



Moray Local Review Body

Thursday, 29 August 2019

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 29 August 2019** at **09:30**.

BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests ***
- 3 **Minute of Meeting dated 27 June 2019** **5 - 8**
New Cases
- 4 **LR225 - Ward 8 - Forbes** **9 - 108**
Planning Application 18/01568/APP – Plot 1, Innesmhor, Findhorn,
Forbes, Moray, IV36 3YL
- 5 **LR226 - Ward 6 - Elgin City North** **109 - 188**
Planning Application 19/00173/APP – Change of use of amenity land to
garden ground and erect summer house/work room and shed at 65
Marleon Field, Elgin
- 6 **LR227 - Ward 1 - Speyside Glenlivet** **189 - 292**
Planning Application 19/00318/APP – Erection of dwellinghouse and
garage at The Maltings, Adjacent to Cairnvonie Farm, Archiestown

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.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

* **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
Clerk Email: lissa.rowan@moray.gov.uk

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)
Councillor George Alexander (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (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, 27 June 2019

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Paula Coy, Councillor Donald Gatt, Councillor Derek Ross, Councillor Amy Taylor

APOLOGIES

Councillor Ray McLean

IN ATTENDANCE

The Senior Planning Officer (Development Planning and Facilitation) and Mrs Gordon, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor as Legal Adviser 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, there were no 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 30 May 2019

The Minute of the Meeting of the Moray Local Review Body dated 30 May 2019 was submitted and approved.

4 LR223 - Ward 1 - Speyside Glenlivet

Planning Application 18/01495/PPP – Erect Single Dwelling House and Garage on site within grounds of Hillwood, Carron, Aberlour, Moray

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 an application on the grounds that:

The proposal would be contrary to policies PP1, E7, H7 and IMP1 of the Moray Local

Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

A Summary of Information Report set out the reasons for refusal, together with 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.

With regard to the unaccompanied site inspection carried out on 21 June 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB) were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

In response to a question from the Chair as to whether the Legal and 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 asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

The Chair, having had the opportunity to visit the site and consider the Applicant's grounds for review moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning application 18/01495/PPP.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR223 and uphold the original decision of the Appointed Officer to refuse Planning Application 18/01495/PPP as the proposal is contrary to Policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017).

5 LR224 - Ward 5 - Heldon and Laich

Planning Application 18/01478/APP – Erect single storey dwellinghouse within grounds of Torrieston House, Pluscarden

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 an application on the grounds that:

The proposal is contrary to policies PP3, H7, IMP1 and E7 of the Moray Local Development Plan 2015 (MLDP) and the associated Supplementary Guidance: Housing in the Countryside for the following reason:

The site is part of a large open meadow and would be visually obtrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and cumulatively, the introduction of an additional dwelling would contribute to the build-up of development within the surrounding area and thereby it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area and the open rural character of the Pluscarden valley setting would be undesirably compromised.

A Summary of Information Report set out the reasons for refusal, together with 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.

With regard to the unaccompanied site inspection carried out on 21 June 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB) were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

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 asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

The Chair, having had the opportunity to visit the site and consider the Applicant's grounds for review moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning application 18/01478/APP.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR224 and uphold the original decision of the Appointed Officer to refuse Planning Application 18/01478/APP as the proposal is contrary to policies PP3, H7, IMP1 and E7 of the Moray Local Development Plan 2015 (MLDP) and the associated Supplementary Guidance: Housing in the Countryside.



MORAY LOCAL REVIEW BODY

29 AUGUST 2019

SUMMARY OF INFORMATION FOR CASE No LR225

Planning Application 18/01568/APP – Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL

Ward 8 - Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 19 March 2019 on the grounds that the proposal is contrary to policies H3 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

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**.





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
**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	MS	Ref No.	
Forename	Beverley	Forename	David
Surname	A'Court	Surname	Dittman
Company Name		Company Name	
Building No./Name	Innesmhor 148A	Building No./Name	Heron Ridge
Address Line 1	Findhorn	Address Line 1	Rafford
Address Line 2		Address Line 2	
Town/City	Forres	Town/City	Forres
Postcode	IV36 3YL	Postcode	IV36 2RH
Telephone		Telephone	
Mobile		Mobile	07796 263 907
Fax		Fax	
Email		Email	daviddittman123@gmail.com

3. Postal Address or Location of Proposed Development (please include postcode)

Innesmhor 148A Findhorn Forres IV36 3YL
Plot adjacent to Innesmhor, currently known as "The Plot at Innesmhor."

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

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

Planning Permission

Planning Permission in Principle

Further Application*

Application for Approval of Matters Specified in Conditions*

Application for Mineral Works**

☒
☐
☐
☐
☐

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No:

Date:

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of single storey dwelling house

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

400m² or thereabouts

Please describe the current or most recent use:

Garden extension. Sole ownership currently being transferred to Ms B. A'Court. (ie. The plot no longer part of the Innesmuir property -)

9. Access and Parking

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

Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain 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?

ONE

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

TWO

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☒

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

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

☐

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

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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 ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

Waste and recycling bins shown on drawing

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

one

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

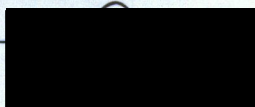
Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATIONI, the ~~applicant~~ agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.I, the ~~applicant~~ agent hereby certify that the attached Land Ownership Certificate has been completed ☐I, the ~~applicant~~ agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenantsYes ☐ No ☐ N/A ☒

Signature:



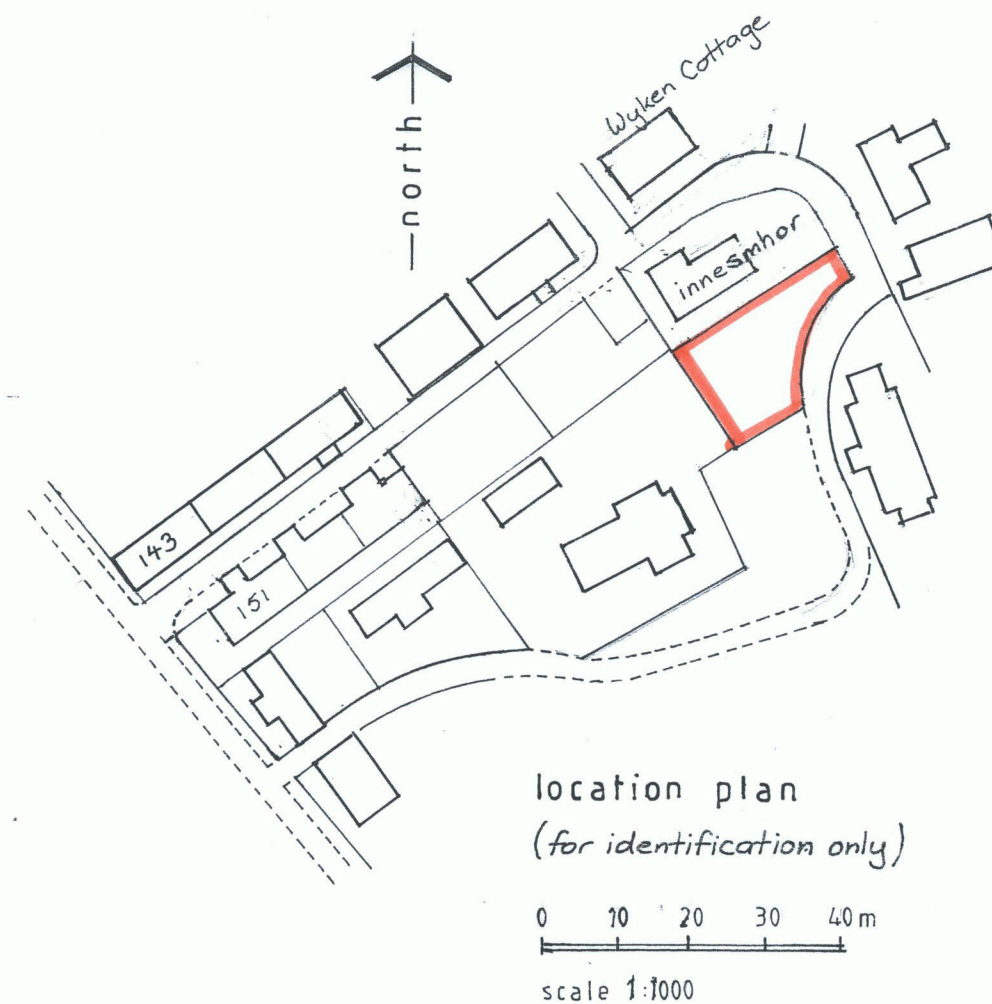
Name:

David Dittman

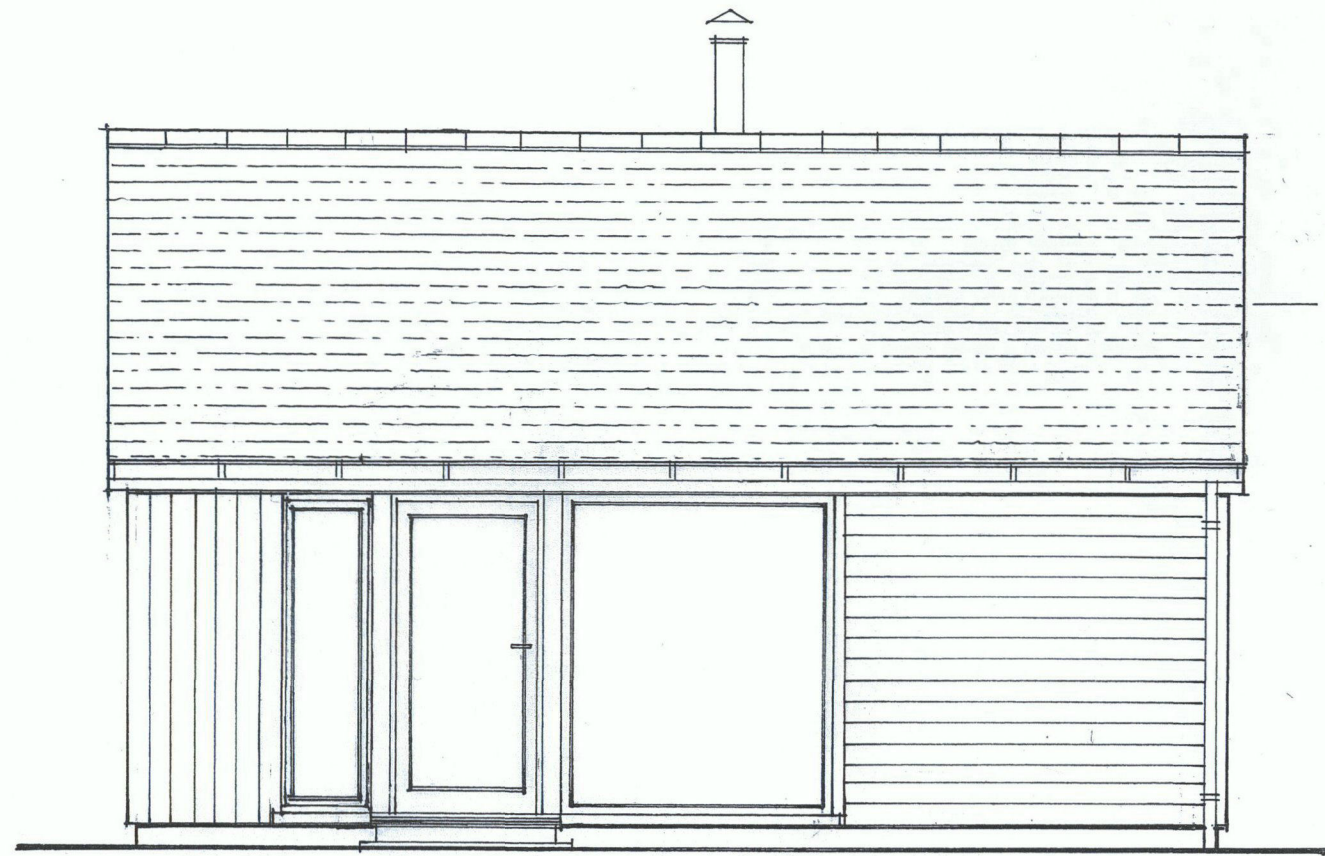
Date:

10/12/18

new house adjacent to Innesmhor site plan



n e w h o u s e a d j a c e n t t o I n n e s m o r

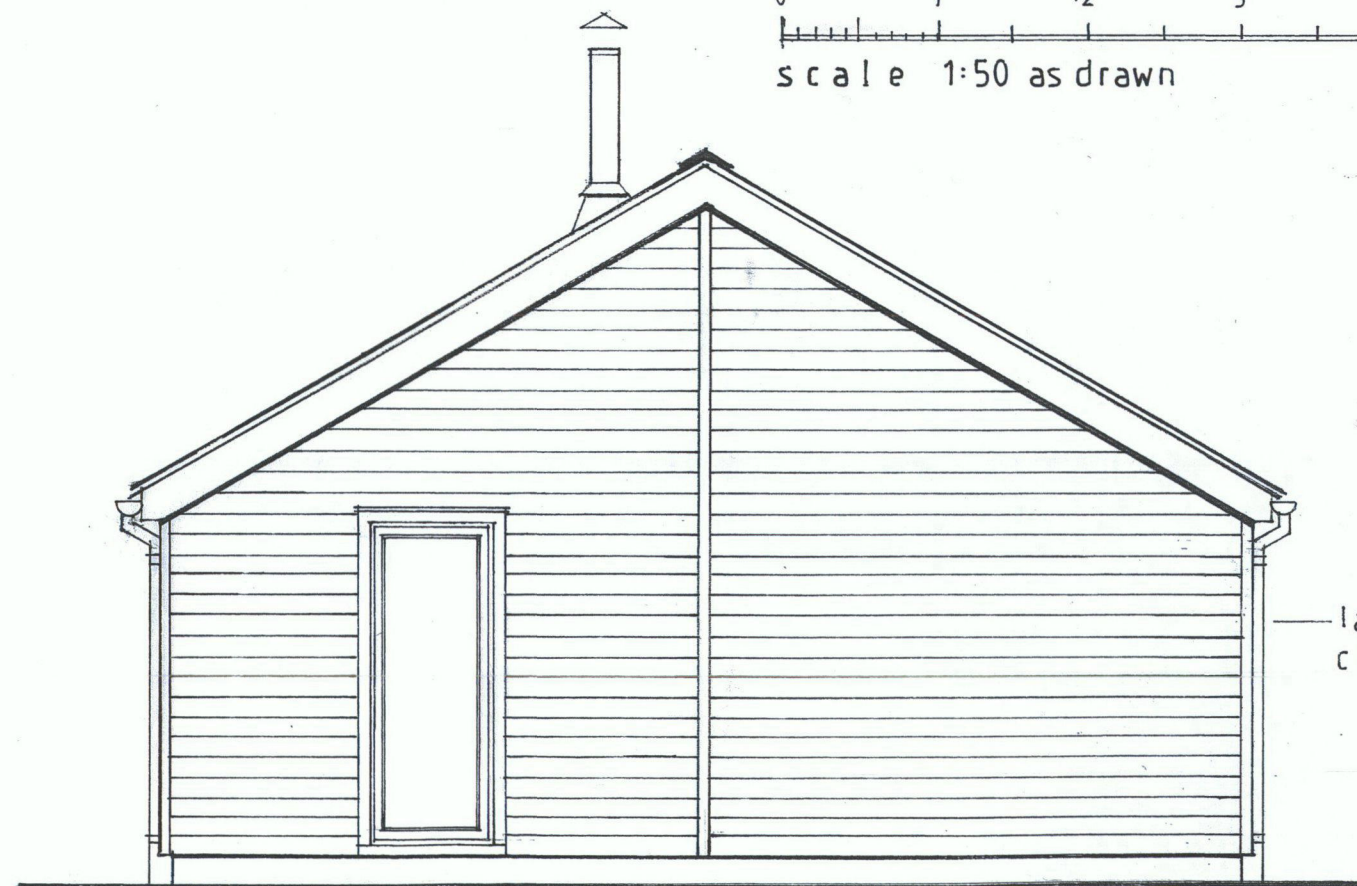


s o u t h e a s t

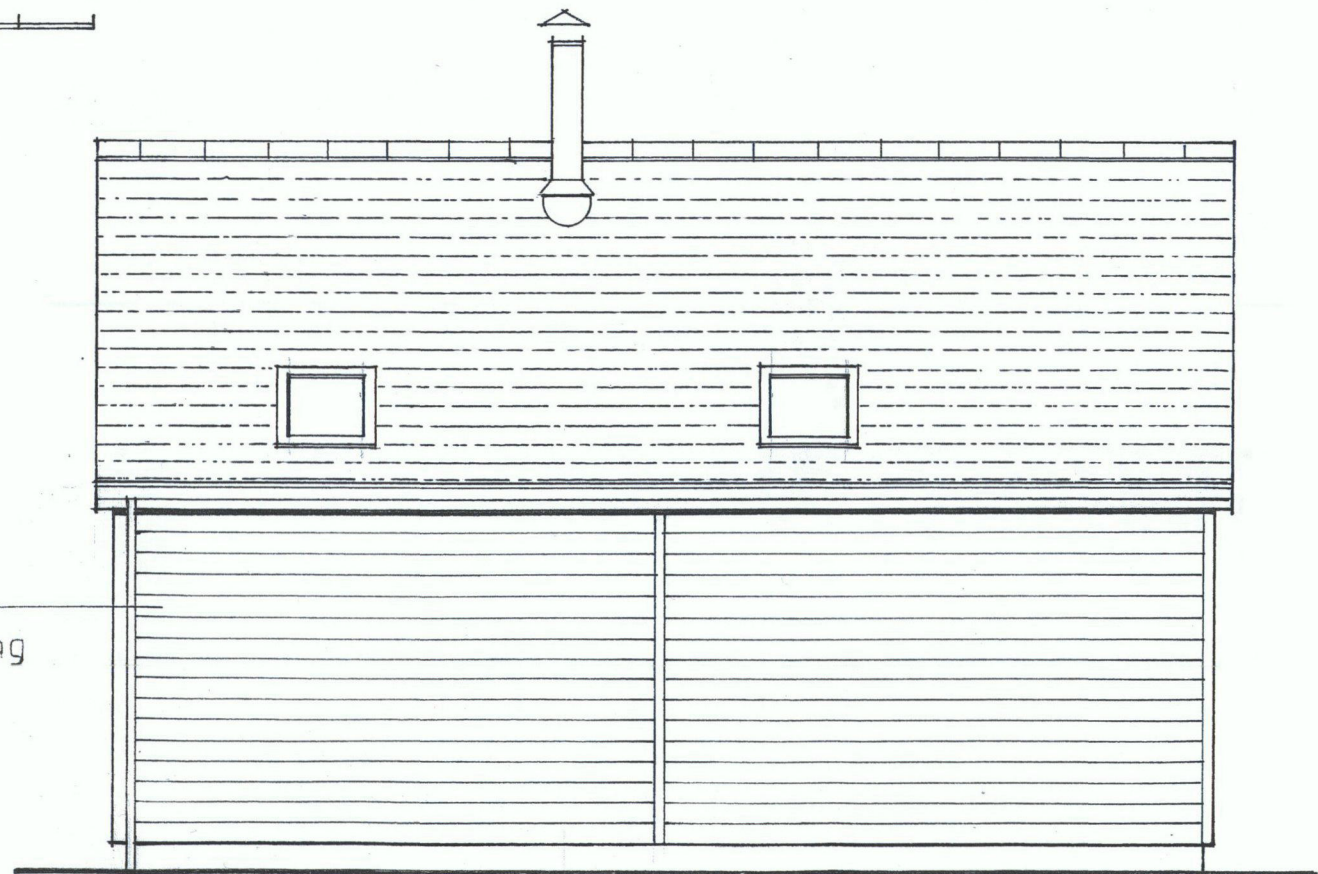


n o r t h e a s t

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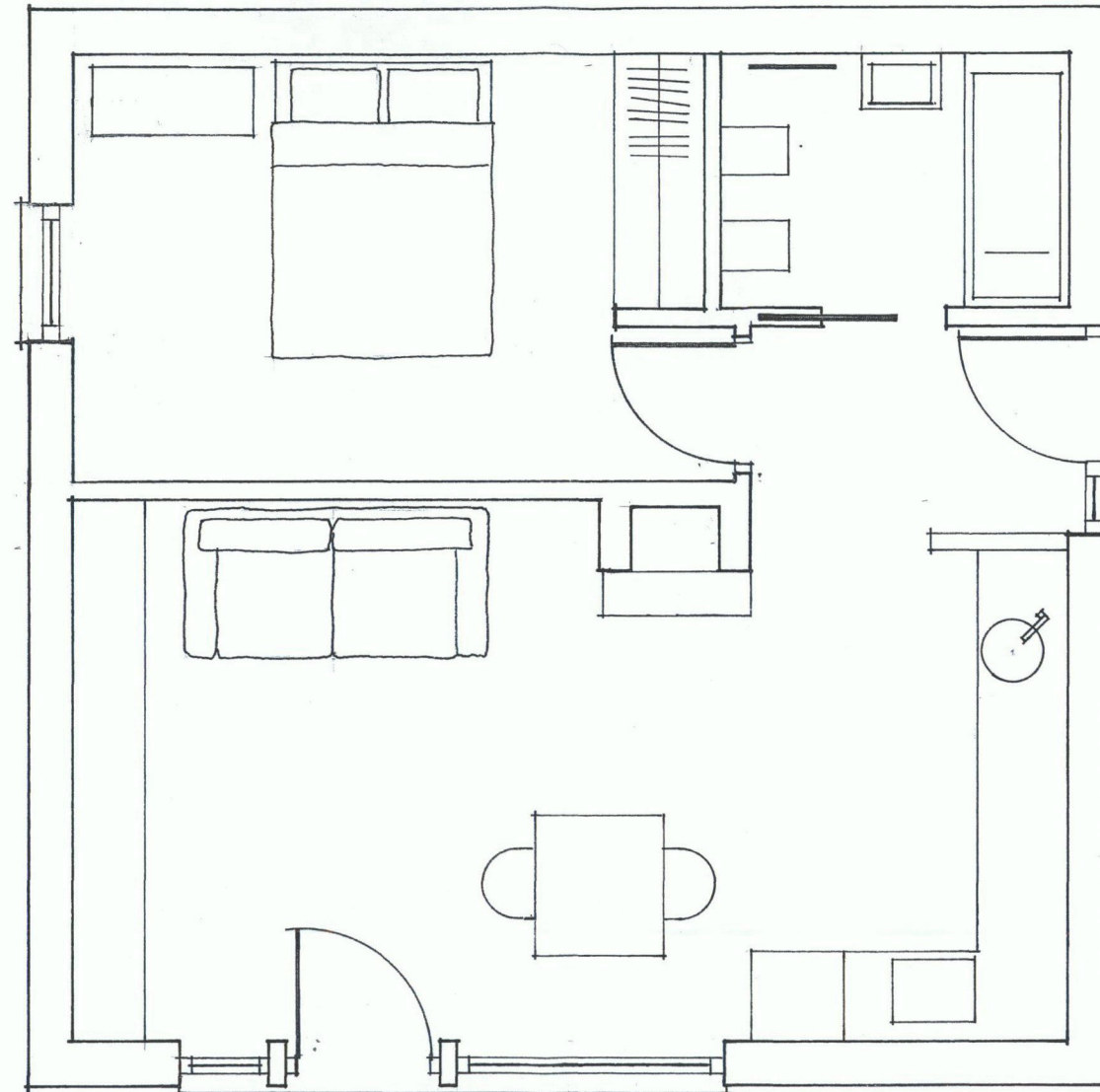


s o u t h w e s t



n o r t h w e s t

n e w h o u s e a d j a c e n t t o I n n e s m o o r
f l o o r p l a n



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David Dittman
Heron Ridge
Rafford
Forres
IV36 2RH

Moray Council
Planning Department
Council Offices
High street
Elgin

15th January 2019

Dear Sir / Madam

New House at Innesmhor, Findhorn
Reference 18/01568/APP
Drainage Statement

In response to your request for a drainage statement I confirm that the proposal is to connect the foul waste to the mains drainage system and the surface water to a soakaway. This is clearly indicated on the submitted site plan.

Regards, David Dittman

From: DeveloperObligations
Sent: Thu, 7 Feb 2019 14:29:52 +0000
To: Joe Taylor
Cc: DC-General Enquiries
Subject: 18/01568/APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn
Attachments: 18-01568-APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn.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 agent.

Regards
Hilda

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265



Developer Obligations: ASSESSMENT REPORT



moray
council

Date: 07/02/2019

Reference: 18/01568/APP

Description: Erect dwellinghouse on Plot 1
Innesmhor, Findhorn

Applicant: Mrs Beverly A`Court

Agent: David Dittman

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at
http://www.moray.gov.uk/moray_standard/page_100443.html

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets</i>)	
Sports and Recreation (<i>Contribution towards 3G pitch in Forres</i>)	
Total Developer Obligations	

Breakdown of Calculation

Proposals 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:

1 x 1-bed= 0.6 SRUE

This assessment is therefore based on 0.6 SRUE.

Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

Contribution towards Primary Education = Nil

Secondary Education

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

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).

Forres Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Forres Health Centre is working at design capacity and existing space will be required to be extended and that 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets will be required.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the healthcentre and additional dental chairs each and [REDACTED] per SRUE for the pharmacy.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2015 identifies a requirement for new development to contribute towards additional capacity of sports and recreational facilities. As set out in the Review of Sport, Leisure and Recreation Provision in Moray



(April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

Moray's provision of synthetic grass pitches is 0.55 (5 x 3G pitches/90,000 population), which is significantly lower than the national average of 0.7 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that Sports Scotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[REDACTED]

[REDACTED]

Contribution for Sports and Recreation

Facilities = [REDACTED]



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 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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

No objections

Adrian Muscutt, CLO

Consultee Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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

No comments.

Andrew Stewart

EHO

Consultation Request Notification – Building Standards

Planning Authority Name	Moray Council
Response Date	13th February 2019
Planning Authority Reference	18/01568/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL
Site Postcode	N/A
Site Gazetteer UPRN	000133044609
Proposal Location Easting	304142
Proposal Location Northing	864430
Area of application site (M²)	
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PJMAYIBG0FU00
Previous Application	03/01720/FUL
Date of Consultation	30th January 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Beverly A'Court
Applicant Organisation Name	
Applicant Address	Innesmhor Findhorn Forres Moray IV36 3YL
Agent Name	David Dittman
Agent Organisation Name	
Agent Address	Heron Ridge Rafford Forres Moray IV36 2RH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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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: Building Standards

Planning Application Ref. No: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

In terms of Building Warrant requirements.

**Please
x**

(a) A Building Warrant is required

X

(b) A Building Warrant is not required (IBS008)

☐

(c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009)

☐

(d) Comments

☐

.....
.....

Contact: Emma Thomas

Date: 31.01.19

email address: emma.thomas@moray.gov.uk

Phone No: 563442

Consultee: Building Standards

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.

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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: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

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"/> |

Condition(s)

1. Two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, 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.

Further comment(s) to be passed to applicant

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

The development is not directly served by a public road. The applicant should note that it is their responsibility to establish any Rights of Vehicular Access with the party (parties) in control of the private road which serves the site.

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

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

Contact: DA/AG

Date 08 February 2019

email address: Transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

4th February 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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 Local Planner

IV36 Forres Innesmhor Plot 1
PLANNING APPLICATION NUMBER: 18/01568/APP
OUR REFERENCE: 772448
PROPOSAL: Erect dwellinghouse on

Please quote our reference in all future correspondence

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

Water

- This proposed development will be fed from Glenlatterach Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

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

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

Yours sincerely

Emma Taylor

Development Operation Technical Analyst
emma.taylor2@scottishwater.co.uk

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Parking
- Procedures not followed correctly
- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

This plot was the subject of a previous planning application in 2014 which was refused on 16/12/2014 for the following reason:

" The proposal is contrary to the Moray/local Plan 2008 policies H3, H4 and IMP1 as the proposed site is only 207sq/m and would result in a cramped, awkward development which would not reflect the density of development in the immediate vicinity which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area."

Looking at this new Application the house is slightly smaller, the footprint has been moved towards the edge of the site and two parking places have been designated.

I urge the planning department to refuse this application again.

[REDACTED]

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Community Council/Association Consult
- Contrary to Local Plan
- Legal issues
- Parking
- Poor design
- Precedent
- Road access

Comment: Contrary to the Local Plan. In a Conservation Area.

Road Access.

There is only access to this plot of land by car as it is necessary to cross over private land. All vehicles will need to

Parking.

At least 2 parking spaces needed, there does not appear to be space for these.

Over development of the site

The new plot is very small and will further decrease the size of the original garden

Inappropriate materials/finishes

Moray Local Development Plan>Policy H3>Sub Division for House plots

If the site provided is at least 400 square meters excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties.

The larch wood material for the outer is not a local feature.

Poor Design. Inappropriate materials/finishes

Moray Local Development Plan>Policy H4>House Alterations and Extensions

House Alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affect in terms of style, scale, proportions or materials.

The larch wood material for the outer is not a local feature and this is a conservation area.

Precedent,

If this building is allowed to go forward it will allow a number of precedents for others to copy.

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Loss of privacy (being overlooked)
- Over-development of site

Comment: The application for building on the site was refused 2014 as the proposal was contrary to Moray local Plan 2008 polices H3, H4 and IMP1 as the site is only 207sqm. We agreed with the refusal at the time and cannot understand why it would be permissible to build in 2019.

REPORT OF HANDLING

Ref No:	18/01568/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray		
Date:	19.03.2019	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	31/01/19	No objection.
Contaminated Land	01/02/19	No objection.
Transportation Manager	08/02/19	No objection, subject to conditions and informatives.
Scottish Water	04/02/19	No objection, informative advice and caveats regarding capacity and connection.
Planning And Development Obligations	07/02/19	Obligations required, no confirmation of a willingness to pay to obligation received to date.
Building Standards Manager	31/01/19	Warrant required.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking		
PP1: Sustainable Economic Growth		
H3: Sub division for House Plots	Y	
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP2 Sustainable Economic Growth		
PP3 Infrastructure & Services		
DP1 Development Principles		
DP2 Housing		
EP12 Management and Enhancement of the		
EP13 Foul Drainage		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: THREE OBJECTIONS (Two from separate individuals and one from the Findhorn and Kinloss Community Council)		
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 applicant does not have Servitude access onto the plot from the access lane which is owned by the objector. Access to the plot will require crossing private land.</p> <p>Comments (PO): Access to the site via the access lane in question is a private legal matter between the applicant and owners of the lane, which does not preclude determination of the application.</p>		
<p>Issue: Two parking spaces are shown on plan but the applicant has no legal access to the site. There does not appear to be space for these parking spaces on site.</p> <p>Comments (PO): See comment above regarding access. The Transportation Section has assessed the proposal and considers that the level of parking provision is adequate and achievable, and has recommended imposition of a planning condition regarding its provision.</p>		
<p>Issue: Procedures not followed correctly: Objector has had no neighbour notification.</p> <p>Comments (PO): Council records show that neighbour notification correspondence was sent out to</p>		

the objector in accordance with procedures.

Issue: The plot was subject to a previous application in 2014 which was refused; the refusal reason was that it was contrary to policies of the Moray Local Plan 2008 at the time, as it was only 207sqm and would result in cramped, awkward development which did not reflect density of surrounding development which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area. Notes that new application is for a slightly smaller house, the footprint has been moved towards the edge of the site and two parking spaces have been designated.

Comments (PO): Each planning application is considered on its individual merits, against current development plan policy and any other material considerations. The previous refused application was determined under a different local plan and differs from the current proposal, in terms of site area, layout and house design.

Issue: Over-development of site. Proposed plot is very small and will decrease size of original garden. Contrary to Local Plan.

Comments (PO): Refer to observations section below.

Issue: Loss of privacy (being overlooked).

Comments (PO): The proposal would not give rise to any adverse amenity impacts. Refer to observations section below.

Issue: Policies H3 Sub-division for House Plots and H4 House Alterations and Extensions require proposed house styles to complement the character of the area and scale and architecture of parent and neighbouring properties, and to be acceptable in terms of style, scale, proportions or materials. The larch wood material is not a local feature and the proposal is located in a conservation area.

Comments (PO): The proposed use of larch as an external finish is acceptable in this location. The site is not located in the Findhorn Conservation Area, although this does lie to the immediate west of the site.

Issue: Precedent: Approval will set a precedent for others to follow.

Comments (PO): Precedent is not a justifiable reason to refuse planning permission.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission to erect a dwelling house on garden ground at Innesmhor, Findhorn.

The proposed house is a single storey design (containing 1 bedroom, kitchen/living space and WC/bathroom) with square footprint (52sqm), 30 degree high pitched roof (4.7m to ridge) and external material finishes of larch cladding and natural slate. It would also have a wood burner chimney flue.

The application includes water, foul and surface water drainage arrangements involving a connection to the public water supply, foul and drainage network, and on plot soakaway (SUDs), and parking for two cars.

The Site and Surroundings

The site is located within the settlement of Findhorn as identified in the Moray Local Development Plan 2015 (MLDP).

The site is garden ground associated with the parent property, Innesmhor to the north and currently comprises a parking area/hardstanding, lawn, and trees and shrubs. The application form describes the use of the site as a garden extension to this house and that sole ownership is currently being transferred to the applicant (i.e. with the plot no longer being part of the Innesmhor property).

The site extends to approx. 358sqm and is irregular in shape. The combined size of both Innesmhor and the site is approx. 817sqm.

The site is served by a private track which loops around the north, south and east of the site. There are houses immediately to the east, northeast, southeast and southwest of the site.

Appraisal

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 Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

Siting and Character (H3 and IMP1)

The proposal involves the creation of a new house plot through subdivision of an existing residential property and therefore requires assessment against policies H3 and IMP1 of the MLDP.

Policy H3 Sub Division for House Plots states that proposals for subdivision for housing plots in settlements where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, the site provided is at least 400sqm (excluding access), and if the house style complements the character of the area and scale and architecture of the parent property and neighbouring properties. It further states that the built up area of the plot should avoid overlooking and maintain the amenity of the parent property and surrounding properties, and should include sufficient on-plot parking for both the new and parent properties. The policy further states that 'backland' development will be acceptable where it meets the above conditions but proposals for 'tandem' development (i.e. backland development proposed immediately behind an existing house served by the same access) will only be permitted in exceptional circumstances because of unacceptable impacts upon the amenity of the dwelling at the front of the site.

Policy IMP1 Developer Requirements requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criteria. This includes the requirement for development to be appropriate to the surrounding area in terms of scale, density and character.

The site is not located within any of the identified settlements where there is an embargo on plot subdivision as defined in Policy H3 (Craigellachie, Dallas, Kingston and Urquhart). It has a frontage onto the existing private road and is not considered to be backland or 'tandem' development. The existing plot area is approximately 817sqm and an area of 358sqm has been identified for the new house. The proposed house site is less than 50% of the overall plot but falls below the 400sqm area (excluding access) required by the policy. There are examples of plots of around the size proposed but these are generally associated with traditional cottages in the older part of the village. The proposed plot is smaller than that of the parent plot and those of the larger modern houses to the east, northeast/southeast and southwest. The current proposed house is modest, but the limited size of the plot (which fails minimum site area criteria) would mean that it would lead to cramped development that would not reflect the density of development in the immediate vicinity, which is

characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

Design and Materials (H3 and IMP1)

The proposed house is of broadly traditional design, with a simple footprint, modest ridge height and external material finishes of timber cladding and natural slate. There are other timber clad buildings present in the surrounding area, and the building of the style and finish proposed would normally sit comfortably in this context. The house is modest with a footprint of 52sqm, however as is noted above the identified plot and building would not reflect the density of development in the immediate vicinity.

Amenity (H3 and IMP1)

The proposed new house is positioned to the south of and close to the existing house, Innesmhor, however due to its modest ridge height there would be no significant loss of sunlight or daylight to the existing. Similarly, since there are no windows in the north elevation facing the existing house no overlooking/loss of privacy would occur. Although the application does not include details of fencing, particularly along the mutual boundary with the existing house, had the application been recommended for approval the provision of a 1.8m high timber fence would have been imposed by condition to protect privacy. The site of the proposed new house is adequately separated from existing houses to the east, northeast, southeast and southwest and as such the proposal will not give rise to any unacceptable impacts in terms of privacy and overlooking for these neighbouring houses.

Access and Parking (T2 & T5)

The existing house and the proposed house would be accessed onto a private road. The maintenance and use of the private road is a civil matter for the relevant parties.

Following consultation, the Transportation Section has raised no objection subject to a condition requiring the provision of two parking spaces for the proposed house. This level of provision is acceptable for the scale of development proposed and meets Council's parking standards and policy T5. Had the application been recommended for approval, the condition would have been attached to the formal decision notice.

Whilst the application identifies no retained parking provision for the existing house (which is outside the red line boundary), from observations on site there is scope for this to be provided in the north eastern part of the existing garden.

Drainage and Water Supply (EP5, EP10 and IMP1)

Proposed connections to the public foul and water drainage network and an on-plot soakaway for dealing with surface water are appropriate and satisfy the requirements of policies EP5, EP10 and IMP1. Detailed drainage arrangements would be also assessed under the Building Regulations. Scottish Water has not objected to the proposal but has identified the need for separate discussion between the applicant and Scottish Water direct regarding availability of capacity and connection arrangements.

Developer Obligations (IMP3)

An assessment has been carried out and an obligation has been identified towards healthcare and sports and recreation. Had the application been recommended for approval, an upfront payment would have been taken prior to issue of the decision. At the time of writing this report the applicant has not confirmed agreement to the payment.

Recommendation

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without impacting upon the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
03/01720/FUL	Enlargement of house at Innesmhor Findhorn Forres Moray IV36 3YL			
	Decision	Permitted	Date Of Decision	18/09/03

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
PINS	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19	
Forres Gazette	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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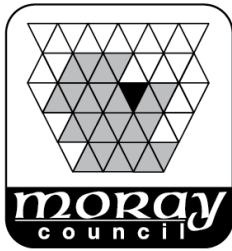
DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

**[Forres]
Application for Planning Permission**

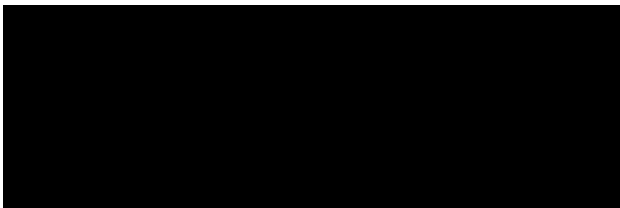
TO Mrs Beverly A'Court
c/o David Dittman
Heron Ridge
Rafford
Forres
Moray
IV36 2RH

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:-

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray

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

Date of Notice: **19 March 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
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 proposal is contrary to policies H3 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan
		Elevations
		Floor 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	Ms	Ref No.	
Forename	Beverley	Forename	
Surname	A'Court	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City		Town/City	
Postcode		Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	Moray Council
Planning authority's application reference number	18/01568/APP
Site address	Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL
Description of proposed development	Erect dwellinghouse on Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL

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

None, Please close the gate after you leave + walk slowly if the young
seagulls are on the ground. Thank you.

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.

Please see additional documentation

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

Yes ☒ No ☐

Page 74

If yes, please explain below a) why you 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.

A number of nearby local residents were supportive of my application as I have a long record of caring for the nature and culture of the area. I did not think it would be necessary to raise some of these issues in my original application.

