



MORAY LOCAL REVIEW BODY

25 FEBRUARY 2021

SUMMARY OF INFORMATION FOR CASE No LR249

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

Ward 2 – Keith and Cullen

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 10 September 2020 on the grounds that:

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

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

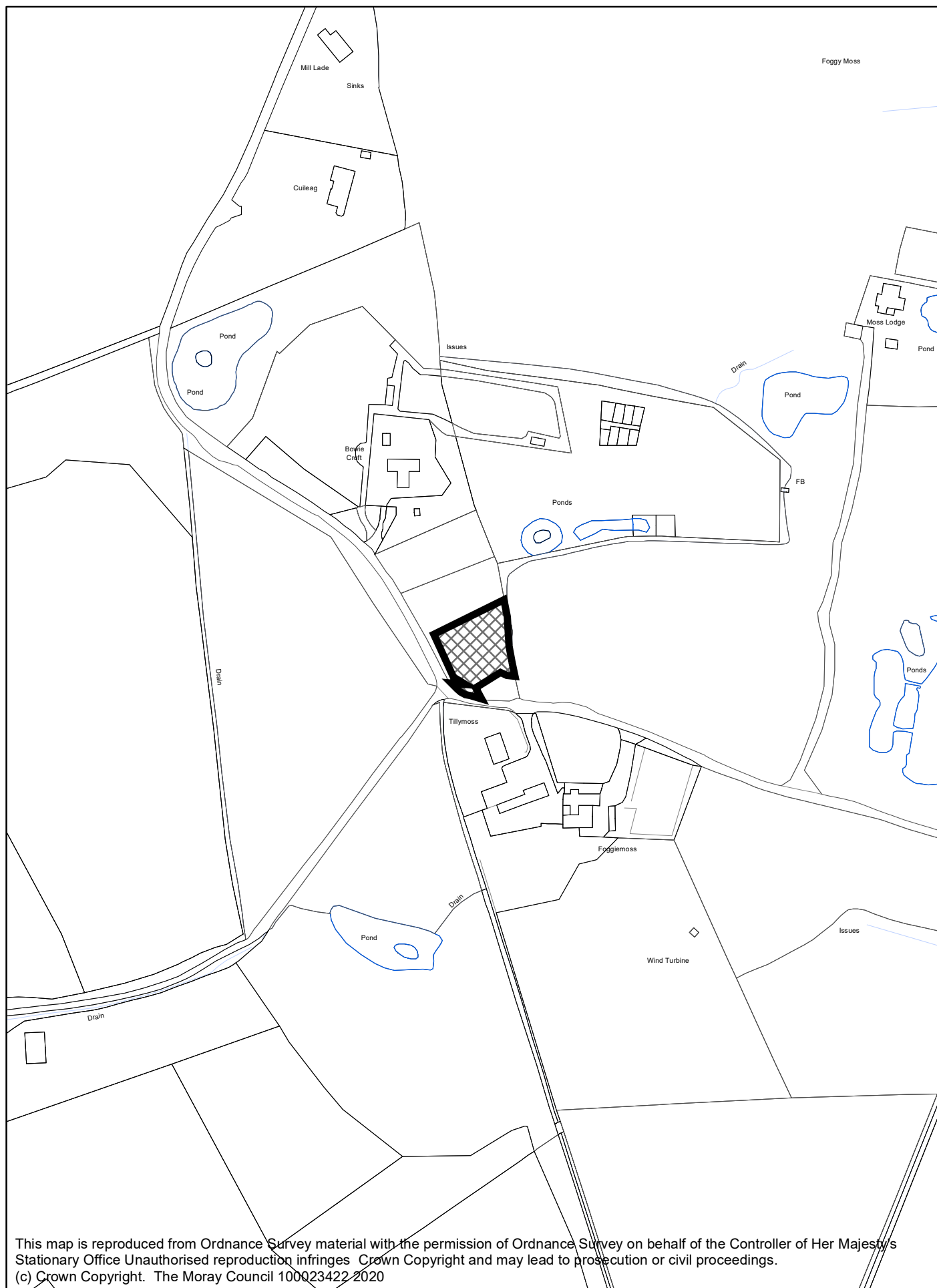
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

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



Location plan for Planning Application Reference Number : 20/00647/PPP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100259039-001

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

Type of Application

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

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

Description of Proposal

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

Proposed erection of new dwelling house

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	info@arthurstoneplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Alastair	Building Number:	2
Last Name: *	Anderson	Address 1 (Street): *	Croft Terrace
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Errol
Extension Number:		Country: *	Perthshire
Mobile Number:		Postcode: *	PH2 7UE
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

853886

Easting

346438

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1147.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

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

Unused grass area/ plot

Access and Parking

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

☒ Yes ☐ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input checked="" type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h2 style="margin: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p>
<h2 style="margin: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

