



Moray Local Review Body

Thursday, 25 March 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Remote Locations via Video-Conference**, on **Thursday, 25 March 2021** at **09:30**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minute of Meeting dated 25 February 2021** **5 - 12**
Continuation Case
- 4 LR253 - Ward 6 - Elgin City North** **13 - 116**
Planning Application 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin, Moray, IV30 6AG
New Cases
- 5 LR254 - Ward 1 - Speyside Glenlivet** **117 - 206**
Planning Application 20/01349/APP – Proposed dwellinghouse with integrated garage at Mulben View, Mulben

Summary of Local Review Body functions:

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
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THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)

Councillor George Alexander (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 25 February 2021

Remote Locations via Video-Conference

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Donald Gatt, Councillor Ray McLean, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development), Mrs Gordon, Planning Officer and Mr Henderson, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor and the Legal Services Manager as Legal Advisers and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

Councillor Taylor, being Chair of the Moray Local Review Body, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, Councillor Taylor declared an interest in Item 5 Case LR250 and advised that she would take no part in the consideration of this case and sought the agreement of the Moray Local Review Body (MLRB) to pass the role of Chair to Councillor Bremner for that item. This was unanimously agreed.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

3 Minute of Meeting dated 28 January 2021

The minute of the meeting of the Moray Local Review Body dated 28 January 2021 was submitted and approved.

4 LR249 - Ward 2 - Keith and Cullen

Planning Application 20/00647/PPP – Erect dwellinghouse on Plot 2, Bowie Croft, Grange, Crossroads, Keith

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal would be contrary to policies DP1 and DP4 of the Moray Local Development Plan (MLDP) 2020 and associated guidance on build up of housing in the countryside for the following reasons:

The traditional rural settlement pattern in this area is characterised by single house plots, farmsteads and small clusters of housing dispersed across the countryside, with ample separation between them. In this case the significant build-up of new housing along this short stretch of road within the last 15 years, has led to an erosion of the traditional character of the landscape in this locality. The approval of a further house plot in this locality would exacerbate this issue. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of Local Development Plan policy.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Following consideration, the MLRB unanimously agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 20/00647/PPP as it is contrary to policies DP1 (Development Principles) and DP4 (Rural Housing) of the MLDP 2020 and associated guidance on build up of housing in the countryside.

5 LR250 - Ward 8 - Forres

Councillor Taylor, having declared an interest in this item, took no part in the determination of this case and handed the role of Chair over to Councillor Bremner, as agreed by the Moray Local Review Body (MLRB) earlier in the meeting.

Planning Application 20/01059/APP – Retain installed uPVC windows at Craigmhor, 67 St Leonards Road, Forres

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The application fails to comply with the following policies (Moray Local Development Plan Policies EP9 & DP1) and should be refused for the following reasons:

- The proposal is contrary to Policy EP9 Conservation Areas as the removal of original timber windows and replacement with modern UPVC units located on the principal elevations would fail to preserve or enhance the character of the building or conservation area.
- By introducing modern UPVC windows into the conservation area, the proposal is considered to be contrary to Policy DP1 Development Principles as the appearance and material finish of the windows is not appropriate to the established traditional character of the surrounding area.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that he had nothing to raise at this time.

Mrs Gordon, Planning Adviser advised that the comment from the Reporter on the windows found on the Appeal Decision Notice on page 195 of the agenda is not a material consideration and that it is the decision on the enforcement notice that holds weight, and not the Reporters comments in respect of the windows. This was noted.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Gatt, having considered the case in detail, noted that there were many houses within the conservation area with modern uPVC windows and acknowledged that the Applicant had went to great lengths to ensure that the replacement windows maintained the established traditional character of the surrounding area. He further stated that he was of the view that the Council's guidance on windows in conservation areas is unenforceable due to the volume of houses that already have uPVC windows in conservation areas and that it would be unreasonable, disproportionate and against natural justice to refuse this appeal. Taking this into consideration, Councillor Gatt moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 20/01059/APP as an acceptable departure from policies EP9 (Conservation Areas) and DP1 (Development Principles) of the MLDP 2020 for the reasons previously stated. This was seconded by Councillor R McLean.

In response, Ms Webster, Planning Adviser advised that the MLDP 2020 was recently approved and that the policy and guidance on windows in conservation areas is enforceable and enforcement action has and does take place where development has been undertaken that does not accord with the policy or has been unauthorised.

Councillor Coy disagreed with Councillor Gatt and stated that the Council should adhere to the policies agreed within the MLDP 2020 and moved as an amendment that the MLRB dismiss the appeal and refuse planning permission in respect of Planning Application 20/01059/APP as the proposal is contrary to policies EP9

(Conservation Areas) and DP1 (Development Principals) of the MLDP 2020. This was seconded by Councillor Alexander.

Councillor Gatt made further reference to the advice given by the Planning Adviser at the start of the meeting in relation to the comment from the Reporter and how it was not a material consideration to the case and stated that he had read the Applicant's appeal to the Scottish Ministers and, although not contained within the supporting documents provided by the Applicant, he was of the view that there was important information contained within the appeal that would help the MLRB come to a decision and asked the Legal Adviser if there was a way in which the MLRB could view the information contained within the Applicant's appeal to the Scottish Ministers.

In response, the Legal Services Manager confirmed that the comment from the Reporter on the windows found on the Appeal Decision Notice is not a material consideration and advised that the Applicant had submitted a new planning application which had been subsequently refused. She explained that the Applicant had then submitted an appeal against the decision of the Appointed Officer to refuse the new planning application and had included supporting information however had chosen not to include the information in the Appeal to the Scottish Ministers referred to by Councillor Gatt and that, should the MLRB wish to consider this information, then it would have to defer the Case for a further procedure.

On hearing the advice from the Legal Services Manager, Councillor Gatt stated that he would progress with his original motion.

On a division there voted:

For the Motion: (4)	Councillors Gatt, R McLean, Powell and Ross
For the Amendment: (4)	Councillors Coy, Alexander, Bremner and Cowie
Abstentions: (0)	Nil

Their being an equality of votes, and in terms of Standing Order 63 (e), the Chair cast his casting vote in favour of the Amendment and the MLRB agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 20/01059/APP as it is contrary to policies EP9 (Conservation Areas) and DP1 (Development Principals) of the MLDP 2020.

6 LR251 - Ward 6 - Elgin City North

Councillor Taylor re-joined the meeting at this juncture and resumed the role of Chair.

Planning Application 20/00879/PPP – Erect Dwellinghouse on site adjacent to Birkenband Cottage, Birnie, Moray

The Chair advised the Committee of an error in the agenda which stated that this development was in Ward 6 Elgin City North when it should read Ward 4 Fochabers Lhanbryde. This was noted.

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposed extension is contrary to Moray Local Development Plan 2020 for the following reasons:

- i. The application proposes a new dwellinghouse on a site which would result in ribbon development, by joining up two other existing plots which would be contrary to the traditional dispersed settlement pattern in this area, contrary to policies DP1 - Development Principles and DP4 - Rural Housing.
- ii. The addition of a new dwellinghouse on this site would contribute to unacceptable build-up of new housing which would detract from the rural landscape character of the area, contrary to policies DP1 – Development Principles and DP4 - Rural Housing.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Ross, having considered the case in detail, was of the view that this was an unacceptable build up of new housing in this area and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 20/00879/PPP as it is contrary to policies DP1 - Development Principles and DP4 - Rural Housing of the MLDP 2020. This was seconded by Councillor Alexander.

Councillor R McLean, having considered the case in detail, was of the view that the development would not constitute ribbon development as the properties were not in a straight line, were large plots that were not close together and could not be seen from the road due to the topography of the land and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 20/00879/PPP as, in his opinion, the proposal complied with policies DP1 - Development Principles and DP4 - Rural Housing of the MLDP 2020. This was seconded by Councillor Bremner who also noted that the development was outwith the pressurised area.

On a division there voted:

For the motion (3):	Councillors Ross, Alexander and Taylor
For the Amendment (6):	Councillors R McLean, Bremner, Cowie, Coy, Gatt and Powell
Abstention (0):	Nil

Accordingly, the amendment became the finding of the MLRB and it was agreed to uphold the appeal and grant planning permission in respect of Planning Application 20/00879/PPP as the proposal complies with policies DP1 - Development Principles and DP4 - Rural Housing of the MLDP 2020.

7 LR252 - Ward 4 - Fochabers Lhanbryde

Planning Application 20/00878/PPP – Erect Dwellinghouse on site 284m south of Fogwatt Hall, Longmorn

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposed extension is contrary to Moray Local Development Plan 2020 for the following reasons:-

The application proposes a new dwellinghouse on a site which would result in ribbon development, by joining up two other existing plots which would be contrary to the traditional dispersed settlement pattern in this area, contrary to policies DP1 - Development Principles and DP4 - Rural Housing.

The addition of a new dwellinghouse on this site would contribute to unacceptable build-up of new housing which would detract from the rural landscape character of the area, contrary to policies DP1 - Development Principles and DP4 – Rural Housing.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Gatt, having considered the case in detail, was of the view that the development would not constitute ribbon development as the properties were not in a straight line, were large plots that were not close together and could not be seen from the road due to the topography of the land and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 20/00878/PPP as, in his opinion, the proposal complied with policies DP1 - Development Principles and DP4 - Rural Housing of the MLDP 2020. This was seconded by Councillor R McLean.

Councillor Ross, having considered the case in detail, was of the view that this was an unacceptable build up of new housing in this area and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 20/00878/PPP as it is contrary to policies DP1 - Development Principles and DP4 - Rural Housing of the MLDP 2020. This was seconded by Councillor Alexander.

On a division there voted:

For the motion (6):	Councillors Gatt, R McLean, Bremner, Cowie, Coy and Powell
For the Amendment (3):	Councillors Ross, Alexander and Taylor
Abstention (0):	Nil

Accordingly, the motion became the finding of the MLRB and it was agreed to uphold the appeal and grant planning permission in respect of Planning Application 20/00878/PPP as the proposal complies with policies DP1 - Development Principles and DP4 - Rural Housing of the MLDP 2020.

8 LR253 - Ward 6 - Elgin City North

Planning Application 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin, Moray, IV30 6AG

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposed change of use is contrary to Moray Local Development Plan 2020 DP1 (i)(a), DP5, Elgin I5 and DP (ii)(a &e) for the following reasons:-

- i. The proposal would introduce an incompatible use into an established industrial area and would create conflict with other existing uses.
- ii. The proposal fails to provide for safe access and parking and would give rise to conditions that are detrimental to the safety of road users and pedestrians.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Advisers advised that they had nothing to raise at this time.

The Legal Adviser advised that the Applicant had included a Safety Statement that was not before the Appointed Officer at the time of considering the original planning application and that, should the Moray Local Review Body (MLRB) wish to view this additional information then, in terms of the procedure, the case should be deferred until the next meeting of the MLRB to allow the Appointed Officer the opportunity to consider and comment on the Safety Statement.

Councillor R McLean moved that the MLRB defer the case until the next meeting of the MLRB to allow the Appointed Officer the opportunity to consider and comment on the Safety Statement. This was seconded by Councillor Alexander.

There being no-one otherwise minded, the MLRB agreed to defer the case until the next meeting of the MLRB to allow the Appointed Officer the opportunity to consider and comment on the Safety Statement.



MORAY LOCAL REVIEW BODY

25 MARCH 2021

SUMMARY OF INFORMATION FOR CASE No LR253

Planning Application 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin, Moray, IV30 6AG

Ward 6 – Elgin City North

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 17 December 2020 on the grounds that:

The proposed change of use is contrary to Moray Local Development Plan 2020 DP1 (i)(a), DP5, Elgin I5 and DP (ii)(a &e) for the following reasons:-

1. The proposal would introduce an incompatible use into an established industrial area and would create conflict with other existing uses.
2. The proposal fails to provide for safe access and parking and would give rise to conditions that are detrimental to the safety of road users and pedestrians.

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**.

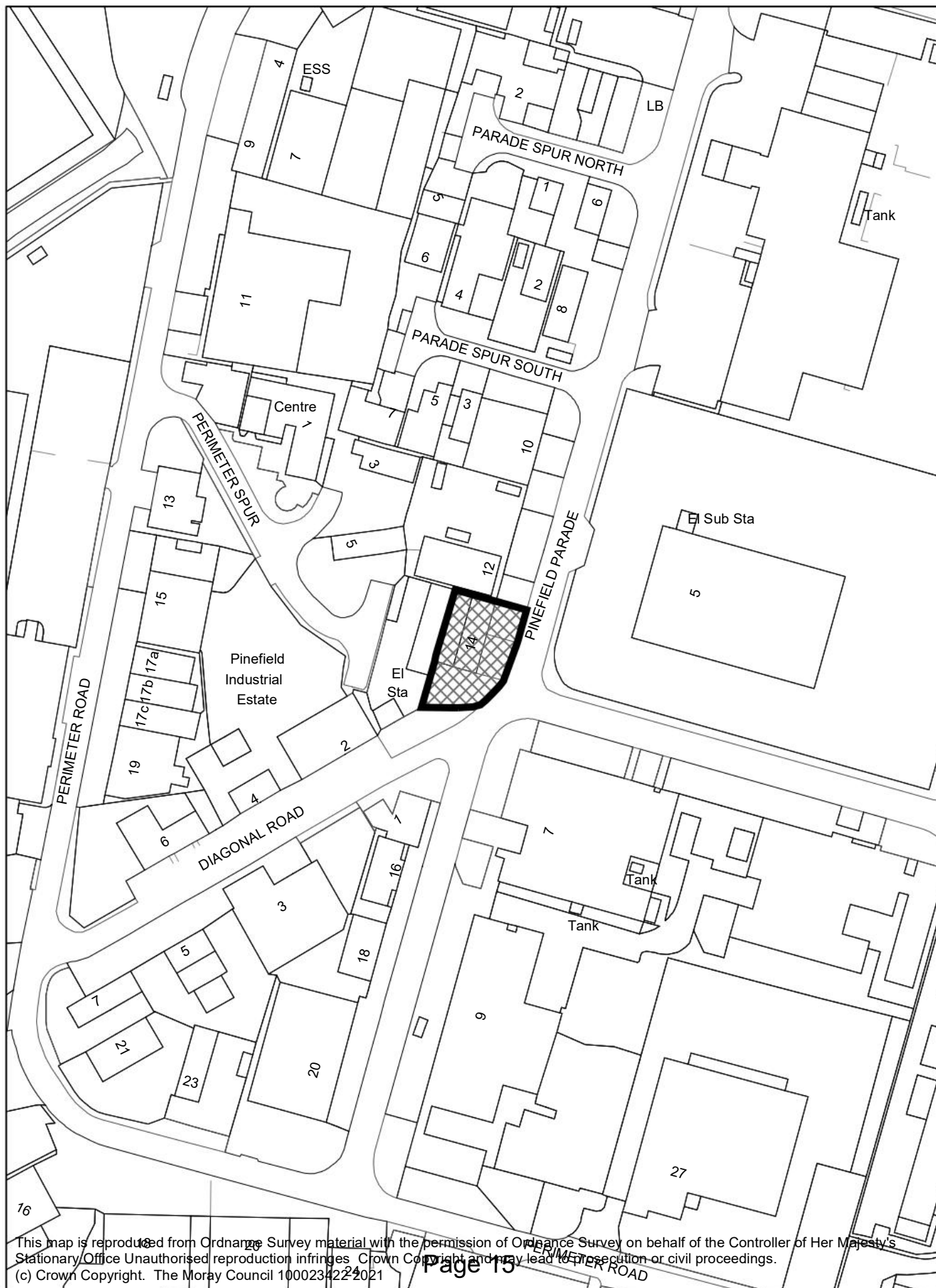
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**

At the meeting of the Moray Local Review Body (MLRB) on 25 February 2021 it was noted that the Applicant had included a Safety Statement that was not before the Appointed Officer at the time of considering the original planning application therefore the MLRB agreed to defer the case until the next meeting of the MLRB to allow the Appointed Officer the opportunity to consider and comment on the Safety Statement.

The Safety Statement can be found in **Appendix 2**.

The response to the Safety Statement can be found at **Appendix 5**.





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

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 100318740-001

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)

change of use from office workshop. proposal usin it as an kids club and fitness for my personal training sessions and my fitness classes like circuits and fitbox adding in some equipment weights, treadmill, rower and bike. i work with kids with learning difficulties so doing fun sessions with them. no planning is needed as I'm taking the building as it is no alterations will be taking place. this building will help me continue my work over the winter and beyond. this building is perfect

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="pinefeild parade"/>
First Name: *	<input type="text" value="lauren"/>	Building Number: <input type="text" value="14"/>
Last Name: *	<input type="text" value="hambly"/>	Address 1 (Street): * <input type="text" value="47 st margrets crescent"/>
Company/Organisation	<input type="text" value="exhale lhfitness"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="lossiemouth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="iv316rf"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="14 PINEFIELD PARADE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 6AG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="862362"/>	Easting	<input type="text" value="323023"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

95.40

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)

office/workshop the building has an workshop area that's like a normal hall and two offices one small one and one big open plan

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?

3

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)? *

3

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

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)

as there wont be any rubbish as its not going to have food or juice apart from the clients brining there own if there was to be rubbish I would take it home myself

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

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

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr paul melrose

Address:

14 pinefeild parade, 14, 14 pinefeild parade, elgin, moray, iv306ag

Date of Service of Notice: *

20/10/2020

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Miss lauren hambly

On behalf of:

Date: 20/10/2020

☒ 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)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☒ Yes ☐ 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: Miss lauren hambly

Declaration Date: 20/10/2020

Payment Details

Online payment: 433379

Payment date: 21/10/2020 12:34:51

Created: 21/10/2020 12:34

STAGGERED PARTITIONS, to be constructed with 97x47 tww timbers at 600mm crs with double top and bottom rails of 147x47 tww post, 50mm offset provided to allow 100mm glasswool sound deadening between posts. Finished on both sides with 12.5mm plasterboard with all joints taped, filled and sanded ready for decoration.

Partitions (general) to be 97x47mm tww posts at 600mm crs with double top and bottom rail and centre dwang with 12.5mm plasterboard finish to both sides with all joints taped, filled and rubbed down in preparation for decoration.

New ceilings formed with 197x47 Grade C24 tww posts at 400mm crs with joist direction as indicated on plan. Finished with 12.5mm plasterboard below with all joints taped, filled and rubbed down ready for decoration. 200mm glasswool insulation between joists and 150mm laid over at 90 degrees to joists.

All partitions to have glasswool sound deadening between posts. Ceiling in main store to remain open as per existing layout of present.

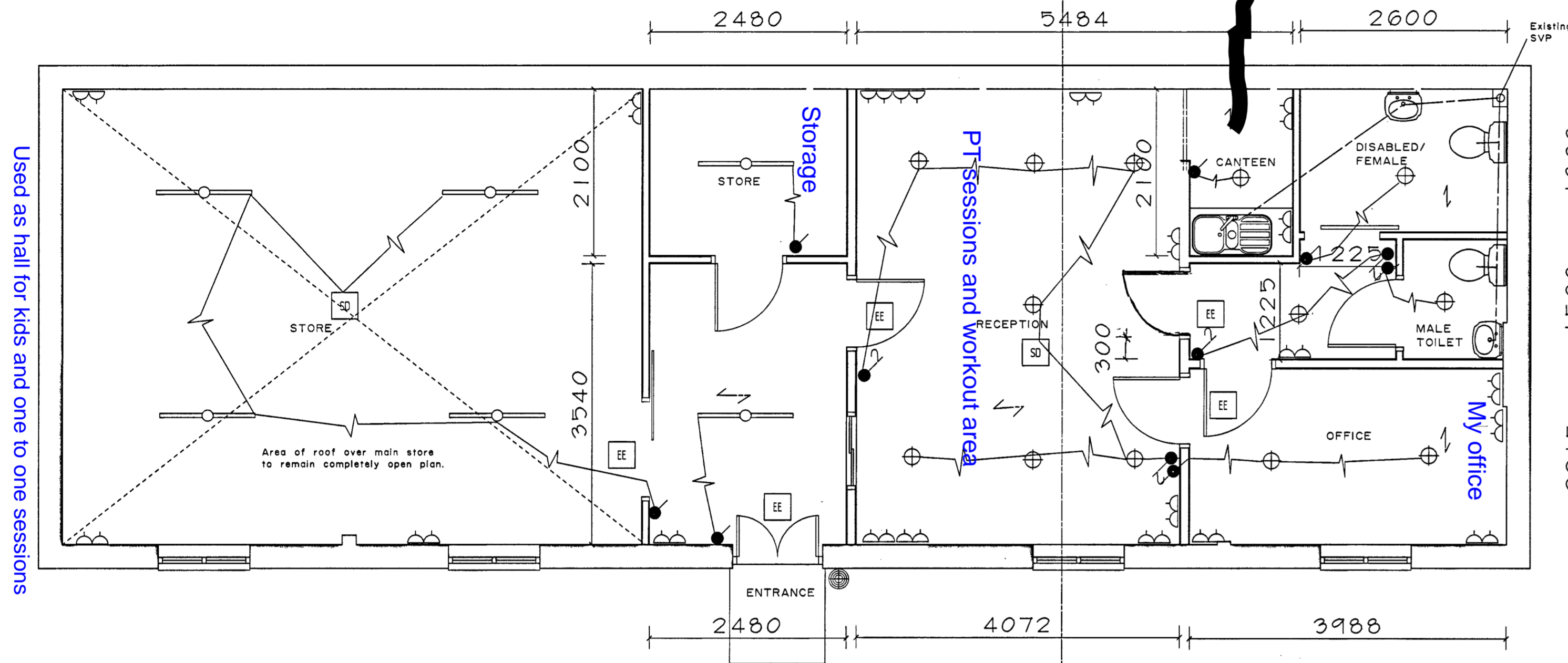
New toilet fittings to be re-connected to the existing drainage within the building at present. Existing extractor fans to be utilised for both the ladies and the gents toilets. Staffing levels will remain at Males 1 and Female/Disabled 2.

