (i) (b) of Policy EP3 Special Landscape Areas and Landscape Character and therefore would not comply with Policy EP3. However, as there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

## Scale and Design (Policy PP1 and DP1)

Policy PP1 Placemaking supports the Scottish Government's aims to create healthy places through high quality design. Policy DP1 Development Principles set out detailed criteria to ensure that proposals meet siting, design and servicing requirements and avoid any adverse effects on environmental interest.

Given the reasons stated above in respect of scale and design, the proposal would not meet the provisions of Policies PP1 and DP1 of the MLDP 2020. However, as there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

## **Conclusion**

The proposal seeks to introduce a café onto part of an industrial designation which is retained for small scale business activities. Such as use is not considered to be a suitable business use and therefore the proposal is contrary to Portknockie I3 and Policy ED4 of the MLDP 2015.

Contrary to Policies PP3 and IMP1, the scale and design of the proposal, emphasised by a high pitched roof, is not appropriate to the surrounding area and would have a detrimental impact on the open aspects/vistas down Admiralty Street, Samson Street and towards Bow Fiddle Rock.

The emerging MLDP 2020 proposes to change the designation of the site to an opportunity site with small scale business and residential being suitable uses. Given that the proposal relates to only part of the site, it is contrary to Portknockie OPP1 and Policy DP6 of the MLDP 2020.

The site is located wholly in the proposed Portgordon to Cullen Coast SLA. As the scale and design of the proposal is not appropriate to the surrounding area and does not reflect the traditional settlement character, it is contrary to Policies PP1, DP1 and Part (i)(b) of Policy EP3 of the MLDP 2020. Given there are unresolved objections to the policies in the Proposed Plan, this should be given minimal weight as a material consideration.

**Contact: Darren Westmacott**

**Date: 22/01/2020**

**Email Address: [darren.westmacott@moray.gov.uk](mailto:darren.westmacott@moray.gov.uk)**

**Phone No: 01343 563358**

**Consultee: Strategic Planning & Development**

**Return response to**

**[consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)**

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.



Hi Lisa

I have reviewed the additional information and am able to conclude with recommendations and Informatives on the application –

This Section recommends approval subject to the following conditions

1. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, the use of the development shall be permitted between the hours of 0900 to 1800 hours.
2. The rating level of noise associated with the development's ventilation system shall not exceed the background sound level by more than 5 dB(A) at the nearest noise sensitive dwelling. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.
3. Kitchen ventilation noise emissions between the daytime permitted period of 0900 to 1800 hours shall not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive property with the window moderately open. This limit would apply and be determined over a 1 hour duration within any daytime period.
4. The final selected kitchen ventilation system shall be as provided in the supporting document of 3 July 2020 and titled "Extract Specification", or equal alternative system of no greater noise output and otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager.
5. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, the development shall install and maintain throughout the lifetime of the development, the odour control filtration requirements arising from the Odour Assessment Supporting Document titled "Risk Assessment for Odour 2020"

#### Informatives

The premises will require to comply with the Food Hygiene (Scotland ) Regulations 2006 and the Health and Safety at Work etc. Act 1974 and associated regulations. A food business requires to register with a Local Authority at least 28 days prior to opening and registration forms are available from this Section.

Kind regards

Douglas



REHIS  
Chartered Environmental Health Officer  
2020

**Douglas Caldwell** | MIOA Environmental Health Officer | Environmental Health . Economic Growth and Development

Working week – Monday, Tuesday, Thursday, Friday

[douglas.caldwell@moray.gov.uk](mailto:douglas.caldwell@moray.gov.uk) | [website](#) |

01343 563355





## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Moray Access Manager

**Planning Application Ref. No:** 19/01659/APP

**Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol Road  
Portknockie Moray for Mr Alexander Laing**

I have the following comments to make on the application:-

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <br>x                                |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <br>                                 |
| (d) Further information is required in order to consider the application as set out below                                 | <br><input type="checkbox"/>         |

**Reason(s) for objection**

**Condition(s)**

**Further comment(s) to be passed to applicant**

Development proposal fits with masterplan in terms of paths and outdoor access so no further comment is necessary.