Schedule 3 Development

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

☐ Yes ☐ No ☒ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Alison Arthur

On behalf of: Mr Alastair Anderson

Date: 25/05/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

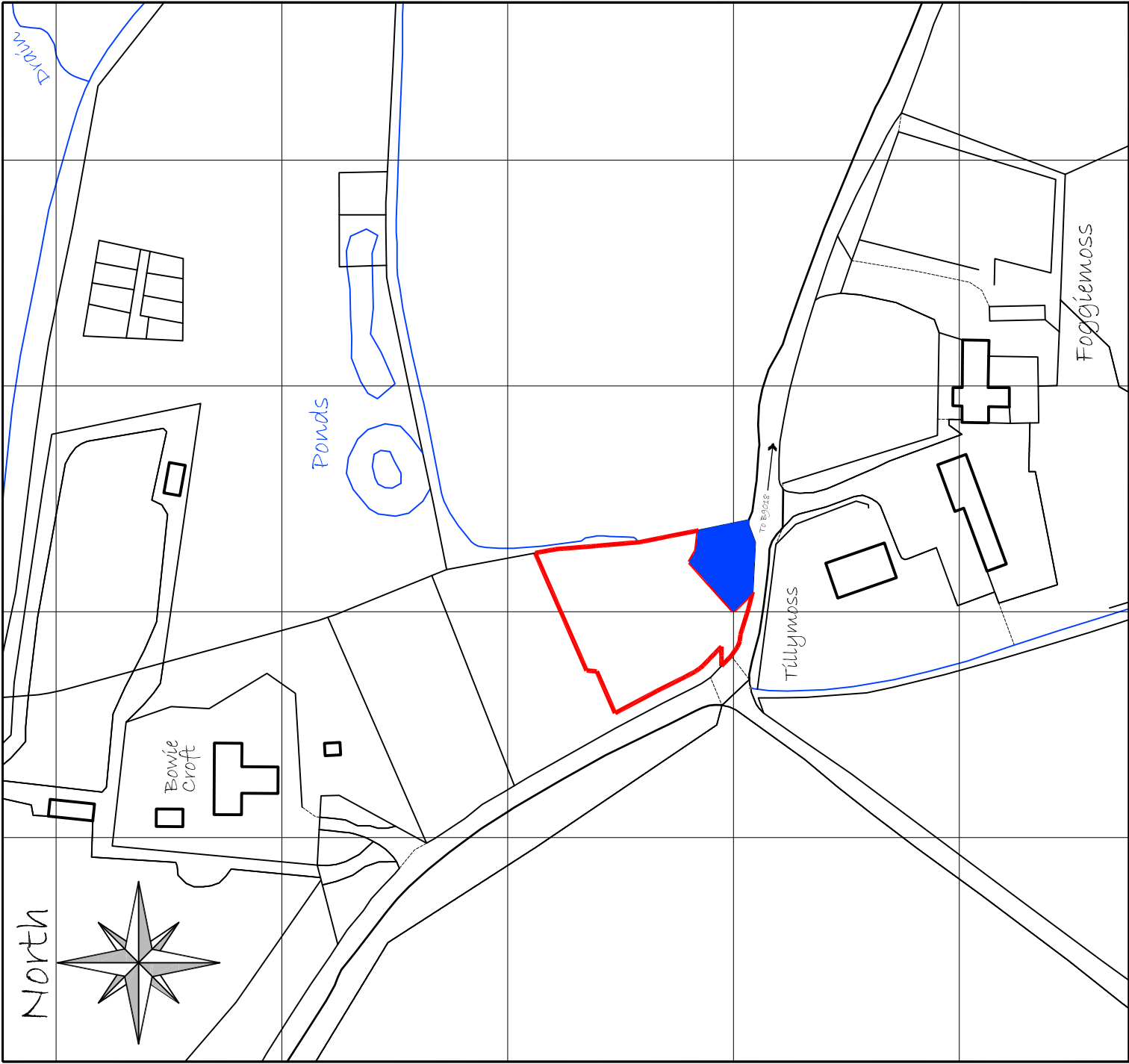
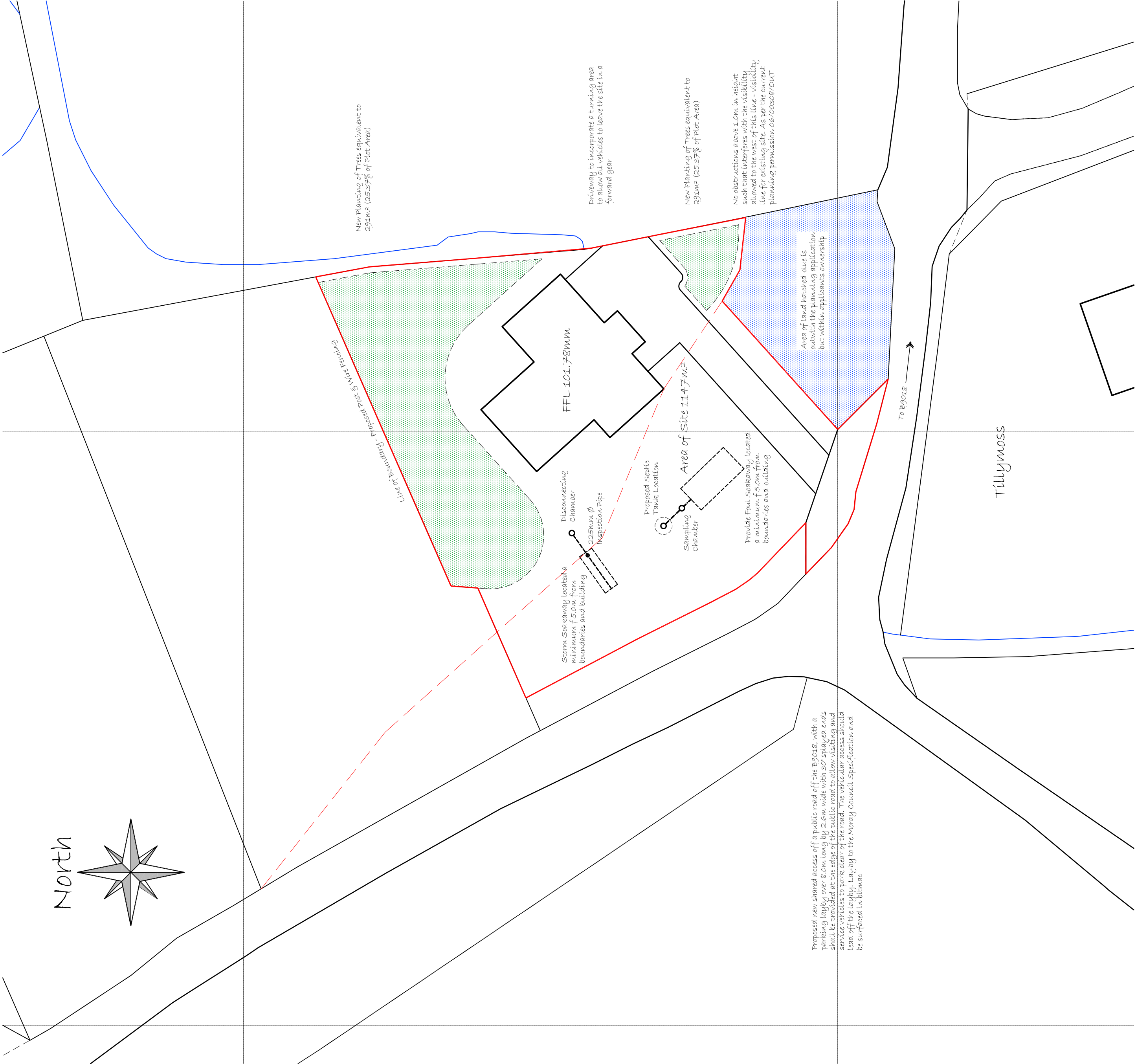
Declaration Name: Mrs Alison Arthur