Existing toilets to be replaced with new WC seats and WHB's. All new drainage connected back into the existing SVP drainage point including new waste from sink in small canteen. All fittings to have deep seal traps fitted and pipework to be 38, 50 and 100mm pvc pipes.

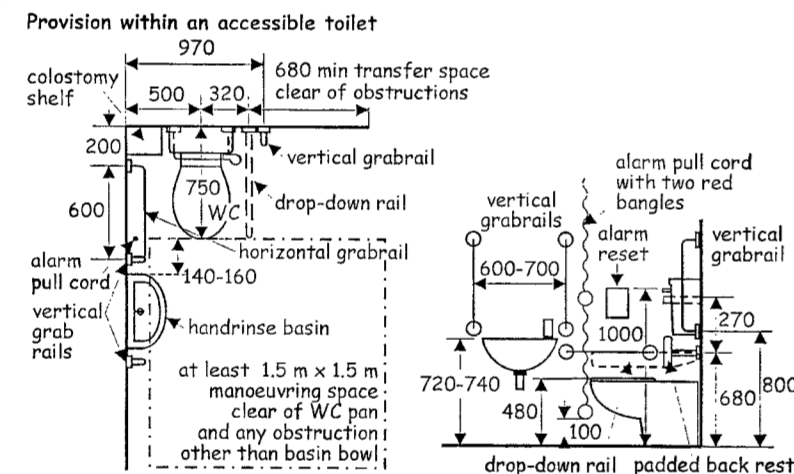
Both toilets and staff area to have mechanical extraction fans fitted. Existing fans to be utilised where possible and coupled with light switches but with isolator switch over-rides.

All new doors to be minimum of 600mm clear/unobstructed width between door face and jamb.

Mini kitchen be left as is



GROUND FLOOR PLAN (PROPOSED LAYOUT)



Ventilation Canteen, disabled wc, and male wc each to incorporate a 100mm dia mech fan capable of providing min 3 air changes per hour and each discharging to external air via air tight ducts. Wc fans coupled to light operation.

Reception room (23.60m²) to retain ex 1.15m x 1.15m window providing 1.05 m² opening area, along with 1100mm² trickle ventilation.

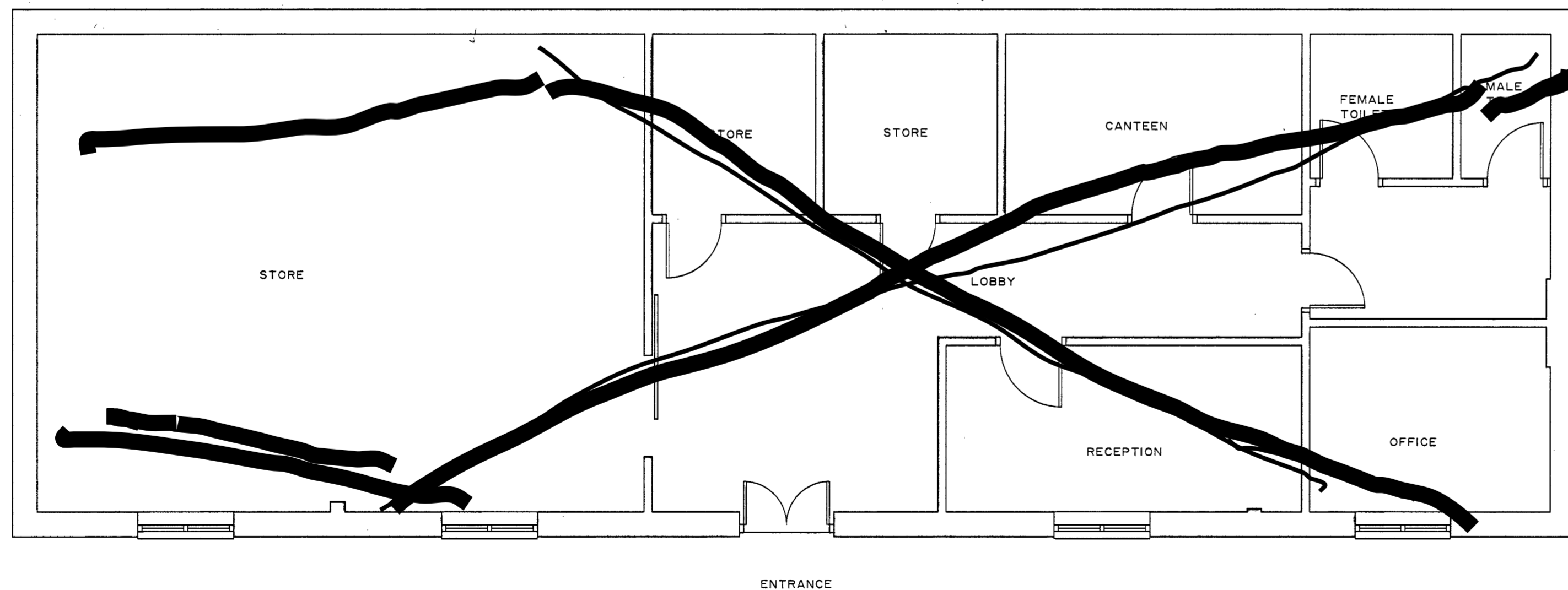
Office (8.80m²) to retain ex 1.15m x 1.15m window providing 1.05 m² opening area, along with 4000mm² trickle ventilation

Counter / hatch Bottom of counter / hatch opening to be 750mm above floor with knee recess below at least 700mm high and 500mm deep, and min 900mm wide. 900x1200mm clear manoeuvring space provided in front of counter / hatch.

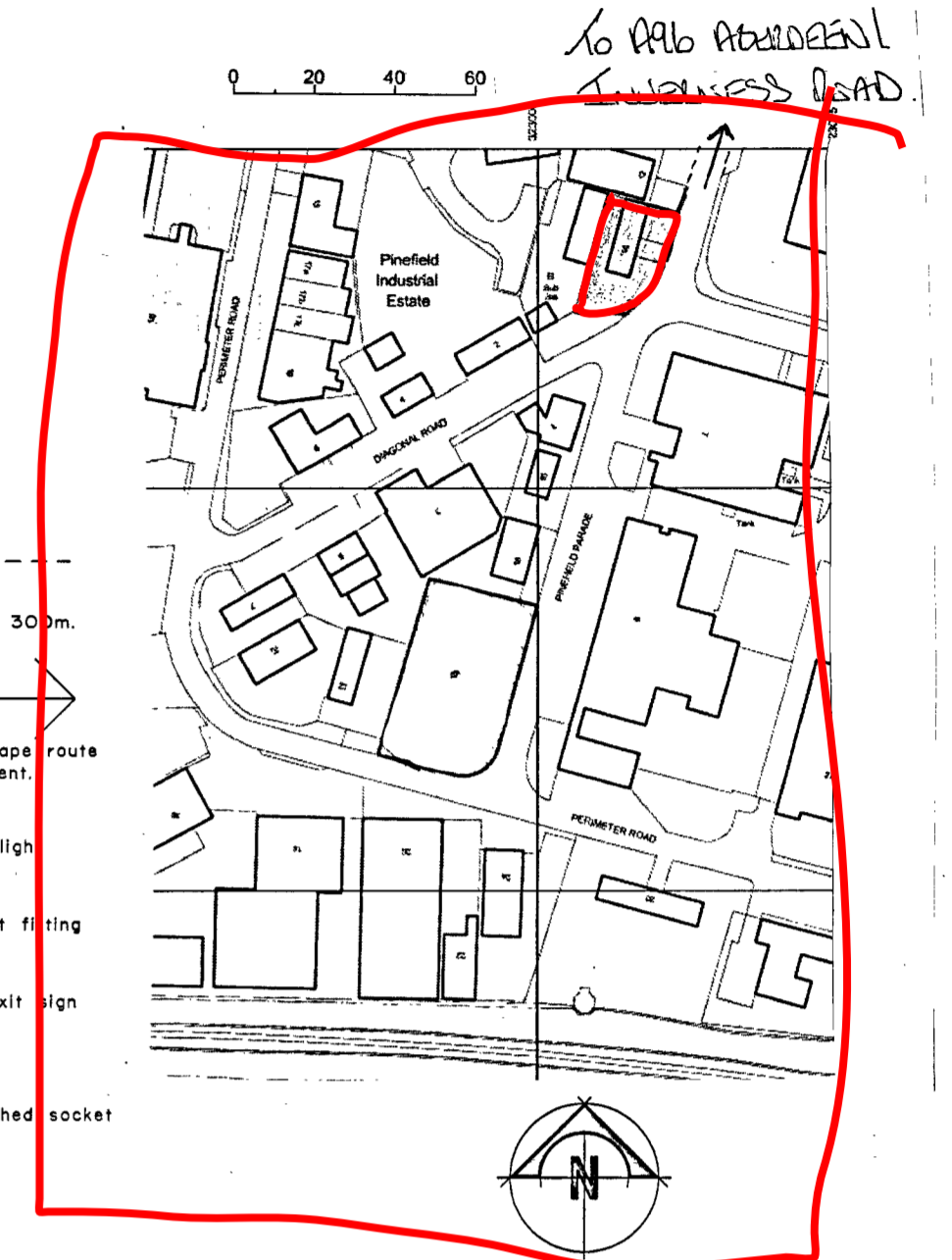
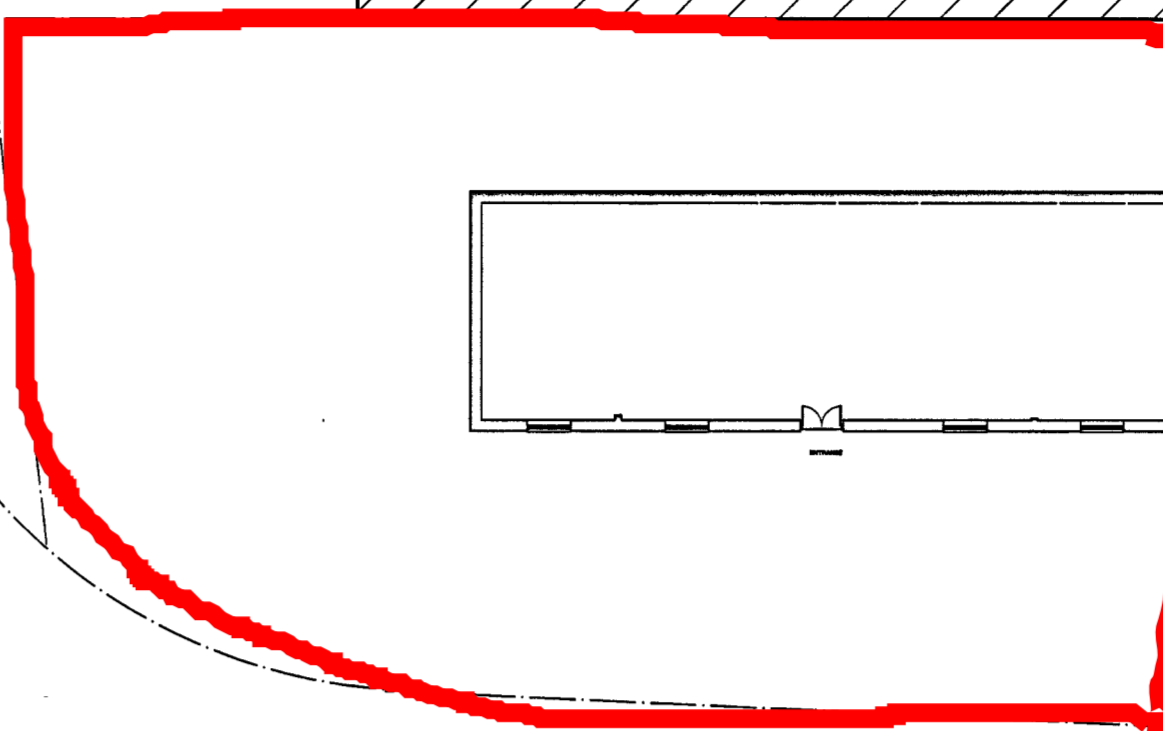
Emergency lighting Emergency lighting installed in accordance with BS5266: Part 1: 2005 as read in association with BS5266: Part 2: 1999 (BS EN 1838: 1999) Installation contractor to provide certification confirming compliance with above standards

Signage Exits to be clearly indicated by means of signs complying with BS5499: Part 1: 1990 and BS5499-4:2000 displayed immediately above the exit opening. Directional signs complying with above located between 2-2.5m above floor positioned in conspicuous positions where exit door cannot be seen directly.

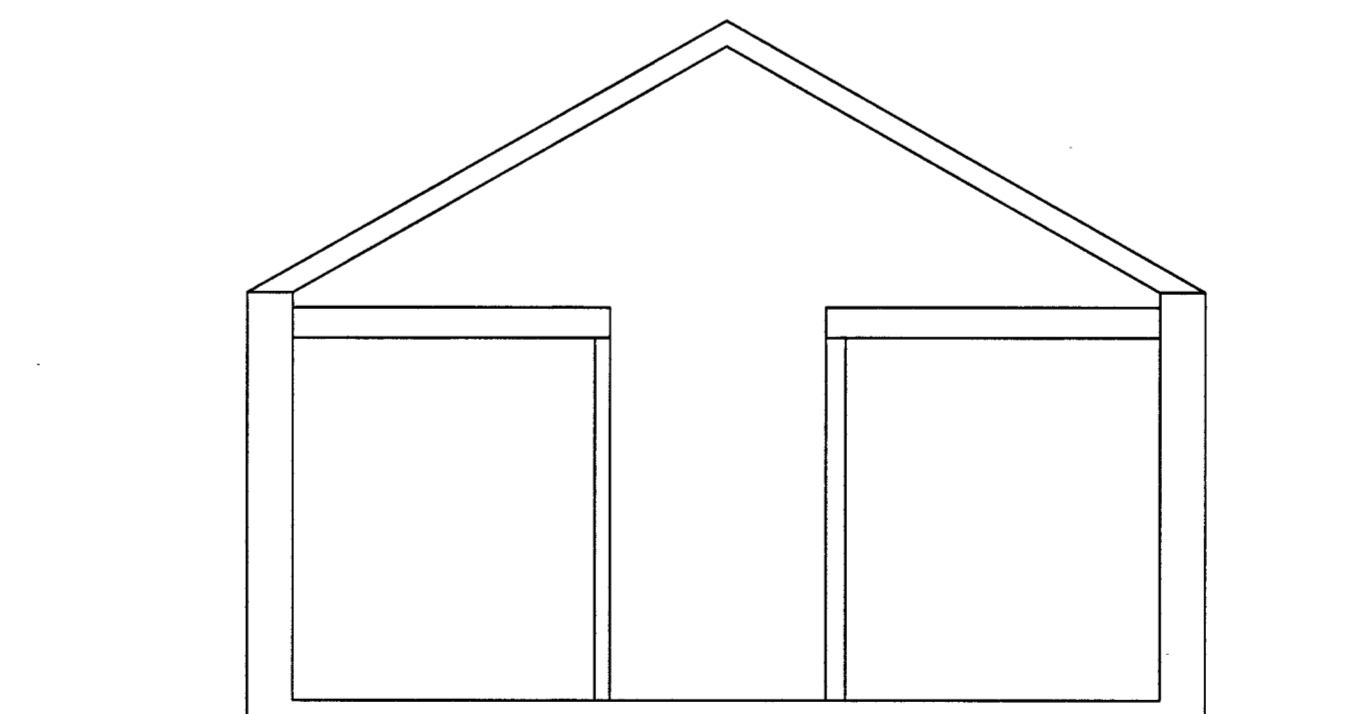
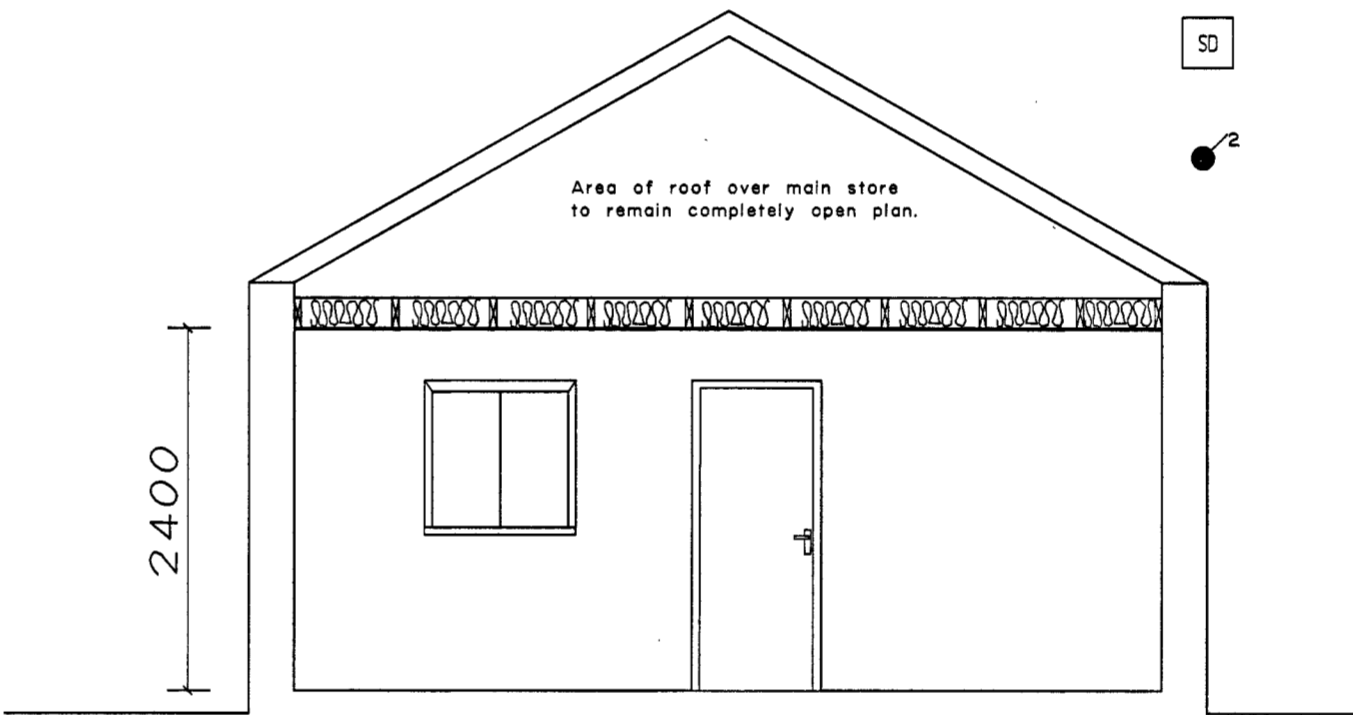
Fire detection Smoke alarms conforming to BS EN 14604: 2005, all with an integral standby supply in accordance with BS 5839: Part 6: 2004 to be installed to provide min grade D fire detection and alarm system. All units interconnected and wired into regularly used lighting circuit electrically protected at consumer unit.



GROUND FLOOR PLAN (EXISTING LAYOUT).



- external escape route lighting fitting.
- Flourescent light fitting
- pendant light fitting
- Emergency exit sign and light.
- double switched socket
- light switch
- fire/smoke detector
- 2 way light switch



Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.

Crown copyright all rights reserved License No. 100041145.

No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.

Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.

Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.

Given dimensions only to be used. DO NOT SCALE DRAWINGS.

Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 842635 / 07766 315501 ctkplans aol.com		
Project	INTERNAL ALTERATIONS TO 14 PINEFIELD PARADE, PINEFIELD INDUSTRIAL ESTATE, ELGIN, MORAY, IV30 6AG.	Project No. 13-69-D-1
Client	NJS (SCOTLAND) LTD.	Scale 1-50.
Drawn By	COLIN T KEIR	

The plan for the premises statement

Fitness classes would be running such as circuits, hiit training and boxercise and glow Fitness, these classes would have about 6 people attending, they will be promoted to walk if nesseeery but as these classes are done at 7pm they would have plenty space to park and walk over seen as the industrial estate is quite

Kids classes will be fun fitness and sports, children would either be dropped at the door and parent leaves straight away no hanging around the premises, or a meet up point would be organised and with correct procedures myself and assistant would drive the kids to the premises and there for only 2 cars would be parked up

Parents would be promoted to walk to keep fit and as they are responsible then there child would be safe to come to after school club. There is safe path to walk on opposite the premises so they would only need to cross the road with a parent.

