Moray Local Review Body

Thursday, 28 March 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, 28 March 2019** at **09:30.**

BUSINESS

1	**Sederunt**	
2	**Declaration of Group Decisions and Members Interests ***	
3	**Minutes**	
3a)	**Minute of Meeting dated 28 February 2019**	**5 - 8**
3b)	**Minute of Hearing dated 28 February 2019**	**9 - 12**
	Continuation of Case	
4	**LR218 - Ward 5 - Heldon & Laich** Planning Application 18/01207/APP – Erect extension at 13 Bishops Court, Lossiemouth, IV31 6TL	**13 - 142**
	New Cases	
5	**LR220 - Ward 1 - Speyside Glenlivet** Planning Application 18/01323/APP – Erect new garage at Kimberlee, Rothes, Moray, AB38 7AW	**143 - 200**
6	**LR221 - Ward 5 - Heldon & Laich** Planning Application 18/00862/APP – Erect dwelling house and associated works at a site at Kirkton Cottage, Alves, Moray	**201 - 336**

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

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 28 February 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 E Gordon, Planning Officer as Planning Advisers, Legal Services Manager as Legal Adviser and Mrs L 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 Councillors' 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 31 January 2019

The Minute of the Meeting of the Moray Local Review Body dated 31 January 2019 was submitted and approved.

4 LR219 - Ward 2 - Keith & Cullen

Planning Application 18/01280/APP – Proposed 3 Apt Dwelling House at the rear of 96 Moss Street, Keith, AB56 5HE (off “Sodgers Lane”, Keith)

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

The proposal is contrary to policies H3, IMP1 and H1 of the Moray Local Development Plan 2015 because both the proposed site and the site of the parent property fall significantly below the required 400sqm minimum plot size required by Policy H3. Therefore in this instance, the proposed parcel of land which measures 255.45 sq m is too small to be considered as a suitable house plot and would result in a cramped, over developed site which would fail to achieve an adequate level of amenity for both the proposed site and parent property. As a result, the proposal would have an intrusive impact on the site and surrounding area, including neighbouring properties and Sodgers Lane with the network of lanes in Keith providing an important element of the accessibility and permeability of the town. As such the proposal is contrary to the provisions of the Moray Local Development Plan 2015.

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 26 February 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 they had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

Councillor Gatt, having visited the site and considered the Applicant's grounds for review accepted that the proposal was contrary to policy H3 in that the size of the site was significantly less that the minimum plot size specified within the policy however was concerned in relation to the pre-application advice given to the Applicant that had suggested that his revised proposal was a significant improvement on the original scheme and would be far more likely to gain support when weighed against the character of the surrounding area.

In response, the Planning Adviser advised that there appeared to be a difference in opinion between the Officer who had provided the preliminary advice and that of the Appointed Officer however preliminary advice is always given with a disclaimer which states that the preliminary advice does not prejudice the actual determination of the application.

Councillor Gatt sought further clarification from the Legal Adviser as to whether the MLRB could grant planning permission on the grounds that policy H3 does not apply in this case, if the MLRB were of the view that the design of the proposal would fit comfortably with the character of the area.

In response the Legal Adviser advised that the Moray Local Development Plan was the MLRB's guiding document when determining planning applications and that policy H3 should always be applied unless there was a relevant material consideration that warranted a departure from the policy.

Councillor Alexander was of the same view as Councillor Gatt however had some sympathy for the Applicant given that there appeared to be no hope of the application ever being approved as the plot size fell significantly short of the minimum required plot size detailed in policy H3. Councillor Alexander further noted that the Applicant had been led to believe that there was a chance that his application could be approved given the advice at the preliminary enquiry stage and queried whether there was any means by which the Council could reimburse the Applicant for any money he has lost as a result of the advice given.

In response, the Legal Adviser advised that the MLRB could not make a recommendation in relation to reimbursement of money lost by the Applicant and reiterated that the MLRB was only able to consider planning applications in terms of their planning merits however agreed to inform the Planning Service of the MLRB's concern in this regard.

Thereafter, Councillor Alexander moved that the MLRB agreed to dismiss Case LR219 and uphold the decision of the Appointed Officer to refuse planning permission in respect of Planning Application 18/01280/APP as the proposal was contrary to policies H3, IMP1 and H1 of the Moray Local Development Plan 2015.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR219 and uphold the decision of the Appointed Officer to refuse planning permission in respect of Planning Application 18/01280/APP as the proposal was contrary to policies H3, IMP1 and H1 of the Moray Local Development Plan 2015.

MORAY COUNCIL

Minute of Special Meeting of the Moray Local Review Body

Thursday, 28 February 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 E Gordon, Planning Officer as Planning Advisers, Legal Services Manager as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

ALSO PRESENT BY INVITATION

Mr C Jamieson, Applicant and Mr W Burnish, Senior Engineer (Flood Risk Management Team).

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillors' 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 Hearing Session in respect of Case LR217 - Ward 8 - Forres

Planning Application 18/00795/APP – Erect new rendered blockwork garage and install patio door in house at Bundon, Findhorn, Forres, IV36 3TE

Under reference to paragraph 5 of the Minute of the Meeting of the Moray Local Review body (MLRB) dated 20 December 2018, the MLRB continued to consider a request from 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 the adopted Moray Local Development Plan (MLDP) 2015 policies EP7 and IMP1 on flood risk grounds where the proposal would lie entirely within the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA Flood Maps. The proposed garage would therefore be at medium to high risk of coastal flooding in a location that would increase flood risk to surrounding properties.

The Chair stated that, at the meeting of the MLRB on 20 December 2018, it was agreed to defer consideration of Case LR217 to a Hearing in terms of Regulation 13 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. This was to allow the opportunity to consider any technical questions which may be asked by the MLRB in relation to specific flood detail regarding water displacement as a result of the development and the perceived impact to neighbouring properties.

With regard to the unaccompanied site inspection carried out on 13 December 2018, the Chair stated that all members of the MLRB present, with the exception of herself, were shown the site where the proposed development would take place and that, although she was not present at the site visit on 13 December 2018, she had visited the site on 18 December 2018. The Chair then outlined the Summary of Information report which set out both the reasons for refusal and the Applicant's grounds for review including the procedure which was to be adopted for the Hearing, and statements from the Applicant and Flood Risk Management Team.

The Chair welcomed the Applicant, Mr Colin Jamieson and Mr Will Burnish, Senior Engineer from the Flood Risk Management Team (FRMT) to the meeting.

The Chair then invited the Applicant, Mr Jamieson, to address the MLRB, specifically in relation to the matter identified at its recent meeting on 20 December 2018.

Mr Jamieson addressed the MLRB and confirmed that his proposal was for an ancillary building on a brown field site. He stated that there was no blanket ban on development on the flood plain and that policy EP7 of the MLDP 2015 and Paragraph 255 of the Scottish Planning Policy (SPP) allow building on the flood plain providing certain conditions are met and that, in his opinion, his proposed garage meets those conditions. With reference to the SEPA Flood Risk and Land Use Vulnerability Guidance, Mr Jamieson was of the view that his proposal would be classed as low risk and suitable for development as it was a garage which would be resilient to flooding and situated in a built up area. He acknowledged the concerns of the FRMT in that the proposal would contravene paragraph 255 of the SPP as the site would be affecting the flood plain however stated that the unmitigated impact of the proposal is 0.16 mm. He further advised that, to mitigate against this impact, he would commit to remove at least 2.4 m^3 from his adjacent garden ground, which is also in the flood plain. With regard to the concerns of the FRMT in relation to a potential request for a change of use at a later date, he assured the MLRB that he had no intention to apply for a change of use and would be willing to accept the proposed condition and informative from the FRMT, should that be acceptable to MLRB.

Mr Jamieson then responded to questions from the MLRB.

Thereafter, the Chair invited Mr Burnish from the FRMT to address the MLRB, specifically in relation to the matter identified by the MLRB at its recent meeting.

Mr Burnish addressed the MLRB and advised that the FRMT's fundamental issue is that, should this application be approved, there would be a risk of incremental

development of the flood plain. They were also concerned that the owner could, at a later date, apply for a change of use to a residential development. Mr Burnish acknowledged that the loss of flood plain was small however he was concerned that approving this application may set a precedent for future applications. In order to mitigate this, Mr Burnish suggested that, if the MLRB were minded to grant planning permission, a condition be attached to the planning permission stating that the development can never be changed to a residential property and an informative be added to reflect that Moray Council would not protect the garage property from flooding in the future, given that it had been built on a flood plain.

Mr Burnish then responded to questions from the MLRB.
On the invitation of the Chair, Mr Jamieson summarised his presentation reiterating the key aspects of his submission, as detailed above. Mr Burnish, declined the invitation to summarise.
In response to a question from the Chair as to whether the Legal and Planning Advisers had any matters they wished to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

On hearing the presentations from Mr Jamieson and Mr Burnish, Councillor Bremner moved that the Committee uphold the appeal and grant planning permission in respect of planning application 18/00795/APP subject to the condition recommended by the FRMT stating that the development can never be changed to a residential property and an informative to reflect that Moray Council would not protect the garage property from flooding in the future, given that it had been built on a flood plain.

In response, the Legal Adviser sought clarification from Councillor Bremner as to whether he was moving approval of the application as he was of the opinion that the development was an acceptable departure from policy EP7 of the MLDP 2015, given the design confirmed by the Applicant and the recommended condition and informative from the FRMT.

Councillor Bremner confirmed that the Legal Adviser's interpretation was correct.

Councillor Gatt stated that he wished to second Councillor Bremner's motion as he was of the opinion that there was very little risk of the development flooding and was of the view that the development complied with policy EP7 of the MLDP 2015. With regard to policy IMP1, Councillor Gatt was of the view that, again the proposal complied with policy IMP1 given that the Applicant had stated that the proposal would be designed in such a manner so that it would be allowed to flood.

The Legal Adviser pointed out that Councillor Bremner's motion differed from Councillor Gatt's in that Councillor Bremner had moved to grant planning permission subject to the additional condition and informative proposed by the FRMT, as he was of the view that the proposal was an acceptable departure from policy EP7 of the MLDP 2015 given the design of the proposal, whereas Councillor Gatt was of the view that the proposal complied with policies EP7 and IMP1 of the MLDP 2015 and therefore advised that Councillor Gatt could not second Councillor Bremner's motion on those terms.

Councillor Alexander, being of the same mind as Councillor Bremner agreed to second his motion however asked that a condition be added to ensure that the Applicant carried out his commitment to remove at least 2.4 m^3 from his adjacent garden to mitigate against any impact his proposal may have.

In response, the Planning Adviser advised that this would not be an appropriate

condition to add as the garden ground did not form part of the application site.

Having considered the advice from the Legal Adviser and given that Councillor Alexander was willing to second the terms of Councillor Bremner's motion, Councillor Gatt agreed to withdraw his motion.

For clarity, the Legal Adviser advised that it was her understanding that Councillor Bremner had moved that the MLRB uphold the appeal in respect of Case LR217 to grant planning permission in respect of planning application 18/00795/APP subject to a recommended condition from FRMT stating that the development can never be changed to a residential property and an informative to reflect that Moray Council would not protect the garage property from flooding in the future, given that it had been built on a flood plain. This was seconded by Councillor Alexander on the understanding that his additional condition in relation to ensuring that the Applicant remove garden ground to mitigate against any impact his proposal may have was not appropriate given that the garden ground did not form part of the application site.

There being no-one otherwise minded, the MLRB agreed to uphold the appeal in respect of Case LR217 and grant planning permission in respect of planning application 18/00795/APP subject to a condition stating that the development can never be changed to a residential property and an informative to reflect that Moray Council would not protect the garage property from flooding in the future, given that it had been built on a flood plain.

MORAY LOCAL REVIEW BODY

28 MARCH 2019

SUMMARY OF INFORMATION FOR CASE No LR218

Planning Application 18/01207/APP – Erect extension at 13 Bishops Court, Lossiemouth, IV31 6TL

Ward 5 – Heldon & Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 8 November 2018 on the grounds that:

The proposal is contrary to Moray Local Development Plan 2015 policies IMP1 and H4 for the following reasons:-

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4.

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**.

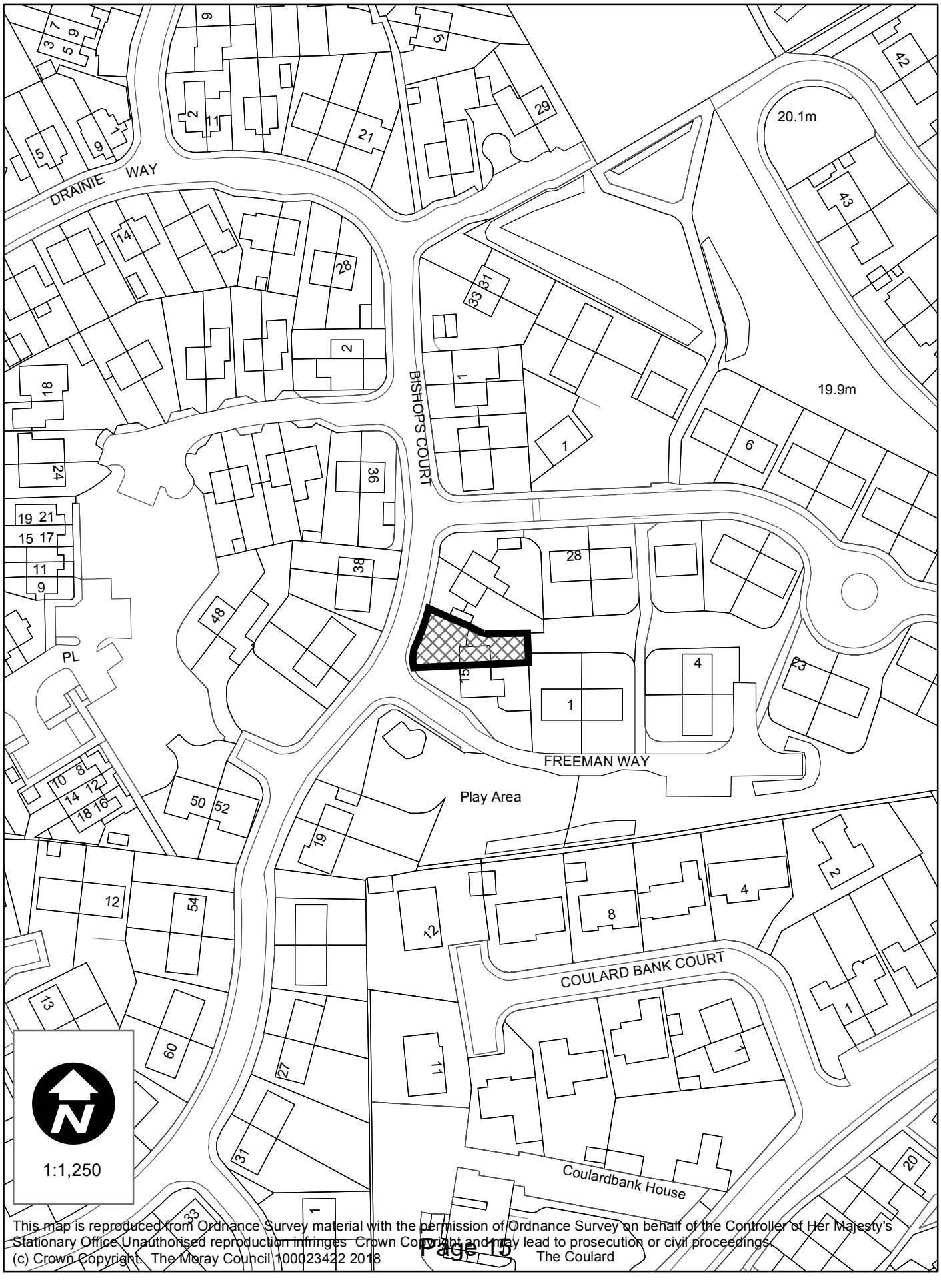
At the meeting of the Moray Local Review Body (MLRB) on 29 January 2019, the MLRB deferred consideration of Case LR218 to request further information from Development Management in respect of the sunlight/daylight assessment that was undertaken by the Appointed Officer at the time of determination, that was not included in the paperwork submitted by Development Management.

The Moray Local Review Body's request for further information from Development Management and subsequent response is attached as **Appendix 3**.

The Applicant's response to Development Management's further information is attached as **Appendix 4**.

Location plan for Planning Application Reference Number:

18/01207/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

18/01207/APP

10 SEP 2018

HOUSEHOLDER 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

Title	Mr & Ms
Forename	Arron & Claire
Surname	Field & Millar
Company Name	
Building No./Name	13
Address Line 1	Bishops Court
Address Line 2	
Town/City	Lossiemouth
Postcode	IV31 6TL
Telephone	
Mobile	[redacted]
Fax	
Email	[redacted]

2. Agent's Details (if any)

Ref No.	
Forename	
Surname	
Company Name	
Building No./Name	
Address Line 1	
Address Line 2	
Town/City	
Postcode	
Telephone	
Mobile	
Fax	
Email	

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

13 Bishops Court
Lossiemouth
IV31 6TL

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

4. Describe the Proposed Works

Please describe accurately the work proposed:

erect extension

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.

5. 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.:

6. 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.

7. Changes to Vehicle 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 with 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 arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently Exist on the application site? 3

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces) 3

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

8. 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:

DECLARATION

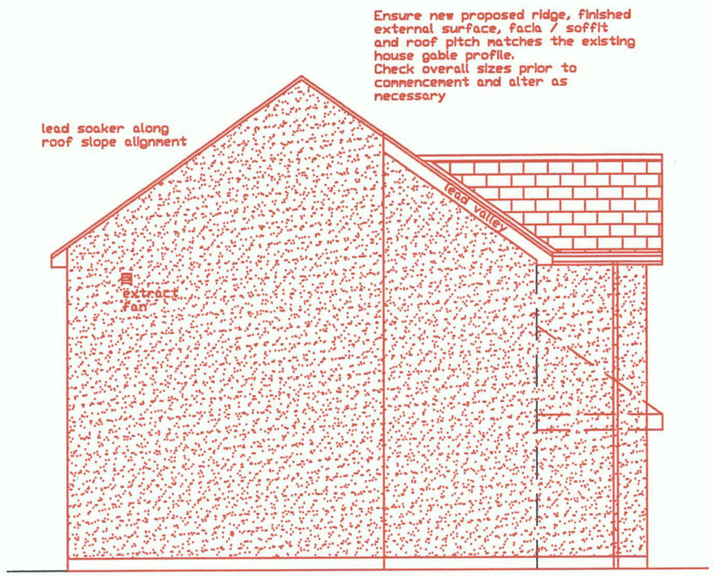
I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

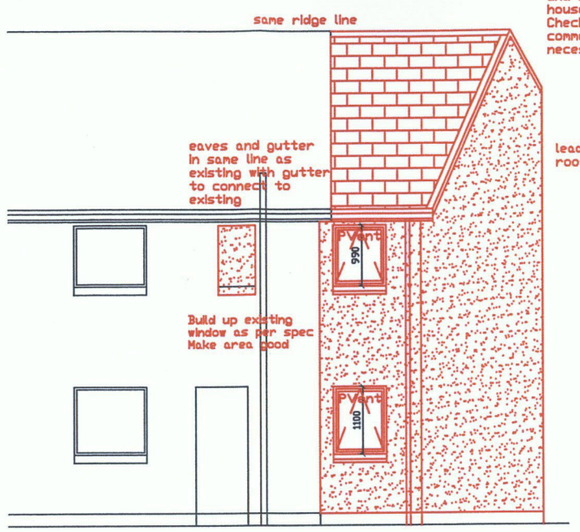
I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

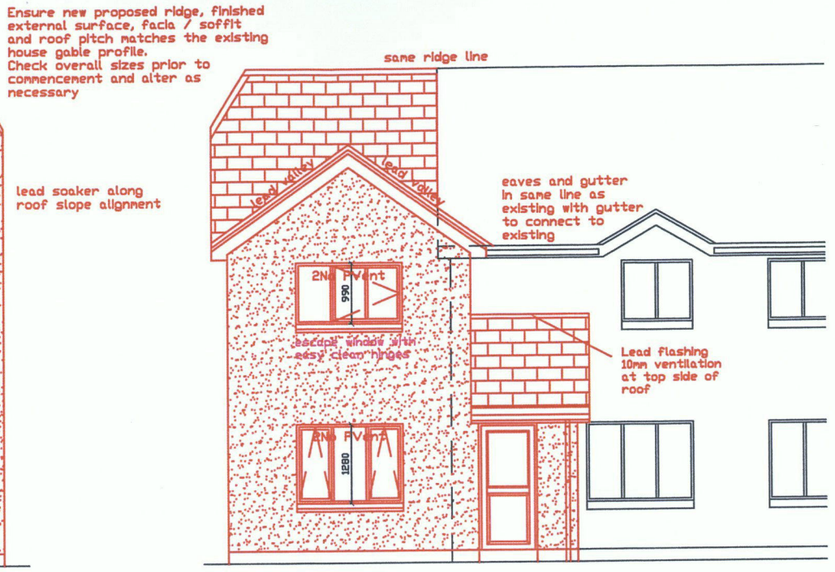
I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☒ N/A ☐

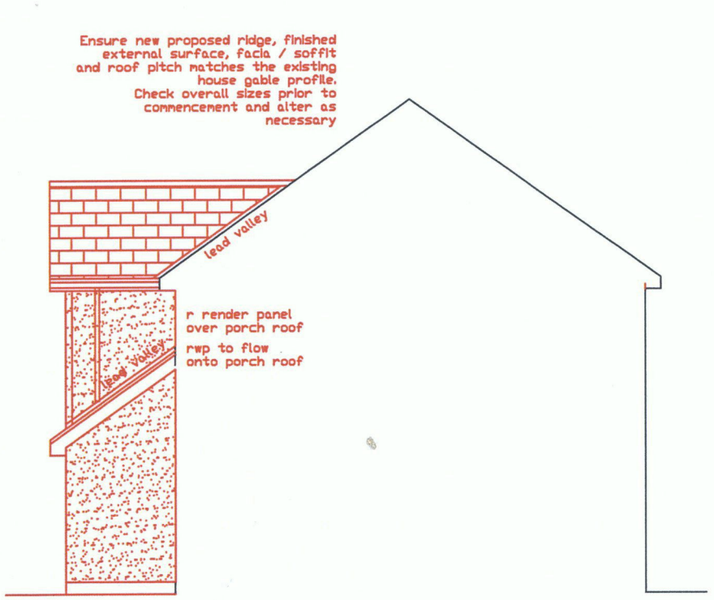
Signature: [redacted] Name: Claire Millar Date: 8/09/18

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









TO BE READ IN CONJUNCTION WITH ENGINEER DETAILS & RECOMMENDATIONS

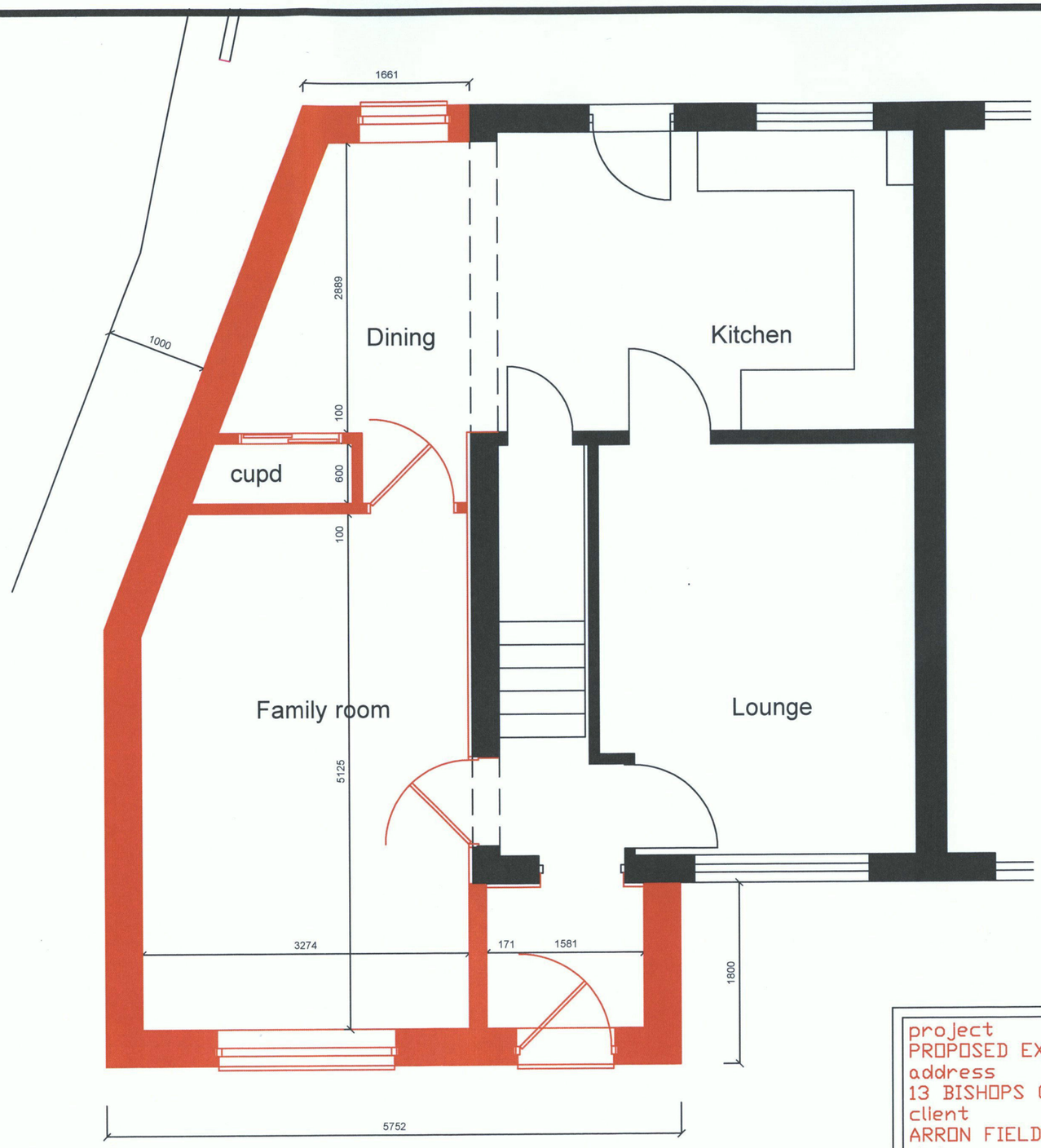
ELEVATIONS
scale 1:100

EXTERNAL FINISHES
concrete roof tiles to match existing
roughcast to external walls

project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUTH
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

DRAWING NO 2

10 SEP 2018



GROUND FLOOR PLAN
scale 1:50

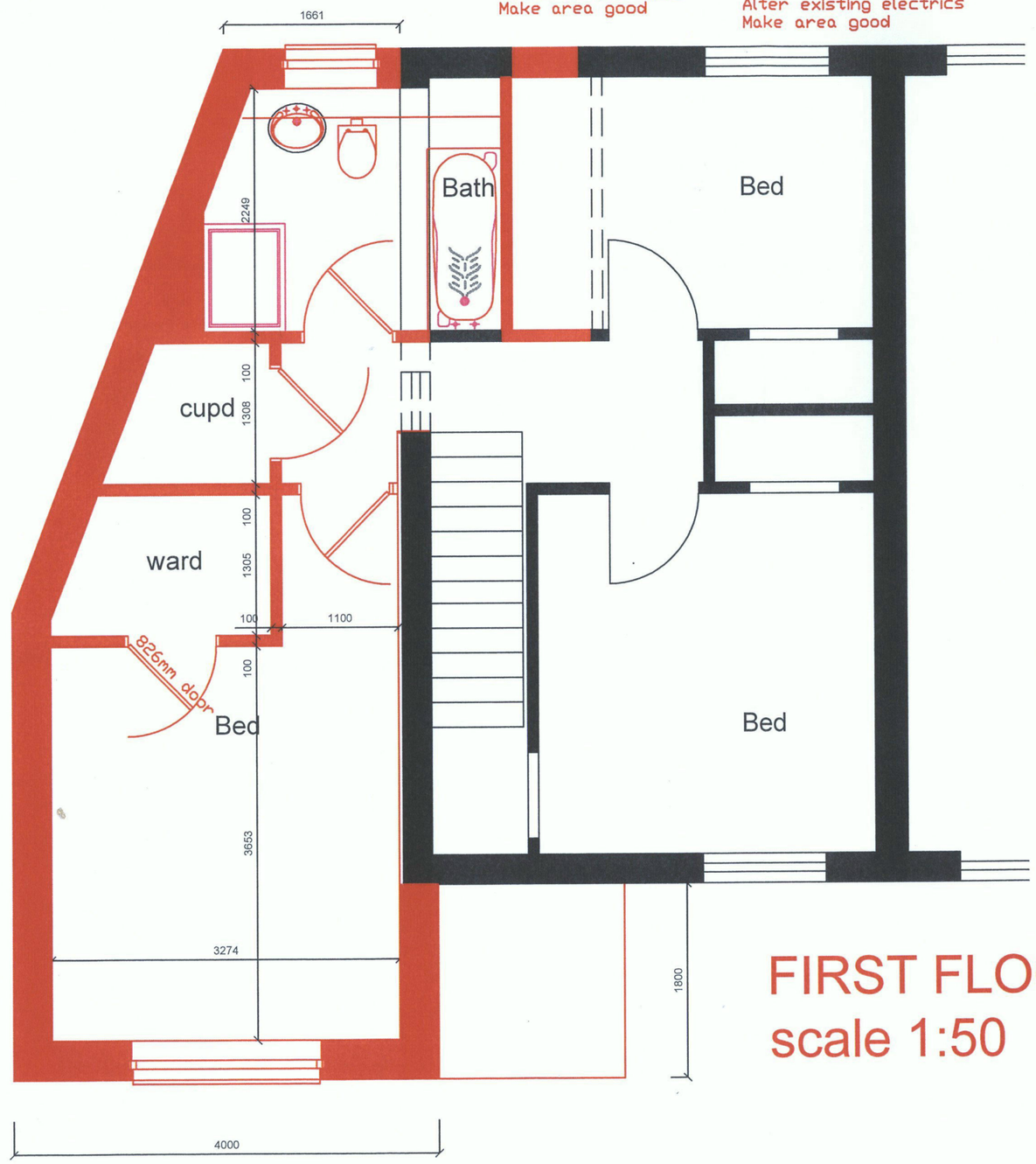
project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUTH
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

10 SEP 2018

DRAWING NO 3

Build up existing
window as per spec
Make area good

remove existing partition
to enlarge bedroom
Alter existing electrics
Make area good

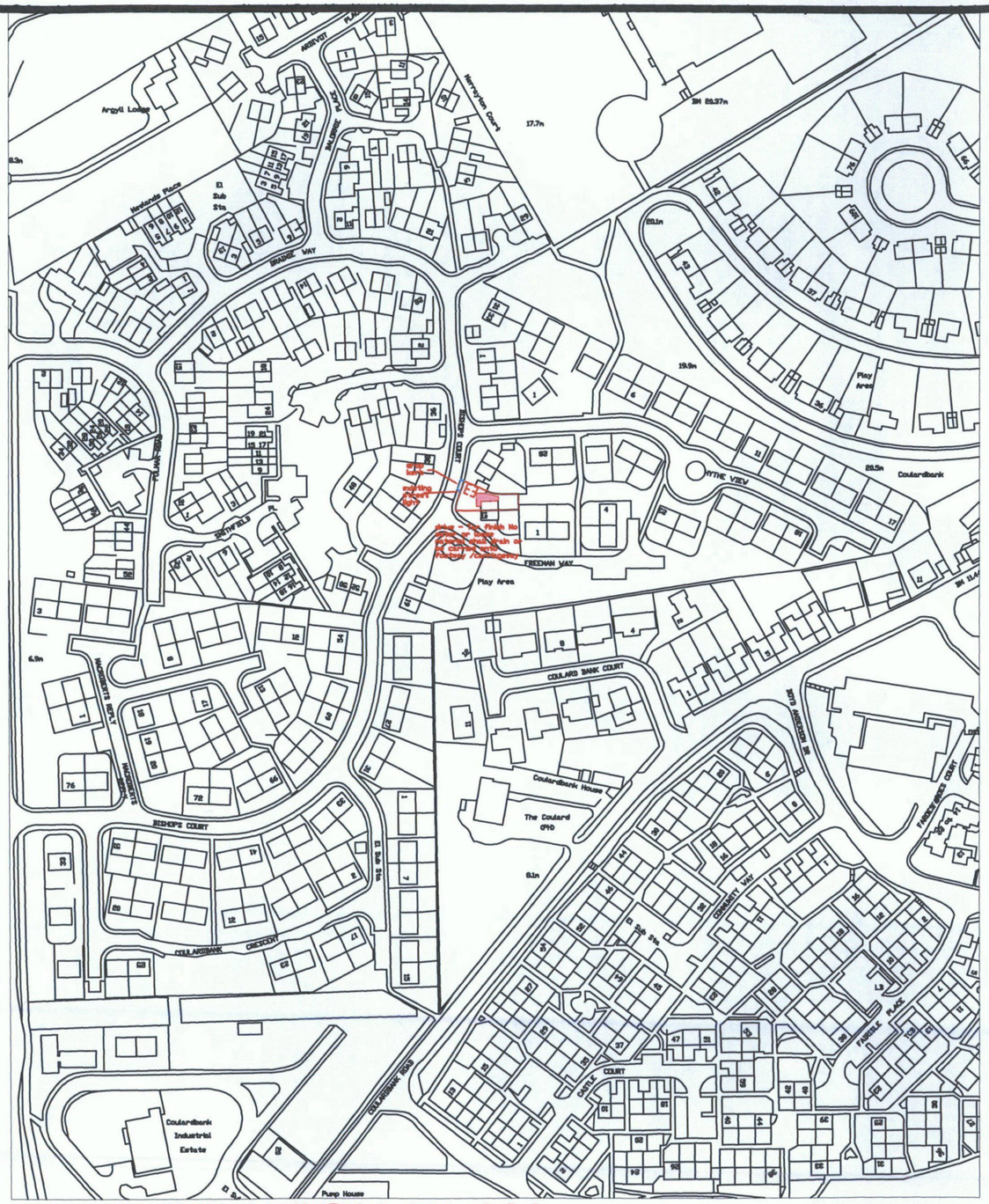


FIRST FLOOR PLAN
scale 1:50

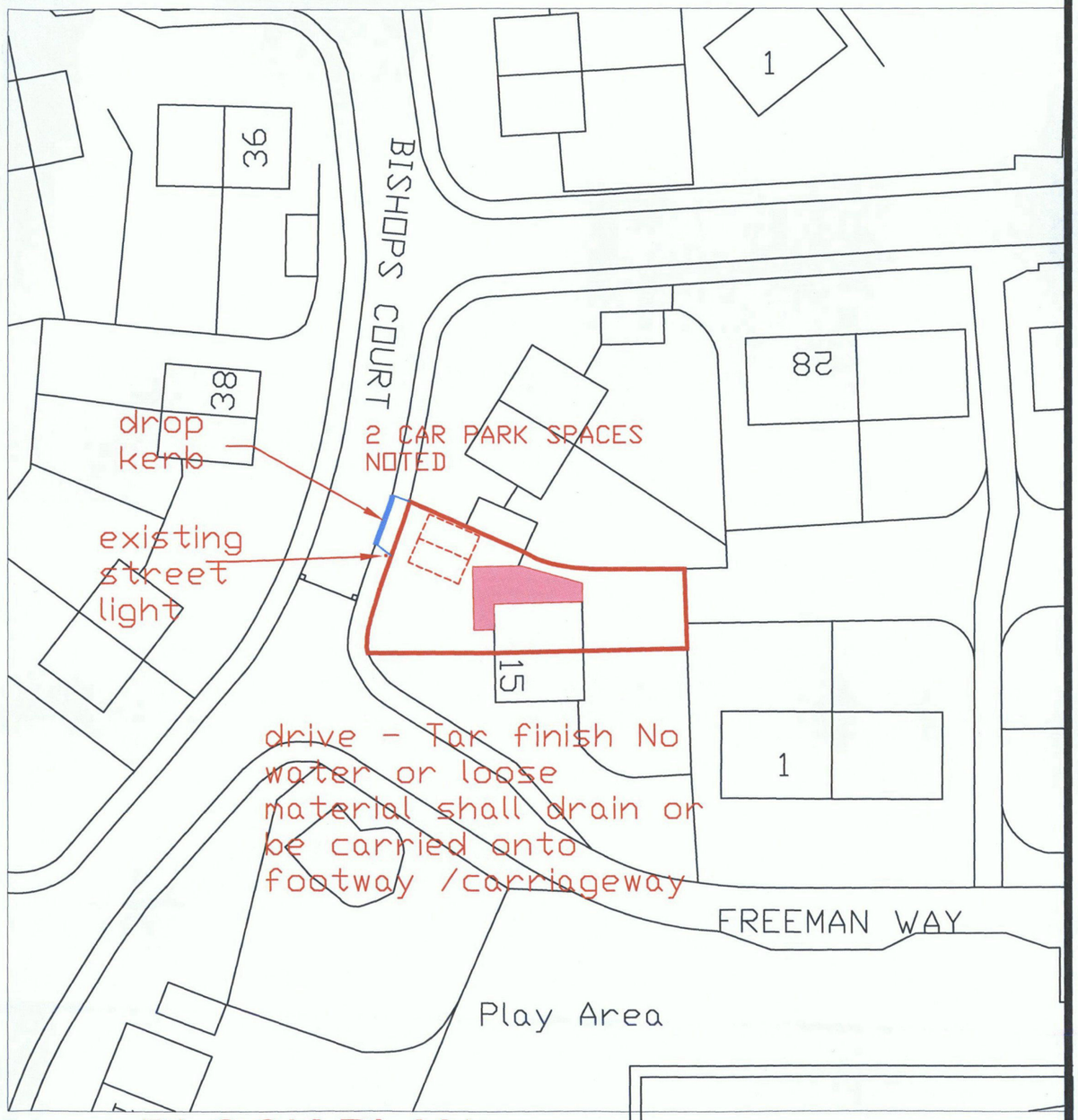
project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUTH
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

10 SEP 2018

DRAWING NO 4



LOCATION PLAN
scale 1:2500



BLOCK PLAN
scale 1:500

22/10/18 PLANNING NOTES ADDED REV A

PROJECT
PROPOSED EXTENSION
ADDRESS
13 BISHOPS COURT, LOSSIEMOUTH
CLIENT
ARRON FIELD & CLAIRE MILLAR
DATE
SEPT 2018
DRAWING NO 11

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**2nd October 2018**
Planning Authority Reference	**18/01207/APP**
Nature of Proposal (Description)	**Erect extension at**
Site	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133032410**
Proposal Location Easting	**322516**
Proposal Location Northing	**870117**
Area of application site (Ha)	**m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PEUDZ1BG0CR00
Previous Application	
Date of Consultation	**18th September 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Arron Field And Ms Claire Millar**
Applicant Organisation Name	
Applicant Address	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	**N/A**
Case Officer	**Amanda Cruickshank**
Case Officer Phone number	**01343 563575**
Case Officer email address	**amanda.cruickshank@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please x
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	X
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	❑

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt **Date……20/9/18……..**
email address: **Phone No ……..**
Consultee:

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

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**2nd October 2018**
Planning Authority Reference	**18/01207/APP**
Nature of Proposal (Description)	**Erect extension at**
Site	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133032410**
Proposal Location Easting	**322516**
Proposal Location Northing	**870117**
Area of application site (Ha)	**m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PEUDZ1BG0CR00
Previous Application	
Date of Consultation	**18th September 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Arron Field And Ms Claire Millar**
Applicant Organisation Name	
Applicant Address	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	**N/A**
Case Officer	**Amanda Cruickshank**
Case Officer Phone number	**01343 563575**
Case Officer email address	**amanda.cruickshank@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please x
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	**x**
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	❑

Reason(s) for objection
None

Condition(s)
None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert **Date…24/09/2018……..**
email address: **Phone No …01467 537717**
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

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

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**2nd October 2018**
Planning Authority Reference	**18/01207/APP**
Nature of Proposal (Description)	**Erect extension at**
Site	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133032410**
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Proposal Location Northing	**870117**
Area of application site (Ha)	**m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PEUDZ1BG0CR00
Previous Application	
Date of Consultation	**18th September 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Arron Field And Ms Claire Millar**
Applicant Organisation Name	
Applicant Address	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	**N/A**
Case Officer	**Amanda Cruickshank**
Case Officer Phone number	**01343 563575**
Case Officer email address	**amanda.cruickshank@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	❑
(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	❑

Condition(s)

1. Two car parking spaces shall be retained within the site 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. Notwithstanding the submitted details the width of the vehicular access shall be 5.0m 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 shall be to The Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the extended 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 street lighting column will require to be relocated a short distance to the south,

the cost of which shall be borne by the developer. The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals.