Declaration Date: 25/05/2020

Payment Details

Telephone Payment Reference: 8555

Created: 25/05/2020 19:19



Site Location Plan

1:1250

0m 20 50 100 125m

SCALE BAR 1:1250

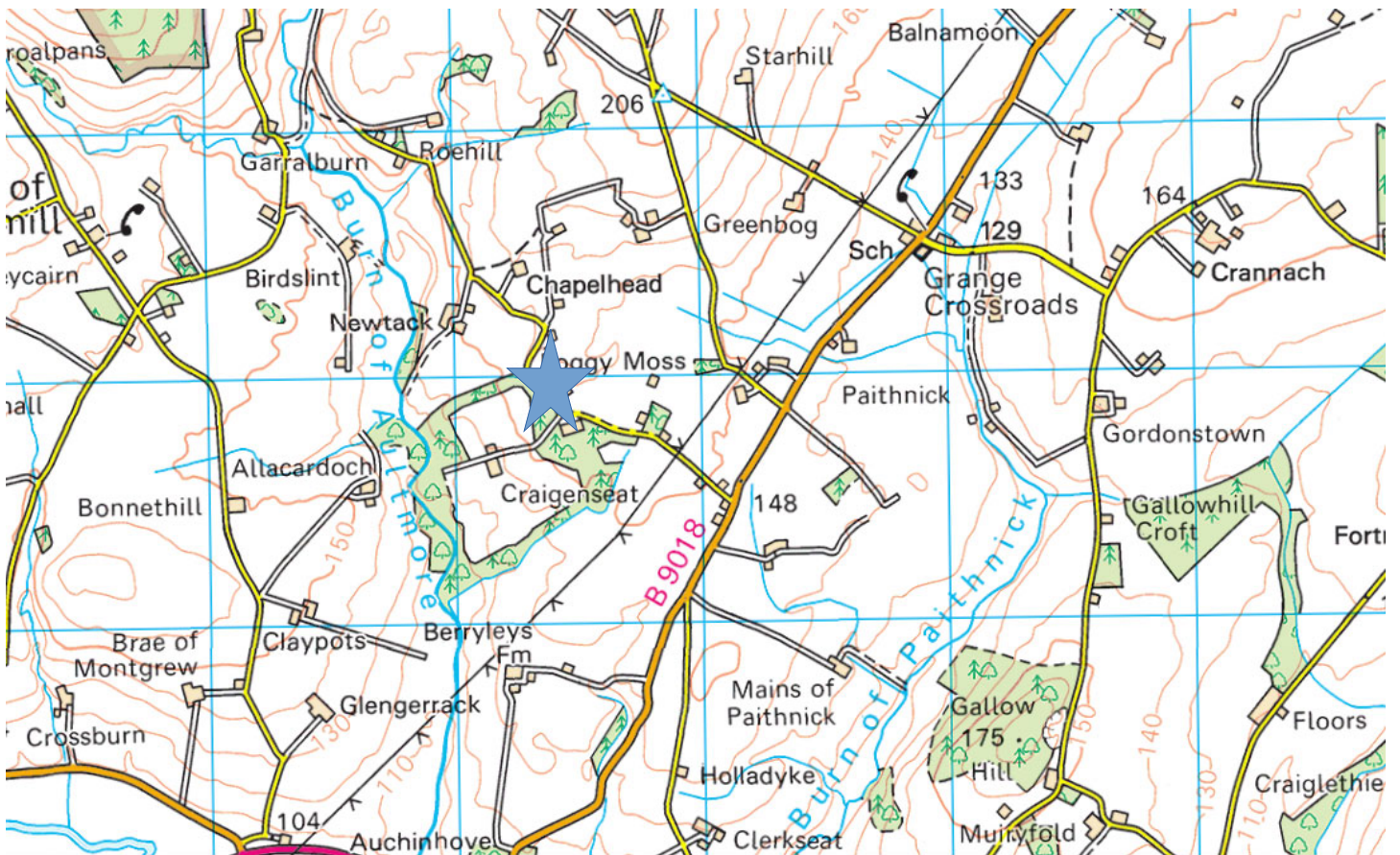
0 5 10 20m

SCALE BAR 1:200

Arthur Stone Planning
& Architectural Design

Project	Proposed New Dwelling House at Plot 2, Bowie Croft, Keith, Moray.		
Title	Site Location & Site Layout Plan		
Drawn	Date	Scale	Rev
D. McC	May 2020	Noted@A2	3107-01