The small cv equipment will be used for my pt sessions and 1 to 1 sessions if they wish to use it, it's not a traditional gym it's just for personal training clients and my kids 1 to 1 fitness and people who have anxiety issues.

I'm the only member of staff going to be in the building unless I have my Saturday football assistant helping out time to time

Children will be getting dropped off and picked up

Possibly in time il have a walking school bus so children will come after school as a group

The building can take 4 cars out the front and there is various spaces across the road where people can park

Clients if it personal training then it would be just myself and the client so 2 in the building

Operating times will be possibly 8 am till 9pm at night

Consultee Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	24th November 2020
Planning Authority Reference	20/01419/APP
Nature of Proposal (Description)	Change of use from office workshop to kids club and fitness club at
Site	14 Pinefield Parade Elgin Moray IV30 6AG
Site Postcode	N/A
Site Gazetteer UPRN	000133000330
Proposal Location Easting	323023
Proposal Location Northing	862362
Area of application site (M²)	95
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QILA0RBGM3U00
Previous Application	96/00644/FUL
Date of Consultation	10th November 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Exhale Lhfitness
Applicant Organisation Name	
Applicant Address	47 St Margarets Crescent Lossiemouth Moray IV31 6RF
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at 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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 20/01419/APP

Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade Elgin Moray IV30 6AG for Exhale Lhfitness

Ward: 06_17 Elgin City North

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		DP5 Business and Industry DP1 Development Principles	X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

The proposal is for a change of use from workshop/office (class 4/5) to a fitness studio (Class 11) and kids club.

Leisure use attracting significant footfall require to be assessed under Policy DP7 Retail/Town Centres. However, in terms of the floor area and the description it appears footfall is likely to be relatively modest in this case.

Pinefield is an established industrial estate and Policy DP5 Business and Industry applies. Part c) of the policy states that industrial estates will primarily be reserved for Class 4, 5 and 6. However, part e) Other Uses allows uses, including Class 11, to be considered in relation to their suitability to the industrial area, compatibility with neighbouring uses and the supply of serviced employment land.

Pinefield has evolved from a military barracks to a busy industrial estate with an extensive mix of uses. There are large scale industrial and manufacturing uses on the estate but also smaller industrial units, garages and building suppliers. In addition to this there are a small number of “other uses” within the industrial estate including a gym, rifle club, dog day care and the Pinefield SEBN education campus. As these uses are not grouped together they appear incongruous and out of keeping with the industrial uses. This is an important industrial estate within Elgin and ensuring this remains predominantly industrial is important. Further non-conforming uses would erode the industrial character to an unacceptable level.

Immediate neighbours to the proposed site include builder’s workshops, copper works and a sign workshop. On the opposite side of the road are Key Line building supplies catering to trade customers and William Wilson plumbing merchants which also has a showroom open to the public. Therefore, there is an element of uses that are open to the visiting public but these are very different in character to the proposed gym primarily servicing the building trade rather than having a leisure function. The lack of pavements, limited parking and predominantly industrial uses also make the site an unsuitable location for visiting members of the public. This is a particular issue for those walking or children being dropped off given the high level of HGV movements across the industrial estate and site location close to key junctions.

Within Moray there are long standing issues with the supply of serviced employment land but supply in Elgin has increased in recent years with the servicing of land at Barmuckity. However, there remains limited choice of serviced sites across the town. It is noted that the site and unit is of a size that is likely to restrict the potential for larger scale industrial and manufacturing uses and is likely to accommodate only smaller business. Whilst the loss of the site is unlikely to have significant impacts on the overall supply of serviced employment land in Elgin it is necessary to be mindful of the cumulative impacts of such proposals on supply and the “stepping stone” smaller units such as this play for new businesses starting out.

Taking the above into consideration on balance the proposal is not supported by policy DP5 as it would be out of character with the surrounding uses and would increase the number of non- conforming uses to a level that would move the estate away from being predominantly industrial. The location is not suitable for visiting members of the public due

to lack of pavements/ limited parking.

As discussed above the proposal is considered to be out of character with the surrounding uses and we have concerns about the safety of those walking to the site. This means the proposal is also a departure from DP1 Development Principles part (i)a). The limited parking, lack of pavements on the industrial estate and location close to key junctions are also issues that mean achieving the requirements of part (ii) a) and e) is difficult.

The proposed use would be more suited to a town centre location or an existing business area or opportunity site such as Edgar Road, Ashgrove Road or The Wards providing safe access could be achieved. Industrial Estates are recognised and purpose built industrial estates where the predominant use is Class 4, 5 and 6 whereas Existing Business Areas tend to have a mix of uses that have established over time and would more readily accommodate this type of proposal.

Contact: Rowena MacDougall

email address: Rowena.macdougall@moray.gov.uk

Date:.....7/12/20.....

Phone No

Consultee: Development Plans

Return response to	consultation.planning@moray.gov.uk
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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.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	24th November 2020
Planning Authority Reference	20/01419/APP
Nature of Proposal (Description)	Change of use from office workshop to kids club and fitness club at
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Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QILA0RBGM3U00
Previous Application	96/00644/FUL
Date of Consultation	10th November 2020
Is this a re-consultation of an existing application?	No
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Applicant Organisation Name	
Applicant Address	47 St Margarets Crescent Lossiemouth Moray IV31 6RF
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 20/01419/APP

**Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade
Elgin Moray IV30 6AG for Exhale Lhfitness**

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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 | x |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Informative note:

The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact:

Date.....

email address:
Consultee:

Phone No

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 20/01419/APP

**Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade
Elgin Moray IV30 6AG for Exhale Lhfitness**

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

Please

- | | | |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | x |
| (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 type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This proposal is for a change of use from office workshop to “kids club and fitness club”. The supporting statement indicates that fitness classes would have approximately 6 clients, and with a one to one personal training session also provided. The proposal includes up to two members of staff.

The existing building is located within an Industrial Estate, and is located immediately adjacent to the junction of three busy Estate roads. There are no footways present, and there is evidence of inappropriate driver parking behaviour (over the public verge and located too close to junctions) throughout the Estate, as a result of an overall lack of parking availability. Due to the lack of footways (and likely obstructions within the grass verge) a safe, segregated route for pedestrians would not be available from any direction.

On site parking for 2no cars is presently available via the existing access arrangements. However the restricted width of the access and the fact that the kerbs are high restricts manoeuvring into the parking area. There would be scope to provide parking for a total of 4 vehicles via an alternative perpendicular parking arrangement but this would require the lowering of the full height kerbs across the full extents of the parking area and the reversing of vehicles into the spaces close to the junction.

Furthermore the site’s location immediately opposite a busy 3-way junction on street parking would not be available. Similarly, and critically the proximity to the junction would also mean that visiting vehicles would not be able to stop safely on the carriageway outside the building to drop off or pick up clients using the facility. The supporting statement states that “children will be getting dropped off and picked up not all parents drive”.

There is currently insufficient parking to accommodate the proposal, however even if works were undertaken to increase the number of parking spaces, this would not resolve Transportation's road safety concerns relating to the sites proximity to the adjacent public road junctions, and the inability of the clients to access the site by foot, be that as a result of being dropped off adjacent or from further afield.

The lack of safe access arrangements is a particular concern given the proposed development have vulnerable road users as customers and the fact that a high proportion of vehicles using the roads adjacent to the site are Heavy Goods and commercial Vehicles.

Reason(s) for objection

Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit), and part 'e)' (parking provision).

Contact: AG
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 20 November 2020

Return response to	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.

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would be a fantastic asset to the local community

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: this will be brilliant for Lauren to be able to have more children's activities and clubs

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support that this application go ahead in order to provide a safe place for young people in Moray to be encouraged to take part in physical activities, not only important for physical health but mental health as well.

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: Mr [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Brilliant idea, would be very welcome by many people of all ages and also bringing business into Moray at a much needed time.

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am totally in full support of the application. Elgin needs something like this for the community for the kids and for the general public. Not only would they have somewhere to go but also someone who is there for them as well. This is something that is needed. Elgin doesn't have much for the younger generation or for people who have disabilities or mental health all in one place. This needs to be approved

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support.

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As a sports lecturer at Moray College, I know how difficult it can be for sports providers to find suitable indoor facilities. I fully support this application which will extend the much needed sports/activity/physical exercise opportunities for local children.

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Believe this person deserves a chance and it will help lots of any kind of children and adults

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Brilliant idea and great use of space for the community

Comments for Planning Application 20/01419/APP

Application Summary

Application Number: 20/01419/APP

Address: 14 Pinefield Parade Elgin Moray IV30 6AG

Proposal: Change of use from office workshop to kids club and fitness club at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This proposal would be fantastic for the children in the area who wish to take part in sports activities in a fun environment. Fitness is important for the wellbeing of children and adults alike. The opportunity to provide a small fitness area for teens and adults will allow them the opportunity to benefit their wellbeing and increase their confidence by managing to use this facility without being in a larger gym which can be anxiety provoking for many. This will give the area a much needed community boost, allowing children to socialise and for adults to be able to use their free time to attend classes that will be provided.

Economy,
Environment & Finance

22/11/2020

Dear / Madam

PLANNING APPLICATIONS

20/0131/APP + 20/01419/APP + 20/01177/APP +
20/01401/APP + 20/01505/APP

TO ENSURE THAT ALL WILDLIFE
FLOW & FLOW ON EACH SITE
IS FULLY PROTECTED NO DISMOL
TION TO TAKE PLACE UNTIL IT
IS ABSOLUTELY CERTAIN THAT
BATS ARE NOT PRESENT YOU WILL
BE FAMILIAR WITH THE REGULATION
APPLICANTS MUST ALSO BE!

WORK IN A CONSERVATION
AREA IN ON OR ADJACENT

II

OR ADJACENT TO A LIGHT
BUILDING MUST BE STRAIGHT
TO LEAVING STAIRS

Yours fraternally

[REDACTED]

Stay Safe Stay Well!

REPORT OF HANDLING

Ref No:	20/01419/APP	Officer:	Lisa Macdonald
Proposal Description/ Address	Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade Elgin Moray IV30 6AG		
Date:	16.12.2020	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	25/11/20	No objection – an informative is recommended in relation to health and safety and work place regulations.
Contaminated Land	17/11/20	No objection.
Transportation Manager	20/11/20	Objection: <ul style="list-style-type: none"> • The site is at the junction of three busy roads on an industrial estate • There are no footways and no safe, segregated route for pedestrians from any direction • There is evidence of parking over the public verge and too close to the junction • There are two parking spaces available at present. There would be scope for providing 4 spaces if the kerbs were lowered across the full extent of the parking area and would still result in reversing close to the junction • No on-street parking or safe drop off area is available due to the proximity to the junction.

		<ul style="list-style-type: none"> • The lack of safe access arrangements is a particular concern given that the application identifies vulnerable road users including children as customers and that a high proportion of other road users on this road are Heavy Goods and commercial vehicles. • Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit), and part 'e)' (parking provision).
Strategic Planning And Development	08/12/20	<p>Objection:</p> <ul style="list-style-type: none"> • In relation to policy DP7 the proposed use will generate modest footfall therefore further assessment in relation to the impact on the town centre is not required. • The Pinefield Industrial Estate is an established industrial estate and policy DP5 which states that such sites will be reserved for class 4, 5 and 6 uses applies. Other uses including class 11 (assembly and leisure) are considered on their own merits in relation to suitability to an industrial area, compatibility with neighbouring uses and supply of serviced land • Pinefield houses large scale industrial and manufacturing uses alongside smaller commercial uses including garages and building supplies. • There are non-compliant uses on the Estate including a gym, rifle club, dog day care and education centre but these are not clustered and appear incongruous. Further non-conforming uses would erode the character of the industrial estate • Immediate neighbours to the site do have some access for visiting members of the public but these are focused on trade customers • The lack of footways, limited parking and surrounding industrial uses make this site an unsuitable location for visiting members of the public particularly the vulnerable user groups identified including children

		<ul style="list-style-type: none"> The site is small and its conversion to another use would not have a significant effect on the overall supply of serviced employment land in Elgin however the cumulative impact of such proposals can negatively affect over supply. Small units are also important for start-up businesses. The development would be out of character with surrounding uses and therefore is contrary to policy DP5 and DP1 (i)(a). Safe parking and access cannot be provided so the proposal is contrary to policy DP1 (ii) (a) and (e)/ The proposed use would be better suited to a town centre location or an existing business area or opportunity site where a wider mix of uses are found.
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	
PP2 Sustainable Economic Growth	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP5 Business and Industry	Y	
Elgin - I5 Pinefield Industrial Estate	Y	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: TWELVE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The majority of contributors expressed support for the development as a much need community asset and highlighted the potential benefits for vulnerable users.</p> <p>Comments (PO: The comments of the contributors are noted. It is recognised that the applicant seeks to provide a beneficial service and this would be supported in the right location. However, the proposed location is unsuitable due to the incompatibility with surrounding uses and the lack of a safe access and parking.</p>		
Issue: impact on flora and fauna and built heritage.		

Comments: This application proposes a change of use only and no operational development. There will be no impact on flora and fauna or any listed buildings or conservation areas.

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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

The Proposal

This application seeks planning permission to change the use of a building from a workshop to a gym. The supporting statement states that the building will not operate as a conventional gym. Classes will be run for children and other groups along with 1-to-1 personal training and private gym sessions for people with anxiety.

No physical changes are proposed to the building or the site.

The Site

The site is a small unit on the Pinefield Industrial Estate. It sits on the junction of Pinefield Parade, Diagonal Road and Pinefield Crescent. There is a mix commercial industrial uses immediately surrounding the site including building merchants and a sign workshop. There are two parking spaces outside the building at present.

The Pinefield Industrial Estate is covered by the Elgin I5 designation in the Moray Local Plan 2020.

Principle of Development (DP1 (i)(a), DP5, Elgin I5)

It is acknowledged that a number of representations have been made in support of the development and specifically the services offered. In a more suitable location such as the town centre or a business or opportunity site identified in the Local Plan it is likely that the principle of development would be supported. In this instance this is considered to be the wrong site for a development of this nature and it cannot be supported in this location.

Policy DP5 states that established industrial estates will be reserved for class 4, 5 and 6 uses applies. Other uses including class 11 (assembly and leisure) can be considered on a case by case basis in relation to suitability to an industrial area, compatibility with neighbouring uses and supply of serviced land. The Pinefield Industrial Estate is an established industrial estate with a strong industrial and commercial character. In the immediate vicinity of the application site there are builder's merchants, plumbing suppliers and a sign workshop. It is noted that some of these do involve regular access by visiting members of the public but these are principally trade and commercial operations. It is recognised that there are non-compliant uses found at Pinefield including a gym, a rifle club, dog day care facility and an education centre. None of these are immediate neighbours of the application site and all are spread throughout the industrial estate where the uses appear incongruous and unrelated to the principally industrial uses that characterise the rest of the estate.

It is acknowledged that the application relates to a very small unit and the proposed conversion in itself would not have a significant effect on the overall supply of serviced employment land in Elgin. However, over all supply can be significantly reduced by the cumulative impact of small scale proposals such as this. It should also be recognised that small units are also important for start-up businesses.

The proposed use is not compatible with the use of the industrial estate therefore is contrary to policy DP5 and DP1 (i)(a).

Access and Parking (DP (ii)(a &e))

It is noted that the Transportation Manager objects both in relation to the access to the site and the proposed parking arrangements. There are currently two spaces in front of the building which offer access directly onto Pinefield Parade. There is no on-street parking available due to the proximity of the junction. The site is at the junction of three busy roads on the industrial estate. There are no footways and no safe, segregated route for pedestrians directly to the site.

There are two parking spaces available at present. Transportation advise that there would be scope for providing 4 spaces if the kerbs were lowered across the full extent of the parking area but this would still result in reversing close to the junction which is not acceptable. The applicant notes that for the most part only one member of staff would be present with two only present for some weekend classes. The applicant also states that gym use would be restricted to 1 to 1 personal training sessions or private gym sessions and that most classes are held in evening or at weekends when the industrial estate and the surrounding roads are quieter. However the proposal is considered in the round and safe access and parking must be provided at all times.

The lack of safe access arrangements is of significant concern as application identifies vulnerable road users including children as customers and a high proportion of other road users on this road are Heavy Goods and commercial vehicles. The applicant has suggested that concerns could be alleviated by allowing drop off only and encouraging walking to the site. However, there is no space for a drop-off area and walking to the site even with the support is not safe due to the lack of footways adjacent to the site. The applicant has suggested the possibility of a walking bus or a remote drop off point. The walking bus option is not acceptable due to the absence of footways. A remote drop off point may have some merit but no details of this option of have been provided and it is recognised that it would be impossible to prevent direct access to the site by latecomers or similar. The business is specifically targeted at children and other vulnerable groups but safe access for all users cannot be secured in this location where the road layout, lack of footways and nature of other traffic on the surrounding roads combine to produce a particularly dangerous set of road conditions. The proposal does not provide safe entry and exit for the use proposed and as such is contrary to policy DP1 (ii)(a) and fails to provide adequate parking contrary to policy DP1 (ii)(e).

Recommendation

The proposal would introduce an incompatible use into the industrial estate which would contribute to the erosion of the industrial character of the site and lead to a loss of serviced employment land in Moray. Furthermore, the site does not have safe access for pedestrians or adequate parking and the development is likely to result in conditions that are detrimental to the safety of road users which is of particular concern in this instance as children and other vulnerable groups have been identified as client groups of the proposed development. The proposal is contrary to policies DP1 (i)(a), DP5, Elgin I5 and DP (ii)(a &e) and as such planning permission is refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

DECISION				
Reference No.	Description			
96/00644/FUL	Alter and refurbish the existing building at 14 Pinefield Parade Pinefield Industrial Estate Elgin Moray IV30 6AG			
	Decision	Permitted	Date Of Decision	19/06/96

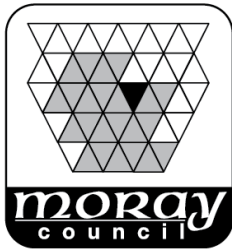
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
PINS	Development specified in Schedule 3	10/12/20
Northern Scot	Development specified in Schedule 3	10/12/20

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Supporting Statement		
Main Issues:	Description of business and mitigation of parking issues <ul style="list-style-type: none"> • Fitness classes offered in evening when the industrial estate is quieter • Children's classes could be organised so that parents just dropped children at the door or a remote drop-off point could be organised (<i>PO comment: no specific location has been identified for this</i>) • Walking to the site would be promoted. There is a footway on the opposite side of the road • The gym are would only be available for 1 to 1 personal training sessions or private gym sessions for people with anxiety and other issues that make use of a conventional gym difficult. Therefore there would only be two people in the building at a time. • The only time two members of staff will be present would be for football classes on a Saturday • A walking bus arrangement for children using the site could be established eventually • There is scope for 4 parking spaces at the site • The operating hours would be approximately 8 am – 9pm 	

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

**[Elgin City North]
Application for Planning Permission**

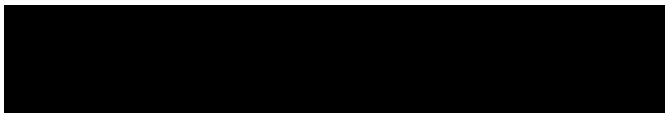
TO Exhale Lhfitness
47 St Margarets Crescent
Lossiemouth
Moray
IV31 6RF

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:-

**Change of use from office workshop to kids club and fitness club at 14
Pinefield Parade Elgin Moray IV30 6AG**

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

Date of Notice: **17 December 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 change of use is contrary to Moray Local Development Plan 2020 DP1 (i)(a), DP5, Elgin I5 and DP (ii)(a &e) for the following reasons:-

1. The proposal would introduce an incompatible use into an established industrial area and would create conflict with other existing uses.
2. The proposal fails to provide for safe access and parking and would give rise to conditions that are detrimental to the safety of road users and pedestrians.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Floor layout site and location plan

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

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 Country 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	<input type="text" value="miss"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="lauren"/>	Forename	<input type="text"/>
Surname	<input type="text" value="hambly"/>	Surname	<input type="text"/>
Company Name	<input type="text" value="exhale lh fitness"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="47"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="st margrets crescent"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="lossiemouth"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="iv316rf"/>	Postcode	<input type="text"/>
Telephone	<input type="text" value=""/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority		<input type="text" value="moray council"/>	
Planning authority's application reference number		<input type="text" value="20/01419 app"/>	
Site address			
<input style="width: 100%; height: 100%;" type="text" value="14 pinefeild parade
elgin
iv306ag"/>			
Description of proposed development			
<input style="width: 100%; height: 100%;" type="text" value="using 14 pinefeild parade as a kids and adults fitness doing PT sessions and kids 1 to 1 sessions"/>			

Date of application

20/10/2020

Date of decision (if any)

17/12/2020

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.

i am seeking a review as i belive its been refused unfairly, yes 14 pinefiled parade is near roads but there will only ever be my car and a clients car on site, i have changed the way kids sessions would be run which will be 1 to 1 sessions so then theres no traffic concerns also i have looked into a mini bus agin for pick and drop off if i had a group of kids which means again no cars taking up the road, the building is a fair distance from the road so no kids would be in danger. the second issue is you stated that its an industrial unit and the area would not suit as it would reck the areas uses. which i know a lot of people that live in pinefeild and new elgin who all said having a place there would benifit the community and area. there are other areas of industrial that have had a gym type places. theres is a fitness place round the corner from 14 pinefeild parade fitson they got accepted plus there door is striaght leading on to a road yet they got a approved, same as there used to be a gymnastic place in the industrial unit across from burger king, you say that industrial units are made to stay industrial but yet those to places get approved, i feel this is a unfair treatment towards myself. i have liminated the issues to do with children sessions and cars and made it safer. i beg with you to review and change your desion im just trying to get started up and give something back to the community and help people get fit or help children with learning difficulties to have a safe space to play 1 to 1 in the premises .