However, I am raising them now as the grounds for rejection of my application appear to be very discriminatory, to overly favour a specific high-income population and in direct contradiction to current national and regional policies regarding environmental and social criteria. I am concerned both for my own ability to remain living in this area, my home for 22 years, but also for what seems to be serious ecological and social decline in village life, largely influenced by planning decisions. I have therefore addressed each of the reasons given for refusal and highlighted some aspects of local context of my plot and application, in the hope that a more inclusive, longer term, social-ecological view will prevail in this decision. I appreciate this is a detailed document and appreciate councillors' time and attention in reading it.

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

Letter stating reasons for appeal;
Photographs to provide comparison with 3 other recent local applications of regulations;
Location Plan;
Side Elevation Plan;
Floor Plan

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.

Page 75

Signature:

[Redacted Signature]

Name:

Beverley A'Court

Date:

17/06/19

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.

I am appealing against the refusal of planning permission and request a review of my application on the following grounds.

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory.

The current design submitted to you addressed all previous comments;

3. The roof pitch was lowered in keeping with, and to match the gables of Innesmhor & The Whins, both built in the mid 1960s
4. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [REDACTED] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.

Access: Parking

I travel mostly by bicycle and do not own a car (see below) so bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it with for dual purpose use as a quiet garden patio area. Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

5. The Planning dept. staff member who visited the property very briefly would not have realised that the fence surrounding the plot does not follow the plot boundary but is *significantly* smaller /shorter, erected primarily to protect young trees and a vegetable garden. The plot extends about .25 m - .5 m beyond the fence perimeter, to the far end of the shed, and a new fence will adjust this. So the plot's actual size may have been mis-perceived.
6. The plot is close to the conservation area, in which houses are traditionally densely placed, and adjacent to Innesmhor, which was originally on the smaller garden now reverted to.
7. You mention the 'character' of the area; I am largely responsible for the greener more attractive nature of this area which originally had smaller gardens/plots.

Local Context: Comparison with 3 other recent local applications of regulations: Please see the enclosed photographs of properties mentioned

Permission was granted for [REDACTED] to build 2 adjoined houses on a 1-cottage plot. Access was met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design. The sizable garden, (with its iconic historic mature tree, one of only 2 in the village— for which no local consultation or financial compensation was required, despite its major role in local

(Photographs included)

biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, support affordable housing for growing families & local 1st time buyers and to ensure water capture to the water table & reducing unnecessary energy usage. Insurers insist on (polluting oil) heating & intense security lighting 2nd homes for months when uninhabited. It also contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [redacted] resident [redacted], has also been granted permission to build on a small plot, (now for sale) replacing a modest, traditional half-house - potentially a small family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home.

[redacted] house 159a and its steep-roofed garages both exceeded the permitted heights by about 1m. The house was excessively large at the time, of a style & materials totally out of keeping with this area of mostly single story and partly timber /stone houses. The [redacted] family's 2 most recently built houses seem to be defining the future of this area for all other residents: this seems an arbitrary and biased decision.

Also I understand [redacted] was granted permission in 2012 for a Ukrainian log holiday cabin on his land immediately bordering my plot. How is this in keeping with the local character? The 'character of the area' you refer to - largely abandoned formerly 'midden' land used a dump for old furniture, high hummocks of gorse and marram, unable to be walked, has been improved and partly created by my landscaping, tree and shrub planting. The original plots were smaller than 400sq.m.

Since my plan has been refused, [redacted] intends to build on his land adjacent to my plot. My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) I hope to continue to improve, is more like the original fishing village homes, not another 6 bedroom home no single or young locals can afford. Findhorn vernacular style is completely disregarded by the most recent builds of generic suburban housing.

I ask please that you reconsider my application in the light of all these factors.

Findhorn is at risk of dying as a real village; with no resident children growing up here or able to settle here as adults, no full school bus, struggling local shop, post office and pubs, in favour of a summer playground and cash-cow for absent part-time owner/investor-developers. I have lived here for 22 years contributing to local culture, health care and economy. I used to teach on post-graduate architecture and planning courses, when the aesthetics and whole socio-ecological fabric of the community were seriously and carefully considered in planning decisions.

Thank you,

Yours sincerely,

Beverley A'Court

[redacted]

17.06.19

Postscript:

I have become aware of the Dunelands planning application form38 more house in the dunes area and that previous development aims by Dunelands were advised against.

How can Moray Council refuse my application while granting this? a totally inappropriate ecologically destructive, financially motivated development which will bring more wealthy outside pensioner residents, create yet more 2nd homes, more vehicles, and destroy much of what makes life here healthy and brings visitors to this beautiful, natural area.

Primary reason given for refusal: Over-development/Site too small

My plot, historically part of one of the old village middens, is close to the conservation area, in which houses are traditionally densely placed, but with small highly cultivated, biodiverse gardens. My plot is adjacent to Innesmhor, which was originally, like Wyken Cottage opposite, on a smaller plot now reverted to.

The size of my proposed house – which could have been even smaller if Moray council allowed tiny house or small eco-friendly, minimal-resource-consuming mobiles on such plots – covers far less, proportionally, of its plot than a number of recent builds in the village and its rejection seems completely discriminatory. Other cottages in the conservation area have been allowed to 'develop', build holiday-home cabins and extensions close to original buildings, completely covering garden areas, increasing the original density. It therefore seems very discriminatory to claim my small house on its significant plot is over-development on a too small plot.

Comparison with 3 other recent local applications of regulations: Please see the photographs sent with my original application and prints of properties mentioned.

Example: Permission was granted for [REDACTED], at plot no. 110, to build 2 adjoined houses on a 1-cottage plot. This contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [REDACTED] resident, my friend and neighbour [REDACTED], has also been granted permission to build on a small plot, in the nearby lane no. 133 (now for sale). His plan replaces a modest, traditional half-house - potentially a small single person /couple or family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home. The cottage at 133 was capable of restoration, is inside the conservation area but was intentionally allowed to decay over 28 years and planning permission granted for a completely inappropriate building to replace it for financial gain, with no respect again for the historical garden area or for the need for *small*, single person \ small affordable family accommodation in the area. I regard this as short-term planning but for current purposes, primarily I do not understand how this could be acceptable but my modest plans refused.

There seems to be a consistent planning policy bias to support large houses as 2nd homes or for wealthy incomers.

Access / Parking

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development, once a few adjustments were made to my design/materials – all which conditions were met & accepted. The current design submitted to you addressed all previous comments;

- i. Roof pitch, originally designed to resemble traditional village half-houses / net stores, was lowered in keeping with, and to match the gables of Innesmhor, Wyken and The Whins, built in the 1960s
 - ii. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [REDACTED] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory. This policy, applied only to this one lane, based on the most recent buildings seems arbitrary and exceedingly biased. Access @ new build no. 110 has been met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design.

Carshare

I travel mostly by bicycle and do not own a personal car (see below) so I bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it for dual purpose use as a quiet garden patio area but easily allowing space for 2 cars and emergency vehicle access.

Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

Character of the Area:

The definition of 'the area' of my plot seems completely arbitrary and favours the most recent large buildings erected, in generic suburban housing style and materials, not in the prevailing style or historical nature of this part of the village and prevailing village centre vernacular. A terraced property close to my plot had been permanently occupied and a creative, picturesque, biodiverse garden created. The house was sold several years ago and became a holiday home – all the planted areas and young trees were removed, leaving a bare area and ugly exposed oil tank.

My planned house and its garden resembles the many small, traditionally well cultivated small homes and plots throughout the back lanes of Findhorn. The neighbouring bare lawn, the eradication of all wild plants trees & shrubs around no 159a & 159 c is the exception, and 2nd investment home-style should surely not be the deciding criterion influencing all future planning permissions.

Ecological Impact, Climate Emergency & Biodiversity

My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) which I continue to improve, is more like the original fishing village homes, not another 4 bedroom home no single or young locals can afford. Findhorn vernacular

style and ecology seem completely disregarded by the recent builds. My plot is still being created but has a small plot of organic vegetables, native trees which I planted and aims to foster biodiversity and restore many local plant species lost during recent housing development. Refusal of my plan seems particularly sad for the area, which I have observed to be losing species year by year.

Example: The sizable garden at no.110, (with its iconic historic mature tree, one of only 2 in the village– for which no local consultation or financial compensation was required, despite its major role in local biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, local food production/kitchen gardening, support for affordable housing for growing families & local 1st time buyers and to ensure water capture to the water table & reducing unnecessary energy usage.

The ecological impact of 2nd/3rd/ investment homes in Findhorn seems to be completely overlooked. The many 2nd homes in the area around my plot are empty for many consecutive months, yet insurers insist on (noticeably air-polluting) oil heating and intense, invasive, light-polluting security lighting, all wasting precious energy resources, for which we all end up paying. The systematic felling of mature trees marked as 'significant' on Moray Council's own plans, the destruction of all shrub, fruit trees, native herbs, edible plants and flower beds in favour of 'low maintenance' paved, deck & gravel areas, has noticeably reduced the number & variety of birds, butterflies & insects in the area. There seems no care, concern or incentives to encourage Findhorn homeowners to act in more ecologically responsible ways. To refuse my application as a long-term permanent resident for a humble, unostentatious home here seems again to disregard all publicly promoted ecological and housing aims.

Since my plan has been refused, [REDACTED] has made clear he intends to build on his land adjoining my plot

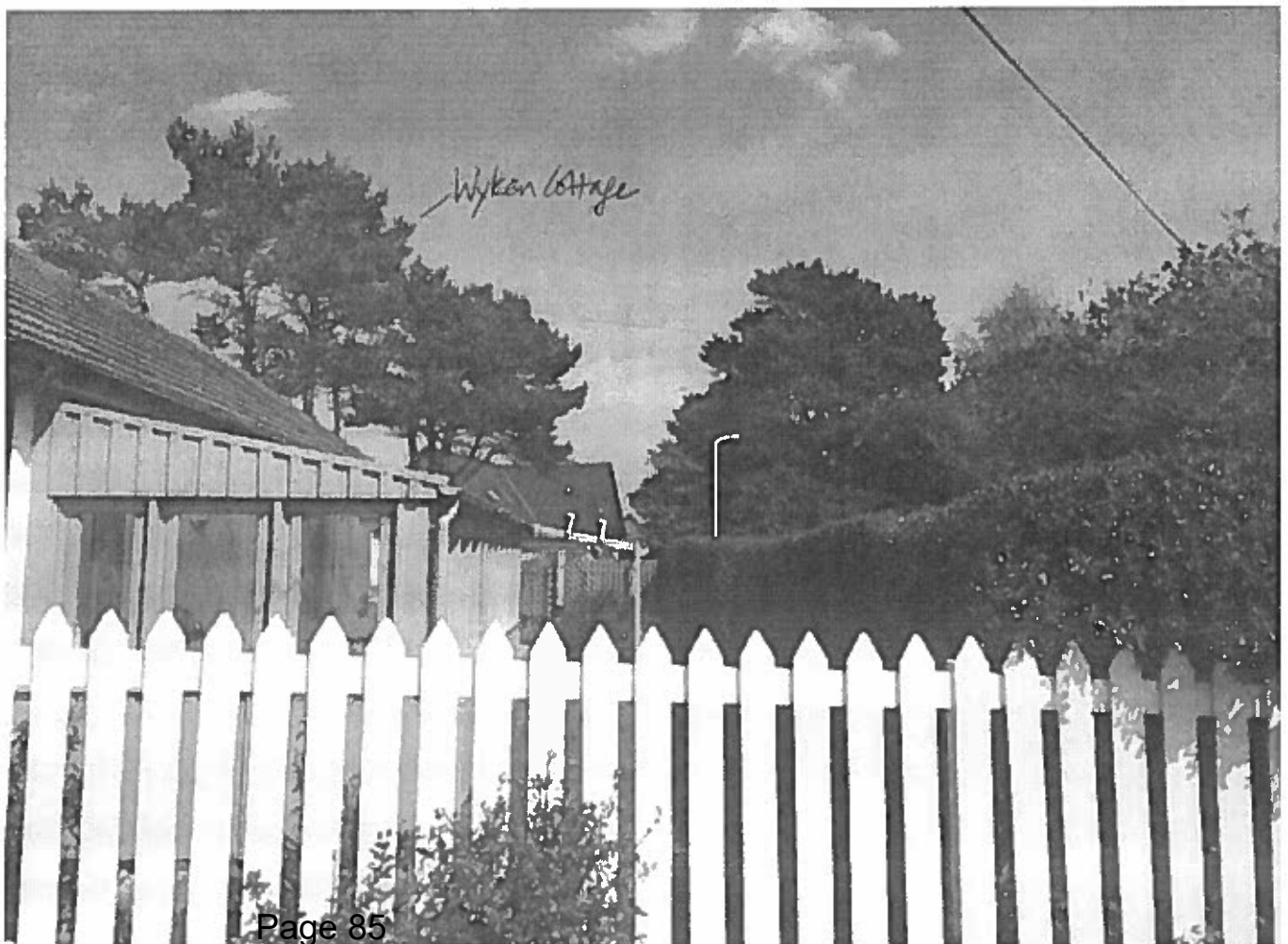
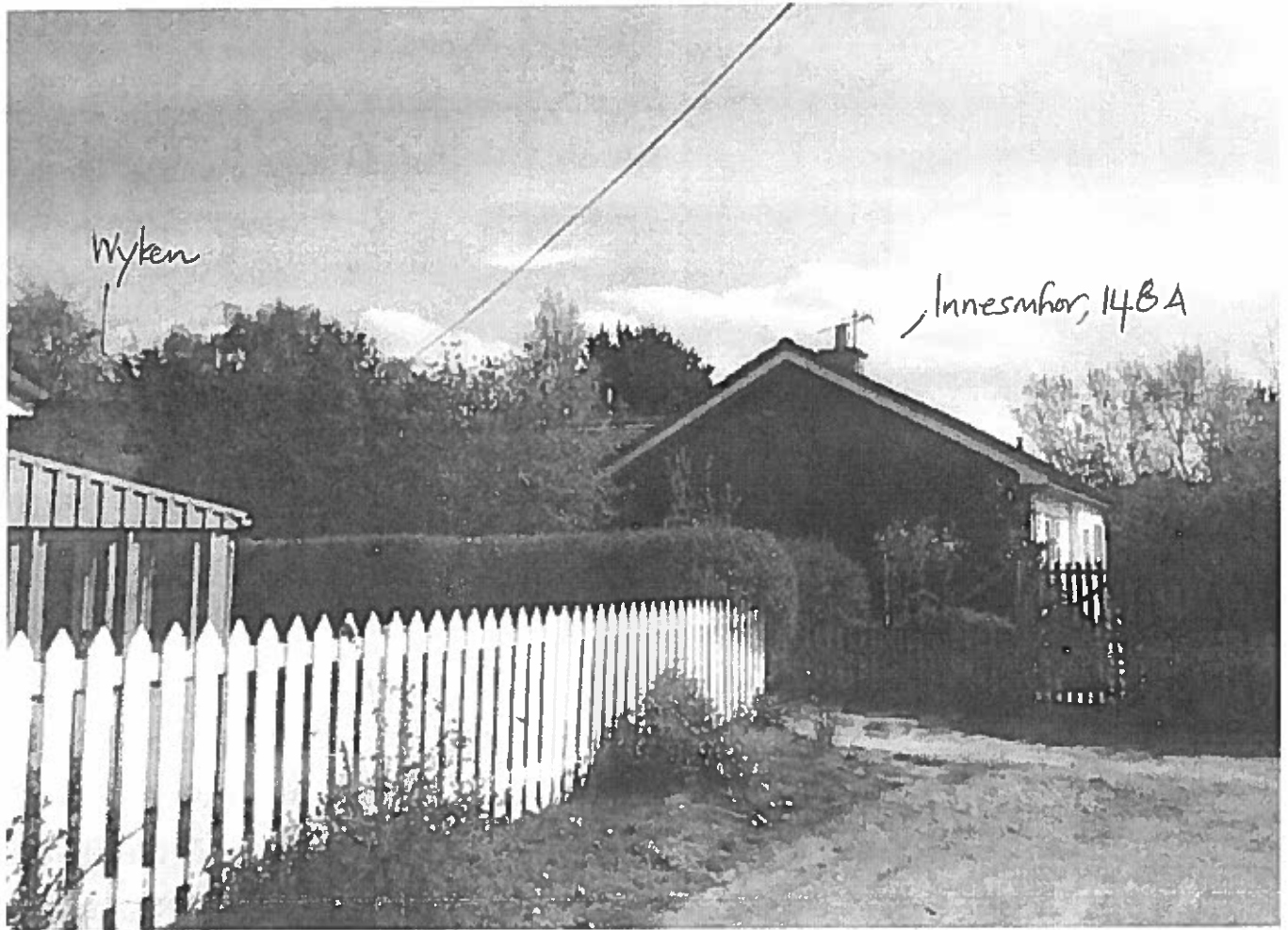
I ask please that you reconsider my application in the light of all these factors. Thank you.

[REDACTED]

[REDACTED]



My proposed plan @ the Plot 1 would be at the level of density/proximity,
characteristic of much of the village.



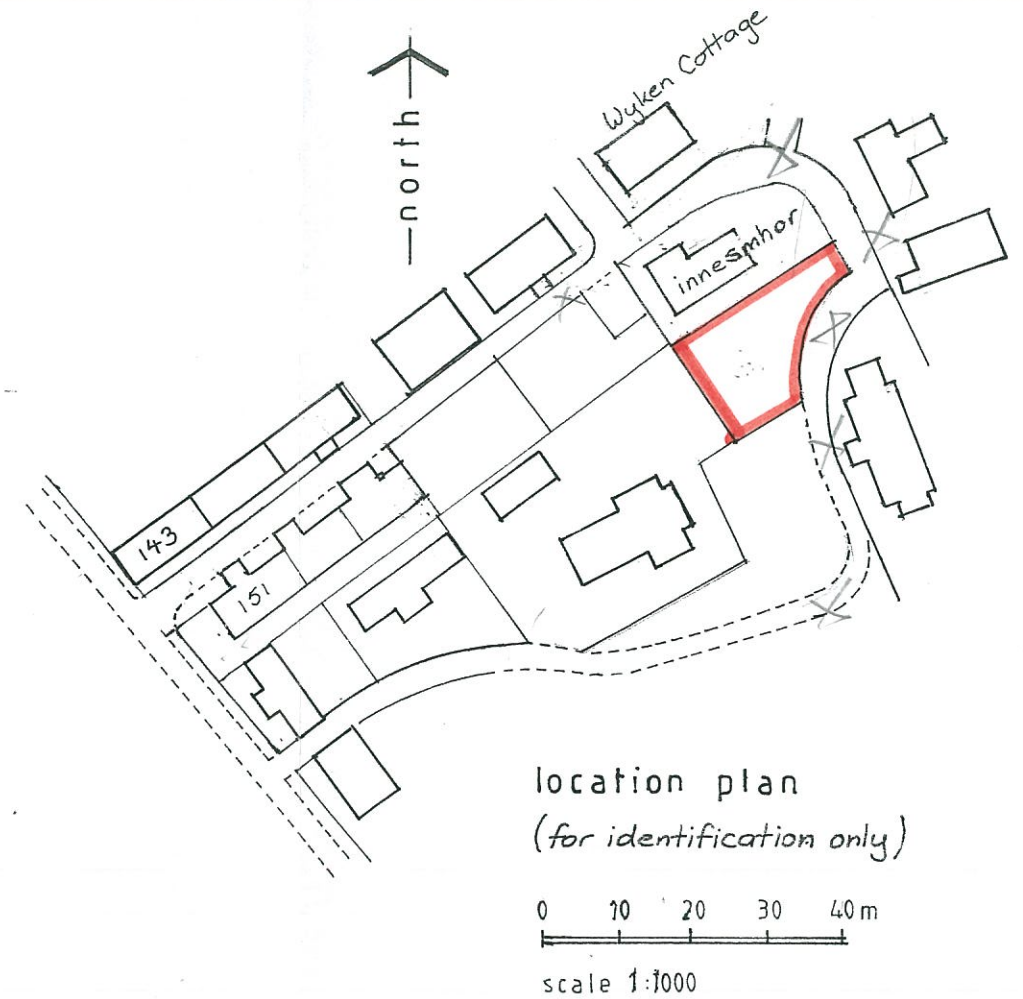
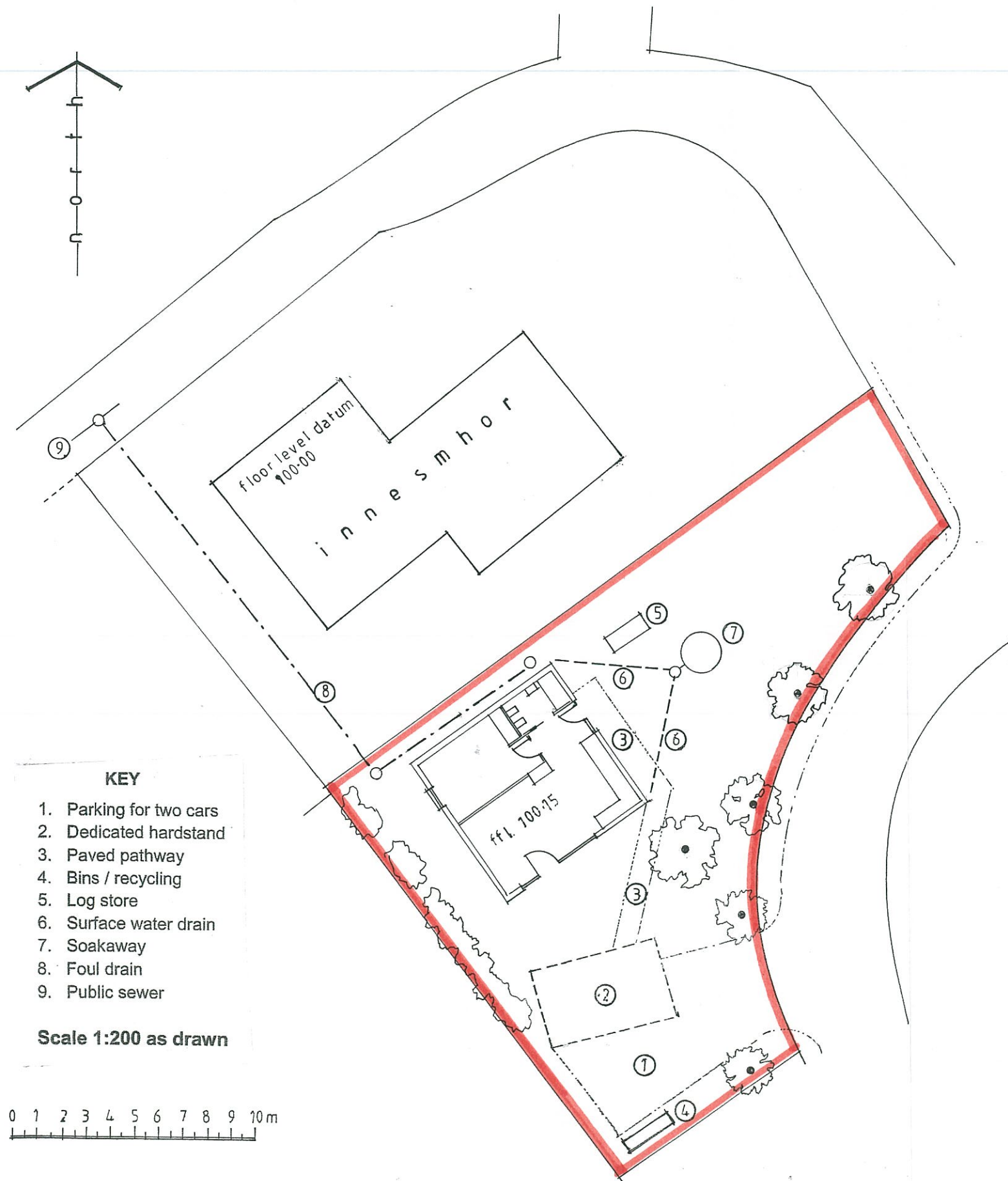
Innesmhor



Rear of Wykon



n e w h o u s e a d j a c e n t t o I n n e s m h o r
s i t e p l a n



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

REFUSED

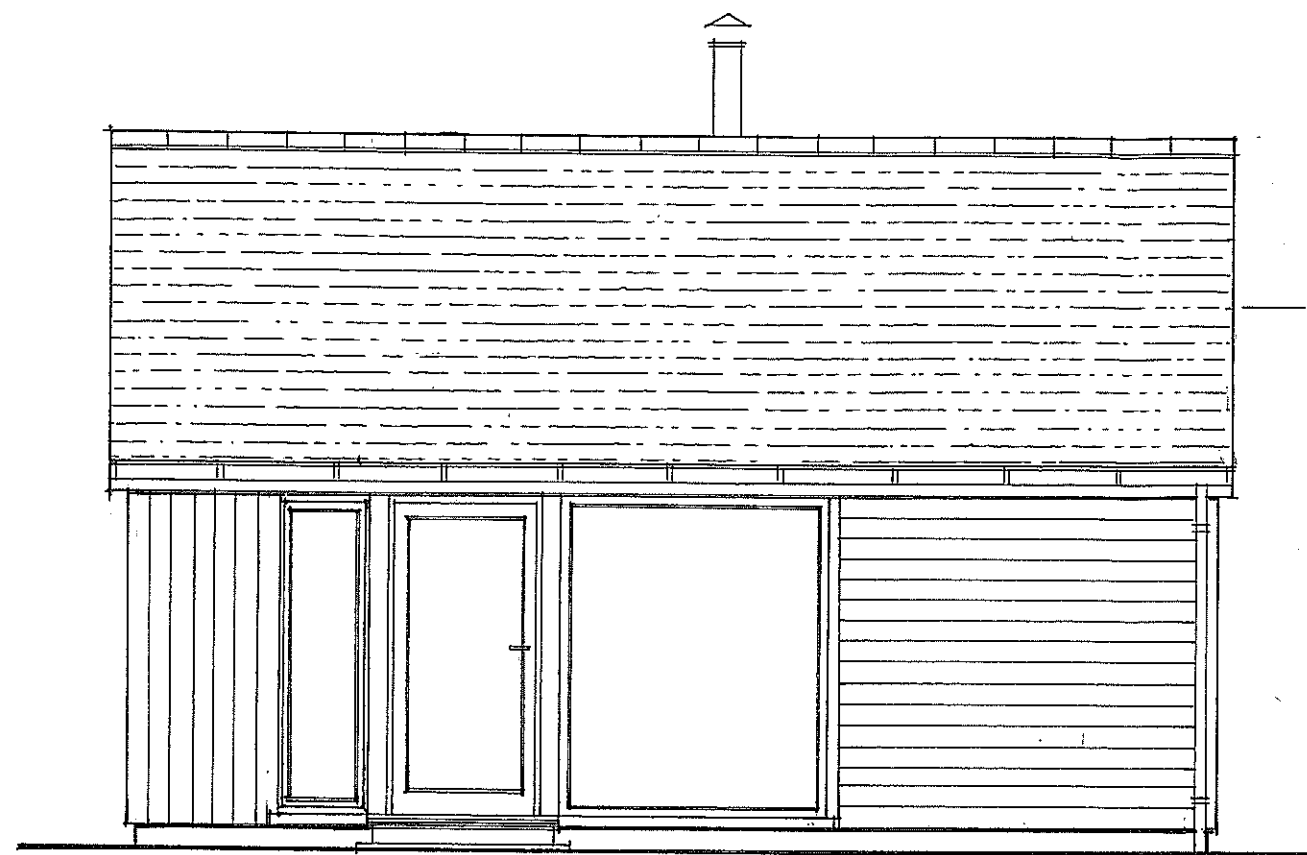
19.03.2019

Development Management
Environmental Services
The Moray Council

REFUSED

19.03.2019

Development Management
Environmental Services
The Moray Council



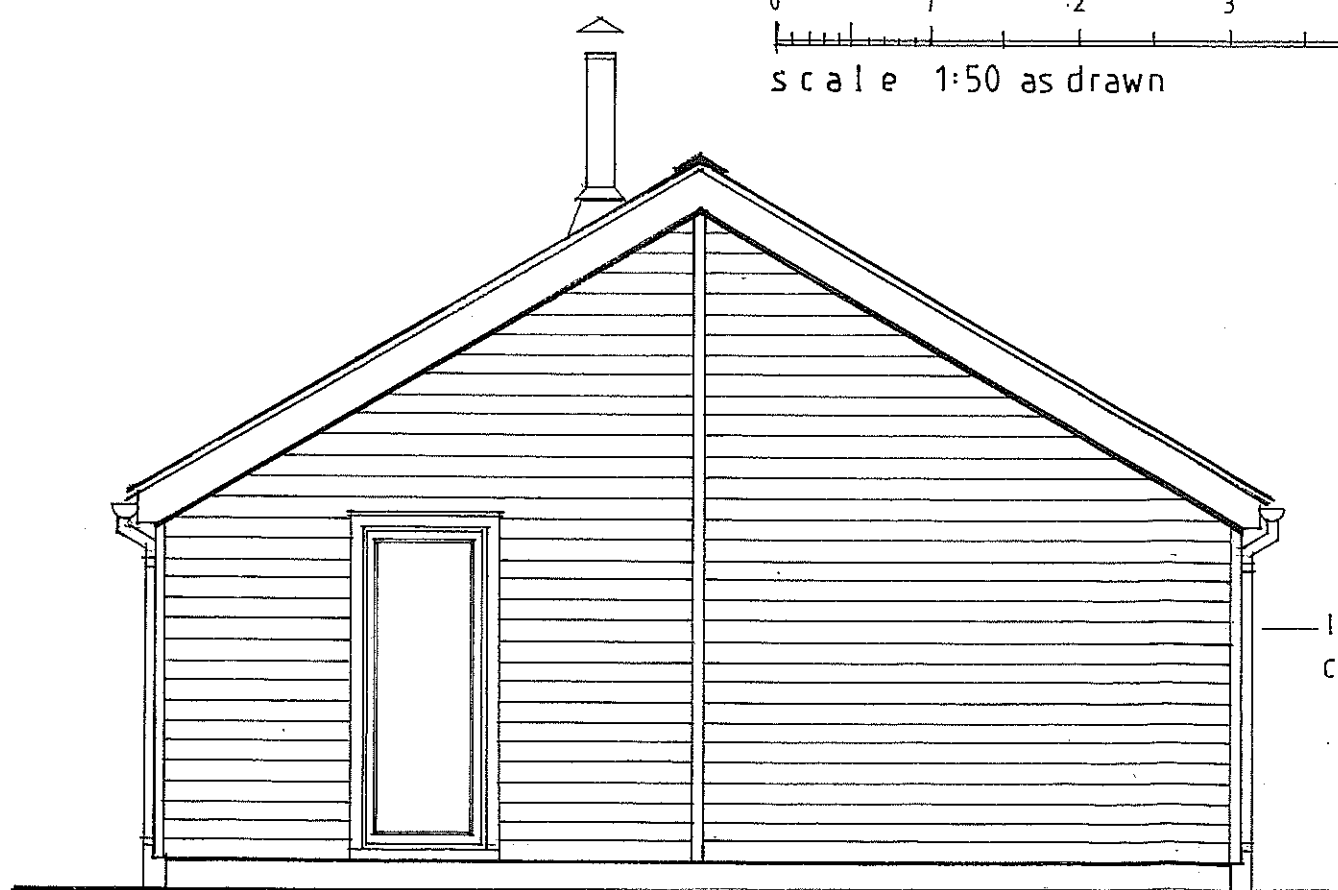
slate roof

south east

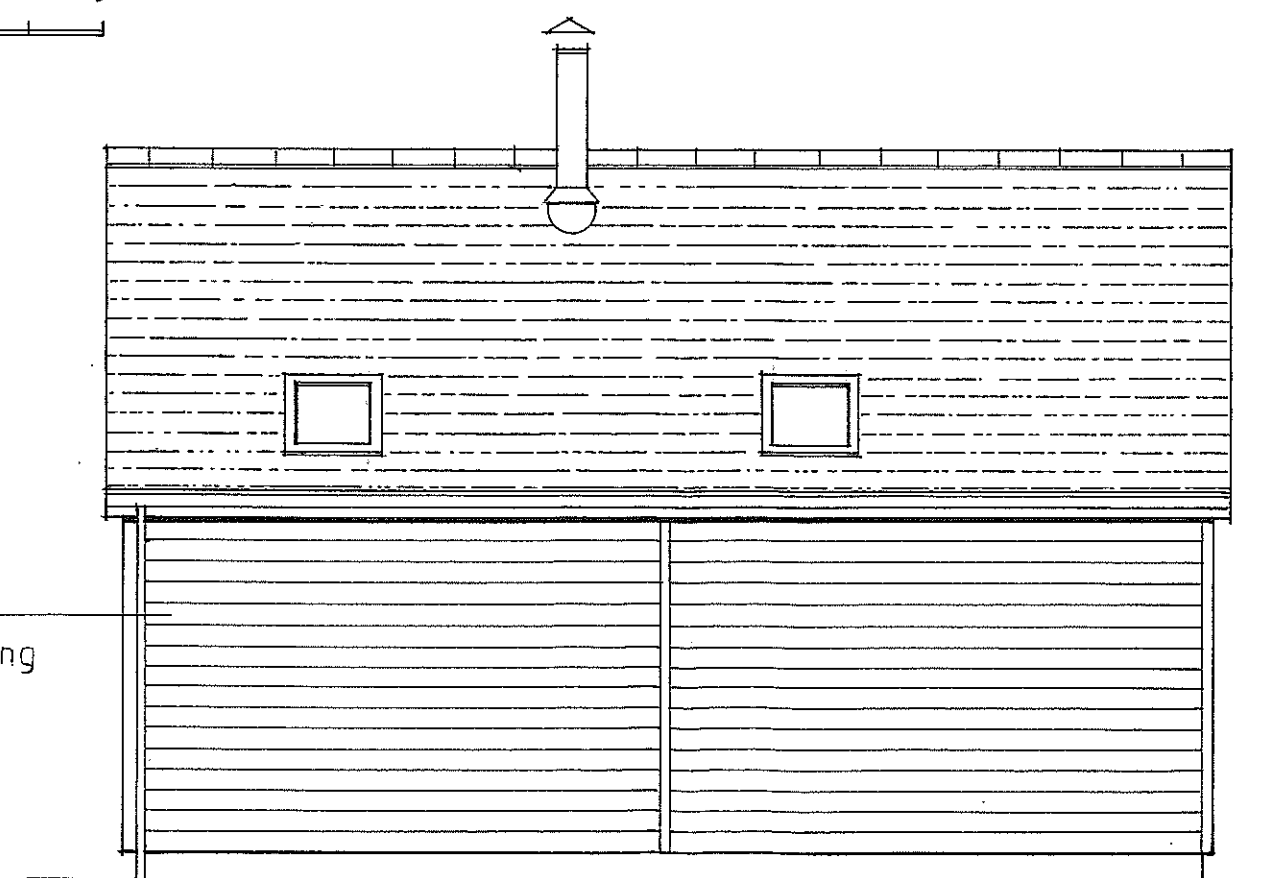


north east

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scale 1:50 as drawn

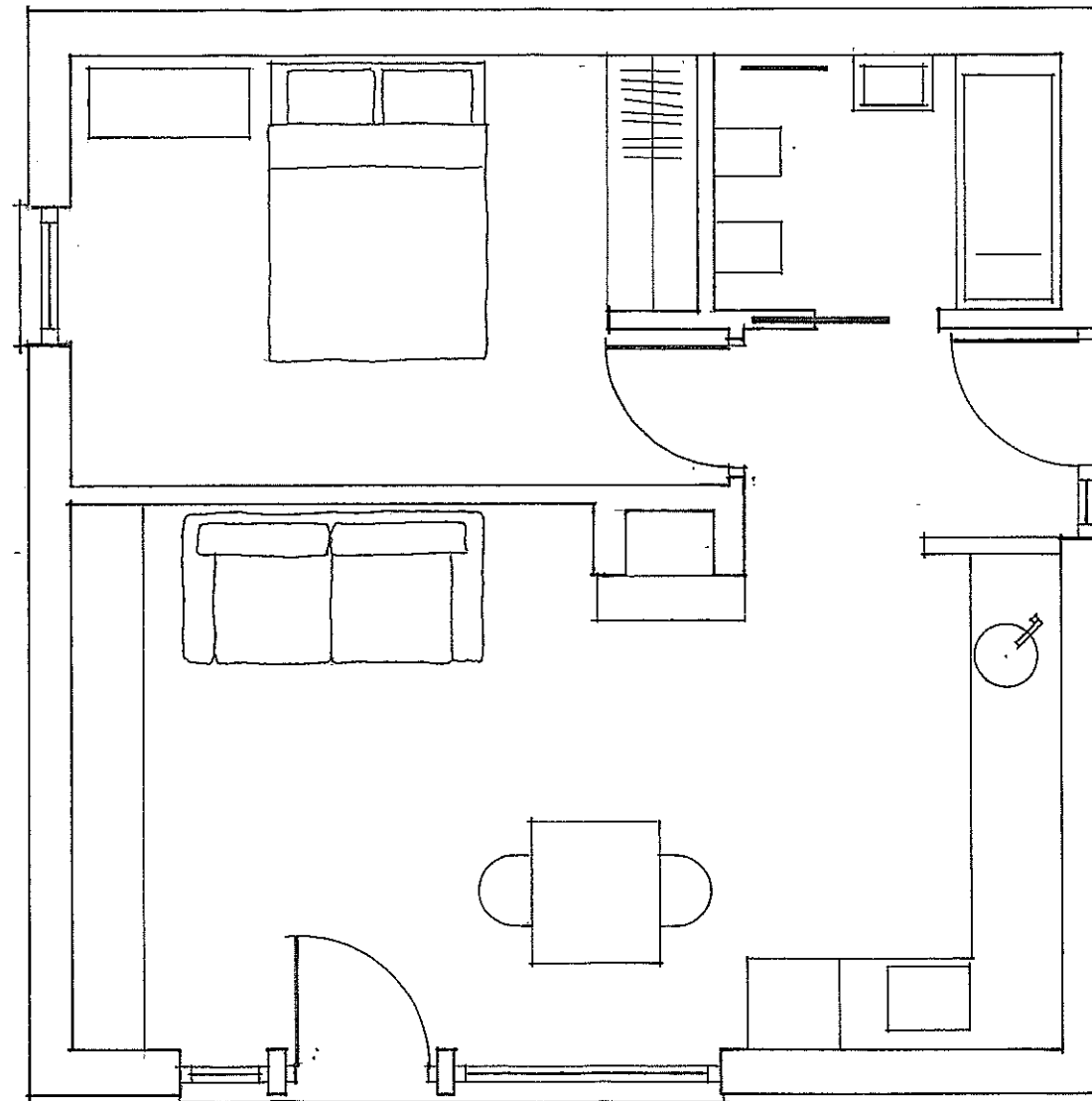


south west



north west

n e w h o u s e a d j a c e n t t o I n n e s m h a y
f l o o r p l a n



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

REFUSED

19.03.2019

Development Management
Environmental Services
Moray Council

0 1 2 3 4 5

scale 1:50 as drawn



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

From: [REDACTED]
Sent: 14 July 2019 14:54
To: Lissa Rowan
Subject: Re NOR LR/LR225 of Planning Application: 18/01568/aPP

Dear Lissa

I have read Ms B A.Court's submissions and wish to raise the following points:

.1 The plot is outside the Findhorn Village conservation area, as far as I am aware there is no designation as "close to the conservation area"

2. Of Ms A'Court's own volition her plot is below the size of that required by the policy H3 in the current Local Plan and in the previous local plan for house plots formed by subdivision, her previous application in 2014 was refused for the same reasons.