**Further information required to consider the application**

**Contact:** Ian M Douglas

**Date**09/01/2020.....

email address:ian.douglas@moray.gov.uk

.....

Phone

No

7049.....

**MORAY COUNCIL  
PLANNING CONSULTATION RESPONSE**

**From:** The Moray Council, Flood Risk Management  
**Planning Application Ref. No:** 19-01659-app

I have the following comments to make on the application:-

- |   | <b>Please<br/>x</b>                 |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <input type="checkbox"/>            |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input checked="" type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/>            |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>            |

**Reason(s) for objection**

**Conditions(s)**

**Further comments(s) to be passed to applicant**

It has been noted that adjacent to the entrance of the property that there is a gully. It is suggested that the applicant investigate where the outfall for this gully is as this could provide a better longer term solution for the surface water drainage that installation of the infiltration on the edge of the coastal slope

**Further information required to consider the application**

Contact: Will Burnish Date 4/6/20

email address: Will.burnish@moray.gov.uk Phone No

**Consultee:** The Moray Council, Flood Risk Management





14<sup>th</sup> January 2020

Moray Council  
Council Office High Street  
Elgin  
IV30 9BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**AB56 Moray Patrol Road Land Adj Moray Coastal Path**  
**PLANNING APPLICATION NUMBER: 19/01659/APP**  
**OUR REFERENCE: 787062**  
**PROPOSAL: Erection of visitor cafe on**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- There is currently sufficient capacity in the TURRIFF Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

#### **Foul**

- There is currently sufficient capacity in the MORAY EAST Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

#### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

#### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Pamela Strachan**  
Planning Consultations Administrator



Our ref: PCS/169913  
Your ref: 19/01659/APP

If telephoning ask for:  
Barbara Olszowy

13 February 2020

Lisa MacDonald  
The Moray Council  
Development Services  
Environmental Services Dept.  
Council Office, High Street  
Elgin  
IV30 1BX

By email only to: [consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)

Dear Ms MacDonald

**Town and Country Planning (Scotland) Acts  
Planning application: 19/01659/APP  
Erection of visitor cafe on  
Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray**

Thank you for your consultation email which SEPA received on 04 February 2020 requesting our advice on coastal erosion.

**Advice for the planning authority**

We have **no objection** to this planning application. Please note the advice provided below.

**1. Flood risk and coastal erosion**

- 1.1 We have reviewed the enclosures submitted with this consultation in respect of flood risk and from the information supplied no flood risk is immediately apparent. The site is well elevated above sea level and is unlikely to be at risk of coastal flooding.
- 1.2 With regards to coastal erosion, further information can be found on the Dynamic Coast website <http://www.dynamiccoast.com/>. From the information available, there does not appear to be a risk of erosion at this part of the coast line and there has been slight accretion of the coast in this area since 1970.

- 1.3 We understand that Aberdeenshire Council have an officer who specifically deals with coastal erosion matters. We recommend you contact Flood Risk and Coast Protection in Aberdeenshire Council on 01467534822 or [flooding@aberdeenshire.gov.uk](mailto:flooding@aberdeenshire.gov.uk) who may be able to provide you with useful advice.

## **2. Environmental enhancement through placemaking**

- 2.1 We are supportive of new development that delivers placemaking by creating successful places, improving the water environment and biodiversity, and contributing to sustainability in line with the relevant Local Development Plan policies and Scottish Planning Policy.
- 2.2 We note that the Pre-Application response states that there should be a wholesale redevelopment of the entire Patrol Road industrial site, rather than improvement of sites individually. We welcome the applicant's contribution towards improving visitor's facilities availability in Portknockie. To assist in this process we would suggest environmental enhancements such as planting native coastal species, either in the ground or in raised beds, which are more likely to survive the salt laden winds. This could enhance the building aesthetically and encourage native pollinators.