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

i wish to include a new statement that limintes the road issue

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:

lauren hambly

Date:

22/01/2021

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.

14 pinefeild parade

Elgin

New statement on use

From previous the following changes will be made the building will be used for 1 to 1 sessions and PT sessions with that only 2 cars will be present in the car park. Also with later on I ran kids clubs then a mini bus will be used to collect children from designated place to the premises then taken back to the designated place for pick up after session ended I have spoke to parents who have an interest and they have said there happy for this to happen. This limits the traffic concern and kids being close to the road.

Also there will always be myself and my assistant with the children so then there safety is always adhered to.



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES



ENVIRONMENTAL SERVICES

Diane Anderson

Senior Engineer

PO Box 6760
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: diane.anderson@moray.gov.uk

Website: www.moray.gov.uk

Our reference: LR/LRB253

Your reference: LR253

Chief Legal Officer
Per Ms L Rowan
Committee Services
The Moray Council
High Street
ELGIN
IV30 1BX

04 February 2021

Dear Madam

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**REQUEST FOR REVIEW: PLANNING APPLICATION 20/01419/APP CHANGE OF USE FROM OFFICE
WORKSHOP TO KIDS CLUB AND FITNESS CLUB AT 14 PINEFIELD PARADE, ELGIN**

I refer to your letter dated 27th January 2021.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully

Diane Anderson
Senior Engineer

Local Review**LRB Ref 253****Planning Application Reference 20/01419/APP 14 Pinefield Parade Elgin - Change of use from office workshop to kids club and fitness club****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Miss Lauren Hambly and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 20/01419/APP Change of use from office, workshop to kids club and fitness club at 14 Pinefield Parade, Elgin, primarily for children with special needs such as anxiety issues.
3. Transportation received the consultation for planning application 20/01419/APP on 10th November 2020. A copy of Transportations consultation response dated 20th November 2020 is attached (TMC 01).
4. A supporting statement was submitted a part of the planning application detailing the proposed activities, including the number of children attending, staff numbers, and operating times etc. Fitness classes would have approximately 6 children attending, along with one to one sessions provided. Up to two staff are proposed. The applicant indicated that 4no car parking spaces were available within the site, and children to be dropped off independently by their parents.
5. Transportation's review of the available surfaced area within the site determined that only 2no car parking spaces are available within the site.
6. 14 Pinefield Parade is located within a very busy Industrial Estate, and positioned immediately opposite a key junction, as well as with a further junction located immediately adjacent to the south. It is also the primary route in and out of the Industrial Estate. There are no footways present within Pinefield Parade, and therefore access by foot would have to be undertaken directly on the carriageway or pedestrians would have to negotiate around parked cars within parking areas and via sections of grass verge.
7. Notwithstanding the fact that the drop kerbs could be extended to provide additional parking, the reversing manoeuvres into the site would be undertaken at a very sensitive location which would be subject to a high number of passing movements and from all directions. There is a likelihood that the visitor parking manoeuvres would result in driver confusion for those vehicles passing the site. Drivers exiting the site may also find it difficult to do so safely due to the extent of the area where vehicles may be approaching from, and also their view may be obstructed by a vehicle passing in another direction.
8. Site photos, including in-car driver views from vehicles exiting the site access are attached (TMC 02)

Local Review

LRB Ref 253

Planning Application Reference 20/01419/APP 14 Pinefield Parade Elgin - Change of use from office workshop to kids club and fitness club

9. Transportation also considers that as a result of the lack of parking and difficulty the vehicles would have manoeuvring into the car park (as a result of the proximity to the junctions), it would be likely that children arriving by vehicle would be dropped off and picked up at the side of the road. This could further result in driver confusion and also mean that the driver would have to step out of the vehicle into oncoming traffic (from multiple directions), in order to escort their child from the car into and out of the building.
10. Due to the lack of footways serving this unit, there is no safe segregated route for any clients arriving by foot. The presence of parked vehicles within the verge presents an additional barrier to any pedestrians trying to negotiate safely around the estate. Pedestrian access is also further compromised by vehicles within the Industrial Estate parking inconsiderately (too close to junctions), which is primarily due to an overall lack of parking provision throughout the industrial estate. The site also has an open frontage and therefore a child could potentially step directly onto the carriageway from the site.
11. Additionally due to the site being located within an Industrial Estate a high proportion of the passing vehicles are likely to be commercial, including LGV and HGV's. The nature of vehicles present would result in an even greater risk of significant injury to a pedestrian, and this is even more pertinent given the likely vulnerability of the customers.
12. Transportation considers that the proposed change of use is not compatible with the Industrial Estate use, and there would be considerable risk to the vulnerable users due to lack of segregated pedestrian footways, safe parking and drop off arrangements.
13. It is noted that a further supporting statement has been submitted, this time to support the Local Review. Whilst the proposals have now been amended to only include one to one sessions, and the use of a minibus to transport groups of children together, rather than by individual vehicles, Transportation considers that these measures would not be enforceable. Of particular concern would be if the unit was sold/rented to another operator in the future, that party may be unlikely to operate in a similar manner and comply with any condition. On the basis that any such condition is considered to be unenforceable, Transportation's objection still stands.
14. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation
04 February 2021

Local Review

LRB Ref 253

Planning Application Reference 20/01419/APP 14 Pinefield Parade Elgin - Change of use from office workshop to kids club and fitness club

Documents

TMC01 Transportation Consultation Response dated 20th November 2020

TMC02 Site photographs



IN CAR VIEW TO NORTH FROM SITE ACCESS (TOWARDS A96)



IN CAR VIEW TO EAST FROM SITE ACCESS (TOWARDS REIKET LANE)



IN CAR VIEW TO SOUTH FROM SITE ACCESS (TOWARDS DIAGONAL ROAD)



EXISTING 4.7M WIDE ACCESS AND OPEN SITE FRONTAGE



STREETVIEW IMAGE SHOWING PROXIMITY TO JUNCTIONS

Lissa Rowan

From: [REDACTED]
Sent: 10 February 2021 00:56
To: Lissa Rowan
Subject: Planning Application 20/01419/APP – Use of 14 Pinefield Parade as a kids and adults fitness doing PT sessions and kids 1 to 1 sessions

Dear Lissa Rowan,

I am writing in support of Lauren Hambly's application to make use of 14 Pinefield Parade as a kids and adults fitness. I believe this will help benefit the community in numerous of ways. It will help fulfil Miss Hambly's dreams of teaching children and adults fitness, it will help increase children and adults in the community's health and wellbeing physically and mentally. It will help bring us together, especially during a time like this.

Yours Sincerely,

[REDACTED]

Lissa Rowan

From: [REDACTED]
Sent: 10 February 2021 14:28
To: Lissa Rowan
Subject: 14 pine field

Dear Lissa

I feel having a gym/kids club at 14 pine field would be very beneficial as there is not much in Elgin as a wheelchair user I think Elgin lacks in that departments if the gym does open it will be wheelchair Accessable this will give disabled people a choice

I also believe it would help people with mental health issues aswell because I know that not everyone likes crowds people watching them etc

It would also mean people living in and around the pine field area wouldn't have to travel as far

Also I believe having a place like this would help kids/adults with special needs

Thanks

[REDACTED]

Sent from my iPad

Lissa Rowan

From: [REDACTED]
Sent: 11 February 2021 10:38
To: Lissa Rowan
Subject: Lauren Hambly application

Hi there,

I wanted to show support for Lauren Hambly by writing you an email. I work with Lauren and she is very passionate in what she does and has a great vision for the future. If there is anything you could do to reconsider her application for fitness/kids club in your premises she would be very grateful indeed .

Yours,

[REDACTED]

Sent from my iPhone

Lissa Rowan

From: [REDACTED]
Sent: 11 February 2021 00:08
To: Lissa Rowan
Subject: Review of proposal for Lauren Hambly

Dear Madam.

I am again writing a letter in support for [REDACTED] Lauren Hambly and the application made for use of a building for her to use for kids clubs/ gym sessions . I acknowledge the fact that the council are concerned over a matter of things with regard to this application but let me assure everything has been looked into for the safety of the public and children who are hoping to access this building. What [REDACTED] is trying to do is help the community help those who want to have access to a gym area where they won't be paying for a subscription regardless if they use it or not like they do with bigger modern gyms ,won't feel uncomfortable or self conscious thinking they are being watched. People who don't like big areas with lots of people in it won't have to worry if they make a mistake or overwhelmed about younger people than them looking at them with a look of you don't belong here. Helping people achieve their dream fitness, their ideal weight,boosting their self confidence is what [REDACTED] wants to do for people whether they have disabilities or mental health there would be no stigma attached just genuine care and support for each individual. [REDACTED]

[REDACTED] who has been determined to build up her own little business because of something she loves and is passionate about. [REDACTED]

[REDACTED] Having her own place would benefit so many not just her. She runs kids clubs ,she does football clubs and she could do so much more if she had a place if the weather wasn't good. Lauren has friends and family that are more than willing to help run it , she even has someone who is a licenced taxi driver willing to do pick up and drop offs for her kids clubs or her one to one sessions so the issue of inadequate parking or no walkways would not be an issue as it would be dealt with through the pick up drop off program. There are ways to deal with things that seem like obstacles if thought out properly. All kids , adults will always be 100% well looked after because that is what matters to Lauren the most the wellbeing of others. [REDACTED]

[REDACTED] This building whether it is in a field ,middle of the city or where it is beside other buildings used for storage or businesses the fact of the matter is once inside you forget the outside, you go there and you do what you are there for whether it's to let off steam at the punching bag or do some gentle exercising or your kids are running around having fun with nerf guns and other equipment the important thing is you are there and sometimes that's the biggest step for some people and to have someone like Lauren who understands both disabilities and mental health issues is something not a lot of places can offer to many. This is needed for the area,for the kids , for the community but most of all its needed for those individuals who are struggling to find something positive in their lives especially now with the current situation. All Lauren wants to do is make a difference to people's lives and she can only do this if her proposal is accepted. I hope you will read and understand what I have sent to you and I hope that you will see what this means not just to Lauren but the community too. Thank you for your time in reading this.

Yours Sincerely

[REDACTED]
[REDACTED]

Lissa Rowan

From: [REDACTED]
Sent: 10 February 2021 19:55
To: Lissa Rowan
Subject: Supporting lauren

Dear madam, i am writting to support n back laurens business. She has worked very hard to qualify as a personal trainer .i feel it would be beneficial to the elgin community for the young and old providing health & fitness in moray .pinefield / linkwood area dont have much affordable close ammenties .currently if anyone joins a gym they pay fees and its too expensive for single parents to not only go themselves but also for their children .oap cant afford the fees either whereby lauren is cheaper with no membership fees.its affordable close by and would boost peoples lifestyles in all walks of life .i fullu support her application. She is a dedicated enthusiastic hardworking young lassie .yours sincerley [REDACTED]



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER INFORMATION

From: Lauren Hambly [REDACTED]
Sent: 17 February 2021 10:47
To: Lissa Rowan
Subject: Re: LR253 - Notice of Review - Planning Application 20/01419/APP

Hi I disagree with the transportation desision I have changed the original to now being a bus picking up and dropping off kids so there wouldn't be volumes of traffic yet there still trying to say its still not good enough no matter where you go in Elgin there will be roads and traffic iv made it safe as possible, I feel this is just excuses as they don't want that type of use even tho it helps the community

[Sent from Yahoo Mail for iPad](#)

On Wednesday, February 17, 2021, 10:31 am, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:

Dear Ms Hambly,

Notification of Further Representations

Notice of Review: Planning Application 20/01419/APP - Change of use from office workshop to kids club and fitness club

Further to my email of 27 January 2021, I would advise that 6 representations have been received in respect of your Notice of Review and are attached for your information.

If you wish to respond to these representations, this should be sent to the Clerk of the Moray Local Review Body (MLRB), by email at the above address, **on or before 4 March 2021**.

In the event of no response prior to the 14 day deadline, it will be assumed that you have no further comment to make.

If you have any queries, please do not hesitate to contact me on the details above.

Yours sincerely,

Lissa Rowan

Committee Services Officer

Clerk to the MLRB

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

07971 879293

01343 563015 *****Please note I am working from home until further notice and cannot be contacted via this number*****





APPENDIX 5

RESPONSE TO SAFETY STATEMENT

From: Transport Develop
Sent: 02 March 2021 12:10
To: Lissa Rowan
Subject: LR253 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin
Attachments: 20_01419_APP-LRB_-_SAFETY_STATEMENT-1330456 (1).docx

Hi Lissa,

LR253 20/01419/APP - Change of use from office workshop to kids club and fitness club at 14 Pinefield Parade, Elgin

I can confirm that Transportation included in their further representation response to the Local Review for this proposal, a statement relating to the updated 'Safety Statement' submitted by the applicant (statement re-attached for the benefit of clarity). The relevant paragraphs are highlighted below:

13. It is noted that a further supporting statement has been submitted, this time to support the Local Review. Whilst the proposals have now been amended to only include one to one sessions, and the use of a minibus to transport groups of children together, rather than by individual vehicles, Transportation considers that these measures would not be enforceable. Of particular concern would be if the unit was sold/rented to another operator in the future, that party may be unlikely to operate in a similar manner and comply with any condition. On the basis that any such condition is considered to be unenforceable, Transportation's objection still stands.
14. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation's position remains the same in that it is considered that the proposed operations (as indicated within the safety statement) would not in fact be enforceable and therefore the basis of Transportation's objection would still apply.

"Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users"

Kind regards
Andy

Transport Development Team | Transportation

transport.develop@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

0300 1234565





MORAY LOCAL REVIEW BODY

25 MARCH 2021

SUMMARY OF INFORMATION FOR CASE No LR254

Planning Application 20/01349/APP – Proposed dwellinghouse with integrated garage at Mulben View, Mulben

Ward 1 – Speyside Glenlivet

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 13 January 2021 on the grounds that:

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

1. It would not fit with the local landscape character of the area and would not be integrated into the surrounding landscape which is characterised by dispersed rural properties with wooded features/setting.
2. There is not an acceptable level of enclosure, containment and backdrop for a new house.
3. It would detrimentally alter the rural character of the area by creating the beginnings of ribbon development beside an existing house on a site lacking sufficient visual containment in a prominent location adjacent to a main A class trunk road.

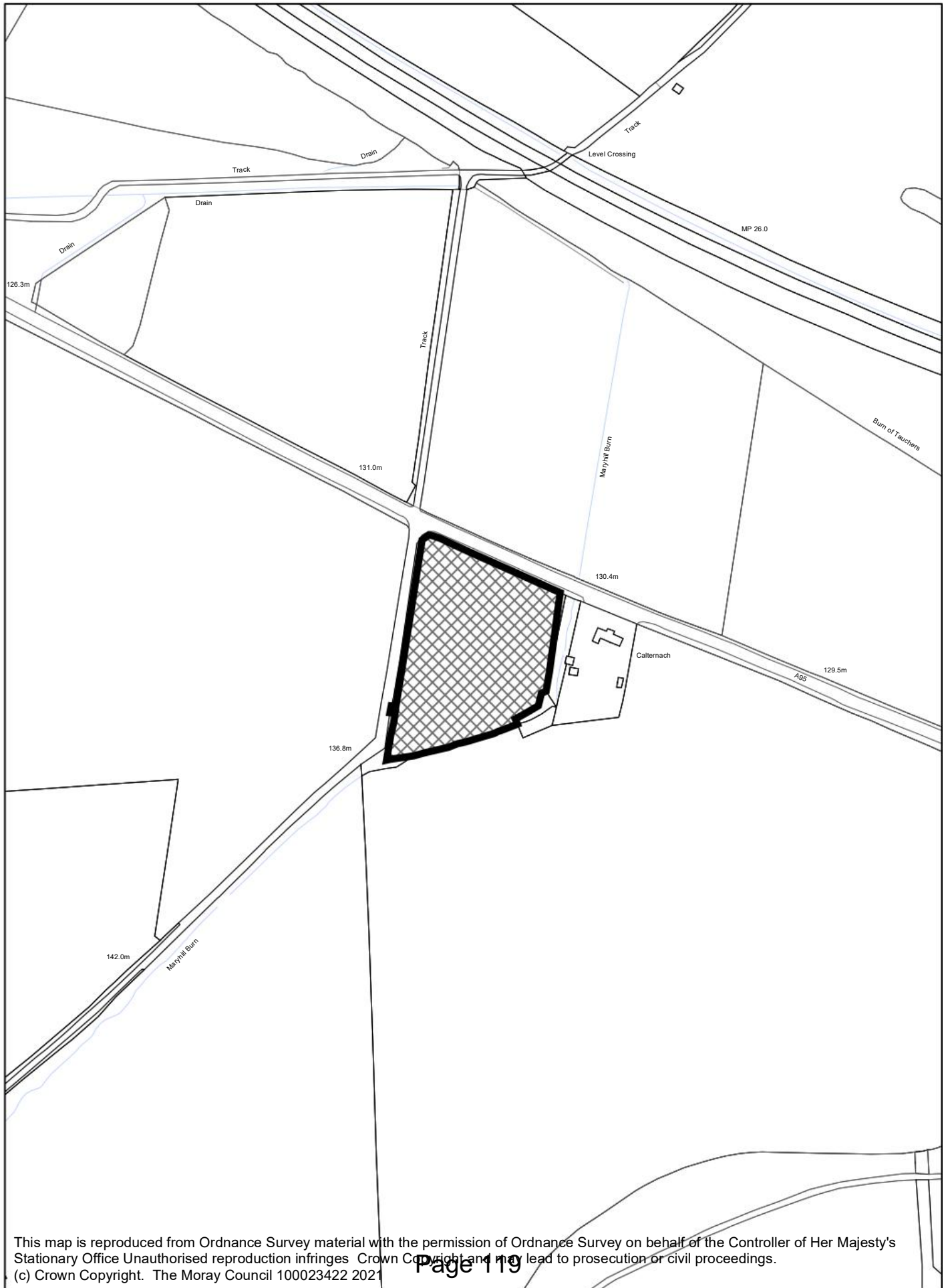
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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.



Location plan for Planning Application Reference Number : 20/01349/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

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 100315226-001

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)

Proposed new dwelling-house with integrated garage

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Malcolmburn"/>
First Name: *	<input type="text" value="Mark"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Sieviewright"/>	Address 1 (Street): *	<input type="text" value="Mulben"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="07775576921"/>	Town/City: *	<input type="text" value="Keith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB55 6YB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mark_siv@hotmail.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="850035"/>	Easting	<input type="text" value="336290"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

6126.00

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)

Unused farmland

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)? *

5

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).

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

Foul water will be taken to a packaged sewage treatment plant, partial soakaway and then into the nearby burn. Surface water will be taken to a partial soakaway and then into the nearby burn.

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)

Recycled material and general waste will be collected by the local authority collection units.