Wider OS Site Location Plan

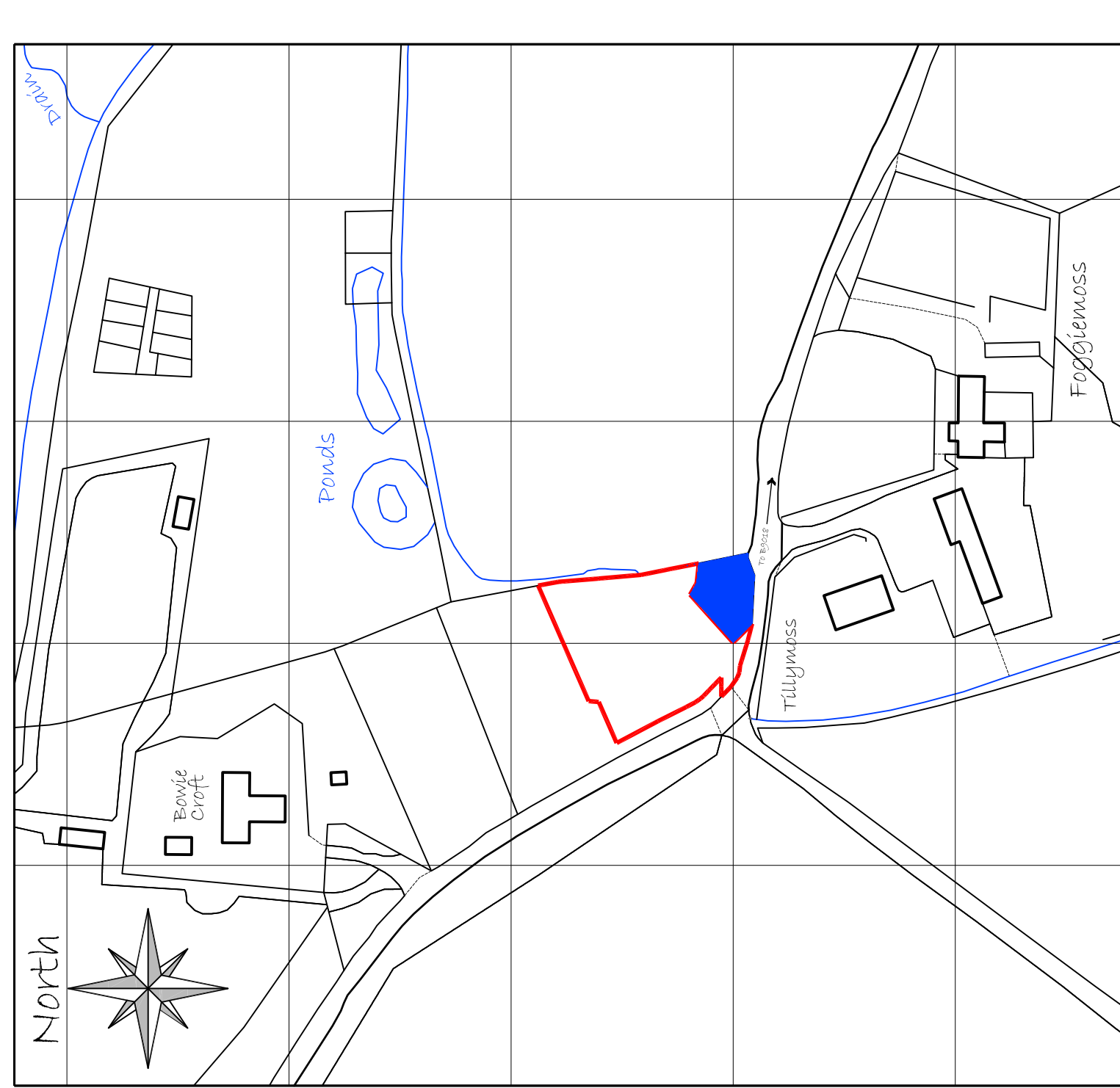
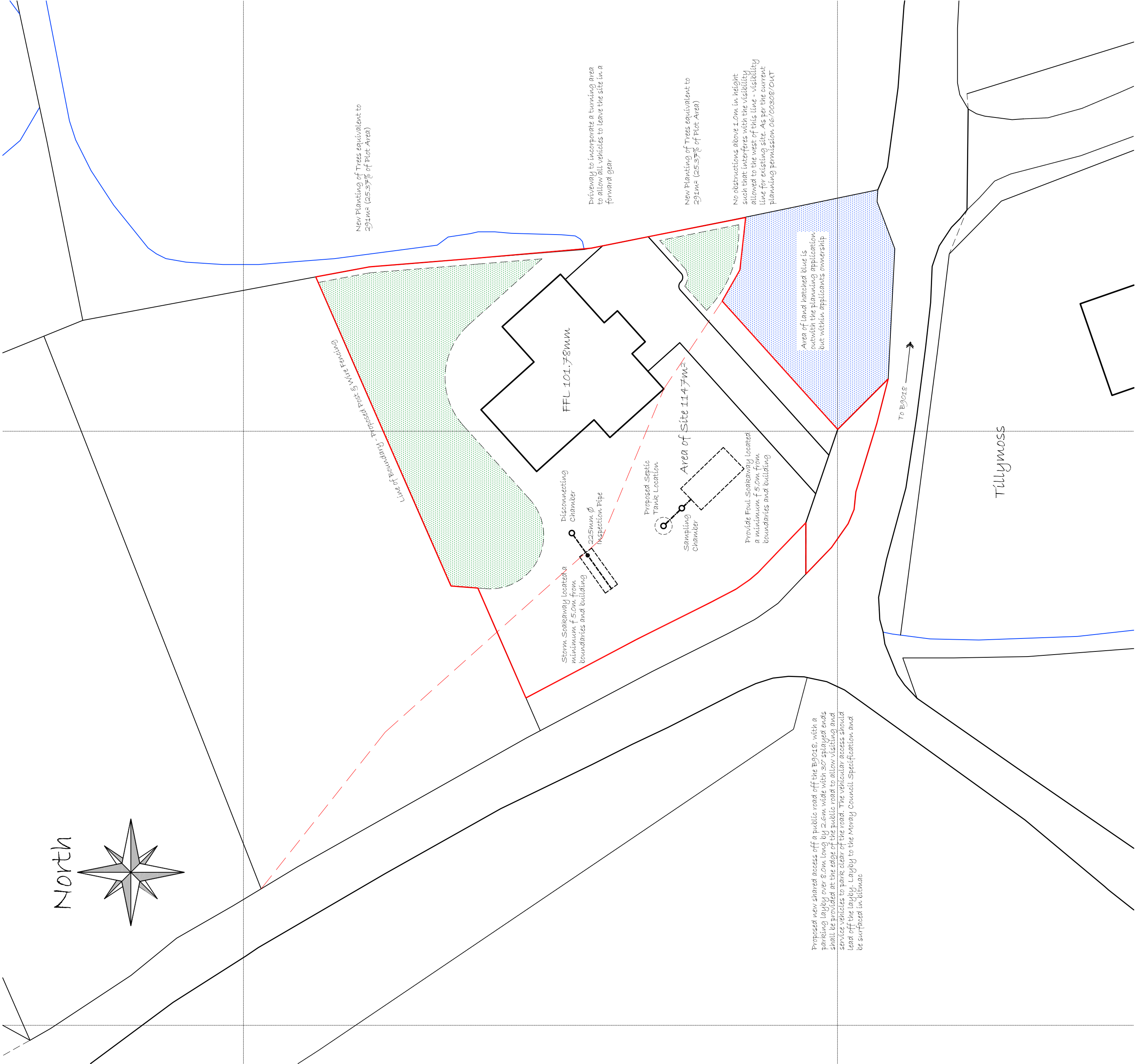


Site Location

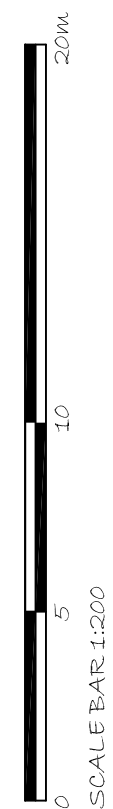
Ariel Site Location Plan

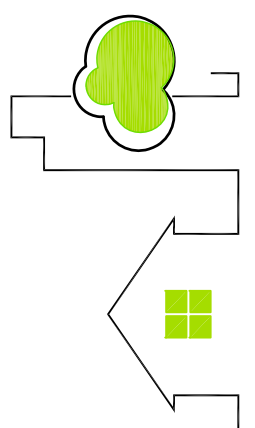


★ **Site Location**



Site Location Plan



		Project	
Proposed New Dwelling House at Plot 2, Bowie Croft, Keith, Moray.		Title	
Site Location & Site Layout Plan		Rev	
Drawn	Date	Scale	Drawing No
D. McC	May 2020	Noted@A2	3107-01

Supporting Statement

Planning Permission in Principle for the
erection of a dwellinghouse

Plot 2 at Bowie Croft, Keith, Moray

Mr & Mrs Anderson

April 2020



Arthur Stone Planning
& Architectural Design



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Newburgh, KY14 6DA

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info@arthurstoneplanning.co.uk

Supporting Statement

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10	Landscape & Trees
11	Road Safety & Parking
12	Conclusion

Appendix 1 - 11/00011/APP, Approved Site Plan

01 Introduction

This statement has been prepared for our clients, Mr and Mrs Anderson, to support their proposal for planning permission in principle for a single dwellinghouse at Plot 2 Bowie Croft, Keith.