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 24 October 2018**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

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

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**2nd October 2018**
Planning Authority Reference	**18/01207/APP**
Nature of Proposal (Description)	**Erect extension at**
Site	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133032410**
Proposal Location Easting	**322516**
Proposal Location Northing	**870117**
Area of application site (Ha)	**m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PEUDZ1BG0CR00
Previous Application	
Date of Consultation	**18th September 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Arron Field And Ms Claire Millar**
Applicant Organisation Name	
Applicant Address	**13 Bishops Court Lossiemouth Moray IV31 6TL**
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	**N/A**
Case Officer	**Amanda Cruickshank**
Case Officer Phone number	**01343 563575**
Case Officer email address	**amanda.cruickshank@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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	❑
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	❑
(d)	Further information is required in order to consider the application as set out below	**x**

Note: This proposal is for an extension from a 2 bed dwelling to a 3 bed dwelling. Moray Council Parking Standards are 2no spaces for a dwelling with 3 bedrooms or less. Therefore although 3no spaces have been shown this proposal only requires 2no parking spaces. The provision of the southern-most space shown on the submitted drawing would appear to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there would appear to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column shall require to be relocated (the cost of which to be borne by the developer)

Further information required to consider the application
The applicant is required to submit an updated drawing showing parking (minimum 2no spaces) located such that access to the parking does not affect the adjacent speed table or road gully.
The updated drawing should show the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement. Details of the proposed surfacing is also required (no water or loose material shall be permitted to drain or be carried onto the footway/carriageway).

Contact: DA/AG **Date 02 October 2018**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

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

Comments for Planning Application 18/01207/APP

Application Summary

Application Number: 18/01207/APP

Address: 13 Bishops Court Lossiemouth Moray IV31 6TL

Proposal: Erect extension at

Case Officer: Amanda Cruickshank

Customer Details

Name: [redacted]

Address: [redacted]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:No comment

REPORT OF HANDLING

Ref No:	18/01207/APP	**Officer:**	Richard Smith
Proposal Description/ Address	Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL		
Date:	08/11/18	**Typist Initials:**	FJA

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

CONSULTATIONS

Consultee	**Date Returned**	**Summary of Response**
Transportation Manager	24/10/18	No objection, condition parking and access.
Aberdeenshire Council Archaeology Service	24/09/18	No objection.
Contaminated Land	20/09/18	No objection.
Environmental Health Manager	15/10/18	No objection.

DEVELOPMENT PLAN POLICY

Policies	**Dep**	**Any Comments (or refer to Observations below)**
IMP1: Developer Requirements	Y	
H4: House Alterations and Extensions	Y	
T2: Provision of Access		
T5: Parking Standards		
BE1: Sch Monuments and Nat Designations		

REPRESENTATIONS

Representations Received	YES	
Total number of representations received ONE		
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		
Issue: No objections. Representation in support of proposed development. Comments (PO): Representation is noted.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal
This application seeks approval to erect a two storey side extension on the north elevation and a single storey porch extension on the front (west elevation) of 13 Bishops Court.

The extension will measure approximately 9.6 metres deep (extending forward of the front wall of the dwellinghouse by 1.8 metres) x 4 metres wide at the front (west) narrowing to 1.7 metres to the east (rear). It would rise to a height of 8 metres to the rear in line with the roof ridge of the existing dwellinghouse, and a pitched roof section at the front rising to a height of 6.6 metres. The sloped roofed porch will measure 1.8 metres x 2 metres and rises to a height of 4 metres and will form the new front entrance.

The material finishes will be concrete roof tiles and roughcast to external walls both to match the dwellinghouse.

A proposed ground floor window and an upper floor window will be formed on the west (front) and east (rear) of the proposed extension. No windows are proposed on the north elevation.

The proposed extension will accommodate a new family room, cupboard and dining room on the ground floor and an additional bedroom, wardrobe, cupboard and bathroom.

The Site and Surroundings
The dwellinghouse is a modern two storey semi-detached property within an established residential area of Lossiemouth.

Neighbouring property No. 11 Bishops Court lies to the north and adjoining property No. 15 sits to the south.

To the west is an area of grassed amenity land. 1.8 high timber fencing form the boundaries of the rear garden. Vehicle access and off street parking for 2 cars is to the north-west 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 Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Siting, Design and Amenity
(MDLP policies: H4: House Alterations, IMP1: Developer Requirements)
The application falls to be assessed against Policy H4 and IMP1 of the MLDP.

Policy H4 House Alterations and Extensions allows for domestic alterations and extensions provided these relate satisfactorily to the appearance of the house and surrounding area and are acceptable in terms of style, scale, proportions and materials. The policy seeks to discourage badly designed extensions and to safeguard the character and amenity of residential areas.

Policy IMP1 Developer Requirements requires new proposals to be sensitively sited, designed and serviced appropriate to the character and amenity of the surrounding area and neighbouring properties.

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause an unacceptable and significant loss of residential amenity, contrary to policies IMP1 and H4 of the MLDP.

Given the above concerns the applicants were afforded the opportunity to withdraw the application and to re-apply for a single storey extension, likely to be considered more favourably in this location. In response, the applicants confirmed however that they wish to continue with current application and also submitted a supporting case, citing other domestic extensions in the locality as precedents and asserting that the proposal represents an acceptable form of development that will not adversely affect residential amenity in their opinion.

This additional information has been considered but does not override or address the concerns raised. Each proposal is dealt with on its individual merits, and precedents where cited would not justify approval of an otherwise unacceptable proposal as is the case in this instance. Notwithstanding the applicant's assertions the proposal will result in unacceptable amenity impacts for the reasons highlighted, which is based on a detailed assessment of the site, proposed development and surroundings.

T2: Provision of Access and T5: Parking Standards
Following consultation the Transportation Section raised initial concerns regarding the provision of the southern-most parking space shown on the submitted drawing which appeared to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there also appeared to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column would also require to be relocated. In order to address these points the applicant duly submitted an updated drawing showing parking (minimum 2 no. spaces) located such that access to the parking does not affect the adjacent speed table or road gully, and showing the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement.

The Transportation Section has reviewed the updated plan and has raised no objection to the proposal, subject to conditions requiring retention of the two car parking spaces, detailing specifics relating to the vehicular access and to ensure no water or loose material encroach on the public footway/carriageway. Had the application been recommended for approval these requirements would have been attached to the decision notice.

BE1: Scheduled Monuments and National Designations
Policy BE1 Scheduled Ancient Monuments and National Designations aims to safeguard archaeological sites and seek the recording/research of features (where appropriate) as part of the planning process. The application site is located within a site of archaeological interest (a site of souterrains and possible ring ditches visible as cropmarks on aerial photographs taken in 1954 and 1976). Aberdeenshire Archaeology Services has been consulted on the proposal and has raised no concerns or made any comments. Policy BE1 is met.

Recommendation
Based on the above, the proposal is considered to represent an inappropriate form of development which would have an unacceptable and significant adverse impact on the residential amenity of neighbouring occupiers, contrary to policies H4 and IMP1.

The application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT
None

HISTORY				
Reference No.	**Description**			
	Decision		**Date Of Decision**	

ADVERT		
Advert Fee paid?	**N/A**	
Local Newspaper	**Reason for Advert**	**Date of expiry**

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:		

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

[Heldon And Laich]
Application for Planning Permission

TO Mr Arron Field And Ms Claire Millar
13 Bishops Court
Lossiemouth
Moray
IV31 6TL

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 extension at 13 Bishops Court Lossiemouth Moray IV31 6TL

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

Date of Notice: **8 November 2018**

Pp [redacted]

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 Moray Local Development Plan 2015 policies IMP1 and H4 for the following reasons:-

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2		Elevations
3		Ground floor plan
4		First floor plan
11	Rev A	Location and block 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

07 DEC 2018

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Ms	Ref No.	
Forename	Arron & Claire	Forename	
Surname	Field & Millar	Surname	
Company Name		Company Name	
Building No./Name	13	Building No./Name	
Address Line 1	Bishops Court	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Lossiemouth	Town/City	
Postcode	IV31 6TL	Postcode	
Telephone		Telephone	
Mobile	[redacted]	Mobile	
Fax		Fax	
Email	[redacted]	Email	

3. Application Details

Planning authority	Moray Council
Planning authority's application reference number	18/01207/APP

Site address

13 Bishops Court
Lossiemouth
IV31 6TL

Description of proposed development

erect extension

Date of application 10/09/18 Date of decision (if any) 08/11/18

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

4. Nature of Application

Application for planning permission (including householder application)	☒
Application for planning permission in principle	☐
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	☐
Application for approval of matters specified in conditions	☐

5. Reasons for seeking review

Refusal of application by appointed officer	☒
Failure by appointed officer to determine the application within the period allowed for determination of the application	☐
Conditions imposed on consent by appointed officer	☐

6. Review procedure

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

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

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

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

to review proposed site and the adjacent consented applications which are very similar to this application

7. Site inspection

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

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

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

8. Statement

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

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

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

We have completed this section within an appeal statement and this is enclosed along with this application to the LRB

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

- LRB appeal statement
- submission drawings (floor plan & elevations)
- supporting statement
- photographs

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: [redacted] Name: Claire Millar Date: 05/12/18

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.

LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT

PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH

APPELLANT **MR A FIELD & MS C MILLAR**

COUNCIL PLANNING REF. **18/01207/APP**

DATE. **05 DECEMBER 2018**

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APPENDIX 2	REPORT OF HANDLING
APPENDIX 3	PLANNING SUPPORTING STATEMENT
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APPENDIX 5	NO 11 BISHOPS COURT LETTER OF SUPPORT

1.0 INTRODUCTION

1.1 This Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing an extension to the front and side of the appellant's property.

1.2 The planning application was registered on 10th September 2018 and was refused on 08th November 2018 under delegated powers (Decision Notice – Appendix 1). This Review has been prepared and lodged within the statutory 3 months period from the date of the decision notice.

1.3 The application was refused for the reason below and after due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached appendix constitutes the appellant's submission

"The proposal is contrary to Moray Local Development Plan 2015 policies IMP1 & H4 for the following reasons:-
The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.
The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4"

2.0 THE APPLICATION SITE & PROPOSAL

2.1 The existing residential property is the part of a semi-detached within the main spine road adjacent to corner junction leading to cul-de-sac. This arrangement is repeated numerous times around this locale.

2.2 Properties in this area are predominantly two storey houses with a large percentage with extensions of some form or another. The appellant is seeking to replace their grassed side garden area with a the relatively small extension to the living room.

- *1 Bishops Court, Lossiemouth (planning reference 06/02033)*

These extensions are no different in scale, mass or interaction with their neighbours than the appellant proposals.
These by way of approval, infer that they do not impact on the amenity of the adjacent garden daylighting nor sunlight.

- 4 Bishops Court, Lossiemouth (planning reference 07/00984)

2.3 The proposal will include a pitched tile roof to complement the existing roof of the house and the walls will be finished in a matching render and, as such, the finishes are considered to be acceptable in terms of Moray Development Plan Policy H4.

2.4 The extension has been designed to ensure that no windows will look onto the adjoining property (11 Bishops Court), thereby ensuring no privacy and/or amenity issues are created as a result of the development. Instead all glazing will look out to the front or into the site. Therefore, the proposal is considered compliant with Moray Development Plan Policy H4 in this regard.

2.5 We have also discussed the proposed extension with **our neighbour at No 11 Bishops Court and they are very supportive** of our application and cannot see why there is a perceived issue with daylighting. Having stayed in the property he is fully aware of the actual movement of the sun during the months of the year, rather than an analysis and does not agree with the Council position. He has provided a **letter of support** and this is attached within Appendix 5.

3.0 PLANNING REVIEW CONSIDERATION

3.1 The Report of handling (document 02) indicates that the appointed Officers primary concern relates to the fact that this would cause an unacceptable loss of daylighting and sunlight and cause an increased sense of enclosure/overbearing impact.

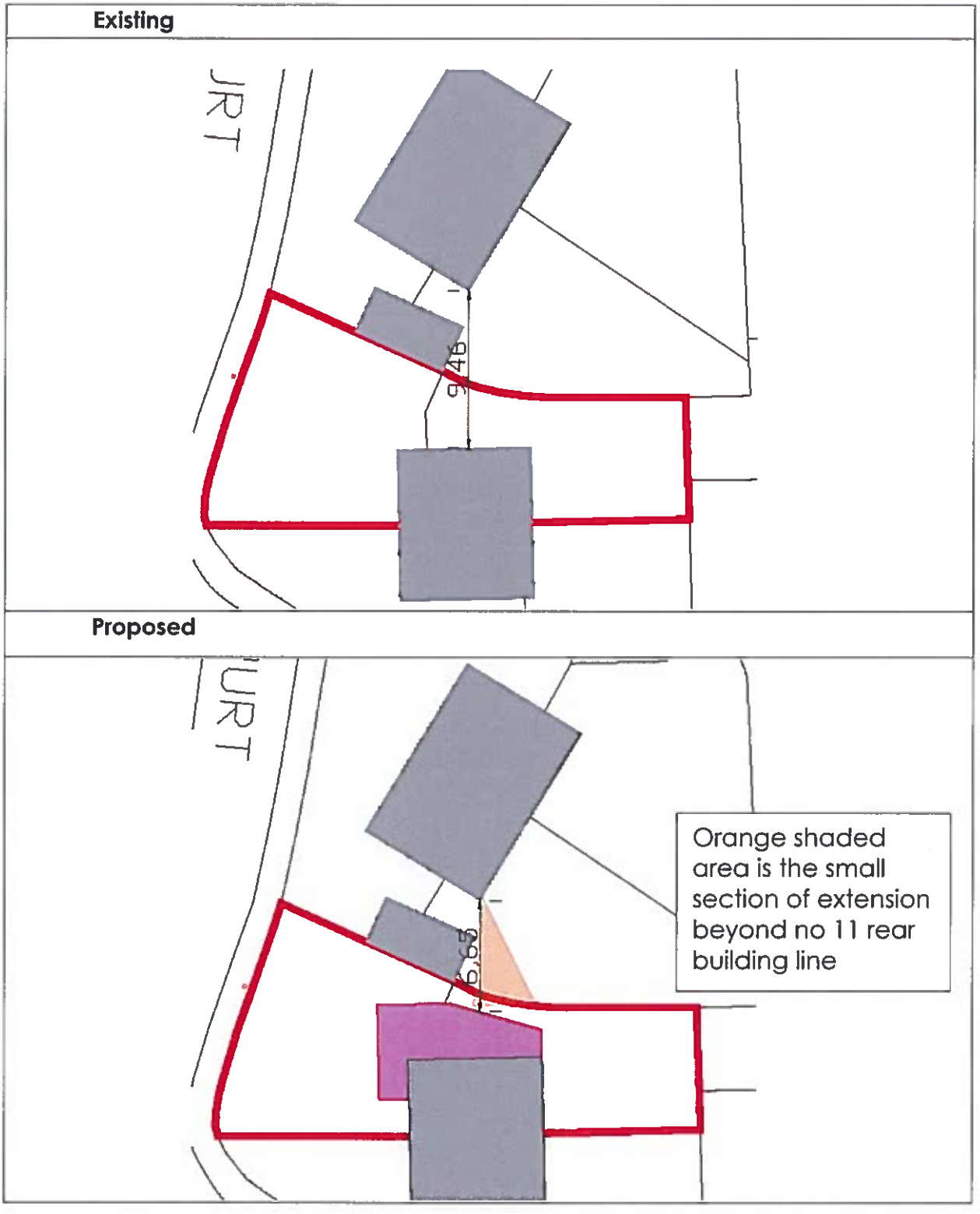
3.2 In terms of the Council review, there is no specific analysis or policy and it seems the appointed officer perception of what is unacceptable daylightlighting or not

3.3 The Report of handling (document 02) notes inappropriate form of development for this location.

3.4 When you review the existing property in terms of light towards no 11 Bishops Court with the sun rising to the East is unaffected by the current house and remotely when it moves West ward due to the garage.

With the proposed extension the property moves slightly closer to the boundary. It you take a direct line this makes the property approx. 6.65m from the new gable. Again the sun from the East is not affected and in our opinion the gable extension does not inflight any greater concerns to no 11 that occurs currently, remembering that there is an existing garage. The rear gable alignment to the boundary previously was 3m and is now 1.4 which only moves the new building some 1.6m closer which will not adversely affect the adjacent property.

75% of the extension is to the front of no 11 and is alongside their gable elevation and a VERY SMALL percentage is beyond No 11 rear elevation building line, so only a small percentage projects beyond. In fact it is only 3.7m and the roof profiling is moving away to the South and again does not adversely affect the adjacent property.


Existing
JRT
9.46
Proposed
URT
6.65
Orange shaded area is the small section of extension beyond no 11 rear building line

3.5 There are many other similar properties in this area (and within the wider Moray community), to extend houses rather than relying on selling and purchasing new properties in a different area where otherwise they would have remained

- 4 Bain Avenue, Elgin (planning reference 15/01734/APP)

In the handling report for this planning approval at 4 Bain Avenue its notes
" *In terms of scale, proportion, materials and design, the proposals are in keeping with the character of the existing house. It is considered that the proposal will not have a significant adverse impact on the existing house or on the surrounding locality, hence the proposal is acceptable.*"

3.6 All these extensions are adjacent to the boundary with the adjoining properties **The main point to these noted approved extensions is that they are in the same location and extend out to the rear which would provide a greater issue with the sun and have all been approved by the Planning Authority**
Therefore, we assert that this development would be no more intrusive and/or dominant in its urban setting than the ones noted which have been acceptable

3.7 Similar extensions are noted within Elgin, Forres and even in other parts of Lossiemouth. In terms of the rear extensions to ex council stock houses, these in fact if anything impact to a greater degree than this proposal and these have been approved in these circumstances.

3.8 If this application had been part of the original development proposals, would this have been a concern to this particular plot. Our opinion is that approval would still have been granted and therefore, what is this difference being undertaken at a different timeframe.

3.9 This extension will not unduly harm the character of the area and or create an intrusive development and very much blend into the design and architectural concept of the existing house.

5.0 CONCULSION

4.1 In concluding, based on all of the above and the enclosed documents, the appellant believes that their proposal represents an acceptable form of development and, as such, respectfully asks that a positive recommendation can be provided.

APPENDIX 1 – COUNCIL DECISION NOTE

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

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich]
Application for Planning Permission

TO [redacted]

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 extension at 13 Bishops Court Lossiemouth Moray IV31 6TL

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

Date of Notice: **8 November 2018**

[redacted]

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 Moray Local Development Plan 2015 policies IMP1 and H4 for the following reasons:-

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2		Elevations
3		Ground floor plan
4		First floor plan
11	Rev A	Location and block 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 – REPORT OF HANDLING

REPORT OF HANDLING

Ref No:	18/01207/APP	**Officer:**	Richard Smith
Proposal Description/ Address	Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL		
Date:	08/11/18	**Typist Initials:**	FJA

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

CONSULTATIONS		
Consultee	**Date Returned**	**Summary of Response**
Transportation Manager	24/10/18	No objection, condition parking and access.
Aberdeenshire Council Archaeology Service	24/09/18	No objection.
Contaminated Land	20/09/18	No objection.
Environmental Health Manager	15/10/18	No objection.

DEVELOPMENT PLAN POLICY		
Policies	**Dep**	**Any Comments (or refer to Observations below)**
IMP1: Developer Requirements	Y	
H4: House Alterations and Extensions	Y	
T2: Provision of Access		
T5: Parking Standards		
BE1: Sch Monuments and Nat Designations		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received ONE		
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		
Issue: No objections. Representation in support of proposed development. Comments (PO): Representation is noted.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal
This application seeks approval to erect a two storey side extension on the north elevation and a single storey porch extension on the front (west elevation) of 13 Bishops Court.

The extension will measure approximately 9.6 metres deep (extending forward of the front wall of the dwellinghouse by 1.8 metres) x 4 metres wide at the front (west) narrowing to 1.7 metres to the east (rear). It would rise to a height of 8 metres to the rear in line with the roof ridge of the existing dwellinghouse, and a pitched roof section at the front rising to a height of 6.6 metres. The sloped roofed porch will measure 1.8 metres x 2 metres and rises to a height of 4 metres and will form the new front entrance.

The material finishes will be concrete roof tiles and roughcast to external walls both to match the dwellinghouse.

A proposed ground floor window and an upper floor window will be formed on the west (front) and east (rear) of the proposed extension. No windows are proposed on the north elevation.

The proposed extension will accommodate a new family room, cupboard and dining room on the ground floor and an additional bedroom, wardrobe, cupboard and bathroom.

The Site and Surroundings
The dwellinghouse is a modern two storey semi-detached property within an established residential area of Lossiemouth.

Neighbouring property No. 11 Bishops Court lies to the north and adjoining property No. 15 sits to the south.

To the west is an area of grassed amenity land. 1.8 high timber fencing form the boundaries of the rear garden. Vehicle access and off street parking for 2 cars is to the north-west 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 Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Siting, Design and Amenity
(MDLP policies: H4: House Alterations, IMP1: Developer Requirements)
The application falls to be assessed against Policy H4 and IMP1 of the MLDP.

Policy H4 House Alterations and Extensions allows for domestic alterations and extensions provided these relate satisfactorily to the appearance of the house and surrounding area and are acceptable in terms of style, scale, proportions and materials. The policy seeks to discourage badly designed extensions and to safeguard the character and amenity of residential areas.

Policy IMP1 Developer Requirements requires new proposals to be sensitively sited, designed and serviced appropriate to the character and amenity of the surrounding area and neighbouring properties.

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause an unacceptable and significant loss of residential amenity, contrary to policies IMP1 and H4 of the MLDP.

Given the above concerns the applicants were afforded the opportunity to withdraw the application and to re-apply for a single storey extension, likely to be considered more favourably in this location. In response, the applicants confirmed however that they wish to continue with current application and also submitted a supporting case, citing other domestic extensions in the locality as precedents and asserting that the proposal represents an acceptable form of development that will not adversely affect residential amenity in their opinion.

This additional information has been considered but does not override or address the concerns raised. Each proposal is dealt with on its individual merits, and precedents where cited would not justify approval of an otherwise unacceptable proposal as is the case in this instance. Notwithstanding the applicant's assertions the proposal will result in unacceptable amenity impacts for the reasons highlighted, which is based on a detailed assessment of the site, proposed development and surroundings.

T2: Provision of Access and T5: Parking Standards
Following consultation the Transportation Section raised initial concerns regarding the provision of the southern-most parking space shown on the submitted drawing which appeared to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there also appeared to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column would also require to be relocated. In order to address these points the applicant duly submitted an updated drawing showing parking (minimum 2 no. spaces) located such that access to the parking does not affect the adjacent speed table or road gully, and showing the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement.

The Transportation Section has reviewed the updated plan and has raised no objection to the proposal, subject to conditions requiring retention of the two car parking spaces, detailing specifics relating to the vehicular access and to ensure no water or loose material encroach on the public footway/carriageway. Had the application been recommended for approval these requirements would have been attached to the decision notice.

BE1: Scheduled Monuments and National Designations
Policy BE1 Scheduled Ancient Monuments and National Designations aims to safeguard archaeological sites and seek the recording/research of features (where appropriate) as part of the planning process. The application site is located within a site of archaeological interest (a site of souterrains and possible ring ditches visible as cropmarks on aerial photographs taken in 1954 and 1976). Aberdeenshire Archaeology Services has been consulted on the proposal and has raised no concerns or made any comments. Policy BE1 is met.

Recommendation
Based on the above, the proposal is considered to represent an inappropriate form of development which would have an unacceptable and significant adverse impact on the residential amenity of neighbouring occupiers, contrary to policies H4 and IMP1.

The application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT
None

HISTORY				
Reference No.	**Description**			
	Decision		**Date Of Decision**	

ADVERT		
Advert Fee paid?	**N/A**	
Local Newspaper	**Reason for Advert**	**Date of expiry**

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:		

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)			

APPENDIX 3– PLANNING SUPPORTING STATEMENT

SUPPORTING STATEMENT

PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH

APPLICANT	**MR A FIELD & MS C MILLAR**
COUNCIL PLANNING REF.	**18/01207/APP**
DATE.	**16 NOVEMBER 2018**

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1.0 INTRODUCTION

1.1 This supporting Statement has been prepared to supplement the Planning application as submitted 10th September 2018 proposing an extension to our property.

1.2 The Planning officer has noted that "*a sun-on ground assessment and the results indicate that due to the form, height and siting of the extension, the development would result in unacceptable overshadowing and significant loss of light (natural light or sunlight) to the neighbouring property which does not comply with Policies IMP1: Developer Requirements and H4: House Alterations*"

1.3 This further continues and states " as presented, the proposed development would be refused due to the significant effect on your neighbours amenity"

1.4 Planning polices noted below

Planning Policy H4

1.5 Policy H4 states " *House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale, proportions or materials. Pitches roofs will be preferred to flat roofs, piended dormers to box dormers. Existing stone walls should be retained as far as possible.*"

Justification – " *The policy discourages badly designed extensions and alterations. This is intended to safeguard the character and amenity of established residential areas*"

Planning Policy IMP1

1.6 Policy IM1 Developer Requirements " new developments 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 provisions must be made, including the use of sustainable urban drainage system (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 provisions for additional areas of open space within development

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 impact arising from the disturbance of carbon rich soil

i) avoid areas at risk of flooding, and where necessary carry out flood management measurers

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 contamination land issues

l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land

m) Make 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 services 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"

1.7 No further report has been provided to quantify the assumed concern in terms of daylighting and there is no policy contained with the Guidance on how this has been established and what equates to substantial overshading that would warrant recommendation for refusal.

1.8 No formal objection has been submitted from no 11 Bishop Court in relation to this planning application.

1.9 Design (H4 & IMP1)

The proposed extension ties appropriately into the existing dwelling in accordance with policy H4 house alterations and extensions. The proposal shows a pitched roof running into the existing house and provided a degree of continuity between the extension viewed from Bishops Court.

Therefore we do believe that this extension does not have any concerns in terms of form, height and siting as its exactly the same as the main, current property and certainly in keeping with the surrounding area and similar extensions.

1.10 The siting and impact on surrounding property (IMP1) require new development to be sensitively sited, designed and serviced. In terms of scale, proportion, material and design, the proposal is in keeping with the character of the existing house and it will not, in visual terms, have a significant adverse impact or the appearance and amenities of either the existing building or the surrounding area. A solid wall on the gable elevation and the finish will ensure there are no significant adverse amenity issues including overlooking or privacy concerns associated with the development. It is considered that the proposal will not have a significant adverse impact on the existing house or the locality and therefore should be approved as submitted.

2.0 THE APPLICATION SITE

2.1 The existing residential property is part of a semi-detached within the main spine road adjacent to corner junction leading to cul-de-sac. This arrangement is repeated numerous times around this locale.

2.4 In this instance our domestic property is a 2 bed property. Access to the ground floor is taken from the front door through the Lounge which acts as a corridor to the Kitchen to the rear. The Kitchen is compact and very little room for a dining area. On the first floor, the second bedroom being extremely small.

2.5 There are many other similar properties in this area (and within the wider Moray community), to extend houses rather than relying on selling and purchasing new properties in a different area where otherwise they would have remained

2.6 The property has extensive space to the side and rear for potential alteration, like many other properties within the area

2.7 Properties in this area are all 2 storey houses, which looking at the planning portal of how many applications have been undertaken during the lifetime of this development, would certainly be in a high percentage of houses.

2.8 The proposal will include a pitched tile roof to complement the existing roof of the house and the walls will be finished in a matching render and, as such, the finishes are considered to be acceptable in terms of Moray Development Plan Policy H4.

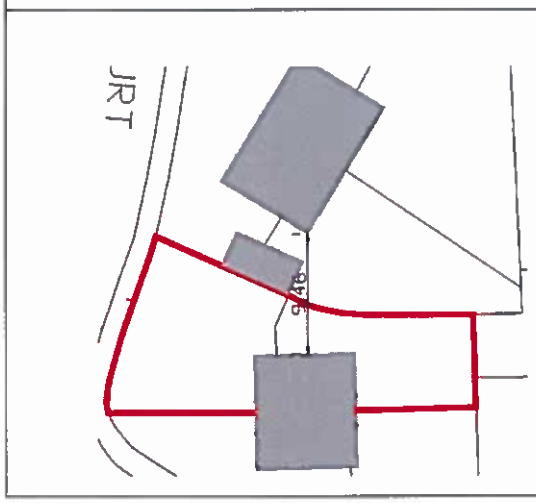
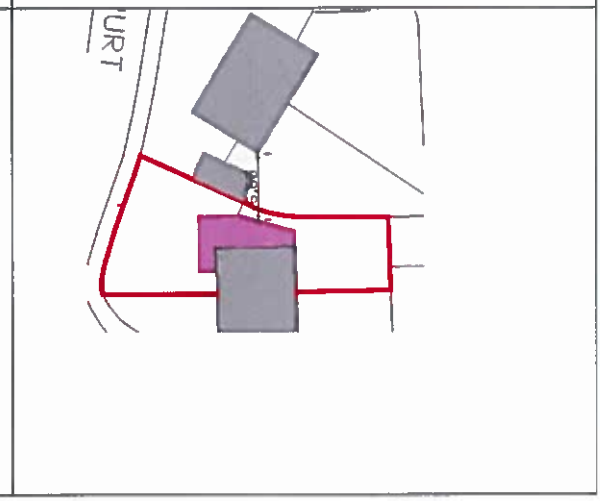
2.9 The extension has been designed to ensure that no windows will look onto the adjoining property (11 Bishops Court), thereby ensuring no privacy and/or amenity issues are created as a result of the development. Instead all glazing will look out to the front or into the site. Therefore, the proposal is considered compliant with Moray Development Plan Policy H4 in this regard

3.0 PLANNING REVIEW CONSIDERATION

3.1 We, understand that this should not be the primary reason for refusing a domestic planning application, as the Scottish Government has clearly outlined that householders should have more flexibility in adapting their homes for their own use.

3.2 When you review the existing property in terms of light towards no 11 Bishops Court with the sun rising to the East is unaffected by the current house and remotely when it moves West ward due to the garage.

With the proposed extension the property moves slightly closer to the boundary. It you take a direct line this makes the property approx. 6.65m from the new gable. Again the sun from the East is not affected and in our opinion the gable extension does not inflight any greater concerns to no 11 that occurs currently, remembering that there is an existing garage. The rear gable alignment to the boundary previously was 3m and is now 1.4 which only moves the new building some 1.6m closer which will not adversely affect the adjacent property.
75% of the extension is beyond No 11 rear elevation building line, so only a small percentage projects beyond. In fact it is only 3.7m and the roof profiling is moving away to the South and again does not adversely affect the adjacent property.

Existing	Proposed
	

3.3 As noted above, the application was only progressed with an extension of this design and style after viewing numerous others around Moray, including the following:

- 1 Bishops Court, Lossiemouth (planning reference 06/02033)

- 1 Bishops Court, Lossiemouth

- 4 Bishops Court, Lossiemouth (planning reference 07/00984)

- 6 Bishops Court, Lossiemouth (planning reference 04/02249)

3.4 All these extensions are adjacent to the boundary with the adjoining properties **The main point to these noted approved extensions is that they are in the same location and extend out to the rear which would provide a greater issue with the sun and have all been approved by the Planning Authority**
Therefore, we assert that his development would be no more intrusive and/or dominant in its urban setting than the ones noted which have been acceptable

3.5 Similar extensions are noted within Elgin, Forres and even in other parts of Lossiemouth. In terms of the rear extensions to ex council stock houses, these in fact if anything impact to a greater degree than this proposal and these have been approved in these circumstances. .

3.6 If this application had been part of the original development proposals, would this have been a concern to this particular plot Our opinion is that approval would still have been granted and therefore, what is this difference being undertaken at a different timeframe.

3.7 This extension will not unduly harm the character of the area and or create an intrusive development.

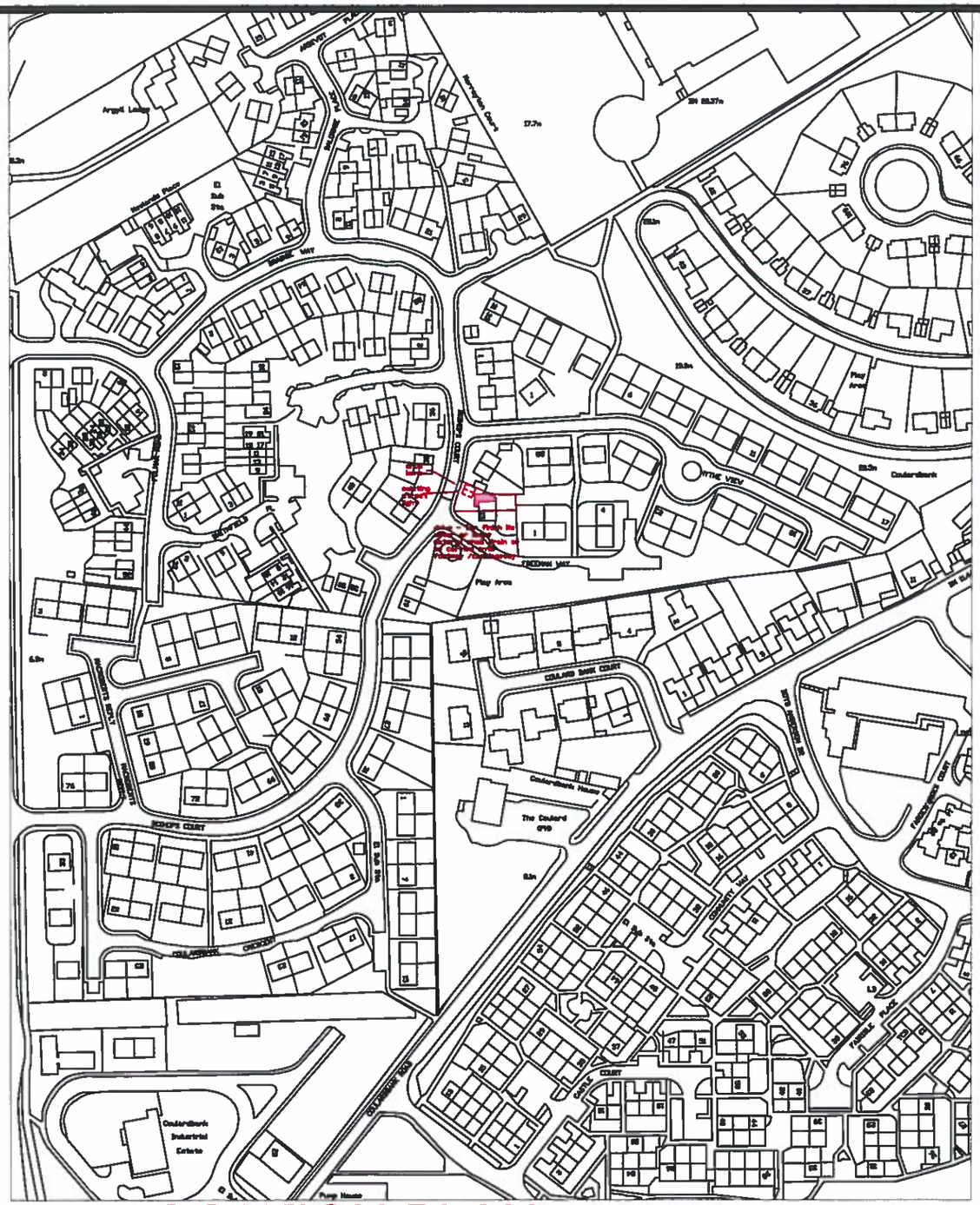
3.8 New housing development, which have been approved in areas of Elgin have houses with gable ends to other properties and these have the same projections of our application

3.9 Therefore we see no difference in our proposal than other similar approved extensions either as an extension of part of an original scheme.

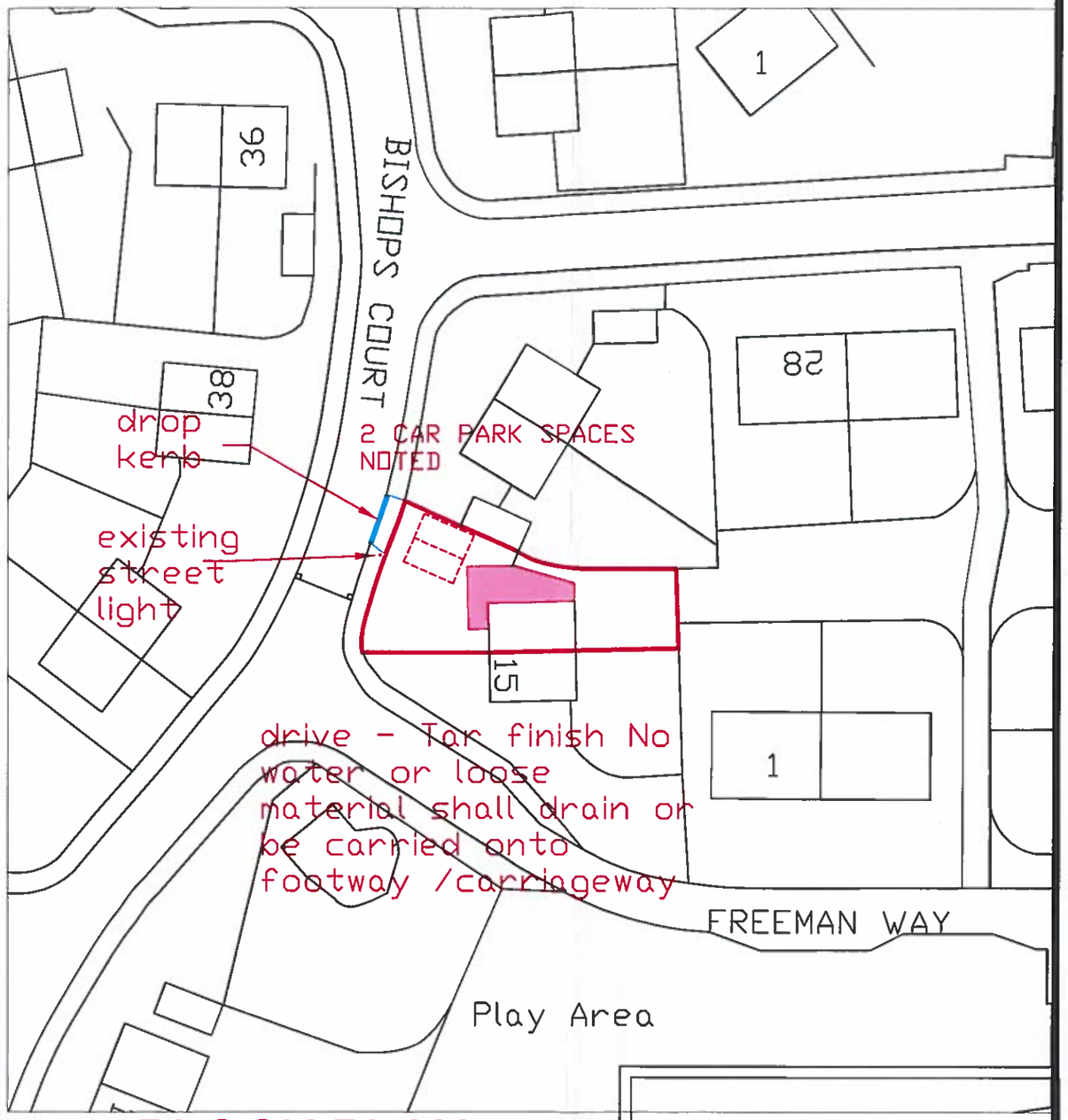
4.0 CONCULSION

4.1 In concluding, based on all of the above, we believe that our proposal represents an acceptable form of development and, as such, respectfully asks that a positive recommendation can be provided.