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; line-height: 20px;">1</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
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All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

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

Do you have any agricultural tenants? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Raymond Mitchell

Address:

Maryhill Farm, Mulben, Keith, Scotland, UK, AB38 9QT

Date of Service of Notice: *

10/10/2020

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mr Mark Sievewright

On behalf of:

Date: 08/10/2020

☒ 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)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ 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 Mark Sievwright

Declaration Date: 08/10/2020

Payment Details

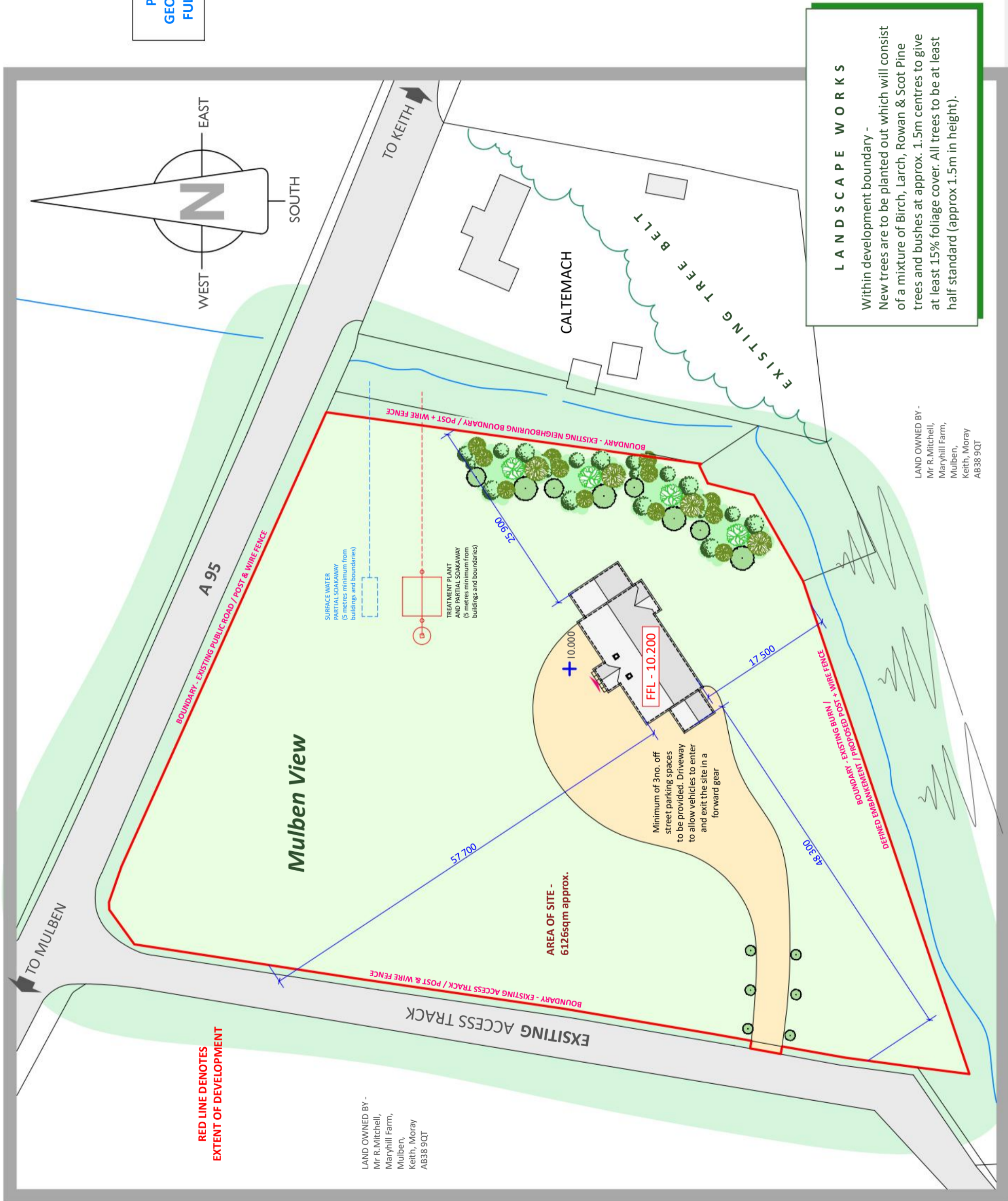
Online payment: 966932

Payment date: 09/10/2020 15:08:08

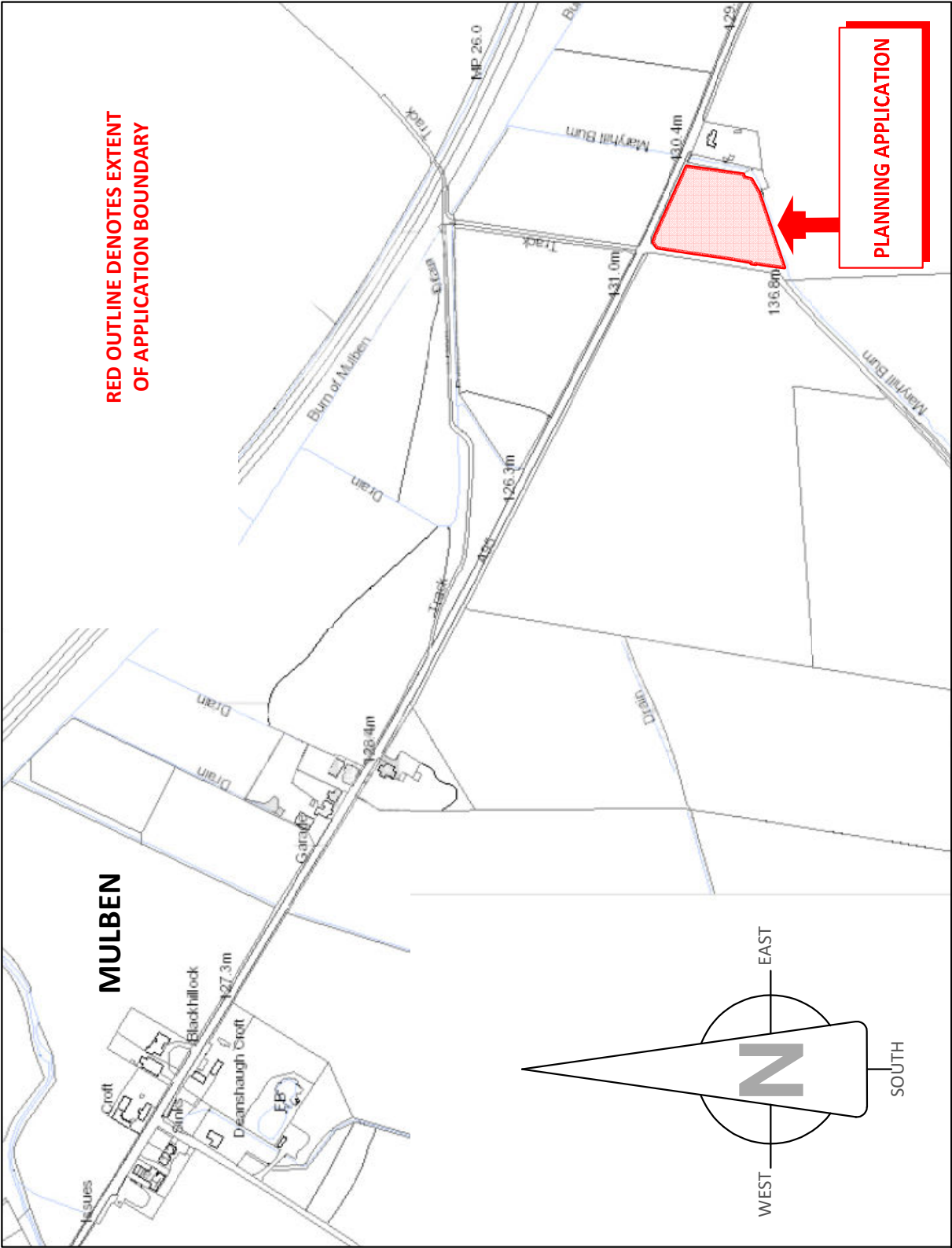
Created: 09/10/2020 15:08

Proposed new dwelling-house with integrated garage
at Mulben View, Mulben, Keith For Mr M.Siewwright

Site Plan



Mulben View



RED OUTLINE DENOTES EXTENT
OF APPLICATION BOUNDARY

PLANNING APPLICATION

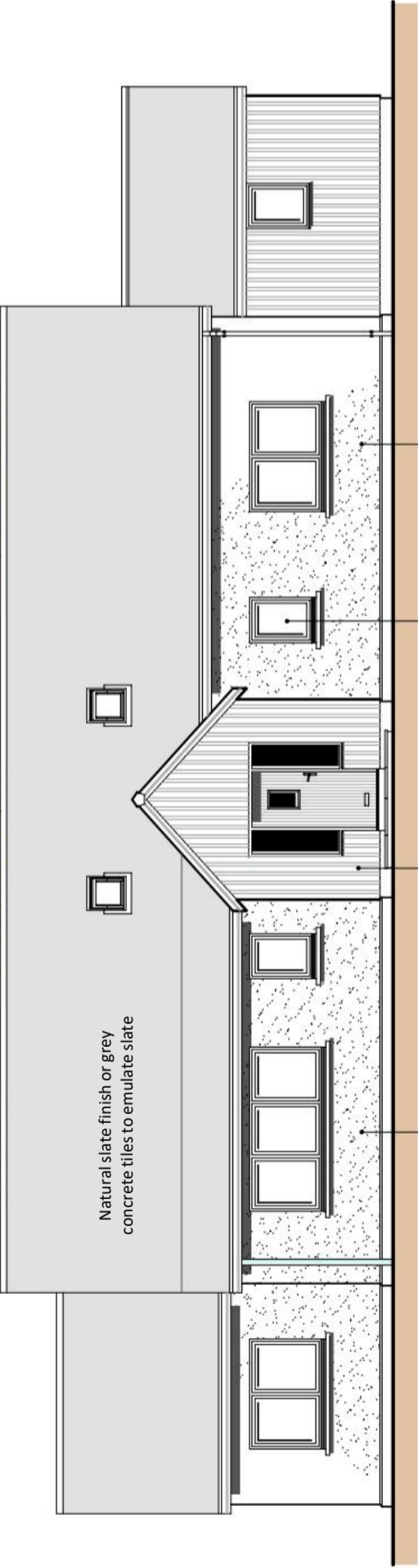
Location plan

Proposed new dwelling-house with
integrated garage at Mulben View,
Mulben, Keith For Mr M.Sievwright

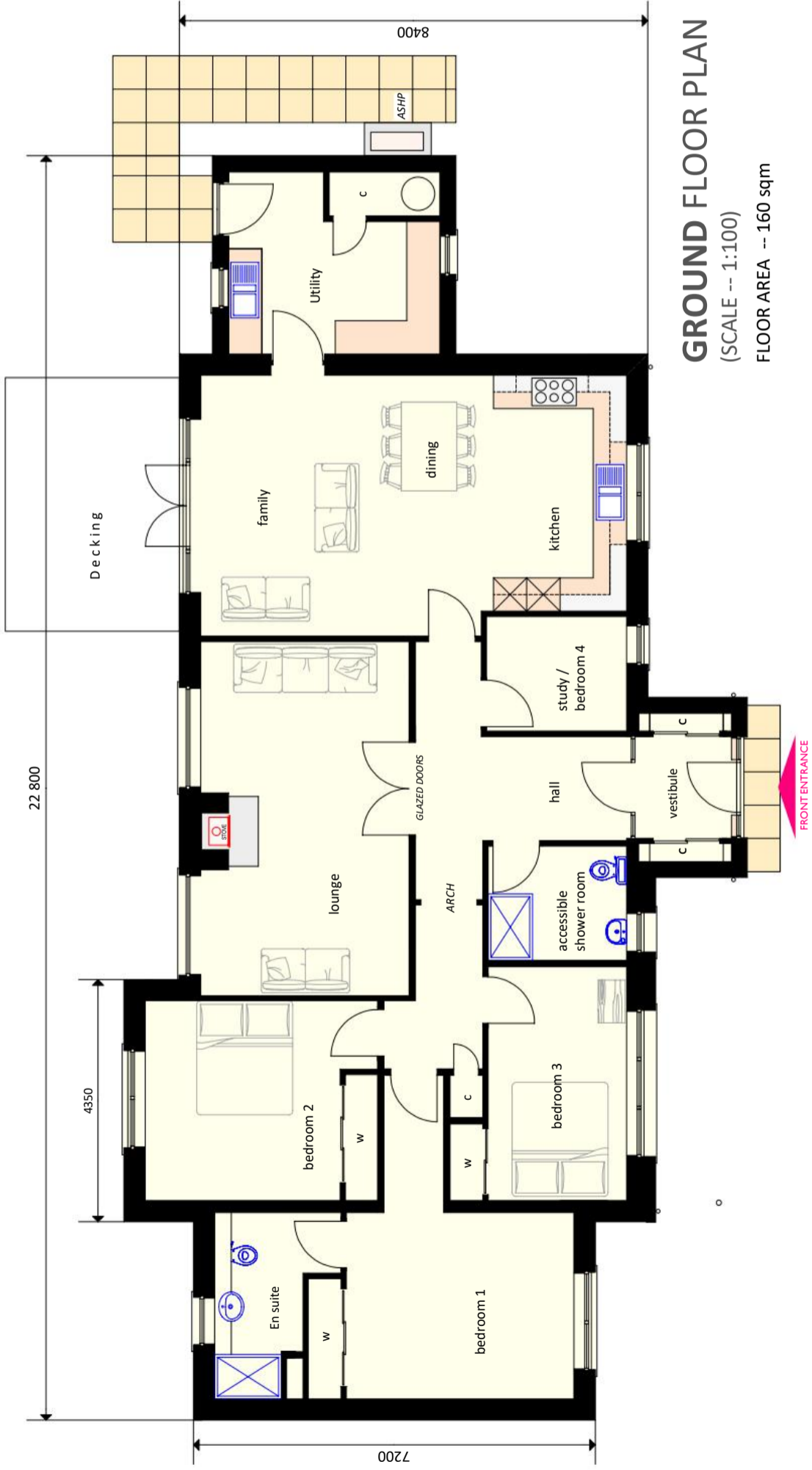
DATE
OCT 2020

SCALE
1:5000 (A4)

DRG. NO.
SIEV / LOC.P



FRONT ELEVATION (NW)



GROUND FLOOR PLAN

(SCALE -- 1:100)

FLOOR AREA -- 160 sqm

Proposed new dwelling-house with integrated garage
at Mulben View, Mulben, Keith For Mr M.Siewwright

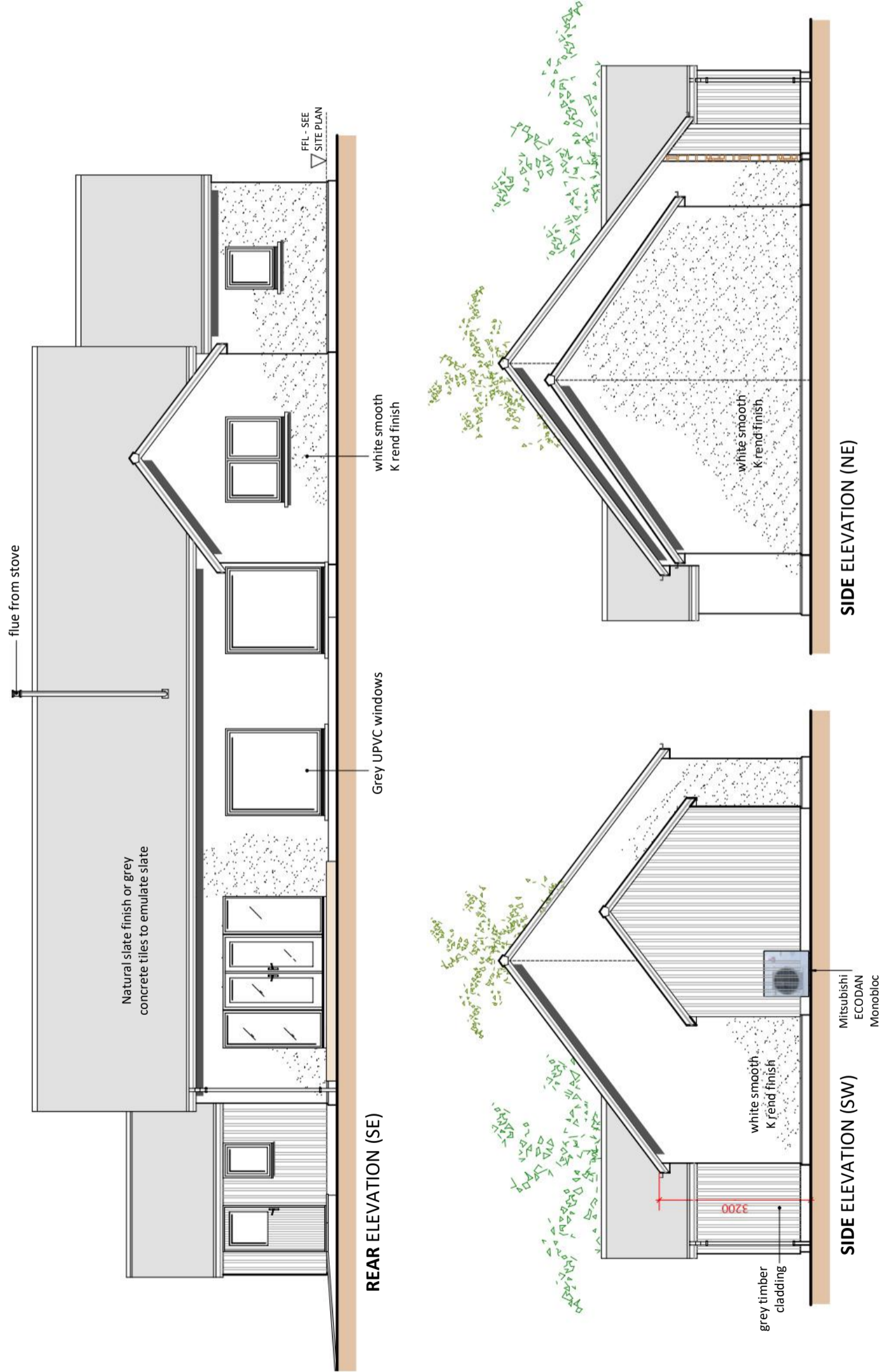
Floor Plan / Front Elevation

M u l b e n V i e w

DATE
SEP 2020

SCALE
1:100 (A3)

DRG. NO.
SIEV / PL02



Mulben View



www.FergusonGeoTechnical.com

**Drainage Report,
Recommendations and
Associated Test Certificates**

Site: Mulben View,
Mulben,
Keith

C/O: Mark Seivwright

Report Prepared: 06/10/2020,
Jack Ferguson
Drainage Consultant
Mobile: 07766691245
Email: info@FergusonGeotechnical.com

**Ferguson GeoTechnical Ltd, South Balnoon Farm, Forgue,
Huntly, Aberdeenshire, AB54 6DH**

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Indicative Drainage Layout

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Indicative Sub-Surface Soakaway Construction

Certificate - Foul Water Soakaway

Certificate - Surface Water Soakaway

Introduction

Following a request from Mark Seivwright a site visit was made to the site of a proposed house at Mulben View, Mulben, Keith.

At the site it is proposed that a new four bedroom dwelling will be created.

Our site visits were carried out in order to perform various ground analysis to determine what the underlying ground build up is and to perform the following:

- Percolation Testing – This is to determine the suitability of the ground build-up for the disposal of effluent from a septic tank to the ground via a purpose built soakaway system.
- Infiltration Testing – This is to enable the appropriate design of a surface water disposal system.

Site Location & Initial Information

The site given its close proximity to other buildings will have easy access to electricity, water and telephone. Although it should be pointed out that there is no mains drainage available. For further information as to the layout of the premises please see the attached images/drawing.

Proximity to open water sources is limited to a burn which lies on the site's east boundary. As can be seen in the attached visual information.

Site Work – Trial Pits

On the 1st of October 2020, various trial pits were excavated using a tracked digger with a 300mm wide bucket attached in order to allow for analysis of the ground build-up and conditions.

Percolation Testing

Percolation testing was carried out adjacent to trial pits in accordance with BS6297: 2007+A1:2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The test results are as shown below: -

Average time taken for water to drain 3 times in each sump hole. (middle 150mm)	289 minutes (approx.)
Depth of Water Table below Ground Level (m)	>2
Average Soil Percolation Values, V_p , s/mm	115.6

Infiltration Testing

Infiltration testing was carried out adjacent to trial pit SWS1 in full accordance with BRE Digest 365. The test results are tabulated below: -

Trial Pit No.	Test Zone Depth (M)	In-Fill	Soil Infiltration Rate, f (m/s)
SWS1	0.5	Open	$f = 2.88 \times 10^{-6}$ m/s

Encountered Ground Conditions

The ground is of poor drainage characteristics. For a full and detailed examination of the encountered ground conditions please refer to the attached trial pit logs showing the various ground conditions encountered and at what depth(s).

Published Geology

There are various sources of published geology available that cover the area this site is in. An example of which is the British geological survey 1:50,000 maps. However for a more accurate description of the actual site conditions please see the attached trial pit logs.

Drainage Recommendations

Foul Water Discharge

We recommend the installation and use of a packaged sewage treatment plant as the Vp rate calculated is too high for a conventional septic tank and soakaway. In addition to this during excavations the water table was located at 1.25m below ground level meaning that it is impossible to locate any soakaway more than 1 meter above the water table. Therefore, the PSTP will provide the treatment necessary to the foul water, it will then pass through a partial soakaway which provides additional treatment and attenuation before discharge to the burn. Any deviation from the use of a PSTP would not be consistent with the recommendations of this report.

Surface Water Disposal

We recommend that for the disposal of the surface water this should pass through a partial soakaway prior to discharge into the burn. The partial soakaway will provide the element of treatment and attenuation required prior to discharge.

Drainage Layout

Indicative soakaway locations can be seen in the attached drawings at the end of this report. Furthermore, indicative soakaway construction is also shown in the attached drawings at the end of this report.