3. I understand Ms A'Court's concerns of what she calls investment homes/holiday homes as the village now has over 50% of properties as holiday/rental homes, but her immediate neighbours [REDACTED] have modern houses outside the Conservation Area both built since 2002 and occupied on a permanent basis.

4. The statement that her property "is more like the original fishing village homes" is utter nonsense, my previous property [REDACTED] is a traditional "Fishing Village Home". Stone built from Hopeman Sandstone, Dormer Windows, Wooden Split front door, how does this resemble anything Ms A'Court has submitted.

5. The Applicant seems to have a problem with my house [REDACTED] which was built in 2003, I had planning permission granted in 1999 but had to wait for Scottish Water to upgrade the Sewage Treatment Works at Kinloss as it was running at overcapacity. I was finally given the go ahead in May 2003 to build my house, the planners at the time insisted on Slate Roof, Dummy Chimney,s, Windows with a Vertical Emphasis, Gable Window on Second Floor to mimic the Windows on old Fishing Village Homes where nets used to be dried upstairs.

6 She also mentions a Hot Tub and Summer House on [REDACTED] land adjoining her plot, neither of which require planning as far as I am aware and have been in situ since 2006.

7. Parking, the 2011 parking regulations for new builds require 2 Car parking Spaces for houses of three Bed and below. Ms A'Court mentions she will "fence the parking area once built" I have had issues with Ms A'Court's visitors parking on [REDACTED] land adjacent to her plot for the last 22 years. Which brings me to the issue of Emergency Service Vehicles access and Tradesmen Parking on this very cramped site.

7a. There is no access to this site for Fire Service Vehicles, the access lanes are too narrow to allow access. [REDACTED] at 159c Findhorn immediately in front of Ms A'Court's site were made to fit a Sprinkler System as the Fire Service Report said they could not access the property, I trust Ms A'Court will have the same conditions applied, especially with a Wooden House.

7b. [REDACTED] at 159c Findhorn had to provide a Hammerhead Turning Area to allow the turning of their vehicle on their property so as not reversing out onto the lane, No such area shown on Ms A'Court's Plans

8 I trust Ms A'Court being such an Eco Warrior will have the current trees that stand on the footprint of her proposed house as an internal feature, or as I suspect will they be cut down.

Please consider these submissions when looking at the applicants NOR.

Regards

F

Lissa Rowan

From: [REDACTED]
Sent: 10 July 2019 14:27
To: Lissa Rowan
Subject: Fw: LR/LR225

----- Forwarded message -----

From: [REDACTED]
To: lissa.rwan@moray.gov.uk <lissa.rwan@moray.gov.uk>
Sent: Wednesday, 10 July 2019 14:14:24 BST
Subject: LR/LR225

Dear Mrs Rowan

Town and County Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
[the Regulations]

Notice of Review: Planning Application 18/01568/APP-Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL.

Thank you for your letter dated the 5 July 2019 regarding planning application for the erection of a building on the
aforementioned site.

I have noted the comments made by the applicant and do query if some of these are factual and accurate.

I query the claim made that 'nearby neighbours' have made no objections to the build we are the only neighbours who
will have a direct view of the property. The other houses in the nearby area are holiday homes and rented properties.

We built our house in 2012 and had several things to overcome but that is all part of the process. At the time of our
build turning room of vehicles had to be included. Although no car is owned by the applicant, visitors do.

Although it has been stated that the build would have no impact on surrounding properties I disagree, trees will have
to be felled to accommodate the building and parking area which will impact on our view from inside the house

From the plans it is unclear what type of fencing will be erected but if it is in keeping with the current fencing the
refuse bins will also be visible from the main rooms of our property.

We agree with the original decision of the Planning Committee that the plot is too small compared with the adjacent
properties and that if planning permission was to be granted that it would set a precedent for others to follow.

Yours faithfully

[REDACTED]



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

FAO Lissa Rowan:

To Whom it may Concern:

Re: NOR LR /LR 225 Planning Application 18/01568 /aPP

Dear Lissa,

I wrote to inform the Planning department twice that I would be away until early August, but a letter arrived during my absence requiring my signature on July 23rd. It states that I have 14 days to reply. I arrived home on 31st July, so in effect I have had 6 days to respond.

It appears that I am being asked to address some of the same issues again, things I thought I had already explained. Here is my attempt to respond to the most recent objections.

Properties impacted by my house plan:

Neighbouring properties to my a plot are not all holiday homes, 2 households closer than 159a & 159c are permanent residences & the closest property & a 3rd at slightly greater distance, are permanently occupied, & supportive of my application.

However, I do, of course, appreciate that only house 159c faces directly across the lane onto my plot & I am willing to take note of the residents' views & concern here in writing & in personal conversation etc (see below)

PLOT SIZE:

As mentioned in my last letter, I was assured in 2014 that the plot size of 397sq.mtres would be considered favourably as sufficiently close to the 400 guideline for a small house development, if the house design was reduced / amended, which it has been.

The change, of which neither I nor my architect were notified of during the whole pre-application conversation with planners & design application process, requiring the parking area to be *in addition to* this 400sq.mtre guideline, seems to be unfairly imposed, not applied to every house build – my questions about this have not been responded to.

In general, if extended, this will only significantly negatively impact residents like myself on limited means, with growing or dividing families who wish to stay geographically connected & will unfairly privilege wealthy & retired residents / 2nd home investment owners planning to build 4 bedroom houses on large plots.

Findhorn & the whole of rural Moray has a large & growing proportion of these, forcing out the young & lower earners.

I would like to ask for some creative, forward-looking consideration of this in relation to my application, & for the original rule I was taking as a guideline to be considered as more realistic & environmentally appropriate here - for a design & garden which I believe could enhance this area of Findhorn when sensitively completed. The crucial *proportion of the house to plot size* is not excessive for this area, this small house fits

this plot size more harmoniously & spaciouly than many of the large houses crammed onto small plots now being built in the village & all over the peninsular. The over-development criterion applied to my small house away from the village centre, seems indefensible to me in the face of the recent developments, no. 110 & current proposals from Dunelands.

Re: PARKING:

There are some factual errors & misleading inferences in the complaints:

1. The area used for parking 1 family car from 1999 - 2012, then from late 2014 - Nov. 2018, & included in the parking area of the application, lies several metres WITHIN the border of the land purchased from [REDACTED] in 1999, as evidenced in the deeds & lies within the area of my plot now called Plot 1 @ Innesmhor.

To clarify, it is not an additional area *adjacent* to the plot – as implied by the wording of the complaint, (& the appearance of the partial deer-fenced area) which gives a misleading impression, implying some transgression into land belonging to 159a. It *is* in my plot. The complainant had never mentioned to us any 'issues' with our use of our land until my planning application was submitted.

The Fir tree also lies *within* this boundary too, on my land.

The old, unsightly shed also on this land at the edge of my plot is to be removed.

2. I have already clearly stated & emphasise again, I am a member of Moray Carshare & for the past 5+ years have not needed any regular, all day /overnight parking space since I use the many allocated village & Park areas where the Carshare cars are kept. I have barely used this parking space in recent years.

No one other than myself, & very **occasionally** (less than 1 x per fortnight) my mother or brother use my parking space *briefly* to drop off/ pick up. Only very rarely is a car parked there for longer while providing, for example, lawn mowing or, as recently, plumbing services. Other guests tend to arrive on foot, by bicycle, park on the main road & walk down, or, since [REDACTED] since 2018, now park elsewhere in the village to avoid encountering harassment, even though this is my land with legal access onto the lane.

Re Hammerhead style parking area:

The issue about no reversing in the lane is practically speaking, nonsense, as every resident must be aware, almost every household along the lane built pre-2003, has to reverse at some point, to some small degree, to enter/exit their property. The 2 joining lanes are extremely quiet, largely operate in a 1way fashion by convention, are very safe, & traffic is easily visible. There are no accidents & no sudden rise in traffic likely. For a small 1 person studio-style house to require an equivalent area dedicated to 2-car turning area is absurd in practice. Cars already easily reverse at an angle from my property, & need encroach on the lane by a couple of yards at most, with no impact on adjoining properties, no need to intrude on anyone else's land or inflict grass damage.

The new parking area in my plan will improve & increase the parking area without an additional hammerhead turning area. However this might be possible if enforced.

My statement about the parking area being used as a patio/garden was to simply to convey that it could be hidden behind an attractive wooden gate & also function as a

small patio area, as it will mostly have no vehicle there, so there should be nothing unsightly for neighbours.

My plot is also immediately adjacent to a large passing bay, so in an emergency a vehicle could easily pull in to access the house & park temporarily. Also Innesmhor has a large parking & turning area to the north of the house & another to the North West. The lane is well served for places to safely pull in, reverse & turn as any observer could vouch for.

TREE FELLING:

I planted almost all of the trees on the plot which one neighbour seems most concerned about & I was going to trim some of them in height this year anyway. It is my intention to maintain my own visual privacy & the secluded, aesthetic character of the plot by continuing to plant smaller ornamental trees & flowering shrubs on the periphery & to preserve as many existing trees as possible.

I hope this reassures the neighbour somewhat.

My planned house is carefully positioned to necessitate only the removal / trimming of all or part of 1 willow tree which I planted as a single branch & possibly 3 smaller immature trees, with minimum impact beyond my garden & not visible from my neighbours' houses/gardens.

I believe none of this should dramatically inconvenience or impact my neighbours' views.

(However, I am surprised, as I have written before – that the wholesale removal of native flowers & herbs for paving & lawns & the installation of cruel gull spikes & other means to deter protected native birds from nesting, is ignored & unrestrained by planning law, yet the details of which trees I may or may not remove of those I planted on tree-less rough ground, is receiving so much attention & is something my neighbours are permitted to influence/dictate)

Is it the case that I cannot build if the space to do so might spoil my neighbour's view?

I was told that obstructed 'view' & access to daylight is not considered a valid ground for objection in this village, even in cases of severe illness where lack of vitamin D is a factor. And just a few yards up the adjoining lane a rich owner has blocked all ground-floor west light & view out from a small family cottage for almost 2 years with no restraint, exacerbating one resident's health problems.

There seems bias & discrimination in this whole process.

FENCING:

I am of course aware that deer-proof fence is not the most attractive form of fencing for a village property but it was arrived at as essential for creating a vegetable plot, as I have also written to explain before - & I continue to plant flowering greenery along it to cover the wire mesh.

I am undecided re fencing my plot, my preference is for 1 metre or higher traditional wooden picket fencing or plain wooden slats / screen with a simple, well-crafted wooden gate. I would welcome polite, co-operative suggestions and recommendations from neighbours.

VIEW OF BINS:

I would like neighbours to be assured that of course I do not wish for a bin-view either! & am perfectly capable of, & would, as a gardener & artist, be creating a discreet screen / location for all such necessities. I am also open for friendly conversations & design recommendations about what works well & looks good/bad from facing properties.

DESIGN STYLE/DETAILS

My original 2014 design had a more harmonious & attractive steeply-pitched roof & more closely resembled several other restored net stores and outhouses/ cottages by Coast to Coast architects throughout Findhorn Village - but I was told by the then planning officer that I must make my design '*look more like a shed*' in several extraordinary ways;

I was told to lower the roof pitch to match the gable angles of Innesmhor & The Whins, alter the outer windows etc all of which has been done for this application. So if now 'it looks like a shed' as my neighbour has complained to me, this was a design decision imposed on me, not at all my preference.

I do not have a personal issue about my neighbours' homes, & although frustrated by the objections, was not wishing to offend or create bad relations.

It is rather that I am seemingly being penalised by an unfair, biased policy.

I wish to clarify that the issue I have with 159a & 159c is simply that the decision as to what is appropriate for this area & what is not, seems somewhat ad hoc & dominated by these 2 most recently-built houses, neither of which fit very harmoniously in style or materials with what was in this area before or the rest of the nearby village. It is therefore relevant to also mention, given their owners' objections, that some conditions of the permission were overstepped by 159a, in height etc. None of us in this immediate area have made a prolonged issue of this, but it is galling to see what these neighbours are now objecting to regarding my application.

Both neighbours have expressed their understandable frustration & resentment re expensive, unnecessary design features forced on them, to align with the particular design type they had chosen, eg: dummy chimneys, & yet it is ludicrous to force, as they seem to suggest, similar criteria to apply to my design for a far smaller, humbler style of building of another era.

Re: Caravan

In my recent absence from work a complaint was lodged concerning the small touring caravan parked on my plot.

I completely understand fellow residents' anxieties about unsightly, static vehicles & temporary structures left to decay in a picturesque residential area, This is not what is happening here, so to clarify my previous letter about this:

No one is living on the plot at Innesmhor

The small office caravan was temporary, on-off, spill-over room space for our family during periods of work in the house & further clearing for estimates for upgrading insulation /heating system & other repairs & during April – May more for my late / night-early morning online working & sometimes subsequent sleep-overs since my

work includes mentoring & supervising overseas clinical practitioners & students in widely different time zones.

It was always intended to be removed as soon as planning decision was made.

The caravan has not been used at all since mid-late June & not since my arrival back. I do not believe from other residents that I need planning permission to park a small touring caravan temporarily on my plot. It is not a beautiful vehicle but I hope neighbours will be reassured it will be removed in the near future.

Re: Fire: Sprinkler system:

My house design is the minimum footprint allowed I believe &, except for Innesmhor, is located at more distance from other houses than 159c. I understand from my architect that the design adequately meets all building standards requirements in this respect.

I am of course willing to check this as soon as he is available, but as you have allowed me less than the usual formal 14 days to respond, please allow more time for this. Installation of a sprinkler system would be possible, though totally disproportionate, & should not jeopardise the plan.

I would appreciate acknowledgement of your receipt of this letter.

Thank you,

Beverley A'Court



MORAY LOCAL REVIEW BODY

29 AUGUST 2019

SUMMARY OF INFORMATION FOR CASE No LR226

Ward 6 – Elgin City North

Planning Application 19/00173/APP – Change of use of amenity land to garden ground and erect summer house/work room and shed at 65 Marleon Field, Elgin

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 April 2019 on the grounds that:

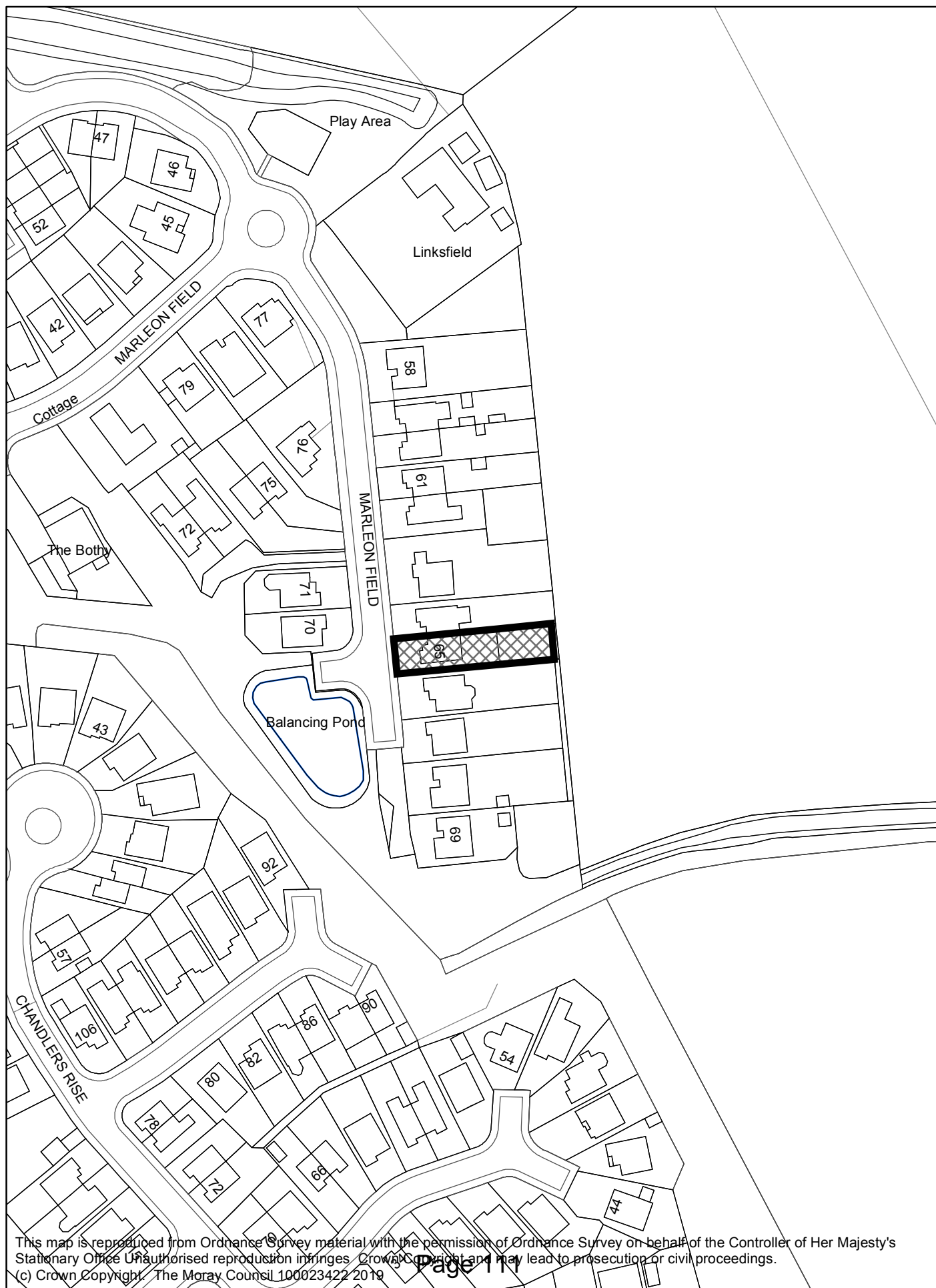
The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area, contrary to policy IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policy DP1).

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.





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 100146179-003

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 of amenity land to garden ground and erect summer house work room and shed at 65 Marleon Field, Elgin

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Grant and Geoghegan Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	Unit 4 Westerton Road Business
Last Name: *	Grant	Building Number:	
Telephone Number: *	07769744332	Address 1 (Street): *	4 Westerton Road South
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	KEITH
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB55 5FH
Email Address: *	neil@ggmail.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Laura	Building Number:	4
Last Name: *	Mackay	Address 1 (Street): *	Unit 4
Company/Organisation		Address 2:	Unit 4, Westerton Road Business
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB55 5FH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

863954

Easting

322560

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

121.00

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)

Undeveloped land

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">3</div>
<p>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).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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

To local authority requirements

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 2 Financial, professional and other services

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

10

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

Beauty room for owner/applicants home business

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Neil Grant

On behalf of: Ms Laura Mackay

Date: 17/02/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

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 Neil Grant

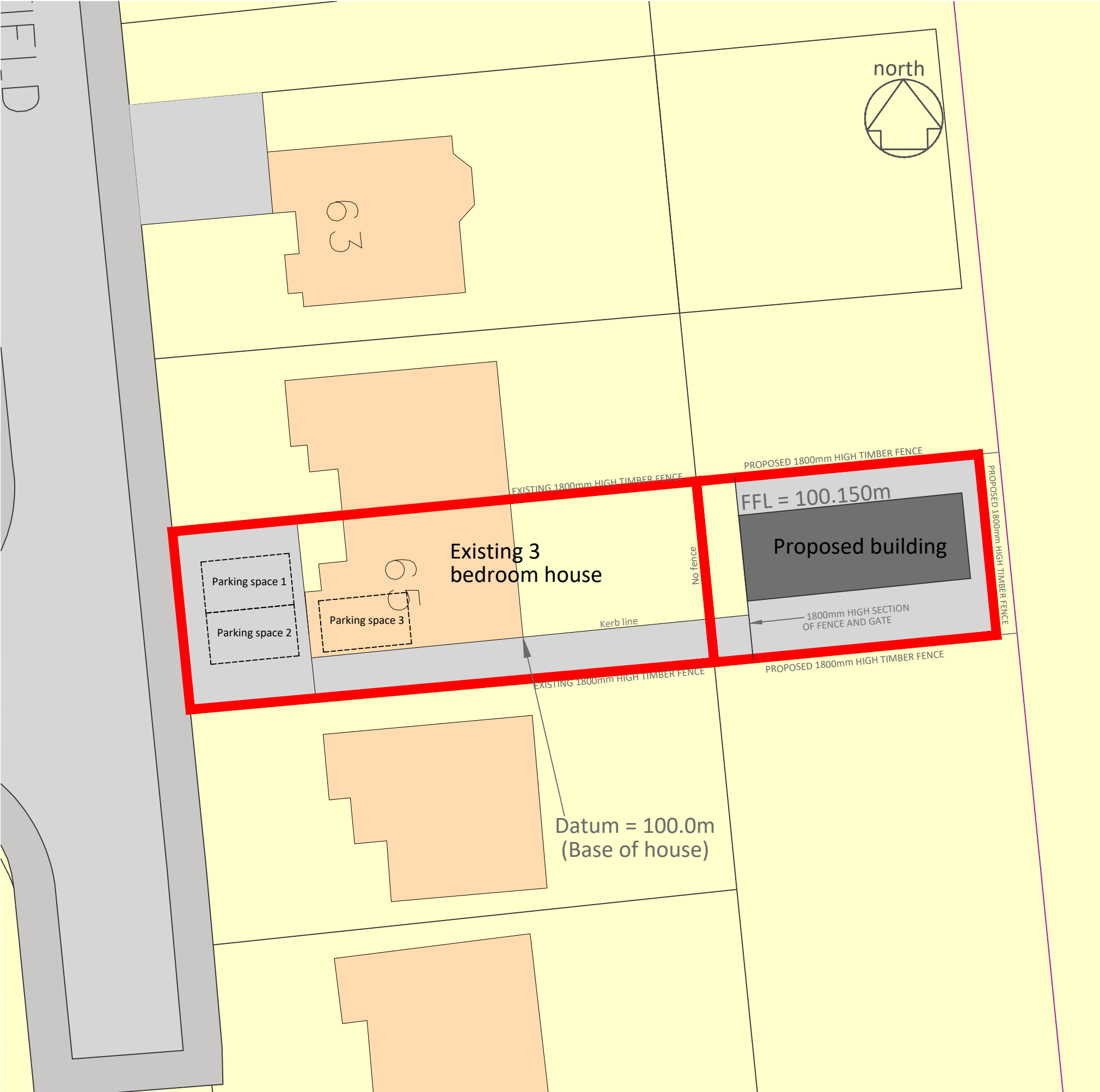
Declaration Date: 06/12/2018

Payment Details

Online payment: 298600

Payment date: 17/02/2019 20:12:48

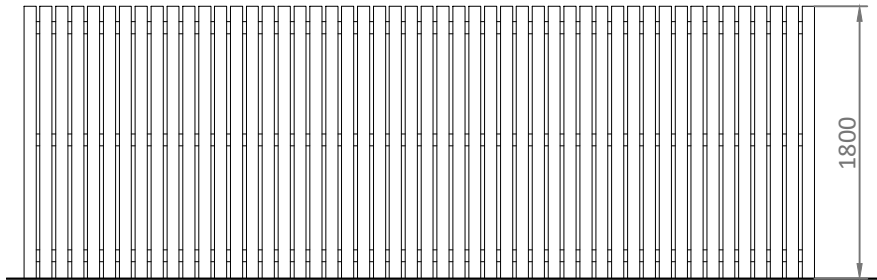
Created: 17/02/2019 20:12



site plan 1:200



location plan 1:1250



typical fence elevation

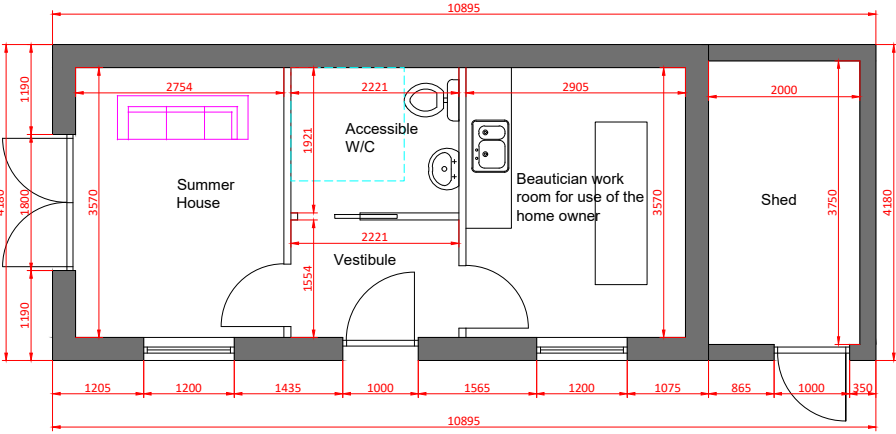
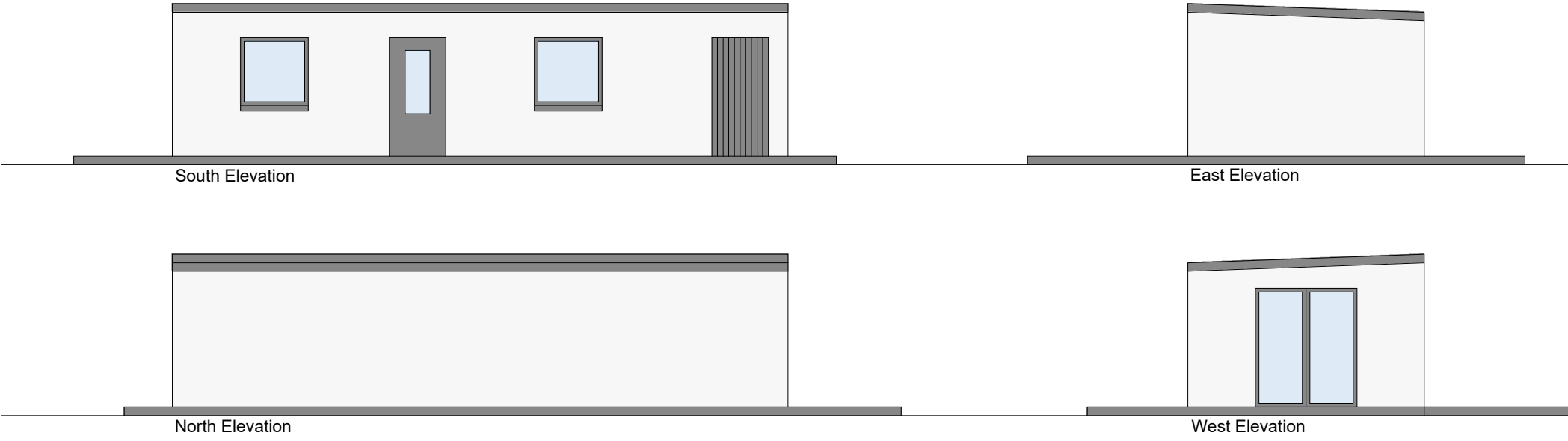
grant and
geoghegan

planning, development and
architectural consultants

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

65 Marleon Field, Elgin
for
Ms Laura Mackay

Drawing Title	Drawing No.
Site & Location Plan	014/0840/P-1
Scale @ A3	Date
1:50/200/2000	Jan 19
Amendments/Revisions	



Floor plan 38sqm

Beauty room (Ancillary to main 3 bedroom dwellinghouse)

- One customer per visit with minimum 15minute space between appointments to allow customers to avoid waiting
- Operating hours (pre booking only) 9am-6pm Monday to Friday, 10am-5pm Saturday, Sunday closed

external finishes

- roof
grey metal sheeting
- walls
white render

grant and
geoghegan
planning, development and
architectural consultants

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

65 Marleon Field, Elgin for Ms Laura Mackay	
Drawing Title	Drawing No.
Plans and elevations	014/0840/P-2
Scale @ A3	Date
1:100	May 2014
Amendments/Revisions	

Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07557 431 702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Surface Water Drainage Assessment

65 MARLEON FIELDS, ELGIN

Gary Mackintosh BSc
gmsurveys@gmail.com

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Infiltration Testing:	3
Conclusion and Recommendations:	3

Client:

Mrs L McKay

Site Address:

65
Marleon Fields
Elgin

Planning Reference:

N/A

Date:

31st January 2019

Job Number:

0459

Company Information:

Assessment completed by:

Gary Mackintosh BSc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07753384192

Site Description:

Number 65 Marleon Field is located within the Silver Crest development to the east of Lesmurdie Road, Elgin.

It is proposed to erect a new summer house within the garden area to the rear of the property.

GMC Surveys were asked to provide a ground investigation and report/design for surface water drainage required to accommodate the new building.

The SEPA Flood Maps have been consulted which show no risk of fluvial or pluvial flooding within or adjacent to the site.

There is existing foul drainage associated with the existing house and it is proposed that the summer house will make a direct connection via gravity to this existing infrastructure to disperse of the foul waters.

There is an existing concrete ring surface water soakaway located within the garden area as indicated in Appendix A. The size could not be established during the site visit as the lid could not be lifted.

Soil Conditions:

Excavations were carried out on 31st January 2019 to assess the existing ground conditions and carry out infiltration testing for the dispersal of surface waters via soakaways.

The trial pits were excavated to depths of 1.6m. The pits were left open and no ground water was encountered and there was no evidence of contamination within the pit.

The existing Topsoil of approximately 150mm depth had already been removed from the excavation area. The existing sub soils consist of brown loose fine Sands to a depth of 650mm bgl overlying light brown medium to loose, fine slightly gravelly sands to the depth of the excavations.

Infiltration testing:

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	1.0m x 1.0m	1.0 - 1.6	9.25×10^{-5}

Conclusion and Recommendations:

Based on the onsite investigations it can be confirmed that the underlying soils suitable for the use of infiltration to manage and disperse the surface water flows from the new roof area.

The foul drainage for the new building area to connect to the existing foul drainage associated with the house.

Surface Water Soakaway:

There are two options available for the surface water drainage. Option one would be to connect to the existing soakaway located within the garden area if the sizing is sufficient to accommodate the additional area. Option 2 would be to install a new concrete ring soakaway to manage the flows from the new roof area only.

From the calculation sheets below, the existing soakaway ring would require to be a minimum 1200mm diameter ring with 1.31m storage below the invert of the incoming pipe and a 300mm stone filled surround. The actual size will require to be established on site with calculations revised, if necessary, before any connection could be made.

For Option 2, the calculation sheet below, a concrete soakaway ring with dimensions of 900mm diameter with 1.0m storage below the invert of the pipe with a 300mm stone filled surround would be adequate to manage the runoff from the new building only.

Typical details for the surface water soakaway can be found within Appendix B.

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

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



MasterDrain
SW 16.10

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Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
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email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. 0459		
Sheet no. 1		
Date 31/01/19		
By GM	Checked	Approved

Project
65 Marleon Field, Elgin

Title
Option 1 Soakaway Requirements

Data:-

Location hydrological data (FSR):-

Location	= ELGIN	Grid reference	= NJ2162
M5-60 (mm)	= 14.0	r	= 0.24
Soil index	= 0.40	SAAR (mm/yr)	= 800
WRAP	= 3	Area	= Scotland and N. Ireland

Soil classification for WRAP type 3

- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Design data:-

Safety factor = 1.5 - No damage or inconvenience (SF=1.5)
Fill porosity = 0.45 - Clean stone (porosity = 0.4 - 0.5)

Equivalent porosity (n1) = 0.33

Ring diameter = 1200 mm

Pit dimensions= 1.8 x 1.8 metres

Area drained = 115 m²

Infiltration coefficient = 0.333 m/hr
Effective inf.coeff (q) = 0.222

Return period = 30 yrs

Climate change factor = 30%

Calculations :-

Concrete ring design:-

Perimeter of pit = (2 x Excavation Width)+(2 x Excavation Length)
Area of base = Excavation Width x Excavation Length
Infiltration area = (Area of base)+(Perimeter of pit x Hmax)
Temporary constant 'a'
= (Area of base / perimeter)-((AreaDrained x Rainfall depth /1000)/((Perimeter/Inf. coeff))
Temporary constant 'b' = (Perimeter/Inf. coeff) / (Area of base x porosity)
Hmax = a*((EXP(-1 x b x Duration of storm))-1)

Note: The Hmax calculation is iterated to a maximum value of Hmax.

Note: Duration of storm in hours, Rainfall depth in mm/hr x Climate Change factor.

Results :-

Emptying time to 50% volume = 0:19 (hr:min)

hMax (Depth) = 1.31 metres

Time to maximum = 0:01 hr:min

Rainfall at maximum = 38.3mm/hr

Width (m) = 1.8

Length (m) = 1.8

Total Infiltration area = 12.7m² (base area + sidewall area).

Total available volume = 3.28m³

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.
Formulae and methods from CIRIA 156.



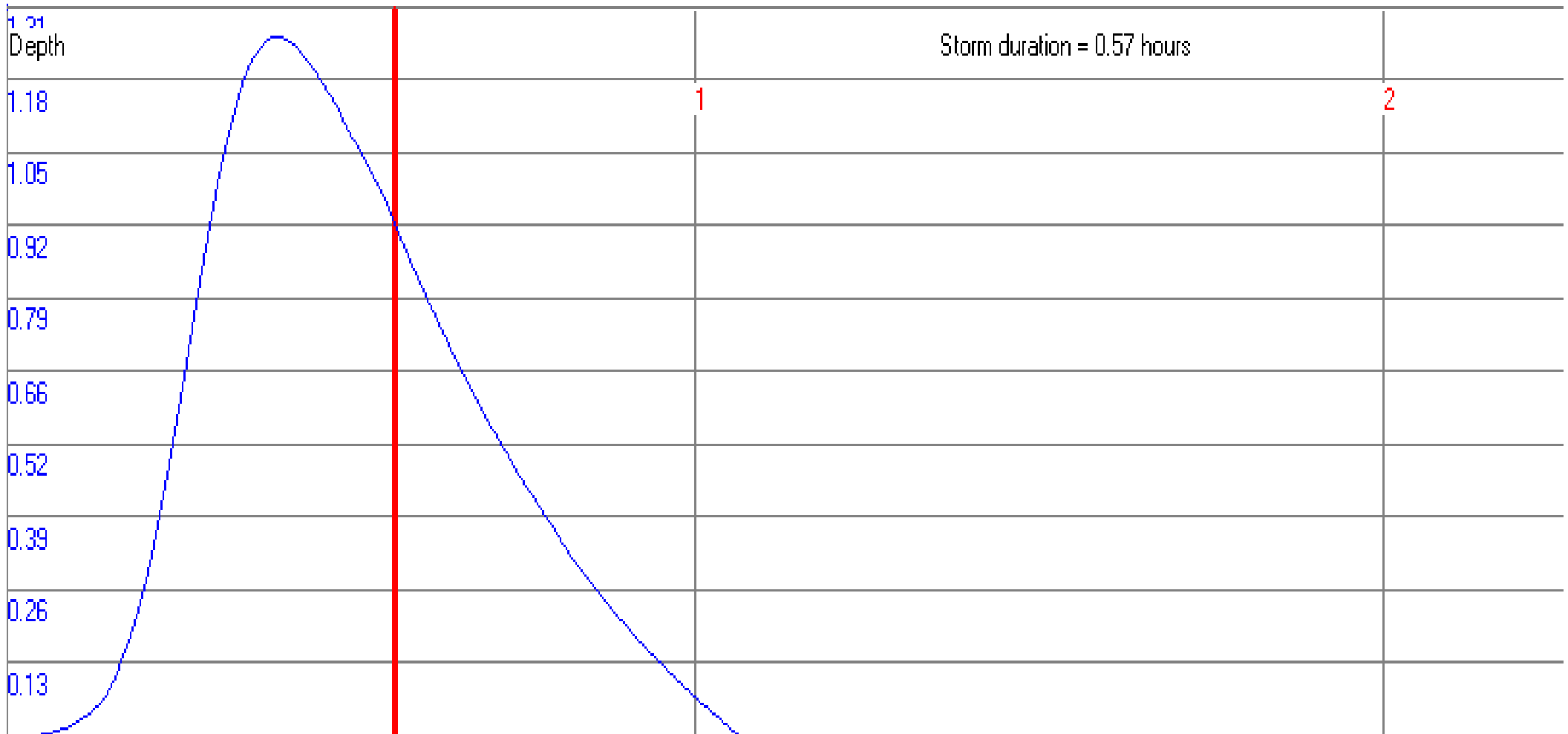
MasterDrain
SW 16.10

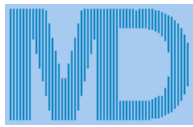
gmcsurveys
Surveys, Setting Out, Civil Engineering Design

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Mobile: 07557 431 702

Job No. 0459		
Sheet no. 2		
Date 31/01/19		
By GM	Checked	Approved

Project 65 Marleon Field, Elgin
Title Worst case soakaway times to empty.





MasterDrain
SW 16.10

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Job No.	0459		
Sheet no.	1		
Date	31/01/19		
By	GM	Checked	Approved

Project **65 Marleon Field, Elgin**
Title **Option 2 - New Roof Area Only**

Data:-

Location hydrological data (FSR):-

Location	= ELGIN	Grid reference	= NJ2162
M5-60 (mm)	= 14.0	r	= 0.24
Soil index	= 0.40	SAAR (mm/yr)	= 800
WRAP	= 3	Area	= Scotland and N. Ireland

Soil classification for WRAP type 3

- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Design data:-

Safety factor = 1.5 - No damage or inconvenience (SF=1.5)
Fill porosity = 0.45 - Clean stone (porosity = 0.4 - 0.5)

Equivalent porosity (n1) = 0.21

Ring diameter = 900 mm

Pit dimensions= 1.5 x 1.5 metres

Area drained = 50 m²

Infiltration coefficient = 0.333 m/hr
Effective inf.coeff (q) = 0.222

Return period = 30 yrs

Climate change factor = 30%

Calculations :-

Concrete ring design:-

Perimeter of pit = (2 x Excavation Width)+(2 x Excavation Length)
Area of base = Excavation Width x Excavation Length
Infiltration area = (Area of base)+(Perimeter of pit x Hmax)
Temporary constant 'a'
= (Area of base / perimeter)-((AreaDrained x Rainfall depth /1000)/((Perimeter/Inf. coeff))
Temporary constant 'b' = (Perimeter/Inf. coeff) / (Area of base x porosity)
Hmax = a*((EXP(-1 x b x Duration of storm))-1)

Note: The Hmax calculation is iterated to a maximum value of Hmax.

Note: Duration of storm in hours, Rainfall depth in mm/hr x Climate Change factor.

Results :-

Emptying time to 50% volume = 0:09 (hr:min)

hMax (Depth) = 0.94 metres

Time to maximum = 0:00 hr:min

Rainfall at maximum = 50.54mm/hr

Width (m) = 1.5

Length (m) = 1.5

Total Infiltration area = 7.9m² (base area + sidewall area).

Total available volume = 1.68m³

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.
Formulae and methods from CIRIA 156.