## **3. Other planning matters**

- 3.1 For all other matters we provide [standing advice](#) applicable to this type of local development.

## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 You will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge of surface water from a site does not result in pollution of the water environment.
- 4.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

If you have any queries relating to this letter, please contact me by telephone on 01224 266600 or e-mail at [planningaberdeen@sepa.org.uk](mailto:planningaberdeen@sepa.org.uk).

Yours sincerely

Barbara Olszowy  
Planning Officer  
Planning Service

ECopy to: Ian Sutherland McCook, 1 Architects Ltd, [ian@1architects.com](mailto:ian@1architects.com);  
Lisa MacDonald, The Moray Council, [lisa.macdonald@moray.gov.uk](mailto:lisa.macdonald@moray.gov.uk)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	22nd January 2020
<b>Planning Authority Reference</b>	19/01659/APP
<b>Nature of Proposal (Description)</b>	Erection of visitor cafe on
<b>Site</b>	Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133066715
<b>Proposal Location Easting</b>	349173
<b>Proposal Location Northing</b>	868653
<b>Area of application site (M<sup>2</sup>)</b>	808
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q2YEDTBGG4X00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q2YEDTBGG4X00</a>
<b>Previous Application</b>	19/01391/PELOC
<b>Date of Consultation</b>	8th January 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Alexander Laing
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	1 Architects Ltd
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Seapark Studios Seapark Kinloss United Kingdom IV36 3TT
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Lisa Macdonald
<b>Case Officer Phone number</b>	01343 563479
<b>Case Officer email address</b>	<a href="mailto:lisa.macdonald@moray.gov.uk">lisa.macdonald@moray.gov.uk</a>
<b>PA Response To</b>	<a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a>

### NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 19/01659/APP**

**Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray for Mr Alexander Laing**

I have the following comments to make on the application:-

**Please**

- |   |                                     |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <input type="checkbox"/>            |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/>            |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input checked="" type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>            |

*Note – this updated response is provided on the basis of updated proposals which include the widening of the footway along the frontage of the site and a reduced seating capacity for the café.*

#### **Condition(s)**

1. No development works on the building shall commence until the existing footway located along the full extents of the frontage of the site onto Patrol Road has been widened to 2.0m to the Moray Council specification and surfaced with bituminous macadam, including the surfacing of the short section of presently unsurfaced footway located along the frontage of Workshop 2 as detailed on submitted drawing 483.01. Technical Approval will be required for the construction of this footway and the surfacing along the frontage of Workshop 2.

To ensure acceptable infrastructure for pedestrians to access the development.

2. Ten car parking spaces shall be provided within the site prior to the first opening of the cafe. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for staff/visitors/others in the interests of an acceptable development and road safety.

3. Notwithstanding the submitted details new boundary fences/walls located along the site frontage onto Patrol Road shall be no greater than 0.9m in height unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

4. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the road.

5. The width of the vehicular access shall be minimum 3.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the footway shall be to The Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the development access

**Further comment(s) to be passed to applicant**

The developer should note that this development is served by a private road, which is not adopted by the Roads Authority. There is no Street Lighting on this section of Road. Any future requirement for the provision of Street Lighting will be the responsibility of the developer.

Technical Approval will be required for the widening of the Public Road at the access to the development. The applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 48 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works. Advice on the application process can be obtained by emailing [constructionconsent@moray.gov.uk](mailto:constructionconsent@moray.gov.uk)

Before starting any work on the existing road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

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

**Contact: AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 11 June 2020**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.