System Maintenance

The PSTP should be fully maintained and done so in conjunction with the manufacturer's recommendations. Additionally, the system should be inspected on a regular basis by the owner and emptied when needed to prevent a build-up of solids and silts which could prevent the soakaway from working properly.

Regulations

It should also be noted that there a multitude of regulations involving soakaways and effluent disposal. Examples of sources that provide information on this include BS 6297:2007+A1:2008 and BRE Digest 365.

Relevant Insurance

Employees of regulators/public authorities seeking proof of this company's professional indemnity and public liability insurance may do so by contacting the author using the details below. Furthermore, any information/questions about this report can also be answered by the author using the details below.

Author

Jack Ferguson

Mobile: 07766691245 Email: info@fergusongeotechnical.com

Drainage Consultant – Ferguson Geotechnical Ltd

BSc (Hons) Architectural Technology, Robert Gordon University

Attachments

Site Location Plan & Satellite Imagery

Indicative Test Location Plan

Indicative Drainage Layout

Trial Pit Logs FWS1 & SWS1

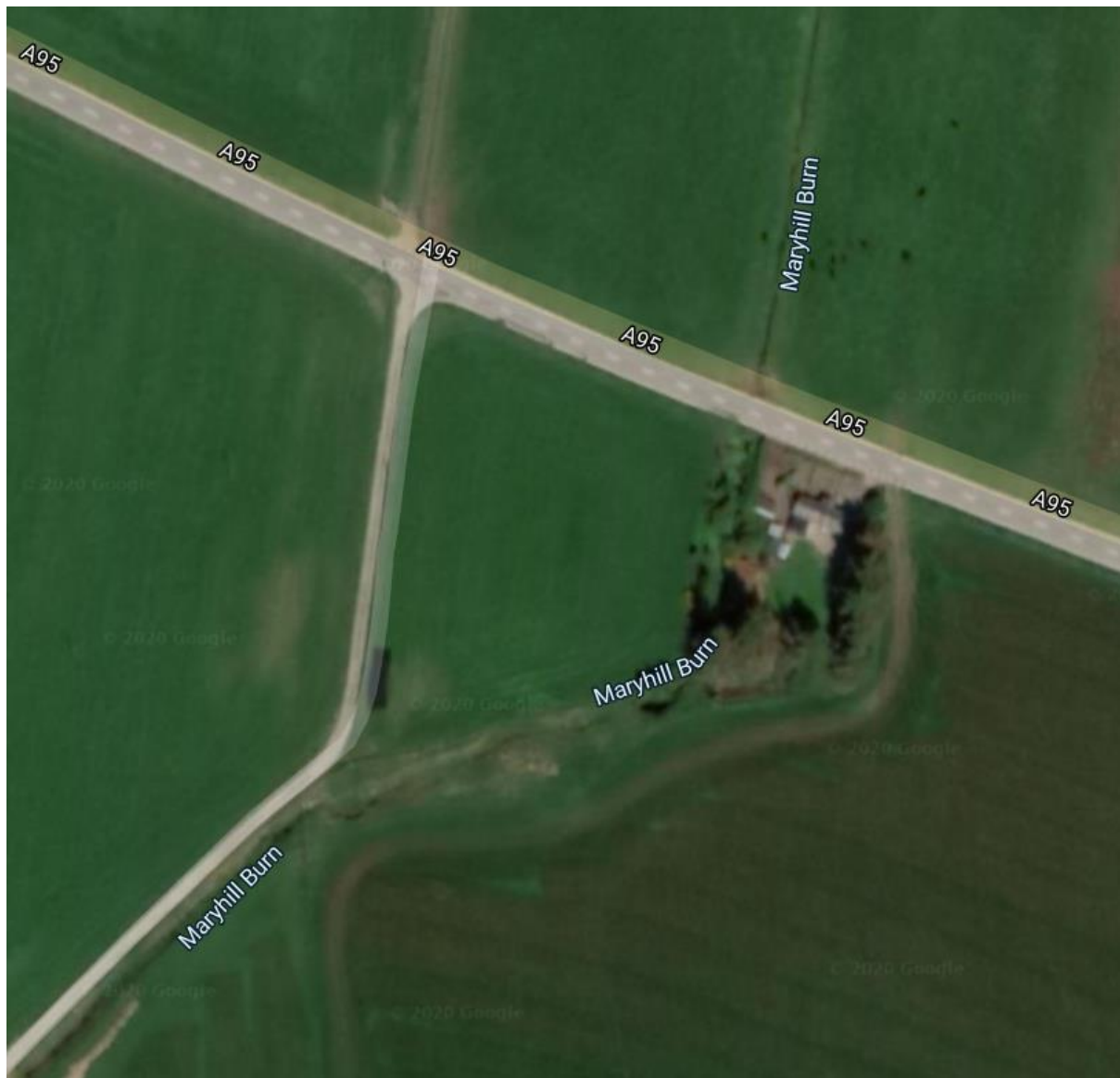
Indicative Sub-Surface Soakaway Construction

Attenuation Calculation

Certificate - Foul Water Soakaway

Certificate - Surface Water Soakaway

Site Location Plan & Satellite Imagery



Indicative Test Location Plan



Key

Red Circle – Approximate Foul Water Soakaway Test Location(s)

Blue Circle – Approximate Surface Water Soakaway Test Location(s)

Indicative Drainage Layout



Key

Red Area – Proposed Foul Water Partial Soakaway Location.

Blue Area – Proposed Surface Water Partial Soakaway Location.

Please note this is an indicative location plan for the proposed soakaways and should not be used for scaling. Additionally, the minimum sizes specified in the drainage recommendation section of the report should be used.



Ferguson

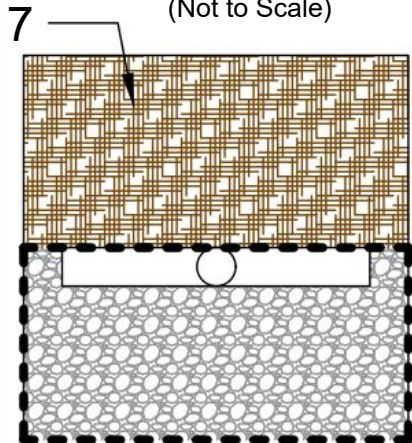
GEOTECHNICAL

Site:
Mulben View,
Mulben,
Keith

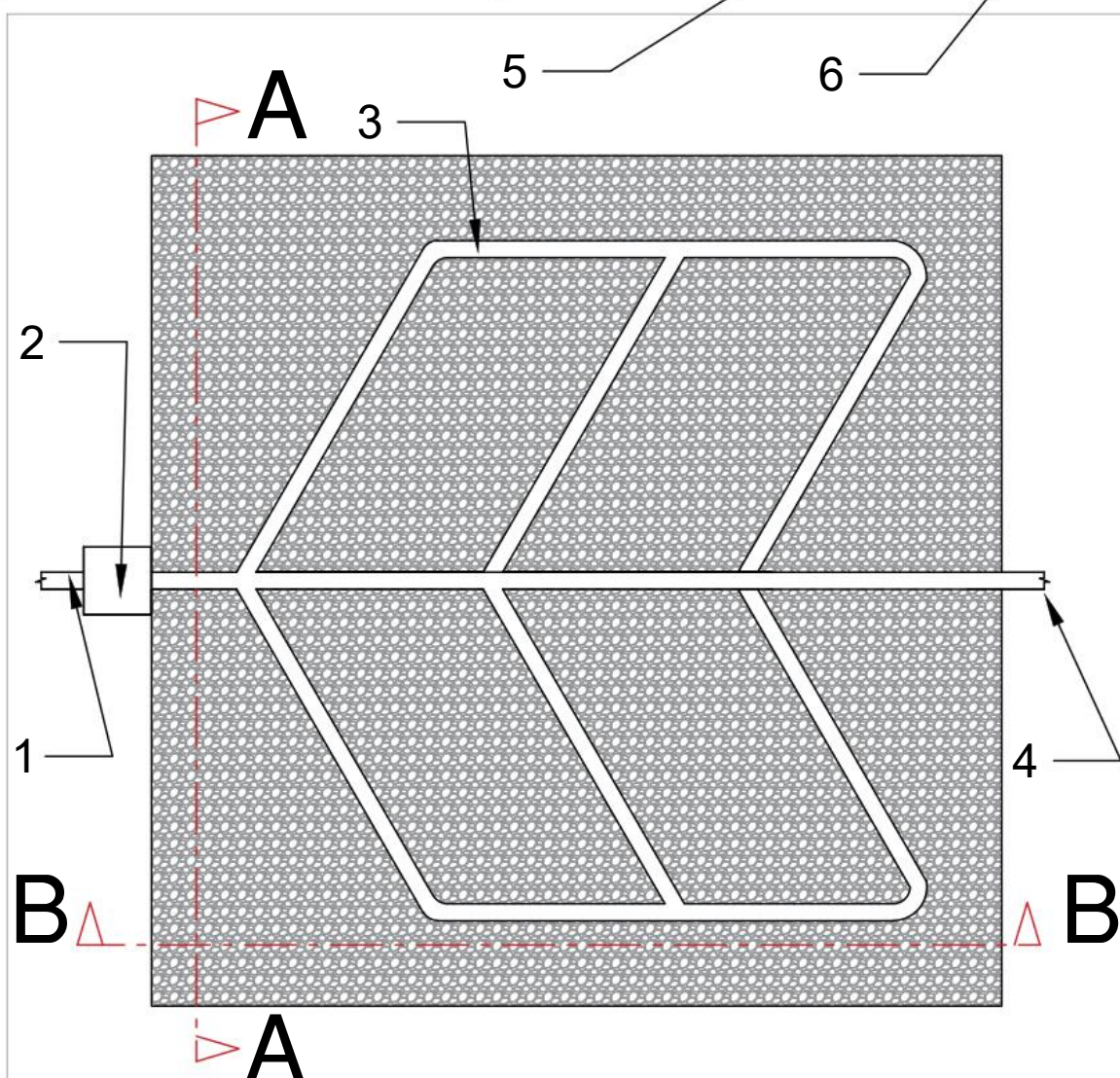
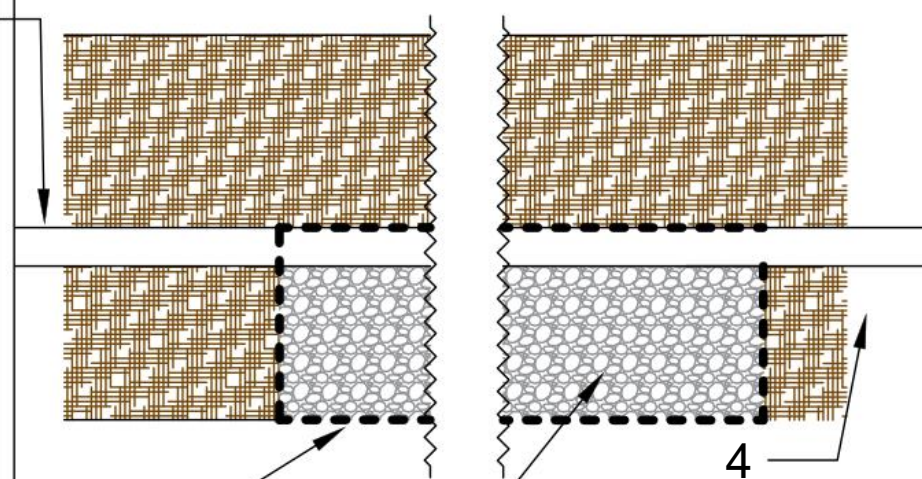
Trial
Pit No.
TP 1
&
TP 2

Excavation Method: Tracked Digger with a 300mm bucket attached.		Dimension: 0.3 x 2.00 m	Dates: 01/10/2020			
		Location: As seen on plan.				Page: 1/2
Depth (m)	Sample/ Tests	Water Depth (m)	Field Records	Thickness (m)	Description	Water
			Testing done. The water table was encountered at 1.25m in depth.	0.3	Top Soil	
				0.95	Grey Clayey Soil	
				Atleast 0.75	Black Saturated Clayey Soils	
				Unknown		
Comments				Author JF	Scale: Not to Scale.	Date: 01/10/2020

Partial Soakaway Design - Section AA
(Not to Scale)



Partial Soakaway Design - Section BB
(Not to Scale)



Partial Soakaway Design - Plan View

- 1 - Inflow From PSTP
- 2 - Inspection Chamber
- 3 - Fully Perforated Twin Walled PVC 100mm Pipe
- 4 - Outfall to Discharge
- 5 - Geotextile Membrane
- 6 - Clean Stone Gravel (Distribution Layer)
- 7 - Soil Backfill



Ferguson
GEOTECHNICAL

Drawing

Partial Soakaway Design

Scale

Not to Scale

For specific sizes, refer to Soakaway Certificates at the end of this report.

ATTENUATION DESIGN for M-30

Allowable discharge=

0.5 litres/sec

Area =

187 sq.m.

Rainfall Data

r = 16

d = 0.25

Duration (min)	M--- (mm)	Inflow (cu.m)	Outflow (cu.m)	Storage (cu.m)
5	6.77	1.27	0.15	1.12
10	10.43	1.95	0.30	1.65
15	13.03	2.44	0.45	1.99
30	18.22	3.41	0.90	2.51
60	24.22	4.53	1.80	2.73
120	31.36	5.86	3.60	2.26
240	40.03	7.49	7.20	0.29
360	45.99	8.60	10.80	-2.20
720	58.08	10.86	21.60	-10.74
1440	73.19	13.69	43.20	-29.51
2880	92.01	17.21	86.40	-69.19

Therefore storage required for a M30 return period =

2.73 cu.m.

CAPACITY CHECK

Partial Soakaway/Attenuated Storage = 2.00m Wide, 0.50m Storage Depth, 5.00m long

Therefore total storage provided =

5.00 cu.m.

CERTIFICATE FOR PROPOSED FOUL WATER SUBSURFACE SOAKAWAY

Two tests are normally required to demonstrate the suitability of the proposed drainage scheme:

1. A trial pit must be excavated to a depth of 1 metre below the proposed invert of the drain to establish whether or not the water table will interfere with the operation of the soakaway.
2. A percolation test must be carried out to determine the area of the ground required.

Certificate

Address: c/o Mark Seivwright

Site address: Mulben View, Mulben, Keith

.....
Date of test: 01/10/2020

Time: From 2:00PM

Encountered Ground Conditions

300mm Layer of Topsoil

950mm Layer of Grey Clayey Soils

Atleast 750mm of Black Saturated Clayey Soils

Ground Water Observations

The water table was discovered during excavations at a depth of 1.25m below ground level.

Wells: No wells for the supply of potable water within 50m of the proposed soakaway locations.

Depth of Drains: 0.5m

Depth of Excavations: 2.00m

Percolation Test

FWS 1

Time Taken (mean of three times)

17340 s

Soil Percolation Value

Vp 115.6 s/mm

Population Equivalent

6

Recommendation

Package Sewage Treatment Plant, discharged into partial soakaway with an outlet pipe to the burn.
Partial Soakaway to measure 5m long x 5m wide x 0.5m deep. (min. 25m²)

I hereby certify that I have carried out the above tests in accordance with procedures specified in British Standard BS6297:2007+ A1 2008, and in conjunction with the full requirements set out within the Domestic Scottish Building Standards Technical Handbook (Environmental Standard 3.9 Infiltration Systems), the results of which are tabulated above, and that the proposed drainage scheme detailed on the attached plans and report has been designed taking into account the recommendations in the aforementioned standards.

Signed: 

Date: 06/10/2020

Name/Company: Ferguson Geotechnical Ltd, Jack Ferguson

Address: South Balnoon Farm Forgue Huntly, Aberdeenshire, AB54 6DH

Qualification: BSc (Hons) Architectural Technology, Drainage Consultant

CERTIFICATE FOR PROPOSED SURFACE WATER SOAKAWAY

Address: c/o Mark Seivwright
Site Address: Mulben View, Mulben, Keith
Date of Test: 06/10/2020 Time: from 2:00PM

Encountered Ground Conditions

300mm Layer of Topsoil
950mm Layer of Grey Clayey Soils
At least 750mm Layer of Saturated Black Clayey Soils

Ground Water Observations

The water table was discovered during excavations at 1.25m below ground level.

Wells: No wells for the supply of potable water within 50m of the proposed soakaway locations.

Depth of Drains: 0.5m

Depth of Excavations: 2.0m

Infiltration Test

Infiltration Test Zones
Average Soil Infiltration Rate
Surface Areas of Development

SWS1

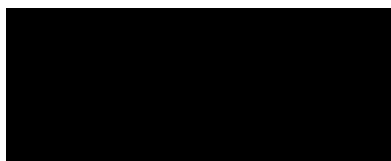
0.5m
 $f = 2.88 \times 10^{-6} \text{ m/s}$
187m²

Recommendation: -

Partial Soakaway to provide layer of treatment and attenuation then discharged via pipe to burn.
Partial Soakaway to measure 2.0m wide x 0.5m deep x 5m long as per attenuation calculation.

I hereby certify that I have carried out the above tests and calculations in accordance with BRE Digest 365 and in conjunction with the full requirements set out within the Domestic Scottish Building Standards Technical Handbook. The results of which are tabulated above, and that the proposed drainage scheme detailed within this report has been designed considering the recommendations in the standards.

Signed:



Date: 6th of October 2020

Name/Company: Ferguson Geotechnical Ltd, Jack Ferguson

Address: South Balnoon Farm, Forgue, Huntly, Aberdeenshire, AB54 6DH

Qualification: BSc (Hons) Architectural Technology, Drainage Consultant

Consultee Comments for Planning Application 20/01349/APP

Application Summary

Application Number: 20/01349/APP

Address: Mulben View Mulben Keith Moray

Proposal: Proposed dwellinghouse with integrated garage at

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

From:DeveloperObligations
Sent:23 Oct 2020 03:56:00
To:Katherine.Donnachie@moray.gov.uk,
Subject:20/01349/APP Proposed dwellinghouse with integrated garage at Mulben View, Mulben, Keith
Attachments:20-01349-APP Proposed dwellinghouse with integrated garage at Mulben View, Mulben, Keith.pdf,

Hi
Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Thanks,
Rebecca
Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 23/10/2020

Reference: 20/01349/APP

Description: Proposed dwellinghouse with integrated garage at Mulben View, Mulben, Keith

Applicant: Mr Mark Sieviewright

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at www.moray.gov.uk/MLDP2020 and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards New Build Health Centre in Keith</i>)	
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

Proposals for developer obligations are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

4 bed = 1.2 SRUE

The assessment for developer obligations is therefore based on 1.2 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Keith Primary School. The school is currently operating at 77% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Keith Grammar. The school is currently operating at 73% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The

recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Keith Medical Group is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Keith Medical Group is working well beyond design capacity with no room for expansion on existing site. Contributions will be sought towards a New Build Health Centre in Keith.

Contributions are calculated based on a proportional contribution of £[REDACTED] per SRUE.

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Keith is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

Contribution for Sports and Recreation Facilities = Nil



AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED] Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



Consultee Comments for Planning Application 20/01349/APP

Application Summary

Application Number: 20/01349/APP

Address: Mulben View Mulben Keith Moray

Proposal: Proposed dwellinghouse with integrated garage at

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 20/01349/APP

Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray for Mr Mark Sievwright

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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"/> |

Contact:	Javier Cruz	Date..... 19/10/2020
email address:	Javier.Cruz@Moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

Friday, 16 October 2020

Local Planner
Development Services
Moray Council
Elgin
IV30 1BX



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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: Mulben View, Mulben, Keith
PLANNING REF: 20/01349/APP
OUR REF: DSCAS-0024532-QP9
PROPOSAL: Proposed dwellinghouse with integrated garage

Please quote our reference in all future correspondence

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



Please Note

- ▶ 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 from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, 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
 - ▶ 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.



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We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



- ▶ 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 information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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

▶ 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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email 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 [here](#).
- ▶ 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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



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Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Moray Council Elgin	Council Reference:-	20/01349/APP
	TS TRBO Reference:-	NE/225/2020

Application made by Mr Mark Sieviewright, , and received by Transport Scotland on 16 October 2020 for planning permission for proposed dwellinghouse with integrated garage located at Mulben View Mulben Keith Moray affecting the A95 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission ☐
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☒

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A95)
0141 272 7100
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

NORTH EAST

Address:-

Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW

Telephone Number:-

01738 448600

e-mail address:-

NEplanningapplications@bearsotland.co.uk
--

DETAILS of works necessary within the trunk road boundary:-

Upgrade of existing access with the A95.
--

CONDITIONS to be attached to any permission the council may give:-

1	Prior to occupation, the proposed means of access to the trunk road shall be constructed generally in accordance with drawing SIEV/TRACK01 dated November 2020 and be approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
2	Visibility splays shall be provided and maintained on each side of the access generally in accordance with drawing SIEV/TRACK01 dated November 2020. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

REASON(S) for Conditions (numbered as above):-

1	To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished
1	To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict
1 & 2	To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

Transport Scotland Response Date:- 15-Dec-2020

Transport Scotland Contact:- John McDonald

Transport Scotland Contact Details:-

Roads - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number:
e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	30th October 2020
Planning Authority Reference	20/01349/APP
Nature of Proposal (Description)	Proposed dwellinghouse with integrated garage at
Site	Mulben View Mulben Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133073388
Proposal Location Easting	336296
Proposal Location Northing	850026
Area of application site (M²)	6126
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QI2RDOBGILK00
Previous Application	
Date of Consultation	16th October 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Mark Sievewright
Applicant Organisation Name	
Applicant Address	Malcolmburn Mulben Keith Moray AB55 6YB
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Katherine Donnachie
Case Officer Phone number	01343 563101
Case Officer email address	katherine.donnachie@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at 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: 20/01349/APP

Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray for Mr Mark Sievwright

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- The proposed development would be served via an existing private access onto the A95 Granish-Keith Road which is a Trunk Road and therefore falls under the remit of Transport Scotland as Trunk Roads Authority. Transport Scotland should therefore be consulted regarding the suitability and design/surfacing requirements of the access.