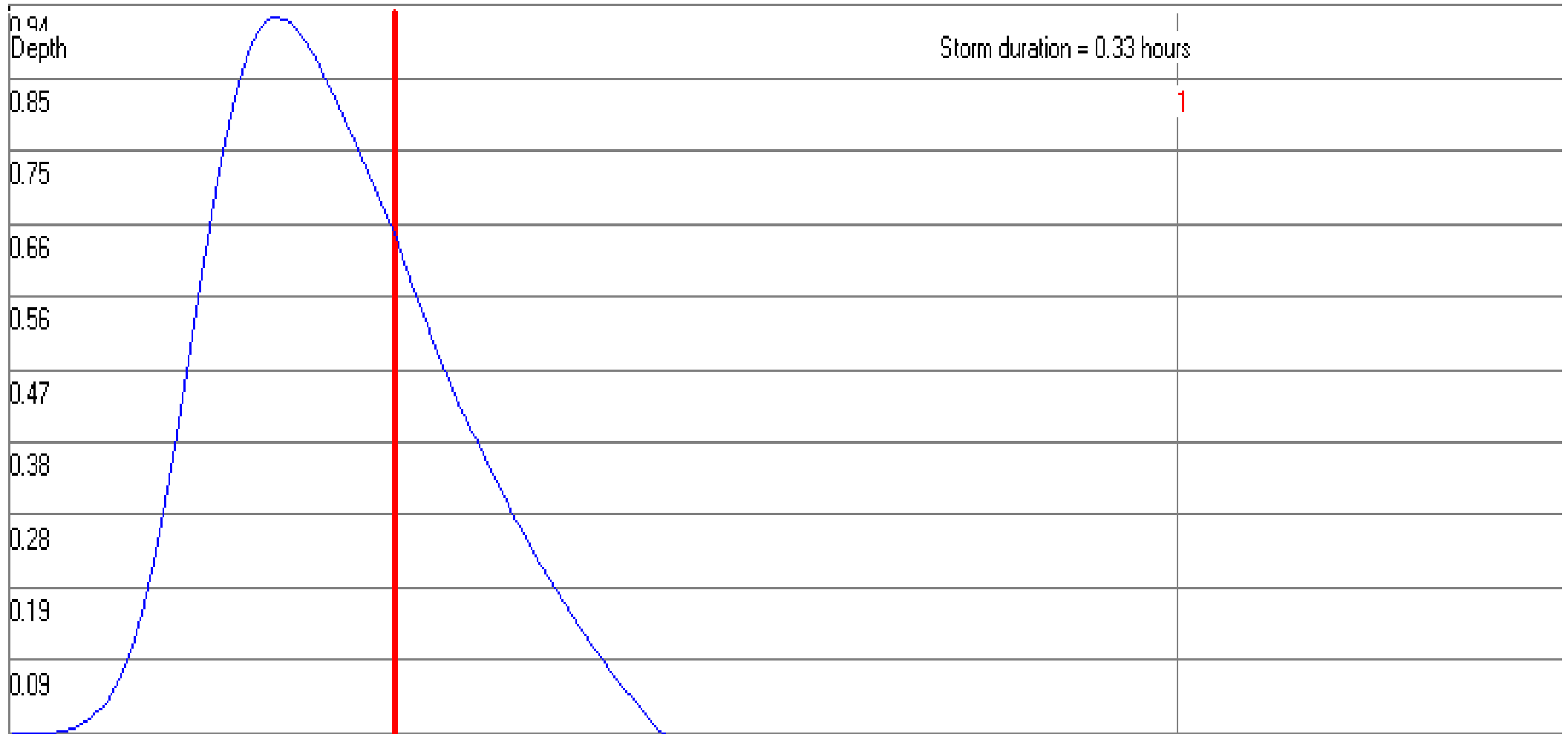
MasterDrain
SW 16.10

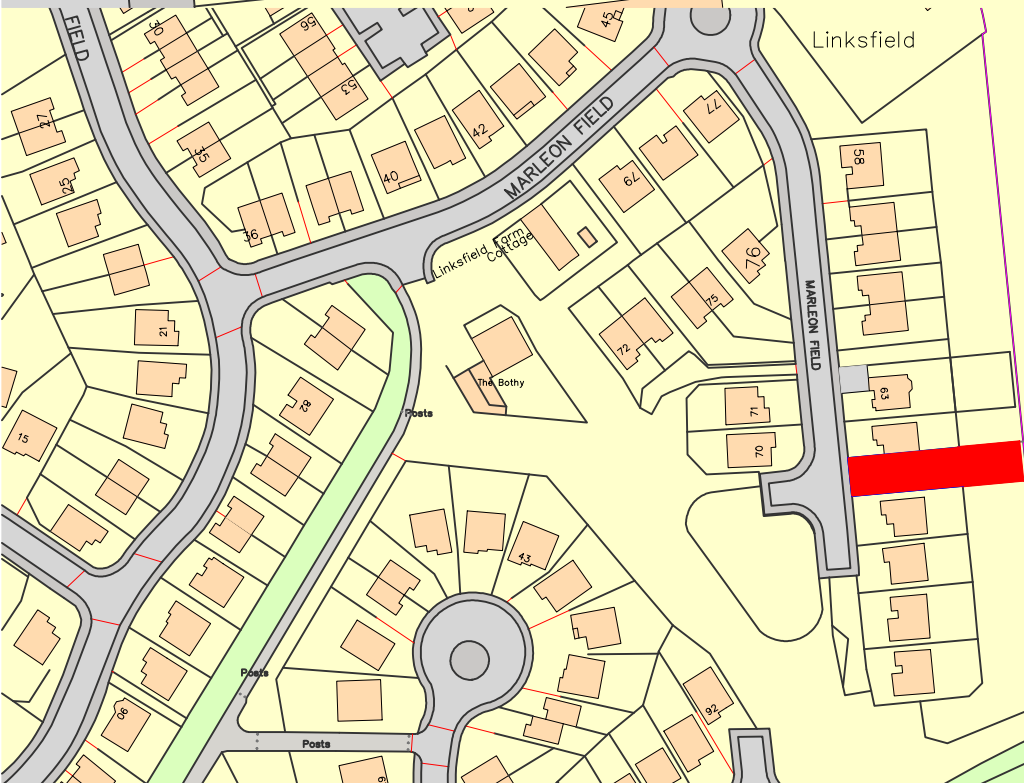
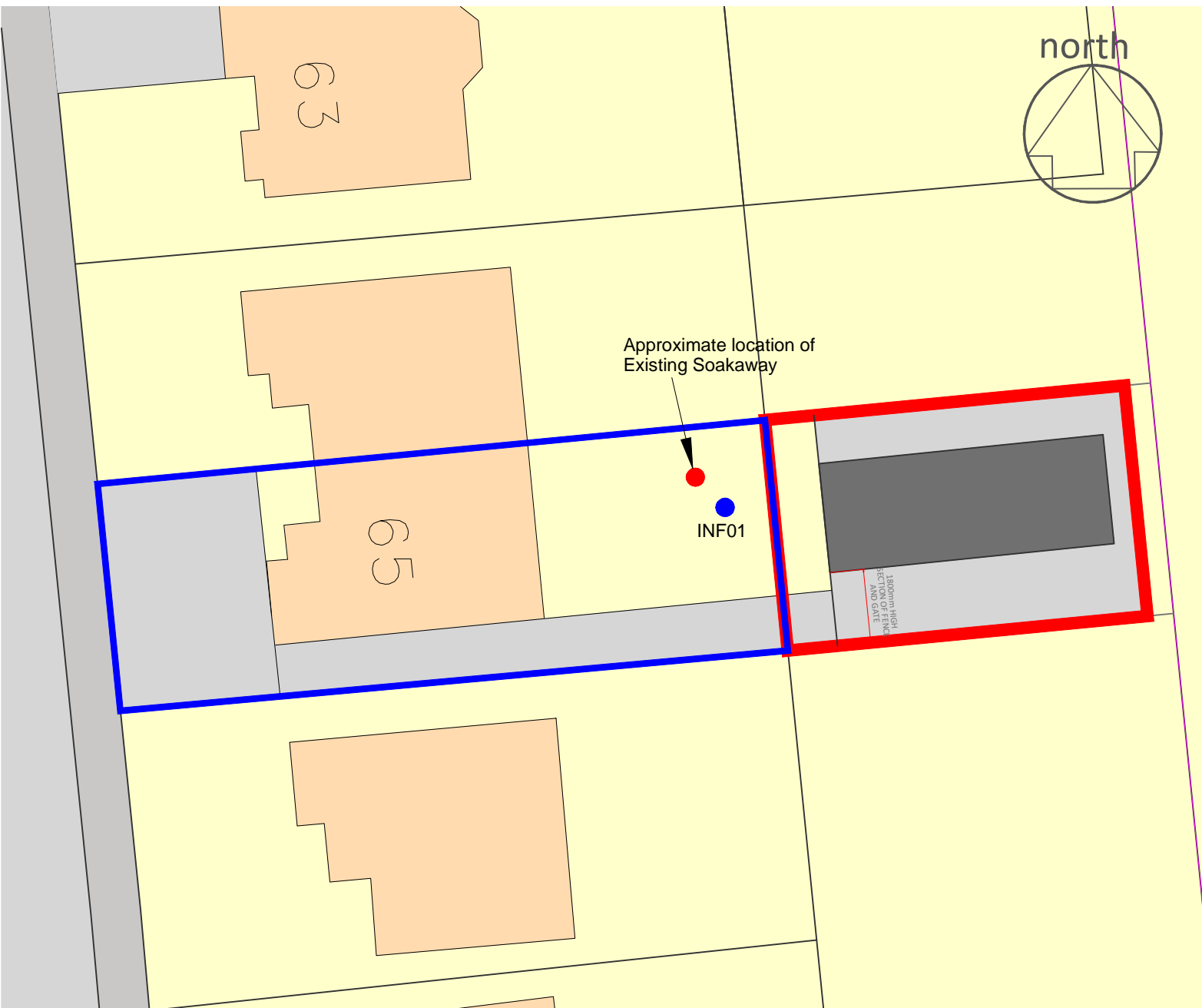
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Surveys, Setting Out Civil Engineering Design

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Mobile: 07557 431 702

Job No. 0459		
Sheet no. 2		
Date 31/01/19		
By GM	Checked	Approved

Project 65 Marleon Field, Elgin	
Title Worst case soakaway times to empty.	





REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

gmcsurveys

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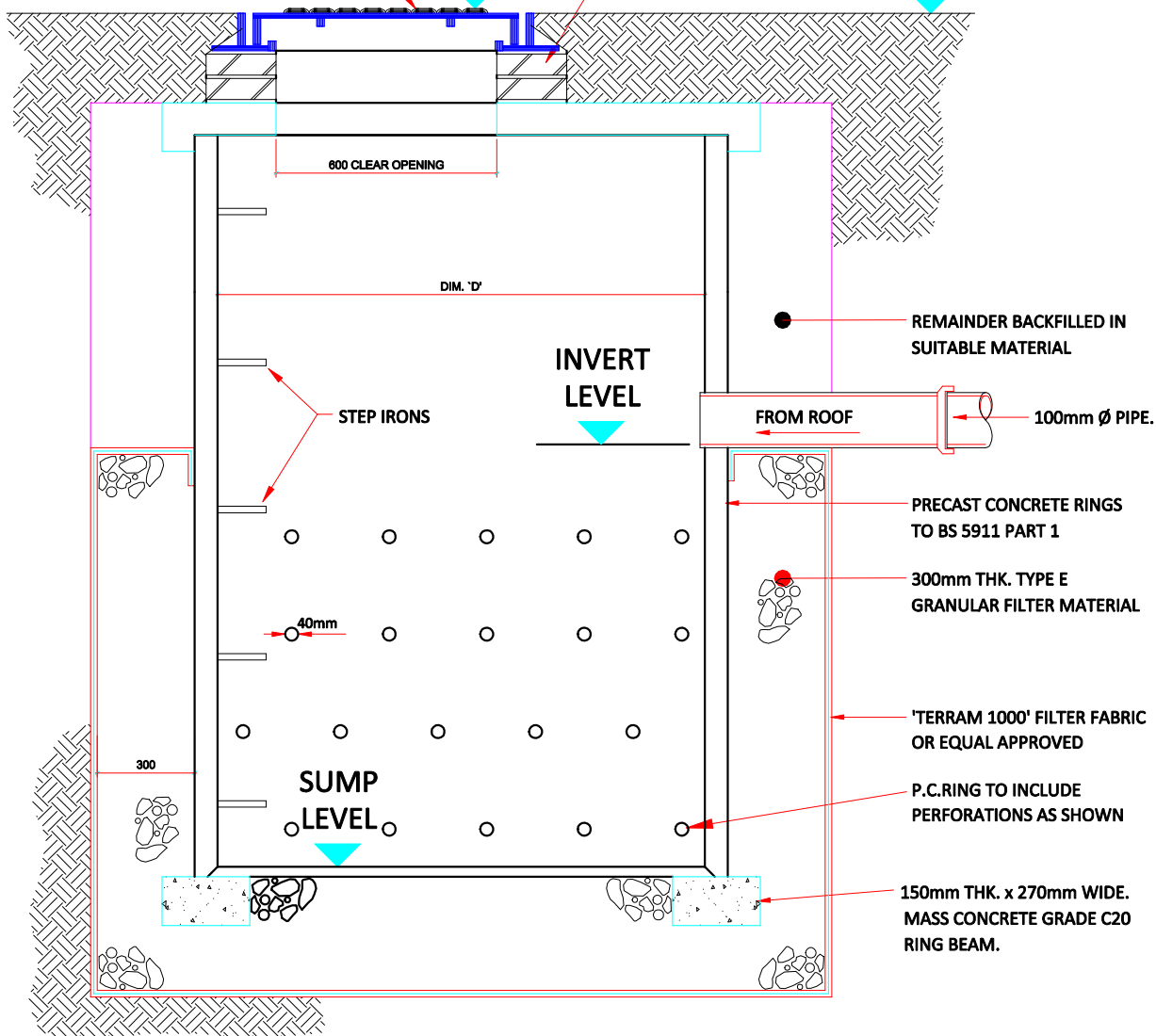
CLIENT: Mrs L McKay
C/O Grant and Geoghegan

SITE: 65 Marleon Field
Elgin

TITLE: Test Hole Location/
Site/Location Plan

SCALE AT A4: NTS	DATE: JAN19	DRAWN: GM	CHECKED:
PROJECT NO: 0459	DRAWING NO: Appendix A	REVISION: -	

GROUND 8. LEVEL



REV:	DESCRIPTION:	BY:	DATE:
STATUS:		ISSUE	

gmcsurveys

E: gmcsurveys@gmail.com

CLIENT: Mrs L McKay
C/O Grant and Geoghegan

SITE: 65 Marleon Field
Elgin

TITLE: Indicative
Soakaway Details

SCALE AT A4: NTS	DATE: JAN19	DRAWN: GM	CHECKED:
PROJECT NO: 0459	DRAWING NO: Appendix B	REVISION: -	

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Building Standards

Planning Application Ref. No: 19/00173/APP

Change of use of amenity land to garden ground and erect summer house/work room and shed at 65 Marleon Field Elgin Moray IV30 4GE for Ms Laura Mackay

In terms of Building Warrant requirements.

**Please
x**

(a) A Building Warrant is required

X

(b) A Building Warrant is not required (IBS008)

☐

(c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009)

☐

(d) Comments

☐

.....
.....

Contact: Emma Thomas

Date: 563442

email address: emma.thomas@moray.gov.uk

Phone No: 563442

Consultee: Building Standards

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.

Consultee Comments for Planning Application 19/00173/APP

Application Summary

Application Number: 19/00173/APP

Address: 65 Marleon Field Elgin Moray IV30 4GE

Proposal: Change of use of amenity land to garden ground and erect summer house/work room and shed at |cr|

Case Officer: Cathy Archibald

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 - Adrian Muscutt

Consultee Comments for Planning Application 19/00173/APP

Application Summary

Application Number: 19/00173/APP

Address: 65 Marleon Field Elgin Moray IV30 4GE

Proposal: Change of use of amenity land to garden ground and erect summer house/work room and shed at |cr|

Case Officer: Cathy Archibald

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 - Kevin Boyle

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	7th March 2019
Planning Authority Reference	19/00173/APP
Nature of Proposal (Description)	Change of use of amenity land to garden ground and erect summer house/work room and shed at
Site	65 Marleon Field Elgin Moray IV30 4GE
Site Postcode	N/A
Site Gazetteer UPRN	000133034183
Proposal Location Easting	322540
Proposal Location Northing	863952
Area of application site (M²)	121
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PN40V0BGMIW00
Previous Application	18/01230/ID
Date of Consultation	21st February 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Laura Mackay
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Cathy Archibald
Case Officer Phone number	01343 563101
Case Officer email address	cathy.archibald@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: 19/00173/APP

Change of use of amenity land to garden ground and erect summer house/work room and shed at

65 Marleon Field Elgin Moray IV30 4GE for Ms Laura Mackay

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: Although this proposal is described as a change of use and erection of summer house/ work room, the proposed work room is to be used as an annexe to provide beauty treatment (working from home). The applicant has stated that no additional staff will be employed, and that treatment shall be limited to one customer per session. The following conditions would therefore apply:

Condition(s)

1. Three car parking spaces shall be provided within the site prior to the first use or completion of the summerhouse/work room, 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.

2. The vehicular access shall be widened to minimum 5.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway/verge shall be to The Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the widened access to The Moray Council specification.

Reason: To ensure acceptable infrastructure at the development access

3. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.

Further comment(s) to be passed to applicant

An existing road gully is located within the section of widened driveway, and may require to be relocated. The developer should contact the Moray Council Roads Maintenance team road.maint@moray.gov.uk to discuss the proposals. If required, the road gully shall be relocated at the expense of the developer.

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

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

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

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

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

Contact: DA/AG

Date 07 March 2019

email address: transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

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:	19/00173/APP	Officer:	Andrew Miller
Proposal Description/ Address	Change of use of amenity land to garden ground and erect summer house/work room and shed at 65 Marleon Field Elgin Moray IV30 4GE		
Date:	16/04/19	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
Moray Flood Risk Management	12/04/19	No objections.
Contaminated Land	21/02/19	No objections.
Environmental Health Manager	21/02/19	No objections.
Transportation Manager	07/03/19	No objection subject to conditions relation to parking and access.
Building Standards Manager	21/02/19	Building Warrant required.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
EP5: Sustainable Urban Drainage Systems	N	
EP10: Foul Drainage	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
DP1 Development Principles	Y	

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:		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require applications for planning permission to be determined in accordance with the development plan (i.e. the Moray Local Development Plan 2015 (MLDP)) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

The main planning issues are considered below.

Site

The site comprises a modern semi-detached house and an area of amenity space to the rear of the house, the same width of the plot and protruding by approximately 13.5 metres.

Proposal

Consent is sought for the change of use of the area of ground to the rear of the house to incorporate it into its curtilage, and the erection of a single storey building on the extended garden ground. The building would be used as a beautician's salon, and would incorporate a domestic summer house and shed. It would measure 10.9 x 4.2 metres (approx.), reaching a height of 2.7 metres with a very shallow mono-pitch roof, finished in white render to the walls and grey metal sheeting to the roof. The extended garden ground would be enclosed by a 1.8 metre high timber slatted fence. The area to the front of the existing house would be converted to parking and hardsurfacing would be provided to the rear of the property - whilst these are shown on the plans they do not require planning consent under permitted development rights.

Supporting information provided with the application identifies that the beauticians would be run by the occupant of the house with no additional employees. It is proposed that it would operate on an appointment only basis, 9.30am - 5pm Tuesday to Friday.

Principle

The proposed extension of the garden ground of the house into the area of amenity space is considered to be suitable - a number of properties in the area have undertaken this. The resultant plot would follow the width of the existing house plot, and would not result in the loss of valued amenity space (at the time of this application it was overgrown and unkempt).

However, consideration must be given to the principle of the erection of the proposed business unit. The proposed use by its own nature will result in activity of customers coming and going (be it through the house or via the side) to access the rear of a house. This activity is not a typical use that would be found in the rear garden of a house in a residential area and it is considered that it, if permitted, would result in an adverse impact on the amenity of neighbouring properties in terms of privacy. Accordingly, the general principle of the proposed building for business use is not acceptable and considered to be contrary to policy IMP1, due to its adverse impact on the amenity of the surrounding area.

Design and Siting

The proposed building would be relatively large and of simple design and finishes. Whilst this design is basic and its scale relatively large (almost a similar length as the house itself), the building alone would not require consent were it for domestic use and located within the curtilage of the house that is proposed (i.e. extended). On this basis, the proposed building is considered to be suitable in terms of its design and siting.

Parking and Access

Sufficient parking can be provided to the front of the house, in line with the requirements of policy T5. It is noted the Transportation Manager raised no objection to the proposal, subject to conditions in relation to the provision of parking spaces to the front.

Drainage

The unit would connect to the public water/sewerage supply. This is acceptable, satisfying policy EP10. With regard to surface water drainage, a drainage statement provided with the application details the proposed use of a surface water soakaway for the proposed building. This found that the ground conditions are suitable for the proposed arrangement, with Moray Flood Risk Management raising no objection to the proposed scheme. As such there is no conflict with policy EP5.

Recommendation

Refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

HISTORY

Reference No.	Description			
18/01230/ID	Erect log cabin in rear garden to operate as beauty room at 65 Marleon Field Elgin Moray IV30 4GE			
	Decision	Planning Permission Required	Date Of Decision	17/10/18

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises	21/03/19	
PINS	No Premises	21/03/19	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
--------	-----

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:	Email received 07/04/19 outlining proposed operation of business.	
Document Name:	Drainage Report	
Main Issues:	Outlines proposed drainage arrangement for the proposed unit.	

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**

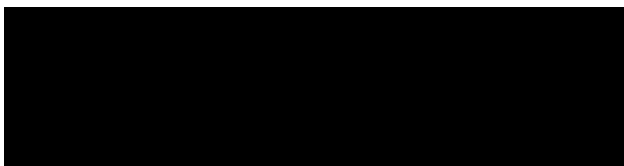
TO Ms Laura Mackay
c/o Grant And Geoghegan Limited
Unit 4
Westerton Road Business Centre
4 Westerton Road South
Keith
AB55 5FH

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 of amenity land to garden ground and erect summer house/work room and shed at 65 Marleon Field Elgin Moray IV30 4GE

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

Date of Notice: **16 April 2019**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
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 proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area, contrary to policy IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policy DP1).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
014/0840/P-1		Fence details site and location plan
014/0840/P-2		Elevations and floor plans

**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

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="Mrs"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Laura"/>	Forename	<input type="text" value="Neil"/>
Surname	<input type="text" value="Mackay"/>	Surname	<input type="text" value="Grant"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Grant & Geoghegan"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text" value="Unit 4"/>
Address Line 1	<input type="text"/>	Address Line 1	<input type="text" value="Westerton Road Business Centr"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text" value="Westerton Road South"/>
Town/City	<input type="text"/>	Town/City	<input type="text" value="Keith"/>
Postcode	<input type="text"/>	Postcode	<input type="text" value="AB55 5FH"/>
Telephone	<input type="text"/>	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="19/00173/APP"/>
Site address	<div style="border: 1px solid black; padding: 10px; min-height: 100px;"><div style="margin-bottom: 10px;">65 Marleon Field Elgin Moray IV30 4GE</div></div>
Description of proposed development	<div style="border: 1px solid black; padding: 10px; min-height: 50px;">Change of use of amenity land to garden ground and erect summer house/work room and shed</div>

Date of application	18/02/2019	Date of decision (if any)	16/04/2019
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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)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
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)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

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	<input type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input type="checkbox"/>
Assessment of review documents only, with no further procedure	<input checked="" type="checkbox"/>

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?	<input type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input checked="" type="checkbox"/>

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.

Grounds of appeal in separate document.

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

Appendices to the Grounds of Appeal in separate document.

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: Date:

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

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

Unit 4 Westerton Road Business Centre
4 Westerton Road South
Keith AB55 5FH

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

Grounds of Appeal

Land at 65 Marleon Field, Elgin, Moray

Issue Date:
30th June 2019

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2.0. Background

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6.0. Reasons for Refusal

7.0. Conclusion

Appendices – separate document:

Appendix 1: Decision Notice 19/00173/APP

Appendix 2: Circular 4/2009 – Development Management Procedure (Annex A)

Appendix 3: Moray Local Development Plan- Extracts

- Policy IMP1 Developer Requirements
- Policy T2 Provision of Access
- Policy T5 Parking Standards
- Policy PP1 Sustainable Economic Growth
- Policy DP1 (MLDP 2020)

Appendix 4: Scottish Planning Policy- Extracts

Appendix 5: Handling Report 18/00173/PPP

Executive Summary

Planning permission is sought for a change of use to incorporate an area of adjacent land into the residential curtilage of the subject property and a change of use to use one room (2.9m x 3.5m) within a new outbuilding (which does not need planning permission on its own) for use by the appellant as a Beauty Salon.

The application was refused on the basis that the proposal would have an undue impact upon neighbouring amenity. However, no objections have been received from neighbouring residents and this appeal statement is submitted in the knowledge that the proposed business would not generate more activity in and around the property than would be normal for a dwelling of this size and it is abundantly clear that the proposed use can take place without any detrimental impact upon the amenity of neighbours.

The appellant offers a specialised service to disabled clients and to clients with additional support needs meaning the relaxed domestic atmosphere of the property is exactly why the applicant wishes to offer these services from home. In this context, it would be to the detriment of the appellant's business model to compromise residential amenity.

It is respectfully submitted, when all matters are considered in the round, that the proposed use of one room in the building for a small scale, low key business use is fully in accordance with National and Local Planning Policy. There are many instances in Moray where small businesses of a similar scale and nature to that proposed, operate successfully from domestic properties without any undue impact upon neighbouring residential amenity. We have included a sample of such cases below which Members can refer to;

- 04/00124/FUL | Proposed erection of new hair dressing salon on | Garden Ground At 1 Chapel Street Findochty Buckie Banffshire AB56 2PX
- 07/02111/FUL | Change of use of existing shed to operate dog grooming business at | 61 Nelson Terrace Keith Moray AB55 5FD
- 14/01177/APP | Convert garden studio to craft home bakery at | Carsemoor Cottage Spey Bay Fochabers Moray IV32 7PJ
- 17/00840/APP | Erect cabin for beauty business in rear garden of | 11 Regency Road Buckie Moray AB56 1EE

The proposed development complies with all the relevant parts of lead policy IMP1 so it is respectfully asked that the appeal be allowed and planning permission granted. Member's will be aware that appropriately worded conditions can be imposed pertaining to the hours of operation, making the permission personal to the appellant, restricting the number of customers on the site at any one time and ensuring that a parking space is made available for customers at all times. Such conditions are routinely imposed in such circumstances and would be fully in accordance with the relevant circular tests.

1.0 Introduction

These grounds for review of a decision to refuse planning permission are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 16th of April 2019.

The grounds for review respond to the reasons for the refusal of planning permission and address the proposal in relation to Development Plan Policies and relevant material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2.0 Background

The application was made valid under reference 19/00173/APP on the 18th of February 2019 and was refused under the Councils Scheme of Delegation by the case officer on the 16th of April 2019. The reasons for refusal (Appendix 1) state that;

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area, contrary to policy IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policy DP1).

3.0 The Proposal

The proposal is for a change of use to incorporate an area of adjacent land into the residential curtilage of the property. The appellant proposes to build a summerhouse on this extended garden ground (10.9m x 4.2m x 2.7m high) - it should be noted that this structure on its own does not require planning permission. However, planning permission is sought by the appellant to use one room (2.9m x 3.5m) for small scale business use.

The appellant is an experienced beautician who proposes to use this room to offer services on an appointment only basis, Tuesday to Friday between 9.30am and 5pm. The appellant specialises in serving clients who have disabilities or learning difficulties so a move to a room at the subject property is sought with the express purpose of catering more specifically to the individual needs of her clients.

The room is for the sole use of the appellant and there would no additional employees. The business would serve up to 15 clients per week. There is space for 3 cars to the front of the property and the appellant proposes to leave a minimum of 15 minutes between appointments to ensure no traffic issues arise

4.0 The Site

The subject site comprises an area of amenity land to the rear of a modern semi-detached house, the same width of the plot and protruding by approximately 13.5 metres. The existing garden is bounded by a 1.8m wooden fence and it is proposed to extend that around the land referred to in this case.

5.0 Development Plan Context

The Development Plan for Moray comprises the Moray Local Development Plan 2015 and its associated Supplementary Guidance. As stated by the appointed officer, following its approval by Committee, the Proposed Moray Local Development Plan 2020 is now considered to be the "settled view" of the Council however given its status, minimal weight can only be given to the provisions within the document.

The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise. Scottish Government Circular 4/2009 (Appendix 2) describes how planning applications should be determined when balancing the Development Plan and material considerations. It sets out the following approach;

- Identify the provisions of the development plan which are relevant to the decision;
- Interpret them carefully, looking at the aims and objectives of the plan as well detailed wording of policies;
- Consider whether or not the proposal accords with the Development Plan,
- Identify and consider relevant material considerations for and against the proposal, and
- Assess whether these considerations warrant a departure from the Development Plan.

The provisions of the circular are important in the context of this application because the appellants consider the proposal to be in full accordance with the Development Plan and that there are no material considerations that would warrant the refusal of this application.

Moray Local Development Plan 2015

There are no policies which are specific to the proposal at hand. As a result, the lead policy in the assessment of this application is IMP1 (Appendix 3, page 8) which is essentially a list of material planning considerations. Relevant to this case is;

- the quality of development in terms of its siting, design and servicing (transport and drainage);
- whether the proposal is suitable in the context of the surrounding built and natural environment, and;
- that it does not result in any undue impact upon neighbouring amenity.

Policy T2 (Appendix 3, page 9) relates to the provision of safe and suitable access arrangements and policy T5 (Appendix 3, page 10) relates to the provision of appropriate parking to serve the proposed development.

Policy PP1 Sustainable Economic Growth (Appendix 3, page 11) of the Moray Local Development Plan supports development that helps diversify the economy of Moray, to enable population growth, increased employment and reduce dependency on public sector employment.

Moray Local Development Plan 2020

The appointed officer refers to policy DP1 (Appendix 3, page 12) in his deliberations and has therefore placed some weight on it in the decision making process. As such, it is of relevance to the consideration of the proposals by Member's.

This policy is essentially an updated version of IMP1; it sets out material planning considerations under 3 headings, “Design”, “Transportation” and “Water environment, pollution, contamination”. The matters set out in this policy echo that of IMP1, therefore no additional matters relevant to the assessment of this application are raised in reference to this policy.

National Planning Policy and Guidance

National Planning Policy and Guidance is a material planning consideration to be taken into account in the consideration of planning applications. It is set out in Scottish Planning Policy (SPP) and Planning Advice Notes (PAN's).

National Planning Framework 3

NPF3 is the spatial expression of the Government's Economic Strategy which seeks to support sustainable economic growth across the country. Principally, it supports the many and varied opportunities for planning to support business and employment and highlights the role a positive planning policy context can play in delivering economic benefits.

Scottish Planning Policy 2014 (Appendix 4)

Scottish Planning Policy (SPP) sets out the Scottish Governments overarching policy on land use planning. SPP advises that Planning should take a positive approach to enabling high quality development and making efficient use of land to deliver long term benefits for the public, while protecting and enhancing natural and cultural resources. In this context, paragraph 95 of SPP states that Plans should encourage opportunities for home working.

6.0 Reason for Refusal

The reason for refusal states that *"the proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area, contrary to policy IMP1"*.

There is no specific matter referred to in this reason for refusal so the implication by the appointed officer is that the introduction of a business use which attracts visiting members of the public could not operate within a domestic curtilage without an adverse impact upon the amenity of neighbouring residents.

In this context, it is important to note that the GPDO grants planning permission for the provision of a building of the scale and proportions proposed in this case within the curtilage of a dwellinghouse; but as Member's will be aware this permission is subject to a series of proviso's and only applies where the building is required for a purpose incidental to the enjoyment of the dwellinghouse. In this case, the outbuilding at the appeal site is to be erected partly to enable the appellant to transfer her Beautician business to her home.

At this point, it may be useful to clarify two points of planning law. First, that there are two main types of "development" defined by the Planning Act. One is operational development, such as the erection of a building; the other is making a material change of use of land. Second, when considering the use of land or buildings for the purposes of planning law, a key matter which has to be considered is the definition of the "planning unit".

Put simply as an illustration, the use of a vegetable plot in a typical domestic garden of a house is not "agricultural" for planning purposes – it is residential, because it is part and parcel of a unit of which the primary use is residential. The planning unit in this case is the whole of the property at 65 Marleon Field i.e. the outbuilding is in the same occupation as the dwelling and is part of the same planning unit. The use of one small room within a predominantly domestic outbuilding to serve a small number of customers per day/ week would be commensurate to the activity one would expect at a residential property and thereby reasonable to suggest that such activity would be incidental to the primary use of the planning unit as a whole.

In this context, the appellant respectfully asks Members to note that small businesses of a similar scale and nature to that proposed in this case operate from homes all over the country without any undue impact on neighbouring properties or residents. We have provided a few examples below which have been approved in Moray over the years;

- 04/00124/FUL | Proposed erection of new hair dressing salon on | Garden Ground At 1 Chapel Street Findochty Buckie Banffshire AB56 2PX
- 07/02111/FUL | Change of use of existing shed to operate dog grooming business at | 61 Nelson Terrace Keith Moray AB55 5FD

- 14/01177/APP | Convert garden studio to craft home bakery at | Carsemoor Cottage Spey Bay Fochabers Moray IV32 7PJ
- 17/00840/APP | Erect cabin for beauty business in rear garden of | 11 Regency Road Buckie Moray AB56 1EE

It is clear that the implication in the reason for refusal, that a business use which involves visiting members of the public in a domestic curtilage is unacceptable on the basis of general amenity, is fundamentally flawed. The reason for refusing planning permission lacks sufficient detail relating to a specific area of concern and is therefore considered to lack precision.

We would respectfully ask that Members consider the proposal on its individual merits. The test in planning terms relates to whether the addition of a small scale business use causes such disturbance as to adversely change the domestic character of the property. Although there is insufficient detail in the reason for refusal, the Officer does refer to the potential “planning consequences” that led to this application being refused in his report (Appendix 5, page 16) i.e. *“...consideration must be given to the principle of the erection of the proposed business unit. The proposed use by its own nature will result in activity of customers coming and going (be it through the house or via the side) to access the rear of a house. This activity is not a typical use that would be found in the rear garden of a house in a residential area and it is considered that it, if permitted, would result in an adverse impact on the amenity of neighbouring properties in terms of privacy. Accordingly, the general principle of the proposed building for business use is not acceptable and considered to be contrary to policy IMP1, due to its adverse impact on the amenity of the surrounding area.”*

In summary, the officer concludes that there would be an undue impact upon privacy, specifically, as a result of customers arriving and departing the property. We would strongly contend that this conclusion lacks any basis in fact and that a small scale, low key use such as this can operate with no significant impact upon the privacy of neighbouring residents.

The first thing to note is that the appellant’s neighbours are in full support of the proposals and Member’s will note that no letters of objection were received. The appellant contacted the Planning Authority to seek advice on whether the proposed activity needed planning permission- the submission of an application was not the result of Enforcement action.

The proposed use would involve a maximum of 15 clients per week- an average of less than 4 a day. The appellant has stated her intention to leave a minimum of 15 minutes between clients’ to ensure that only one client will be at the property at any one time. It is clear then that the proposed level of activity is not over and above the movements one would expect to see at a typical dwelling and that the additional movements would be of no consequence in planning terms.

The next matter is the suitability of the property to accommodate this use. As stated, planning permission is sought to extend the domestic curtilage of the property thereby providing ample space to construct a building of the dimensions proposed. In fact, as stated, the structure itself would not need planning permission on its own. The subject property benefits from two parking spaces (and a third in the garage) and one parking space would always be left free for client’s to ensure that there would be no on street parking and thereby no impact upon road safety.

On privacy specifically, as raised by the officer in his report, Member’s will note that a 1.8 metre high wooden fence currently bounds the property which means that views into the site are restricted. Further, the proposed building is of single storey construction and orientated in such a way that means there are no direct views between its windows and the windows of neighbouring properties. The nature of the business means that amplified music will not be played and in any case, the business would not operate out with normal working hours so an undue, unacceptable impact upon neighbouring amenity in regard to privacy, overlooking, prejudice to sunlight/ daylight will not arise.

On this basis, we would contend that the activity proposed will not be at a level that would have a detrimental impact on the amenity of neighbours, with particular regard to privacy.

8.0 Conclusion

This appeal statement is submitted in the knowledge that the proposed business would not generate more activity in and around the property than would be normal for a dwelling of this size and it is abundantly clear that the proposed use can take place without any detrimental impact upon the amenity of neighbours.

The reason for this proposal is quite clear; the relaxed domestic atmosphere of the property is exactly why the applicant wishes to offer these services from home. In this context, it is abundantly clear that the appellant's business model would not compromise residential amenity and that the Officer's reasons for refusing this application are fundamentally flawed. It is unfortunate that sufficient weight was not given to the nature of the business in the decision making process.

It is respectfully submitted, when all matters are considered in the round, that the proposed use of one room in the building for a small scale, low key business use, which specifically serves client's with additional needs, is fully in accordance with National and Local Planning Policy. The appointed officer does not list policy PP1 Sustainable Economic Growth in the report as relevant to this application however; we would submit that appropriate weight must be given to the contribution the proposed business will make to the Moray Economy. Evidently, it will not have an enormous turnover but it does provide a specialist service to a small proportion of the Moray population in a way that accords with the spirit of the Moray Economic Strategy.

Further, the proposed development complies with all the relevant parts of IMP1 so it is respectfully asked that the appeal should be allowed and planning permission granted. Member's will be aware that appropriately worded conditions can be imposed pertaining to the hours of operation, making the permission personal to the appellant, restricting the number of customers on the site at any one time and ensuring that a parking space is made available for customers at all times. Such conditions are routinely imposed in such circumstances and would be fully in accordance with the relevant circular tests. The appellant welcomes the imposition of appropriately worded conditions in these regards.

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

Unit 4 Westerton Road Business Centre
4 Westerton Road South
Keith AB55 5FH

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

Grounds of Appeal- Appendices

Land at 65 Marleon Field, Elgin, Moray

Issue Date:
30th June 2019

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

REFUSAL OF PLANNING PERMISSION

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

TO Ms Laura Mackay
c/o Grant And Geoghegan Limited
Unit 4
Westerton Road Business Centre
4 Westerton Road South
Keith
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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 of amenity land to garden ground and erect summer house/work room and shed at 65 Marleon Field Elgin Moray IV30 4GE

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

Date of Notice: **16 April 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
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 proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area, contrary to policy IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policy DP1).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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ANNEX A

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan,
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
- Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance
 - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - a National Park Plan
 - the National Waste Management Plan
 - community plans
 - the environmental impact of the proposal
 - the design of the proposed development and its relationship to its surroundings
 - access, provision of infrastructure and planning history of the site
 - views of statutory and other consultees
 - legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

Policy IMP1 Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Justification

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.

Policy T2**PROVISION OF ACCESS**

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

Justification

Policy supports the creation of sustainable communities accessible by a range of transport modes including viable alternatives to private vehicles. Pedestrian movement, cycling and public transport routes will be a priority. At the early design stages consideration should be given to the likely desire routes (public transport, schools, and facilities) which shall inform the layout and design of the development. Inclusion of aspirational core paths and active travel audit proposals will provide new links that have a focus on facilitating active travel and sustainable transport helping to maximise new development's accessibility and connections to existing networks and facilities.

The street design guidance within Designing Streets can be used as a material consideration in determining applications. Proposals must incorporate the principles of "Designing Streets" and the Council's supplementary guidance "People and Places – A design Guide for Moray". Consideration should also be given to any active travel audits in place. For smaller developments in the countryside the Council's guidance "Transportation Requirements in Small Developments in Rural Parts of Moray" should be considered. The Planning Authority will be realistic about the likely availability of public transport services in rural areas. Innovative solutions such as demand responsive public transport and small scale park and ride facilities at nodes on bus corridors are encouraged to reduce travel demands by private vehicles.

Continued on next page.

Policy T5**PARKING STANDARDS**

Proposals for development must conform with the Council's current policy on parking standards.