This statement provides supporting information which we trust will assist the Council in its decision-making process. The planning policies of the Adopted Moray Local Development Plan 2015 have been the basis for the justification of the proposal, along with current supplementary guidance.

We would be pleased to discuss any aspect of the proposal prior to a formal decision being made.



02 Site Context

View 1



This proposal relates to an of rough pastureland located to the south of a property named Bowie Croft and to the north of an area known as Foggie Moss. The site is accessed from a minor, single track road from the B9018 and is some distance to the north east of the town of Keith. The site is relatively flat, incorporates shrubs and individual trees and is bounded by the single track road to the south an west. Please see the preceding pages for site photographs.

There are a number of individual residential properties and farms in the close vicinity of this site, incorporating a mixture of modern and traditional single and one and a half storey designs.





There are several planning consents that are relevant to this site dating back to 2006. Planning application 06/00308/OUT established the principle of residential use on this site and was approved in April of 2006. A further application was made in 2011 under planning reference number 11/00011/APP following the expiration of the previous 2006 consent and was subsequently approved in October 2011. The approved site plan for this application is contained in Appendix 1 of this document.

In December 2014 the current owner received further planning consent (14/01967/APP) to extend the date of the consent notice for a further 3 years. The site was not developed at that time by the applicant and has therefore the planning consent subsequently lapsed at the end of 2017.

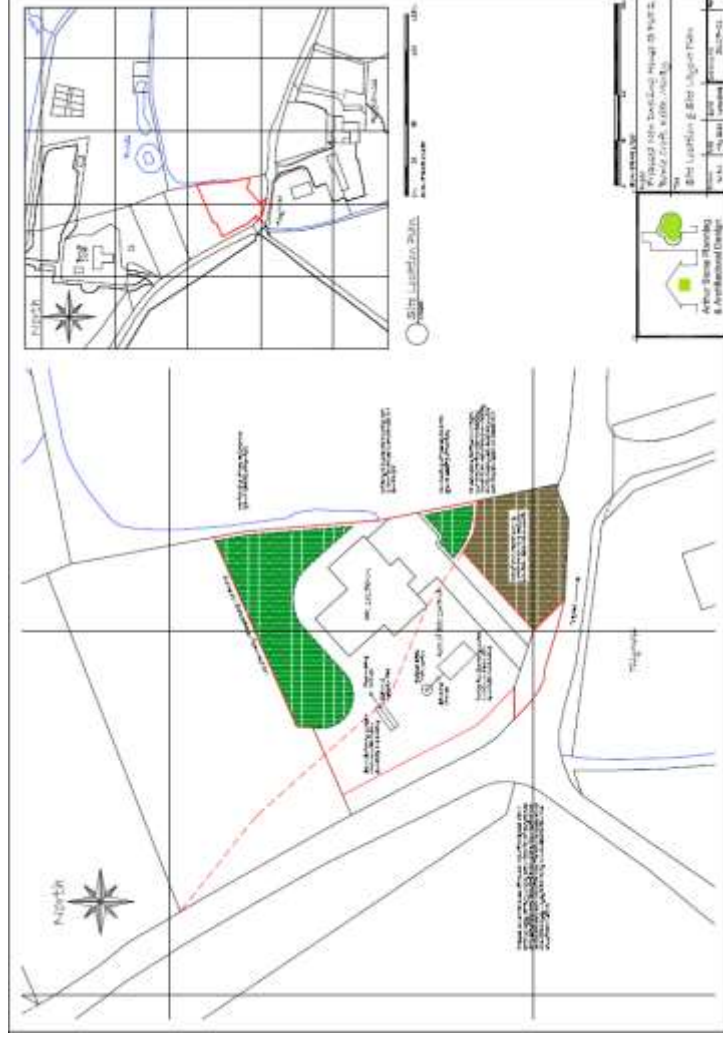
Land directly to the north of this site also gained full planning permission in 2008 for a single dwellinghouse, although this property has not been developed.

This planning application seeks permission in principle for a single dwellinghouse to be developed on the site. A similar site layout is proposed that which has previously been approved by the planning consents dating back to 2006 and a notional plan illustrating the location of a house, parking etc is submitted as part of this application.

As in the previous planning applications, it is proposed to set a house further to the rear of the site so as not to effect established visibility splay on the single track road. A private driveway is proposed onto the public road, incorporating a layby on the corner as approved in the previous applications.

It is proposed once again to plant additional native trees on the site so as to reflect the current requirement of local policy (that being H7 MLDP 2015); 25% of the plot area. The intention would be to submit a further, more detailed landscaping plan as part of a full planning application.

There is considered to be sufficient space for a minimum of 3 cars of the site, although we recognise that this would matter also be considered in more detail during the determination of a full planning application.



The Town and Country Planning (Scotland) 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The current and adopted Local Plan for the Keith area is the Adopted Moray Local Development Plan, 2015 (MLDP). It is understood that the proposed Murray Local Development Plan 2020 is likely to be adopted some time later this year but until such time Moray Council advise that the weight to be attached to the policies contained within that Plan will be decided on a case by case basis.

Having taken note of recent decisions for single houses in similar rural locations in the Moray area, it is noted that the MLDP 2015 is still predominantly referred to as the principle plan at present.



Policy H7: New Housing in the Open Countryside of the MLDP 2015 contains siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape. New development should be of low impact and reflect the character of the surrounding area in terms of scale and design of housing.

Policy criteria requires new house sites to:

- Reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive)
- Not detract from the character or setting of existing buildings, or their surrounding area
- Not contribute to a 'build-up' of development which changes the character of the area**
- To have at least 50% established boundaries

Policy IMP1: Developer Requirements, seeks to ensure that new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. Amongst other criteria within this Policy new development is required to be of a scale and character appropriate to its setting and for development to integrate into the landscape.

As noted in previous applications for this site, the settlement pattern for this area in Moray is characterised by single and small clusters of houses dispersed throughout the rural area. As such it was not considered that the proposed house would lead to an **unacceptable 'build up' of properties that would detract from the character of the area.** The existing tree line to the far north of the

site has further established itself over the preceding years forming a natural barrier to the edge of further residential development. The site is bounded to the south and east by the single-track road and incorporates a few individual trees and shrubs on the alter elevation.