APPENDIX 4 – LOCATION / BLOCK PLAN, ELEVATIONS, FLOOR PLAN



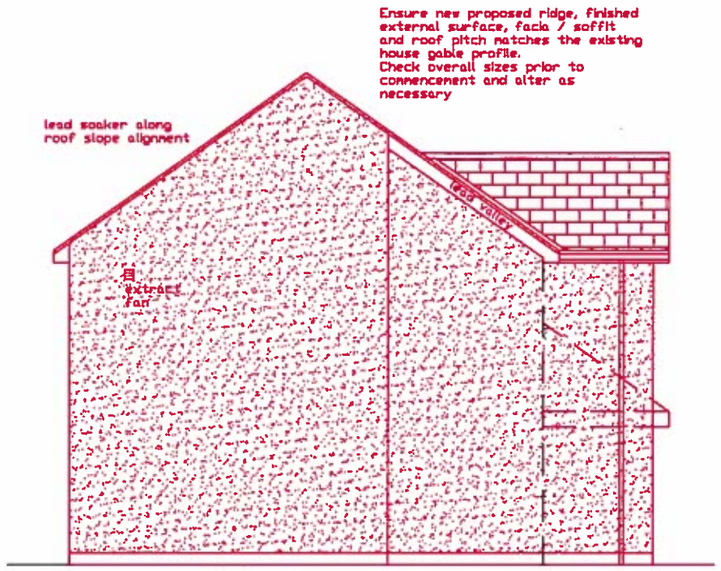
LOCATION PLAN
scale 1:2500

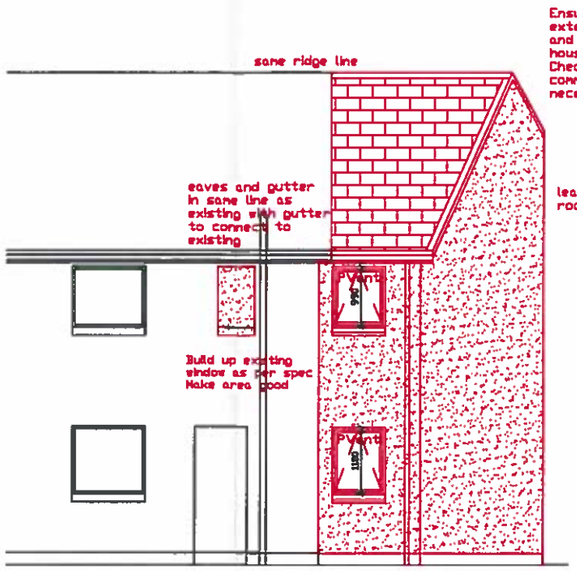


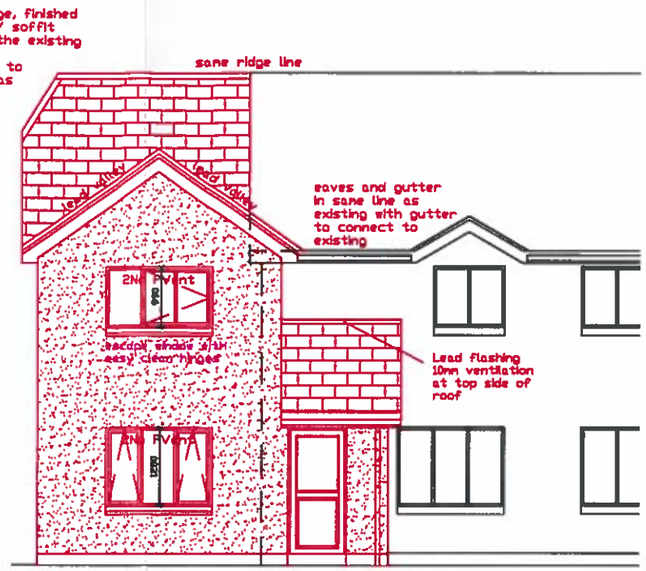
BLOCK PLAN
scale 1:500

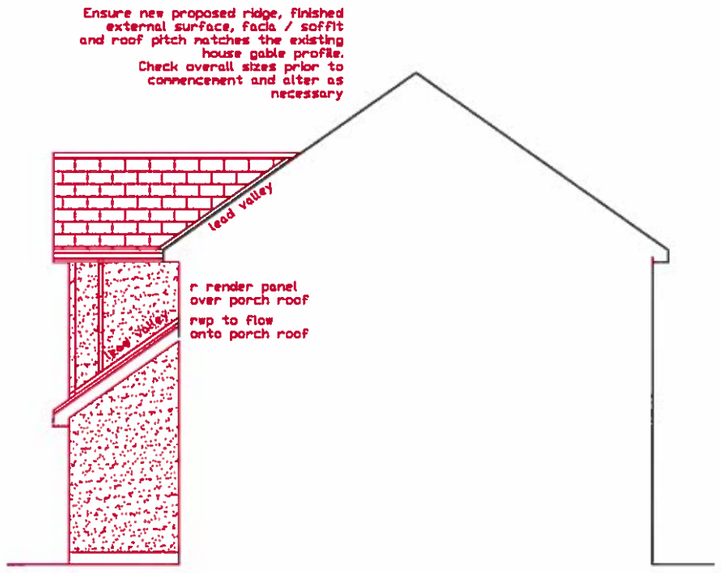
22/10/18 PLANNING NOTES ADDED REV A

PROJECT
PROPOSED EXTENSION
ADDRESS
13 BISHOPS COURT, LOSSIEMOUTH
CLIENT
ARRON FIELD & CLAIRE MILLAR
DATE
SEPT 2018
DRAWING NO 11









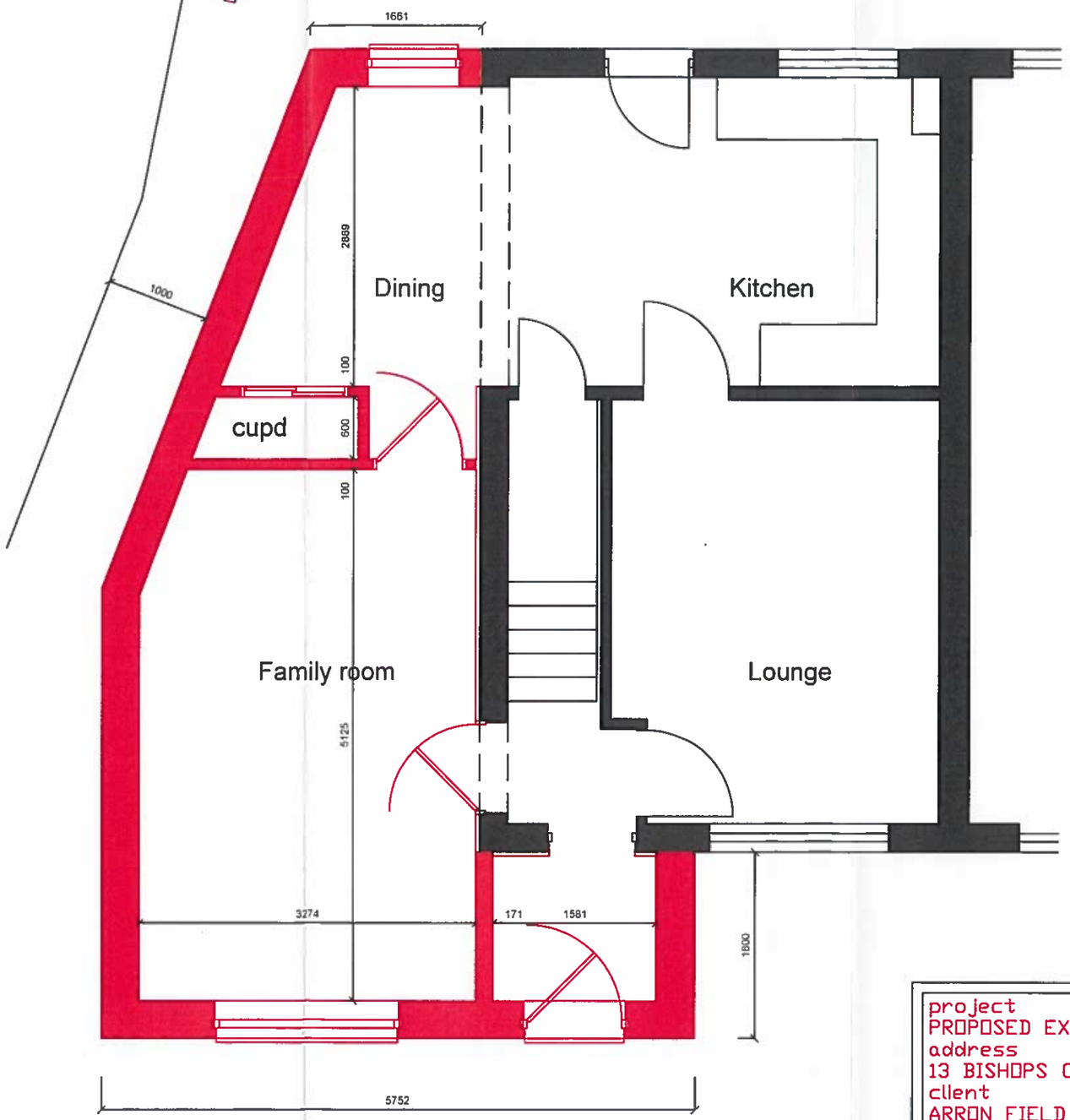
TO BE READ IN CONJUNCTION WITH ENGINEER DETAILS & RECOMMENDATIONS

ELEVATIONS
scale 1:100

EXTERNAL FINISHES
concrete roof tiles to match existing
roughcast to external walls

project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUTH
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

DRAWING NO 2



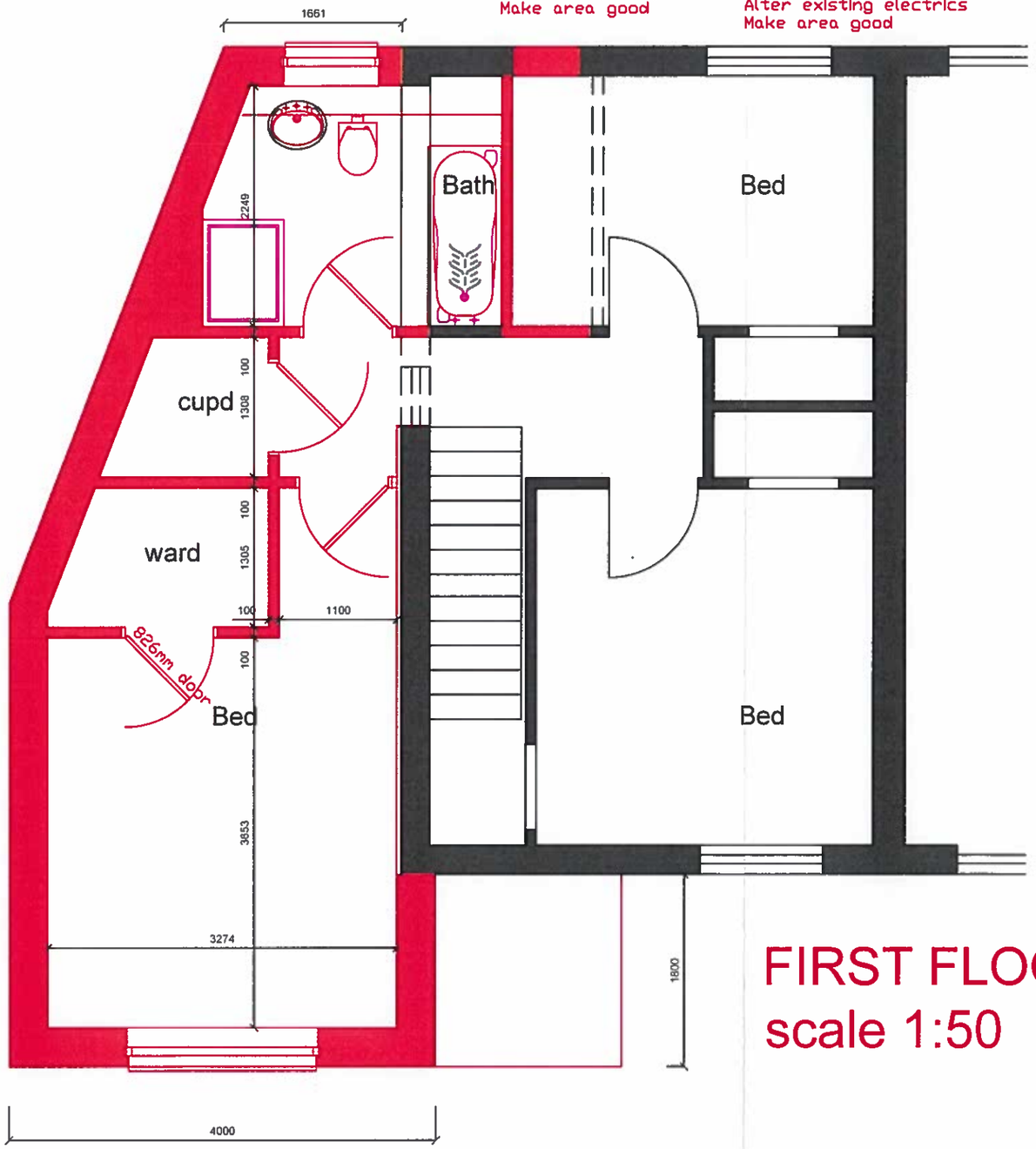
GROUND FLOOR PLAN
scale 1:50

project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUT
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

DRAWING NO 3

Build up existing
window as per spec
Make area good

remove existing partition
to enlarge bedroom
Alter existing electrics
Make area good



FIRST FLOOR PLAN
scale 1:50

project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUT
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

DRAWING NO 4

APPENDIX 5 – NO 11 BISHOPS COURT LETTER OF SUPPORT

REF. 18/01207/APP

Dear Sir/Madam,

I write this letter to inform you that I have reviewed the planning proposals recently submitted by my neighbours, 13 Bishops Court Lossiemouth. Due to the angle & position of the house I can see no issues with sunlight on my property with erecting the proposed extension. With this in mind, I am happy to support this application.

Kind Regards

[redacted]

Shaun Kellas Flett
Home Owner at 11 Bishops Court, Lossiemouth, IV31 6TL.

APPENDIX 3

RESPONSE TO REQUEST FOR FURTHER INFORMATION

Notice of Review: Planning application 18/01207/APP - Erect extension at 13 Bishops Court, Lossiemouth.

Request for further information – daylight/sunlight assessment.

The information below sets out the daylight/sunlight assessment that was undertaken in this case which informed consideration of the proposal against policies H4 House Alterations and Extensions and IMP1 Developer Requirements of the Moray Local Development Plan 2015. These policies require domestic extensions to relate satisfactorily to the appearance of the parent property and surrounding area in terms of design, form and materials and to be designed to minimise the loss of daylight and excessive overshadowing (loss of sunlight) of neighbouring properties.

Factors which affect the amount of loss of daylight and sunlight are the height and form of the proposed extension, distance to boundary, size of plot and orientation. The proposal would be a substantial side/front extension, which would sit directly south of a neighbouring adjoining property (11 Bishops Court). The size and dimensions of the extension, and site and surroundings are described within the report of handling.

Relevant guidance can be found in the Building Research Establishment's (BRE) guide 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice'. This contains guidelines and methods for assessing daylight and sunlight impacts.

The BRE sunlight-on-ground indicator (equinox, 21 March) enables a measurable hour by hour sun path analysis to be undertaken showing how sunlight moves through the affected garden for both before and after situations. Using this method confirmed that the proposed extension would prevent sunlight from reaching parts of the neighbour's garden (11 Bishop's Court) during the afternoon for additional periods of between of 1 and 1½ hours (depending on the location). This is over and above existing overshadowing impacts from the existing applicant's house (and neighbour's own house and garage). Any further loss of sunlight on this basis would be unacceptable in amenity terms. Figures of hours affected are marked on the annotated site plan which has been re-created for ease of reference that was used as part of the assessment at the time of determination (see Appendix A).

Based on the above findings it was considered that the proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause an unacceptable and significant loss of residential amenity, contrary to policies IMP1 and H4 of the MLDP.

APPENDIX A

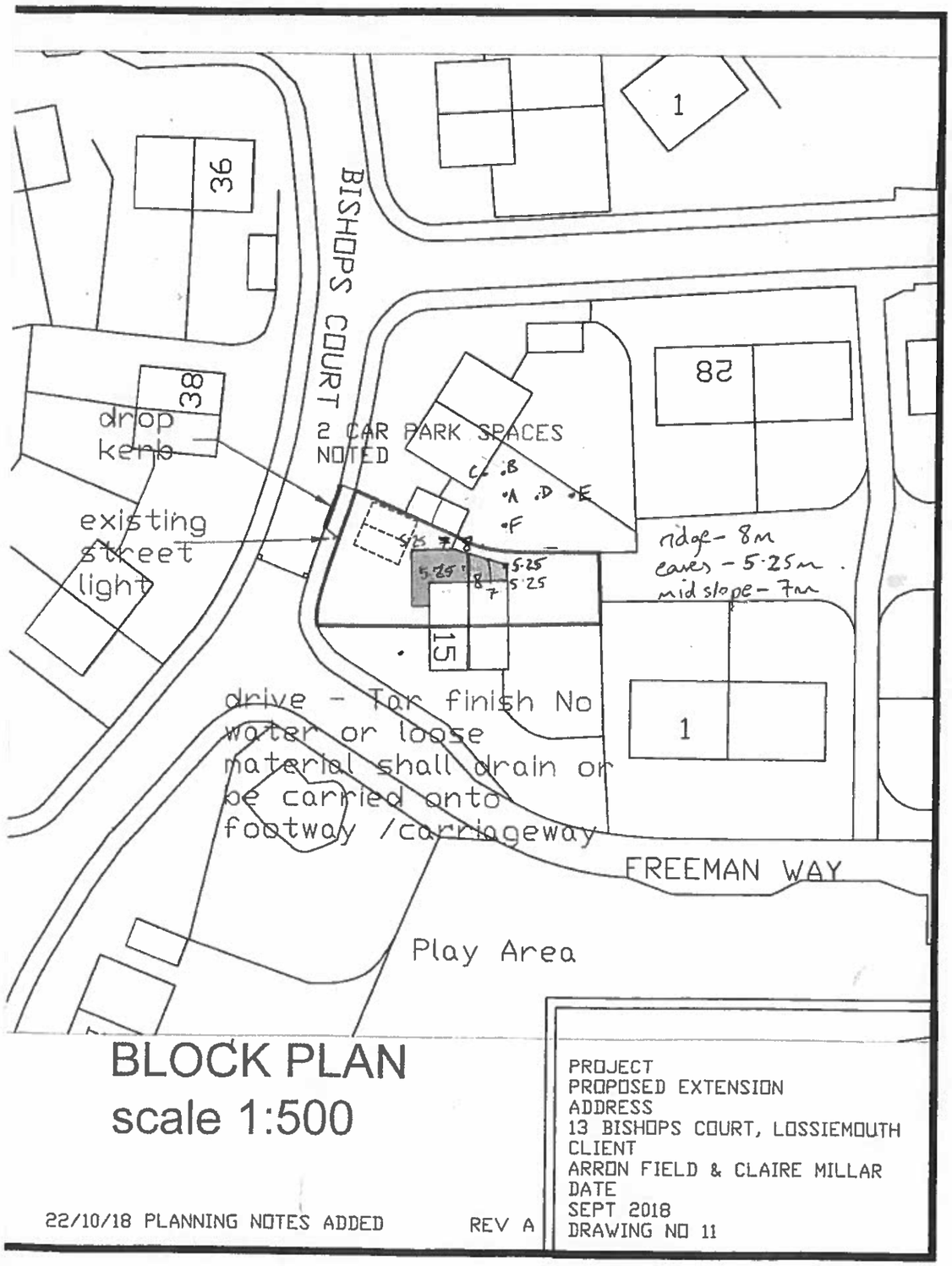
SUNLIGHT-ON-GROUND INDICATOR.
(HOURS OF NO SUN LIGHT)
PROPOSED EXTENSION (AFTER)

A 1200 - 1500 hrs
B 1300 - 1430 hrs
C 1130 - 1300 hrs
D 1300 - 1630 hrs
E 1415 - 1645 hrs
F. 1200 - 1630 hrs

EXISTING HOUSE. (BEFORE)

A 1230 - 1400 hrs
B 1500 - 1700 hrs - (NEIGHBOUR'S GARAGE)
C 1130 - 1300 hrs
D 1330 - 1530 hrs
E 1430 - 1530 hrs
F 1200 - 1530 hrs

APPENDIX A.



BLOCK PLAN
scale 1:500

PROJECT
PROPOSED EXTENSION
ADDRESS
13 BISHOPS COURT, LOSSIEMOUTH
CLIENT
ARRON FIELD & CLAIRE MILLAR
DATE
SEPT 2018
DRAWING NO 11

22/10/18 PLANNING NOTES ADDED REV A

APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

6th March 2019

- 8 MAR 2019

Moray Council

Legal & Democratic Services

High Street

Elgin

For the attention of Lissa Rowan – Committee Services Officer

13 Bishops Court, Lossiemouth

Planning reference 18/01207/APP

Notice of Review

Further to our recent letter dated 21st February 2019, we hereby provide a further supporting statement in terms of the receipt of the additional assessment from Development Management.

We hope you find the above in order

Regards

Claire Millar

LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT OVERSHADOWING REVIEW NOTE

PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH

APPELLANT	**MR A FIELD & MS C MILLAR**
COUNCIL PLANNING REF.	**18/01207/APP**
DATE.	**06 MARCH 2019**

CONTENTS

1.0	INTRODUCTION	PAGE 3
2.0	ANALYSIS	PAGE 6
3.0	CONCLUSION	PAGE 12

1.1 This additional Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing an extension to the front and side of the appellant's property and now forms part of the Local Review Body.

1.2 We believe the planning officer left the Council on the 8th November 2018, so we are slightly surprised that this assessment has been formulated, as when we requested a copy we were advised that "it's not something we record as such so I can't provide you with specifics"

From: Amanda Cruickshank <Amanda.Cruickshank@moray.gov.uk>
Sent: 02 November 2018 11:21
To: 'Claire Millar'
Subject: RE: Planning Application 18/01207/APP - 13 Bishops Court, Lossiemouth

Hi Claire

Sorry - it's not something we record as such so I can't provide you with specifics.

Amanda

From: Claire Millar
Sent: 02 November 2018 11:11 AM
To: Amanda Cruickshank
Subject: Re: Planning Application 18/01207/APP - 13 Bishops Court, Lossiemouth

Hi there Amanda,

Is is possible to get a copy of the Sun on Ground assessment please, to review with our architect?

Kind Regards

Claire Millar

1.3 *We will prove without doubt that we have no material impact and compliant under the relevant policies that the adjacent neighbours garden receives the required hours of daylighting.*

1.4 *The enclosed note indicates that the relevant guidance is the BRE guide 'Site Layout Planning for Daylight and sunlight – A Guide to Good Practice'*
The relevant policy notes:-

> The availability of sunlight should be checked for all open spaces where it will be required. This would normally include: gardens (usually the main back garden of a house), parks and playing fields, children's playground....

The BRE Guide recommends that for a garden or amenity to appear adequately sunlight throughout the year, at least half of it should receive at least two hours of sunlight on 21 March (Spring Equinox). For this date the shadow range calculation is carried out at hourly intervals throughout the day from 7:00 a.m. to 5:00 p.m.

The methodology to assess the sunlight impact of the space is as follows:-

Test 1: % of area which receives sun: The path of the sun is tracked and it is compared with the presence of the abstractions within the analysed site. Sunlight provision is considered adequate if at least 50% of the amenity space receives two hours of sunlight on 21 March.

Test 2: comparison method: this analysis tests if the amenity space receives at least 80% of sunlight of its former value. If this is the case the BRE guidance states that the loss of sunlight is negligible.

1.5 From the enclosure from the officer, there is insufficient evidence under what they have undertaken to the relevant guidance to assess this under this Good practice.

- No indication that if there is at least 50% of the amenity space receives 2 hours of sunlight
- No reference if the amenity space receives at least 80% of sunlight of its former value.

1.6 ***What is extremely important in their calculations which indicates after the proposed extension there is at least 2 hours of sunlight.***

Therefore shows compliance with the BRE guidance

2.1 To enable this to be quantified we have undertaken our own review of the daylight/sunlight assessment. As normally a desk top exercise is made of assumptions and process rather than what is actually on the ground and physical.

Diagram A

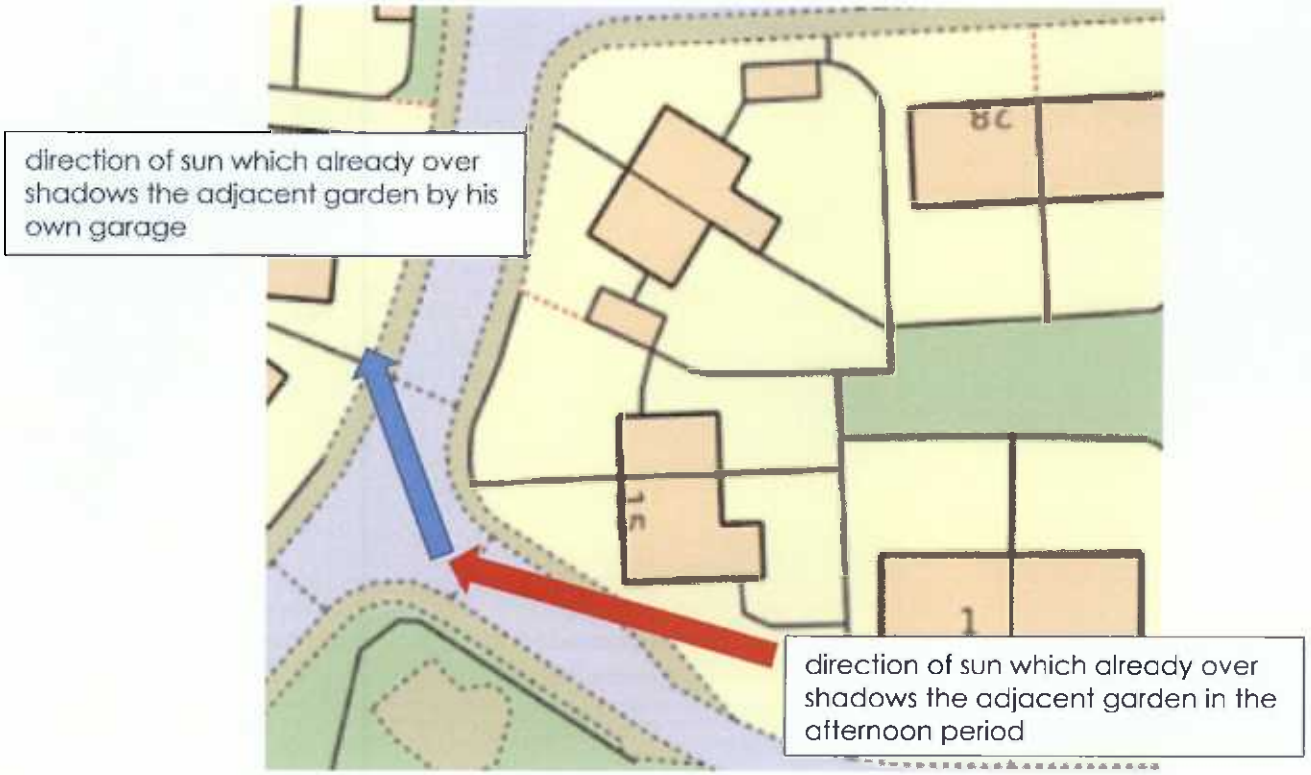


Diagram B

2.4 The sun commences from our rear garden side so there is no overshadowing in the morning.

Under the guidance the Sunlight provision is considered adequate if at least 50% of the amenity space receives two hours

Therefore under the Council policy we are fully in compliance

2.5 To help the Local Review Body to ascertain what this looks in reality, we have undertaken some photos, to show this aspect.

This photo shows the overshadowing of our existing property into our neighbours property at 12 midday

At least 50% of the amenity space receives two hours in compliance with guidance

Extension will have no greater affect due to the orientation of the sun and our extension location which is away from the rear garden and complies with Test 2

This photo shows the overshadowing of our existing property into our neighbours property at 1pm

At least 50% of the amenity space receives two hours in compliance with guidance

Extension will have no greater affect due to the orientation of the sun and our extension location which is away from the rear garden and complies with Test 2.

This photo shows the overshadowing of our existing property into our neighbours property at 2pm

At least 50% of the amenity space receives two hours in compliance with guidance to the rear section of their garden

This photo shows the overshadowing of our existing property into our neighbours property at 5pm

The complete garden is covered, therefore extension will have no greater affect.

3.0 CONCLUSION

3.1 In terms of the Council review, this proves without any debate that our extension complies with the BRE guidance.

3.2 Analysis undertaken by ourselves, proves that we are fully compliant with the BRE guidance in that he garden still receives at least 2 hours of sunlight and that there is still 80% *of sunlight of its former value*

MORAY LOCAL REVIEW BODY

28 MARCH 2019

SUMMARY OF INFORMATION FOR CASE No LR220

Ward 1 – Speyside Glenlivet

Planning Application 18/01323/APP – Erect new garage at Kimberlee, Rothes, Moray, AB38 7AW

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 3 December 2019 on the grounds that:

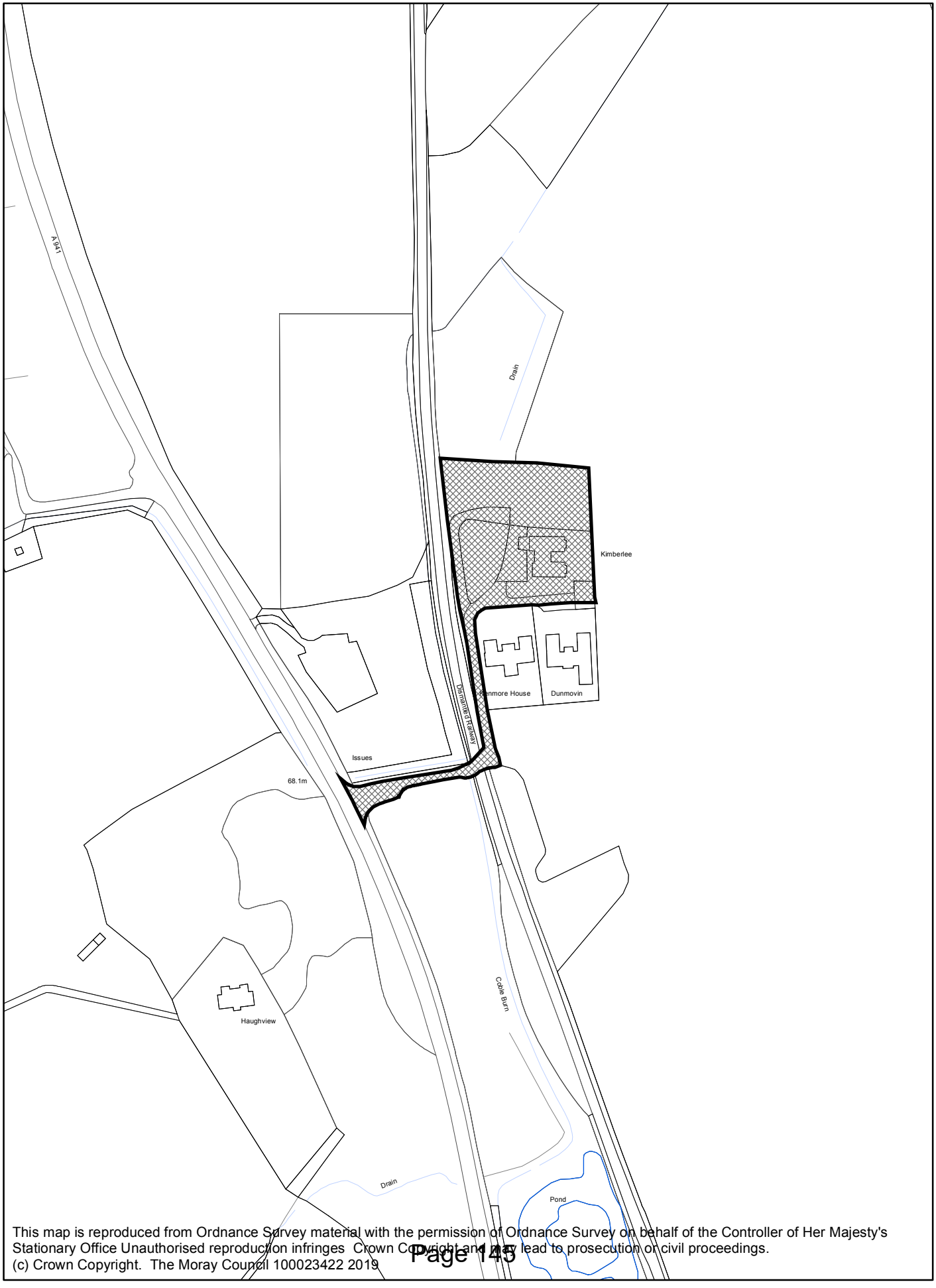
The proposal is contrary to the adopted Moray Local Development Plan 2015 policies EP7 and IMP1 on flood risk grounds where the proposal would lie entirely within the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA Flood Maps. The proposed garage would therefore be at medium to high risk of flooding and in a location that would contribute toward increased flood risk to surrounding properties via displacement of flood plain capacity.

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

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

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

Location plan for Planning Application Reference Number : 18/01323/APP



APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

09 OCT 2018
18/01323/APP

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://eplanning.scotland.gov.uk**

1. Applicant's Details		**2. Agent's Details (if any)**	
Title	MR.	Ref No.	18/02.
Forename	IAN	Forename	Colin
Surname	JENKINS.	Surname	Keir
Company Name		Company Name	Plans Plus
Building No./Name	KIMBERLEE	Building No./Name	Main Street Offices
Address Line 1	THE HAUGHS	Address Line 1	Urquhart
Address Line 2	ROTHES	Address Line 2	By Elgin
Town/City	ABERLOUR.	Town/City	Moray
Postcode	AB38 7AW.	Postcode	IV30 8LG
Telephone		Telephone	01343 842635
Mobile		Mobile	07766 315501
Fax	—	Fax	n/a
Email	—	Email	ctkplans@aol.com

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

KIMBERLEE, THE HAUGHS,
ROTHES, ABERLOUR. AB38 7AW.

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: 18/00685/APP. Date: WITHDRAWN 26/8/18.

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

ERECT NEW GARAGE.

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): 0.51 Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

GARDEN GROUND.

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? 4+

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) 4+

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:

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? –

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 you 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:

DECLARATION

I, ~~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 tenants Yes ☐ No ☐ N/A ☒

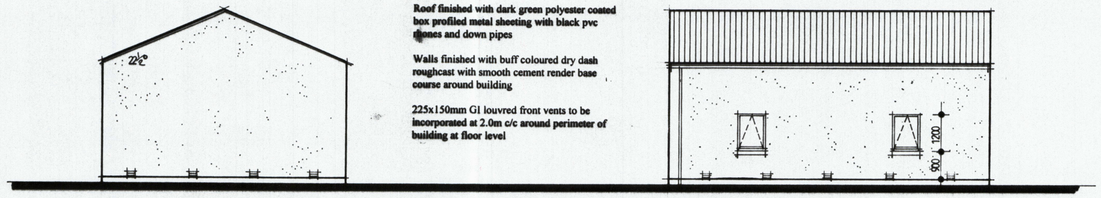
Signature: [redacted] Name: Colin Keir Date: 5/10/18

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.

Front elevation 1-100

•2No3.6m wide by 3.2m high roller shutter doorsto frontage

Side elevation 1-100



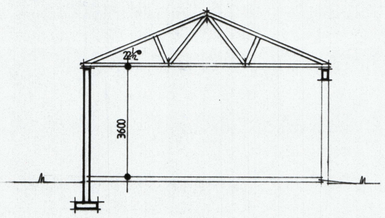
Roof finished with dark green polyester coated box profiled metal sheeting with black pvc gutters and down pipes

Walls finished with buff coloured dry dash roughcast with smooth cement render base course around building

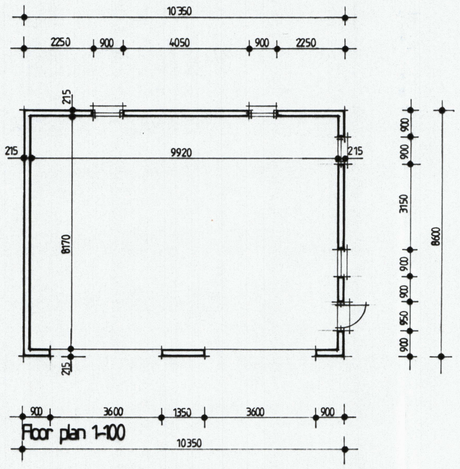
225x150mm GI louvred front vents to be incorporated at 2.0m c/c around perimeter of building at floor level

Side elevation 1-100

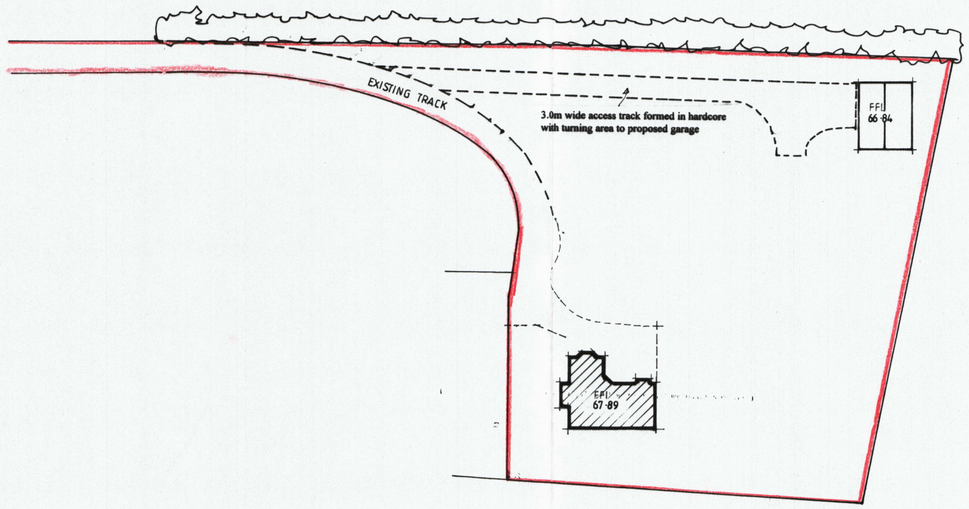
Rear elevation 1-100



Cross section AA 1-100

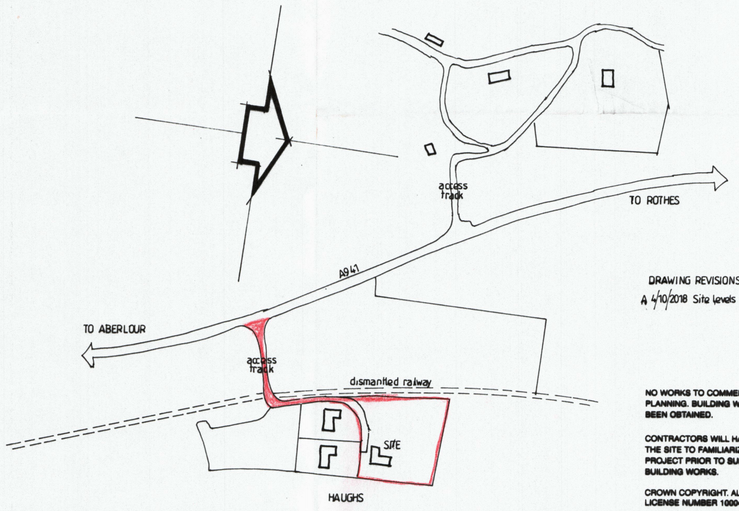


Floor plan 1-100



Site plan 1-500

0 5 10 20 30 40 50 60 metres



Location plan 1-2500
OS Grid Ref NJ 279 478

DRAWING REVISIONS
A 4/10/2018 Site levels amended

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE.
CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS
GIVEN DIMENSIONS ONLY TO BE USED.
DO NOT SCALE PLANS.

ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

CLIENT	SCALE	DRAWN BY	DATE
Mr I Jenkins	1-100	IR	May 2018

PROJECT
Proposed garage/workshop at Kimberlee, The Haughs, Rothes, Aberlour AB38 7AW

PROJECT No.
17-67 A

plans plus

ARCHITECTURAL DESIGN CONSULTANTS

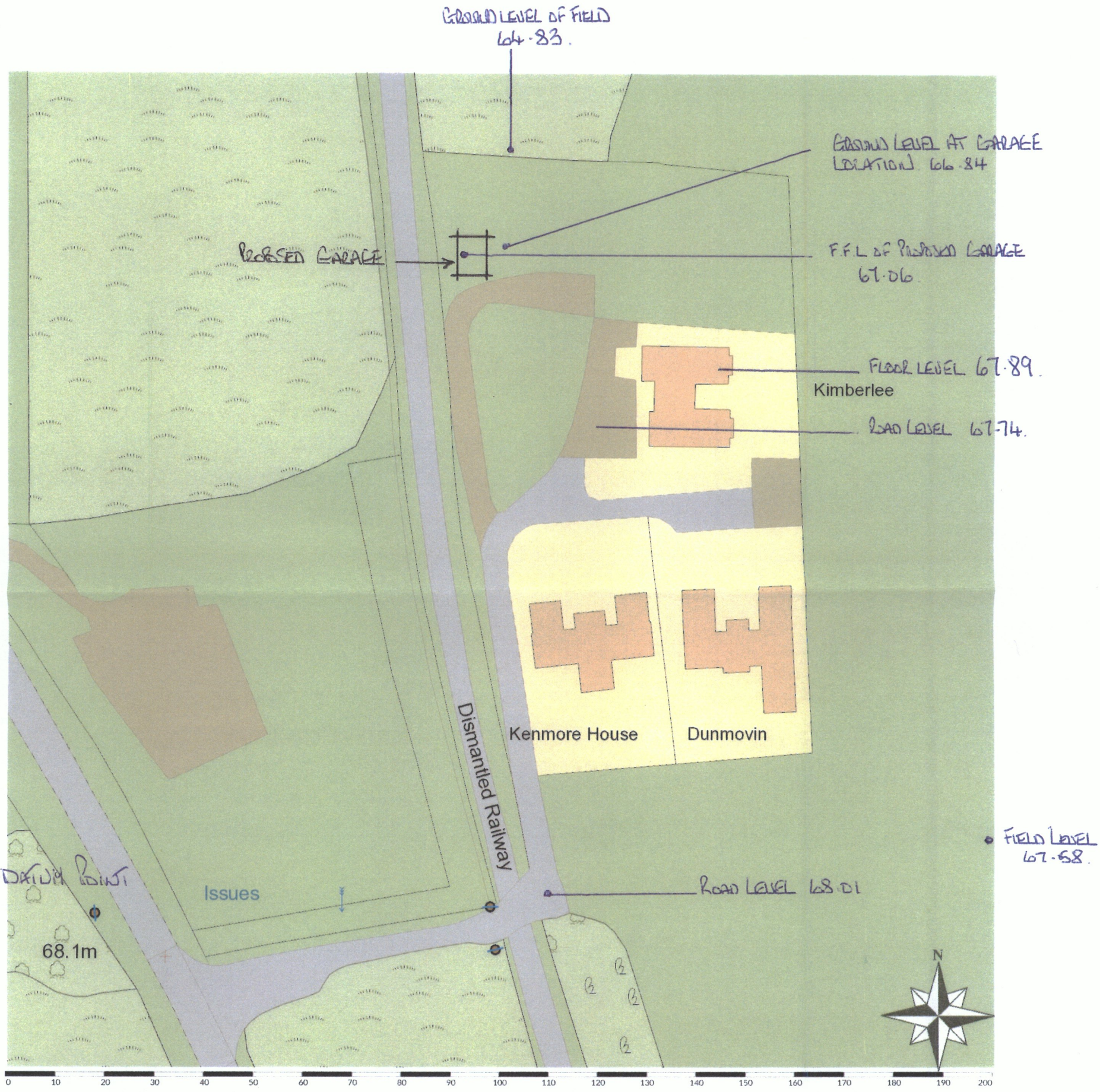
TELEPHONE No. 01343 842635
MOBILE No. 07766 315501
EMAIL: ctkplans@aol.com
WEB: www.plans-plus.co.uk
PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG

02/10/2018

KIMBERLEE, A941 FROM B9102 AT DANDALEITH TO HIGH STREET IN ROTHES, ROTHES, AB38 7AW

Groundsure INSIGHTS



Scale: 1:1250 | Area 4Ha | Grid Reference: 327916,847822 | Paper Size: A4

Groundsure INSIGHTS

18/01323/APP
08 NOV 2018

Consultation Request Notification – Building Standards

Planning Authority Name	Moray Council
Response Date	29th October 2018
Planning Authority Reference	18/01323/APP
Nature of Proposal (Description)	Erect garage at
Site	Kimberlee Rothes Aberlour Moray AB38 7AW
Site Postcode	N/A
Site Gazetteer UPRN	000133055318
Proposal Location Easting	327957
Proposal Location Northing	847880
Area of application site (Ha)	m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PGBNR7BG0FU00
Previous Application	18/00685/APP 13/02202/APP 10/00621/APP
Date of Consultation	15th October 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Ian Jenkins
Applicant Organisation Name	
Applicant Address	Kimberlee Rothes Aberlour Moray AB38 7AW
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
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: Building Standards

Planning Application Ref. No: 18/01323/APP

Erect garage at Kimberlee Rothes Aberlour Moray for Mr Ian Jenkins

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: William Clark **Date 18.10.2018**
email address: william.clark@moray.gov.uk **Phone No 01343 563291**
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 18/01323/APP

Application Summary

Application Number: 18/01323/APP
Address: Kimberlee Rothes Aberlour Moray AB38 7AW
Proposal: Erect garage at
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

No objections
Adrian Muscutt, CLO

MORAY COUNCIL
PLANNING CONSULTATION RESPONSE
From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 18/01323/APP

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

		Please x
(a)	I OBJECT to the application for the reason(s) as stated below	☒
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	☐
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	☐
(d)	Further information is required in order to consider the application as set out below	☐

Reason(s) for objection

The site is subject to considerable fluvial and surface water flooding. Any structures built on the site would be at severe risk of flooding and increase the flood risk to surrounding properties. This is the same advice that was provided in the previous application response (18/0685/APP).

Further information required to consider the application

A Flood Risk Assessment would be required to assess the suitability of the development.

- The FRA should demonstrate that the development is not at risk of flooding during a 1:200 year flood event (including an allowance for climate change, refer UK Climate Projections 2009). A key requirement of the FRA is that it must consider all sources of flooding (with the specific exclusion of internal sewer flooding as defined in The Flood Risk Management (Scotland) Act 2009) and demonstrate how mitigation methods will be managed. The FRA will be required to demonstrate that any flood risk associated with the development can be managed now and for the lifetime of the development, taking into account the potential effects of climate change. It should also demonstrate that the development will not increase the risk of flooding elsewhere.

- As set out in SPP “Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required. “

- The adoption of flood mitigation measures may be acceptable in some circumstances (such as a Brownfield site) but avoidance would be the Council’s primary objective.

- In circumstances where mitigation is considered acceptable, the developer must demonstrate the measures will not increase flood risk elsewhere. Mitigation measures should include an allowance for freeboard and climate change.

Contact: James Ross Date 15/10/2018
email address: James.ross@moray.gov.uk Phone No 01343 563771
Consultee: The Moray Council, Flood Risk Management

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: PCS/161771
Your ref: 18/01323/APP

If telephoning ask for:
Jim Mackay

20 November 2018

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

By email only to: consultation.planning@moray.gov.uk

Dear Ms Archibald

Town and Country Planning (Scotland) Acts
Planning application: 18/01323/APP
Erect garage
Kimberlee Rothes Aberlour Moray

Thank you for your consultation on this planning application specifically requesting our advice on flood risk, which SEPA received on 15 October 2018. Further information was also submitted from the agent on 5 November 2018. We note this consultation follows the advice provided on related application 18/00685/APP (our ref: PCS/160129 (27 July 2018)).

Please note that SEPA does not usually provide site-specific flood risk advice on "Small scale extensions, domestic garages or garden sheds". The position with this application is a little different in that the garage proposed is a separate building in the floodplain, but nevertheless we refer you to our "SEPA standing advice for planning authorities and developers on development management consultations" (LUPS-GU8) and advise you follow the advice of your flood colleagues.

We provide the following brief information to assist your consideration of the application with your colleagues:

The information provided confirms the proposed location of the garage/workshop is entirely within the functional floodplain of the River Spey, at medium to high risk of flooding from the River Spey and will reduce the capacity of the floodplain. A 1 in 200 year flood level of 67.73mAOD has previously been established for the area. The ground levels in the vicinity of the proposed building are 66.84mAOD. The proposed finished floor level for the garage is 67.06mAOD which is higher than the ground level but still less than the flood level. While this reduces flood risk to the new building, land raising in the functional floodplain is generally not considered acceptable as it reduces the storage capacity of the functional floodplain which has a long term impact elsewhere. Given the size of the proposed development, the impact on the floodplain from this alone is not significant, but it does not serve to avoid the piecemeal reduction of the floodplain. Further

mitigation has been suggested using low level vents to ensure the garage still floods. These measures may offset some of the negative effects of building in the floodplain but only if implemented and maintained.

If you have any queries relating to this letter, please contact me by telephone on 01349 860315 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Jim Mackay
Planning Unit Manager North
Planning Service

ECopy to: ctkplans@aol.com and cathy.archibald@moray.gov.uk

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th October 2018
Planning Authority Reference	18/01323/APP
Nature of Proposal (Description)	Erect garage at
Site	Kimberlee Rothes Aberlour Moray AB38 7AW
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Proposal Location Easting	327957
Proposal Location Northing	847880
Area of application site (Ha)	m^2
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PGBNR7BG0FU00
Previous Application	18/00685/APP 13/02202/APP 10/00621/APP
Date of Consultation	15th October 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Ian Jenkins
Applicant Organisation Name	
Applicant Address	Kimberlee Rothes Aberlour Moray AB38 7AW
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
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Case Officer Phone number	01343 563101
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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01323/APP
Erect garage at Kimberlee Rothes Aberlour Moray for Mr Ian Jenkins

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

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	❑
(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	❑

Transportation has no objections to the proposed garage.

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.

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 15 October 2018**
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

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

REPORT OF HANDLING

Ref No:	18/01323/APP	**Officer:**	Cathy Archibald
Proposal Description/ Address	Erect garage at Kimberlee Rothes Aberlour Moray		
Date:	30/11/2018	**Typist Initials:**	DM

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**
Contaminated Land	16/10/18	No objection
Transportation Manager	15/10/18	No objection subject to informative
Building Standards Manager	25/10/18	A Building Warrant is required
Scottish Environment Protection Agency	20/11/18	Objection The information provided confirms the proposed location of the garage/workshop is entirely within the functional floodplain of the River Spey, at medium to high risk of flooding from the River Spey and will reduce the capacity of the floodplain. A 1 in 200 year flood level of 67.73mAOD has previously been established for the area. The ground levels in the vicinity of the proposed building are 66.84mAOD. The proposed finished floor level for the garage is 67.06mAOD which is higher than the ground level but still less than the flood level. While this reduces flood risk to the new building, land raising in the functional floodplain is generally not considered acceptable as it reduces the storage capacity of the functional floodplain which has a long term impact elsewhere.

		Given the size of the proposed development, the impact on the floodplain from this alone is not significant, but it does not serve to avoid the piecemeal reduction of the floodplain. Further mitigation has been suggested using low level vents to ensure the garage still floods. These measures may offset some of the negative effects of building in the floodplain but only if implemented and maintained.
Moray Flood Risk Management	17/10/18	Objection The site is subject to considerable fluvial and surface water flooding. Any structures built on the site would be at severe risk of flooding and increase the flood risk to surrounding properties. This is the same advice that was provided in the previous application response (18/00685/APP).

DEVELOPMENT PLAN POLICY		
Policies	**Dep**	**Any Comments (or refer to Observations below)**
IMP1: Developer Requirements	Y	
EP9: Contaminated Land	N	
BE1: Sch Monuments and Nat Designations	N	
EP7: Control of Develop in FloodRiskArea	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

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

The Proposal
The application seeks planning permission for:

- A single storey pitched roof detached double garage with 2No roller shutter doors measuring approx. 3.6m wide by 3.2m high.
- The external measurements are approx.10.4m by 8m, 3.9m to eaves and measures 5.7m to the (ridgeline of the roof).
- External material finishes are: walls finished with buff coloured dry dash roughcast with smooth cement render base course around building. Roof finished with dark green polyester coated box profiled metal sheeting with black PVC rhones and pipes. 225mm x 250mm GI louvered floor vents.
- To be incorporated at 3m c/c around perimeter of building at floor level.
- A 3m wide access track formed in hardcore with turning area taken from the existing track to the proposed garage.
- Windows look out to the front and rear of the garage to the surrounding area.
- The garage is positioned approx. 7.35m to the front/side of the existing house.

Site and Surrounds
The site is located at Kimberlee The Haughes approx.. 1 km south of Rothes and sits in an area with two other houses. The River Spey lies a short distance away from the proposed garage.
As Kimberly is some distance and upstream from the Rothes flood alleviation scheme it may not protect the properties.
The location is bound by an area of mature trees to the west between the site and the A941.

Policy Assessment

Impact upon the surrounding locality (IMP1)
The proposal is required to be assessed against IMP1: Development Requirements in terms of style, scale, proportions, materials and the potential impact on the surrounding area. The main issue for consideration is whether the proposed garage will have any adverse effects or impacts on the amenity of the existing house and the surrounding area, including any neighbouring dwellings.

In terms of scale, design and material finishes the garage is considered acceptable. It is in keeping with the parent house and is considered that it would not have a significant adverse impact on the house or the surrounding locality. Given its location and distance of the neighbouring adjacent properties it will not have a significant adverse impact on sunlight or daylight and no significant overlooking or privacy issues in relation to this application. It is noted that since the original approval of the parent property, additional land has been taken into the garden ground and is maintained as such. Whilst this land approved as part of the existing house, this assessment focussed on the proposed garage can find no significant harm to the character or amenity of the area from the proposed garage.

Flood issues (EP7 and IMP1)
The site is an area of flood risk (1 in 200 year event) as identified on the SEPA flood risk maps. Moray Flood Risk Management (MFRM) object to the siting of the building in this location. That construction in this area would increase the risk of flood risk to surrounding properties.

Scottish Planning Policy states (paragraph 255) that "the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional floodplain and medium to high risk areas". It further defines that "for planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year". Therefore built development should not take place on the functional floodplain.

This application is for the erection of a detached garage in association with the property "Kimberley". Although some types of small scale extensions to existing properties are considered to be outwith the

scope of Scottish Planning Policy, in this particular case the proposed garage is a separate, relatively large building which is located away from the property of Kimberley. Therefore the proposed garage would fall under the definition minor development. Local development plan policy EP7 Control of Development in Flood Risk Areas states that development that would be at risk of flooding or would displace flood water elsewhere should not be permitted. Given the potential for flooding in this locality, it not considered the development of a garage in this location would be appropriate. Consultation with SEPA and the Moray Councils own Flood Risk Management Team identifies this area as one where flood level have historically occurred a level that would surround the proposed building. SEPA did suggest that the building design could be altered to aid the flow of water through the building, in addition to other flood mitigate measures

This also conflicts with the aims of policies EP7 and IMP1 i) where development should avoid areas at risk of flooding.

Access and Parking (T2 & T5)
There is sufficient space within the site to provide adequate parking and turning in this case the site can meet the Council's parking standards and therefore Transportation has not been consulted. The access onto the public road is unaltered. A visit to the site demonstrated that there would adequate space to access the parking the garage would create.

Conclusion
On the basis of the above information it is considered that the proposal does not comply with policies EP7 and IMP1 of the Moray Local Plan and therefore the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	**Description**			
18/00685/APP	Erect domestic garage at Kimberlee Rothes Aberlour Moray AB38 7AW			
	Decision	Withdrawn	**Date Of Decision**	22/08/18
13/02202/APP	Extend planning permission (ref 10/00621/APP original ref 04/00931/FUL) to erect house on Plot 4 The Haughs Rothes Moray			
	Decision	Permitted	**Date Of Decision**	22/01/14
10/00621/APP	Extend planning permission to erect a dwellinghouse (04/00931/FUL) on Plot 4 The Haughs Rothes Moray			
	Decision	Permitted	**Date Of Decision**	27/01/11
04/00931/FUL	Erect new dwellinghouse on Plot 4 The Haughs Rothes Aberlour Banffshire			
	Decision	Permitted	**Date Of Decision**	31/05/05

ADVERT		
Advert Fee paid?	**N/A**	
Local Newspaper	**Reason for Advert**	**Date of expiry**

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?		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

[Speyside Glenlivet]
Application for Planning Permission

TO [redacted]

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 garage at Kimberlee Rothes Aberlour Moray

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

Date of Notice: **3 December 2018**

[redacted]

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

Ref: 18/01323/APP

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 adopted Moray Local Development Plan 2015 policies EP7 and IMP1 on flood risk grounds where the proposal would lie entirely within the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA Flood Maps. The proposed garage would therefore be at medium to high risk of flooding and in a location that would contribute toward increased flood risk to surrounding properties via displacement of flood plain capacity.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
17~67 A	Elevations floor plan site and location plan
	Levels for garage

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 County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	18/02.
Forename	IAN	Forename	COLIN
Surname	JENKINS	Surname	KEIR.
Company Name	—	Company Name	PLANS PLUS
Building No./Name	KIMBERLEE	Building No./Name	MAIN STREET
Address Line 1	ROTHES	Address Line 1	OFFICES
Address Line 2	ABERLOUR	Address Line 2	ORQUHART ELGIN
Town/City	MORAY.	Town/City	MORAY
Postcode	AB38 7AW.	Postcode	IV30 8LE.
Telephone	[redacted]	Telephone	01343 842635.
Mobile	—	Mobile	07766 315501.
Fax	—	Fax	—
Email	—	Email	ckkplans@aol.com

3. Application Details

Planning authority: MORAY

Planning authority's application reference number: 18/01323/APP.

Site address

KIMBERLEE, ROTHES, MORAY AB38 7AW.

Description of proposed development

ERECT NEW GARAGE.

Date of application 9/10/18 Date of decision (if any) 3/12/18

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

4. Nature of Application

Application for planning permission (including householder application) ☒

Application for planning permission in principle ☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐

Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

Refusal of application by appointed officer ☒

Failure by appointed officer to determine the application within the period allowed for determination of the application ☐

Conditions imposed on consent by appointed officer ☐

6. Review procedure

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

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

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

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

7. Site inspection

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

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

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

8. Statement

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

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

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

SEE SEPARATE SHEET.

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.

CLIENT HAS OFFERED TO ENTER INTO A SECTION 75 AGREEMENT WITH LEGALS TO FORTH HOUSE TO TRY AND REACH A COMPROMISE.

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

DECISION NOTICE
PLANS USED FOR APPLICATION.
SEPA LETTER
SUPPORTING STATEMENT
REVIEW APPLICATION.

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: [redacted] Name: Colin Kerr. Date: 28/1/19.

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.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

(1) No person other than ~~myself~~ APPLICANT was owner 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 application. [X]

(2) None of the land to which the application relates constitutes or forms part of agricultural land. [X]

Signed: [redacted]

On behalf of: MR IAN JONKINS.

Date: 28/1/19.

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

(1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: [ ]

Name	Address	Date of Service of Notice

(2) None of the land to which the application relates constitutes or forms part of agricultural land [ ]

or

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

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

(2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

(6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

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

or

(2) I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

(5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

Date:

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself 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 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. These people are: ☐

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

Signed:

On behalf of:

Date:

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

plans plus design consultants
Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: http://members.aol.com/ctkplans
Main Street, Urquhart, Elgin, Moray, IV30 8LG

REVIEW.

ERECT NEW GARAGE AT KIMBERLEE, ROTHES.

CLIENT :- MR IAN JENKINS.

PLANNING REFERENCE NUMBER 18/01323/APP

HISTORY.

Consent for 4 houses was granted by Moray Council on this land which previously had 2 old steading buildings. Over the years since the houses have been constructed, there has never been any flooding on this site. 3 of the houses have been completed with the consent to the North of kimberlee still live. An application was made to Moray Council on the 9th of October 2018 for consent for a garage to shelter the applicants motor home. During the deliberations of the application, SEPA were asked to comment on the proposal. SEPA responded by saying that they were not normally consulted on "small scale extensions, garages or garden sheds".

PROPOSAL.

During the course of the application it was suggested that the garage be located on the site just to the North of Kimberlee. This was unacceptable to our client as this would have meant the loss of the fourth plot for a dwelling. The design of the garage is such that in the event of a flood ever occurring, water would simply pass through the garage due to the number of floor ventilators included in the design. Careful consideration was given to the possibility of flooding and there would be no displacement elsewhere in the location if water simply passed through the garage. The garage is 10.35m x 8.6m in size with 15 No 225 x 150mm ventilators positioned at floor level. Any flood water would simply flow through.

SUPPORT

In support of our review we would ask you to consider the following. Moray Council have intimated that if the garage was relocated just to the North of

the applicants house, Kimberlee, they could support this proposal and the issue of flooding would not be considered. However, this could predjudie the fourth house plot which has been considered "live" and still valid.

The applicant is prepared to enter into a Section 75 agreement to confirm that the fourth house would never be built in his life time thus transferring the potential floor area of the house over to the garage.

It is strange that this very same garage is acceptable on the site in terms of flooding near to Kimberlee yet in a different part of the garden it is unacceptable. Surely any displacement would be identical?

The real concern should this site ever flood would be for the town of Rothes where parts of the town lyes 5 meters lower than the ground at Kimberlee. From the attached map you can see that a track to where the garage is proposed is already there and if the garage were to be moved to the North of kimberlee, the fourth house would be compromised or at the very least squeezed in.

The garage floor level is 2.23 meters higher than the ground immeadiatly to the North of where the garage is proposed.

CONCLUSIONS.

A common sense approach is required in this instance. Planners are happy to approve the garage next to the house with no flooding issues. Planners refuse the garage in the location preferred by the applicant and use flooding issues as reasons to refuse. In essence, flooding is perhaps not the issue here and that it is the siting of the garage giving issue. The displacement, if any, will be the same which ever position the garage is located but unlike the planners preferred location, my client's suggested location will not compromise the fourth site.

My client's offer of a compromise stands as stated above with the garage offsetting the house in terms of displacement. The fourth house might never be built but again as stated my client is prepared to confirm legally that through his lifetime, he would not build a forth house on the site to allow a trade off to occur between the 2 buildings.

We hope the above will allow you to consider this application and review and provide our client with a positive outcome.

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

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Application for Planning Permission

TO Mr Ian Jenkins
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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 garage at Kimberlee Rothes Aberlour Moray

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

Date of Notice: **3 December 2018**

[redacted]

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 adopted Moray Local Development Plan 2015 policies EP7 and IMP1 on flood risk grounds where the proposal would lie entirely within the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA Flood Maps. The proposed garage would therefore be at medium to high risk of flooding and in a location that would contribute toward increased flood risk to surrounding properties via displacement of flood plain capacity.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
17~67 A	Elevations floor plan site and location plan
	Levels for garage

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

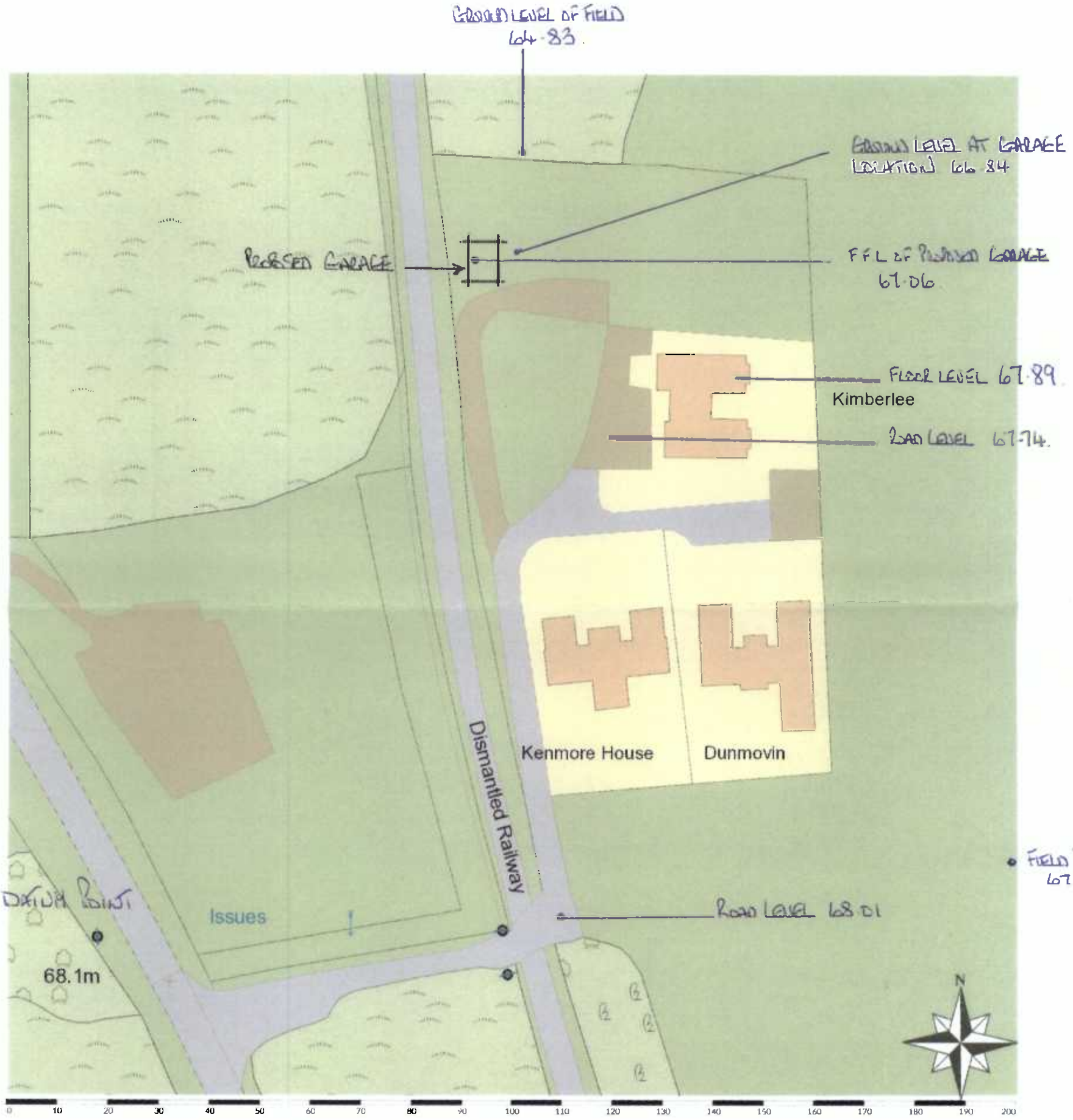
If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town 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.

02/10/2018

KIMBERLEE, A941 FROM B9102 AT DANDALEITH TO HIGH STREET IN ROTHES, ROTHES, AB38 7AW

Groundsure INSIGHTS



Scale: 1:1250 | Area 4Ha | Grid Reference: 327916,847822 | Paper Size: A4

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

REFUSED

03.12.2018

Development Management
Environmental Services
The Moray Council

Groundsure INSIGHTS

18/01323/APP
08 NOV 2018

SEPA
Scottish Environment Protection Agency
Buidheann Dion Àrainneachd na h-Alba

Our ref: PCS/161771
Your ref: 18/01323/APP

If telephoning ask for:
Jim Mackay

20 November 2018

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

By email only to: consultation.planning@moray.gov.uk

Dear Ms Archibald

Town and Country Planning (Scotland) Acts
Planning application: 18/01323/APP
Erect garage
Kimberlee Rothes Aberlour Moray

Thank you for your consultation on this planning application specifically requesting our advice on flood risk, which SEPA received on 15 October 2018. Further information was also submitted from the agent on 5 November 2018. We note this consultation follows the advice provided on related application 18/00685/APP (our ref: PCS/160129 (27 July 2018)).

Please note that SEPA does not usually provide site-specific flood risk advice on "Small scale extensions, domestic garages or garden sheds". The position with this application is a little different in that the garage proposed is a separate building in the floodplain, but nevertheless we refer you to our "SEPA standing advice for planning authorities and developers on development management consultations" (LUPS-GU8) and advise you follow the advice of your flood colleagues.

We provide the following brief information to assist your consideration of the application with your colleagues:

The information provided confirms the proposed location of the garage/workshop is entirely within the functional floodplain of the River Spey, at medium to high risk of flooding from the River Spey and will reduce the capacity of the floodplain. A 1 in 200 year flood level of 67.73mAOD has previously been established for the area. The ground levels in the vicinity of the proposed building are 66.84mAOD. The proposed finished floor level for the garage is 67.06mAOD which is higher than the ground level but still less than the flood level. While this reduces flood risk to the new building, land raising in the functional floodplain is generally not considered acceptable as it reduces the storage capacity of the functional floodplain which has a long term impact elsewhere. Given the size of the proposed development, the impact on the floodplain from this alone is not significant, but it does not serve to avoid the piecemeal reduction of the floodplain. Further

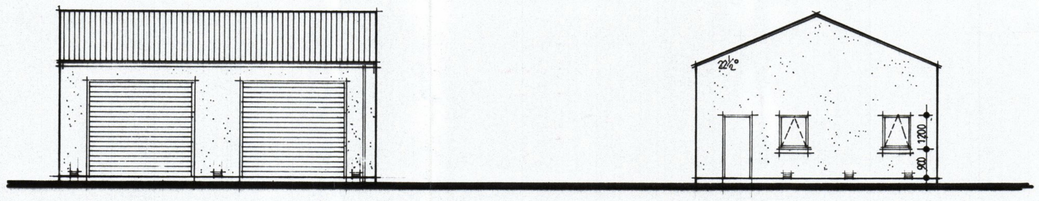
mitigation has been suggested using low level vents to ensure the garage still floods. These measures may offset some of the negative effects of building in the floodplain but only if implemented and maintained.

If you have any queries relating to this letter, please contact me by telephone on 01349 860315 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Jim Mackay
Planning Unit Manager North
Planning Service

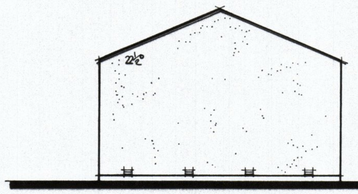
ECopy to: ctkplans@aol.com and cathy.archibald@moray.gov.uk



Front elevation 1-100

•2 No 3.6m wide by 3.2m high roller shutter doors to frontage

Side elevation 1-100

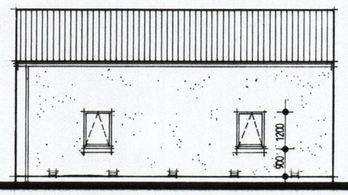


Side elevation 1-100

Roof finished with dark green polyester coated box profiled metal sheeting with black pvc rhones and down pipes

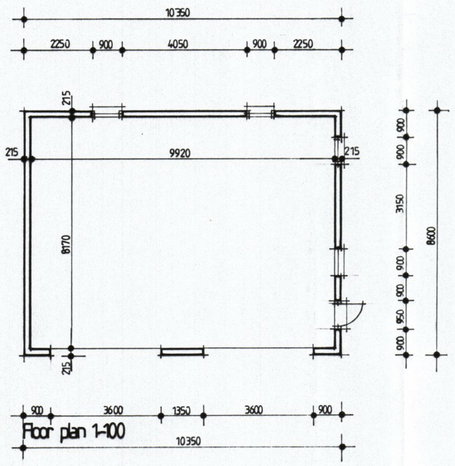
Walls finished with buff coloured dry dash roughcast with smooth cement render base course around building

225x150mm GI louvred front vents to be incorporated at 2.0m c/c around perimeter of building at floor level

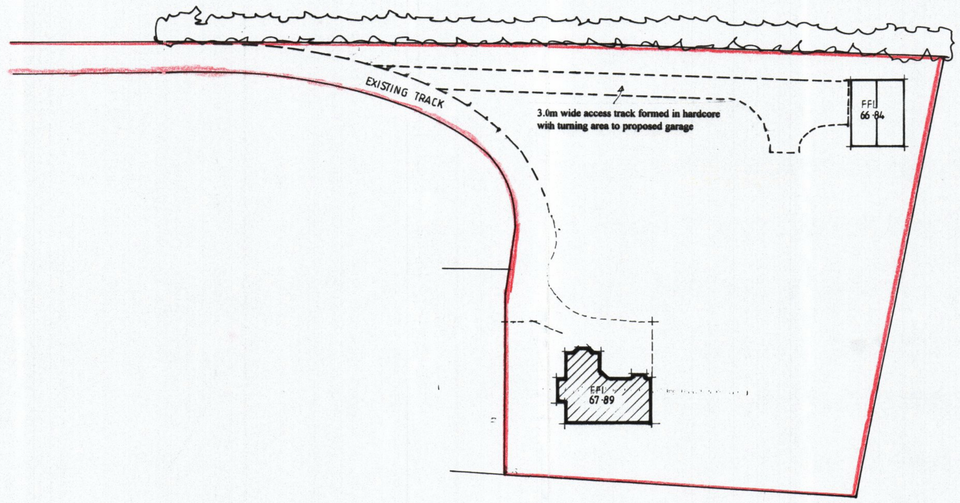


Rear elevation 1-100

Cross section AA 1-100

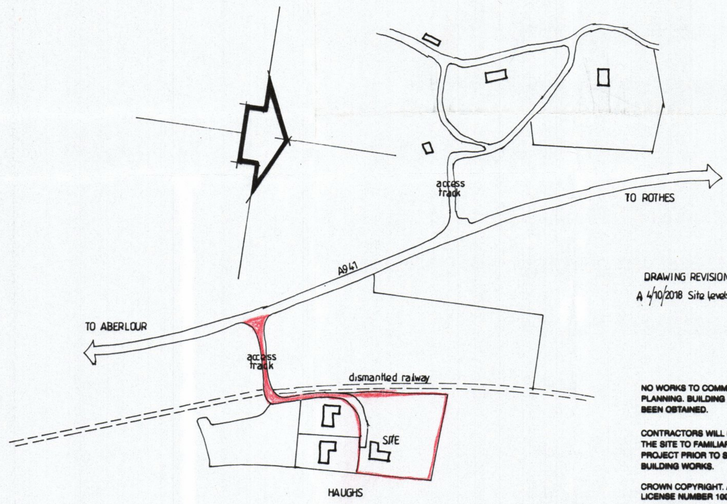


Floor plan 1-100



Site plan 1-500

0 5 10 20 30 40 50 60 metres



Location plan 1-2500
OS Grid Ref NJ 279 478

DRAWING REVISIONS
A 4/10/2018 Site levels amended

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE.
CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS
GIVEN DIMENSIONS ONLY TO BE USED.
DO NOT SCALE PLANS.

ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

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

REFUSED
03.12.2018
Development Management
Environmental Services
The Moray Council

CLIENT	SCALE	DRAWN BY	DATE
Mr I Jenkins	1-100	IR	May 2018

PROJECT
Proposed garage/workshop at Kimberlee, The Haughs, Rothes, Aberlour AB38 7AW

PROJECT No.
17-67 A

plans plus

ARCHITECTURAL DESIGN CONSULTANTS

TELEPHONE No. 01343 842635
MOBILE No. 07766 315501
EMAIL: ctkplans@aol.com
WEB: www.plans-plus.co.uk
PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG

09 OCT 2018
19/01323/APP

MORAY LOCAL REVIEW BODY

28 MARCH 2019

SUMMARY OF INFORMATION FOR CASE No LR221

Ward 5 – Heldon and Laich

Planning Application 18/00862/APP – Erect dwelling house and associated works at a site at Kirkton Cottage, Alves, Moray

Planning permission in principle was refused/granted under the Statutory Scheme of Delegation by the Appointed Officer on 1 November 2018 on the grounds that:

The proposal is contrary to Policies PP1, H7 and IMP1 of the adopted Moray Local Development Plan 2015 and, as a material consideration, the associated Supplementary Guidance: Housing in the Countryside, whereby

a) individually, the proposal would not integrate sensitively with the surrounding area where, given the open setting of the site on part of an agricultural field, any resultant dwelling thereon would appear as an obtrusive and conspicuous form of development and, in addition, the site lacks sufficient backdrop, screening and enclosure to mitigate the impact of the development and assist in it's integration sensitively into the surrounding landscape; and

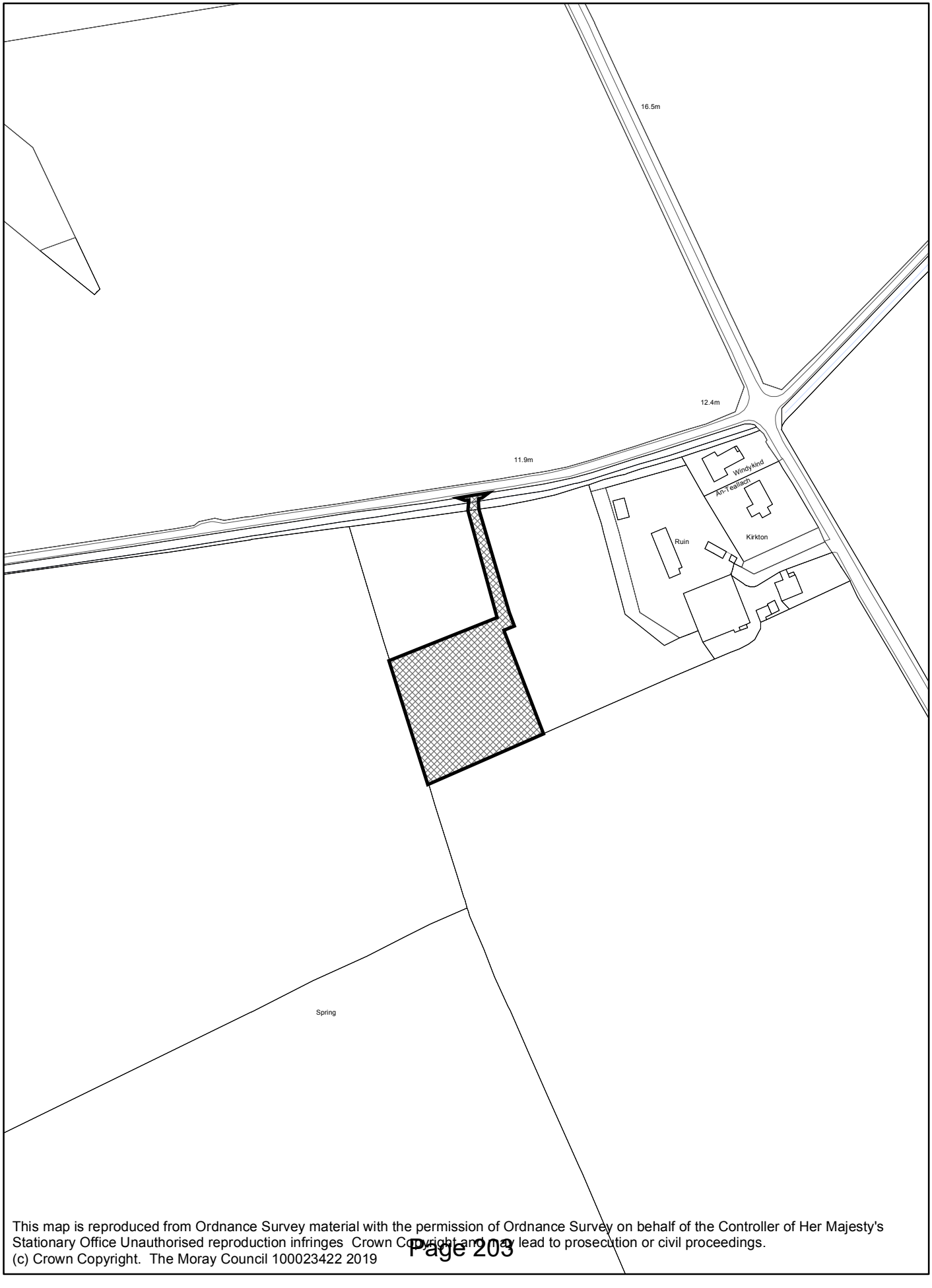
b) cumulatively, the introduction of an additional dwelling would contribute to the further build-up of development in the locality and thereby, it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area within which it is located.