Justification

The application of parking standards related to development assists in the implementation of appropriate traffic management, and in the availability of on-street car parking provision. The standards specify where there is scope to provide commuted payments as an alternative to parking on site, as well as the need for parking for commercial vehicles.

Primary Policies

The Primary Policies reflect the priorities set out in Scottish Planning Policy and the objectives of the Council. These policies will be applied to all development proposals and used with the more detailed policies set out within the relevant sections to determine planning proposals.

The primary policies aim to support the Scottish Government's aims in terms of sustainable economic growth, climate change and placemaking.

PP1 Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Justification:

The Moray Economic Strategy provides a long term strategy to influence decision makers in addressing the challenges in diversifying the economy of Moray. This includes the objectives for growth and inward investment in higher paid employment, to reduce the outmigration of young people and to reduce any dependency on public sector employment including the defence sector.

The aims of the strategy are to deliver population growth, create 5,000 jobs and raise earnings to above the Scottish average. The Strategy includes an Action Programme which identifies a programme of projects and enabling actions with a focus on improving regional infrastructure including, road, rail and air and broadband connectivity, opportunities to grow and diversify the economy in the sectors of life sciences, engineering, energy, food and drink and tourism. The Strategy and Action Programme also support the reinforcement of Elgin as a regional centre through the Elgin City for the Future Masterplan to support the towns of Buckie, Forres, Keith and Lossiemouth and the settlements of Speyside.

The aims of this policy must be balanced with the need to safeguard Moray's natural and built environment.

DP1 DEVELOPMENT PRINCIPLES

This policy applies to all developments, including extensions and conversions and will be applied proportionately.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EPS and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.

Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.



avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

89. Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

90. Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

91. Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

Supporting Business and Employment

NPF Context

92. NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

Policy Principles

93. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

Key Documents

- [Government Economic Strategy](#)⁴²

⁴² www.scotland.gov.uk/Topics/Economy/EconomicStrategy

- [Tourism Development Framework for Scotland](#)⁴³
- [A Guide to Development Viability](#)⁴⁴

Delivery

Development Planning

94. Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

95. Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

96. Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

97. Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

98. Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)⁴⁵, [Enterprise Areas](#)⁴⁶, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

99. Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009⁴⁷ to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

100. Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

⁴³ www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

⁴⁴ www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf

⁴⁵ www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

⁴⁶ www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas

⁴⁷ These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

REPORT OF HANDLING

Ref No:	19/00173/APP	Officer:	Andrew Miller
Proposal Description/ Address	Change of use of amenity land to garden ground and erect summer house/work room and shed at 65 Marleon Field Elgin Moray IV30 4GE		
Date:	16/04/19	Typist Initials:	FJA

RECOMMENDATION

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
Moray Flood Risk Management	12/04/19	No objections.
Contaminated Land	21/02/19	No objections.
Environmental Health Manager	21/02/19	No objections.
Transportation Manager	07/03/19	No objection subject to conditions relation to parking and access.
Building Standards Manager	21/02/19	Building Warrant required.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
EP5: Sustainable Urban Drainage Systems	N	
EP10: Foul Drainage	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
DP1 Development Principles	Y	

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

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require applications for planning permission to be determined in accordance with the development plan (i.e. the Moray Local Development Plan 2015 (MLDP)) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

The main planning issues are considered below.

Site

The site comprises a modern semi-detached house and an area of amenity space to the rear of the house, the same width of the plot and protruding by approximately 13.5 metres.

Proposal

Consent is sought for the change of use of the area of ground to the rear of the house to incorporate it into its curtilage, and the erection of a single storey building on the extended garden ground. The building would be used as a beautician's salon, and would incorporate a domestic summer house and shed. It would measure 10.9 x 4.2 metres (approx.), reaching a height of 2.7 metres with a very shallow mono-pitch roof, finished in white render to the walls and grey metal sheeting to the roof. The extended garden ground would be enclosed by a 1.8 metre high timber slatted fence. The area to the front of the existing house would be converted to parking and hardsurfacing would be provided to the rear of the property - whilst these are shown on the plans they do not require planning consent under permitted development rights.

Supporting information provided with the application identifies that the beauticians would be run by the occupant of the house with no additional employees. It is proposed that it would operate on an appointment only basis, 9.30am - 5pm Tuesday to Friday.

Principle

The proposed extension of the garden ground of the house into the area of amenity space is considered to be suitable - a number of properties in the area have undertaken this. The resultant plot would follow the width of the existing house plot, and would not result in the loss of valued amenity space (at the time of this application it was overgrown and unkempt).

However, consideration must be given to the principle of the erection of the proposed business unit. The proposed use by its own nature will result in activity of customers coming and going (be it through the house or via the side) to access the rear of a house. This activity is not a typical use that would be found in the rear garden of a house in a residential area and it is considered that it, if permitted, would result in an adverse impact on the amenity of neighbouring properties in terms of privacy. Accordingly, the general principle of the proposed building for business use is not acceptable and considered to be contrary to policy IMP1, due to its adverse impact on the amenity of the surrounding area.

Design and Siting

The proposed building would be relatively large and of simple design and finishes. Whilst this design is basic and its scale relatively large (almost a similar length as the house itself), the building alone would not require consent were it for domestic use and located within the curtilage of the house that is proposed (i.e. extended). On this basis, the proposed building is considered to be suitable in terms of its design and siting.

Parking and Access

Sufficient parking can be provided to the front of the house, in line with the requirements of policy T5. It is noted the Transportation Manager raised no objection to the proposal, subject to conditions in relation to the provision of parking spaces to the front.

Drainage

The unit would connect to the public water/sewerage supply. This is acceptable, satisfying policy EP10. With regard to surface water drainage, a drainage statement provided with the application details the proposed use of a surface water soakaway for the proposed building. This found that the ground conditions are suitable for the proposed arrangement, with Moray Flood Risk Management raising no objection to the proposed scheme. As such there is no conflict with policy EP5.

Recommendation

Refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

HISTORY

Reference No.	Description			
18/01230/ID	Erect log cabin in rear garden to operate as beauty room at 65 Marleon Field Elgin Moray IV30 4GE			
	Decision	Planning Permission Required	Date Of Decision	17/10/18

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises	21/03/19	
PINS	No Premises	21/03/19	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:	Email received 07/04/19 outlining proposed operation of business.	
Document Name:	Drainage Report	
Main Issues:	Outlines proposed drainage arrangement for the proposed unit.	

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 LOCAL REVIEW BODY

29 AUGUST 2019

SUMMARY OF INFORMATION FOR CASE No LR227

Planning Application Planning Application 19/00318/APP – Erection of dwellinghouse and garage at The Maltings, Adjacent to Cairn vonie Farm, Archiestown

Ward 1 – Speyside Glenlivet

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 10 May 2019 on the grounds that:

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

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





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 100158210-001

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)

Dwelling House & 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

Agent Details

Please enter Agent details

Company/Organisation:	Ken Mathieson Architectural Design Ltd		
Ref. Number:	IW	You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Mansard House
Last Name: *	Mathieson	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	Bucksburn
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	stuart@kenmathieson.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	C/O AGENT
First Name: *	Iain	Building Number:	
Last Name: *	Whitecross	Address 1 (Street): *	Oldmeldrum Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:	07500 902 824	Postcode: *	AB21 9AD
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

844263

Easting

323834

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

4355.00

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)

ground for horse grazing / training

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">4</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">7</div>
<p>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).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>	
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>	
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>see drainage impact assessment</p> </div>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p>
<h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>
<h2 style="margin: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> bin store noted on site plan </div>
<h2 style="margin: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? * 1</p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<h2 style="margin: 0;">Schedule 3 Development</h2> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>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.</p> <p>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.</p>

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

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

--

Signed: Stuart Mathieson

On behalf of: Mr Iain Whitecross

Date: 21/03/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

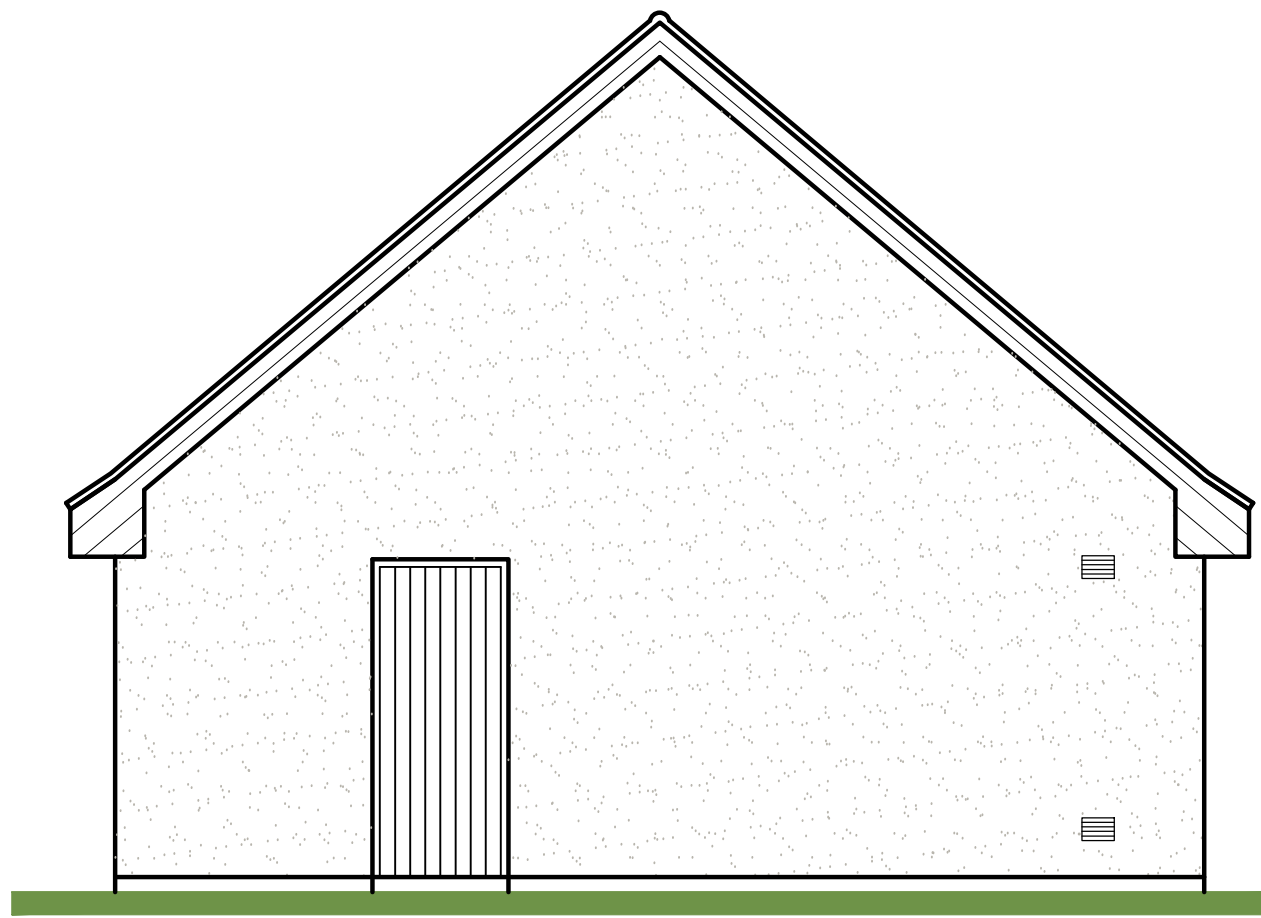
Declaration Name: Mr Stuart Mathieson

Declaration Date: 21/03/2019

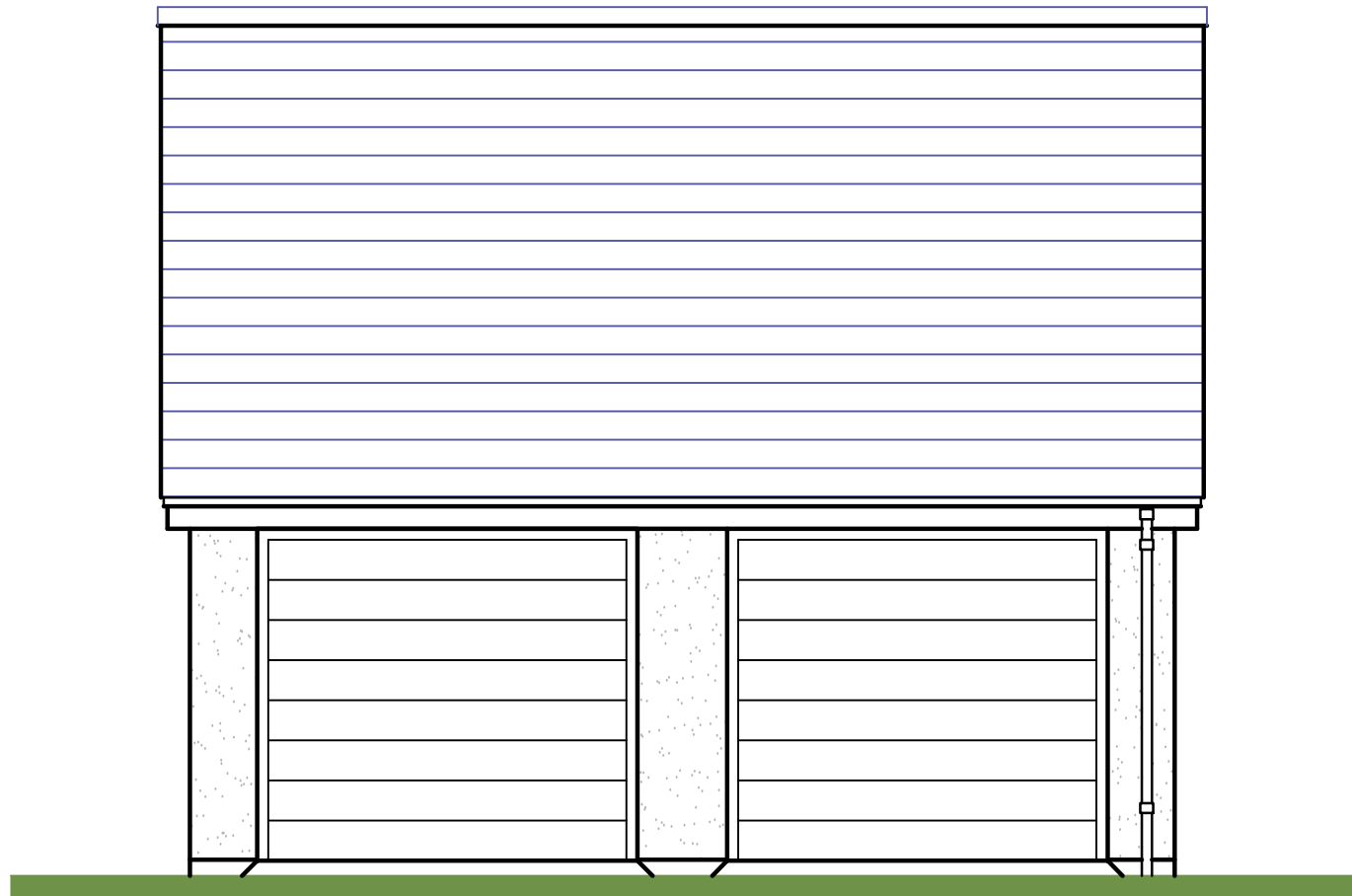
Payment Details

Cheque: Applicant to pay fee direct, 0

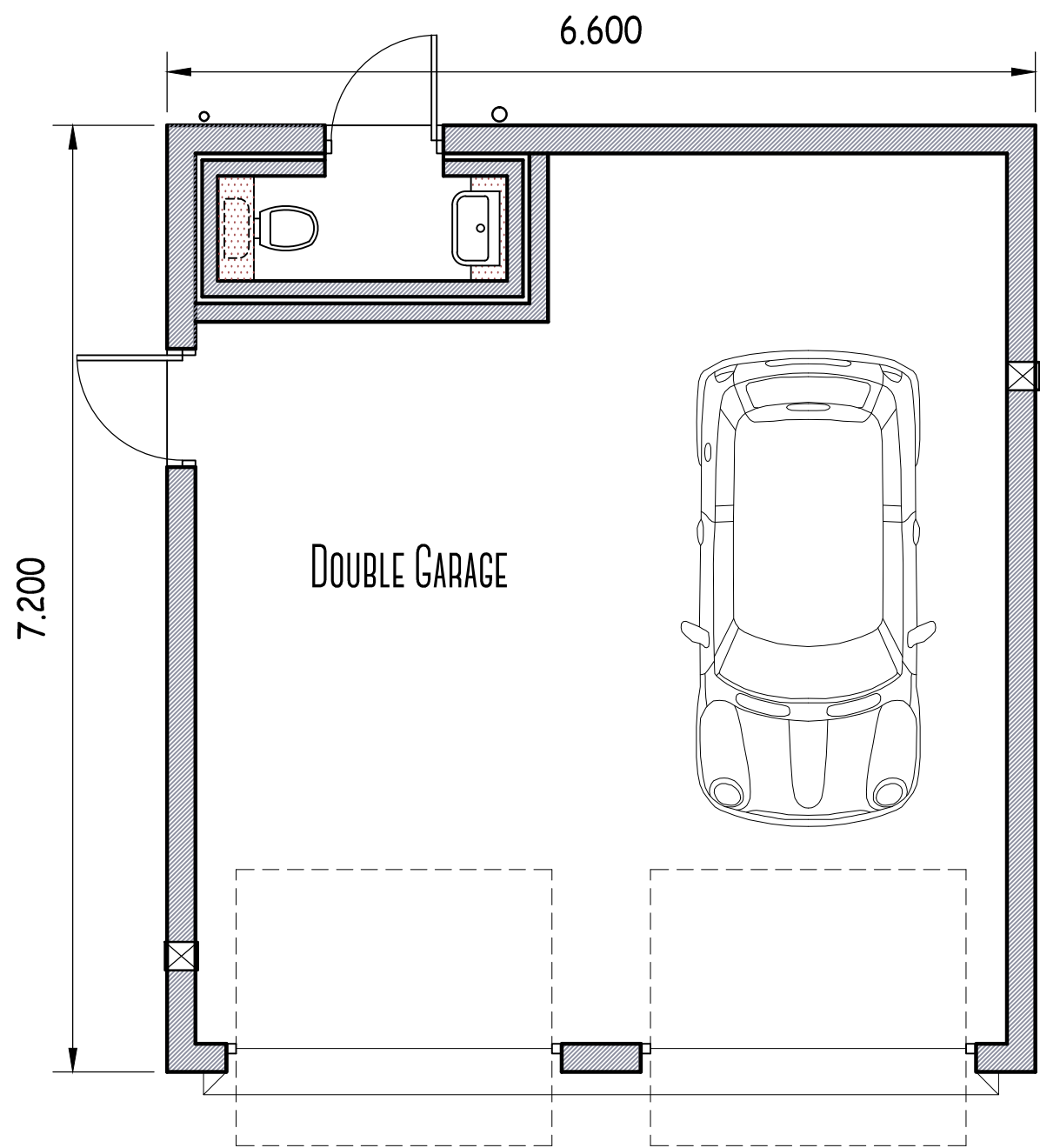
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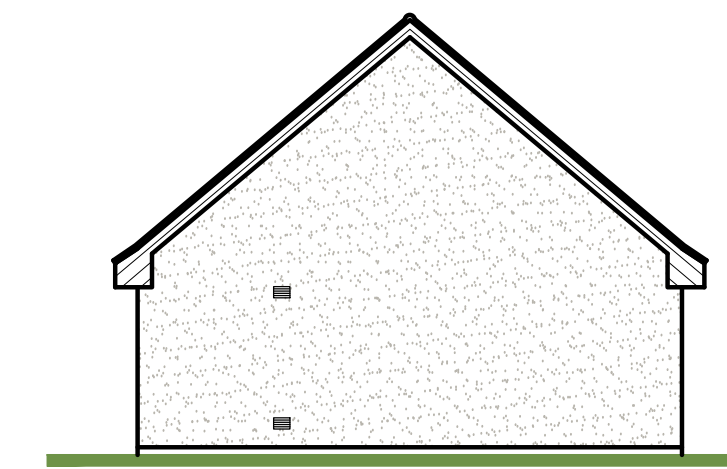
PROPOSED SIDE ELEVATION (WEST FACING)
Scale 1:50 @ A1



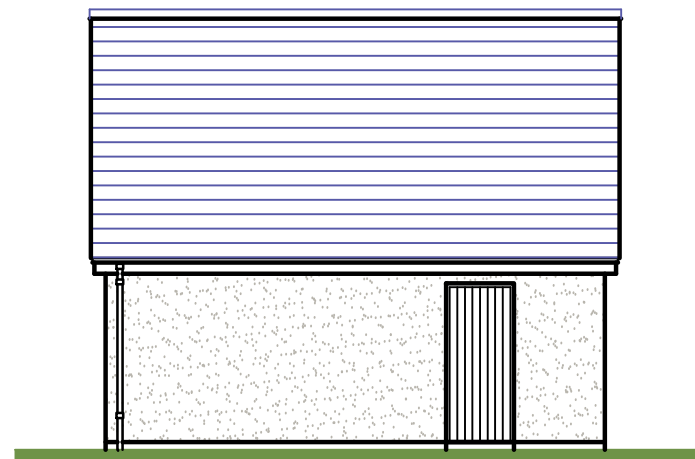
PROPOSED FRONT ELEVATION (SOUTH FACING)
Scale 1:50 @ A1



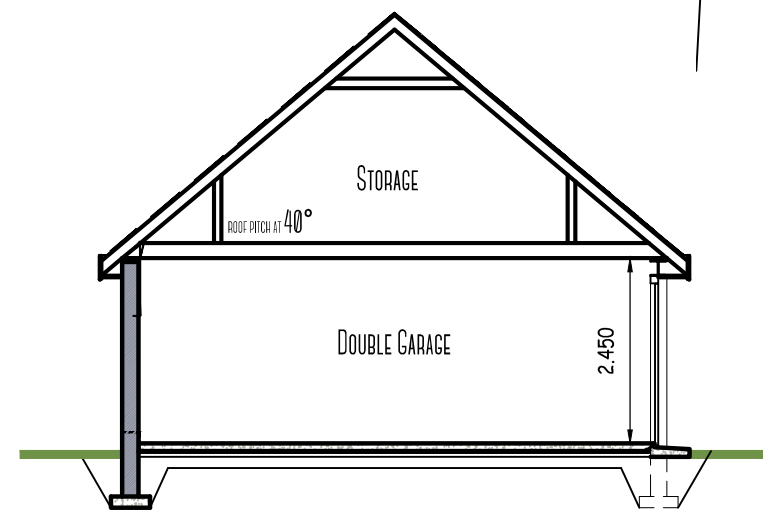
PROPOSED GARAGE PLAN
Scale 1:50 @ A1



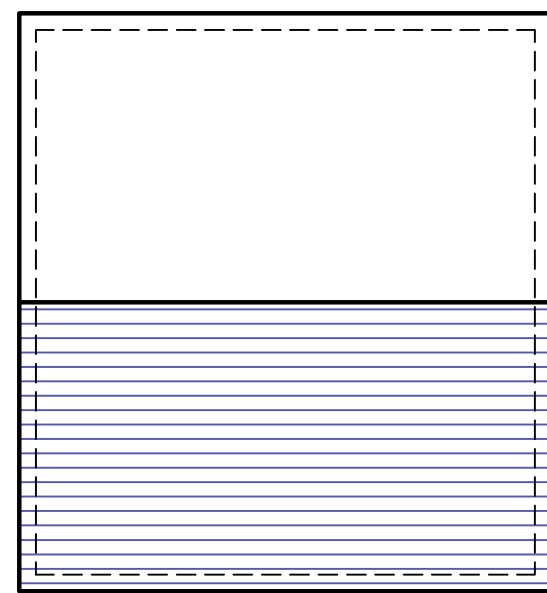
PROPOSED SIDE ELEVATION
Scale 1:100 @ A1



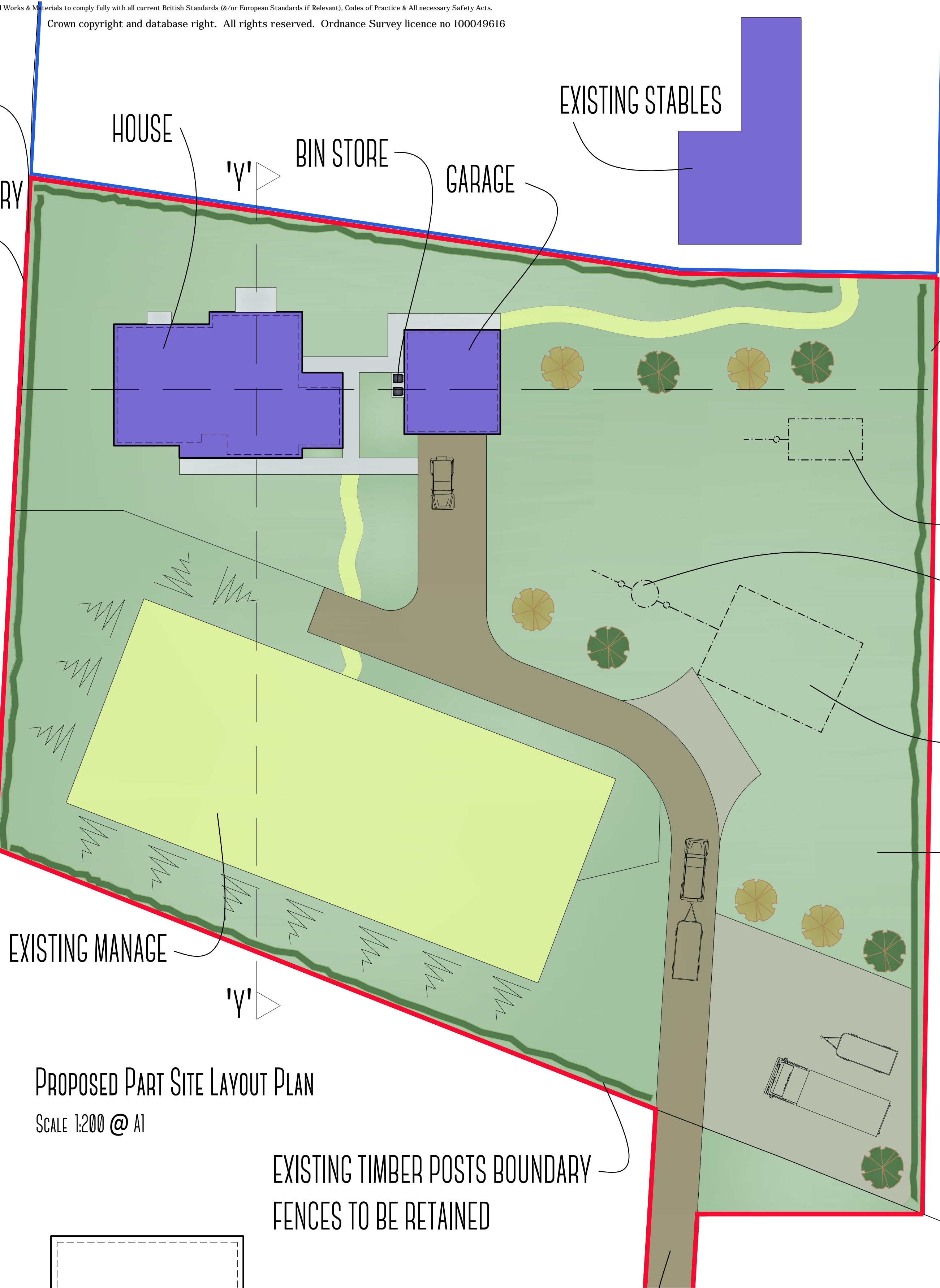
PROPOSED REAR ELEVATION
Scale 1:100 @ A1



CROSS SECTION
Scale 1:100 @ A1



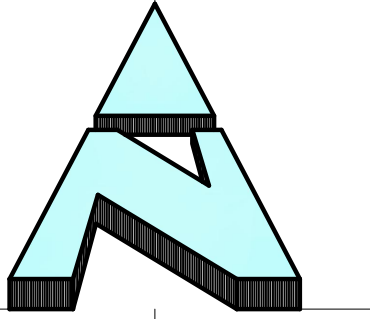
ROOF PLAN
Scale 1:100 @ A1



PROPOSED PART SITE LAYOUT PLAN
Scale 1:200 @ A1

EXISTING TIMBER POSTS BOUNDARY
FENCES TO BE RETAINED

Amendments		Date
A	First Issue	Oct. 18
B	Updated Layout	Jan. 19
C	Updated Layout	Feb. 19
D	Updated Layout	Mar. 19



EXISTING BOUNDARY
PLANTING TO BE RETAINED

3m x 5.4m x 1.5m SURFACE
WATER SOAKAWAY

FOUL TREATMENT PLANT

7.2m x 10m FOUL
WATER SOAKAWAY

GRASS GARDEN GROUND

FINISHES:-

- ROOF: NATURAL SLATE
- WALLS: ROUGHCAST BLOCKWORK
- BASECOURSE: SMOOTH CEMENT PLASTER RENDER
- GARAGE DOOR: GREY STEEL
- RAINWATER GOODS: BLACK UPVC DEEP FLOW
- FASCIA & SOFFIT: WHITE PVC

kenmathieson
ARCHITECTURAL DESIGN
& DEVELOPMENT CONSULTANT
LTD.
MANSARD HOUSE
15 OLD MELDRUM ROAD
BUCKSBURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

DOMESTIC, COMMERCIAL & INDUSTRIAL

Client: Mr & Mrs Iain Whitecross

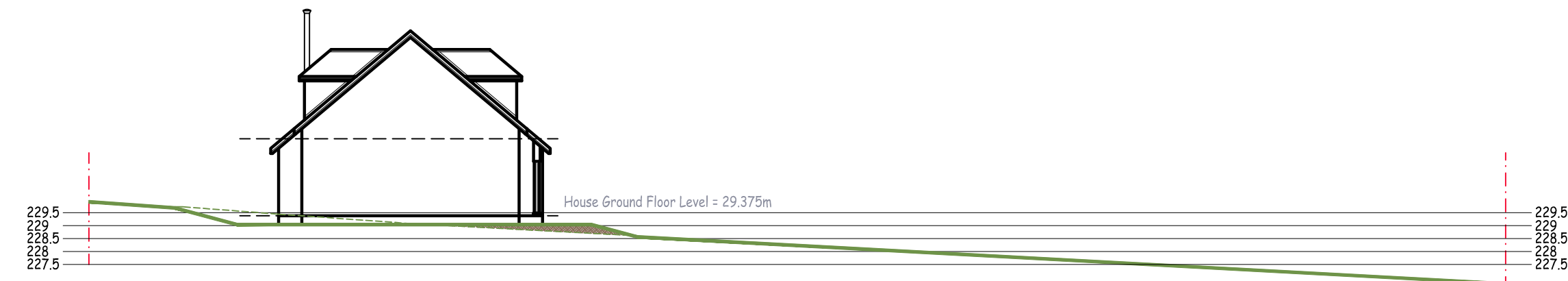
Project: Proposed Dwelling House & Garage
at Site "The Maltings" at Cairnville Farm,
Archiestown, Moray

Title: Proposed Garage & Part Site Plan

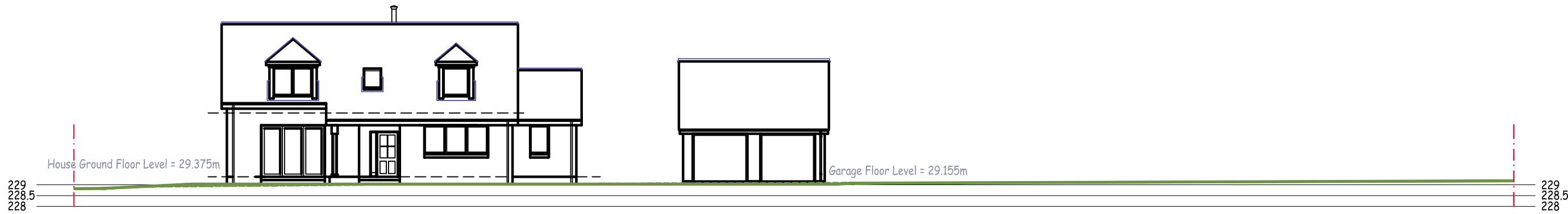
Scale: As Shown Date: Oct. 18 Drawn by: KM

Job No: I W Drawn: 002 Issue: D

Limited Company Registered in Scotland No.229853



Proposed Site Section Through 'Y' - 'Y' Scale 1:200 @ A1



Proposed Site Section Through 'X' - 'X' Scale 1:200 @ A1

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Proposed Site Location Plan Scale 1:1250 @ A1




Proposed Site Location Plan N.T.S

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Proposed Site Location Plan Scale 1:5000 @ A1

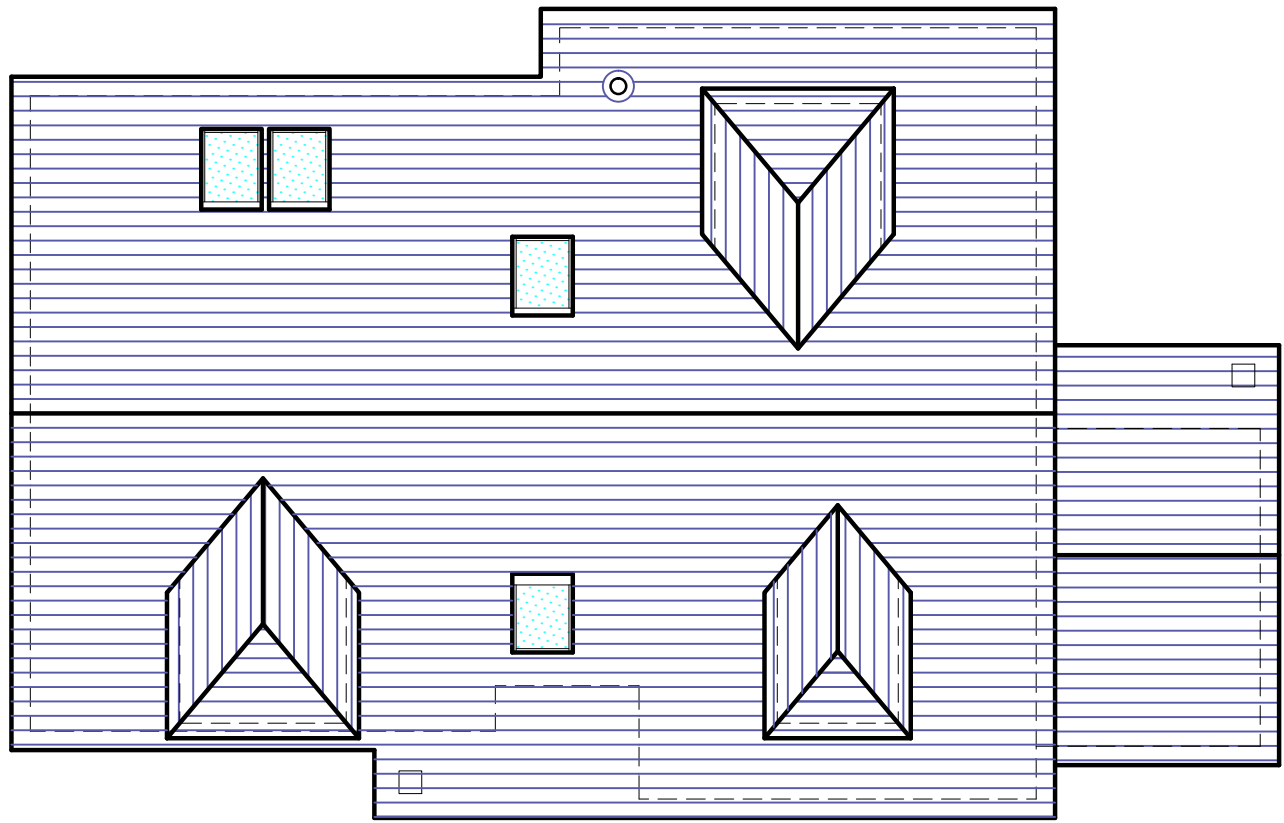
Amendments		Date
A	First Issue	Oct. 18

**kenmathieson**
ARCHITECTURAL DESIGN
& DEVELOPMENT CONSULTANT
LTD.
MANSARD HOUSE
15 OLDMELDRUM ROAD
BUCKSBURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

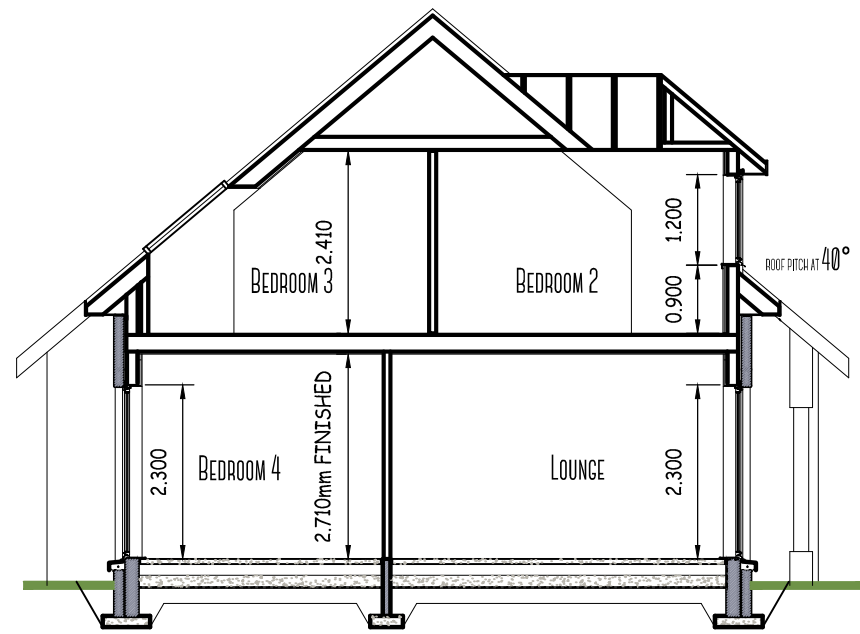
DOMESTIC, COMMERCIAL & INDUSTRIAL

Client	Mr & Mrs Iain Whitecross				
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairnvonie Farm, Archiestown, Moray				
Title	Proposed Site Plan & Site Sections				
Scale	As Shown	Date	Oct. 18	Drawn by	KM
Job No	IW	Dwg No	003	Issue	A

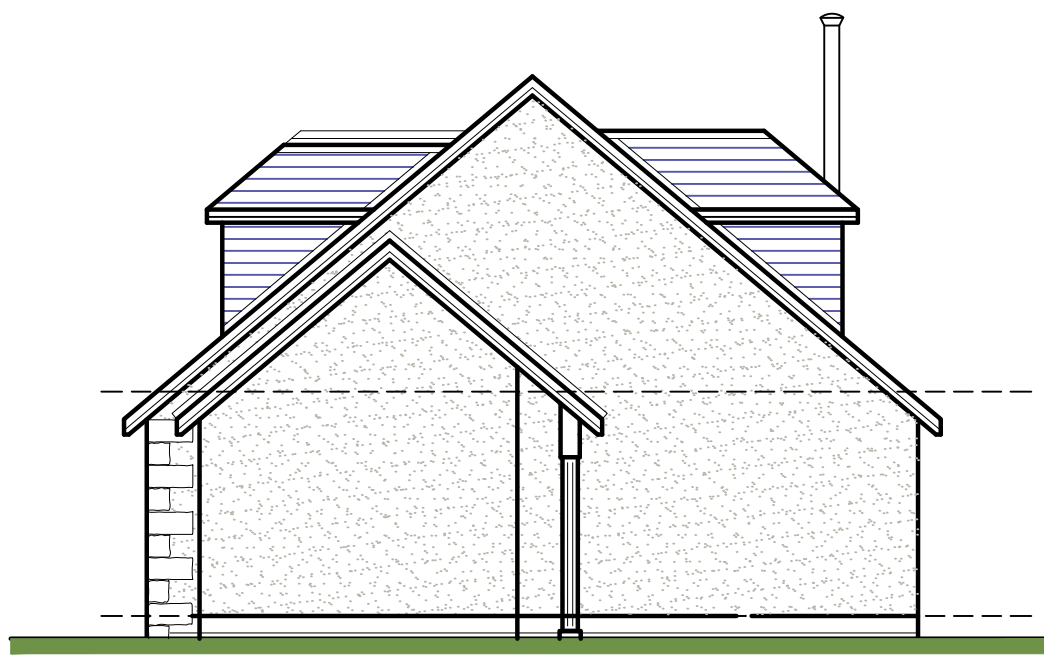
Limited Company Registered in Scotland No.229653