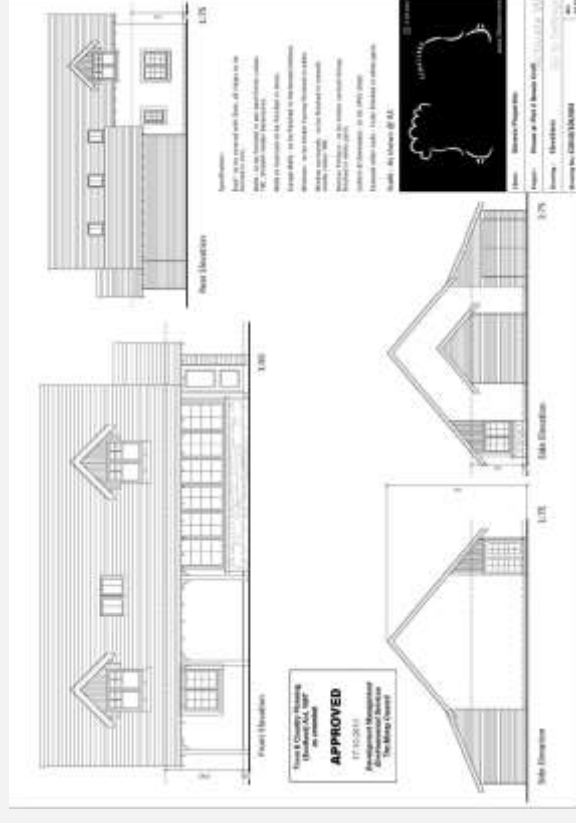
It is considered that neither the site nor the immediate local area have altered to any significant degree since the previous application was approved on this site in December 2014 (14/01967/APP). The existing planting has further established itself within the site and the boundaries of the site remain established and unchanged.

The proposed notional site layout is considered to continue to site a new house sensitively on the site to allow for further planting to be achieved. A house in this location would not adversely impact on the distinctiveness of the rural qualities of this area and does not **appear to be an area that has concerns with local 'build up' of new development.**

Given the above, it is considered that the principle of residential development would continue to be acceptable on this site in line with the criteria set out in Policy H7 and IMP1 of the MLDP.

Policy H7: New Housing in the Open Countryside of the MLDP 2015 advises that the appearance of new housing should relate to its design, ***siting and location and should reflect the character of its locality.***

In this case the proposal is only for a planning application in principle and therefore no design has yet been proposed. However, the applicant would intend to propose a traditional single or one-and-a-half storey property of well proportioned design in the future using materials such as natural stone, natural slate and traditional fenestration.



Detailed Design Approved for this site under Planning Ref: 11/00011/APP

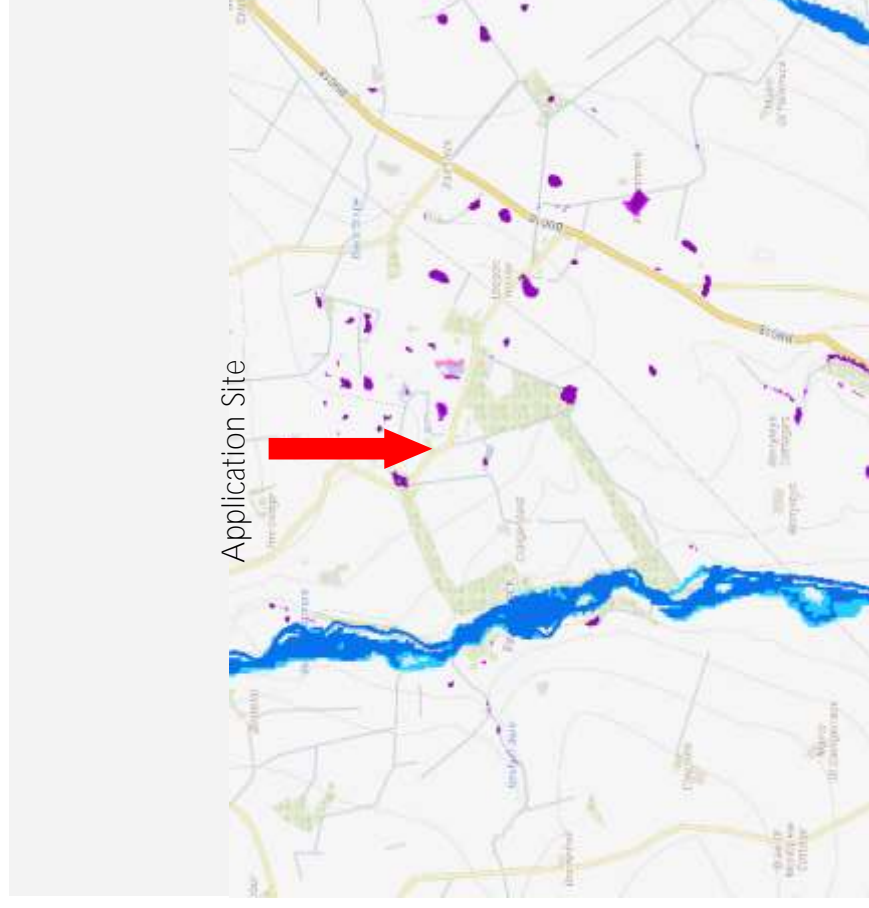
08 Flooding & Drainage

Policy EP5: Surface Water Drainage, advises that surface water drainage should be dealt with in a sustainable manner and should have a neutral effect on the risk of flooding. Policy EP10 advises that foul drainage should be dealt with appropriately by a private system in small scale developments in rural locations. Policy IMP1 requires water and drainage provision must be made available on all sites.

As this is an in principle application, it is intended that proposals for the treatment of foul and surface water would be dealt with as part of a further detailed planning application. However, it is expected that that foul drainage would be disposed of via a treatment plant and soakaway and surface water would be dealt with by a separate soakaway on the site.

The SEPA Flood Maps show that the site is at no risk from any sort of flooding: whether that be from a running water source or surface water. Please see map obtained from the SEPA Website overleaf.

The proposed dwellinghouse will be served by appropriate waste and recycling facilities to ensure that the proposal fully complies **with the Council's requirements in terms of Waste Management** for new development.



SEPA Flooding Map

Policy H7 advises that new proposals should be sensitively sited so as to meet the appropriate amenity requirements of the house and neighbouring properties.