Condition(s)

1. No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

2. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. 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 residents/visitors/others in the interests of an acceptable development and road safety.

3. 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 public road

Further comment(s) to be passed to applicant

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Planning consent does not carry with it the right to carry out works within the public road boundary.

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.

The applicant shall be responsible for ensuring that surface/ground water does not run from the road into their property.

Contact: AG
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 20 October 2020

Return response to	consultation.planning@moray.gov.uk
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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

Ref No:	20/01349/APP	Officer:	Katherine Donnachie
Proposal Description/ Address	Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray		
Date:	13/01/21	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning And Development Obligations	23/10/20	Developer obligations contribution required towards new build health centre in Keith Under policy requirements affordable housing contribution will be required – this is not a developer obligation but rather a policy requirement
Transport Scotland	15/12/20	On receipt of further information showing visibility splays they have confirmed no objections subject to conditions being imposed regarding construction of the access point and provision of visibility splays.
Moray Flood Risk Management	19/10/20	No objections
Environmental Health Manager	16/10/20	No objections
Contaminated Land	21/10/20	No objections
Transportation Manager	20/10/20	Note that access is onto a trunk road whereby it is under the remit of Transport Scotland. No objections subject to condition being applied requiring provision and implementation of electric vehicle charging details.
Scottish Water	16/10/20	No objections – advise currently sufficient capacity within Badentinan Water Treatment works – this will need to be confirmed and a pre development inquiry submitted.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking		
PP3 Infrastructure and Services		
DP1 Development Principles	Y	
DP4 Rural Housing	Y	
EP1 Natural Heritage Designation		
EP2 Biodiversity		
EP12 Management and Enhancement Water		
EP13 Foul Drainage		

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

Proposals

This application seeks full planning permission for the erection of a new house in the countryside. The proposed new house is a single storey three bedroom one, comprising central house with two lower side wings on either side accommodating bedroom and utility rooms with pitched roof timber clad front porch feature. Proposed finishes are slate effect roof tiles or slate, white smooth K rend harling and grey UPVC windows and doors. One side wing and the front porch will be timber clad, colour grey. The frontage of the main building is around 15 metres with the small extensions on either side. The height of the new house to its highest point is just under 6.5 metres. Air source heat pump heating is proposed

It is proposed to enclose the site by the existing post and wire fencing on three sides with new post and wire fence along rear (south) boundary. The proposed house will be located in the rear part of the site some 50 metres back from the public road and will be angled facing north-west.

Landscaping of native species is shown in the eastern part of the site with mixture of native species of half standard height (1.5 metres) and covering around 15% of the site. The applicant has also indicated they would be prepared to carry out further planting along the boundary beside the existing track to the west. Surface water will be discharged to the burn to the south of the site via a partial soakaway and foul water will also be discharged to this watercourse via treatment plant and soakaway.

It is proposed to access the site via an existing farm track leading to Maryhill Farm to the south. This track bounds the western site boundary and has a junction onto the A98 Keith to Aberlour trunk road. The site access will be located some 84 metres up the track and leads into the site at right angles to

the track with a large parking and turning area to the front of the house

Site

The application site comprises a small agricultural field currently under grass located to the south of the A98 trunk road from Keith to Mulben. The site lies some 450 metres to the east of the small rural grouping of Mulben directly beside, and to the west of, an existing small house at Caltemach which is separated from the application site by mature trees within its curtilage. There is an existing post and wire fence along this boundary and also along the trunk road site boundary. To the west of the site is an existing farm track leading to the Maryhill Farm and this boundary is also defined by a post and wire fence. The site is bounded to the rear (south) by Maryhill burn with an embankment to the rear of this burn and sloping land leading southwards beyond this. It is proposed to erect a new post and wire fence along this boundary. There is at present a track leading from the field over the burn and into the agricultural fields beyond

This wider area is characterised by undulating landscape leading upwards from the A98 interspersed by areas of woodland and scattered rural properties. The small rural grouping at Mulben lies to the west centred around the approaches to Mulben crossroads.

There has been no particular planning history on the site:

Policy Background

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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle

The application site lies in the open countryside outwith the rural grouping of Mulben which lies to the west as designated in the Moray Local Development Plan 2020. Accordingly Policy DP4 Rural Housing of the 2020 Plan applies. The previous housing policy of the 2015 Plan (Policy H7 New Housing in the Open Countryside) presumed in favour of new housing in the open countryside providing it met various criteria on siting and design. Policy DP4 differs from the previous housing in the countryside policy in that it now identifies a clear hierarchy directing new rural housing to rural groupings which will accommodate the majority of rural housing, followed by re-use, replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside. Within the open countryside a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying "pressurised and sensitive area" within which new housing development will not be permitted and "areas of intermediate pressure" where new housing will be permitted where it meets a range of siting and design criteria.

The site lies within an area of intermediate pressure. Within such areas the siting and design criteria of Policy DP4 apply together with servicing requirements.

Set against this policy background the acceptability of the detail of the design, siting and servicing of the proposed development requires to be assessed in order to consider compliance with policy DP4.

Siting - Landscape and Visual Impacts

In essence Policy DP4 sets out that proposals for single houses must be well sited and designed to fit with the local landscape character and will be assessed in relation to siting criteria which have been devised to direct development to appropriate sites that have adequate enclosure, containment and backdrop to allow them to integrate sensitively into the landscape. The criteria are as follows:

- There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed house. These features must be immediately adjoining the site (i.e. on the boundary) Field drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate

enclosure or containment.

- The new house must not create ribbon development, contribute to an unacceptable build- up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
- Artificial mounding, cut and fill and /or clear felling woodland to create plots will not be permitted.
- 15% of the plot must be landscaped with native tree species with detail provided within this particular criterion setting out what would be required.

Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build- up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development. To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. (This is similar to the previous Guidance Note on Landscape and Visual Impacts of Cumulative Build- Up of Housing in the Countryside).

Policy DP1: Development Principles also requires that all new development must be integrated into the surrounding landscape with scale, density and character appropriate to the surrounding area, creating a sense of place as required by Policy PP1: Placemaking.

The application site is essentially a small field beside a main transport corridor (A98 trunk road) Whilst it is screened from the eastern approach from Keith by the adjacent house and its wooded curtilage it is clearly visible from the western (Mulben) approach where the only noticeable visual containment/backdrop is from the curtilage of the existing house. The ground to the rear (south) of the site rises gently up from the embankment along the burn here. However this is not considered to afford the level of containment required by policy with the other two sides of the site simply being roads in the form of the trunk road and the farm track. The proposed house site would appear in the landscape from the west approach as the corner of a field, prominently sited beside a main road. In addition the development pattern of the surrounding area is set by the small rural grouping at Mulben and then scattered properties set within wooded grounds. The site would not be set within an existing tree bounded site and would not be in keeping with this pattern

Policy DP4 of the 2020 Plan (DP4) expressly requires that there must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for a proposed new house. It also expressly states that field drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment Set against these criteria the application site is not considered to benefit from acceptable enclosure or containment for a new house as required by policy DP4.

As noted above the existing settlement pattern in the immediate area is set by scattered rural properties set within their own often wooded curtilages. Within this context any new housing which does not benefit from the required level of containment and enclosure would be unacceptably prominent contrary to the policy DP4 requirement to fit in with the local landscape character. In this case the proposed development would not fit with this pattern. Instead it would add to an existing house site to create the beginning of ribbon development alongside a key traffic corridor. Its prominent roadside location also means that a new house here would be contrary to the requirement to ensure that new development does not detrimentally alter the rural character due to its prominent or roadside location.

In these circumstances it is not considered that a new house here would meet the DP4 and DP1 policy requirements to be well-sited to fit in with the local landscape character and integrate into the surrounding landscape, lacking the degree of enclosure and containment required by policy.

Whilst the family circumstances of the applicants as set out in the supporting design statement are noted and appreciated, these do not constitute a land use planning reason to set aside policy

Siting - Cumulative Impacts

Given the proximity of the site to the rural grouping of Mulben it is important to consider the potential for cumulative build up in this case. As noted earlier Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build-up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development.

To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. These indicators in relation to siting are:

1. the number of new houses overwhelms the presence of older buildings such that new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
2. the incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.
3. there is a prominence of new houses from key viewpoints such as roads, adopted core paths, or long distance paths and existing settlements.
4. there are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity.
5. new housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern.

Although the proposed new house would occupy a prominent roadside position, clearly visible from the road out of Mulben towards Keith, there is at present not a build-up of new houses in the vicinity, with new development concentrated within the Mulben rural grouping. Accordingly it is not considered that the proposed development gives rise to cumulative build-up issues in this case. It would however create the beginnings of ribbon development by continuing development westwards from the existing house at Caltemach on a site lacking sufficient enclosure to enable it to sit comfortably in the landscape.

Design

Policy DP4 Rural Housing of the 2020 Plan sets out the design requirements to be met with new housing in rural areas in order to promote traditional rural design and avoid intensive suburban development that negatively impacts upon Moray's landscape. It supports contemporary innovative design and sets out specific design requirements to be met. Some design requirements of Policy H7 remain, such as the gable formula, with additional requirements now including maximum height of 6.75 metres, no more than two primary external wall finishes with no artificial decorative stone, and natural slate or profiled cladding roof. No concrete roof tiles are permitted and access arrangements must be sympathetic. Policy DP4 also sets out that windows with a horizontal emphasis must be avoided with the exception of very limited use of long narrow rectangular windows to frame views.

Policy DP1 Development Principles of the 2020 Plan also sets out the need for the scale, density and character to be appropriate to the surrounding area and create a sense of place, and to be integrated into the surrounding landscape.

In this regard the proposed house design itself is considered to comply with policy. It meets the requirements of the gable formula and height restrictions. It is of simple sympathetic design and scale, with the lower side wings and porch feature echoing traditional rural design. The use of timber on one side wing and the porch helps ensure that these features remain visually subservient/ancillary and would help enable the new development to complement the architectural style in the area. Proposed external finishes are appropriate. Policy DP4 expressly states that concrete roof tiles will

not be accepted with slate or profiled cladding to be used. The application notes that slate effect concrete tiles or natural slate will be used on the roof. An appropriate planning condition requiring the use of slate or profiled sheeting if the application were supported could ensure that concrete tiles were not used in order to comply with policy DP4.

Otherwise in terms of design, submission of a detailed landscape scheme with further planting along the western boundary if the application was approved would ensure that landscaping was appropriate and helped enhance the development as required by policy. The information provided to date would indicate that this is the intention here.

In these circumstances the proposed house is considered to be acceptable in design terms whereby if the site itself was considered to be acceptable there would be no particular design conflicts, subject to appropriate planning conditions relating to landscaping and external finishes.

Servicing

Policy DP1 Development Requirements requires that new development must provide safe entry and exit from the development, maximise routes/connections for cyclists and pedestrians, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Infrastructure must be provided at a level appropriate to the development with any impacts on road safety and the roads network addressed. This is reinforced by policy PP3: Infrastructure and Services which states that development must be planned and coordinated with infrastructure to ensure that places function properly and that proposals are adequately served by infrastructure and services.

In this respect the development is accessed via a farm track onto the A98 trunk road. Information provided by the applicants relating to visibility splay provision and upgrading of the junction point onto the trunk road is considered to be satisfactory by the relevant consultee (Transport Scotland.) The implementation of these requirements could be secured by planning conditions if the application was supported. There is also space within the site to provide adequate car parking and turning provision. A new requirement of Policy PP3 Infrastructure Services of the 2020 Plan relates to the requirement for access to electric charging points to be provided for new residential development. Again this could be readily addressed by planning condition if the application were supported.

On this basis the development is considered to comply with road servicing policies subject to the imposition of appropriate planning conditions.

Policy DP1 Development Requirements of the 2020 Plan requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul Drainage. In this respect a satisfactory drainage assessment has been provided setting out the proposals for disposal of surface and foul water and the relevant consultee (Flood Risk Management Team) is satisfied with the arrangements. The supporting drainage report sets out that as the ground conditions are unsuitable for standard soakaways it is proposed to connect both foul and surface water to an adjacent burn with secondary treatment and attenuation first. If the application were supported planning conditions could be attached to secure implementation of the drainage arrangements. Connection to the public water supply is proposed. In these circumstances the application is considered to comply with policies subject to appropriate planning conditions being imposed.

Environmental Impacts

Policy DP1 Development Principles of the 2020 Plan requires new development to demonstrate how it will conserve and enhance the natural environment. In this case if the development proceeded there would be limited impact on the natural environment with the site being agricultural land with ample space for landscaping to be carried out within the site whereby there is not considered to be a particular impact on the natural environment in terms of flora and fauna. Policy DP1 also requires submission of a detailed landscape plan with applications whilst DP4 Rural Housing requires that

15% of the plot to be landscaped. The plan submitted to date demonstrates that these requirements could be readily met and any additional planting that may be considered necessary along the western site boundary could be addressed by planning condition should the application be supported.

Finally in relation to environmental impacts Policy DP1 Development Requirements seeks to ensure that proposals address and mitigate any contaminated land issues. In this case the Council Contaminated Land Team has no objections.

Developer Obligations and Affordable Housing Contributions

Policy PP3: Infrastructure and Services of the 2020 Plan sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Team has calculated that a contribution towards healthcare is required in this case. If the application were supported this contribution would require to be paid, and the applicant has indicated willingness to pay. Accordingly developer obligations would require to be secured (whether up- front payment or through legal agreement) if the application were supported.

Policy DP 2(d): Housing of the 2020 Plan also now sets out that all housing developments must provide a contribution towards the provision of affordable housing. This differs from the 2015 Plan which only sought an affordable housing contribution for developments of more than 4 units. The applicant has indicated willingness to pay this contribution and similarly to the situation with developer contributions if the application was supported then the payment would require to be secured.

Conclusion

In these overall circumstances the proposed development is not considered to comply with the 2020 Local Development Plan policies due to the lack of acceptable enclosure and containment for a new house, and the siting of the proposed development which does not fit in with the local landscape character and detrimentally alters the rural character of the area. Accordingly refusal is recommended

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	No Premises Departure from development plan	16/11/20
PINS	No Premises Departure from development plan	16/11/20

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

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: Drainage Assessment

Main Issues: Percolation and infiltration tests undertaken which confirm that due to the poor drainage characteristics of the soil and high water table conventional septic tank and soakaway system is not appropriate. Consequently a packaged sewage treatment plant will be required with partial soakaway to provide additional treatment before discharge to the burn. Similarly disposal of surface water should be by partial soakaway with discharge to the burn. Indicative plans of the proposed layout are provided.

Document Name: Supporting Statement

Main Issues: Sets out background for need for house relating to applicant's locally based employment and particular family circumstances which mean that a new house which can accommodate wheelchair access is required, as the applicant's own house would not be easy to adapt.

The statement outlines why it is considered that the site complies with policy in relation to mature trees providing backdrop beside the house; location beside existing house which provides context for the new building and helps it to blend into the landscape; embankment and sloping ground to rear provides backdrop and enclosure; and existing track to west along with proposed planting here will provide further enclosure. The statement also sets out how the development complies with siting and design criteria by not creating ribbon development or creating unacceptable build up , with no artificial ground works proposed, 15 % of the plot to be landscaped and height and design of house complying with policy criteria.

S.75 AGREEMENT

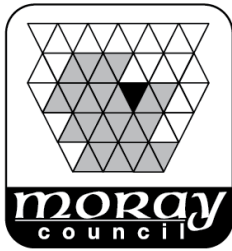
Application subject to S.75 Agreement

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

**[Speyside Glenlivet]
Application for Planning Permission**

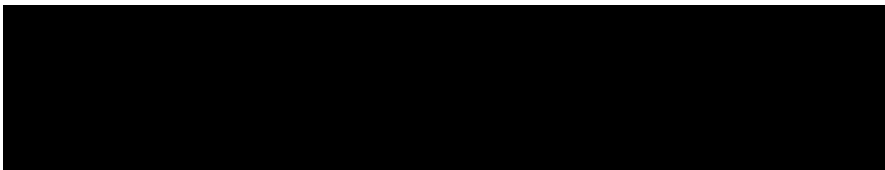
TO Mr Mark Sievwright
Malcolmburn
Mulben
Keith
Moray
AB55 6YB

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:-

Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray

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

Date of Notice: **13 January 2021**



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 development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

1. It would not fit with the local landscape character of the area and would not be integrated into the surrounding landscape which is characterised by dispersed rural properties with wooded features/setting
2. There is not an acceptable level of enclosure, containment and backdrop for a new house.
3. It would detrimentally alter the rural character of the area by creating the beginnings of ribbon development beside an existing house on a site lacking sufficient visual containment in a prominent location adjacent to a main A class trunk road

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:- SHOULD BELOW TABLE BE SAME FONT AS REST OR IS THIS JUST TO Get ON SAME PAGE if so fine

Reference	Version	Title
SIEV/PL01		Site plan
SIEV/LOC.P		Location plan
SIEV/PL02		Ground floor plan and NW elevation
SIEV/PL03		Elevations

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

N/A

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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

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



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: 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 100366211-001

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.

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:	S Reid Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stewart	Building Name:	The Sma Glen
Last Name: *	Reid	Building Number:	
Telephone Number: *	+447598299753	Address 1 (Street): *	Rothes
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberlour
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB38 7AG
Email Address: *	info@sreiddesign.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Malcolmburn"/>
First Name: *	<input type="text" value="Mark"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Sievwright"/>	Address 1 (Street): * <input type="text" value="Mulben"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Keith"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland, UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB55 6YB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="850037"/>	Easting	<input type="text" value="336285"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed new dwelling-house with integrated garage

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The applicant Mark Sievwright and his family are seeking to build a dwellinghouse at this location due to the fact that Mark runs an agricultural business from his current home in Mulben and he needs to stay in the Mulben vicinity for this reason. Further to this Mark has a daughter, Ellie, who is severely disabled and now requires to live in a property which is fully suited to her needs including wheelchairs, feeding chairs and accessible bathrooms etc. Please see separate supporting statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

- Original Drawings - Notice of Review Supporting Statement - Letter from Health and Social Care Moray

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/01349/APP

What date was the application submitted to the planning authority? *

13/10/2020

What date was the decision issued by the planning authority? *

13/01/2021

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stewart Reid

Declaration Date: 22/02/2021

Notice of Review

Supporting Statement

Background to Application

The applicant Mark Sieviewright and his family are seeking to build a dwelling-house at this location due to the fact that Mark runs an agricultural business from his current home in Mulben and it is vital he stays in the Mulben vicinity for this reason. Further to this Mark has a daughter, Ellie, who is severely disabled and requires to live in a property which is fully suited to her needs including the following -

- Wheelchair access to property
- Adequate space within the house for her to move around safely and be moved around the house safely.
- Property large enough to accommodate Ellie's equipment. This will only increase as she grows older. Examples of items required include her wheel chair, her feeding chair, standing frame, sleep system etc. Larger versions of these items will be necessary as Ellie grows and gets older.
- Bathroom which will be accessible and fit for purpose to meet Ellie's current personal care needs and adaptable enough to meet her personal care needs as she matures. This will ensure Ellie is provided with dignity and respect.
- Access to all areas in the property so that Ellie can be included in all aspects of family life.
- Ellie needs access to safe secure outdoor space to promote her development and to allow her to take part in fun family time with her sibling.
- Ellie would benefit from hoists within the property as this will help with safe transfer of Ellie into a shower or bath.
- Ellie's care needs will continue to change as she gets older and will only increase in the future.

An alternative option would be to adapt Mark's current home to make it easier for disability access however the existing house is in the region of 100 years old, has narrow doors and steps throughout and it would be very difficult to do this and would involve obtaining grant money. Mark would prefer not to do this because he is of the mindset that building a new house, specifically designed with disability access in mind and taking in to consideration the above specifics would be far easier and would avoid having the need to obtain any form of grant.

Notice of Review

Supporting Statement

Reasons for Refusal

In the refusal notice for the proposal the council state the following -

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons -

1. It would not fit with the local landscape character of the area and would not be integrated into the surrounding landscape which is characterised by dispersed rural properties with wooded features / setting.
2. There is not acceptable level of enclosure, containment and backdrop for a new house.
3. It would detrimentally alter the rural character of the area by creating the beginnings of ribbon development beside an existing house on a site lacking sufficient visual containment in a prominent location adjacent to a main A class trunk road.