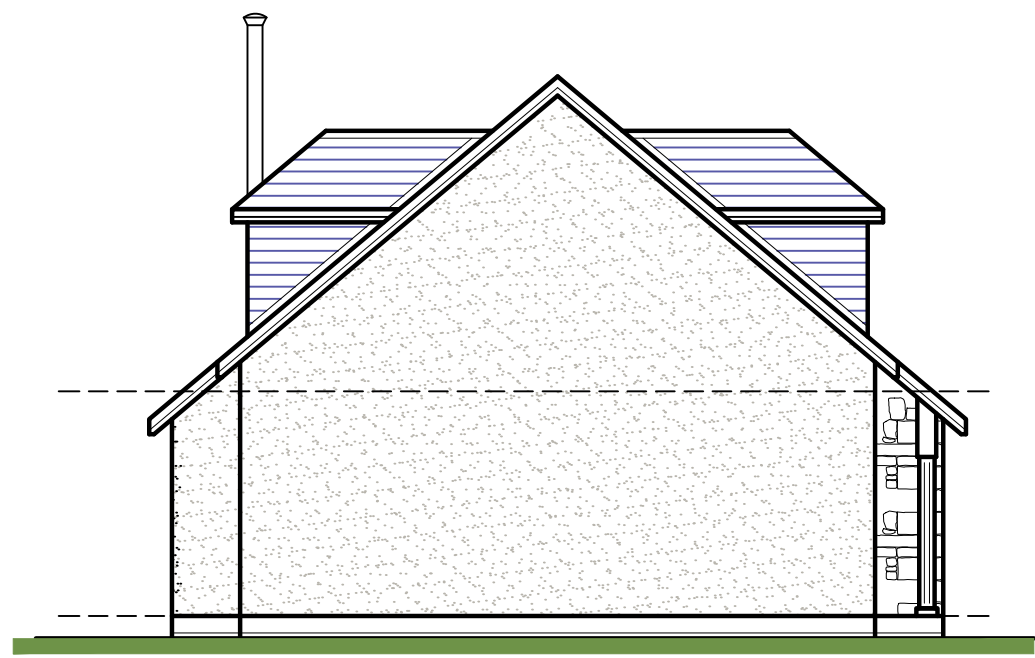
Roof Plan Scale 1:100 @ A1



Cross Section Scale 1:100 @ A1



Proposed Side Elevations (East & West Facing) Scale 1:100 @ A1



Amendments		Date
A	First Issue	Oct. 18
B	Updated Layout	Jan. 19
C	Updated Layout	Feb. 19

FINISHES:-

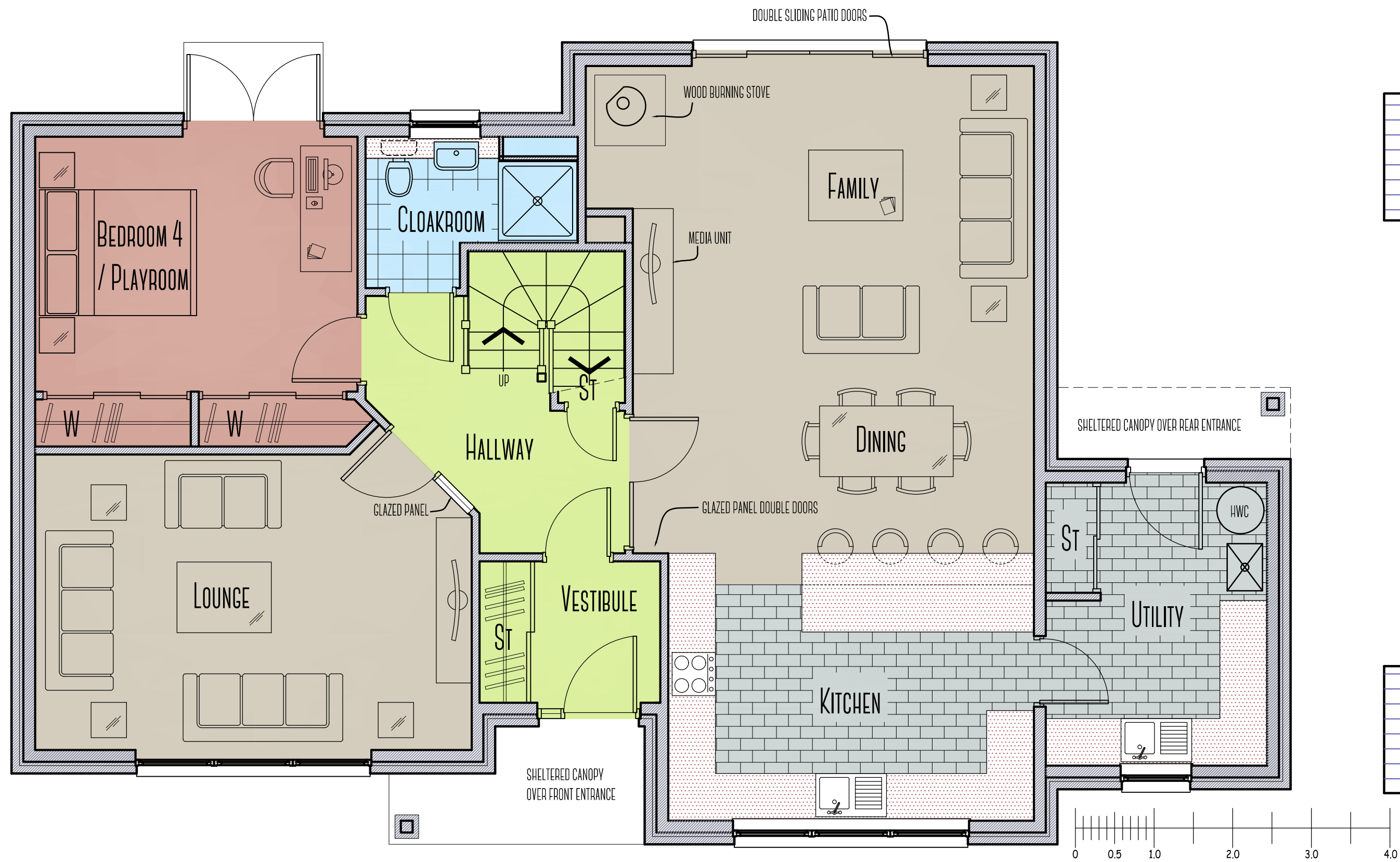
- Roof: Natural Slate
- Walls: Reclaimed Cut & Cleaned Sand Stone
- Walls: Larch Timber Linings
- Walls: Roughcast Blockwork
- Basecourse: Smooth Cement Plaster Render
- Windows: White PVC Frames
- Rainwater Rods: Black UPVC Deep Flow
- Fascia & Soffit: White PVC



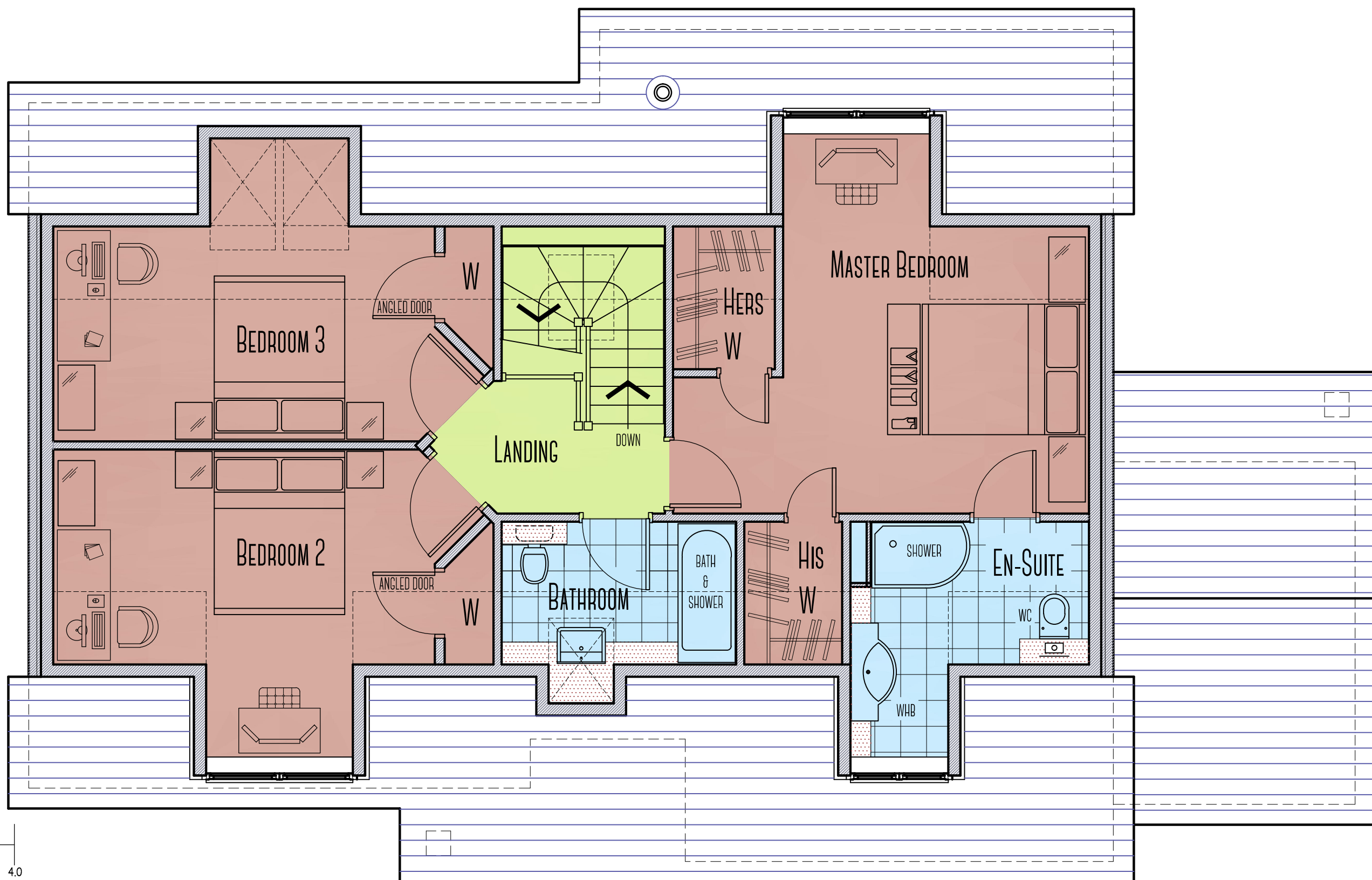
Proposed Front Elevation (South Facing) Scale 1:50 @ A1



Proposed Rear Elevation (North Facing) Scale 1:50 @ A1



Proposed Ground Floor Layout Plan Scale 1:50 @ A1 Ground Floor G.I.A = 117.5m/sq or thereby



Proposed First Floor Layout Plan Scale 1:50 @ A1 First Floor G.I.A = 72m/sq or thereby

TOTAL GROSS INTERNAL FLOOR AREA:-

Ground Floor G.I.A = 117.5m/sq or thereby

First Floor G.I.A = 72m/sq or thereby

TOTAL = 189.5m/sq or thereby

kenmathieson ARCHITECTURAL DESIGN & DEVELOPMENT CONSULTANT LTD. MANSARD HOUSE 15 OLDMELDRUM ROAD BUCKSBURN AB21 9AD TEL: 01224 710357 FAX: 01224 710358 E-MAIL: info@kenmathieson.com				
DOMESTIC, COMMERCIAL & INDUSTRIAL				
Client	Mr & Mrs Iain Whitecross			
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairnville Farm, Archiestown, Moray			
Title	Proposed Plans & Elevations			
Scale	As Shown	Date	Oct. 18	Drawn by KM
Issue	IW	Drawn by	001	Issue C

28th March 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

AB38 Archiestown Cairn vonie Farm The Maltings
PLANNING APPLICATION NUMBER: 19/00318/APP
OUR REFERENCE: 775050
PROPOSAL: Erect dwellinghouse and garage

Please quote our reference in all future correspondence

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

Water

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

Foul

- 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.

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

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

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00318/APP
Nature of Proposal (Description)	Erect dwellinghouse and garage at
Site	The Maltings Cairn vonie Farm Archiestown Moray
Site Postcode	N/A
Site Gazetteer UPRN	999999999999
Proposal Location Easting	323834
Proposal Location Northing	844263
Area of application site (M²)	4355
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PORAAXBGKQJ00
Previous Application	
Date of Consultation	26th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Iain Whitecross
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Ken Mathieson Architectural Design Ltd
Agent Organisation Name	
Agent Address	Mansard House 15 Oldmeldrum Road Bucksburn Aberdeen Scotland AB21 9AD
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@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: 19/00318/APP

Erect dwellinghouse and garage at The Maltings Cairnvonie Farm Archiestown Moray for Mr Iain Whitecross

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"/>

Condition(s)

1. No development shall commence until:

- i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 215 metres in both directions with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users through the provision of details currently lacking.

2. Prior to the occupation of the dwellinghouse, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.0 metres for the first 5.0 metres measured from the edge of the public carriageway, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

4. Prior to the occupation of the dwellinghouse an access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.

Reason: To enable visiting service vehicles to park clear of the public road in the interests of road safety.

5. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

6. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, 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.

7. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear. prior to the first occupation of the building/dwelling.

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 visibility splay proposed on the submitted details does not at present include the required maintenance regime. The visibility splay is required to be kept clear of obstruction above 0.6m in height, measured from the level of the carriageway, with all boundaries set back to a position behind the splay. All works required to form and maintain the splay in accordance with this should be detailed on any subsequent drawing submitted to discharge planning conditions.

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

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

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

at the expense of the developer.

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

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Contact:LL
email address:transport.develop@moray.gov.uk
Consultee: Transportation

Date 29.03.19

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.

From: DeveloperObligations
Sent: 8 Apr 2019 16:16:29 +0100
To: Andrew Miller
Cc: DC-General Enquiries
Subject: 19/00318/APP Erect dwellinghouse and garage at The Maltings, Cairnvonie Farm, Archiestown
Attachments: 19-00318-APP Erect dwellinghouse and garage at The Maltings, Cairnvonie Farm, Archiestown.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 agent.

Regards
Hilda

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 08/04/2019

Reference: 19/00318/APP

Description: Erect dwellinghouse and garage at The Maltings, Cairn vonie Farm, Archiestown

Applicant: Mr Iain Whitecross

Agent: Ken Mathieson Architectural Design Ltd.

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at http://www.moray.gov.uk/moray_standard/page_100443.html

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards reconfiguration at Aberlour Health Centre and 1 Additional Dental Chair</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

Proposals 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:

1 x 4-bed= 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.

Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Knockando Primary School. The school is currently operating at 67% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils generated by this development are zoned to Speyside High School. 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.

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).

Aberlour Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Aberlour Health Centre is working beyond design capacity and existing space will be required to be reconfigured and that 1 Additional Dental Chair will be required.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the healthcentre and [REDACTED] per SRUE for the additional dental chair.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Archiestown 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**



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 19/00318/APP

Application Summary

Application Number: 19/00318/APP

Address: The Maltings Cairnvonie Farm Archiestown Moray

Proposal: Erect dwellinghouse and garage at

Case Officer: Andrew Miller

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 - Adrian Muscutt

Consultee Comments for Planning Application 19/00318/APP

Application Summary

Application Number: 19/00318/APP

Address: The Maltings Cairn vonie Farm Archiestown Moray

Proposal: Erect dwellinghouse and garage at

Case Officer: Andrew Miller

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

No objections

Kevin Boyle, Principal EHO

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th April 2019
Planning Authority Reference	19/00318/APP
Nature of Proposal (Description)	Erect dwellinghouse and garage at
Site	The Maltings Cairn vonie Farm Archiestown Moray
Site Postcode	N/A
Site Gazetteer UPRN	999999999999
Proposal Location Easting	323834
Proposal Location Northing	844263
Area of application site (M²)	4355
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PORAAXBGKQJ00
Previous Application	
Date of Consultation	26th March 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Iain Whitecross
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Ken Mathieson Architectural Design Ltd
Agent Organisation Name	
Agent Address	Mansard House 15 Oldmeldrum Road Bucksburn Aberdeen Scotland AB21 9AD
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@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: Moray Flood Risk Management

Planning Application Ref. No: 19/00318/APP

Erect dwellinghouse and garage at The Maltings Cairn vonie Farm Archiestown Moray for Mr Iain Whitecross

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: Leigh Moreton

email address: leigh.moreton@moray.gov.uk

Consultee:

Date: 02/04/2019

Phone No: 01343 563773

Return response to	consultation.planning@moray.gov.uk
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S.A. MCGREGOR



GROUND ASSESSMENT & DRAINAGE RECOMMENDATION REPORT

PROPOSED NEW DWELLINGHOUSE LAND TO NORTHWEST OF CAIRNVONIE ARCHIESTOWN MORAY

<i>Client & Applicant:</i>	Mr I. Whitecross
<i>Agent:</i>	Ken Mathieson Architectural Design Ltd. Bucksburn
<i>Contract No.:</i>	2235/18
<i>Report Issued:</i>	08 November 2018

S. A. McGregor
Serenje, Kingsford Steading, Alford, Aberdeenshire, AB33 8HN

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Site Location & Brief Description

Site Work

Trial Pits

Percolation Testing

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	Fig. 2. Test Location Plan
Drainage	Fig. 3. Indicative Drainage Layout
	Fig. 4. Indicative Sub-Surface Soakaway Construction
Certificates	Foul Water Soakaway
	Surface Water Soakaway

**GROUND ASSESSMENT &
DRAINAGE RECOMMENDATION REPORT**
PROPOSED NEW DWELLINGHOUSE
LAND TO NORTHWEST OF CAIRNVONIE
ARCHIESTOWN
MORAY

INTRODUCTION

At the request of Mr Iain Whitecross a ground assessment investigation was undertaken on land to the north-west of Cairnvornie east of Archiestown in Moray.

It is proposed to erect a new dwellinghouse on the site.

The purpose of the visit was to carry out a ground investigation to determine the nature of the materials underlying the area of the site and to undertake the following: -

- to carry out percolation testing to assess the suitability of the underground strata for the disposal of effluent from a sewage treatment system
- to carry out infiltration testing for the disposal design for surface waters from the proposed development
- to assess safe bearing capacity for foundation design

SITE LOCATION & BRIEF DESCRIPTION

The site is located on land to the north-west of Cairnvornie with access from off the B9102 on land all under the ownership of the applicant, OS Grid Ref NJ 23842 44247 (approx. centre of site), see Fig. 1. General & Site Location Plans.

The site is unoccupied and overlain by grass. The boundaries are defined by a post and wire fence.

The site is un-serviced however mains water, electricity and telephone are nearby; there is no mains drainage available.

There are no known wells supplying potable water within 50m of the site.

There are no surface watercourses within 50m of the site.

SITE WORK

Trial Pits

On the 27th September 2018, a tracked excavator with 1.0m and 0.50m buckets excavated trial pits to assess the underlying ground conditions and to carry out percolation and infiltration testing in the areas of the potential foul and surface water sub-surface soakaways.

The locations of the trial pits were decided on site taking into account the proposed house location and site topography and are indicated on Fig. 2. Indicative Test Location Plan in Appendix A.

Percolation Testing

Percolation testing was carried out in test holes adjacent to observation trial pits FW1 in accordance with Section 3.9.2 of the Scottish Building Standards Technical Handbook (Domestic); the test results are shown on the following table: -

Date of Testing 27 th September 2018	FW1
Average time taken for water to drain 3 times in each sump hole (middle 150mm)	8875
Depth of Water Table below Ground Level (m)	>2.70m
Soil Percolation Values, Vp, s/mm	60

Infiltration Testing

Infiltration tests were carried out in trial pit SW1 in accordance with BRE Digest 365; the test results are tabulated below: -

Trial Pit No.	Pit Dimensions (W x L)m	Test Zone (mbegl)	In-Fill	Soil Infiltration Rate, f(m/s)
SW1	0.50 x 1.10	1.30-2.30	Open	5.55 x 10⁻⁶

GROUND ASSESSMENT

Published Geology

The British Geological Survey 1:50,000 Superficial and Solid maps indicate that the site may be overlain by Devensian Till Deposits (Diamicton – clay, silt, sand and gravels) formed up to 2 million years ago during the Quaternary Period. The site is underlain by the Archiestown Pluton (Monzogranite) igneous bedrock formed approximately 419 to 444 million years ago during the Silurian Period.

Encountered Ground Conditions

Topsoil: The site is overlain by 300-350mm of topsoil.

Natural Sub-Soils: The natural underlying sub-soils have an upper mantle of well consolidated stiff light orange brown silty sandy gravelly clay to depths in the range 1.30-1.70m below existing ground levels. Below the clay are medium dense light brown coarse sands (completely weathered rock) proved to a maximum investigated depth of 2.70m.

Bedrock: In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 2.70m.

DISCUSSION

Sub-Soils

The sandy gravelly nature of the underlying soils and the results from the percolation and infiltration testing confirmed the moderate to well-draining properties of the sub-soils.

Sewage Treatment

The soil percolation value, $V_p = 60$ s/mm and therefore a septic tank is suitable for the proposed development, However, due to the proximity of nearby dwellings to to further protect the environment it is recommended to install a package sewage treatment plant (PSTP) with a minimum 3,750-litre capacity for up to a 4-bedroom house, a population equivalent, PE = 6.

Foul Water Discharge

A sub-surface stone-filled soakaway (infiltration system) is considered suitable for the discharge of foul waters from a septic tank directly to the ground. The soakaway should comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on design in accordance with the requirements of SEPA Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater.

SuDS

The disposal of surface waters from the development needs to be assessed in terms of both the quantity and the quality of the discharge for Building Regulations and SEPA. Using the SIA tool, the land use run-off quality has been determined, see summary below: -

Land Use Type	Residential Roofing	Residential Parking & Driveway
Pollution Hazard Level	Very Low	Low
Pollution Hazard Indices		
TSS	0.2	0.5
Metals	0.2	0.4
Hydrocarbons	0.05	0.4
SuDS Component Proposed	None (not discharging to watercourse)	
Component 1		
SuDS Pollution Mitigation Indices		
TSS	0.4	0.4
Metals	0.4	0.4
Hydrocarbons	0.4	0.4
Groundwater Protection Type	Infiltration Trench	Silt Trap for TSS Minimum 300mm permeable gravel finish
Combined Pollution Mitigation Indices		
TSS	0.4	0.4
Metals	0.4	0.4
Hydrocarbons	0.4	0.4
Acceptability of Pollution Mitigation		
TSS	Sufficient	Sufficient
Metals	Sufficient	Sufficient
Hydrocarbons	Sufficient	Sufficient

Surface Water Disposal

The investigation carried out concludes that the underlying strata are considered suitable for the construction of an infiltration trench for the surface water run-off from the roof areas and permeable driveways/parking areas for the proposed development prior to disposal to the ground.

DRAINAGE RECOMMENDATIONS

Foul Water Discharge via a Sub-Surface Stone-filled Soakaway

To comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004, an infiltration system must be designed and constructed in accordance with the requirements of SEPA.

Using the average soil percolation value, **$Vp = 60s/mm$** and in accordance with the regulations the minimum base area, A, is derived from **$A = Vp \times PE \times 0.25$** , see the following table: -

Proposed Development	Population Equivalent, PE (as defined in BW COP:18.11/13)	Min. Base Area (m ²)	
		Septic Tank	PSTP
New Dwellinghouse	6 (4-bedroom)	90	72

Full details of the proposed sewage treatment system will be made available to the Building Standards Officer once it has been determined after consultation with suppliers which models are the most suitable for the proposed development and the potential population equivalent of the dwellinghouse.

SEPA

The final installed sewage treatment system and discharge will require to be registered with SEPA under CAR.

Surface Water Disposal

The size of the proposed surface water soakaway is based on the impermeable surface areas of the development.

Using the soil infiltration rate, **$f = 5.55 \times 10^{-6} m/s$** the optimum dimensions for the surface water infiltration trench (soakaway) are shown on the following table: -

Impermeable Area (m ²)	Width (m)	Length (m)	Storage depth (m)	Half Empty Time (hrs)
New House	1.00	15.90	1.50	7.06
Roof Areas	2.00	8.10		12.04
Up to 200m²	3.00	5.40		14.49
	4.00	4.00		15.11

These dimensions are based on a 30-year return period of storm duration of 60 minutes.
 Calculations have been carried out in accordance with BRE Digest 365.

Indicative Drainage Layout

The indicative drainage layout is shown on Fig 3. with indicative soakaway construction shown on Fig. 4. along with the certificates all in Appendix A.

SYSTEM MAINTENANCE

Sewage Treatment System

All servicing and maintenance should be undertaken in full accordance with the manufacturer's literature or by a responsible qualified person. The septic tank should be regularly inspected and 'desludged' (emptied) when appropriate to ensure solids and silts do not 'clog' the soakaway or make their way to the discharge outlet.

Soakaways

The soakaways are designed for the life time of the proposed development if they are not allowed to silt up nor the pipework to be blocked.

If a soakaway fails to due blockages or silting it should be excavated and reconstructed with fresh clean stone, new pipework and renewed terram.

During the development of the site, and the excavation of the soakaways, should any field drains be found within 10m of the soakaway they should be realigned or relocated accordingly.

REGULATIONS

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

-

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course (including any inland or coastal waters), permeable drain (including culvert), road or railway
- 5m from all buildings
- 5m from boundaries (*reduced distance to boundaries may also be subject to agreement from adjacent land owners where the soakaway is considered not to be detrimental to the adjacent property*)

FOUNDATION RECOMMENDATIONS

Safe Bearing Capacity

It is recommended that the foundations should be taken down through the topsoil and rest on the underlying stiff clays at a minimum depth of below 0.60m below existing ground levels.

A safe bearing capacity of 200kN/m² may be applied for the design of the foundations for standard strip footings.

Excavations

Due to the clayey nature of the upper sub-soils, if left exposed, all foundations excavations should be protected from rain and run-off water to maintain the soils strength.

Settlement

It is considered that the generally stiff, sandy and gravelly nature of the clayey sub-soils will have settlement within tolerable design limits.

Dewatering

It is not anticipated that de-watering measures will be required during excavations.

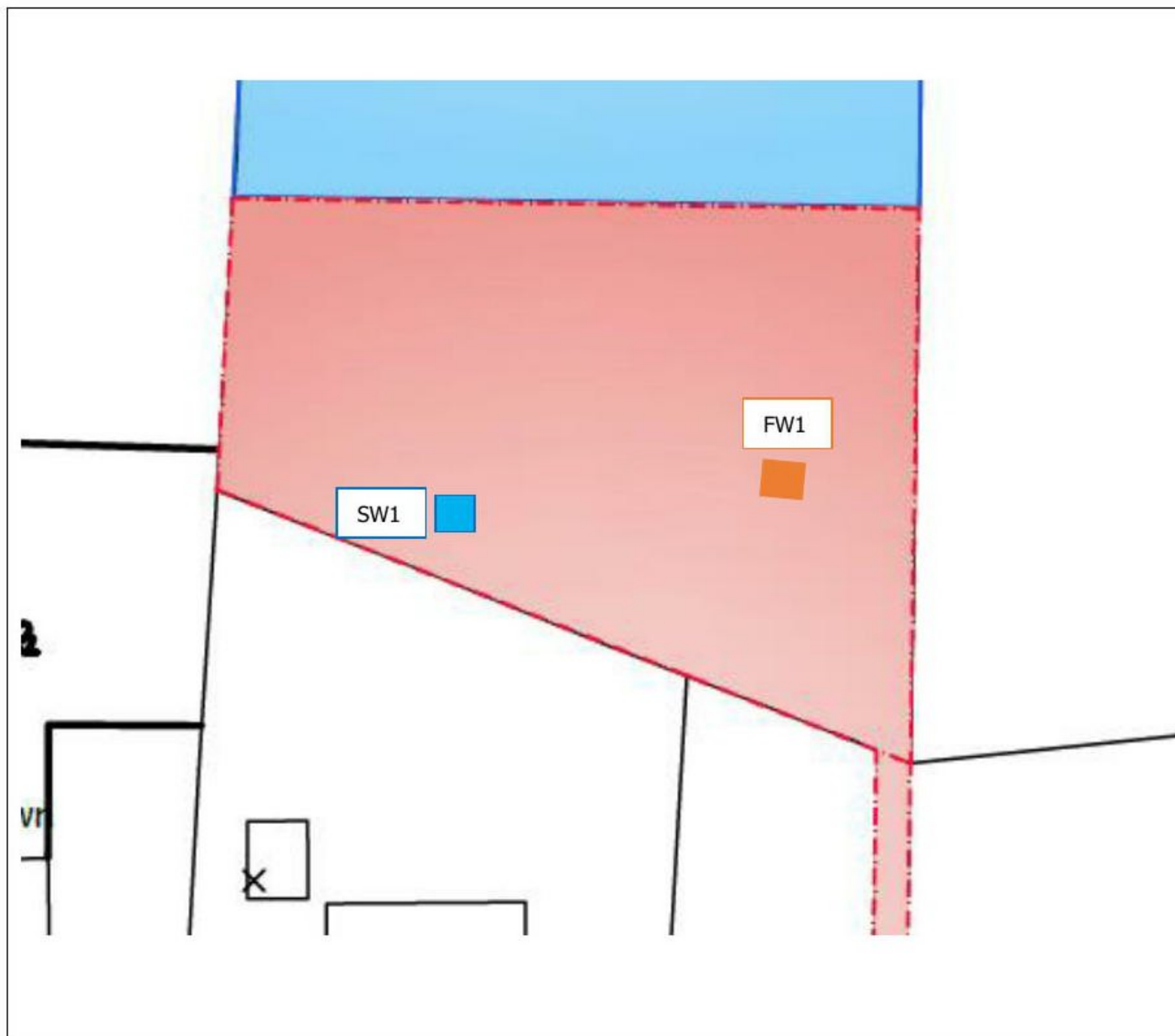
APPENDIX A

Site Plans	Fig. 1. General & Site Location Plans
	Fig. 2. Test Location Plan
Trial Pit Logs	FW1 & SW1
Drainage	Fig. 3. Indicative Drainage Layout
	Fig. 4. Indicative Sub-Surface Soakaway Construction
Certificates	Foul Water Soakaway
	Surface Water Soakaway

Fig. 1. GENERAL & SITE LOCATION PLANS



Fig. 2. INDICATIVE TEST LOCATION PLAN



Extract from Ken Mathieston Drawing Sep 2018

Fig. 3. INDICATIVE DRAINAGE LAYOUT

NOT TO SCALE: ALL SOAKAWAY DIMENSIONS PROVIDED ON THIS DRAWING SHOULD BE CHECKED ON A FULL-SCALE PLAN TO ENSURE THEY MEET THE REQUIRED BUILDING REGULATIONS 5m FROM BUILDINGS AND SITE BOUNDARIES, 10m FROM OTHER SOAKAWAYS, DRAINS AND WATERCOURSES & 50m FROM WELLS

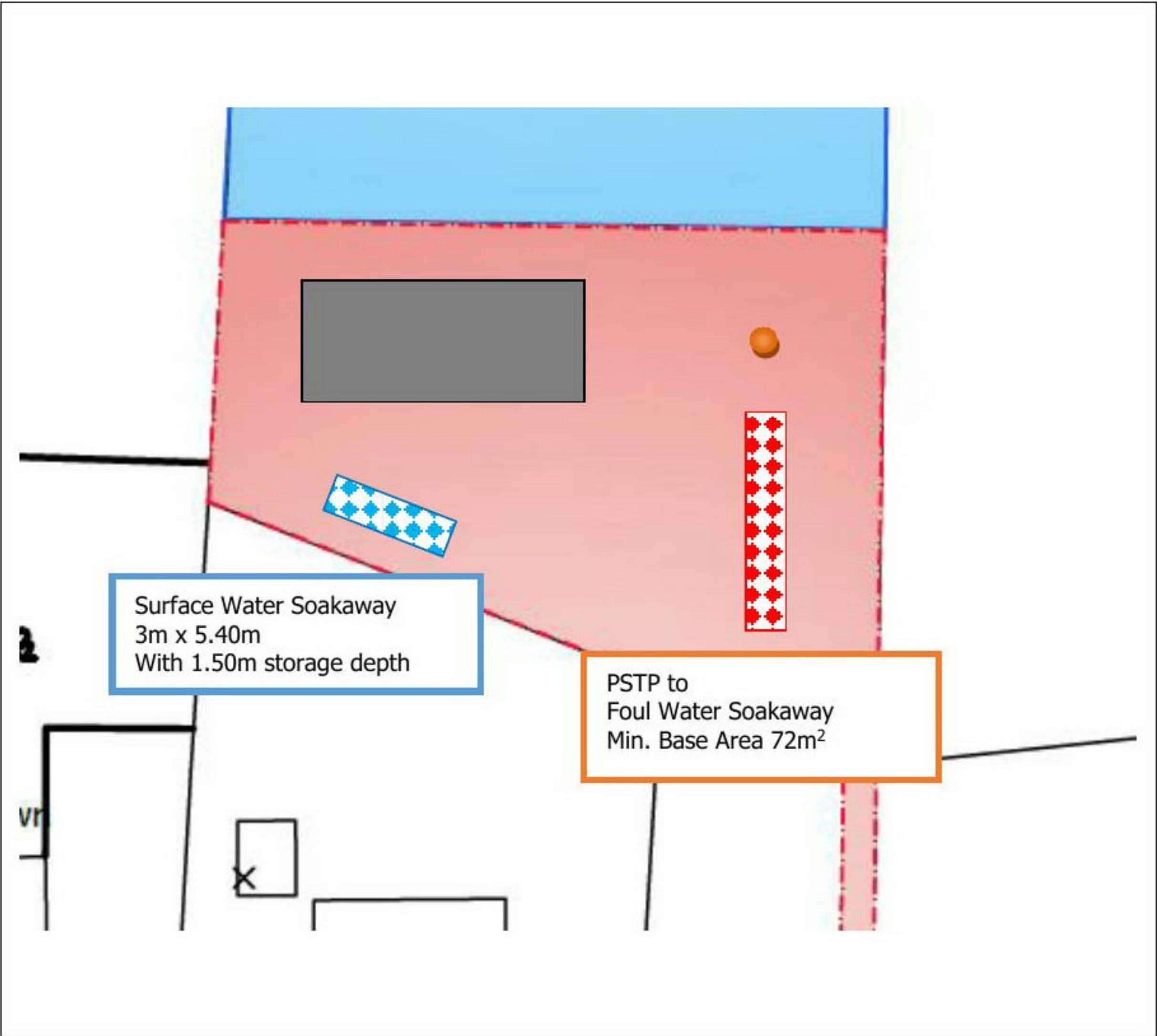
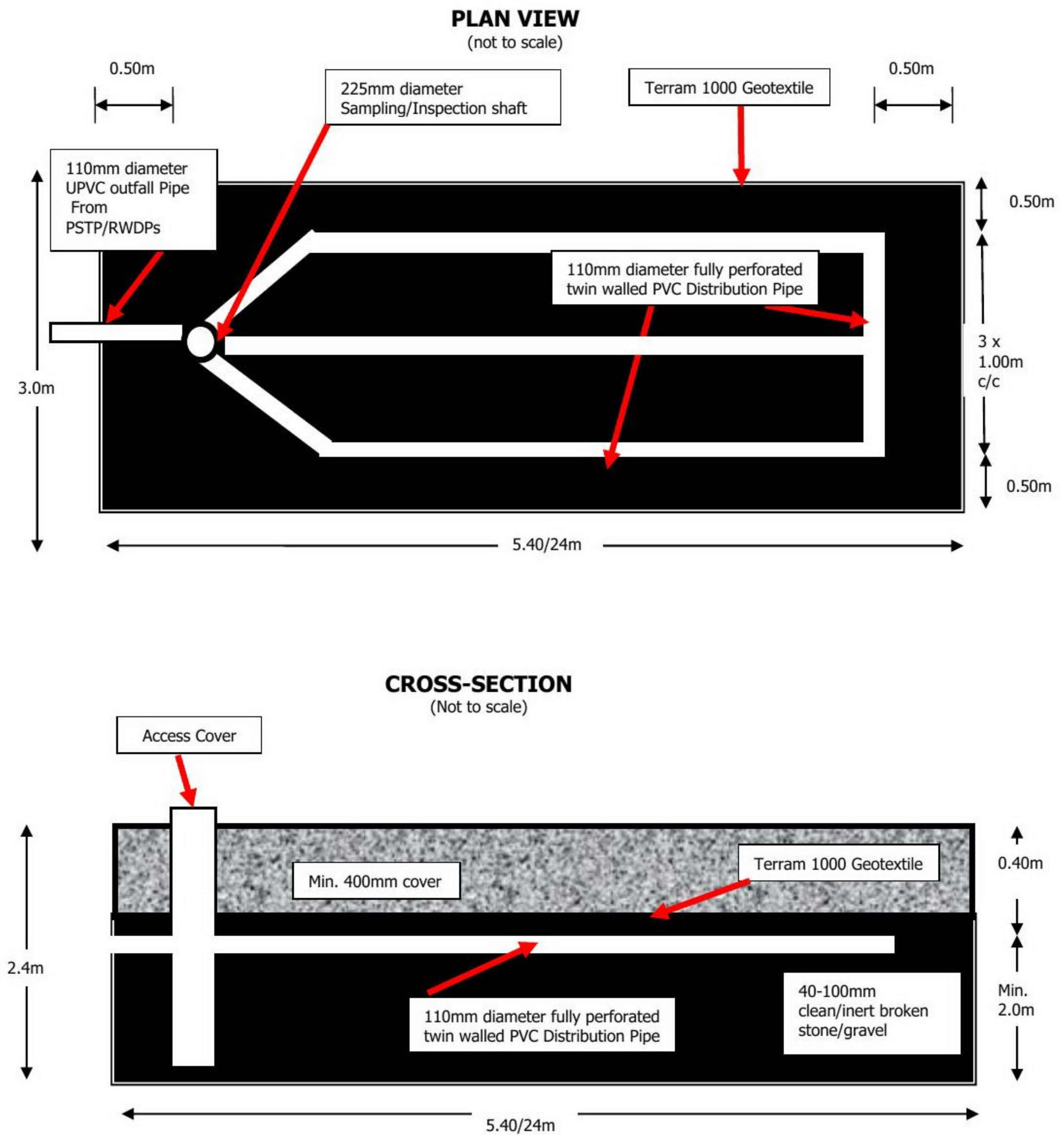


Fig. 4. INDICATIVE SUB-SURFACE SOAKAWAY CONSTRUCTION
 (sketch only, not to scale)



CERTIFICATE FOR PROPOSED FOUL WATER SUB-SURFACE 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 the water table will interfere with the operation of the soakaway
- and
2. A percolation test must be carried out to determine the area of the ground required.