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

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

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

Location plan for Planning Application Reference Number : 18/00862/APP



APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 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 100125446-001

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)

Erect dwellinghouse on Site At Kirkton, Alves

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? *

☒ Individual ☐ 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:	per grant and geoghegan
First Name: *	Douglas	Building Number:	
Last Name: *	Fraser	Address 1 (Street): *	unit 4 Westerton Road Business
Company/Organisation	grant and geoghegan	Address 2:	4 Westerton Road South
Telephone Number: *	01343556644	Town/City: *	KEITH
Extension Number:		Country: *	Moray
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 863495 Easting 313098

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Site Area

Please state the site area: 3936.00

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.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 3

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

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

☐ Yes – connecting to public drainage network
☒ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

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

☒ Discharge to land via soakaway.
☐ Discharge to watercourse(s) (including partial soakaway).
☐ Discharge to coastal waters.

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

New septic tank to soakaway

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * ☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☐ Yes ☒ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☒ Yes ☐ No

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

To Local Authority requirements

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☒ Yes ☐ No

How many units do you propose in total? * 1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☒ Yes ☐ No

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

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: Neil Grant

On behalf of: Mr Douglas Fraser

Date: 21/06/2018

☒ 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 principal 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:

- [x] Site Layout Plan or Block plan.
- [x] Elevations.
- [x] Floor plans.
- [x] 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: 21/06/2018

Payment Details

Cheque: 1, 1

Created: 21/06/2018 09:05

Site at Kirkton, Alves

Datum = 11.86m (base of strainer)

Existing trees

Proposed post and wire fence boundary

Proposed swail to reduce water run off from the site

Proposed mixture of native woodland and shrub species containing Ash, Birch, Rowan and Whitebeam to cover 25% of site area

surface water soakaway

treatment plant

soakaway

FFL = 13.00m

Proposed post and wire fence boundary

Existing post and wire fence boundary

Existing post and wire fence boundary

Proposed mixture of native woodland and shrub species containing Ash, Birch, Rowan and Whitebeam to cover 25% of site area

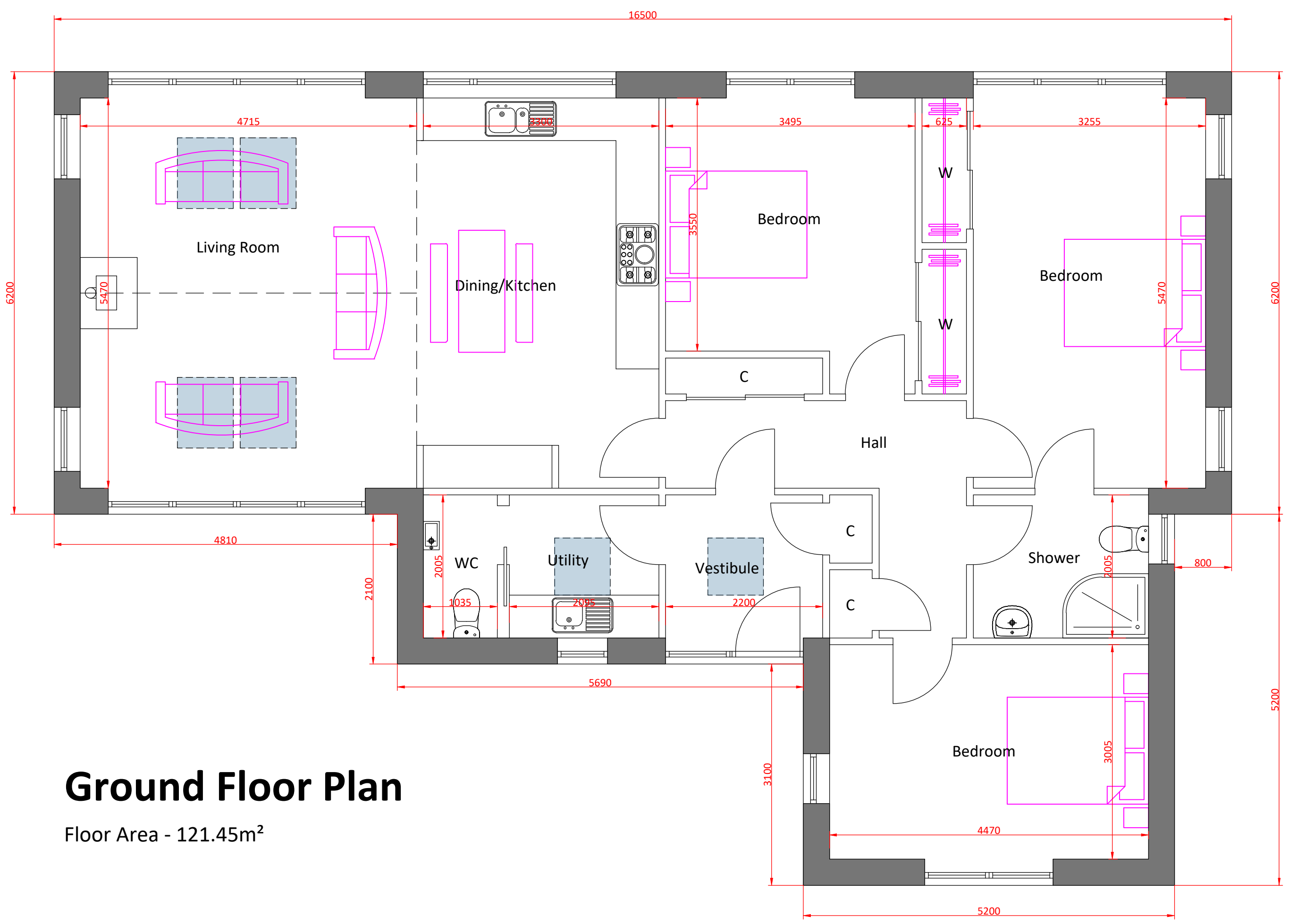
grant and geoghegan

planning, development and architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing NO.
Site Plan	1:500	5.9.18	017/364/03

Site at Kirkton, Alves



Ground Floor Plan

Floor Area - 121.45m²

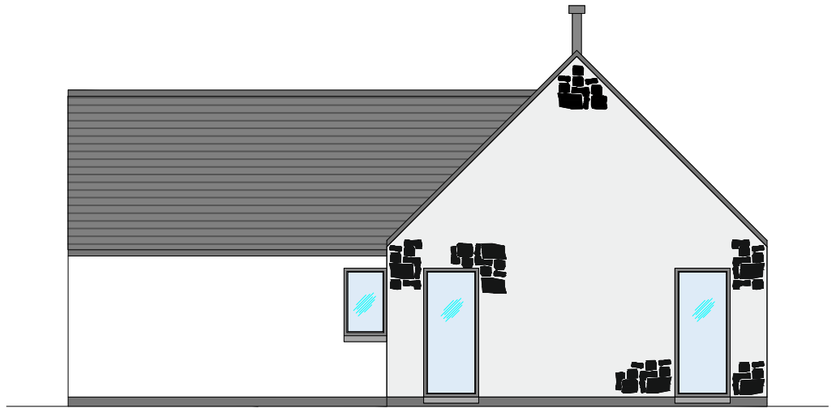
grant and
geoghegan

planning, development and
architectural consultants

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

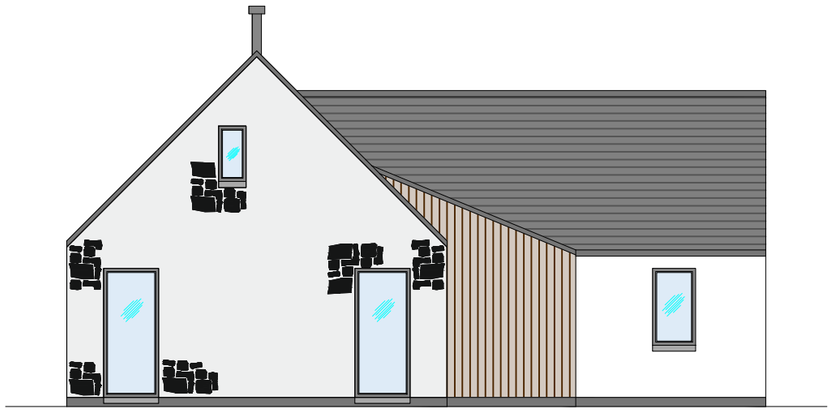
Drawing Title	Scale at A3	Date:	Drawing No.
Floor Plans	1:100	June 18	

Front Elevation (North)



Side Elevation (West)

Rear Elevation (South)



Side Elevation (East)

External Finishes

Walls
Smooth K-Rend White Render
Larch Cladding
Natural Stone

Roof
Natural Slate

Windows
Grey UPVC

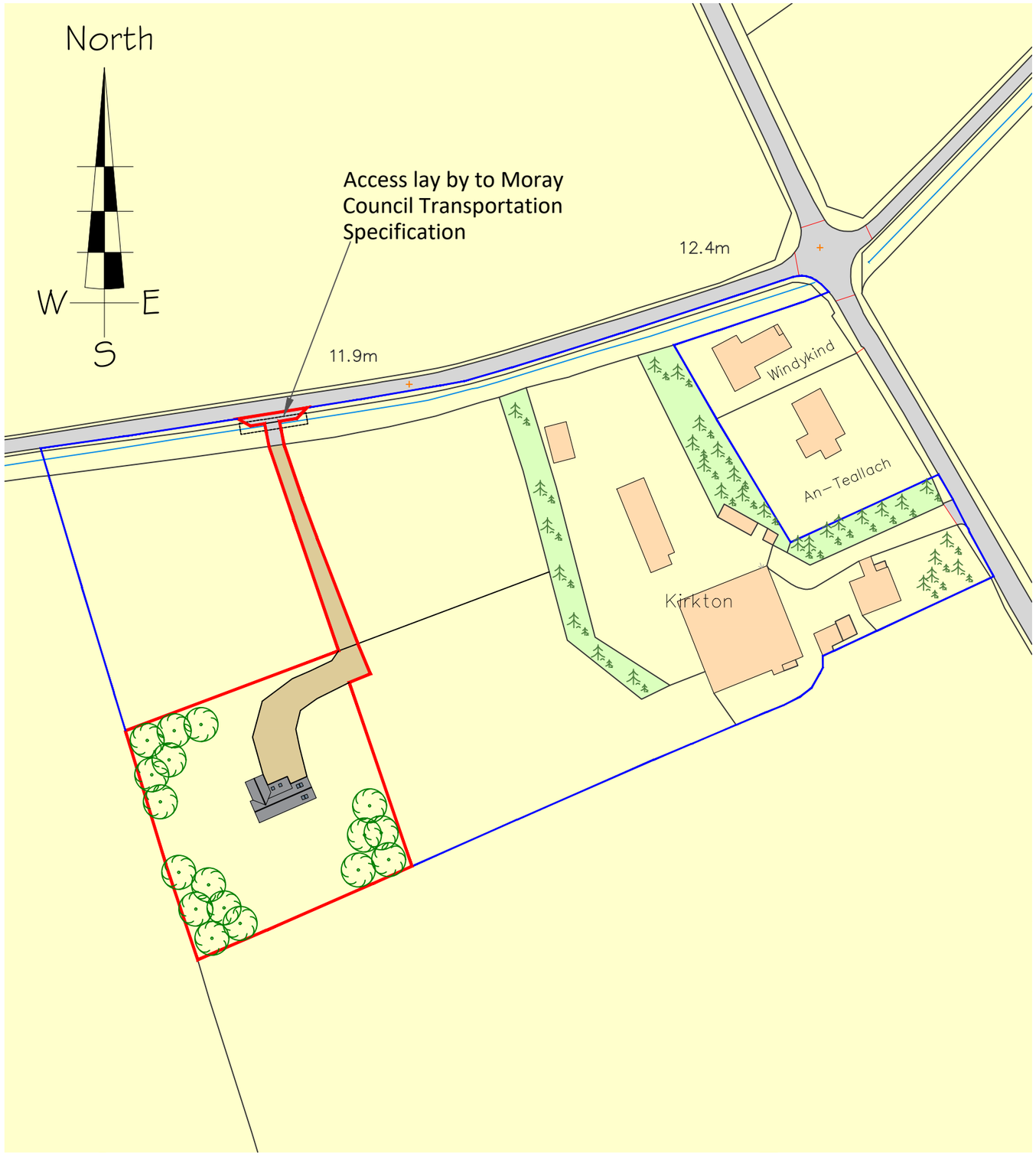
grant and geoghegan

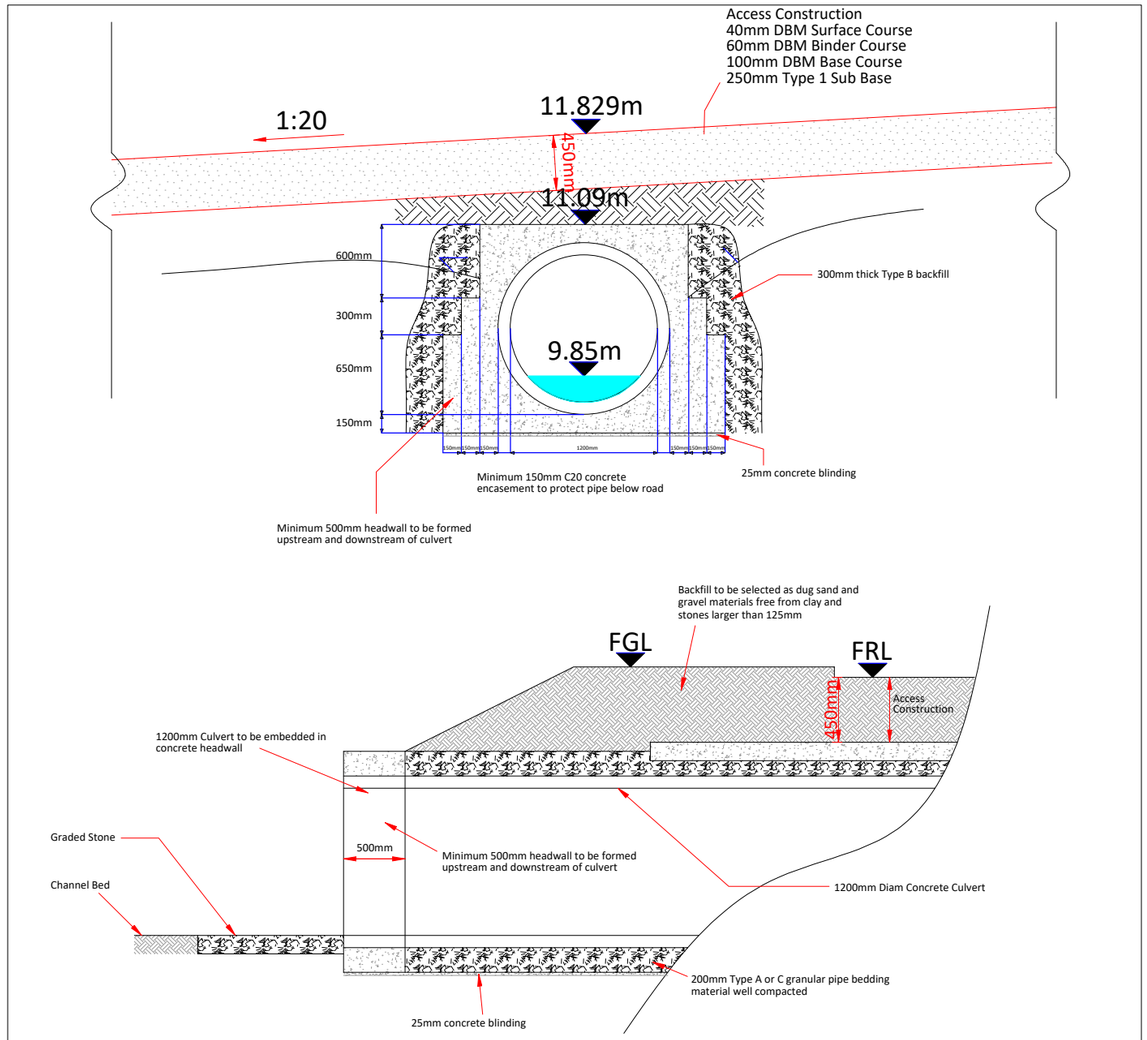
planning, development and architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing No.
Elevations	1:100	June 18	0147/64/02

Site at Kirkton, Alves





Detail at culvert (Scale 1:50)

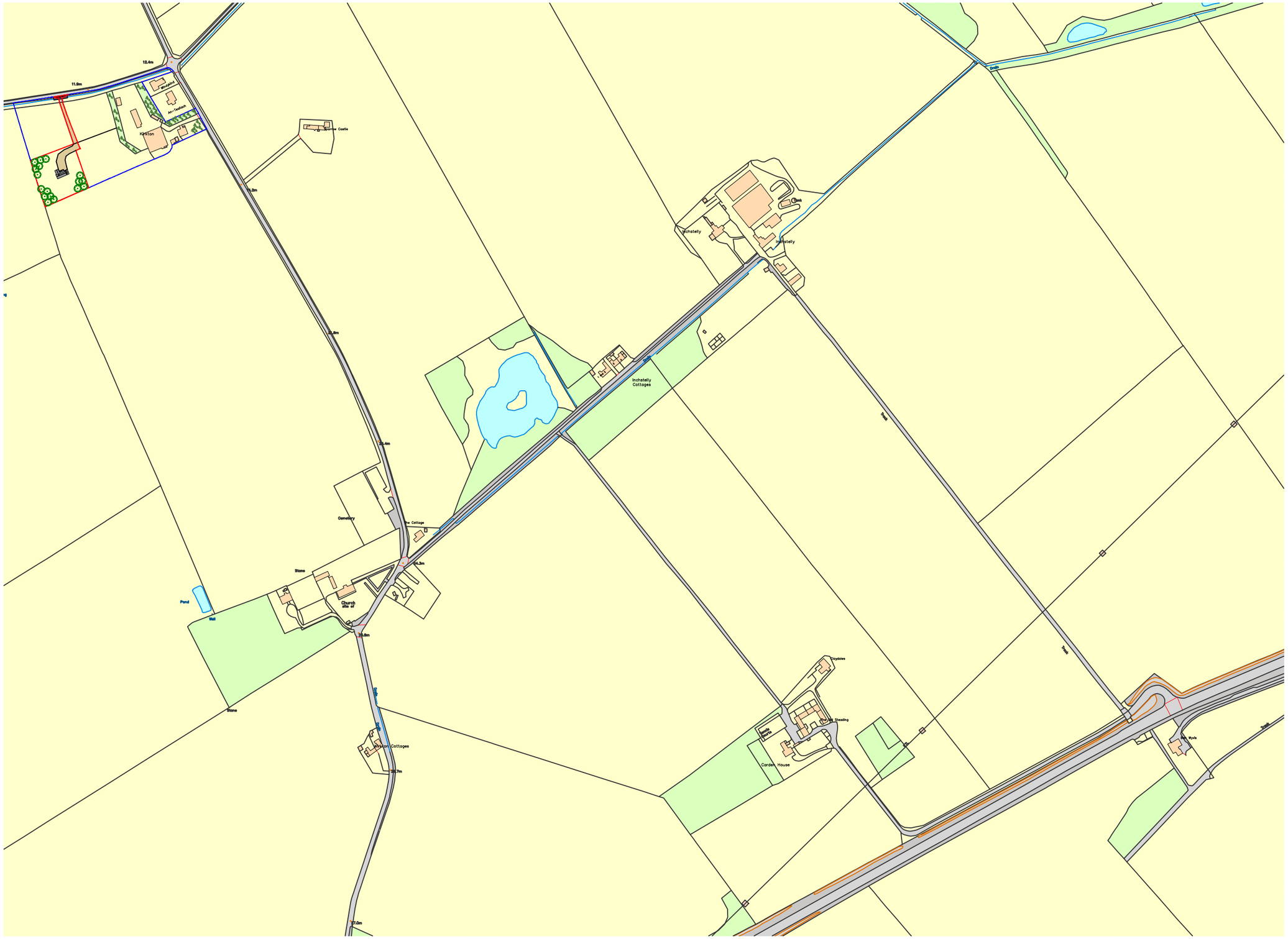
grant and geoghegan

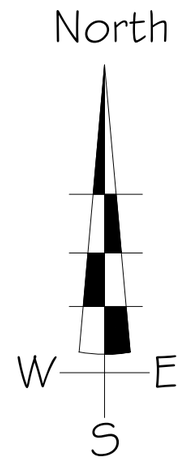
planning, development and architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing No.
Block Plan	1:1250	June 18	01/18/04

Site at Kirkton, Alves





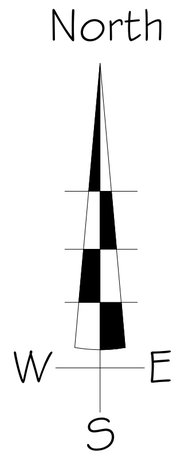
grant and geoghegan

planning, development and architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing No.
Location Plan	1:5000	June 18	01/556/05

Site at Kirkton, Alves

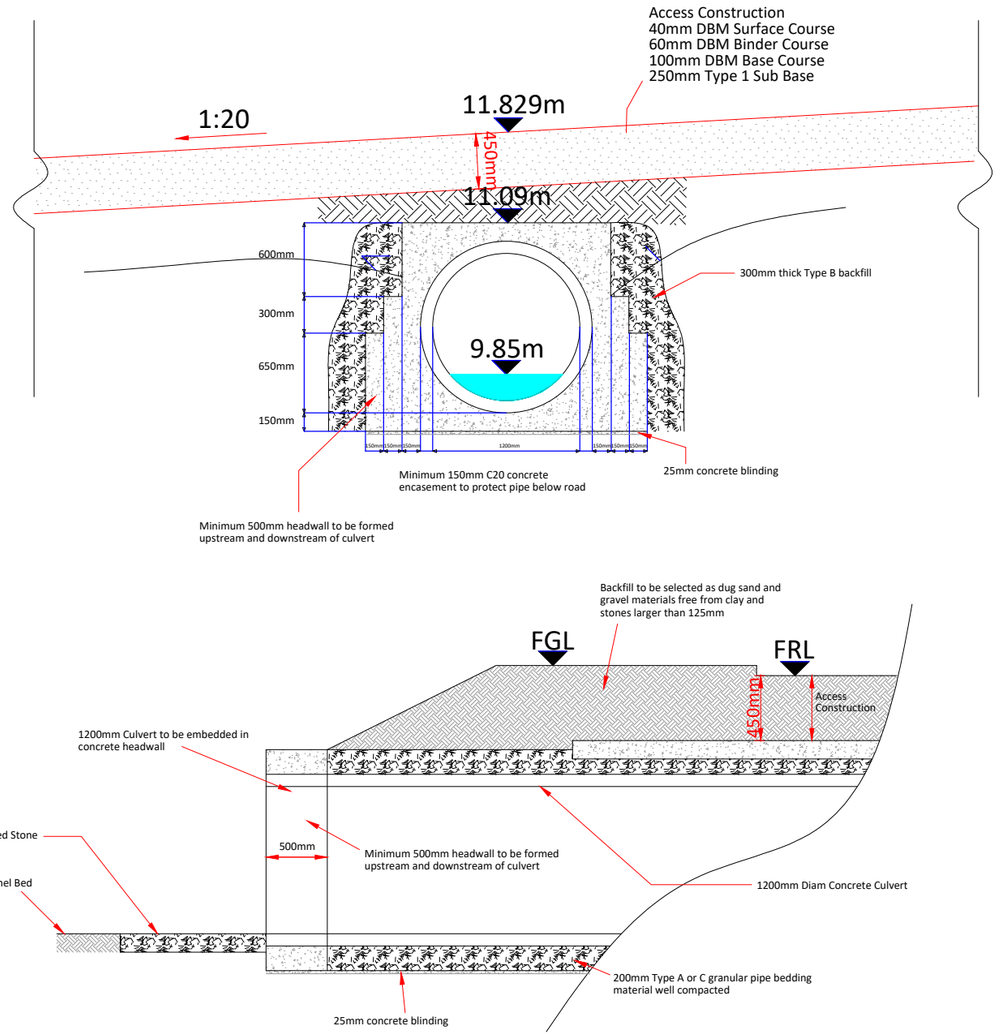


grant and geoghegan

planning, development and architectural consultants

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

Drawing Title	Scale at A2	Date:	Drawing No.
Section Plan	1:500	June 18	017/264/06



Notes:

REV:	DESCRIPTION:	BY:	DATE:

STATUS:

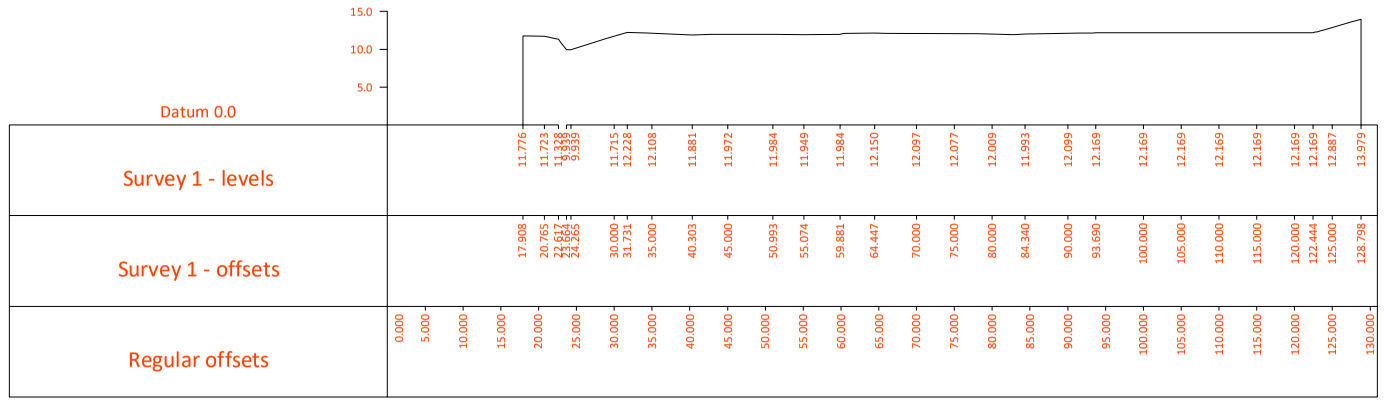
gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

CLIENT:
Mr D Frser
C/o Grant and Geoghegan
4 Westerton Road South
Keith

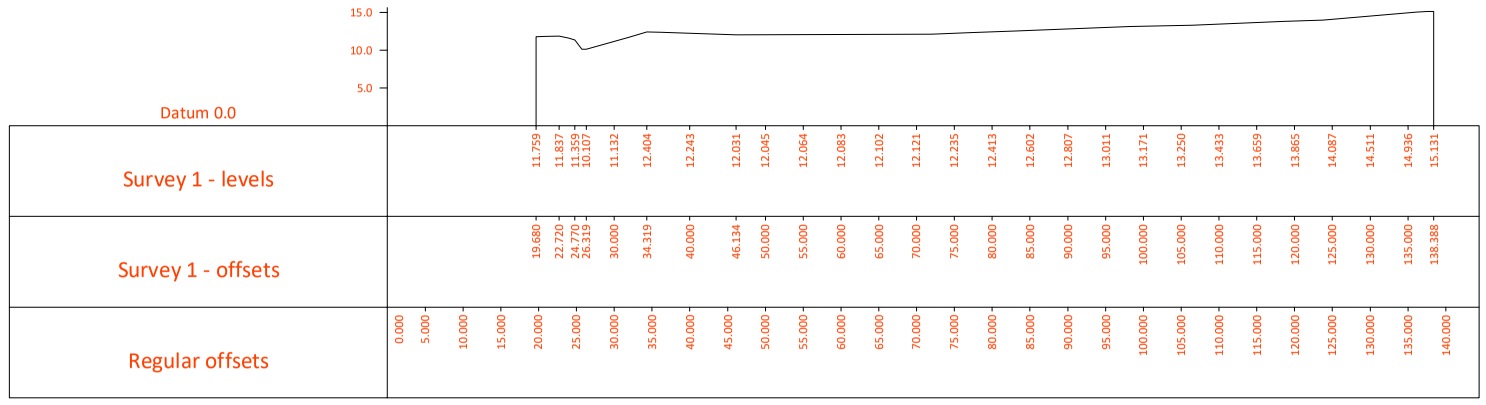
SITE:
Kirkton
Alves

TITLE:
Proposed Culvert Details

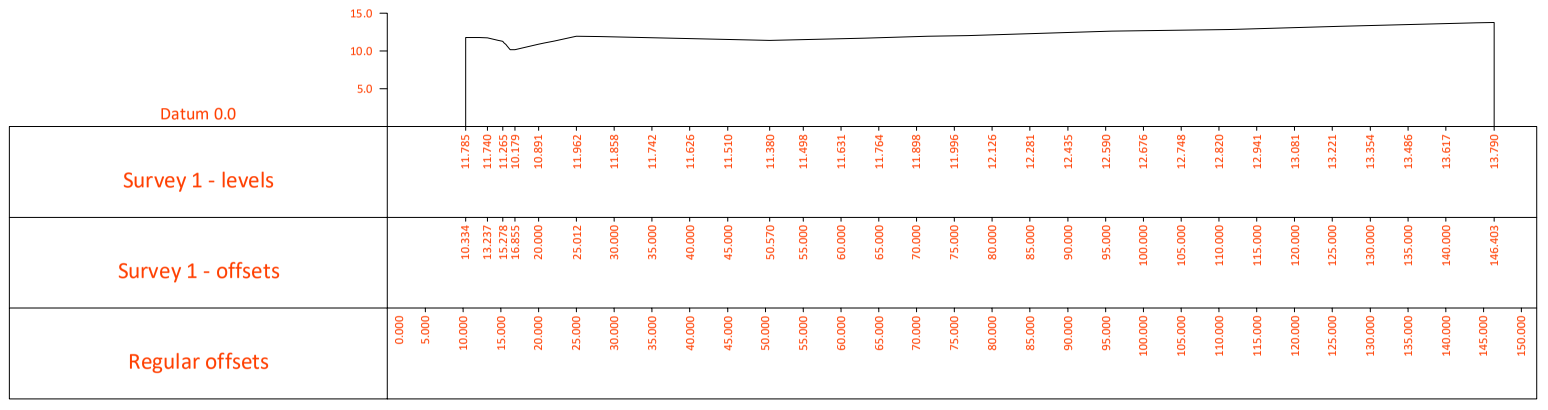
SCALE AT A3:	DATE:	DRAWN:	CHECKED:
1:50	DEC16	GM	
PROJECT NO:	DRAWING NO:		REVISION:
KT01	901		



Section A - A Upstream



Section B - B Site



Section A - A Downstream

Notes:

REV:	DESCRIPTION:	BY:	DATE:

STATUS:

gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

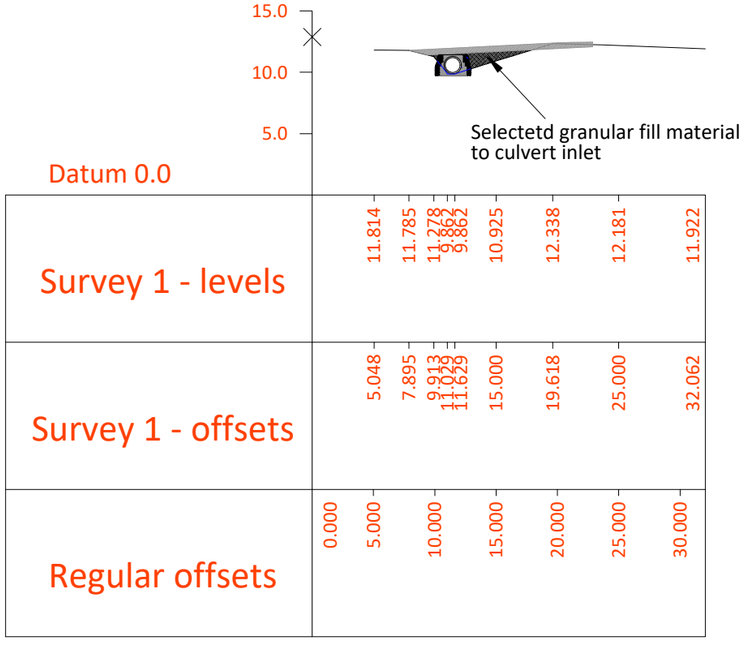
CLIENT:
Mr D Frser
C/o Grant and Geoghegan
4 Westerton Road South
Keith

SITE:
Kirkton
Alves

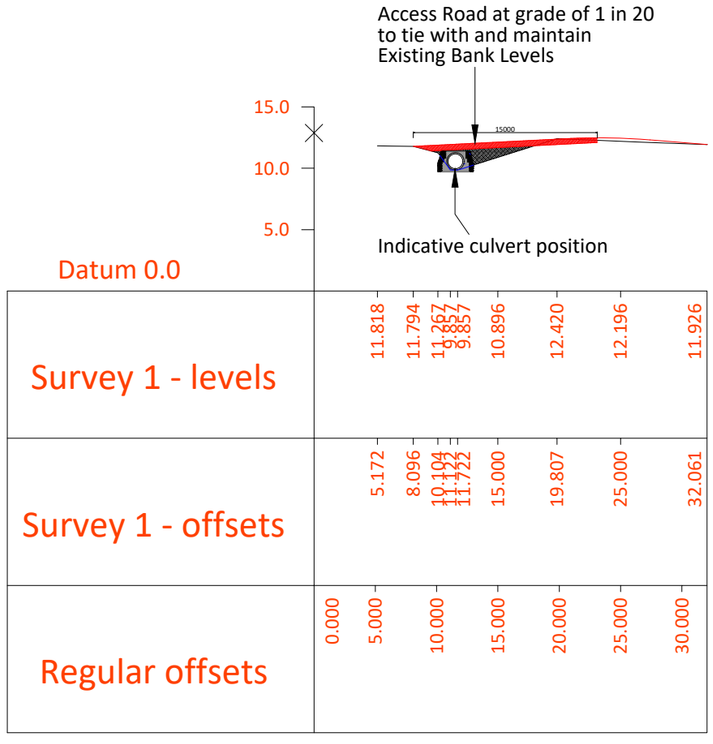
TITLE:
Site Sections

SCALE AT A3:	DATE:	DRAWN:	CHECKED:
1:500	DEC16	GM	

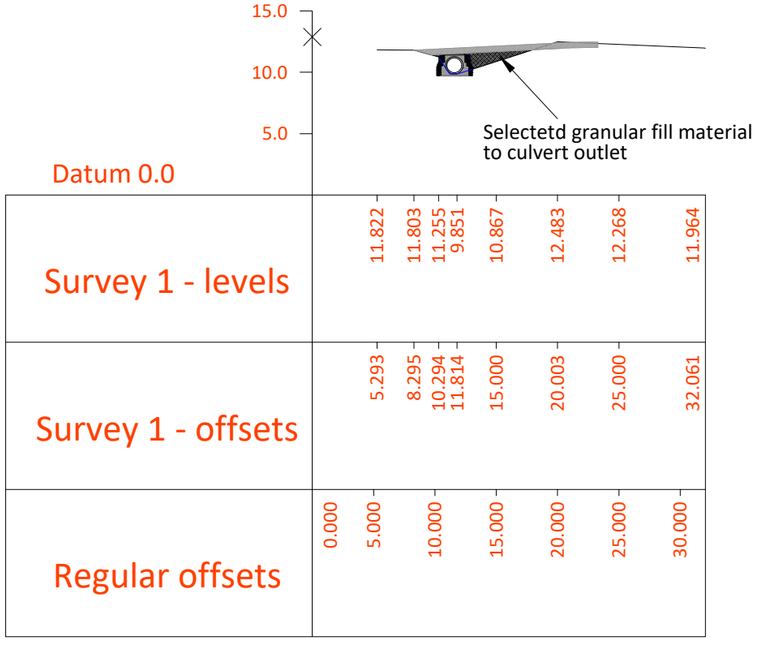
PROJECT NO:	DRAWING NO:	REVISION:
KT01	906	



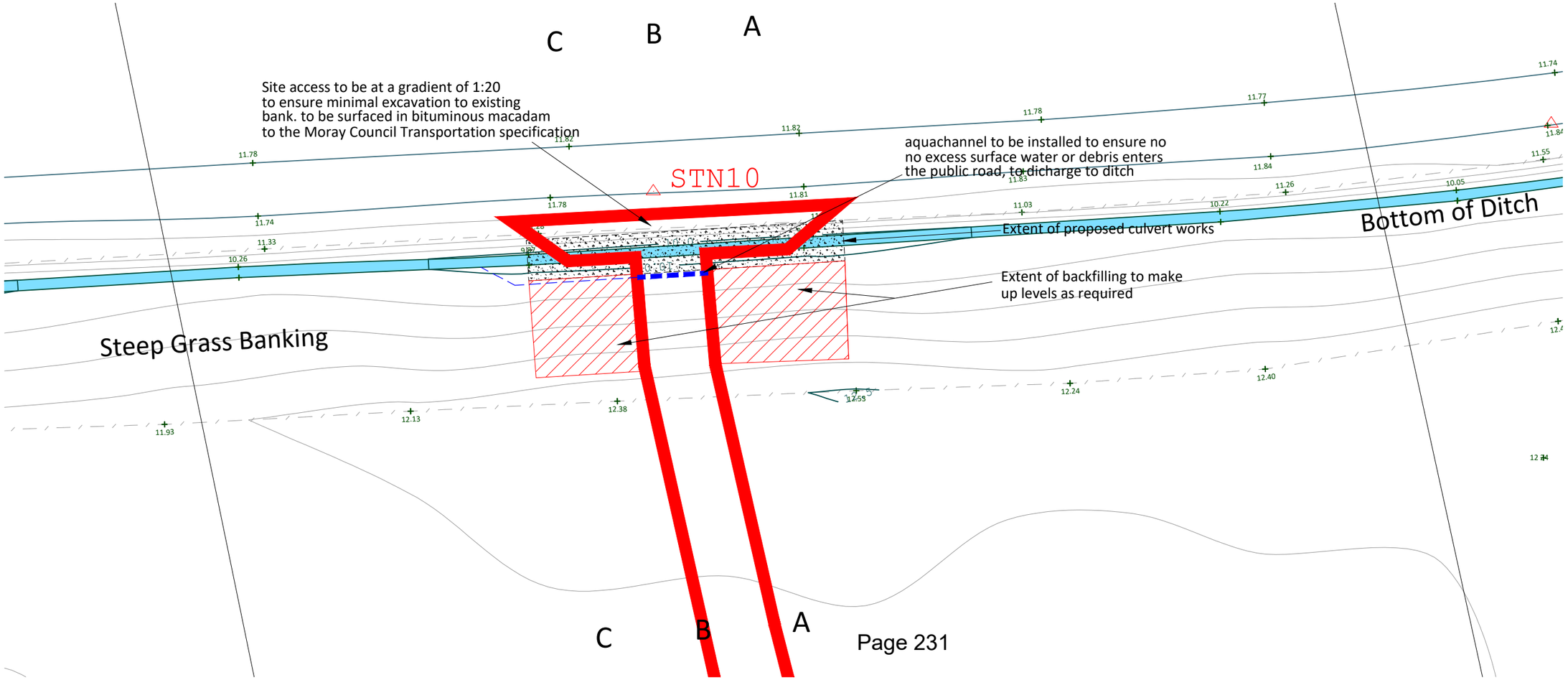
Section A - A



Section B - B



Section C - C



REV:	DESCRIPTION:	BY:	DATE:

STATUS:

gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

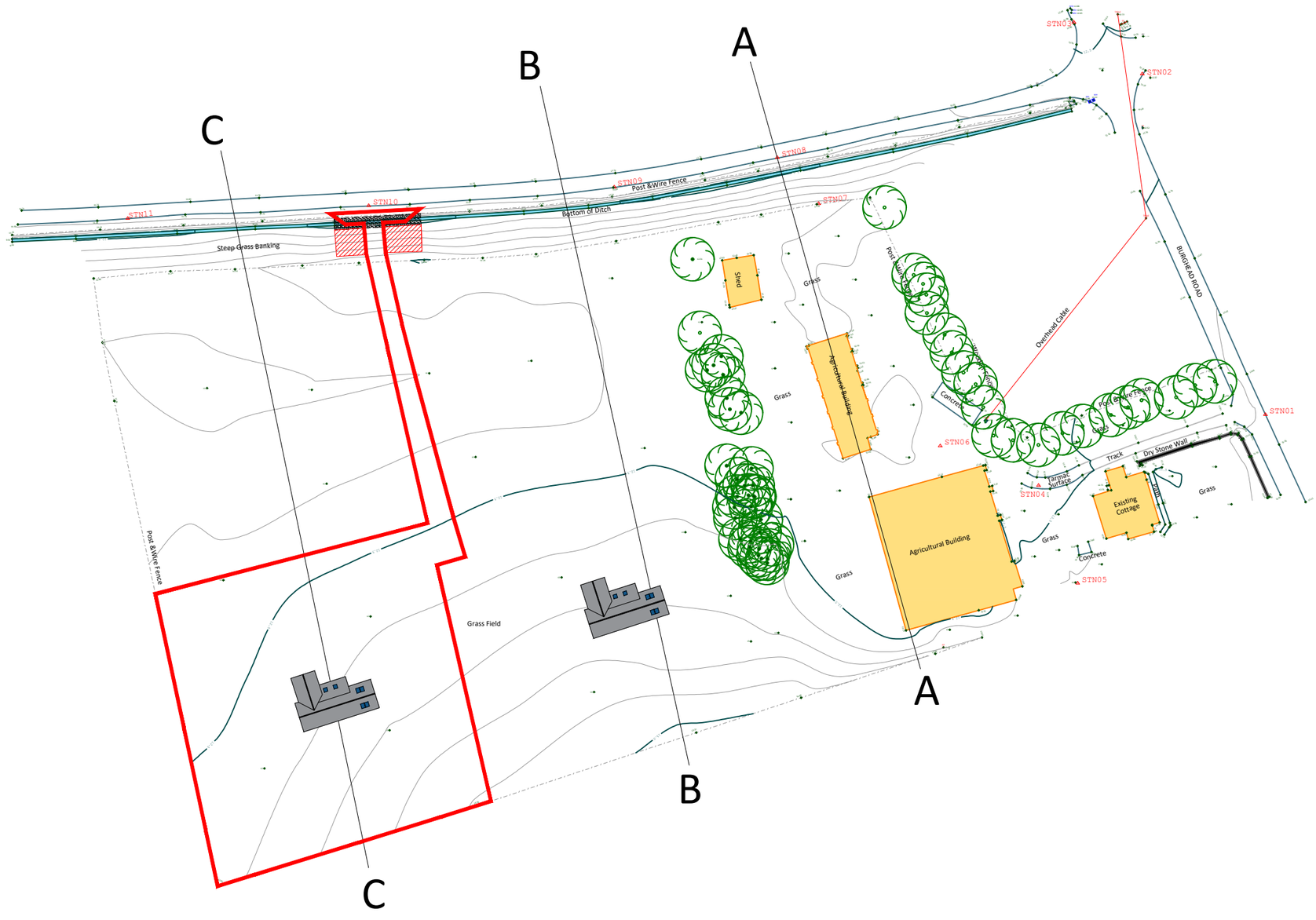
CLIENT:
Mr D Frser
C/o Grant and Geoghegan
4 Westerton Road South
Keith

SITE:
Kirkton
Alves

TITLE:
Access and Culvert
Works

SCALE AT A3:	DATE:	DRAWN:	CHECKED:
1:50	DEC16	GM	

PROJECT NO:	DRAWING NO:	REVISION:
KT01	902	



Notes:

REV:	DESCRIPTION:	BY:	DATE:

STATUS:

gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

CLIENT:
Mr D Frser
C/o Grant and Geoghegan
4 Westerton Road South
Keith

SITE:
Kirkton
Alves

TITLE:
Site Section Location

SCALE AT A3:	DATE:	DRAWN:	CHECKED:
1:1000	DEC17	GM	
PROJECT NO:	DRAWING NO:		REVISION:
KT01	905		

Hi Joe

The plan looks acceptable, there are no dimensions shown which is not great but the distance of the surface water soakaway from the building looks sufficient. This will be checked as part of the building control process so I am not concerned. With regard to the foul drainage this is not something we would normally comment on and the developer should contact SEPA about this. As James has already checked the DIA and is happy with it, I do not consider it necessary to go through this again.

Kind regards
Debbie

Debbie Halliday BSc MSc CEng MICE | Consultancy Manager | Consultancy

deborah.halliday@moray.gov.uk | website | facebook | twitter | newsdesk

01343 563770

Working Pattern Monday to Thursday

Consultee Comments for Planning Application 18/00862/APP

Application Summary
Application Number: 18/00862/APP
Address: Site At Kirkton Cottage Alves Moray
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
Approved unconditionally.

Adrian Muscutt
CLO

Consultation Request Notification

Planning Authority Name	**The Moray Council**
Response Date	**1st August 2018**
Planning Authority Reference	**18/00862/APP**
Nature of Proposal (Description)	**Erect dwellinghouse on**
Site	**Site At Kirkton Cottage Alves Moray**
Site Postcode	**N/A**
Site Gazetteer UPRN	**000133071765**
Proposal Location Easting	**313114**
Proposal Location Northing	**863526**
Area of application site (Ha)	**3936 m^2**
Additional Comment	
Development Hierarchy Level	**LOCAL**
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PAPNF3BGMBK00
Previous Application	**02/01773/PE**
Date of Consultation	**18th July 2018**
Is this a re-consultation of an existing application?	**No**
Applicant Name	**Mr Douglas Fraser**
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	**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**

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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 18/00862/APP
Erect dwellinghouse on Site At Kirkton Cottage Alves Moray for Mr Douglas Fraser

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

		Please x
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	❑
(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	❑

Reason(s) for objection
None

Condition(s)
The proposed development site lies partly within the archaeology site NJ16SW0050, an area of cropmarks indicating likely prehistoric activity, and in close proximity to the archaeology site NJ16SW0051, another area of cropmarks indicating probable settlement activity (again, likely prehistoric in date).
I would ask that the following condition is applied should the application be minded for approval due to the potential for previously unrecorded archaeology to survive in this area:

Programme of archaeological works

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

This should be undertaken as an archaeological watching brief over **all** groundbreaking works, including (but not limited to) the footprint of the building, access track, services etc.

I would also ask that the following are added as informatives to the decision notice should the application be minded for approval:

Works by archaeological organisation

Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.

Development Brief

A written specification prepared by the Aberdeenshire Council Archaeology Service for the applicant outlining the nature of the specific archaeological work required under the archaeological planning condition, and which includes information on the archaeological background of the development site. This document can be used by the applicant in the tendering process, and should be used by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor to inform the Written Scheme of Investigation.

Written Scheme of Investigation (WSI)

A written specification produced by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant which outlines in detail the proposed scheme of archaeological investigation. It should detail what archaeological works will be carried out and how; how any encountered archaeological remains will be dealt with; how any updates to the WSI will be provided; the reporting process; and the potential for post-excavation requirement. The WSI must be submitted to the planning authority for approval before being implemented. The contents of the WSI must conform to the relevant national and CIfA standards and guidance.

Post-Excavation Research Design (PERD)

A written specification for the post-excavation analysis of artefacts and samples recovery during the excavation phase or archaeological works, prepared by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant. This should include a project design for the post-excavation work, a costed assessment for this work, and costed proposals for the publication of results. The PERD must be submitted to the planning authority for approval. Once the PERD has been agreed, written confirmation must be provided to the planning authority demonstrating that an agreement is in place between the applicant and the appointed CIfA member archaeological contractor, committing the applicant to fund the post-excavation work and for said work to be completed by an agreed date.

Securing post excavation research design

When any post excavation research design is required through the implementation of a programme of archaeological works, the analysis, publication and dissemination of results

and archive deposition requires to be agreed and secured between the developer of the site and the archaeological contractor undertaking the archaeological works on the site before it will be agreed in writing by the planning authority.

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert **Date…20/07/2018……..**
email address: **Phone No …01467 537717**
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

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://public.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 18/00862/APP

Application Summary
Application Number: 18/00862/APP
Address: Site At Kirkton Cottage Alves Moray
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
Approved unconditionally.

Russell Anderson
EHO

19th July 2018

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

IV30 Alves Kirkton Cottage Site At
PLANNING APPLICATION NUMBER: 18/00862/APP
OUR REFERENCE: 763964
PROPOSAL: Erect dwellinghouse

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

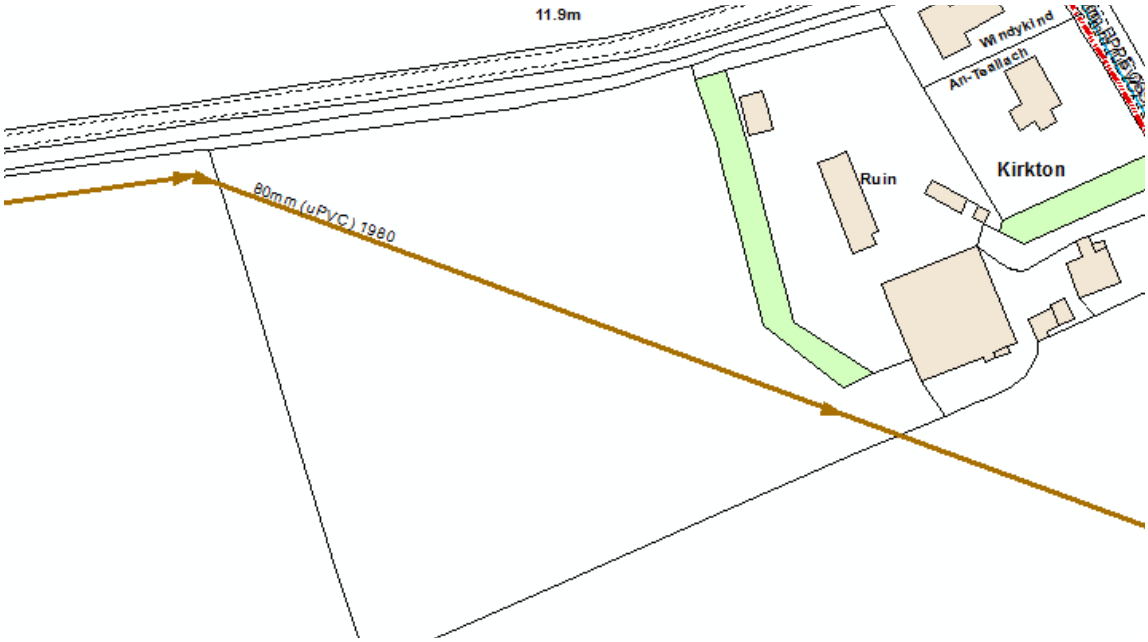
Foul

- 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.

Infrastructure within boundary

According to our records, the development proposals may impact on existing Scottish Water assets.



The applicant should identify any potential conflicts with Scottish Water assets. I can confirm that I have made our Asset Impact Team aware of this proposed development however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

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

  Site Investigation Services (UK) Ltd
  Tel: 0333 123 1223
  Email: sw@sisplan.co.uk
  www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- 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

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: PCS/160290
Your ref: 18/00862/APP

If telephoning ask for:
Jessica Fraser

27 July 2018

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

By email only to: consultation.planning@moray.gov.uk

Dear Mr Taylor

Town and Country Planning (Scotland) Acts
Planning application: 18/00862/APP
Erect dwellinghouse on
Site At Kirkton Cottage Alves Moray

Thank you for your consultation email which SEPA received on 18 July 2018 specifically requesting our advice on flood risk. We note that we responded to an application on the adjacent site (your ref: 17/01578/APP) within our letters referenced PCS/156346 (7 December 2017) and PCS/156887 (22 January 2018).

We have **no objection** to the proposed development on fluvial flood risk grounds. Notwithstanding this we would expect Moray Council to undertake their responsibilities as the Flood Risk Management Authority. Please note the advice provided below.

1. Flood risk

1.1 The application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Maps and may therefore be at medium to high risk of flooding. ((For background information please note that the SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km^2 using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland).

1.2 We recently provided comments on an application for the neighbouring site (PCS/156887) where, following the submission of additional topographic information and a culvert assessment, we were able to remove our objection. It appears that much of the same

SEPA Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk • customer enquiries 03000 99 66 99

information has been provided in support of this application. We are not aware of any new flood risk information that would suggest that the risk to the site has changed, or that the information previously submitted is no longer appropriate.

1.3 The sections show that the site is at a higher elevation than the banks of the small water course, and that the opposite bank is lower. Therefore any out of bank flow is likely to preferentially flow away from the site first. Based on the information provided, we have **no objection** on fluvial flood risk grounds.

1.4 As we stated in our response for the neighbouring application, we understand that the existing Moray Council road culvert upstream of the site is under capacity and this may indirectly benefit the site if it has the effect of holding back water upstream. Some details of the proposed culvert have been provided, however it is not clear what the capacity of the culvert is. If the existing upstream culvert is under capacity, then it is likely that the flow in the channel would be limited. We note the condition applied to the neighbouring site regarding the access crossing, and would advise that the culvert assessment is used to inform the design and capacity of the new access culvert for the site.

2. Other planning matters

2.1 For all other matters we provide standing advice applicable to this type of local development.

3. Regulatory advice for the applicant

3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). There are three levels of authorisation: General Binding Rules, registration and licences. The applicant should ensure that the correct authorisation is in place prior to works taking place.

3.2 As well as being designed to ensure no impacts on flood risk, the culvert should follow good practice as set out in River crossings guidance . For example, the invert should be sunk below the bed of the watercourse to allow for bed continuity.

3.3 Discharges to ground or the water environment also require authorisation from SEPA under CAR.

3.4 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25˚

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

3.5 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

3.6 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel: 01343 547663.

If you have any queries relating to this letter, please contact me by telephone on 01224 266698 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Jessica Fraser
Planning Officer
Planning Service

ECopy to: neil@ggmail.co.uk and joe.taylor@moray.gov.uk

From: DeveloperObligations
Sent: 30 Jul 2018 08:53:14 +0100
To: Joe Taylor
Cc: DC-General Enquiries
Subject: 18/00862/APP Erect dwellinghouse on Site at Kirkton Cottage, Alves
Attachments: 18-00862-APP Erect dwelllinghouse on Site at Kirkton Cottage, Alves.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

Find us on
Moray Council Planning

Hilda Puskas
Developer Obligations Officer
Development Plans
hilda.puskas@moray.gov.uk
01343 563265

moray council

Developer Obligations: ASSESSMENT REPORT

Date: 30/07/2018

Reference: 18/00862/APP

Description: Erect dwellinghouse on Site at Kirkton Cottage, Alves

Applicant: Mr Douglas Fraser

Agent: Grant and Geoghegan Limited

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 *(Contribution towards extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets)*	[redacted]
Sports and Recreation *(Contribution towards 3G pitch in Forres)*	[redacted]
Total Developer Obligations	[redacted]

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:

3 bed = 1 SRUE

This assessment is therefore based on 1 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.

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Alves Primary School. The school is currently operating at 64% 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 resident in Alves are zoned to Forres Academy. The school is currently operating at 72% 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 271m^2.

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 health centre and additional dental chairs each and £[redacted] per SRUE for the pharmacy.

[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 developments to contribute towards additional capacity of sports and recreational facilities. As set out in the Review of Sport, Leisure and Recreational 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 sportscotland 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.

Moray Council **DEVELOPER OBLIGATIONS**

REPORT OF HANDLING

Ref No:	18/00862/APP	**Officer:**	Joe Taylor
Proposal Description/ Address	Erect dwellinghouse on Site At Kirkton Cottage Alves Moray		
Date:	1/11/18	**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**
Environmental Health Manager	25/07/18	No objection
Contaminated Land	19/07/18	No objection
Transportation Manager	30/07/18	No objection subject to conditions and informatives as recommended.
Scottish Water		No objection but this does not confirm that the development can be serviced. Further investigation may be required regarding water capacity. No public foul waste water infrastructure available, hence need to investigate private options and also discuss potential impact of development upon Scottish Water asset infrastructure located in proximity to the development.
Planning and Development Obligations	30/07/18	Obligations required towards healthcare facilities (extension at Forres Health Centre, 2 additional dental chairs and reconfiguration of existing pharmacy outlets) and sports and recreation (contribution towards 3G pitch in Forres).

Scottish Environment Protection Agency	27/07/18	No objection subject to informatives as recommended.
Aberdeenshire Council Archaeology Service	20/07/18	No objections subject to conditions and informatives as recommended (for written scheme of investigation). The proposed application lies within an identified archaeology site, an area of cropmarks indicating prehistoric settlement, hence high potential for buried archaeology to survive within the development site.
Moray Flood Risk Management	11/07/18	No objection. (Distance of surface water soakaway from building looks sufficient and will be checked as part of Building Standards submission).

DEVELOPMENT PLAN POLICY		
Policies	**Dep**	**Any Comments (or refer to Observations below)**
H7: New Housing in the Open Countryside	N	departure if approved
EP5: Sustainable Urban Drainage Systems	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	N	departure if approved
IMP3: Developer Obligations	N	
PP1: Sustainable Economic Growth	N	departure if approved
EP2: Recycling Facilities	N	
EP7: Control of Develop in FloodRiskArea	N	
BE1: Sch Monuments and Nat Designations	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

The Proposal
This application seeks planning permission to erect a single-storey, approx. L-shaped, 3-bedroom house on land at Kirkton, Alves.

The external material finishes for the walls include white render (K-rend), larch cladding and natural stone, and a slate roof.

Together with a proposed connection to the public water supply, an on-site septic tank with soakaway and a separate on-site surface water soakaway are proposed.

Access to the site is taken from an access (to the north) onto the C5E East Grange - Spindle Muir Road. A culvert will be provided under the access road where the road crosses over an existing drainage ditch.

The Site
Approx. square-shaped, 3936sq m, site. which forms the south western quadrant part of a relatively large agricultural field. To the west and south, the site is bounded by existing post and wire fencing, with a relatively flat, open, agricultural landform extending beyond. To the north, the proposed site boundary is currently undefined with the land beyond also forming part of the same field area and bounded along it's northern boundary by a ditch and the C5E road.

To the east, the boundary of the application site is undefined and the land beyond also forms part of the same field area but approx. 60m beyond, there is a line of conifers. Further beyond that conifer line is an existing dilapidated steading complex and other buildings, including residential property, are sited in proximity to Kirkton crossroads.

On the land immediately to the east, between the application site and the conifers, planning permissions have been granted for two dwellings, one lies to the north east of the site (17/01578/APP) with the C5E road and the line of conifers along it's northern and eastern boundaries respectively, whilst the other approved site, which lies immediately to the east of, and shares a boundary with, the current application site is bounded by the line of trees and post and wire fencing along it's eastern and southern boundaries respectively (application 18/00191/APP).

Both sites are comparable in site area and identical in their house design, appearance and material finishes to that proposed for this current application site. Both applications, along with this current application, will share the same access arrangement onto the C5E road and require provision of the proposed culvert.

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 Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Policy PP1
Primary Policy PP1 reflects Scottish Planning Policy and objectives of Moray Council in terms of sustainable economic growth, including proposals which, in the context of this application, contribute towards fostering high design standards provided the built and natural environment is safeguarded. Although the proposal may respect some of these principles, the location/siting characteristics associated with this proposal are however considered to be unacceptable and therefore, the proposal would not accord with this policy.

Siting and Design (H7, IMP1 + Supplementary Guidance: Housing in the Countryside)
Policy H7 contains the location/siting and design criteria for assessing the acceptability of new build housing in the countryside. In terms of location/siting, this policy requires proposals to reflect the existing traditional pattern of settlement in the locality; be sensitively integrated and not obtrusive in the landscape; not detract from the character or setting of existing development; and not contribute to an unacceptable build-up of development that otherwise detracts from the rural character of the area. Policy H7 also requires that at least 50% of the boundaries are long established and capable of distinguishing the site from the surrounding landscape. Thereafter, the policy requires any development to be acceptable in design terms, including requirements for landscape planting to be provided within the site.

As a material consideration, the Council's Supplementary Guidance: 'Housing in the Countryside' provides advice on Policy H7. In terms of the cumulative build-up of housing within any locality, it states inter alia that "*A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable* …" [and] … "*another dwelling may adversely impact on the distinctive rural qualities of the area …*" [and] … "*applications for houses in the corner of fields within a dispersed pattern of settlement may be considered to detrimentally alter the character of the locality* …" (pages 13 and 14).

Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area.

Location/Siting
This site is not located within any designated settlement or rural grouping (as defined in the MLDP 2015) nor is it located within any area where there has been a notable cumulative build-up of development.

As a house in the countryside and as noted, the proposal is located approx. 200m west of the Kirkton crossroads, and to the west of two approved house sites. Both permissions are extant but as yet no development has commenced at the time of this application (applications 17/01758/APP and 18/00191/APP refer). Both of these plots and this current application will share the same access and culvert arrangements onto the C5E road.

The current application site and the two approved house sites are separated by a line of conifer trees from an existing dilapidated steading complex and other buildings/property located further to the east towards Kirkton crossroads. This conifer line affords a boundary enclosure together with screening and backdrop to the two already approved plots, in particular when approaching the site from the west. The presence of this tree line (plus other buildings/structures beyond to the east) is a notable feature in supporting the approval of those two plots.

Unlike those plots, the current proposal is sited further away (approx. 60m distant) and does not benefit from proximity to the tree line for enclosure, screening or backdrop with or without the presence of the two properties (if and when built). Viewed from the north, for example, the site is approx. 0.16m below the level of the road and the surrounding landform in all directions is relatively flat, not undulating, agricultural land. The site has established boundaries i.e. post and wire fencing along the southern and western boundaries, a form of boundary enclosure which is considered appropriate (associated Supplementary Guidance refers) but this alone is not sufficient in providing enclosure and backdrop to the proposed property. The proposed fence boundaries to the north and east are somewhat arbitrary in their definition and unrelated to the surrounding landform although it is noted that the eastern boundary will be shared with, and form a mutual boundary to, one of the approved house sites (18/00191/APP).

With the surrounding land in agricultural use, there is no other immediately surrounding landform or landscape feature available (including the existing trees) that would likely afford enclosure and backdrop, to enable the site to integrate into it's otherwise open setting. As noted, the line of conifers

to the east are too distant to contribute to the immediate setting around this proposed plot and the only landscaping available would be that proposed within the application site. Any proposed landscaping, whether within this current application site or yet to be provided within the other two sites located within other corners of the field, will take time to become established and reach maturity, if at all. In the interim, the proposed house on the application site will likely appear to be isolated and result in a somewhat conspicuous and obtrusive form of development on a site located in the south western quadrant, and towards the corner, of a field. Any property thereon would be set against a fairly open agricultural land setting without enclosure and backdrop to the site.

In these terms, and notwithstanding the acceptability of the adjacent house sites, the site as now proposed could not be supported or considered as a well-designed and appropriately located site because, in siting/location terms, the proposal would not integrate sensitively into it's surroundings. Therefore, the introduction of this proposal would represent an unacceptable form of residential development which would not comply with planning policy and detract from, and be detrimental to, the rural character and appearance of the locality in which it is located. On this basis, the proposal, in terms of it's (individual) location/siting, would be contrary to the development plan including Policy H7 and IMP1and the associated Supplementary Guidance, as a material consideration.

Generally, the settlement pattern within the surrounding area is dispersed in form although, as noted, there is a loose grouping or clustering of property and buildings located between the line of conifers and Kirkton crossroads. Although located to the west of the conifers, the approval for the two plots to the east of the current application site acknowledges that they are not contained within that grouping but nevertheless their presence, along with the conifer line, provides an acceptable context for their setting including backdrop and screening considerations (17/01758/APP and 18/00191/APP refer).

As noted, the current proposal, with it's more open and obtrusive setting and being set further away to the west of any established grouping of properties, lacks any association with that existing grouping of property to the east of the conifers. As a further additional dwelling, the proposal would therefore be unacceptable as it would result in, and contribute to, an increased (cumulative) build-up of development in this locality.

Therefore, both individually and cumulatively, the introduction of this proposal would represent an unacceptable form of residential development, it would not comply with planning policy and detract from, and be detrimental to, the rural character and appearance of the locality within which it is located. On this basis, the proposal, in terms of its location/siting, would be contrary to the development plan including Policy H7 and IMP1, and the Supplementary Guidance as identified (as a material consideration).

Without prejudice, the siting of this proposal, if approved, would potentially set a precedent for further (cumulative) development within the remaining quadrant of the field, also using the same access off the C5E road. However, this a matter which would require to be given separate consideration on it's own individual merits in accordance with the development plan unless material considerations indicate otherwise.

Design (H7)
In design terms and relative to the available plot size, the proposed house is somewhat modest in it's size, scale and appearance, as is also the case with the other two approved house plots. Based upon the earlier applications and with the current design, including material finishes being identical to those on the adjacent approved house plots, the design of the proposed property is (again) acceptable and considered to be reasonably sympathetic in respect for a traditional rural build form and it's rural setting. The actual siting layout and design arrangements, including distance between buildings and orientation and use of windows within the property, are not considered to result in unacceptable or adverse amenity impacts between this proposal and any other neighbouring or nearby existing or proposed properties, thus addressing any amenity impact considerations associated with Policy IMP1.

The proposed house design is compliant with the requirements set out in Policy H7 including gable width, roof pitch, vertical emphasis to openings, and use of slates, etc. However, whilst proposing 1.5m high native species trees, the landscape details lack sufficient details for a landscape scheme, a matter which could be addressed by a planning condition, to ensure that full planting specifications and 25% landscape coverage of the site are achieved.

Notwithstanding any potential acceptability of the proposal in design terms, albeit subject to conditions where recommended, this does not over-ride the main policy objection to this development concerning the unacceptable impact of the siting of the proposal and the resultant further build-up of development upon the surrounding area.

Archaeology (BE1)
The site lies within the archaeology site NJ16SW0050, an area of cropmarks indicating a prehistoric settlement. Here, as advised by Aberdeenshire Archaeology Services, there is a high potential for buried archaeology to survive within the development site and to mitigate such impact, an archaeological written scheme of investigation requires to be submitted/approved to set out an agreed programme of archaeological works to be undertaken on the site (to include investigation, recording and reporting of the scheme works, etc.). A condition is recommended to address this matter to ensure the development accords with Policy BE1.

Notwithstanding any potential acceptability of the proposal in archaeological terms, albeit subject to conditions where recommended, this does not over-ride the main policy objection to this development concerning the unacceptable impact of further build-up of development upon the surrounding area.

Drainage and Water Supply (EP5, EP10)
The proposed development will be connected to the public water supply. Scottish Water does not guarantee this connection: this will require further (separate) consultation with Scottish Water direct regarding the availability of capacity and connection arrangements for such infrastructure.

No public mains drainage facility is available hence the proposed on-site septic tank and soakaway arrangement. In order to dispose of surface water from, and within, the site a separate on-site surface water soakaway is proposed. The detailed arrangements for drainage (foul and surface water) will require to be addressed under the Building Regulations but generally, in principle, the proposal would accord with Policy EP5 and EP10.

Scottish Water has highlighted a potential conflict between the development and an existing water infrastructure asset crossing through the field. Based in the identified routing of the pipework, this is more likely to affect the access track arrangement rather than the siting of the house itself but this will be a matter for separate investigation between the applicant/developer and Scottish Water direct.

Notwithstanding the drainage arrangements being acceptable in principle, this does not over-ride the main policy objection to this development regarding the unacceptable impact of the siting of the proposal and the resultant further build-up of development upon the surrounding area.

Development within area at risk of flooding (EP7)
The site is at medium risk of surface water flooding (SEPA indicative maps refer). Policy EP7 requires that new development does not take place if it would be at significant risk of flooding from any source and/or it would exacerbate or significantly increase the risk of flooding elsewhere.

Following consultation and based on consideration of information provided in the earlier approved applications, in terms of their relationship to the small watercourse (drainage ditch), SEPA has not objected to the current development although they have provided further regulatory advice for the applicant, to ensure that the culvert arrangements accord with other relevant regulations and guidance.

Following consultation and after consideration of a Drainage Statement, to assess the impact of culverting the ditch, Moray Flood Risk Management has also advised that they do not object to the proposal.

On the above basis, the proposal is acceptable in flooding terms and satisfies Policy EP7. However and notwithstanding any potential acceptability of the proposal in flooding terms, albeit subject to conditions where recommended, this does not over-ride the main policy objection to this development concerning the unacceptable impact of the siting of the proposal and the resultant further build-up of development upon the surrounding area.

Access and Parking (T2, T5)
As noted, the proposal will be accessed from the C5E East Grange - Spindle Muir Road and use the same access arrangements off the public road, including provision of a culvert under the road where it crosses a drainage ditch in order to serve the already approved house sites (17/01578/APP and 18/00191/APP refer).

As with those earlier applications, the Transportation Section has not objected to the proposed access arrangement subject to conditions (and informatives) as recommended including the requirement for visibility at the site access, provision for both a passing place and an access layby, the culverting and tarring of the road/access surface over the first part of the access closest to the public road, etc. On this basis, the proposal is acceptable and complies with policy T2.

For the proposed size of property with 3 bedrooms, 2 car parking spaces require to be provided on the site, as recommended by the Transportation Section. Based on the submitted details, this requirement can be readily accommodated within the site, and the proposal would therefore also accord with Policy T5.

Notwithstanding any potential acceptability of the proposal in access and parking terms, albeit subject to conditions where recommended, this does not over-ride the main policy objection to this development concerning the unacceptable impact of the siting of the proposal and the resultant further build-up of development upon the surrounding area.

Developer Obligations (IMP3)
To address the impact of development, an assessment for developer obligations has been carried out in accordance with Policy IMP3 including the associated Supplementary Guidance: Developer Obligations (March 2018). In this case, obligations have been identified and sought for healthcare facilities (towards extension of Forrest Health Centre, 2 additional dental chairs and reconfiguration to existing pharmacy outlets) and sports and recreation (towards 3G pitch in Forrest).

Prior to the determination of this application, the applicant/agent confirmed a willingness to accord with Policy IMP3 and provide the obligation in the event of approval being granted for this development.

Again, compliance with developer obligations requirements would not over-ride the main policy objection to this development regarding the siting of the proposal and the resultant further build-up of development upon the surrounding area. Any obligation (contribution) made in advance of the determination of this application is without prejudice to the formal decision on this application.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	**Description**			
02/01773/PE	Proposed dwelling house on site at Kirk hill Farm Alves Moray IV30 8UZ			
	Decision	ID/PE Answered	**Date Of Decision**	24/09/02

ADVERT		
Advert Fee paid?	**Yes**	
Local Newspaper	**Reason for Advert**	**Date of expiry**
Northern Scot	No Premises	16/08/18
PINS	No Premises	16/08/18

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?		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

[Heldon And Laich]
Application for Planning Permission

TO Mr Douglas Fraser
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:-

Erect dwellinghouse on Site At Kirkton Cottage Alves Moray

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

Date of Notice: **1 Novmeber 2018**

Pp [redacted]

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 PP1, H7 and IMP1 of the adopted Moray Local Development Plan 2015 and, as a material consideration, the associated Supplementary Guidance: Housing in the Countryside, whereby

a) individually, the proposal would not integrate sensitively with the surrounding area where, given the open setting of the site on part of an agricultural field, any resultant dwelling thereon would appear as an obtrusive and conspicuous form of development and, in addition, the site lacks sufficient backdrop, screening and enclosure to mitigate the impact of the development and assist in it's integration sensitively into the surrounding landscape; and

b) cumulatively, the introduction of an additional dwelling would contribute to the further build-up of development in the locality and thereby, it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area within which it is located.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
017/364/03	Site plan
017/364/01	Floor plan
017/364/02	Elevations
017/364/04	Block plan
017/364/05	Location plan
017/364/06	Section plan
901	Proposed culvert details
906	Site sections
902	Access and culvert
905	Site section location

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

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 County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Douglas	Forename	Neil
Surname	Fraser	Surname	Grant
Company Name		Company Name	Grant & Geoghegan
Building No./Name		Building No./Name	Unit 4
Address Line 1		Address Line 1	Westerton Road Business Centr
Address Line 2		Address Line 2	Westerton Road South
Town/City		Town/City	Keith
Postcode		Postcode	AB55 5FH
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details

Planning authority: Moray Council

Planning authority's application reference number: 18/00862/APP

Site address

Site At Kirkton Cottage, Alves, Moray

Description of proposed development

Erect dwelling house and associated works

Date of application 13/07/2018 Date of decision (if any) 01/11/2018

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

4. Nature of Application

Application for planning permission (including householder application)	☒
Application for planning permission in principle	☐
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	☐
Application for approval of matters specified in conditions	☐

5. Reasons for seeking review

Refusal of application by appointed officer	☒
Failure by appointed officer to determine the application within the period allowed for determination of the application	☐
Conditions imposed on consent by appointed officer	☐

6. Review procedure

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

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

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

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

We do feel Members would benefit from seeing the site because the landscape and visual impact of the proposal is referred to in the appointed officers reasons for refusal. However, we have provided visual information within the body of the appeal statement so that Member's may refer to that.

7. Site inspection

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

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

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

8. Statement

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

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

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

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: Neil Grant | Date: 31/01/2019

Any personal data that you have been asked to provide on this from 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

Site at Kirkton Cottage, Alves

Issue Date:
31st January 2019

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8.0. Reasons for Refusal

9.0. Conclusion

Appendices – separate document:
Appendix 1: Decision Notice 18/00862/APP
Appendix 2: Circular 4/2009 – Development Management Procedure (Annex A)
Appendix 3: Moray Local Development Plan- Extracts

- Policy H7 Housing in the Countryside
- Policy IMP1 Developer Requirements
- Policy T2 Provision of Access
- Policy T5 Parking Standards
- Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)
- Policy EP10 Foul Drainage

Appendix 4: Guidance Note on Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside
Appendix 5: Scottish Planning Policy- Extracts
Appendix 6: Planning Advice Note (PAN) Housing in the Countryside

1.0 Introduction

These grounds for review of a decision to refuse planning permission for a dwellinghouse on land adjacent to Kirkton Cottage, Alves 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 1st of November 2018.

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 Summary

The proposal under review is for a single house incorporating traditional features and finishes. The site is part of a group of 3 houses, a ruinous steading and 2 recently approved plots (where it is understood planning permission now exists in perpetuity).

The proposed house has been sited and designed to relate to the appearance and character of this grouping as required by Moray Council Local Plan policies. The site is extremely well defined and it is enclosed and screened by established trees/shrubs from the east with a substantial backdrop made up of existing buildings, mature planting and landform from all other views.

The Moray Local Development Plan encourages low impact and well-designed development in the countryside. Local Plan policy H7 (the lead policy for assessing new houses in the Countryside) allows for single new houses provided they are on sites with a specific level of boundary definition, do not constitute obtrusive development and, when added to an existing grouping, do not detract from the appearance and character of existing buildings or their surrounding area.

The site has the required boundary definition, it is not one of the examples of an obtrusive site referred to in the policy and is extremely well assimilated into the existing grouping, and screened from view, by both the adjacent existing houses, and existing tree/shrub planting. Consequently, it is submitted that the proposal in hand to add another house to an existing, well integrated group is reasonable and compliant with the development plan because it relates well to the established settlement pattern. The modest scale and appearance of the proposed dwelling coupled with the implementation of a long term landscaping plan will protect and enhance the important amenity value of the area.

The reasons for refusal cite obtrusive development and unacceptable build-up of development. This appeal statement shows beyond any reasonable doubt that the development does not meet with the definition of obtrusive development which is contained within policy H7 nor does the introduction of a single house, to consolidate an existing grouping, with all the advantages that brings to servicing new housing the countryside, lead to an unacceptable build-up of residential development such that would detract from the rural character of the area. This latter is demonstrated by using the Council's own criteria contained within the recently published Guidance Note on the Landscape and Visual Impacts of Housing in the Countryside.

The Planning Act requires planning applications to be dealt with in accordance with policy unless there are material considerations to justify doing otherwise. As this proposal complies with policy and there are no material considerations to the contrary, it is concluded that the planning application should be approved.

3.0 Background

The application was made valid on the 13th of July 2018 and was refused under the Council's Scheme of Delegation by the case officer on the 1st of November 2018. The reasons for refusal (Appendix 1) state that;

The proposal is contrary to Policies PP1, H7 and IMP1 of the adopted Moray Local Development Plan 2015 and, as a material consideration, the associated Supplementary Guidance: Housing in the Countryside, whereby

a) *individually, the proposal would not integrate sensitively with the surrounding area where, given the open setting of the site on part of an agricultural field, any resultant dwelling thereon would appear as an obtrusive and conspicuous form of development and, in addition, the site lacks sufficient backdrop, screening and enclosure to mitigate the impact of the development and assist in its integration sensitively into the surrounding landscape; and*

b) *cumulatively, the introduction of an additional dwelling would contribute to the further build-up of development in the locality and thereby, it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area within which it is located.*

3.0 The Proposal

The proposal is for a single dwelling served by the public water supply and private drainage (septic tank/soakaway and SUDS). Access will be from the Unclassified Road that bounds the site to the north.

The design of the proposed house is single storey incorporating features and finishes that result in a traditional appearance. Existing trees within the applicant's wider ownership will be retained and supplemented with high quality new planting as per the plans.

4.0 The Site

The site is located immediately to the west of an established cluster of buildings and approved plots (refs: 17/01578/APP & 18/00191/APP) - these buildings and the larger site appear separate from the surrounding countryside being an enclosed area of ground surrounded on two sides by field boundaries, and the public road to the north. This well-defined boundary within which the subject site sits constitutes a long established and accepted feature in the landscape.