Whilst only a notional site layout is provided at this stage we would consider that this proposal raises no immediate amenity concerns in terms of the potential for overlooking or overshadowing. The residential property to the far north of the site (Bowie Croft) would not be affected given that a large shelter belt of high and established trees is located in the dividing elevation and the distance between the sites. Similarly the property to the south of the site (Tilliemoss) is on the opposite side of the road from the application site and is some distance away from the intended location of the house.



Policy H7 requires that a minimum of 25% of plot areas should incorporate new native tree species as part of their proposals so as to help new residential development integrate into the landscape of the sites.

Whilst we realise that the planting of trees cannot be carried out on the more visible roadside boundaries of the site to the south and east (due to the requirement to retain visibility splays) the applicant is happy to provide additional planting in the area suggested and approved in the previous planning consents, as illustrated in the site layout plan accompanying this application. This would equate to approximately 290m² of native tree species being planted. However, the applicant is happy to take the Case

Officer's thoughts on an alternate location for planting.

Policy T2 and T5 advise that new development will be required to be designed to the highest level of access for the proposed end user and be appropriate to the type of development and location. Proposals must also **conform with the Council's current policy on parking standards.**

The proposed layout requires to form a new access out onto the adjoining main public road (to also incorporate a layby) and off street private parking within the site itself to serve the new house. Provided that the property is sited in a similar position, to the rear of the site, as in the former planning applications we would hope that no concerns would be raised by Transportation in terms of access or visibility.

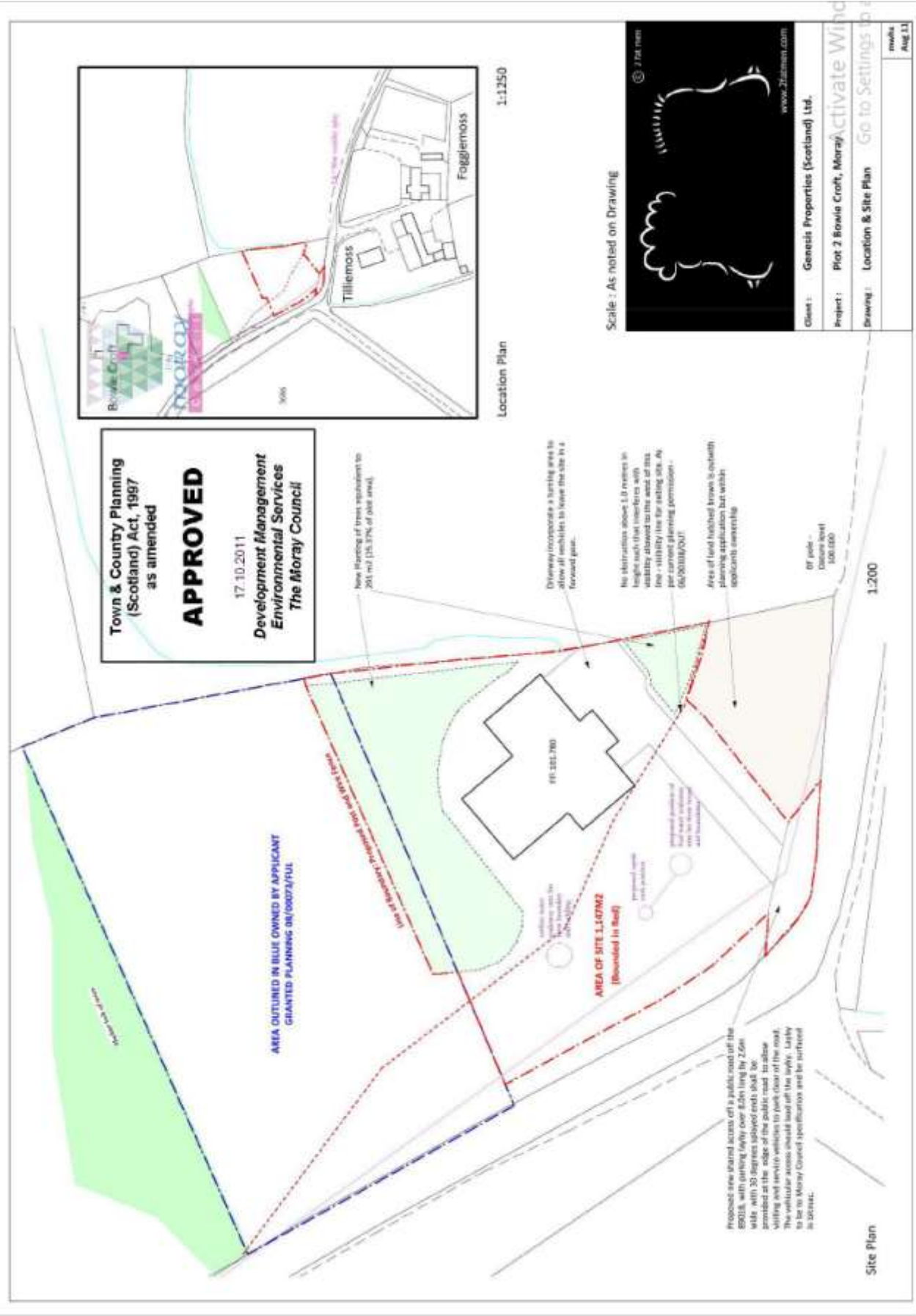
The applicant is in ownership of the full length of the site on the road edge and is aware of the restriction to ensure that any natural vegetation growth does not go above 1m in height.

Whilst this is an outline application and a notional layout at this stage, we would consider that there is sufficient space to provide a minimum of 3 off-street parking spaces in this case.

In conclusion we make the following points in support of this proposal:

- ◆ The proposal for new accommodation fully complies with the relevant policies of the Moray Local Development Plan
- ◆ The site has received various planning consents in recent years for a single house in terms of both outline and detailed planning permission
- ◆ There will be no conflict with surrounding land uses or the residential amenity of local area
- ◆ There will be no adverse impact on the landscape or environmental capacity of the site
- ◆ The site is not considered to be subject to flooding of any kind
- ◆ New native species of trees are intended to be planted as part of the proposal in line with Policy
- ◆ The proposal will generate a minimal amount of traffic and should have no impact on the road capacity or road safety
- ◆ Service infrastructure will be provided to meet the needs of the development

As previously noted, we would very much welcome the opportunity to discuss the proposal with the Planning Case Officer prior to any decision being made.