Certificate

Applicant's Name Mr I. Whitecross

Address c/o Ken Mathieson

Site Address Land NW of Cairnvonie, Archiestown, Moray

Date of Test.....27th September 2018

Weather...Sunny & Rain showers

Encountered Ground Conditions

Topsoil: The site is overlain by 300-350mm of topsoil. **Natural Sub-Soils:** The natural underlying sub-soils have an upper mantle of well consolidated stiff light orange brown silty sandy gravelly clay to depths in the range 1.30-1.70m below existing ground levels. Below the clay are medium dense light brown coarse sands (completely weathered rock) proved to a maximum investigated depth of 2.70m. **Bedrock:** In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 2.70m.

Wells: no known wells used for supply of potable water within 50m of site.

Depth of Drains:1.70m

Depth of Excavations: ..up to 2.70m.....

Percolation Tests

FW1

Time Taken (mean of three times), secs

8875

Average Soil Percolation Values, Vp, s/mm

60

Population Equivalent

6 (4-bedroom)

Minimum Floor Area of Soakaway

90m² or 72m² with secondary treatment

I hereby certify that I have carried out the above assessment in accordance with procedures specified within the Domestic Scottish Building Standards Technical Handbook (Environmental Standard 3.9 Infiltration Systems) and SEPA A WAT-RM-04, the results of which are tabulated above, and that the proposed drainage scheme detailed on the attached plans and report has been designed considering the recommendations in the standards and regulatory standards.

Signed ...

Date...08 November 2018

Name / Company

S. A. McGregor

Address

Serenje, Kingsford Steading, Alford, Aberdeenshire, AB33 8HN

Qualification

B.Eng (Civil Engineering).

CERTIFICATE FOR PROPOSED SURFACE WATER SOAKAWAY

Applicant's Name Mr I. Whitecross

Address c/o Ken Mathieson

Site Address Land NW of Cairnvonie, Archiestown, Moray

Date of Test.....27th September 2018

Weather...Sunny & Rain showers

Encountered Ground Conditions

Topsoil: The site is overlain by 300-350mm of topsoil. **Natural Sub-Soils:** The natural underlying sub-soils have an upper mantle of well consolidated stiff light orange brown silty sandy gravelly clay to depths in the range 1.30-1.70m below existing ground levels. Below the clay are medium dense light brown coarse sands (completely weathered rock) proved to a maximum investigated depth of 2.70m. **Bedrock:** In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 2.70m.

Wells: no known wells used for supply of potable water within 50m of site.

Depth of Drains:1.30m

Depth of Excavations: ..up to 2.30m.....

Infiltration Test

SW1

Infiltration Test Zone (m)

1.30-2.30

Soil Infiltration Rate, f (m/s)

5.55×10^{-6}

Surface Area of Development

up to **200m²**

Surface Water Stone-filled Infiltration Trench (Soakaway)

3.00m x 5.40m with 1.50m stone storage depth.

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...08 November 2018

Name / Company

S. A. McGregor

Address

Serenje, Kingsford Steading, Alford, Aberdeenshire, AB33 8HN

Qualification

B.Eng(Civil Engineering).

**SITE NORTH OF KALITHEA, AT CAIRNVONIE FARM,
ARCHIESTOWN, MORAY**

PROPOSED DWELLING HOUSE & GARAGE



SUPPORTING AND PLANNING STATEMENT

PROPOSED DWELLINGHOUSE & GARAGE

SITE NORTH OF KALITHEA, AT CAIRNVONIE FARM, ARCHIESTOWN, MORAY

Supporting and Design Statement

Introduction

This statement has been prepared to support the application submitted by Ken Mathieson Architectural Design Ltd. on behalf of Mr & Mrs Iain Whitecross for the construction of a house with garage at the site North of Kalithea at Cairnvonie Farm, Archiestown. It should be read together with the submitted plans and other supporting information.

Site

The site extends to some 4353m/sq. It comprises an area of agricultural land with Manage riding school to the South West corner and Stables to the North East.

The site lies immediately to the North of the dwelling house named Kalithea with 2no additional dwelling houses to the South West named Old Croft & Newlands. To the South East of the site there is Cairnvonie Farm. The closest village is Archiestown located approximately 500m from the site access which contains various local amenities such as shops and restaurant. The East & West of the site is agricultural land with a forest to the far North. There is an existing access track to the South which connects to the B9102.

The site is surrounded by Timber post fence with trees and shrubs to the East & West.

The ground rises gently from the public road. The site is largely in agricultural use with equestrian equipment placed for training horses. There are no other features of interest on the site.

Archiestown is served by the 366 bus service.

Proposal

The application seeks full planning permission for the construction of a one and a half storey, four bedroom family house and detached double garage. The house will be set back into the site and positioned generally towards the North Western boundary. The house positioned to face the public road as per the surrounding dwellings. The house presents a symmetrical front elevation with windows either side of a front entrance porch and with dormers above, lining through with the ground floor windows. The house has a traditional, steeply pitched roof clad in natural slates, gable ends and on the rear elevation a single storey bay window.

External finishes are proposed to be white roughcast with a cement render base course with timber linings used for the front porch, rear wing and rear bay window.

The main elevation will make use of locally sourced reclaimed sand stone.

The double garage has similar roughcast and slate finishes with a 40 degree pitched roof.

Vehicular access will be from the existing farm track to the South East which will be upgraded. The junction of the track with the public road is close to the 30mph limit for the village.

Design

The brief is to produce a practical family house of high environmental performance which respects the quality of the area and maximises the existing features of the site.

The design of the proposed house has evolved as a result of careful consideration of the features of the site and the character of the area, to make the best possible use of the southerly aspect, to provide separation and shelter for the residents of the house and to avoid any conflict with the surrounding properties.

The shape and orientation of the site, the requirement to take access from the farm track and the relationship of existing manure & Stables, determined the position of the proposed house.



Site Layout Plan

Existing buildings in Archiestown are of a wide range of design and materials including traditional stone buildings and a number of modern houses with white roughcast walls and concrete roof tiles. The proposed house follows the use of roughcast walls to provide a building which recognizes the form of modern developments. The incorporation of a traditional steeply pitched roof with natural slate finish, vertically proportioned windows and detailing and the use of timber linings in certain areas and reclaimed sandstone will give a clean, crisp contemporary appearance whilst respecting the character of the area.



House Front Elevation

Function

The energy performance of the proposed house, which will meet the requirements of Supplementary Guidance SG LSD11: Carbon neutrality in new development, will be achieved primarily through the external envelope, following the 'fabric first' principle of achieving a high energy performance rating through the building envelope alone without reliance on additional micro-renewable technologies. The measures will include:-

- Improved thermal performance through floor, walls, roof construction and windows and doors.
- Improved heating controls including weather compensators / load compensators.
- Improved higher efficiency boilers.
- Air tightness.
- Improved construction techniques.

The benefits of this approach rather than introducing LZC technologies include:-

- 'Fit and forget', as all home owners merely have to come home, close the door and forget .

- Not solar dependant, and therefore optimises site design.
- Cost effective and does not require maintenance / replacement by home owners.
- Supported by NHBC, Insurers and Lenders.
- Drives better efficiencies out of the existing insulation products.

The house has been designed so that where at all feasible public rooms make use of south facing aspects which will enhance the environmental efficiency of the house. Shelter will be provided from the north by the large over hang to the rear entrance door.

The house has been designed as a family house and will meet all of the requirements of the building regulations in regard to accessibility standards. It will have an accessible layout with level access, activity spaces and circulation space, ground floor toilet and shower with provision for future alterations to provide a stair lift if required.

The house will meet the requirements of the Building Regulations as updated on 1 October 2015. A comprehensive Energy Statement will be submitted when the information is available through the preparation of detailed working drawings.

Detailed drainage arrangements for foul and surface water are shown on the submitted plans

The site is accessed by a farm track leading from the public road. It is anticipated that the existing road network can readily accommodated the new house.

Resources

The construction materials will be sourced locally as far as practicable to reduce embodied energy and will be durable throughout the life of the house.

The main elements of the house all comprise timber including the roof trusses, kit walls, partitions, facings and exterior wall cladding. This natural product will be taken from renewable sources.

Conclusion

The house design responds to the characteristics of the site in a sensitive way. The proposal is for a carefully sited, well designed family house built to high environmental standards which will be an asset to the area.

REPORT OF HANDLING

Ref No:	19/00318/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erect dwellinghouse and garage at The Maltings Adjacent To Cairn vonie Farm Archiestown Moray		
Date:	09.05.2019	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	28/03/19	No objections.
Contaminated Land	02/04/19	No objections.
Transportation Manager	29/03/19	No objections subject to conditions in relation to access and parking.
Scottish Water	28/03/19	No objections.
Moray Flood Risk Management	02/04/19	No objections.
Planning And Development Obligations	08/01/19	Obligations sought towards healthcare (reconfiguration of Aberlour Health Centre and an additional dental chair).

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations	N	
PP3 Infrastructure & Services	N	

DP1 Development Principles	Y	
DP4 Rural Housing	Y	
EP12 Management and Enhancement of the	N	
EP13 Foul Drainage	N	

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

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require applications for planning permission to be determined in accordance with the development plan (i.e. the Moray Local Development Plan 2015 (MLDP)) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

The main planning issues are considered below.

Site

An area of rough grazing ground to the north of a small group of houses (three) at Robertstown, some 400 metres to the east of Archiestown. The site is circa 150 metres to the north of the B9102 (Dandaleith to Grantown road). A Manège is within the site to the south (albeit unconsented).

Proposal

Consent is sought for the erection of a house with detached garage. The house would be one and a half storey with dormer windows, finished in a mix of roughcast, sandstone and larch to the external walls, natural slate roof and white PVCu windows and doors. The detached double garage would be finished in roughcast walls, a natural slate roof and grey steel doors. Surface water would drain to a soakaway, and foul drainage via a septic tank and soakaway. The house would be served by the public water supply.

Housing in the Countryside (H7)

As the site falls out with a defined settlement, policy H7 (Housing in the Countryside) is applicable. Policy H7 is supported by Supplementary Guidance - Housing in the Countryside Guidance; and the Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside. The latter identifies areas where a build-up of rural housing has eroded the rural landscape character of particular "hotspots". A relatively large area to the east of Archiestown in which this site is located is identified as having a build-up of housing, and within that a number of hotspots are identified - with this site being located within one. The application was advertised as a

departure from the Local Development Plan in this regard.

Whilst the guidance does note that there may be limited scope for providing additional houses in this area, there are a number of properties within close proximity to this site. In addition, the site lies close to the settlement of Archiestown. The development of an additional house in this location is considered to contribute to a build-up of rural housing in the area, whereby the build-up creates a suburban pattern of development alien to the rural character of the surrounding countryside, itself typified by dispersed small farms. This would also be detrimental to the setting of nearby Archiestown, with the need to ensure the setting of settlement itself remains distinguishable from the surrounding rural landscape.

Although the design of the house itself is suitable for the rural location, taking account of the above considerations, the proposal is considered to fail to comply with policy H7 and its associated guidance due to inappropriate siting. The proposal is also contrary to policy IMP1 due to its adverse impact on the character of the surrounding area.

Drainage (EP5, EP10)

Surface water would be treated via a surface water soakaway, in line with the requirements of policy EP5, whilst foul drainage would be treated via a septic tank and soakaway, in line with policy EP10.

Parking and Access (T2, T5)

Access to the site would be via an existing access to the B9102. Details have been provided to demonstrate that the visibility can be provided. Subject to conditions as recommended, the proposed access arrangements are considered acceptable and would comply with policy T2. Sufficient parking has also been provided within the curtilage of the site, in line with policy T5.

Developer Obligations (IMP3)

In order to mitigate against any adverse impact a development may have upon existing infrastructure and facilities, policy IMP3 puts in place the provision to seek developer obligations appropriate to reduce, eliminate or compensate for the impact. Following assessment in accordance with the Council's Supplementary Guidance on Developer Obligations (adopted March 2018), obligations have been sought in this instance to mitigate the impact on healthcare. As this application has been recommended for refusal, these obligations were not pursued, however were this application to be approved, then obligations should be sought by means of an appropriate agreement.

Recommendation

Refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

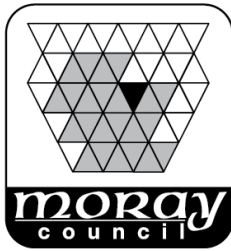
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises Departure from development plan	25/04/19
PINS	No Premises Departure from development plan	25/04/19

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT SOUGHT

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 Report	
Main Issues:	Details the ground conditions on site and the proposed drainage arrangement.	
Document Name:	Planning Statement	
Main Issues:	Details the ground conditions on site and the proposed drainage arrangement.	

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**

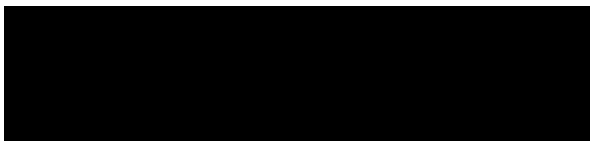
TO Mr Iain Whitecross
c/o Ken Mathieson Architectural Design Ltd
Mansard House
15 Oldmeldrum Road
Bucksburn
Aberdeen
Scotland
AB21 9AD

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:-

**Erect dwellinghouse and garage at The Maltings Adjacent To Cairn vonie Farm
Archiestown Moray**

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

Date of Notice: **10 May 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
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 proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
002	D	Site plan garage elevations and floor plan
003	A	Site and location plan
001	C	Elevations and floor plans

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 100173790-001

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:	Suller & Clark		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Karine	Building Name:	Scoutbog Steading
Last Name: *	Suller	Building Number:	
Telephone Number: *	07742613598	Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Oldmeldrum
Fax Number:		Country: *	UK
		Postcode: *	AB51 0BH
Email Address: *	karine@sullerandclark.com		

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"/>
First Name: *	<input type="text" value="Iain"/>	Building Number: <input type="text" value="13"/>
Last Name: *	<input type="text" value="Whitecross"/>	Address 1 (Street): * <input type="text" value="Tamdhu Distillery Cottages"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Knockandu"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Aberlour"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB38 7RU"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

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="844282"/>	Easting	<input type="text" value="323846"/>
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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)

Appeal against refusal of Planning Permission for the Erection of dwellinghouse and garage at The Maltings, Adjacent to Cairnvoie Farm, Archiestown (Planning Ref: 19/00318/APP)

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.

See Appeal 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)

Appeal Statement, Personal letter from Appellants, Decision Notice, Location & Site Plan, Elevation & Floor Plans, Garage Elevation & Floor Plans

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00318/APP

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

22/03/2019

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

10/05/2019

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: Mrs Karine Suller

Declaration Date: 16/07/2019



**Town and Country Planning (Scotland) Act 1997
as amended**

**Appeal against refusal of Planning Permission for the
Erection of dwellinghouse and garage at The Maltings, Adjacent to
Cairn vonie Farm, Archiestown**

(Planning Ref: 19/00318/APP)

by Moray Council ("the Council")

For: Mr & Mrs Whitecross ("the Appellant")

■ **Karine Suller B.Sc, M.Sc, MRTPI**
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: 07930 566 336
karen@sullerandclark.com

Background

An application for Planning Permission was submitted and validated on 22 March 2019 and refused by Moray Council on 10 May 2019.

The planning application sought Planning Permission for the Erection of a Dwellinghouse and garage at The Maltings, adjacent to Cairn vonie Farm, Archiestown.

The Appellant wishes to Appeal against the refusal of this permission.

The Decision Notice reads:

“The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to Policy H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance in Housing in the Countryside.

This is further supported by the Moray Local Development Plan Supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 - policies DP1 (Developer Requirements) and DP4 (Rural Housing).”

Grounds of Appeal

The Appeal will focus on three issues:

- The appellant accepts the need for developer obligations and would pay this contribution should the application be successful
- The appellants personal circumstances which require a house at this location
- That due to the location of the appeal site, the rural character of the area is not compromised and the surrounding rural landscape can incorporate this additional house.

1. Developer Requirements.

The appeal raised the issue of Developer Obligations to mitigate the impact on healthcare (reconfiguration of Aberlour Health Centre and an additional dental chair). It is noted in the Report of Handling that

“As this application has been recommended for refusal, these obligations were not pursued,.....”

Response - The appellant confirms his acceptance of this principle and agrees to the payment should the appeal be successful.

1. The appellants personal circumstances.

The appellants wish to build on a site which they own and on which they keep their much-loved horses. They live and work locally as a local assistant distillery manager and a council employee with their young family well settled into local nursery and schools.

Whilst currently living in distillery owned property, this does not provide sufficient space, is too far removed from the horses and provides no security for the future. They have attempted to buy housing locally, but run into legal and technical difficulties, hence the need to consider their own land, which was always only intended for horse grazing and now only for a well-considered and sensitively designed family home. We note that there were no public representations made at the time of the application.

Response - Their circumstances are set out in the accompanying letter. In addition, there is support for rural housing to meet the needs of local residents from the Scottish Government. PAN 72 Housing in the Countryside seeks to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. The PAN seeks to ensure that potential sites are accessible and well designed. Further, PAN 73 Rural Diversification the Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy. **The PAN recognises that** a one size does not fit all and a flexible approach is often required, the document confirms

“It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs.”

Recently the Scottish Government & UK Government agreed a new £65 million Moray growth deal to help economic growth in Moray. Cabinet Office Minister David Lidington was quoted to say:

“This transformative package of support will boost the region’s economy by helping to attract and retain people to live and work in the area”

2. The rural character of the area.

The area is characterised by open agricultural land with large pockets of forestry plantation. The village of Archiestown lies to the west, the hamlet of Robertstown to the south, with the B9102 road linking the two to the south and running in an east-west direction. Archiestown is characterised by its rectangular and linear form, formed at the intersection of the B9102 road and Moss Street which runs north-south, with the village having expanded eastwards over time. The eastern edge of the village is marked by the burn at the Bridge of Burnroy. The hamlet is Robertstown, quite separate from Archiestown is characterised by three roadside properties, with a further property to the east, Cairnvonie.

The development is proposed to the north (rear) of Kalithea, utilising grazing land which the family own and on which they keep their horses, with the area characterised by a ménage and stables, which already bring activity to the site. Although the properties at Robertstown are described as road-side, each are set well back from the road frontage. By virtue of their landscaping and setting, only glimpsed long distance views of the new development would be possible, and these are only from the east. There are no views into the site from the west from the road by virtue of the landscaping provided by the three properties, to the west, these being Newlands, Old Croft and Kalithea

See photographs below:



View of site from East, from B9102 road.



Close-up of same view to appeal site.

In considering the appeal, it should be noted that all technical matters were satisfactorily resolved, no objections were received to the application, and no issues were raised with regards, layout, siting and design, with the Report of Handling noting:

“.....the design of the house itself is suitable for the rural location.....”

Planning History

This site has not been the subject of any previous planning applications.

Site description

The appeal site is a small area of grazing directly behind (to the north) of the Property Kalithea, a double gabled modern property, which faces on to the road (the B9102) to the south, set back in generous gardens. The site lies within the cluster of 4 properties which comprise the hamlet of Robertstown and comprise 3 traditional properties: Cairnvoonie, Oldcroft and Newlands, with the newer build property Kalithea. The site is used by the family for keeping horses and there is a ménage on site with small store/stable, so that the area is characterised by activity. Access would be taken to the site utilising an existing access and no objections have been received from the Roads Service.

Proposed development

The appeal seeks planning permission for the erection of a single house and garage to meet the needs of a local family. The applicants live and work within the area and support the local services and facilities. The house would be one and a half storey with traditional proportions and features including dormer windows in the roof. The incorporation of traditional materials such as natural slate finish, timber linings in

certain areas and locally sourced reclaimed sandstone to the main front elevation will give a clean, crisp contemporary appearance whilst respecting the character and heritage of the area. The Council raised no concerns regarding the layout, siting or design.

See Site Layout Plan below:



Development Plan Policy

Scottish Planning Policy 2014

The SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. It goes on to advise that in the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan. Plans should make provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities.

Moray Local Development Plan 2015

The following policies are considered relevant to the determination of this appeal:

H7: New Housing in the Open Countryside

In turning to the principle of a house in this location, Policy H7 – New Housing in the Open Countryside, as contained in the Moray Local Development Plan 2015 applies. This policy assumes in favour of an application provided the following requirements for siting are met:

- Reflects traditional pattern of settlement and is sensitively integrated
- Does not detract from character or setting of existing buildings or their surrounding area, or create inappropriate ribbon development
- Does not contribute to a build-up, where the number of houses has the effect of changing the character of the area
- At least 50% of the site boundaries are long established and capable of distinguishing the site from the surrounding land.

Response – The site has long-established boundaries to 3 of its 4 sides, with the neighbouring property to the south, and as established field boundaries to east and west. The siting reflects the traditional pattern of development in this area, being set back from the road and masked by the existing roadside pattern of development with the proposed development continuing the pattern of organic growth of the area. By adding to the north of the built road-side development at Robertstown, it clearly integrates into this cluster of development and does not in any way contribute to ribbon-development. It is the appellants view that the proposal does not add to build up, being sensitively sited and well designed, and this development does not alter the rural character of this area.

In order to consider the matter of “build-up” the SG Housing in the Countywide, and its Guidance Note on Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside October 2017 to provide further advice on the landscape and visual impacts associated with the build-up of new houses in the open countryside, must be examined. The Guidance Note focuses on 8 study areas, including Archiestown. It notes that *“it is impossible to provide a singular definition of what constitutes unacceptable build-up.”*

In order to assess build-up, it identifies a number of factors to identify:

Siting

- The number of new houses overwhelms the older, new houses are predominant in the landscape, the traditional settlement pattern is not easy to perceive
- The Incidence and inter-visibility of new housing result in these being a major characteristic of the landscape, with a prominence of new housing from key viewpoints.
- The sequential visual effects of build up when travelling on roads. The proposal contributes to ribbon development between existing/consented houses contrary to the dispersed settlement pattern.

Response – this is clearly a very subjective principle. The traditional settlement pattern of Archiestown and Robertstown is still easily readable. Archiestown retains a distinct identity characterised by its grid pattern, with its eastern extreme being defined by the Bridge of Burnroy. Robertstown to the east is a separate and defined cluster of development comprising a majority of older traditional properties/croft houses with some newer additions. There is a clear break between Archiestown and Robertstown and the proposed location of this development, to the rear of the existing properties at Robertson does not result in ribbon development, or appear prominent in the landscape, but rather the proposal integrates into the midst of the cluster, therefore being more readily consumed in the landscape. Further, there are

only glimpsed views of the site from the east, but none from the west due to the landscaping provided by the existing properties.

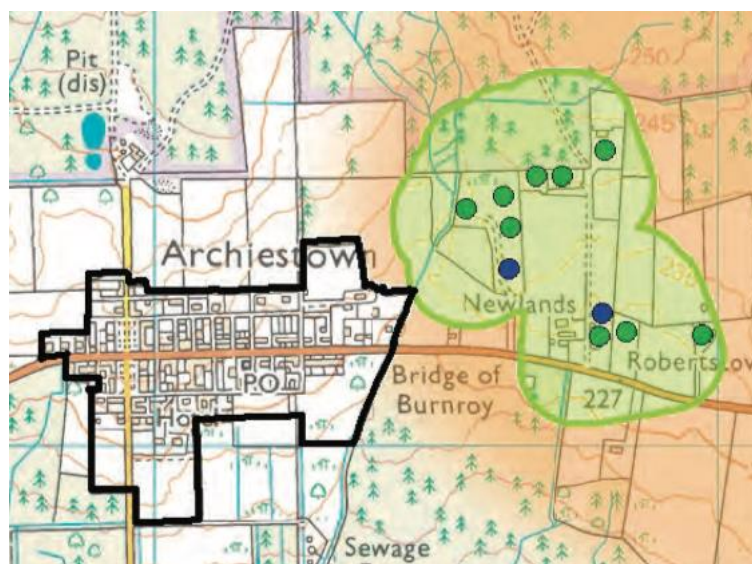
Examination of the Archiestown Statement notes

“There may be some very limited scope for a small number of well-designed houses in parts of this study area although the potential effects on landscape and on views would have be carefully considered.”

This is accompanied by the Plan for the Archiestown,

Response – Examination of the plan shows that there remains a distinct boundary, identity and separation between Archiestown and Robertstown – see extract below:

- This is a well-designed house, with traditional features and proportions and no objections were received regarding the design issue
- That much of the new development is concentrated in or around the conifer woodland belt to the north and the guidance note explains that *“removal of these trees would result in an incongruous loose cluster of houses being revealed.....”*. This is understandable, but not the case in the Appeal case.
- The “Hot Spots” identified are graded green through yellow to red, depending on the density of new build development in that hot spot. In this instance the site lies within a green area, with the lower density, and therefore more able to absorb carefully considered development, as in this case.
- For these reasons the appellant contends that he proposal accords with Policy H7 and its associated Supplementary Guidance and Guidance Note.



IMP1: Developer Requirements requires a number of criteria be met for new development including

“The scale, density and character must be appropriate to the surrounding area.....”

The Report of Handling notes

“The proposal is also contrary to policy IMP1 due to its adverse impact on the character of the surrounding area.”

Response – this again is a very subjective issue. As stated in the consideration of Policy H7 and its accompanying Supplementary Guidance, it is the appellants view that the rural character of the area is not compromised by the addition of a single house in this location, that the site has advantages by being in the midst of established traditional residential development and benefits from the screening around these properties. For these reasons, the appellant considers that the proposal does accord with Policy IMP1.

Discussion

The Town & Country Planning (Scotland) Act 1997 as amended requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.

The appeal seeks planning permission for the erection of a single house and garage for a local family's needs. There have been no objections to the application, no technical objections and the design and layout have proved satisfactory. The family have very specific reasons for requiring a house in this location. The issue of its siting and impact upon the character of the rural area is very subjective. The appellants would argue that the site is able to integrate the well-designed dwelling into the landscape without erosion of the special rural features of this area.

The Appellant submits that the Appeal complies with all policies of the Scottish Government and Moray Council and as a result we would respectfully request that the appeal is upheld.

July 2019.

13 Tamdhu Distillery Cottages
Knockando
Aberlour
Moray
AB38 7RU
21.05.19

Dear Sir/Madam,

I am writing in relation to our recent planning application, which was declined on the grounds of being located in a restricted build area or 'hot spot'. I hoped, if I may, to give you some background information about ourselves and why this planning application is of great importance to us.

Both my husband and I have lived and worked in Moray almost all of our lives (although I moved here from Wales when I was 3 years old). Indeed, I have been a loyal and hardworking employee of Moray Council since 2005. We briefly moved to Aberdeenshire to rent a property with land for our horses but it was very remote and we decided to move back in 2010, after 18 months away from the area, to be nearer both our families, as we were expecting our first child. My husband returned to work at Tamdhu Distillery in 2012 after being made redundant during the mothballing of the site in 2010, and remains there still, and is now Assistant Manager. This role includes a Distillery cottage where we have lived since 2012. It has served us well but with having two young girls and very little storage space, with little opportunity to upgrade or develop the property, we are finding that we have outgrown this home. We also want to ensure long term security as when Mr Whitecross eventually retires, we will have to leave this property, and getting onto the housing ladder in our 60s isn't favourable. Furthermore, in his role as Assistant Manager of the distillery here at Tamdhu, Mr Whitecross is 'on call' every other week and needs to be able to get to the site quickly, should we move elsewhere. Our girls are also very happy and settled at the local Playgroup/Nursery and Primary School, and are therefore near their friends and activities, so we really need to stay in this area.

In addition to the above points, we also own the land in the proposed planning application, and have done for around 5 years now. This land was only ever intended to be home to our horses, for grazing. These horses are a huge amount of work and involve at least 2 visits a day (when everything is going well with our poorly pony), for around an hour each visit minimum, just to do the day to day care required, not including the exercising of them. One of the four horses suffers with insulin resistance (Similar to type 2 diabetes in humans) and cushing's disease, making him very susceptible to the potentially fatal condition called 'laminitis'. He has to have a very special diet and management regime, alongside lifelong medication, with very limited grass intake/turnout time, lots of exercise, and he needs to be monitored closely. This would be much easier if he was essentially in an

adjoining field to our house in terms of travel time and fuel costs, but with him being so sensitive it would also be of great benefit to be able to monitor him as carefully as he requires, particularly at times of illness flare ups. I have a lot of tack and equipment stored at the field, as well as the high value (both monetary and sentimentally) of my horses and I do worry about security, with us being four miles away. Our neighbours are great, and we get on very well, but they are not equestrians themselves and can't be expected to keep an eye on the place 24/7. In the winter months it can be a huge worry when the roads are bad in snowy conditions, meaning that we are sometimes driving in treacherous conditions to get to them, and also have to take water with us from home quite often as we have no mains water and the water collection that we have from the rain water off the shelter roof, freezes. This is another reason we are not only tied to the area, but would really benefit from having a house on site.

We attempted to buy a property in the village of Archiestown only last year, in order to be closer to our horses, a little closer to my work but still in the vicinity of Mr Whitecross's place of work and the kids' school. It appeared to tick most of the boxes, but unfortunately, we had to pull out of the purchase at the last minute, much to our financial and emotional loss, due to our solicitor finding that the house deeds were inaccurate and not really rectifiable, without involving the other three neighbours' solicitors in the small cul-de sac where the house was located. The seller of the property was not willing to even try to rectify this. In short, part of our land was situated behind a large retaining wall, and in the neighbour's garden. There was pipework that could not be sourced, shared rights of the properties drive way and responsibilities placed upon the new owners that were unreasonable, only due to being the last property of the group to be sold. After talking to several local friends who live in Archiestown already, I am led to believe that this is fairly typical of the village. As a result we decided to pursue building our own property, on our own land in order to ensure everything was done 'right', and to avoid this problem again.

We, nor our architect had heard of the 'Hotspot' areas and restricted building of dwelling houses in certain locations across Moray, which is obviously our error. Whilst I completely understand why the Council would wish to ensure that the outskirts of country villages do not become over populated, I am disappointed to see that no houses have been approved since this came in in 2017, however in other restricted build areas such as Birnie for example, there have been at least a few planning applications passed. In the particular area that we are hoping to build there really have been very few new builds over the years we have been here, even before the new restrictions came into place and it certainly isn't overpopulated with such sites. Further along the road, not far from Macallan there seems to be huge houses going up left right and centre; some of which are massive and can be seen from miles away, however these are not in the restricted zone.

We have gone to great expense and taken a lot of time to ensure that our proposed house is in keeping with the countryside area; not too big or extravagant, and isn't anything more than a decent sized family home. The access is already present and it is not in anybody's way nor blocking anyone's view. Indeed, the house would hardly be seen from the main road, due to where we have positioned it on the plans. We want to conserve as much grazing land as we can whilst keeping the property sensible. The proposed site does not require tree removal or in fact, much excavation at all. We hoped by having exact plans drawn up that the proposed house could be seen clearly and it would save time and hassle by going backwards and forwards, we know you are busy people! We have no desire to build more than this one house, which will be for our family to live in and not to be sold to make a profit, like some new houses and developments we've seen.

With all the above points in mind, I wish to ask you to look again at our planning application with the hope you may reconsider your response. We are decent, hardworking people and only wish to have a family home that suits our needs and responsibilities. We are happy to comply with any suggested changes to make our dream a reality.

Thank you for your time.

Yours Faithfully

Mrs Linda Whitecross

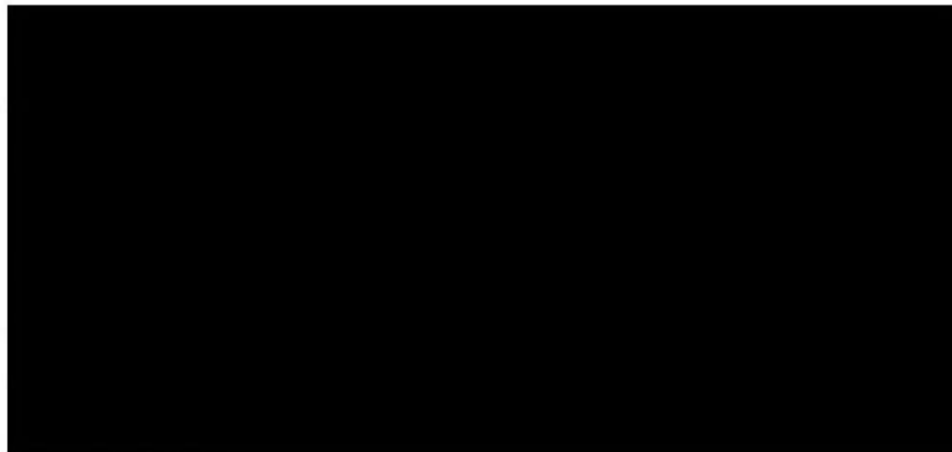


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

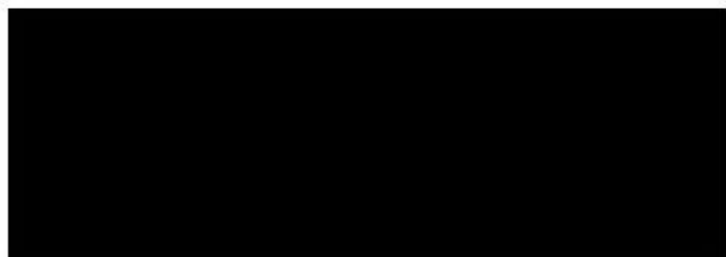


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse and garage at The Maltings Adjacent To Cairnvonie Farm
Archiestown Moray**

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

Date of Notice: **10 May 2019**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
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 proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

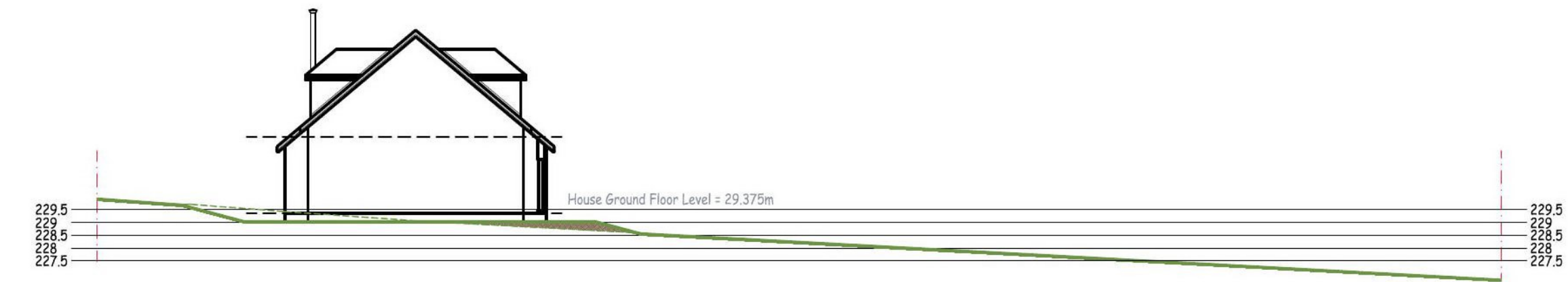
The following plans and drawings form part of the decision:-

Reference	Version	Title
002	D	Site plan garage elevations and floor plan
003	A	Site and location plan
001	C	Elevations and floor plans

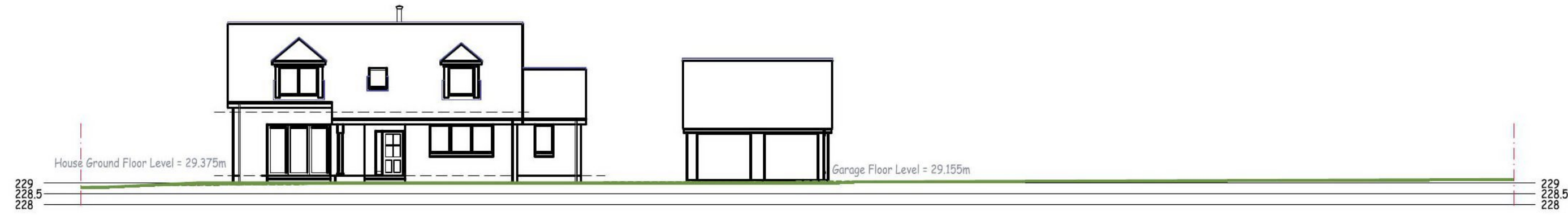
NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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.