## **REPORT OF HANDLING**

<b>Ref No:</b>	19/01659/APP	<b>Officer:</b>	Lisa Macdonald
<b>Proposal Description/ Address</b>	Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol Road Portknockie Moray		
<b>Date:</b>	24.07.2020	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>		<b>N</b>
<b>Refuse, subject to reason(s) listed below</b>		<b>Y</b>
<b>Legal Agreement required e.g. S,75</b>		<b>N</b>
<b>Notification to Scottish Ministers/Historic Scotland</b>		<b>N</b>
<b>Hearing requirements</b>	<b>Departure</b>	<b>N</b>
	<b>Pre-determination</b>	<b>N</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Moray Flood Risk Management	04/02/20	Initial objection removed following submission of a detailed Drainage Assessment. Note that there may be better alternatives for surface water than the solution proposed but this solution is acceptable
Environmental Health Manager	15/07/20	Initial objection removed following the submission of detailed information on noise and smell. Conditions are recommended in relation to the hours of operation, noise and the ventilation and odour control proposals.
Contaminated Land	24/01/20	No objection subject to a condition requiring the assessment and appropriate treatment of any contamination on site.
Transportation Manager	04/02/20	Initial objection relating to access addressed by the repositioning of the access and parking concerns addressed by reducing the number of proposed covers in the café. Conditions are recommended in relation to the requirement to extend the footpath across the frontage of the site, to ensure the required level of parking is provided and that access to the site is formed to an acceptable standard.

Scottish Water	14/01/20	No objection
Scottish Environment Protection Agency	13/02/20	No objection
Development Plans (Environment)	30/01/20	<p>Objection –</p> <ul style="list-style-type: none"> <li>The proposal seeks to introduce a café onto part of an industrial designation which is retained for small scale business activities. Such as use is not considered to be a suitable business use and therefore the proposal is contrary to Portknockie I3 and Policy ED4 of the MLDP 2015.</li> <li>Concerns regarding the design and scale of the building.</li> <li>MLDP 2020 OPP1 designation permits small scale business and residential being suitable uses. Given that the proposal relates to only part of the site, it is contrary to Portknockie OPP1 and Policy DP6 of the MLDP 2020.</li> <li>Concerns about the impact of the development on the Portgordon to Cullen Coast SLA.</li> </ul>
Planning And Development Obligations	20/01/20	None sought
Moray Access Manager	09/01/20	No objection

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
<b>2020 Proposed Local Development Plan</b>		
PP1 Placemaking	Y	See below
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure & Services	N	
DP1 Development Principles	Y	See below
DP6 Mixed Use (MU) and Opportunity Sites	Y	See below
EP3 Special Landscape Areas and Landscape	N	
EP12 Management and Enhancement of the Water Environment	N	
EP13 Foul Drainage	N	
EP14 Pollution, Contamination & Hazards.	N	
Portknockie - OPP1 Patrol Road	Y	See below
<b>Moray Local Development Plan 2015</b>		
PP1: Sustainable Economic Growth	N	
PP2: Climate Change	N	

PP3: Placemaking	N	
ED4: Existing Business Areas	Y	See below
E2: Loc Nature Cons Sites & Biodiversity	N	
E7: AGLV and impacts on wider landscape	N	
E8: Coastal Protection Zone	N	
EP8: Pollution	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
EP5: Sustainable Urban Drainage Systems	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	See below
Portknockie I1: Patrol Road	Y	See below

## REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the Adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

On 3 June 2020 the Moray Council Emergency Cabinet resolved to use the Moray Local Development Plan 2020 (MLDP) as a material consideration for Development Management purposes including the determination of planning applications until such time as the MLDP (modified) 2020 is formally adopted, at which point it will replace the current development plan.

This means that whilst applications will continue to be assessed against the policies and proposals of the Moray Local Development Plan 2015, the terms of the Moray Local Development Plan (Modified Plan) 2020 including all policies and designations will also require to be taken into account when decisions are made on proposals after 15 June 2020. As a material consideration, the Moray Local Development Plan (Modified Plan) 2020 represents a more up-to date version of the Council's intended planning policies and can be used to both support or reject any application.

### The Proposal

This application seeks planning permission for a café with associated access, parking and drainage.