Furthermore, there are no environmental designations (National or International) covering the site and no archaeological/ historic interest has been identified. There is not considered to be any flood risk at the site.

5.0 Development Plan Context

The Development Plan for Moray comprises the Moray Local Development Plan 2015 and its associated Supplementary Guidance. 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

Policy H7 Housing in the Countryside (Appendix 3, page 8) contains a general presumption in favour of small scale housing developments in the countryside provided the prescribed siting and design of the proposal are in accordance with the following criteria;

Siting

- It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and;
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:

Design

- A roof pitch between 40-55 degrees;
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- A vertical emphasis and uniformity to all windows and doors;

- Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;
- Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.

The siting and design criteria in Policy H7 are supplemented by the general criteria based Policy IMP1 – Development Requirements (Appendix 3, page 10). This policy has a range of requirements applicable to all new development including that;

- scale, density and character must be appropriate to the surrounding area;
- development must be integrated into the surrounding landscape.

In addition, there are a range of other policies relating to infrastructure and servicing which seek to ensure that new development is provided with a safe and suitable access, adequate car parking and adequate surface and foul drainage, namely;

- T2: Provision of Access (Appendix 3, page 11);
- T5: Parking Standards (Appendix 3, page 12);
- EP5: Surface Water Drainage (Appendix 3, page 13);
- EP10: Foul Drainage (Appendix 3, page 14);

More recently, a Guidance Note on Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside has been prepared (Appendix 4). This additional guidance supports Policy H7 - Housing in the Open Countryside and associated Supplementary Guidance and is a material consideration when assessing housing in the countryside proposals, specifically where build up is one of the determining issues.

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).

Scottish Planning Policy 2014 (Appendix 5)
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.

With respect to rural development, SPP states that the planning system should promote a pattern of development that is appropriate to the character of the particular rural area.

Planning Advice Note 72 (PAN72) – Housing in the Countryside (2005) (Appendix 6)
PAN72 starts by recognising the changing circumstances in the countryside and points out that one of the most significant changes in rural areas has been a rise in the number of people wishing to live in accessible parts of the countryside while continuing to work in towns and cities within commuting distance. It contains guidance in some detail on how to achieve a successful development in the countryside. The PAN acknowledges that there will continue to be a demand for single houses, often individually designed, but these have to be planned, with location carefully selected and design appropriate to the locality.

The PAN gives advice on location within the landscape and specifically states that housing related to existing groups will usually be preferable to new isolated development. It requires new housing in small groups to

avoid a suburban appearance, by being sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality (Appendix 6, page 17).

Setting a building against a backdrop is identified in the PAN as one of the most successful means by which new development can blend with the landscape. However it also states that the purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. The PAN also cautions against skyline development and heavily engineered platforms (Appendix 6, page 18).

6.0 Main Issues

There is a clear commitment in National Planning Policy and Guidance and the Moray Local Development Plan to the principle of well sited and designed new housing in the countryside. There is particular support for houses related to existing groups as is the case with the site under appeal.

Policy H7 is the lead local policy in the consideration of this proposal; its stated aim being to allow housing in the open countryside that can be easily absorbed into the landscape. It sets out four specific criteria under the heading of 'siting' which have to be met to secure the principle of development.

Firstly, the proposed site should reflect the traditional pattern of development in the locality and does not constitute obtrusive development. The settlement pattern in this area of Moray is characterised by single and small groups of houses and outbuildings dispersed throughout the rural area. As such, the introduction of a dwelling which rounds off and consolidates an established housing group set in this wider scattering of houses and agricultural buildings can be seen to reflect the established settlement pattern.

In addition, the site does not meet with the Council's definition of obtrusive development i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field. Once built, it will not be possible to view this modest structure on the skyline from the surrounding countryside, and the house will not be built on artificially elevated ground (conditions relating to finished floor levels can be imposed to ensure control is retained over this matter). The landscape and visual impact of the project is demonstrated in detail in Section 7.

The second element of the siting criteria states that the proposed development should not detract from the character or setting of existing buildings or their surrounding area or create inappropriate ribbon development. The proposed plot is very well related to the size and characteristics of existing and approved plots to the East. In this position, it will effectively round off this small group of houses and buildings, the field boundary to the west providing a natural break to development. Taken together, once all plots are developed they will have the benefit of similar landscaped grounds within which the proposed houses will be contained, which will soon mature and integrate the developments into their rural surrounds.

The proposed house has been positioned within the plot to keep it well apart from existing properties and approved plots and the relationship between the size of the house and the plot is consistent with that of the relationship between the size of nearby houses and plots. As a result, the proposal will relate very well to the character and setting of the existing small grouping of houses. In the proposed position, there is little or no impact on the character or setting of these properties nor will it give rise to detriment upon neighbouring amenity (privacy, prejudice to sunlight/ daylight etc). On the basis of the above, it cannot reasonably be concluded that the proposed development detracts from the character or setting of existing buildings, the surrounding area or results in inappropriate ribbon development.

The third of the siting criteria states that new housing in the countryside should not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. The submitted plans clearly demonstrate that the addition of one dwellinghouse in this location, with the proposed

separation between buildings, and natural break to any further development to the west, will not have this effect nor will it contribute to this effect in the future.

Finally, the site should have at least 50% of its boundaries as long established features capable of distinguishing it from the surrounding land. Examples of acceptable boundaries are listed as dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways. The proposed development meets and exceeds the boundary requirements prescribed through the existing field boundary.

Although the proposed design of the property is not identified as an issue in the reasons for refusal, there are a series of specific design requirements within policy H7 which are all met by the proposal;

- A roof pitch between 40-55 degrees;
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level
- Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- A vertical emphasis and uniformity to all windows and doors;
- Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;
- Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.

In addition to the criteria set out in policy H7 and its associated supplementary guidance, a guidance note on Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside has been prepared, and is a material planning consideration in the assessment of housing in the countryside proposals, specifically where build up is one of the determining issues.

This guidance sets out criteria i.e. siting and design indicators to help identify the conditions when build up is an issue and this criteria assists the decision maker in determining whether a proposal has an unacceptable impact in terms of build-up. The appellant contends that when this guidance is applied to the proposed development, that the prevailing conditions pertaining to the site and its surrounds do not constitute unacceptable build up. The proposal is compared to the prescribed siting and design indicators towards the end of section 7 below.

Overall it is considered that the proposal is exemplary in this regard and therefore meets the requirements of Policy H7 and the related Supplementary Guidance on Housing in the Countryside. In doing so it also satisfies the requirements of Policy IMP1 which requires development to be integrated into the landscape and of a character appropriate to the surrounding area.

7.0 Reasons for Refusal

The first reason for refusal states that, "*individually, the proposal would not integrate sensitively with the surrounding area where, given the open setting of the site on part of an agricultural field, any resultant dwelling thereon would appear as an obtrusive and conspicuous form of development and, in addition, the site lacks sufficient backdrop, screening and enclosure to mitigate the impact of the development and assist in its integration sensitively into the surrounding landscape*;"

In short, the Appointed Officer concludes that the site constitutes obtrusive development. We recognise that there are intermittent views of the site from the surrounding area however, we strongly disagree with the appointed officers conclusions that the proposed dwelling would appear as an obtrusive and conspicuous form of development- please also note that this is also a significant departure from the interpretation of 2 previous planning officers in relation to adjacent approvals under references 17/01578/APP & 18/00191/APP.

Obtrusive development is defined in lead policy H7 as development which is "*on a skyline, artificially elevated ground or in open settings such as the central area of a field*". For the avoidance of any doubt the proposal at hand does not meet with any of these criteria therefore, in respect to planning policy, this proposal cannot reasonably be considered to constitute obtrusive development.

The subject site forms part of a small cluster of existing buildings and approved plots. It is very well defined from the surrounding countryside through a combination of its boundary treatments and historic management. This area of ground has been used as a set down area and has not been subject to the same agricultural practices as the fields which bound it therefore, it is not read as part of the surrounding farmland when viewed in the landscape. It is read in the landscape as part of the existing group of houses and buildings.

Furthermore, the site does not constitute obtrusive development on the basis that it is not located in the central area of the field and subsequently, we would strongly contend that the subject site more than meets with all of the criteria set out in planning policy for the sensitive siting of residential development in the countryside. We conclude that from key views the site benefits from a substantial backdrop, which together with the implementation of a long term landscaping scheme will enable this development, alongside those already approved, to integrate swiftly and sensitively into its rural surrounds. The applicant would welcome the imposition of an appropriately worded planning condition to ensure early delivery of planting, if |Members were so minded.

The following annotated photographs will show beyond any reasonable doubt that the site does not constitute an obtrusive and conspicuous form of development from key views, and thereby demonstrates the conclusions reached by the appointed officer in his assessment of the proposal to be improper;

Annotated photographs have been provided from the above locations.

Viewpoint 1 – long distance view of the site with backdrop of trees and buildings. The site appears in the landscape as part of an existing cluster of buildings in all views from the south west.

Viewpoint 2 – the distance diminishes clear views of the site from this section of the road. Members will also notice that it does not appear on the skyline and is read as part of an existing group of buildings/ approved plots.

Viewpoint 3 – a closer view from the adjacent road shows that the proposed development would be nestled into the site with a backdrop of landform to the south. The mature planting to the east ensures that site arrangements would not appear prominently in this view.

Viewpoint 4 – there are very limited views of the site from the north, as is demonstrated above. Therefore, the site cannot constitute obtrusive or conspicuous development from this direction.

Viewpoint 5 – this view shows the site with a backdrop of landform and also in the context of the existing housing group with clearly defined boundaries. Together with the approved plots to the immediate east, it becomes clear that the subject site is ideally located in the landscape and will integrate sensitively into its rural surrounds, once established.

Viewpoint 6 – From this view, the site benefits from a substantial backdrop of landscape and is once again very well defined from adjacent farmland. The implementation of a long term landscaping scheme will concentrate on views from this direction to ensure the proposed development, and adjacent approved plots, quickly integrate into their surroundings.

Viewpoint 7 – views of the site further to the south east are diminished by the intervening distance. The site maintains a substantial and effective backdrop from all views to the south east.

On the basis of this evidence, we would strongly contend that the proposal benefits from a substantial backdrop in all views and the coherent visual relationship between the proposal and the existing group of houses/ buildings/ approved plots mean that a recommendation of refusal based on an adverse visual or landscape impact is highly questionable. In fact, the appellants would contend quite the opposite; that a domestic structure on this site can be accommodated sensitively and the proposed development can be seen to compliment the wider dispersed settlement pattern, respect and reflect the separation and amenity of existing houses and once established will integrate successfully with its surroundings.

The prevailing characteristics of the site and its relationship with its rural surrounds mean the conclusions reached by the appointed officer in the second reason for refusal are quite surprising. The thrust is that the addition of a single dwelling in this location would result in unacceptable build up and that consequently, it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area.

The Moray Council's Housing in the Countryside policy offers a flexible approach to ensure appropriate opportunities are enabled and supported and inappropriate development guarded against. It is submitted that the proposal in hand to add another house to an existing, well integrated group is reasonable and compliant with the development plan because it relates well to the established settlement pattern. The modest scale and appearance of the proposed dwelling coupled with the implementation of a long term landscaping plan will protect and enhance the important amenity value of the area.

It is important to note that the introduction of a house onto this site is in full accordance with PAN72 because it adds to an existing grouping and owing to its coherent relationship with existing properties does not detract from its rural character. The guidance reiterates the importance of locating new houses in existing groups in relation to sustainable development criteria such as location and infrastructure needs. The consolidation of an existing housing group in the way proposed, with all the servicing benefits associated with such a project, point to a well-balanced development that deserves the support of the Local Authority.

Moray Council has recently introduced a Guidance Note on the Landscape and Visual Impacts of Housing in the Countryside (Appendix 4). This guidance is a material consideration in addition to policy H7 and its associated supplementary guidance and focuses on the landscape and visual impacts associated with the build-up of

housing in the Moray countryside. It seeks to assist the decision maker in determining when build up becomes unacceptable and is of particular relevance in this case in the context of the appointed officer's second reason for refusal. The guidance gives us the opportunity to determine whether unacceptable build-up of development has occurred in a planning policy context, by testing the proposal against the various criteria set out in the guidance.

There are two separate parts to this guidance. One part focuses on 8 areas identified as housing in the countryside hotspots where cumulative build up is already prevalent. As the subject site is not within and does not share characteristics with any of these high pressure areas, this portion of the guidance does not apply.

Outwith these areas, the guidance sets out cumulative build up indicators to identify build up and determine when it becomes unacceptable. The premise is that cumulative build up is an issue throughout the area so the guidance contains a number of siting and design indicators to help the decision maker identify an uncharacteristic build-up of houses that threatens to erode the distinctive qualities of rural Moray.

In this context, the applicants strongly contend that the proposed development does not detract from the character, appearance or amenity of the surrounding rural area. The following sections set out the indicators contained within the recently published guidance, and measures how the proposal at hand relates to them;

Siting Indicators (Appendix 4, page 3)

The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.

The prevailing settlement pattern is particularly straightforward to perceive in this part of the district i.e. single and small groups of houses and farm buildings dispersed throughout the rural area. The introduction of a new dwelling to an existing small, cohesive group of buildings and approved plots respects the traditional settlement pattern. In this position, the modest dwelling proposed would benefit from a backdrop of landform, mature planting and built form from key views. Consequently, the scale of the proposed development will not overwhelm its landscape setting nor will it overwhelm existing buildings within the group.

The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.

The addition of a single dwelling to an existing, well established group of buildings in the Moray countryside will not result in built form being a major characteristic of the landscape. What is proposed here is the sensitive, small scale expansion of an existing group of houses and buildings. Once established, the effect of the development in landscape terms would be negligible.

Furthermore, this is not a prominent site from key viewpoints. This is demonstrated in the preceding section.

There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

The proposed development does not constitute ribbon development nor is the consolidation of an existing group of houses contrary to the traditional dispersed settlement pattern- to the contrary the proposed development can be seen to reinforce the prevailing traditional settlement pattern. In addition, the separation between the site and existing houses within the group respects that of the existing group and reflects traditional, high quality siting in the Moray countryside. All of this means that the experience of road users, in terms of the cumulative build-up of houses, remains unchanged.

In this case, although all applications are assessed on their own individual merits, Member's should take comfort that the access track to the North West and the public road provides a natural break to development which will preclude the extension of this group further into the countryside. The appellants have sought

planning permission on this site so that they can be located near to their existing business enterprise- although this is not prescribed in the criteria enabling housing in the countryside in Moray, Member's should be aware that the approval of this application will support an existing well established rural business. On account of all these factors, there is clearly significant material weight in favour of siting the development in this location in the manner proposed.

Design Indicators (Appendix 4, page 3)

In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.

As is referred to by the appointed officer, there are 2 approved plots in the immediate vicinity of the subject site and the proposed development would be served by the same access arrangements. Whilst bin storage and collection would be as per the approved arrangements as well, the applicants have indicated that they would welcome the imposition of a appropriately worded condition to ensure that these arrangements would not have any undue impact on the character of the area.

The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.

The proposed dwelling is modest in scale and relates well to traditional architecture in the Moray countryside and more specifically to the existing buildings with the group.

There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.

The proposed development has been sited to respect the traditional settlement pattern rather than orientated to provide outward views. As a result, there would be no open prominent elevations visible from the surrounding countryside.

A new architectural design is prevalent which has overwhelmed the older vernacular style.

The proposed design successfully reinterprets the vernacular style inherent in high quality traditional architecture in the Moray countryside in a modern context.

In the appellant's view, owing to the above, the stance taken by the appointed officer in the second reason for refusal, i.e. that "*cumulatively, the introduction of an additional dwelling would contribute to the further build-up of development in the locality and thereby, it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area within which it is located*" is untenable.

8.0 Conclusion

As stated, the Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are "material considerations" to justify doing otherwise.

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside and there is a preference for the siting of new houses within existing groupings; recent decisions demonstrate accordance with these aims and objectives so the applicants simply ask that this application be determined in the same manner.

The lead policy in the Local Plan for testing the acceptability of the site as a suitable location for a house in the countryside is Policy H7 and it contains specific criteria about the siting and design of new dwellings. These Grounds of Appeal and the submitted plans clearly show that the proposal is acceptable under the criteria set out in the policy, including all supplementary guidance. It has also been shown that the proposal is acceptable

in relation to other relevant Local Plan policies and guidance regarding landscape impact, design, provision of access, parking and drainage.

As the proposal can be accepted under Development Plan policies and there are no known material considerations to the contrary, it is respectfully requested that the Local Review Body reconsider the decision to refuse the proposed development and grant planning permission.

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

Site at Kirkton Cottage, Alves

Issue Date:
31st January 2019

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

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich]
Application for Planning Permission

TO Mr Douglas Fraser
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:-

Erect dwellinghouse on Site At Kirkton Cottage Alves Moray

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

Date of Notice: **1 Novmeber 2018**

[redacted]
Pp

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

(Page 1 of 3)

Ref: 18/00862/APP

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 PP1, H7 and IMP1 of the adopted Moray Local Development Plan 2015 and, as a material consideration, the associated Supplementary Guidance: Housing in the Countryside, whereby

a) individually, the proposal would not integrate sensitively with the surrounding area where, given the open setting of the site on part of an agricultural field, any resultant dwelling thereon would appear as an obtrusive and conspicuous form of development and, in addition, the site lacks sufficient backdrop, screening and enclosure to mitigate the impact of the development and assist in it's integration sensitively into the surrounding landscape; and

b) cumulatively, the introduction of an additional dwelling would contribute to the further build-up of development in the locality and thereby, it would detract from, and be detrimental to, the character, appearance and amenity of the surrounding rural area within which it is located.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
017/364/03	Site plan
017/364/01	Floor plan
017/364/02	Elevations
017/364/04	Block plan
017/364/05	Location plan
017/364/06	Section plan
901	Proposed culvert details
906	Site sections
902	Access and culvert
905	Site section location

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

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.

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 H7 New Housing in the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

Siting

a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;

b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;

c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,

d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

Justification

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

If the above criteria for the setting of the new house are met, the following design requirements then apply:

Design

i) A roof pitch between 40-55 degrees;

ii) A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);

iii) Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;

iv) A vertical emphasis and uniformity to all windows and doors;

v) Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;

vi) Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

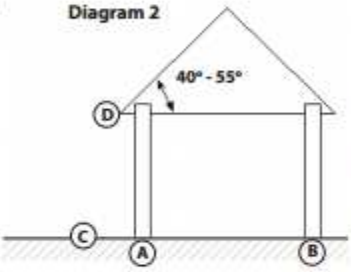
Proposals which involve the loss of woodland will be assessed against policy ER2 and must take account of the Council's Supplementary Guidance on Trees and Development.

Supplementary Guidance has been produced in order to provide further advice on the interpretation of this policy, and will be used in the process of determining planning applications.

Proposals for holiday homes in the open countryside will be assessed against this policy.

Other considerations such as noise contours, developer contributions and energy efficiency will be taken into account in the determination of a planning application, and advice on these matters can be viewed in the aforementioned Supplementary Guidance.

Diagram 2



Ground Level:
A fixed point measured 100mm below the finished floor level of a house with a solid ground floor;

or 300mm below finished floor level of a suspended ground floor

Eaves:
The point where the front face of the external wall intersects with the uppermost point of the roof line

The width of the gable as measured from A to B should not be greater than 2.5 times the height of the ground to eaves measurement C to D.

Pitch on roof to be 40° - 55°

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 Councils supplementary guidance "People and Paces – A design Guide for Moray". Consideration should also be given to any active travel audits in place. For smaller developments in the countryside the Councils 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.

Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Justification

Under the Water Environment Controlled Activity (Scotland) Regulations 2011, SUDS are a statutory requirement for almost all development and therefore this needs to be considered during the site design to ensure adequate space will be available. Well designed and maintained, SUDS can reduce diffuse pollution from surface water run-off, free up capacity in water management infrastructure, contribute to green/blue networking thereby supporting River Basin planning. Blue networks are identified to ensure that new development is set back from and planned around watercourses to create networks and corridors to facilitate natural hydrological process, enhance biodiversity and help create a "unique sense of place" on-site. Systems should be designed to comply with the Controlled Activity Regulations (CAR) general binding rules (GBR's). SUDS also have a role in reducing flood risk and mitigating against the effects of climate change.

Policy EP10 Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Justification

This policy aims to achieve the satisfactory disposal of sewage. The policy encourages new development to connect to the mains system whenever possible but recognises that in some cases this will not prove possible. The policy seeks to ensure that drainage systems can be designed to a standard that can be adopted by Scottish Water and which could be connected to a public system in the future.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

Promoting Rural Development

NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Key documents

- Getting the Best from Our Land – A Land Use Strategy for Scotland[40]
- National Marine Plan

Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. 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

40 www.scotland.gov.uk/Publications/2011/03/17091927/0

Rural development

Problems to solve

For over 10 years, *PAN 36* has had some positive impact on new housing development but, nethertheless, concerns remain:

- an inability to understand designs particular to local areas;
- development plans and supporting guidance not always sufficiently clear about the standards required;
- a lack of confidence in articulating and holding out for quality design, and following through to appeal, if necessary;
- an over reliance on houses not designed specifically for the site; and
- roads and drainage engineers using urban solutions rather than having greater flexibility to reflect local circumstances.

It is therefore appropriate to restate the importance of quality development in the countryside by expanding on the messages in *PAN 36*.

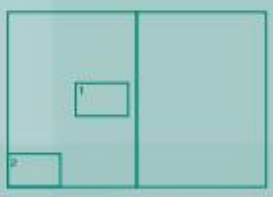
Changing circumstances

One of the most significant changes in rural areas has been a rise in the number of people wishing to live in the accessible parts of the countryside while continuing to work in towns and cities within commuting distance. Others wish to live and work in the countryside. These trends derive from lifestyle choices and technological changes which allow working from home. More people are now also buying second or holiday homes. In addition, leisure and tourism businesses have been increasingly active, for example through timeshare and chalet developments. It is for planning authorities to assess these demands and decide how, and where, to accommodate them.

a rise in the number of people wishing to

live

in the countryside



1: Self catering units, near Auchterarder, Perth & Kinross
2: Contemporary artist's studio and home, Perth & Kinross

Opportunities

Some landscapes will probably have to accommodate considerable change in the coming years. This change needs to be planned and managed so that the effects are positive. Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity.

Examples of the main opportunities include:

conversion or rehabilitation

The revival of rural buildings to provide comfortable modern homes has become increasingly popular. It not only brings a building back to life but it may provide opportunities to sensitively conserve our built heritage, including buildings of merit which are not listed. The sympathetic restoration of buildings which are structurally sound, largely intact, safely accessible and linked to water and other services maintains the character and distinctiveness of places.

small-scale infill

Small-scale infill in existing small communities can bring economic and social benefits by supporting existing services such as schools and shops. Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.

new groups of houses

Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.

single houses

There will continue to be a demand for single houses, often individually designed. But these have to be planned, with location carefully selected and design appropriate to locality.

Some landscape considerations

Location within the landscape – Location concerns site selection within the wider landscape. Some areas are so prominent that it is accepted that any development at these locations would be detrimental to the surrounding landscape. Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape. Sites which are least visible can often be suitable for more adventurous or individual designs. Occasionally, where a landmark development is considered to be appropriate, its design needs to be of the highest quality and considered very carefully. Likewise, where there are groupings of new buildings, their location within the landscape and relationship to each other is important.

11

Woodlands – Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. In some parts of Scotland, where there is little existing planting and limited scope for landscaping, particular care should be taken in the selection of sites and design of houses.

New planting – The purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. New trees and shrubs which are locally native will usually be easier to establish than non-native plants, and will be more in keeping with the character of the area. Planting with locally native species has the additional benefits of creating habitats for wildlife and potentially contributing to Local Biodiversity Action Plans.

Boundary treatments – The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment. Suburban ranch-type fences, concrete block walls and the regimented use of non-native fast-growing conifers should be avoided. Although the use of dry-stone walling in some areas can help the integration of new development with the landscape, the costs involved may mean that this can only be justified in exceptional circumstances. Such circumstances are most likely to arise in designated areas, e.g. National Parks, National Scenic Areas, Conservation Areas and local landscape designations.

AUG 2017

GUIDANCE NOTE

GUIDANCE NOTE ON LANDSCAPE AND VISUAL IMPACTS OF CUMULATIVE BUILD-UP OF HOUSES IN THE COUNTRYSIDE

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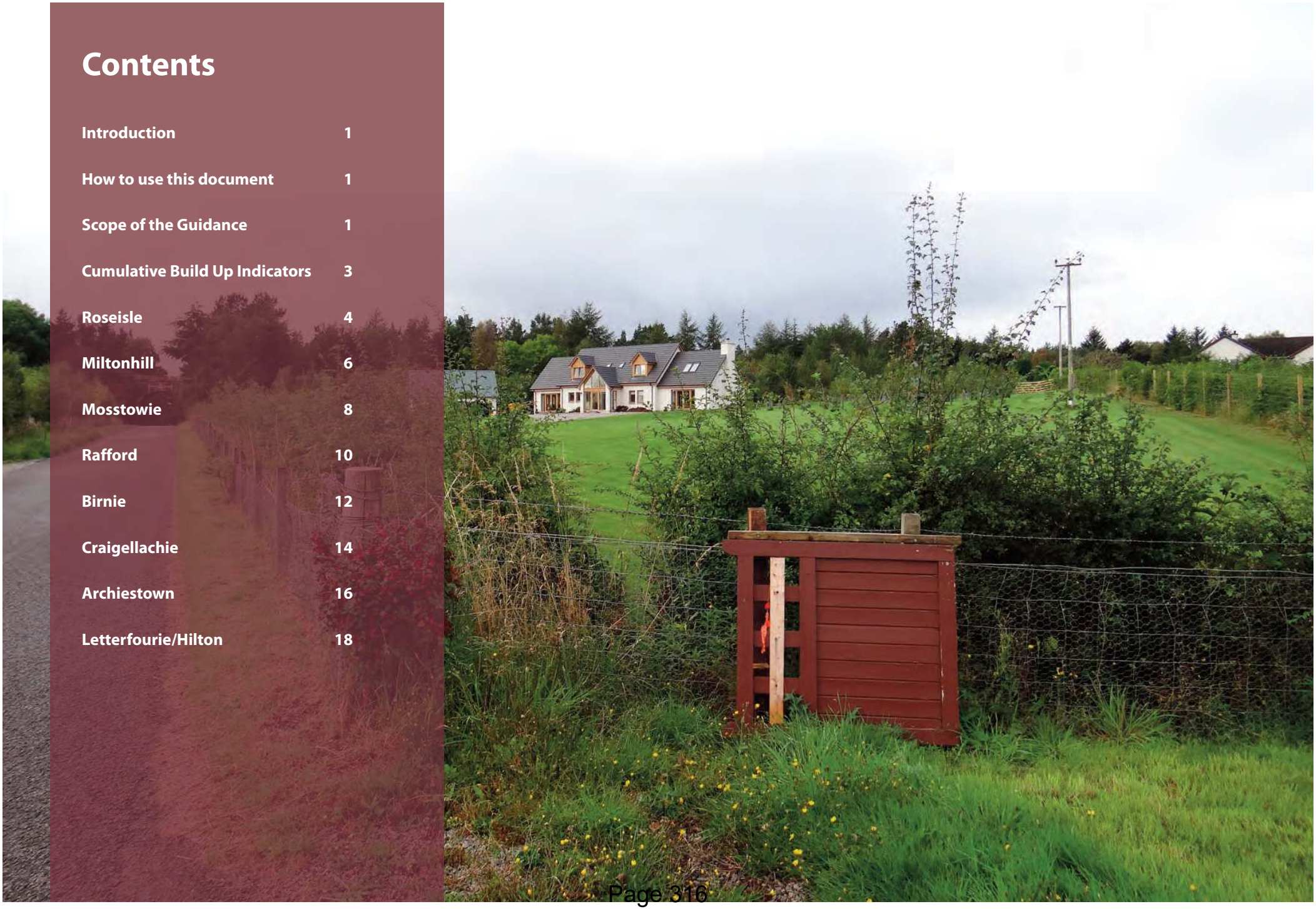


GUIDANCE NOTE

ON LANDSCAPE AND VISUAL IMPACTS OF CUMULATIVE BUILD-UP OF HOUSES IN THE COUNTRYSIDE

Introduction

The rate of growth of new housing in the countryside in the last 10 years has been significant in Moray. This has led to the creation of areas where there are concentrated pockets of housing and parts of the countryside are becoming suburbanised by an uncharacteristic build up of houses that threatens to erode the distinctive qualities of rural Moray.

How to use this document

This guidance has been prepared to provide further detail in respect of the landscape and visual impacts associated with the build-up of new housing in the open countryside and to assist in determining when it becomes unacceptable. This additional guidance supports Policy H7 - Housing in the Open Countryside and associated Supplementary Guidance and is a material consideration when assessing housing in the countryside proposals, specifically where build up is one of the determining issues.

Scope of the Guidance

This guidance covers the whole of Moray as cumulative build up is an issue throughout the area. The first part of the guidance sets out cumulative build up indicators to identify build up and determine when it becomes unacceptable.

The second part of the guidance focuses on 8 study areas identified as housing in the countryside hotspots where cumulative build up is prevalent. A landscape consultant was commissioned to identify the key landscape and visual impacts associated with cumulative build up and assess the appropriateness of further development within these study areas.

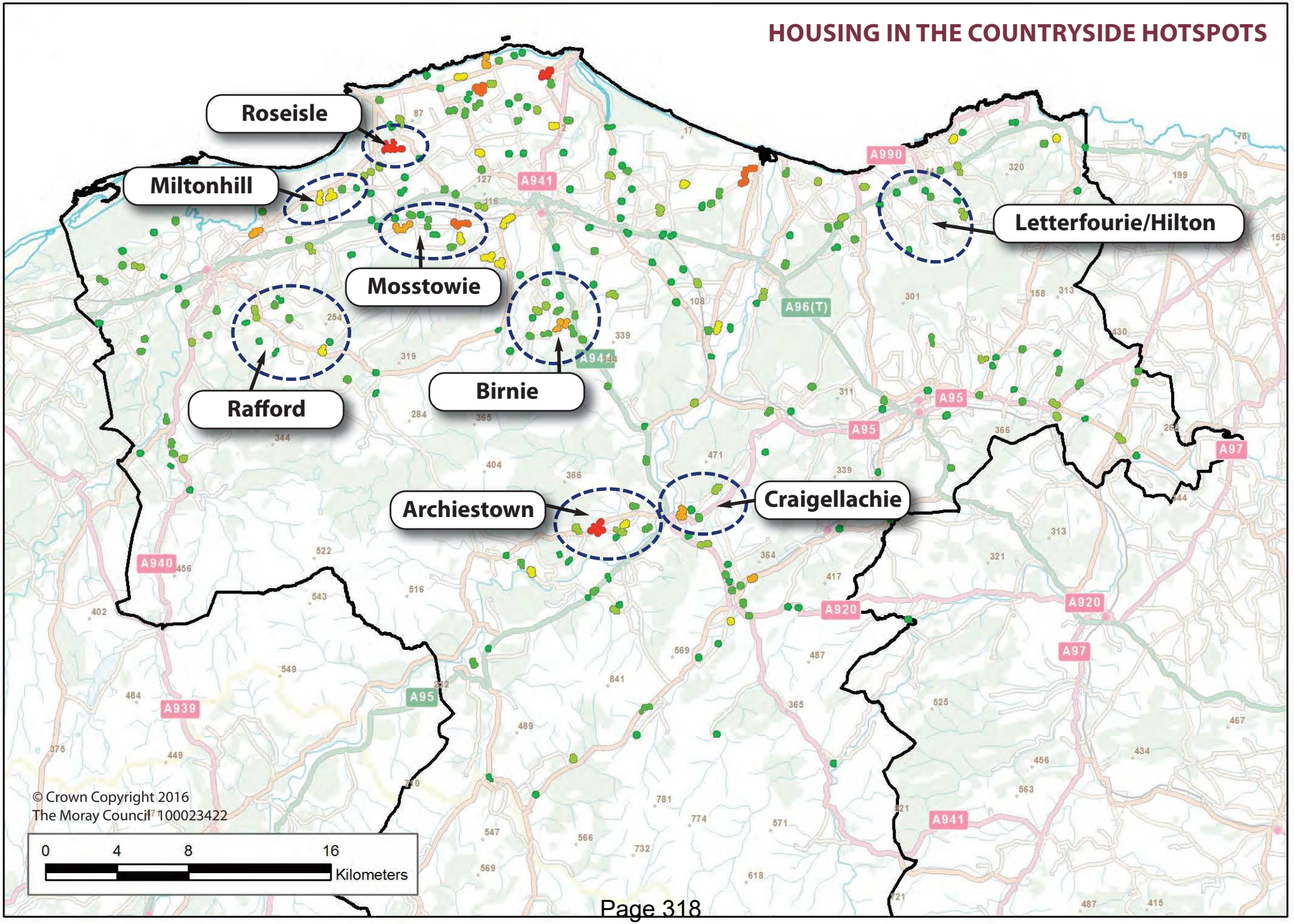
- **Roseisle**
- **Birnie**
- **Miltonhill**
- **Craigellachie**
- **Mosstowie**
- **Archiestown**
- **Rafford**
- **Letterfourie/Hilton**

It should be noted that the mapping provides a snapshot in relation to cumulative build up which will change over time. On this basis it is proposed to review the mapping every two years to keep it updated.

Furthermore, the boundaries around the development hotspots are indicative and do not represent the extent of cumulative build up but instead provide a visual aid to identify the areas the guidance is referring to.

The study areas cover the wider area surrounding the identified development hotspots. The guidance is applicable to all housing in the open countryside proposals that are sited within the boundaries of the identified hotspots and those on the edges of it and surrounding area that may exacerbate or create cumulative build up.

HOUSING IN THE COUNTRYSIDE HOTSPOTS



Cumulative Build Up Indicators

There are different types of build up occurring across Moray including sequential build up when travelling through an area, concentration of new houses in an area that overwhelms traditional buildings and concentrated development that creates suburban cul-de-sacs. The conditions for build up differ depending on the characteristics of a particular location and on this basis it is impossible to provide a singular definition of what constitutes unacceptable build up.

Identifying the area surrounding an application site that should be taken into account when considering build up can also be problematic. This should be based on the characteristics of the locality, applying a blanket measurement around a site is not an appropriate approach.

In order to help identify the conditions when build up is an issue and has an unacceptable impact a number of indictors for build up have been identified.

Siting Indicators

- The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
- The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.
- There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

Design Indicators

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

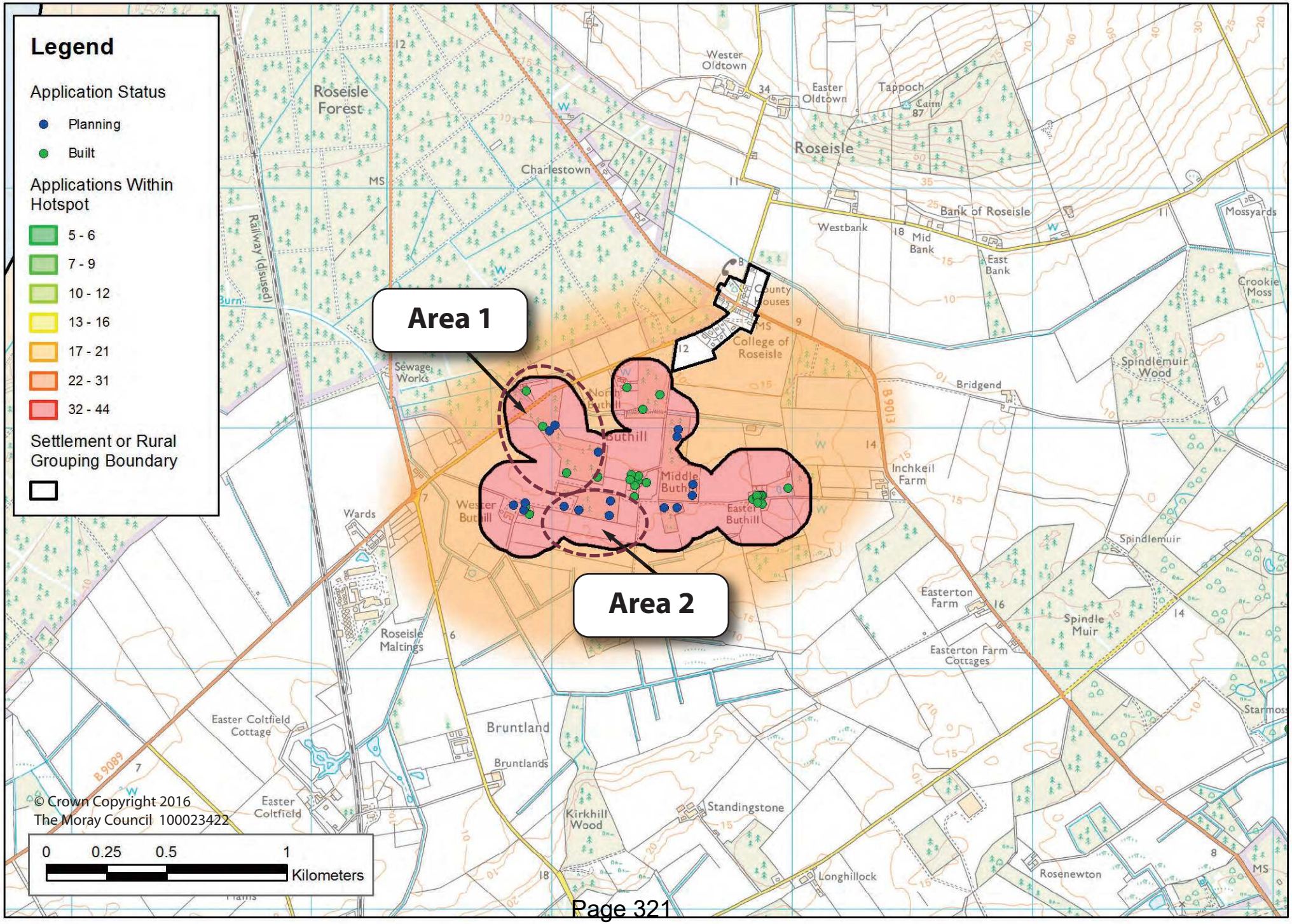
Roseisle

This study area comprises a loose grouping of new housing to the south-west of Roseisle. There is a cluster of recent housing associated with former farmsteads at Middle and Easter Buthill. More dispersed houses are predominantly sited within semi mature and even aged woodland of scots pine. Other houses are located in more open positions but partially screened by the undulating landform and woodland.

Area 1: This area is perceived as a distinct and concentrated grouping of houses, although it lacks the dense clustering associated with a traditional settlement. It appears more like a suburban residential area commonly found on the edge of a larger urban settlement and is therefore incongruous in its landscape setting.

Although semi mature pine woodland provides the setting for some more recent developments, new houses are situated in the outer edges of the woodland with only limited screening provided by a few widely spaces trees. No further development should be consented within this existing woodland.

Area 2: Fenced housing plots are laid out in a linear arrangement with a young plantation. Housing development within the plantation will be prominent being sited in an open location on a slight ridge. The woodland is not sufficiently mature to provide screening or to form a strong landscape feature aiding the integration of the development. A geometric young plantation is not an appropriate landscape feature to associate new development within. No further housing should be consented in this location as it will appear arbitrary, isolated and contrast with the settlement pattern prevalent in the wider landscape.