Response to Points 1 and 2

We believe that the proposed house would fit well with the local landscape character of the area and would integrate into the surrounding landscape for the following reasons -

MATURE TREES / ESTABLISHED WOODLAND - a grouping of existing mature trees are located to the south east which would give a backdrop to the dwelling-house (see photo on page 3).

BUILDINGS TO PROVIDE ACCEPTABLE ENCLOSURE - an existing dwelling-house (Caltemach) with outbuildings exists next door which would provide a context for this proposal and would help it blend in to the landscape, ensuring it is not a "stand alone" proposal (see photo on page 3).

LARGE HILL / BACKDROP - as can be seen on the photo below a large hill / embankment exists directly behind the proposal which would provide a backdrop to the development providing excellent enclosure.

EXISTING TRACK (PLOT BOUNDARY TO WEST) - the west side of the proposed plot is bounded by an existing farm access track. We will plant out trees in line with council policy here to ensure further enclosure is achieved.

2

Notice of Review

Supporting Statement

Reasons for Refusal

Continued...



Response to Point 3

We feel this point is not justified. The housing placement does not, in our opinion, create ribbon effect with the neighbouring property or create unacceptable build-up. This proposal would result in two properties which can surely be taken on their own merits and considered as a very small grouping similar to other groupings nearby.

3

Notice of Review

Supporting Statement

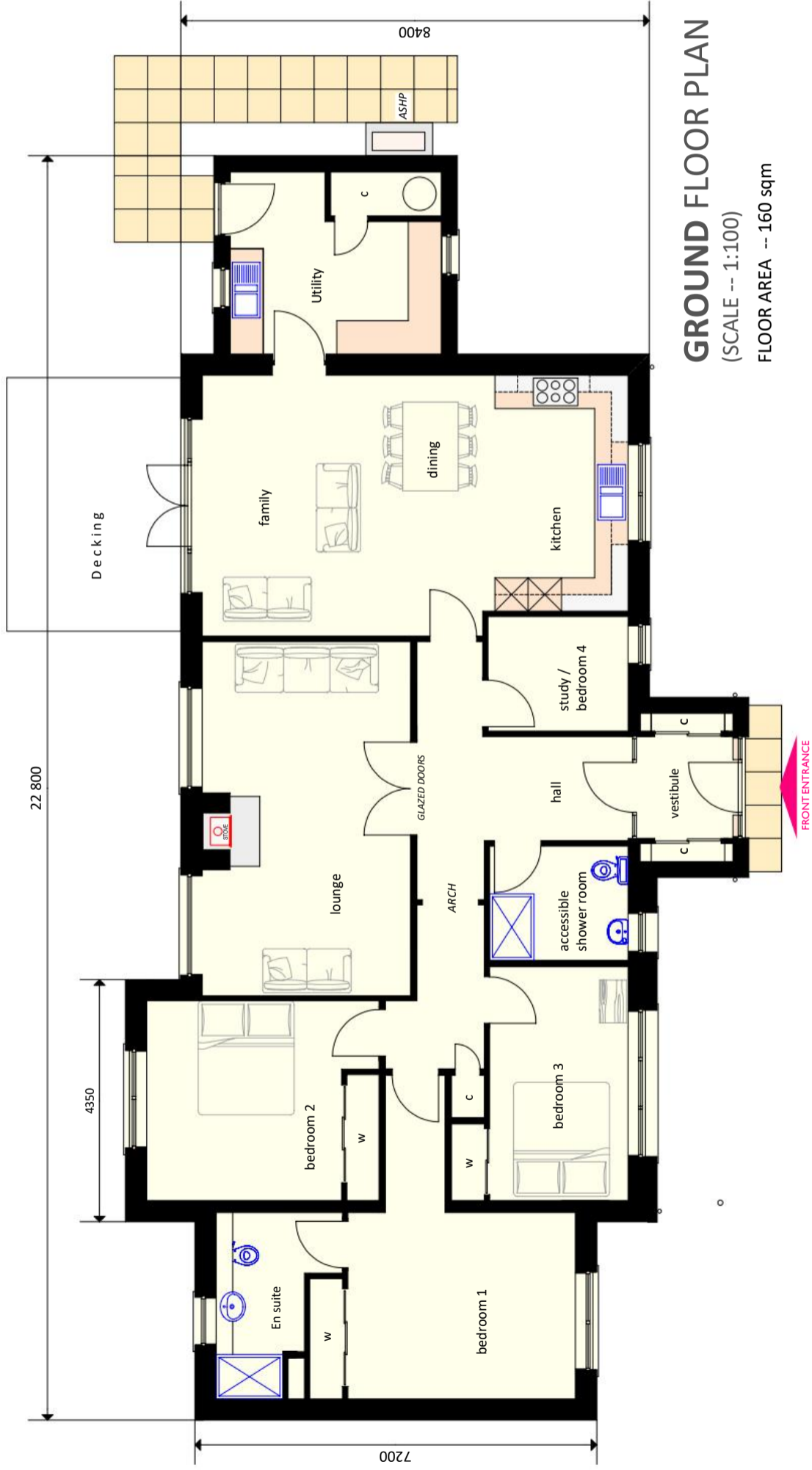
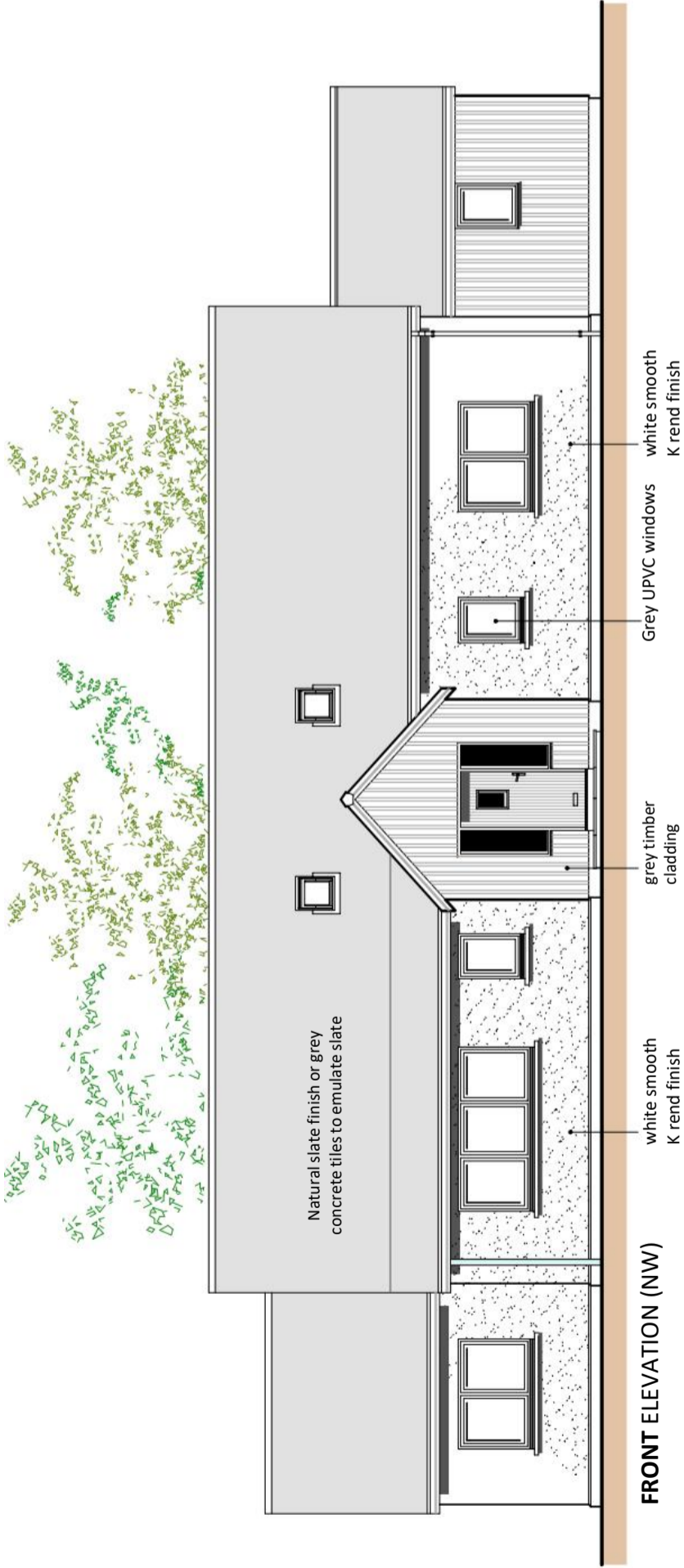
Conclusion

In conclusion, we respectfully ask the LRB panel to consider what this proposal means for the applicant. Mark and his family desperately require accommodation which is going to be suitable for Ellie and her needs especially as she grows older.

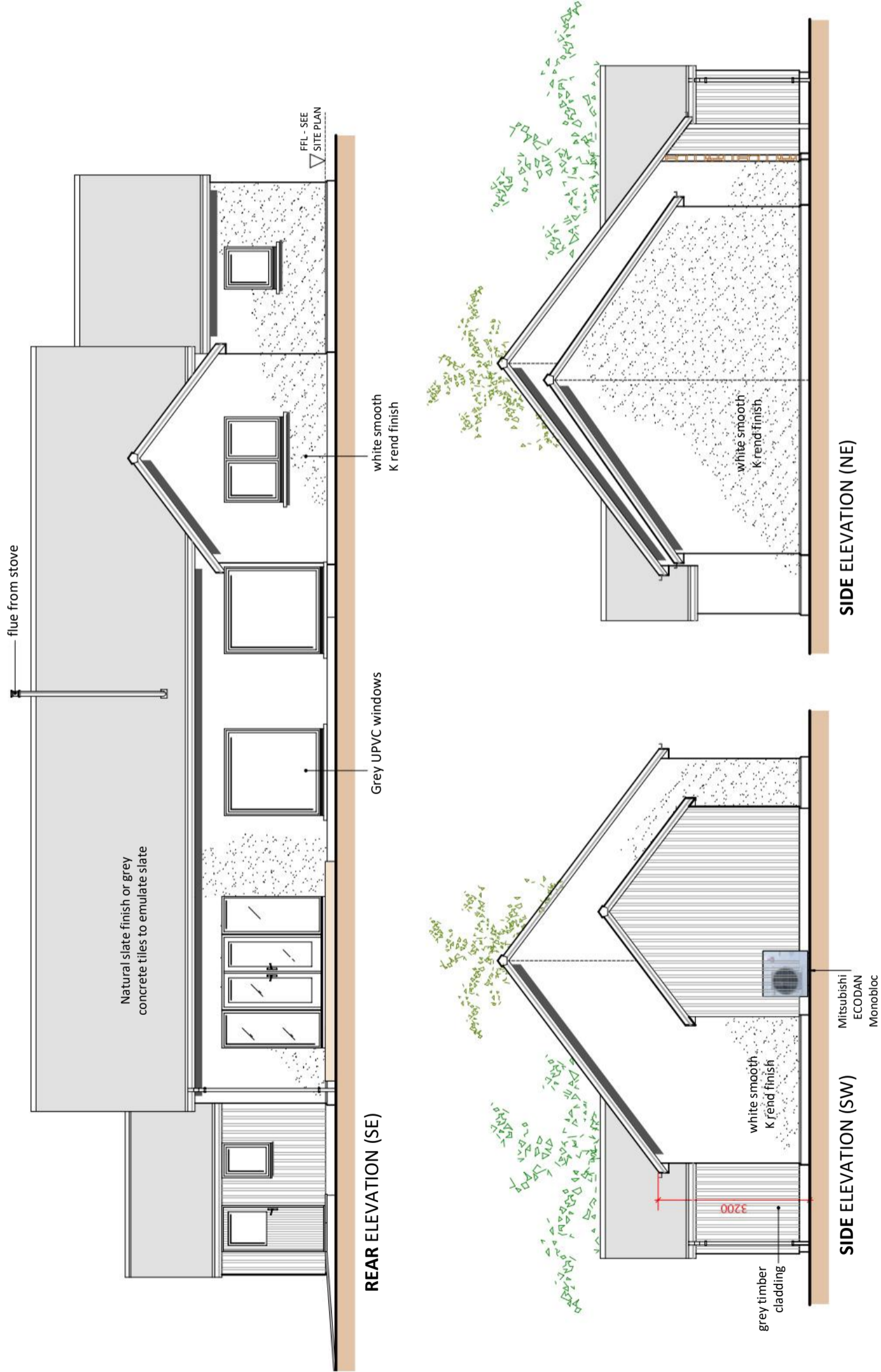
Secondly, Mark's business is agricultural and is based in Mulben. He needs to be based in Mulben.

In terms of planning policy we strongly feel that the proposal would integrate well and is in line with the DP4 section (rural housing) of the Moray Local Plan 2020. This is due to the fact that existing mature trees exist nearby, there is a large hill providing an adequate backdrop to the proposal and 1no. house exists next door which, along with this plot would form a small cluster in the countryside similar to other clusters in this area.

We respectfully ask that the appointed LRB panel approves this appeal.

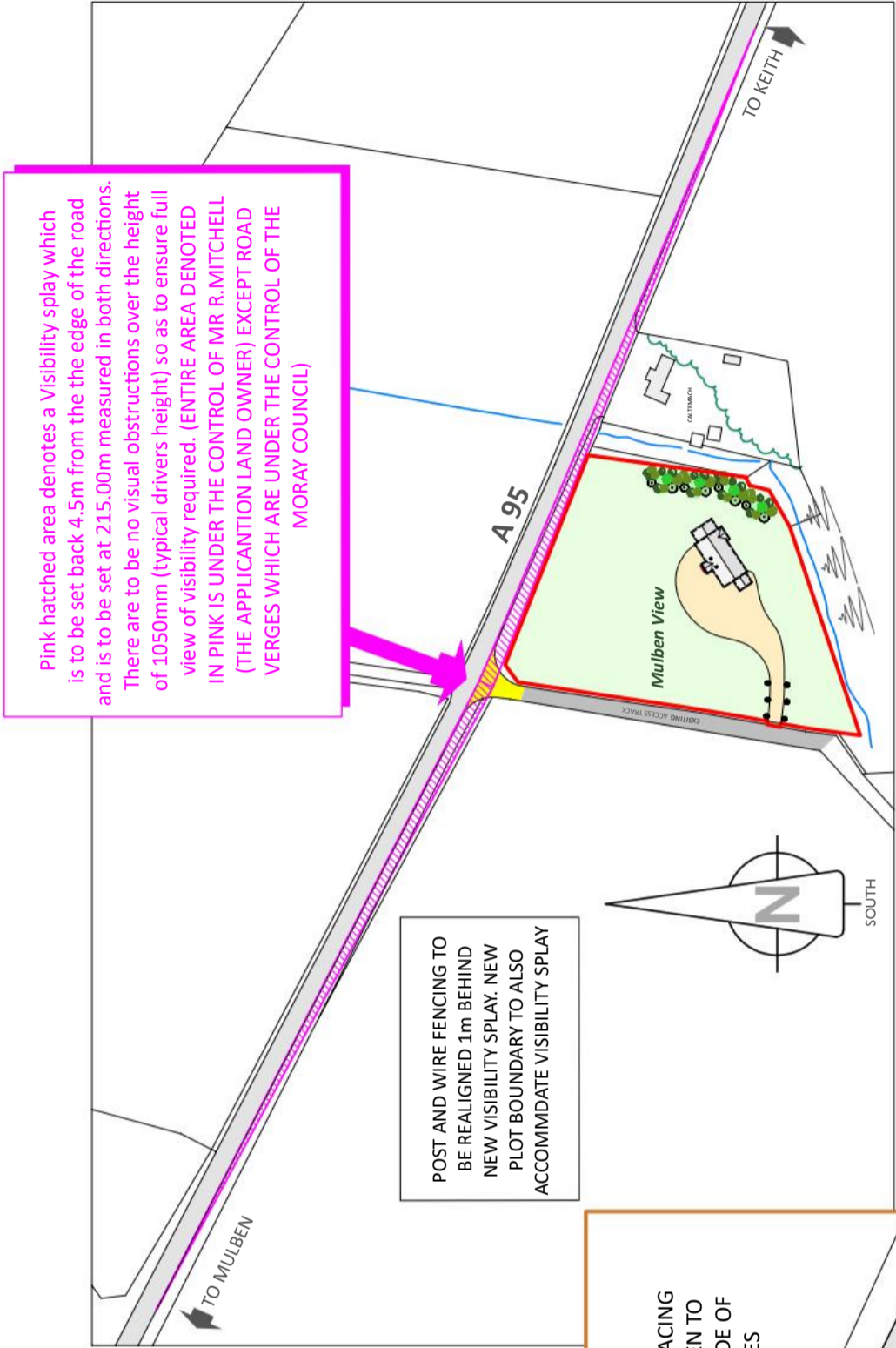


M u l b e n V i e w

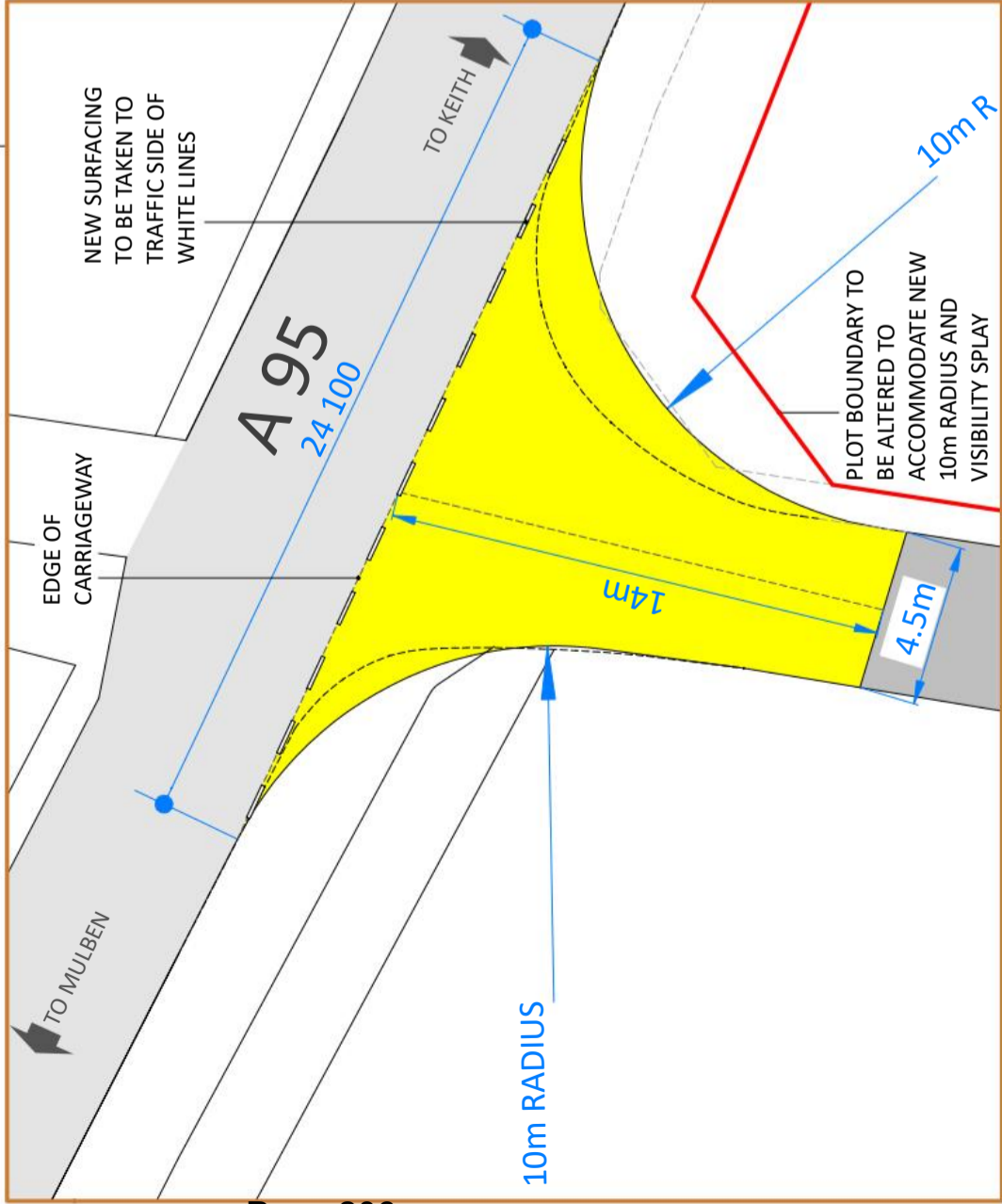


Mulben View





VISIBILITY SPY PLAN (SCALE 1:2000)



PROPOSED WORKS (SCALE 1:200)

Proposed new dwelling-house with integrated garage at Mulben View, Mulben, Keith For Mr M.Sievevright
TRACK IMPROVEMENT DRAWING