## **The Site**

The site is part of a collection of commercial and light industrial units on Patrol Road, Portknockie. The site was used as a builder's yard. It is a flat site with the coastal slope immediately to the north. The road runs to the south of the site and ends immediately to the east. The route provides access to the Bow Fiddle Rock. The nearest houses are some distance to the south on higher ground. The site is covered by the Portknockie OPP1 designation in the Moray Local Development Plan (MLDP) 2020 and the Portknockie I1 designation the MLDP 2015. The site is also within the Portgordon to Cullen Coast Special Landscape Area (SLA) as defined in MLDP 2020.

## **Siting and Principle of Development ( MLDP 2020 Portknockie OPP1 & DP6 & MLDP 2015 Portknockie I1 & ED4)**

The site is covered by the Portknockie OPP1 designation in MLDP 2020 and the Portknockie I1 designation in MLDP 2015. MLDP 2015 policy ED4 applies to the I1 designation. This policy protects the site for small scale business use (excluding retail). The proposal for a café is not considered to be compatible with the existing uses which are principally small workshops and yards. In MLDP 2020 the site is covered by the Portknockie OPP1 designation. MLDP 2020 policy DP6 applies to this designation. The range of uses supported on OPP sites is wider however policy DP6 still requires new proposals to be compatible with existing uses which is not considered to be the case in relation to this proposal. Furthermore the OPP1 designation text specifically identifies small scale business and residential uses as potentially suitable for the site but makes clear that proposals should cover the whole site and piecemeal proposals will not be supported. Piecemeal development of this mixed site would lead to potential for conflict with existing uses and would not improve the overall appearance of the site or the wider built environment. The supporting statement sets out the requirements of the designation text that the proposal does comply with and contends that the development will make a positive contribution to the built environment and will enhance visitor facilities in the area. It is claimed in the statement that a comprehensive redevelopment of the OPP1/I1 site is not possible as the land is in different ownership and there are active businesses occupying other parts of the designated site. While the difficulties are acknowledged land ownership is not a material consideration. The policy is clear that a comprehensive redevelopment of the site is required to enhance the visual appearance of the site and improve the built in environment in this location which is important for tourism in the area. The proposed café is not compatible with the existing uses currently occupying the rest of the OPP1/I1 designation and this could lead to conflict. The proposal is therefore contrary to MLDP 2020 policies Portknockie OPP1 and DP6 and MLDP 2015 policies ED4 and Portknockie I1. Furthermore in failing to provide for a comprehensive redevelopment of the site the proposal would undermine attempts to enhance the overall appearance and quality of the built environment in this location and as such is contrary to MLDP policies Portknockie OPP1 and DP6.

## **Design and Materials (MLDP 2020 PP1, DP1 & EP3 & MLDP 2015 PP3 & IMP1)**

The proposed building has a simple rectangular footprint with a symmetrically pitched roof. It has broad gables (11.3m) which undermines the traditional form of the building. Some attempt has been to incorporate more traditional features to enable the development to better reflect the traditional character of Portknockie. It is noted in the supporting statement that the applicant was advised at pre-application stage that a hipped roof would not be acceptable in this location. The original proposed that formed part of the formal application has been amended to show stone skewes and to create a simpler entrance. The revised plans show that the building would be rendered with slate on the roof. The development is sited within the Portgordon to Cullen Coast SLA as defined in the MLDP 2020. MLDP 2020 policy EP3 requires proposals within the SLA to adopt the highest standards of design. Furthermore in the urban parts the SLA the policy requires to reflect the traditional settlement character in terms of siting and design. It is recognised that the proposal is for a commercial building that must meet modern requirements. The changes to the proposals represent an attempt to better reflect the traditional settlement character of Portknockie. The use of traditional materials is welcomed. The proposal therefore complies with MLDP 2020 policies PP1, DP1 and EP3 and MLDP

**Access and Parking (MLDP 2020 DP1 & Portknockie OPP1 & MLDP 2015 T2 & T5)**

The Transportation Manager initially objected to the proposal due to concerns about the suitability of the proposed access. The plans were revised to show the building set back from the proposed access. The Transportation Manager has advised that the revised access proposals are acceptable subject to conditions to ensure that the access is formed to an acceptable standard, boundary treatments are restricted to secure visibility and adequate turning is provided within the site. Such conditions would have served to secure safe entry and exit to the site in accordance with policy.