Legend
Application Status
Planning
Built
Applications Within Hotspot
5 - 6
7 - 9
10 - 12
13 - 16
17 - 21
22 - 31
32 - 44
Settlement or Rural Grouping Boundary
Area 1
Area 2
Roseisle Forest
Wester Oldtown
Easter Oldtown
Tappoch
Cairn
Roseisle
Charlestown
Bank of Roseisle
Westbank
Mid Bank
East Bank
Mossyards
Crookie Moss
Railway (disused)
County Houses
College of Roseisle
Sewage Works
Buthill
Middle Buth
Wester Buthill
Easter Buthill
Bridgend
Spindlemuir Wood
Inchkeil Farm
Spindlemuir
Wards
Roseisle Maltings
Easterton Farm
Easterton Farm Cottages
Spindle Muir
Starmoss
Easter Coltfield Cottage
Bruntland
Bruntlands
Kirkhill Wood
Standingstone
Longhillock
Rosenewton
Easter Coltfield
B 9089
B 9013
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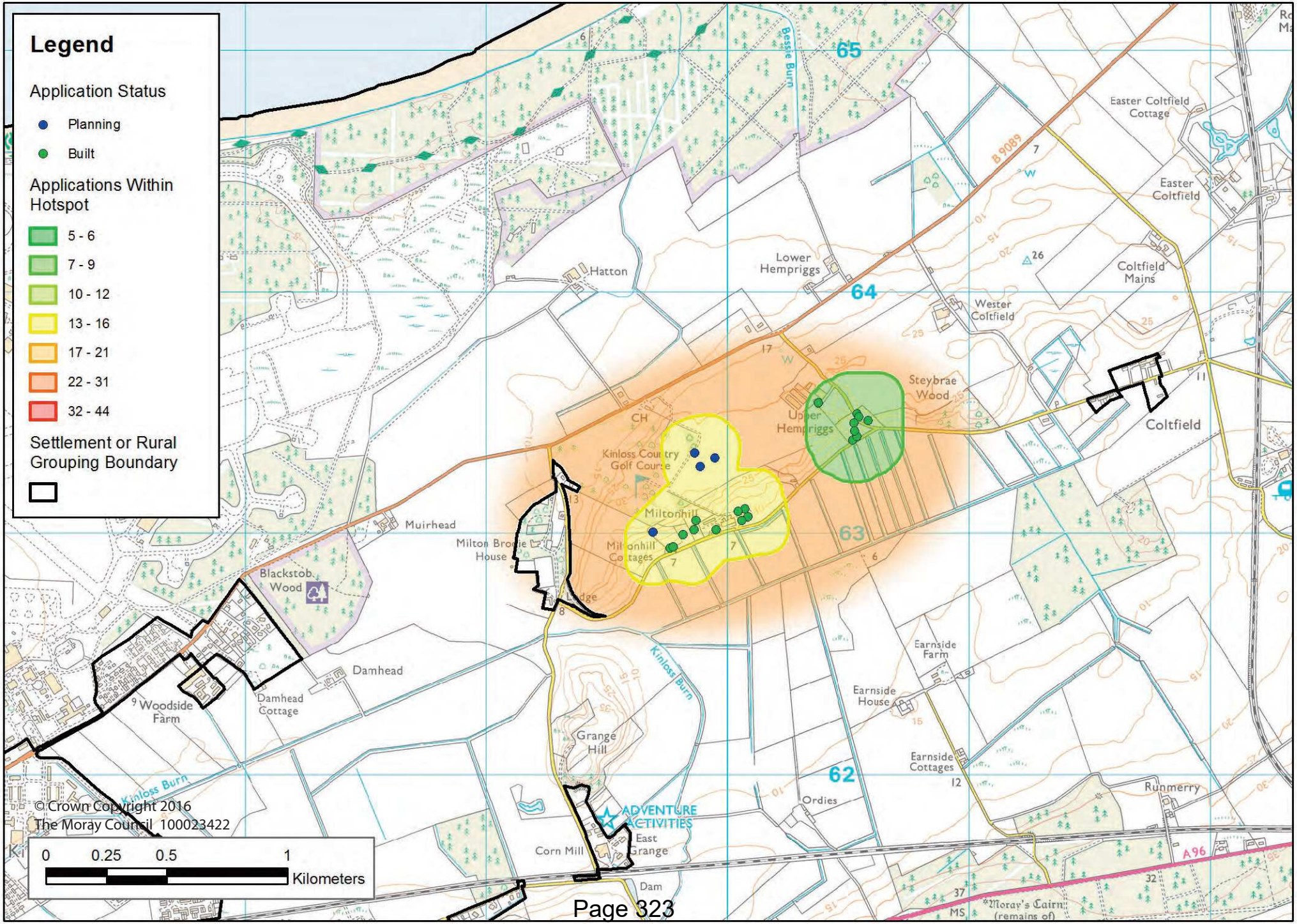
0 0.25 0.5 1
Kilometers

Miltonhill

Capacity is close to being reached in this area as there are very few more gently sloping sites at the foot of the bank and siting additional houses on steep slopes or higher up the bank would be contrary to the pattern of older houses and the majority of more recent housing in this area.

Further housing constructed on the upper slopes of the golf course, resulting in a greater number and proportion of buildings visible on the top of the bank, would have adverse effects on the view across the open coastal farmland including from the A96. There is scope to accommodate further small scale development within the golf course itself avoiding prominent locations. A masterplan must be prepared to support the release of land for small scale house development. The council will work with the developer/landowner to prepare a masterplan that promotes sensitive development that integrates into the landscape and is of a high design quality.

Any further building on the bank itself or seen on the skyline of the bank should be avoided as development in this area is prominent from the A96.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10 - 12
13 - 16
17 - 21
22 - 31
32 - 44
Settlement or Rural Grouping Boundary
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0 0.25 0.5 1
Kilometers
Hatton
Lower Hempriggs
Wester Coltfield
Coltfield Mains
Easter Coltfield Cottage
Easter Coltfield
Coltfield
Steybrae Wood
Upper Hempriggs
CH
Kinloss Country Golf Course
Miltonhill
Miltonhill Cottages
Milton Brodie House
Muirhead
Blackstob Wood
Damhead
Damhead Cottage
Woodside Farm
Kinloss Burn
Grange Hill
Corn Mill
ADVENTURE ACTIVITIES
East Grange
Dam
Ordies
Earnside Farm
Earnside House
Earnside Cottages
Runmerry
A96
Moray's Cairn (remains of)
Bessie Burn
B 9089
65
64
63
62

Mosstowie

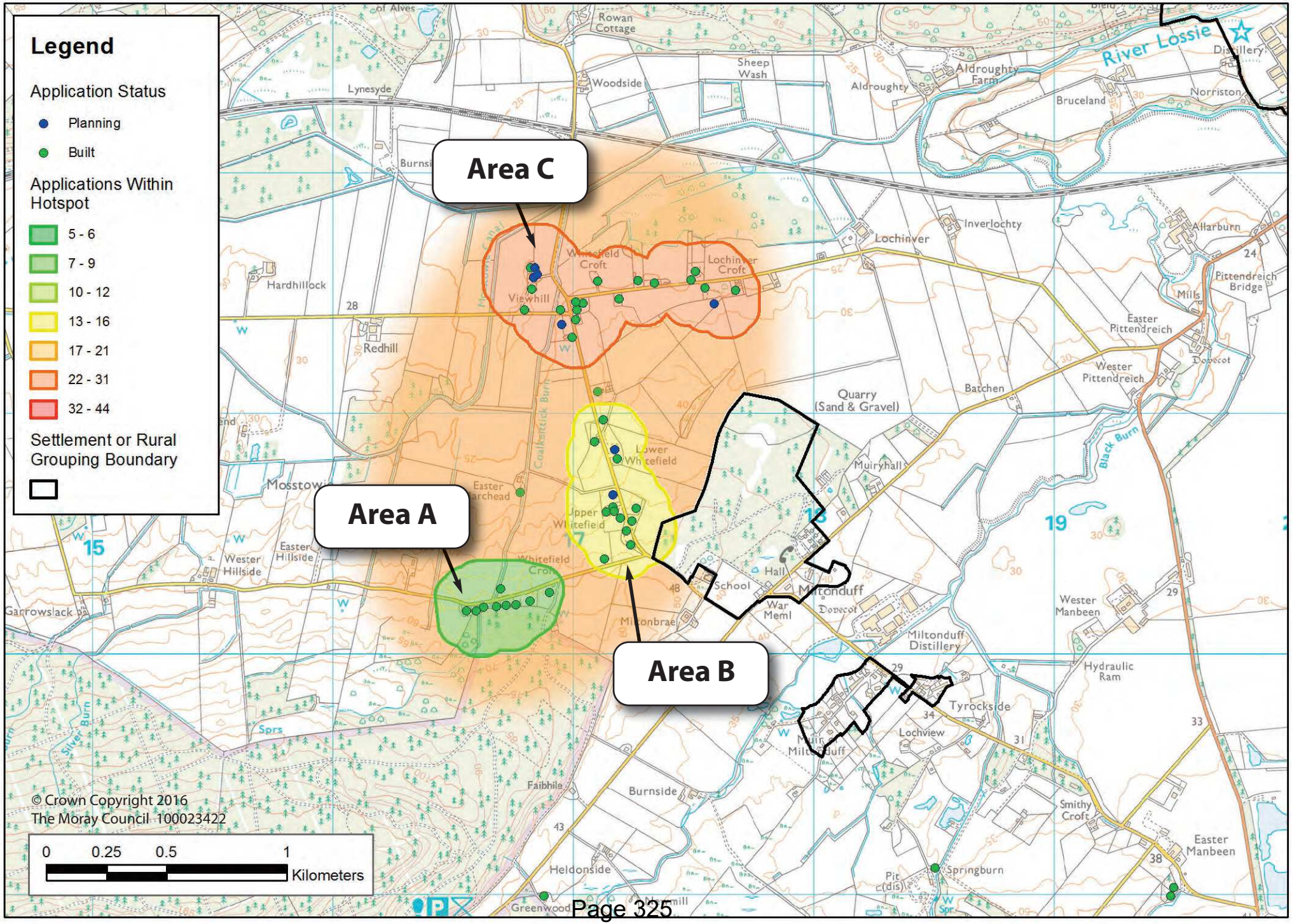
A number of late 20th century bungalows and houses are aligned against the minor roads and more recently constructed houses tend to follow this pattern forming infilling between older properties. Area A forms a more concentrated linear grouping while areas B and C comprise a more cluster and space arrangement but are broadly linear in their proximity to the minor road.

Inter-visibility of new buildings does not have a significant cumulative impact. The sequential visual effects of cumulative build up experienced when travelling along the minor roads is however an issue. In close view some of the key effects include in Area A recently constructed houses being aligned contrary to the traditional settlement pattern.

There are new dense clusters of development associated with farm steading renovations including a number of recently constructed houses. These commonly appear incongruous in this area as the scale, layout and design is in contrast to traditional farmsteads

No further development should be undertaken in Area A due to the absence of any additional sites on the southern side of the minor road with an immediate backdrop of woodland. New housing on the northern side should be avoided as it would significantly increase the density of development in longer views.

Infilling between existing housing in Areas B and C would contribute to a more concentrated ribbon settlement form which is contrary to the dispersed settlement pattern of traditional buildings and would incur adverse sequential cumulative visual effects. The cumulative effects of concentrating development in Areas A-C together with increasing build up within nearby Miltonduff would impose a more urban settlement form inappropriate in the countryside and should therefore be avoided. There is only limited scope for a small number of compact $1^1/_2$ storey new buildings to be accommodated in this study area. New development should only be consented in less open areas where existing trees/woodlands and the rolling land provide a degree of containment to avoid contributing to existing build up issues.


Legend
Application Status
Planning
Built
Applications Within Hotspot
5 - 6
7 - 9
10 - 12
13 - 16
17 - 21
22 - 31
32 - 44
Settlement or Rural Grouping Boundary
Area C
Area A
Area B
River Lossie
Lochinver
Inverlochty
Allarburn
Pittendreich Bridge
Easter Pittendreich
Wester Pittendreich
Dovecot
Batchen
Quarry (Sand & Gravel)
Muiryhall
Black Burn
Lower Whitefield
Upper Whitefield
Whitefield Croft
Lochinver Croft
Viewhill
Hardhillock
Redhill
Mosstowie
Easter Marchead
Coalkeirtick Burn
Wester Hillside
Easter Hillside
Garrowslack
Silver Burn
Miltonduff
Miltonduff Distillery
War Meml
Hall
School
Miltonbrae
Wester Manbeen
Hydraulic Ram
Tyrockside
Lochview
Smithy Croft
Easter Manbeen
Springburn
Burnside
Faibhile
Heldonside
Greenwood
Aldroughty
Aldroughty Farm
Bruceland
Norriston
Distillery
Sheep Wash
Woodside
Rowan Cottage
Lynesyde
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Rafford

Rural housing development has significantly increased to the south west and north east of Rafford.

Area A

A short row of modern housing in Area A associated with a small wooded bank to the west of the Marcassie Burn and while visually associated with the original village this area is set slightly apart from it. Further new housing development is discreetly located to the north west of Rafford in Site A but is largely screened by the rolling landform and woodland.

There is no scope to accommodate any further housing in the southern part of Area A. A limited number of discreetly sited and well designed houses of an appropriate scale and massing could be located in the northern part of the area.

Area B

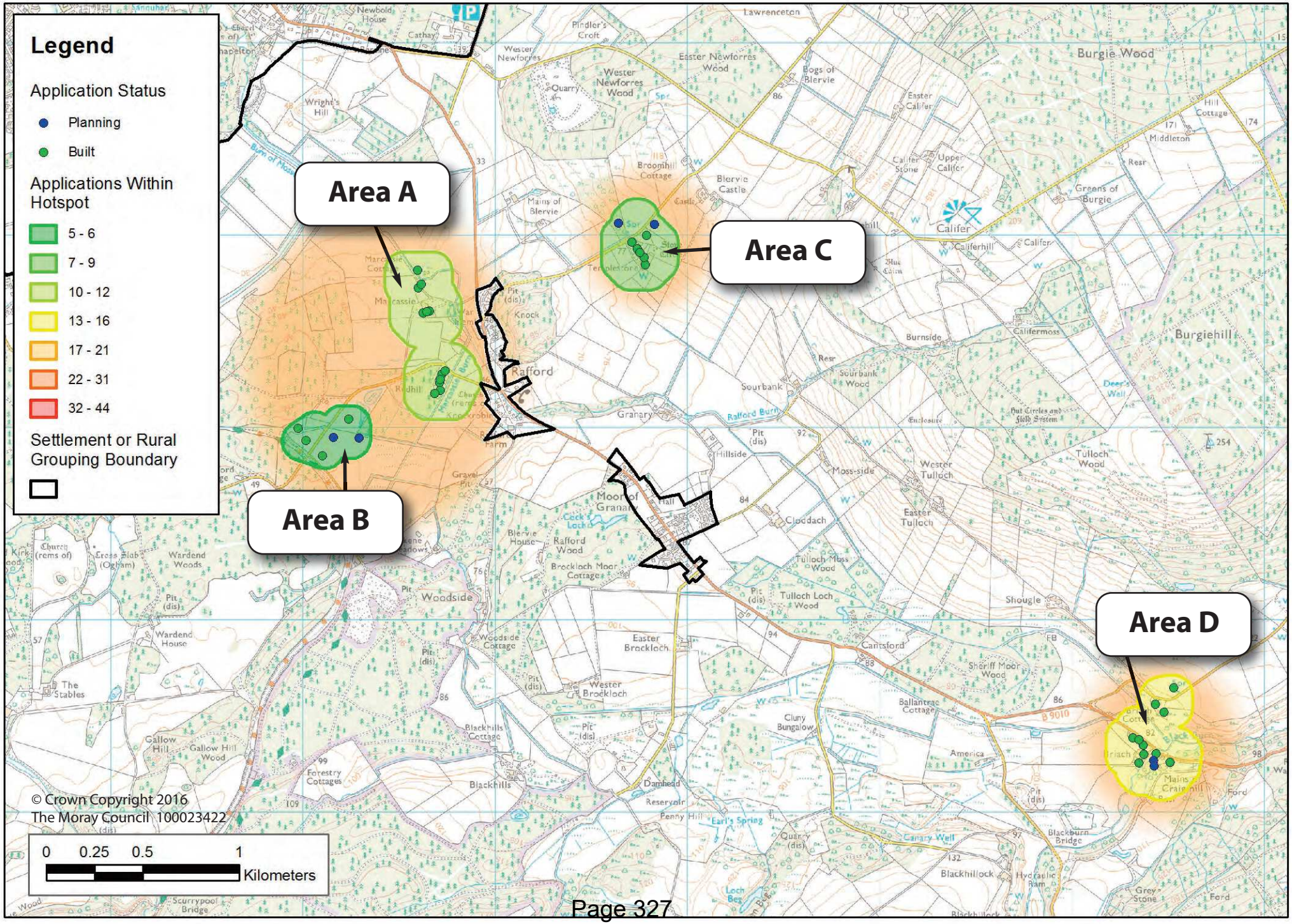
A number of widely dispersed and longer established large modern houses are located between Rafford and the embanked former railway line. Some of the properties are set in extensive grounds with considerable plantings of young native species and hedged boundaries. In time this planting will replicate the wooded characteristics of the surroundings. A limited number of discreetly sited, well designed houses could be accommodated in this area. New housing proposals should duplicate the extensive native planting and hedged boundaries of surrounding properties to assist development to integrate sensitively.

Area C

In the wider area around Rafford, new houses are dispersed along roads and occasionally form more concentrated linear groupings associated with a defined bank, edge of woodland or set along a minor road or track. Additional houses in this location would increase the incidence, density and prominence of housing and have a detrimental impact on the rural character of the area. On that basis no further development should be permitted in this area.

Area D

Development at Mains of Craigmill is more clustered being associated with an old mill and farmstead. More dispersed new housing to the north east of Craigmill is highly visible from the B9010. No further development should be permitted in this area as the further build up of housing in this area will detract from views into the valley from this road.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Settlement or Rural Grouping Boundary
Area A
Area B
Area C
Area D
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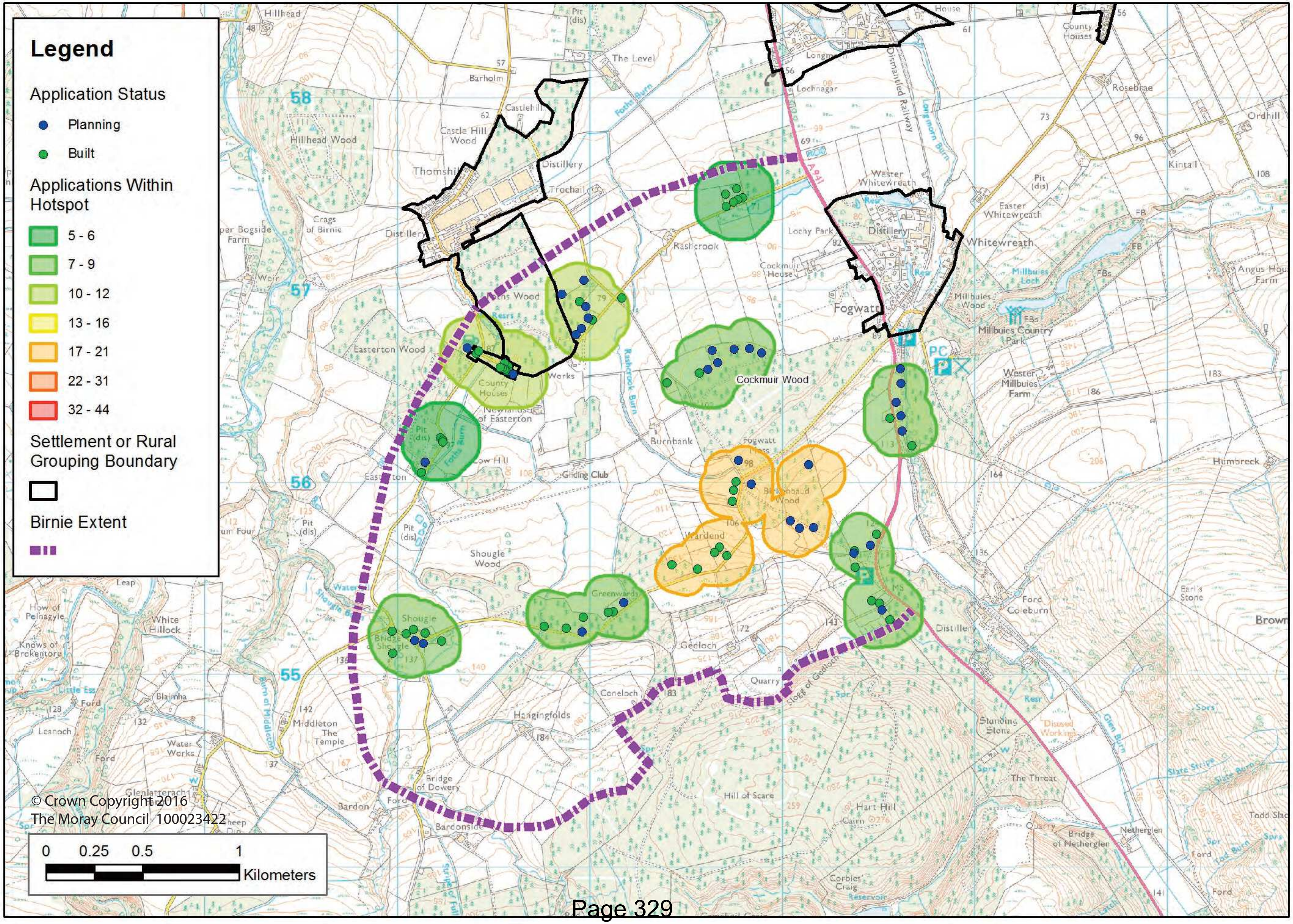
Kilometers

Birnie

New buildings far outnumber older buildings in this area. New housing is predominantly largely aligned close to minor roads which form a broad loop to the west of the A941. Rolling landform and woodland helps to screen new houses in the wider views, more elevated and particularly large new properties are intrusive from minor roads in this location.

Some recently constructed houses are located on the outer edges of semi-mature managed pine woods but in elevated locations, orientated towards views of the Moray Firth. Although these properties are partially screened by woodland from the south, they are large, fairly close together and open to views from the north, resulting in the case of very recent building on the edge of Cockmuir Wood, in a prominent line of buildings seen above a small ridge.

The incidence and inter-visibility of large new houses in the Birnie area result in them being a major characteristic of the landscape. The rural character of the area is significantly diminished with a more peri-urban character prevalent. Landscape and visual capacity has therefore been exceeded in this area and no more development should be consented within the area delineated in purple on the adjacent map.


Legend
Application Status
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5 - 6
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10 - 12
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17 - 21
22 - 31
32 - 44
Settlement or Rural Grouping Boundary
Birnie Extent
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The Moray Council 100023422
0 0.25 0.5 1
Kilometers
Thomshill
Fogwatt
Cockmuir Wood
Shougle
Hill of Scare
Hart Hill
Millbuies Country Park
Whitewreath
Gedloch
Easterton Wood
Rashcrook
Lochnagar
Longmorn

Craigellachie

Area A

Steep hill slopes to the north east of the settlement of Craigellachie and on the opposite side of the Fiddich feature a number of large 19th century stone houses set in mature wooded grounds. Newer houses are located in more open situations and are consequently more prominent from the A95.

Additional houses should only be accommodated on these hill slopes in exceptional circumstances where adequate screening is provided by mature woodland.

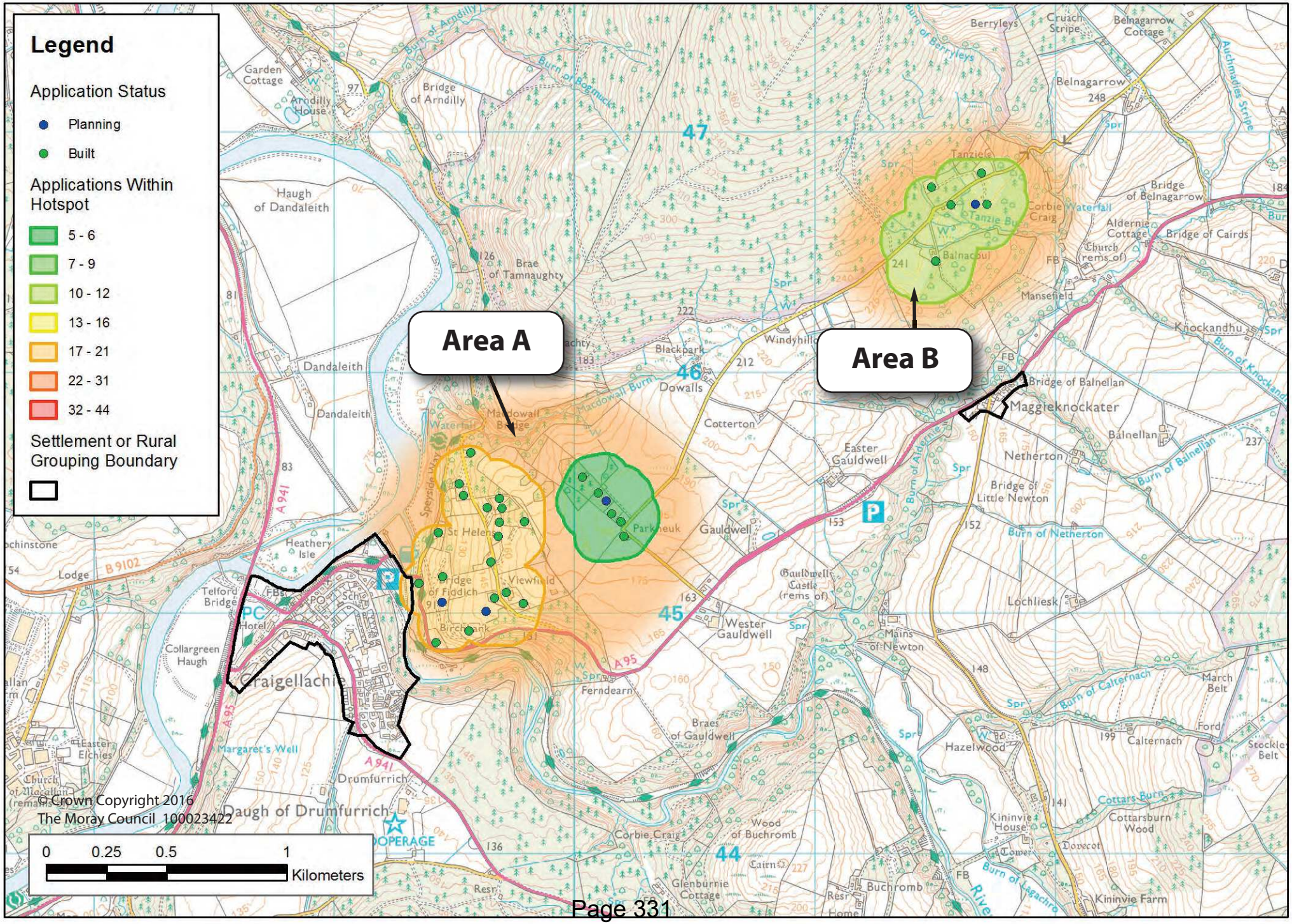
Area B

New housing development in the Maggieknockater area is more dispersed in character. New properties are generally smaller than those in other parts of Moray, for example Letterfourie/Hilton and Birnie study areas. New properties are aligned either side of the minor road above steep undulating slopes and are often backed by mature coniferous woodland. This area is elevated above the A95 and there is a little visibility of new housing from this well used road. Despite this cumulative build up is such that additional housing would likely affect the traditional settlement pattern and result in a more concentrated ribbon effect along the minor road.

There is very limited scope for any further development in this area.



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Application Status
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32 - 44
Settlement or Rural Grouping Boundary
Area A
Area B
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0 0.25 0.5 1
Kilometers

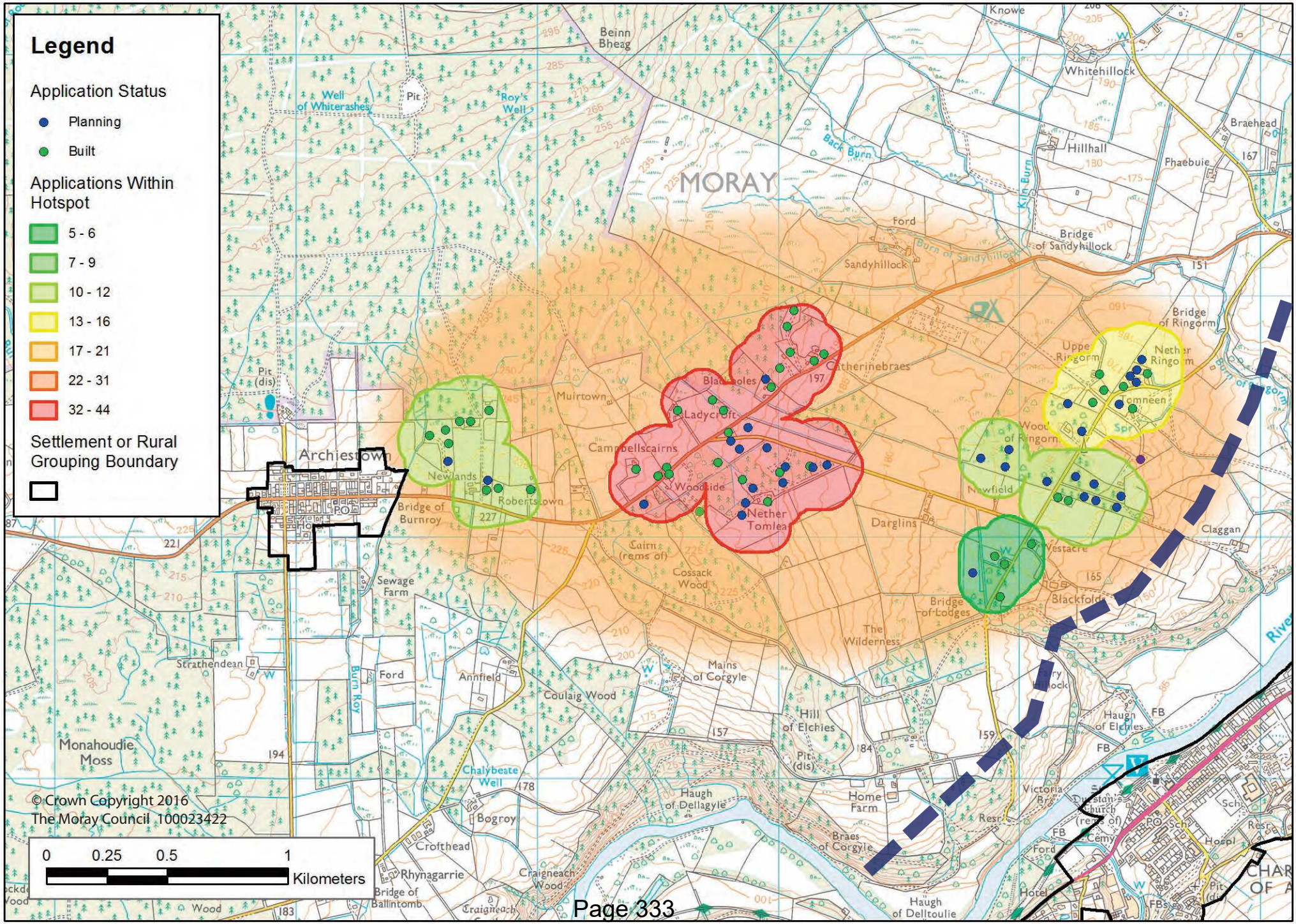
Archiestown

A build up of housing is evident with a particular concentration of new housing occurring to the east of Archiestown and close to the B9102. In some areas this concentration of new buildings result in them being a key characteristic of the landscape. The cumulative build up apparent across the study area threatens to detract from the distinctive pattern of small farms and planned settlements including nearby Archiestown.

Further cumulative build up could significantly affect views from roads, footpaths and settlements. This would likely occur if further housing was allowed to south eastern edge of the study area, near the steep slopes, immediately above the River Spey, as annotated on the accompanying mapping.

Development is occurring within conifer woodlands, where new houses are sited in woodland, the poor quality plantation could diminish the screening provided by trees , removal of these trees would result in an incongruous loose cluster of houses being revealed unconnected to any landscape feature and contrary to the traditional settlement pattern. No further development should be consented within woodlands in the Nether Tomlea area and close to the B9012.

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.


Legend
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Applications Within Hotspot
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17 - 21
22 - 31
32 - 44
Settlement or Rural Grouping Boundary
MORAY
Archiestown
Muirtown
Catherinebraes
Ladycroft
Campbellscairns
Woodside
Nether Tomlea
Newlands
Robertstown
Bridge of Burnroy
Sewage Farm
Darglins
Cossack Wood
Claggan
Vestacre
Blackfolds
Bridge of Lodges
The Wilderness
Mains of Corgyle
Coulaig Wood
Hill of Elchies
Haugh of Elchies
Annfield
Ford
Strathendean
Burn Roy
Monahoudie Moss
Chalybeate Well
Bogroy
Croftheat
Rhynagarrie
Bridge of Ballintomb
Craigneach Wood
Haugh of Dellagyle
Home Farm
Braes of Corgyle
Haugh of Delltoulie
Upper Ringorm
Nether Ringorm
Bridge of Ringorm
Newfield
Wood of Ringorm
Sandyhillock
Bridge of Sandyhillock
Whitehillock
Hillhall
Phaebuie
Braehead
Knowe
Beinn Bheag
Well of Whiterashes
Roy's Well
Back Burn
Kiln Burn
Pit (dis)
Cairn (rems of)
0 0.25 0.5 1 Kilometers
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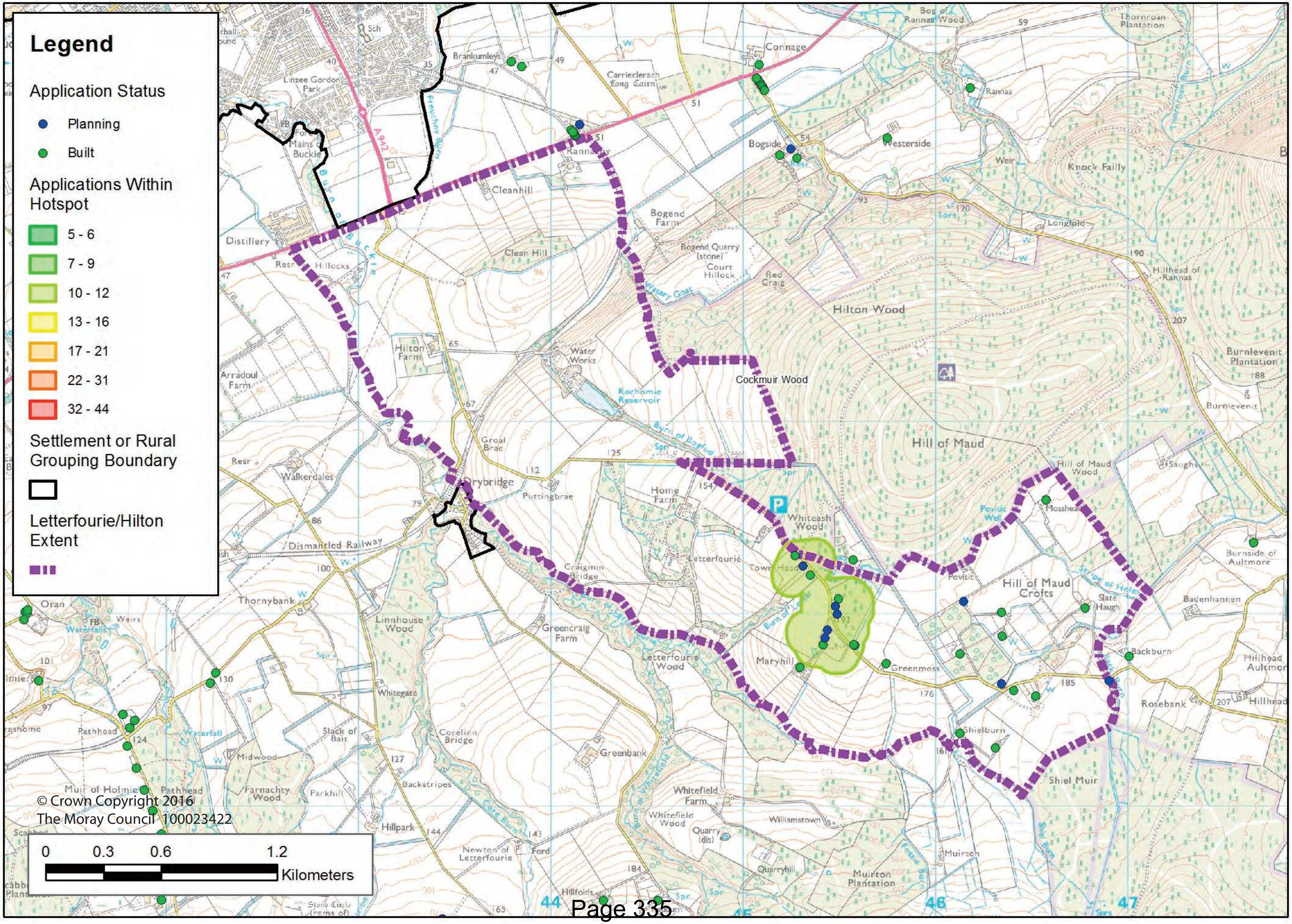
Letterfourie/Hilton

This study area lies to the south of Buckie and surrounding the Drybridge area. There are many newer houses in this area and these are invariably significantly larger than the few older properties that are evident. New houses are fairly well space apart on the lower hill slopes but are more concentrated around Maryhill and in the Hill of Maud Crofts area.

Buildings are orientated to gain views over the Moray Firth and their principal elevation is therefore open and highly visible. Due to the concentration of new housing a new architectural style is now prevalent which has overwhelmed the older vernacular style of the relatively few older farms and cottages. There is a changed settlement pattern from sparsely settled rural area with small clustered villages to a much more settled rural area.

Additional housing would increase the incidence, density and prominence of dispersed housing although in terms of visibility, this area is not particularly well frequented and views of the A98 are distant.

There is some limited scope to accommodate further development in Maryhill to make it more tightly clustered and reflect the traditional settlement pattern. Beyond this no further development should be consented within the area delineated in purple on the accompanying map given the number of large scale new houses in this location that have had a detrimental impact on the rural character of the area.


Legend
Application Status
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Settlement or Rural Grouping Boundary
Letterfourie/Hilton Extent
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0
0.3
0.6
1.2
Kilometers
Cockmuir Wood
Hilton Wood
Hill of Maud
Hill of Maud Crofts
Letterfourie
Drybridge
Connage
Bogside
Westerside
Knock Failly
Cleanhill
Clean Hill
Distillery
Hilton Farm
Water Works
Rachomie Reservoir
Home Farm
Whiteash Wood
Town Head
Maryhill
Greenmoss
Povitie
Mosshead
Slate Haugh
Backburn
Rosebank
Shielburn
Shiel Muir
Greencraig Farm
Letterfourie Wood
Craigmin Bridge
Puttingbrae
Walkerdales
Arradoul Farm
Thornybank
Linnhouse Wood
Whitegate
Slack of Bait
Corelinn Bridge
Greenbank
Whitefield Farm
Whitefield Wood
Williamstown
Quarryhill
Muirton Plantation
Muirton
Backstripes
Parkhill
Hillpark
Newton of Letterfourie
Ford
Hillfolds
Midwood
Farnachty Wood
Pathhead
Muir of Holmie
Dismantled Railway
A942
Brankumleys
Linzee Gordon Park
Mains of Buckie
Rannachy
Carrieclerach Long Cairn
Bogend Farm
Bogend Quarry (stone)
Court Hillock
Red Craig
Longfold
Hillhead of Rannas
Rannas
Thornroan Plantation
Bog of Rannas Wood
Burnlevenit Plantation
Burnlevenit
Saughs
Hill of Maud Wood
Burnside of Aultmore
Badenhannen
Hillhead Aultmore
Hillocks
Oran
Weirs
Stone Circle (rems of)