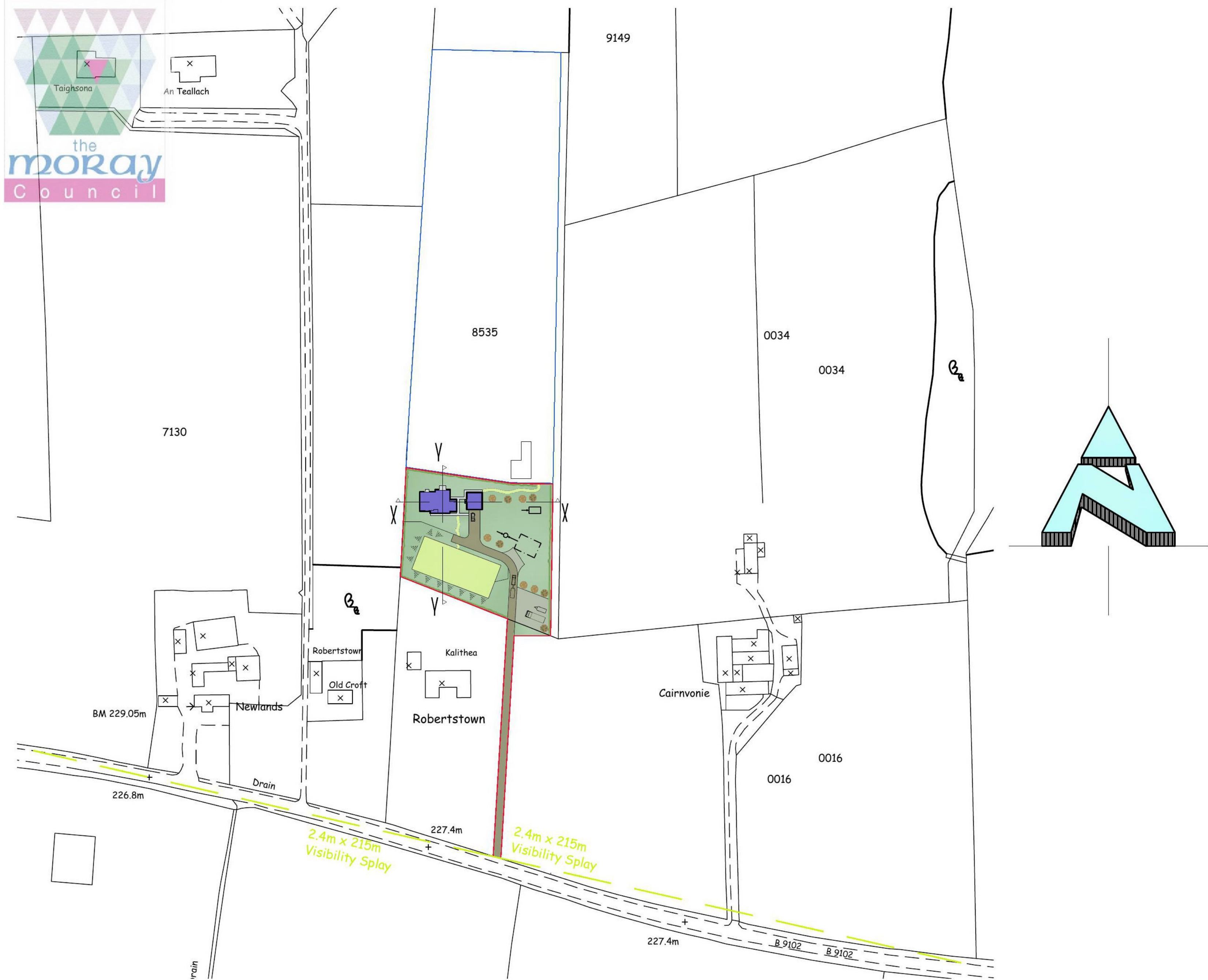


PROPOSED SITE SECTION THROUGH 'Y' - 'Y' SCALE 1:200 @ A1



PROPOSED SITE SECTION THROUGH 'X' - 'X' SCALE 1:200 @ A1

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PROPOSED SITE LOCATION PLAN SCALE 1:1250 @ A1



PROPOSED SITE LOCATION PLAN N.T.S

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PROPOSED SITE LOCATION PLAN SCALE 1:5000 @ A1

Amendments		Date
A	First issue	Oct. 18

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

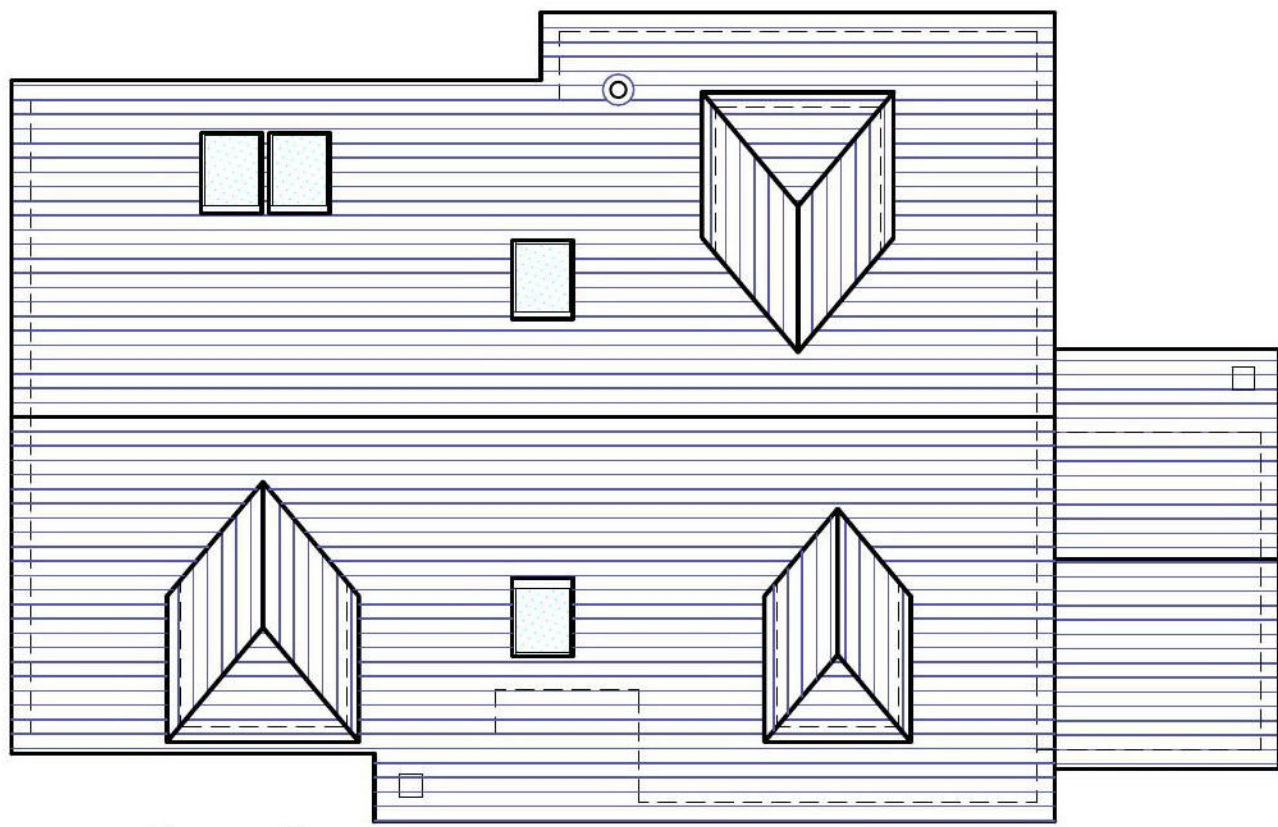
REFUSED

10 May 2019

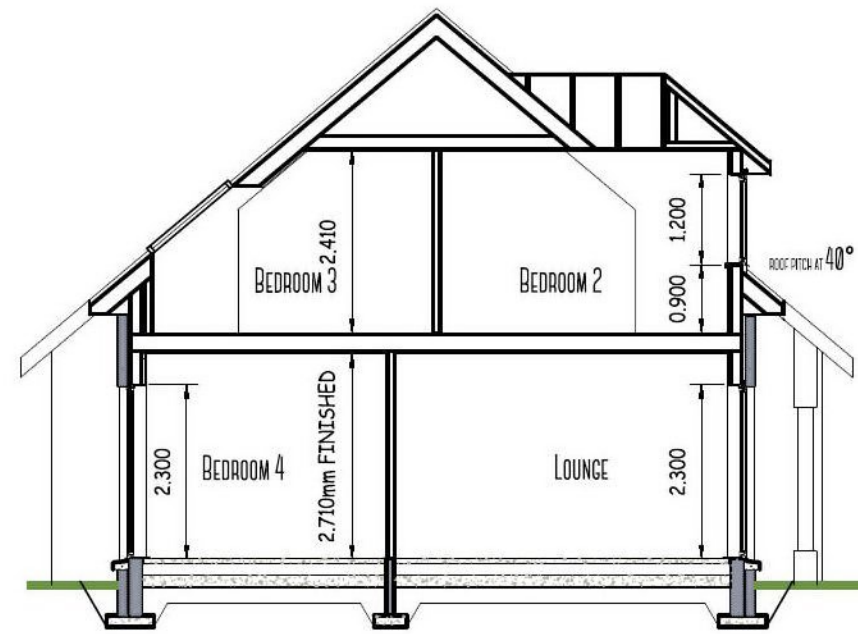
Development Management
Environmental Services
The Moray Council

kenmathieson				
ARCHITECTURAL DESIGN & DEVELOPMENT CONSULTANT LTD.				
MANSARD HOUSE 15 OLD MELDRUM ROAD BUCKSBURN ABERDEEN AB21 9AD TEL: 01224 710357 FAX: 01224 710358 E-MAIL: info@kenmathieson.com				
DOMESTIC, COMMERCIAL & INDUSTRIAL				
Client	Mr & Mrs Iain Whitecross			
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairn vonie Farm, Archiestown, Moray			
Title	Proposed Site Plan & Site Sections			
Scale	As Shown	Date	Oct. 18	Drawn by
Job No	IW	Drawn by	003	Issue
				A

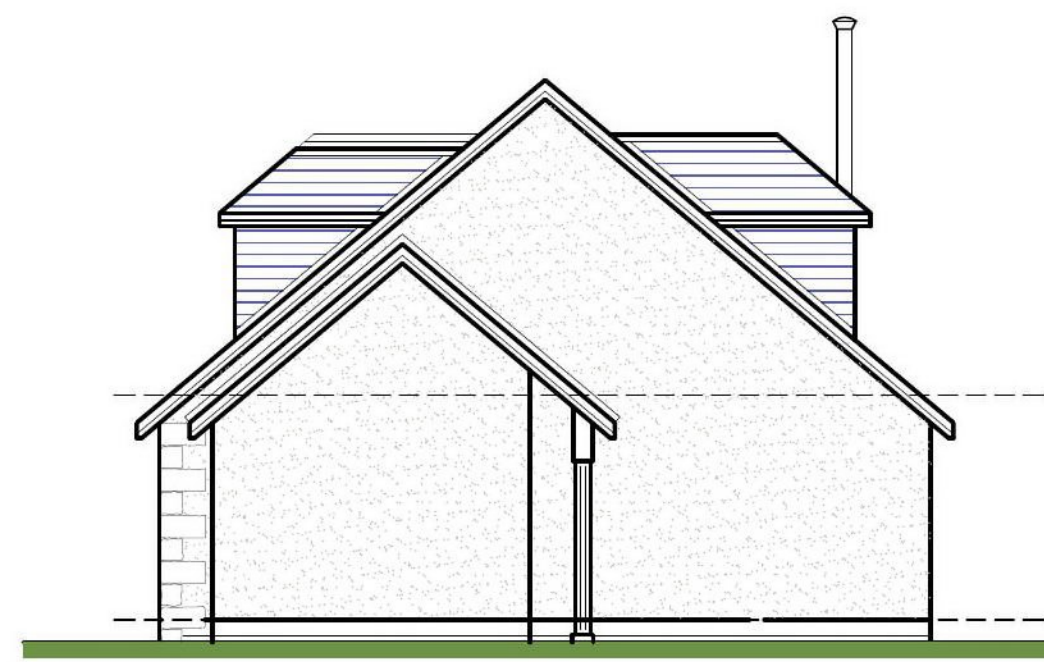
Limited Company Registered in Scotland No.229653



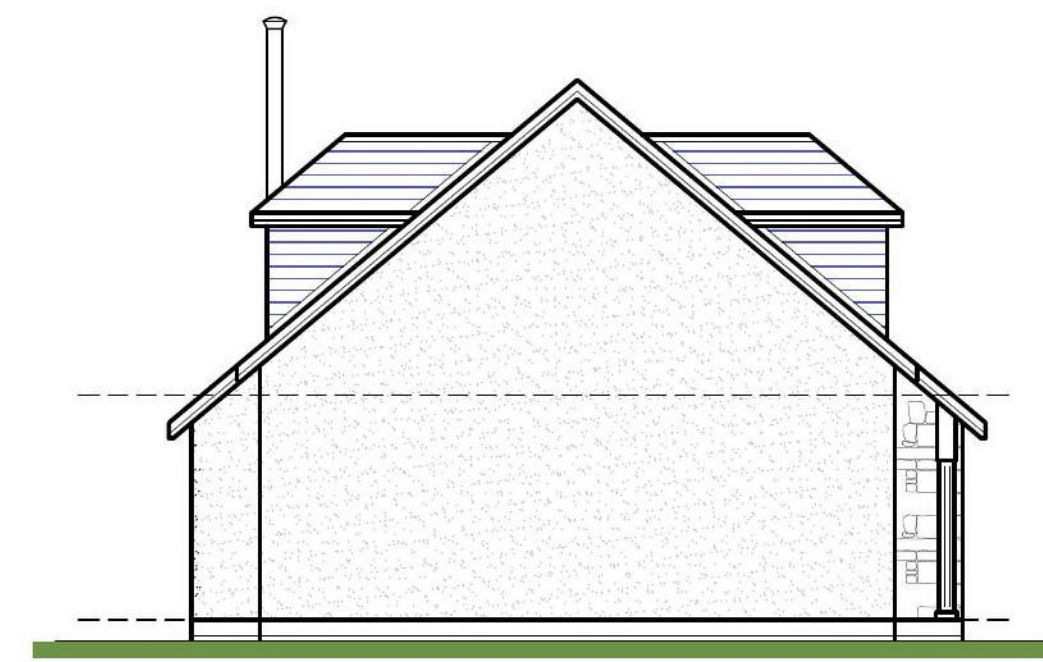
Roof Plan Scale 1:100 @ A1



Cross Section Scale 1:100 @ A1



Proposed Side Elevations (East & West Facing) Scale 1:100 @ A1



Amendments	Date
A First Issue	Oct. 18
B Updated Layout	Jan. 19
C Updated Layout	Feb. 19

FINISHES:-

Roof: Natural Slate
Walls: Reclaimed Cut & Cleaned Sand Stone
Walls: Larch Timber Linings
Walls: Roughcast Blockwork
Basecourse: Smooth Cement Plaster Render
Windows: White PVC Frames
Rainwater Roods: Black UPVC Deep Flow
Fascia & Soffit: White PVC



Proposed Front Elevation (South Facing) Scale 1:50 @ A1



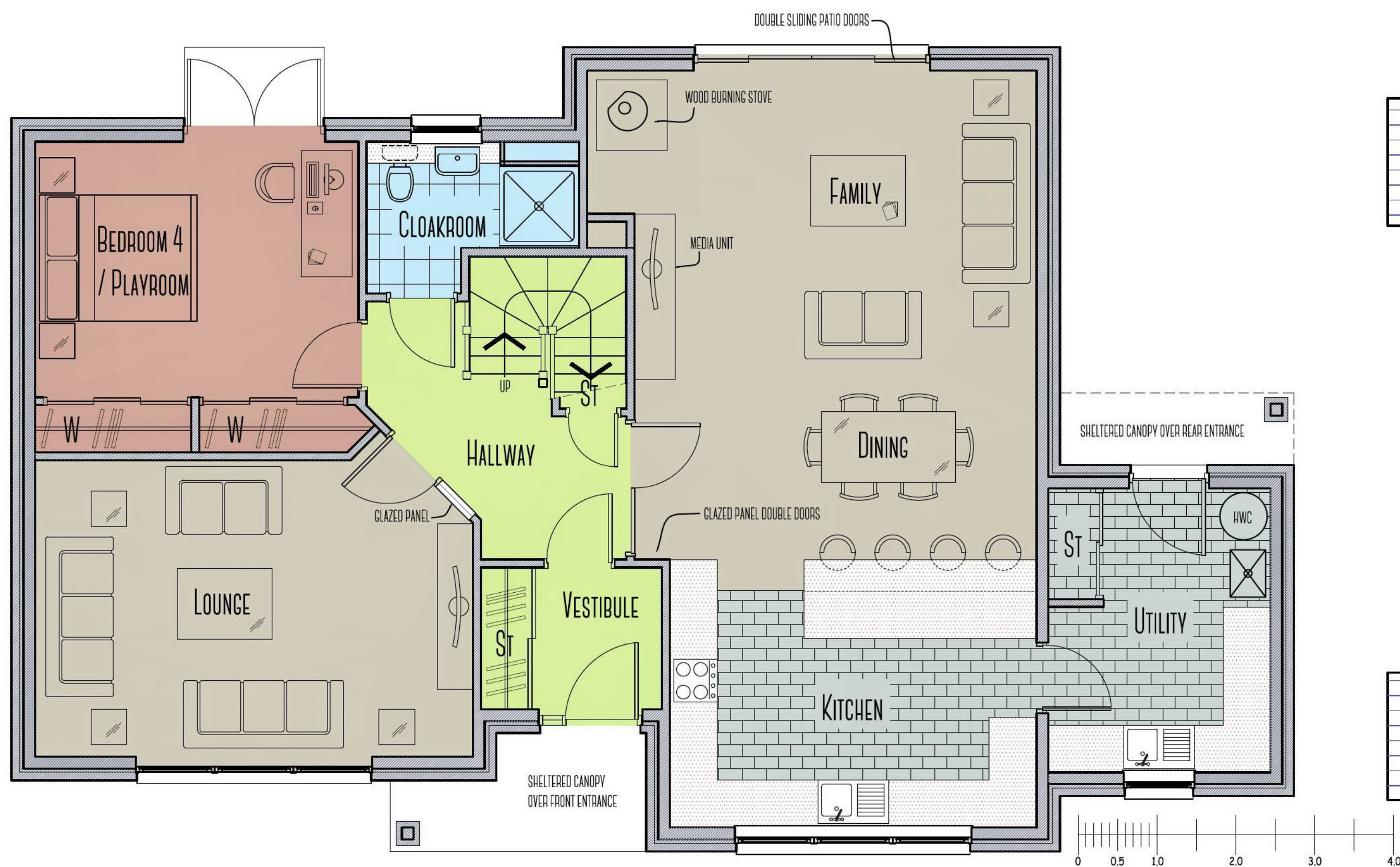
Proposed Rear Elevation (North Facing) Scale 1:50 @ A1

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

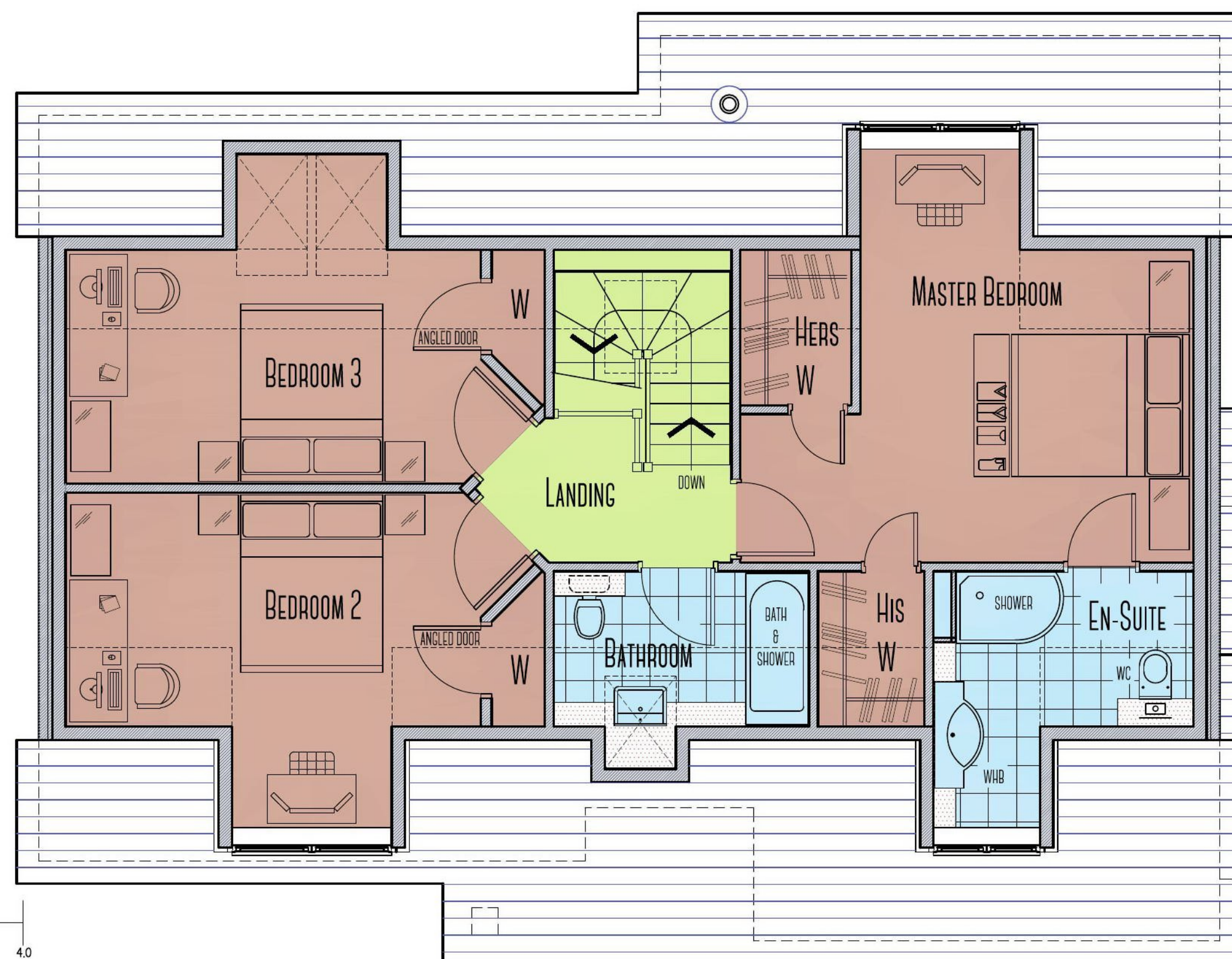
REFUSED

10 May 2019

Development Management
Environmental Services
The Moray Council



Proposed Ground Floor Layout Plan Scale 1:50 @ A1 Ground Floor G.I.A = 117.5m/sq or thereby



Proposed First Floor Layout Plan Scale 1:50 @ A1 First Floor G.I.A = 72m/sq or thereby

TOTAL GROSS INTERNAL FLOOR AREA:-

GROUND FLOOR G.I.A = 117.5m/sq OR THEREBY

FIRST FLOOR G.I.A = 72m/sq OR THEREBY

TOTAL = 189.5m/sq OR THEREBY

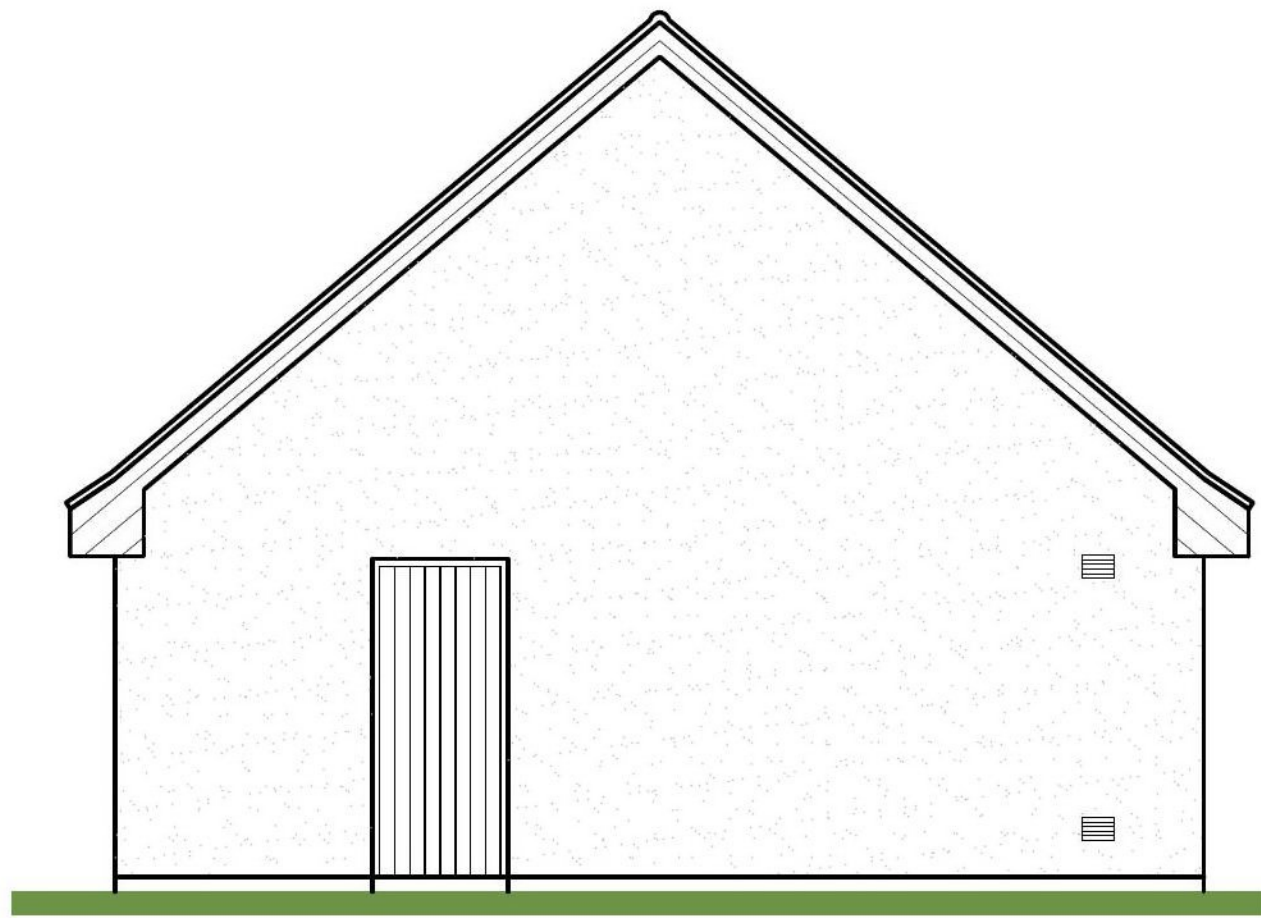
kenmathieson
ARCHITECTURAL DESIGN
& DEVELOPMENT CONSULTANT
LTD.
MANSARD HOUSE
15 OLDMELDRUM ROAD
BUCKS BURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

DOMESTIC, COMMERCIAL & INDUSTRIAL

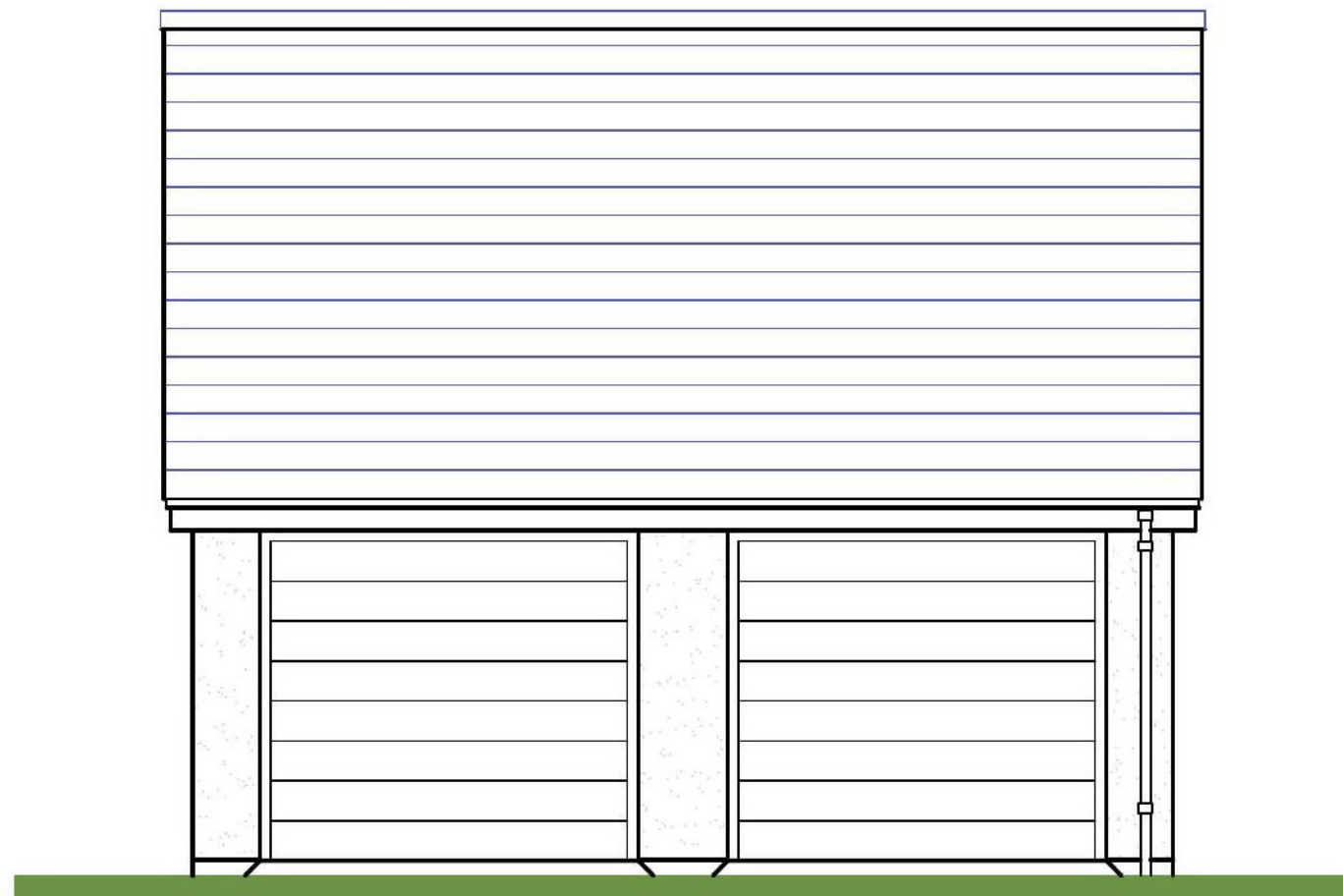
Client: Mr & Mrs Iain Whitecross
Project: Proposed Dwelling House & Garage
at Site "The Maltings" at Cairnvoie Farm,
Archiestown, Moray

Title	As Shown	Date	Oct. 18	Drawn by	KM
Job No	IW	Drawn	001	Issue	C

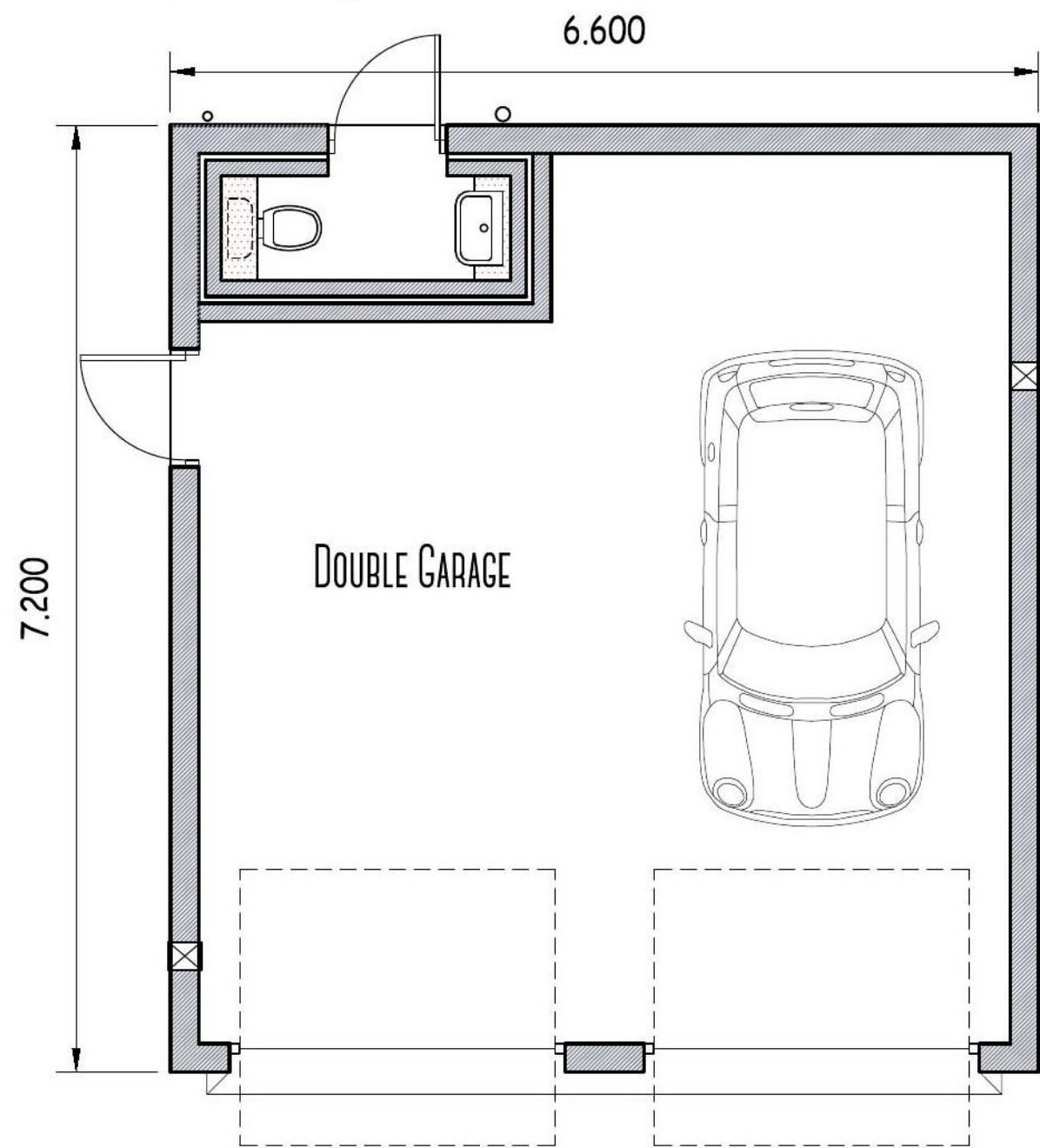
Limited Company Registered in Scotland No.229653



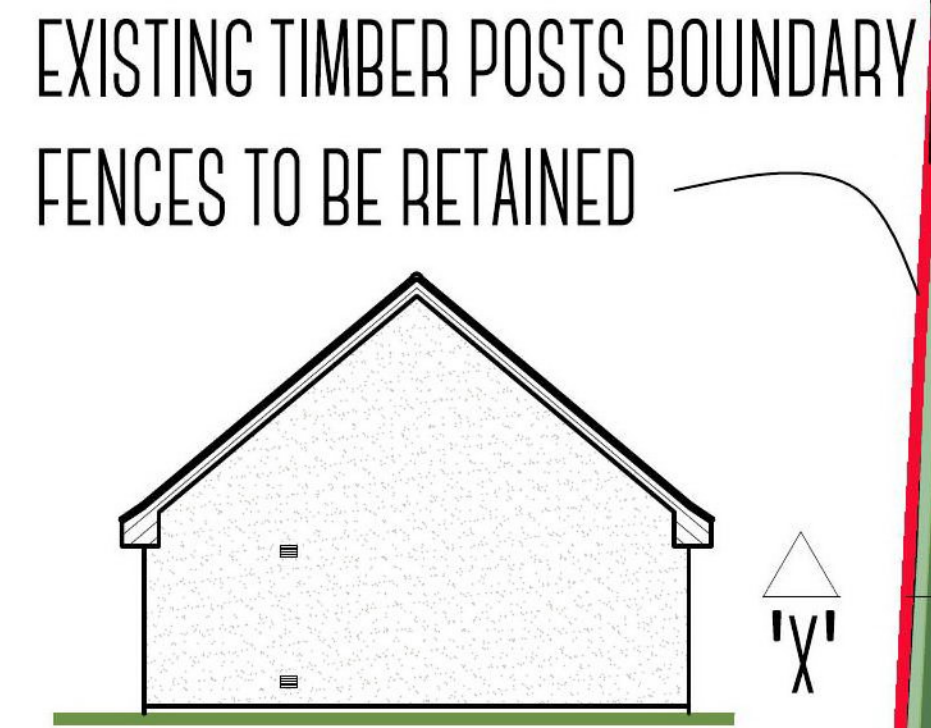
PROPOSED SIDE ELEVATION (WEST FACING)
SCALE 1:50 @ A1



PROPOSED FRONT ELEVATION (SOUTH FACING)
SCALE 1:50 @ A1



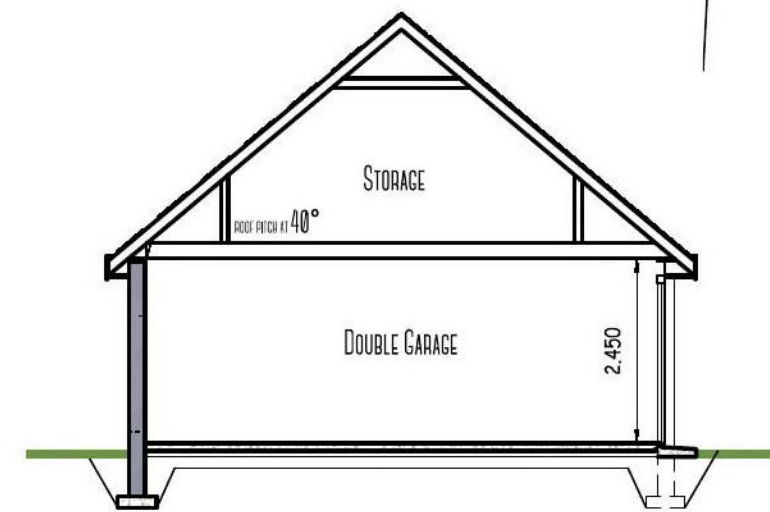
PROPOSED GARAGE PLAN SCALE 1:50 @ A1



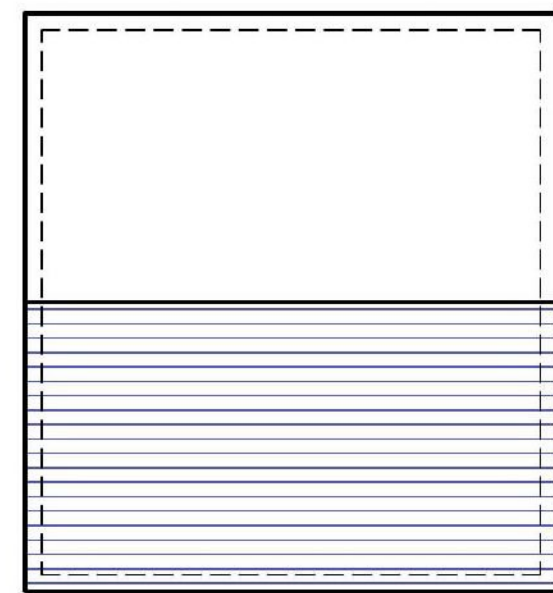
PROPOSED SIDE ELEVATION
SCALE 1:100 @ A1



PROPOSED REAR ELEVATION
SCALE 1:100 @ A1



CROSS SECTION SCALE 1:100 @ A1



ROOF PLAN SCALE 1:100 @ A1



PROPOSED PART SITE LAYOUT PLAN
SCALE 1:200 @ A1

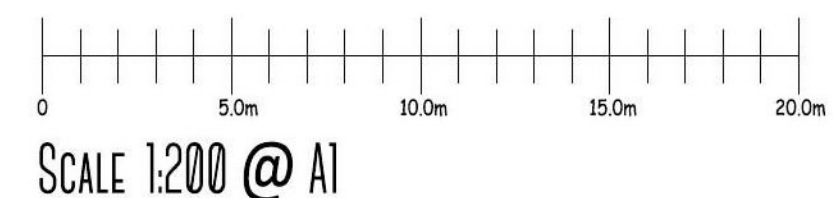
EXISTING TIMBER POSTS BOUNDARY
FENCES TO BE RETAINED

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

REFUSED

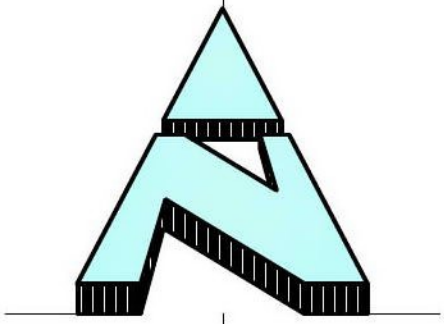
10 May 2019

Development Management
Environmental Services
The Moray Council



SCALE 1:200 @ A1

Amendments		Date
A	First issue	Oct. 18
B	Updated Layout	Jan. 19
C	Updated Layout	Feb. 19
D	Updated Layout	Mar. 19



EXISTING BOUNDARY
PLANTING TO BE RETAINED

3m x 5.4m x 1.5m SURFACE
WATER SOAKAWAY

FOUL TREATMENT PLANT

7.2m x 10m FOUL
WATER SOAKAWAY

GRASS GARDEN GROUND

FINISHES:-

- ROOF: NATURAL SLATE
- WALLS: ROUGHCAST BLOCKWORK
- BASECOURSE: SMOOTH CEMENT PLASTER RENDER
- GARAGE DOOR: GREY STEEL
- RAINWATER RODS: BLACK UPVC DEEP FLOW
- FASCIA & SOFFIT: WHITE PVC

kenmathieson
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DOMESTIC, COMMERCIAL & INDUSTRIAL

Client	Mr & Mrs Iain Whitecross		
Project	Proposed Dwelling House & Garage at Site "The Maltings" at Cairnronie Farm, Archiestown, Moray		
Title	Proposed Garage & Part Site Plan		
Scale	As Shown	Date	Oct. 18
Drawn by	IW	Issue	D

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