The Transportation Manager also objected to the original proposal on the grounds that the ten parking spaces proposed were insufficient for the scale of development proposed. The agent agreed to reduce the number of proposed covers to 30. It is noted that this is clearly stated in the revised supporting statement but is not detailed on the revised drawings. It is therefore a matter that would have had to be controlled by condition. The Transportation Manager confirms that the parking provision is acceptable for the reduced level of development. The Transportation Manager's position was subject to a condition to ensure that the proposed parking is timeously provided.

A further condition has been recommended requiring the provision of a footpath across the frontage of the site. This reflects the requirements set out in the designation text in the MLDP 2020 OPP1 designation. The plans have been updated to show this but a condition would serve to control the delivery of this element of the scheme.

**Noise and Odour (MLDP 2020 EP14 & MLDP 2015 EP8 & IMP1)**

In response to concerns raised by the Environmental Health Manager additional information was provided in relation to noise and smell including details of the proposed odour control filtration system and the kitchen ventilation system. The Environmental Health Manager has confirmed that subject to conditions to ensure that the systems installed match those in the supporting documents and to control noise outputs the proposals are acceptable.

The Environmental Health Manager has recommended a further condition restricting hours of operation to 0900-1800 daily. A condition of this nature would serve to protect the amenity of the area and prevent any anti-social behaviour or similar issues.

**Contaminated Land (MLDP 2020 EP14 & MLDP 2015 EP9)**

Given the previous use of the site there is potential for contamination of the land. The contaminated land section has no objection but recommended that should the application be approved a condition should be attached requiring a programme of assessment and where appropriate remediation of contamination to be submitted to and approved in writing by the planning authority.

**Foul and Surface Water Drainage (MLDP 2020 DP1, EP12 & EP13 & MLDP 2015 EP5 & EP10)**

A detailed drainage assessment (Site Investigation and Drainage Assessment Visitor Café, Portknockie, dated 28 May 2020 by GMC Surveys) was submitted in June. This clarified that foul drainage would be to the public sewer by means of a pump system. It is noted that this is not shown on the submitted drawing. Scottish Water has no objection and confirms that there is capacity in the public sewer. Had the application being approved a condition would have been attached requiring that the recommendations of the submitted report be implemented in full in relation to foul drainage and that details of the proposed pump system be submitted to and approved in writing by the planning authority prior to the commencement of development.

The drainage assessment includes assesses the suitability of the site for the management of surface water and recommends a soakaway. Moray Flood Risk Management have suggested that outfall to the existing road gully may offer a better long term solution for surface water from the site but they have confirmed that the proposed solution is acceptable. Had the application being approved a condition would have been attached requiring that the recommendations of the submitted report be

implemented in full in relation to surface water drainage and that details of the proposed soakaway be submitted to and approved in writing by the planning authority prior to the commencement of development.

### Coastal Erosion (MLDP 2020 EP17 & MLDP 2015 E8)

The proposal is close to the coastal slope in Portknockie. SEPA advise that this section of coast is not at risk of erosion and indeed there has been a slight accretion of the coast line in this location since 1970. The proposal is considered to comply with MLDP policy EP17 and MLDP 2015 policy E8.

### Conclusion

The proposal would introduce an incompatible use onto a site where there a number of established businesses and has the potential to create conflict in relation. Furthermore the proposal does not provide for the comprehensive redevelopment of the site as required by MLDP policy Portknockie OPP1 and would not provide an overall enhancement of the visual appearance of the site or the overall built environment. The proposals are contrary to policy and as such are recommended for refusal.

### OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

### HISTORY

Reference No.	Description			
19/01391/PELOC	Erect single storey visitors cafe with integrated parking on former builders yard on Yard Patrol Road Portknockie Moray			
	Decision	ID/PE Answered	Date Of Decision	04/12/19

### ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser and Herald	No Premises Departure from development plan	10/02/20	
PINS	No Premises Departure from development plan	10/02/20	

### DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
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### DOCUMENTS, ASSESSMENTS etc. \*

\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:	Background and justification for the proposal	

Document Name:	Drainage statement
Main Issues:	Assessment of site conditions and proposals for the effective management of surface water
Document Name:	Flood Risk Statement
Main Issues:	Non-specialist assessment of flood risk
Document Name:	Noise and Odour information
Main Issues:	Details of the specifications for the proposed ventilation and extraction systems including noise information.

### S.75 AGREEMENT

Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

### DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			





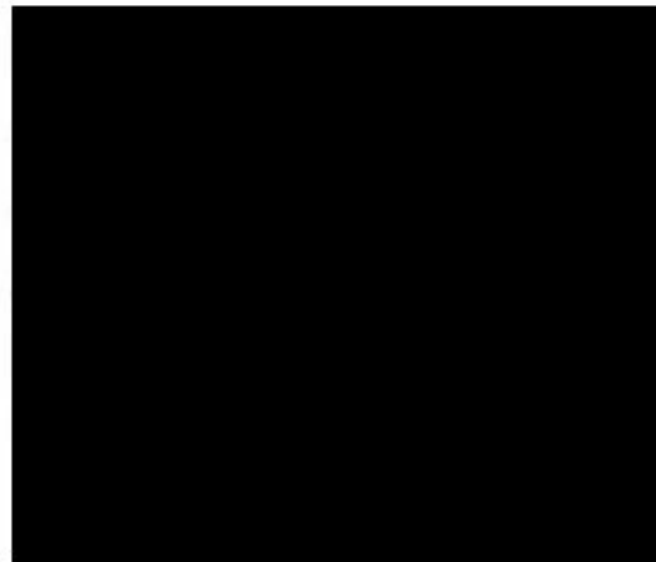


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Keith And Cullen]  
Application for Planning Permission**

TO

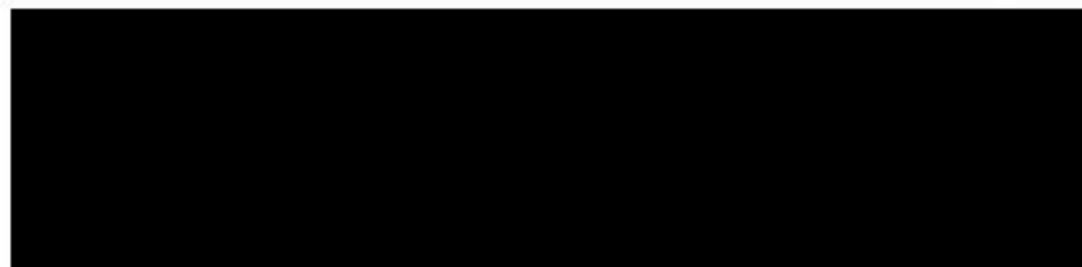


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erection of visitor cafe on Land Adjacent To The Moray Coastal Path Patrol  
Road Portknockie Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **24 July 2020**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
Council Office  
High Street  
ELGIN  
Moray  
IV30 1BX

## IMPORTANT

**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

### SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposed shed is contrary to Moray Local Development Plan 2020 policies DP6 and Portknockie OPP1 and Moray Local Development Plan 2015 policies ED4 and Portknockie I1 for the following reasons:-

1. The proposal would introduce an incompatible use into an established business area and would create conflict with other existing uses.
2. The proposal fails to provide for a comprehensive scheme of improvement across the whole site and as such would fail to provide a development that would enhance the visual appearance of the site or the quality of the built environment.

### LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		External views
		Kitchen layout
20004.M57.001	B2	Ventilation details
		Elevations
483.04		Location plan
483.01		Existing and proposed site plans

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

- Design altered
- Position of building altered
- Number of proposed covers reduced
- Footpath provision added
- Drainage arrangements clarified



**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, 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.





## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**





# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Alexander	Forename	Ian
Surname	Laing	Surname	Sutherland McCook
Company Name		Company Name	1 Architects Ltd
Building No./Name		Building No./Name	Seapark Estate
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	Kinloss
Postcode		Postcode	IV36 3TT
Telephone		Telephone	01462 216121
Mobile		Mobile	07713 912473
Fax		Fax	
Email		Email	ian@1architects.com
<b>3. Application Details</b>			
Planning authority		Moray Council	
Planning authority's application reference number		19/01659/APP	
Site address			
Land at Patrol Road, Portknockie			
Description of proposed development			
Erection of visitor cafe on Land Adjacent To The Moray Coastal Path			



Date of application 01 Nov 2019

Date of decision (if any) 24 July 2020

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

**4. Nature of Application**Application for planning permission (including householder application) ☒Application for planning permission in principle ☐Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐Application for approval of matters specified in conditions ☐**5. Reasons for seeking review**Refusal of application by appointed officer ☒Failure by appointed officer to determine the application within the period allowed for determination of the application ☐Conditions imposed on consent by appointed officer ☐**6. Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions ☐One or more hearing sessions ☐Site inspection ☒Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

**7. Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land? ☐Is it possible for the site to be accessed safely, and without barriers to entry? ☒



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached "Supporting Statement"

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.



## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Supporting Statement

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

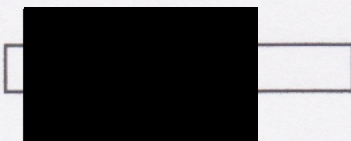


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Ian Sutherland McCook

Date:

03 August 2020

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



# Appeal Statement

Visitor Cafe at Patrol Road, Portknockie

August 2020



## Our objections to the Refusal

1 The first reason for refusal is:- *"The proposal would introduce an incompatible use into an established business area and would create conflict with other existing uses."*

The only active users on site are a boatbuilder and a joinery manufacturer. Any other units are disused. It cannot be seriously claimed that a small visitor restaurant would create a conflict, or in some way detract from the amenity of those users.

2 The second reason for refusal is:- *"The proposal ..... would fail to provide a development that would enhance the visual appearance of the site or the quality of the built environment."*

A visit to the area will confirm that the entire site is run-down and semi-derelict, and in dire need of a revamp. Being immediately adjacent to the Moray Coastal Path, and on the only route to Bow Fiddle Rock, this site is an eyesore. To suggest that the proposal would not be an improvement, is not credible.

3 The Opportunity Site Policy (OPP1) states "Only proposals that enhance the overall quality of the built environment and visitor facilities will be supported".

4 OPP1 is for "Small-scale Business or Residential". While it is true that a visitor cafe would come under "Food and Drink use class.....it can also be argued that this is a small-scale business. The Scottish Town & Country Planning Act describes Business Class as *"being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."* Moray Council Environmental Health Dept have raised no objection to this proposal, despite it being adjacent to an established residential area.....so it fits within that definition given in the Town & Country Planning Act.

5 Development policies are surely meant to assist with the creation of sustainable developments in Moray, particularly when jobs are being created and the visitor experience is being enhanced. It seems folly to use these policies to hinder development, when there are no departments objecting to this proposal.

## Conclusion

We have been able to demonstrate compliance with the policy, apart from the requirement to develop the whole site at once. The policy is no doubt well-intentioned and may be appropriate to many other locations. But here we believe that this one aspect of the policy is not appropriate for this situation and that it should be interpreted flexibly.

Our view is that once our client has shown what can be achieved on the site, others will want to follow with other tourist-related developments, but to expect these all to happen at once is unrealistic, and serves only to stifle, even prevent, development. This is surely not the aim of Moray Council.

We believe that the proposal is in the best interests of the community, and is worthy of support.

1 Architects Ltd  
August 2020

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# **APPENDIX 3**

## **PHOTOGRAPHS OF SITE**

