From: DeveloperObligations
Sent: 30 Jun 2020 13:09:58 +0100
To: Iain Drummond
Cc: DC-General Enquiries
Subject: 20/00647/PPP Erect dwellinghouse on Plot 2 Bowie Croft, Grange Crossroads, Keith
Attachments: 20-00647-PPP Erect dwellinghouse on Plot 2 Bowie Croft, Grange Crossroads, Keith.pdf

Hi

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

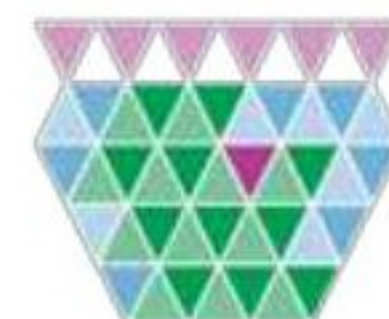
Thanks,
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)
01343 563583

moray
council



Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 30/06/2020

Reference: 20/00647/PPP

Description: Erect dwellinghouse on Plot 2
Bowie Croft, Grange Crossroads, Keith

Applicant: Mr Alastair Anderson

Agent: Arthur Stone Planning & Architectural
Design Limited

This assessment has been carried out by Moray Council. For Developer Obligations, the assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP2015) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP2015 and SG can be found at
http://www.moray.gov.uk/moray_standard/page_100443.html.

For Affordable Housing the assessment is carried out in relation to policy DP2 Housing of the Modified Moray Local Development Plan 2020 (LDP2020) which became a material consideration in the determination of planning applications on 15 June 2020. The adoption of the LDP2020 is anticipated in July 2020. Affordable housing is a policy requirement not a developer obligation however, for ease of reference the Affordable Housing contribution is included within this document.

Summary of Obligations

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

Breakdown of Calculation

Proposals 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 developer obligation for single unit



Moray Council DEVELOPER OBLIGATIONS

developments to reflect their small scale nature.

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Crossroads Primary School. The school is currently operating at 34% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

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

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

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

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



AFFORDABLE HOUSING

The benchmark cost of 1 unit of Affordable Housing is £[REDACTED]. Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

[REDACTED]

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultee Comments for Planning Application 20/00647/PPP

Application Summary

Application Number: 20/00647/PPP

Address: Plot 2 Bowie Croft Grange Crossroads Keith Moray

Proposal: Erect dwellinghouse on

Case Officer: Iain T Drummond

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 - Andy Stewart, PEHO

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 20/00647/PPP

Erect dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray for Mr Alastair Anderson

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

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

Reason(s) for objection

Further information required to consider the application.

A drainage statement with a more detailed drainage solution is required to assess proposals for the site.

Further information on requirements for the DS can be found in "Moray Council Flood Risk Management Supplementary Guidance for Flood Risk and Drainage":

www.moray.gov.uk/downloads/file124411.PDF

Contact:	Javier Cruz	Date.....	25/06/2020
email address:	Javier.Cruz@Moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management		

Friday, 08 January 2021



Local Planner
High Street

Elgin
IV30 1BX

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

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

Dear Sir/Madam

SITE: Plot 2 Bowie Croft Grange, Crossroads Keith, Keith, AB55 6LQ
PLANNING REF: 20/00647/PPP
OUR REF: DSCAS-0015865-3J2
PROPOSAL: Erect dwellinghouse on

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

- ▶ This proposed development will be fed from TURRIFF Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently 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 via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices

to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Consultee Comments for Planning Application 20/00647/PPP

Application Summary

Application Number: 20/00647/PPP

Address: Plot 2 Bowie Croft Grange Crossroads Keith Moray

Proposal: Erect dwellinghouse on

Case Officer: Iain T Drummond

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	Moray Council
Response Date	23rd June 2020
Planning Authority Reference	20/00647/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 2 Bowie Croft Grange Crossroads Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133061939
Proposal Location Easting	346449
Proposal Location Northing	853866
Area of application site (M²)	1147
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QAXCYTBGKMU00
Previous Application	14/01967/APP 11/00011/APP
Date of Consultation	9th June 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alastair Anderson
Applicant Organisation Name	
Applicant Address	2 Croft Terrace Errol Perthshire PH2 7UE
Agent Name	Arthur Stone Planning & Architectural Design Limited
Agent Organisation Name	
Agent Address	85 High Street Newburgh United Kingdom KY14 6DA
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

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

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref.No: 20/00647/PPP

Erect dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray for Mr Alastair Anderson

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

Please

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

Condition(s)

1. Notwithstanding the submitted details no development shall commence until:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 90 metres in both directions, with all boundaries set back to a position behind the required visibility splay, including a forward visibility splay envelope of 90 metres around the bend on the adjacent public carriageway to the south and west of the site, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and,
 - ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users and to ensure acceptable development that does not create any hazard to road users in the interests of road safety.

2. Prior to the occupation of the dwelling house, the first 5m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.5 metres, and have a maximum gradient of 1:20 measured for the first

5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

3. Prior to the occupation of the dwelling house, an access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with the Moray Council specification and surfaced with bituminous macadam.

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

4. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

5. Parking provision shall be as follows:

- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

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

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

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

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

8. Boundary walls/fences shall be set back from the edge of the public carriageway at a minimum distance of 2.0m and to a position behind the required visibility splays.

Reason: To ensure acceptable development in the interests of road safety.

Further comment(s) to be passed to applicant

The formation of the required visibility splays will involve the removal of gorse and vegetation and setting back of boundary fences. The visibility splays have not been shown

and should be detailed on any subsequently submitted drawings. Parking provision shall be located out with the required visibility splays.

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

Date 17 June 2020

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application (including consultation responses and representations (whether in support or objection) received on the proposal) will be published on the Council's website at <http://public.moray.gov.uk/planning/> (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.

OFFICER REPORT ON APPLICATION

For Report of Handling

Ref No:	20/00647/PPP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray		
Date:		Typist Initials:	

HISTORY				
Reference No.	Description			
14/01967/APP	Extend planning consent 11/00011/APP for erection of dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray			
	Decision	Permitted	Date of Decision	05/12/14
11/00011/APP	Erection of dwellinghouse on Plot 2 Bowie Croft Keith Moray			
	Decision	Permitted	Date of Decision	11/10/11

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	No Premises	06/07/20
PINS	No Premises	06/07/20

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contribution sought

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	25/06/20	Further information sought
Planning And Development Obligations	30/06/20	Contribution sought
Environmental Health Manager	09/06/20	No objections
Contaminated Land	10/06/20	No objections
Transportation Manager	17/06/20	No objections subject to conditions and informatives
Scottish Water	10/06/20	No objections

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:	Planning Statement	
Main Issues:	Identifies how the applicants feel the proposals comply with development plan policies	

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)			

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP4 Rural Housing	Y	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse on a site at Plot 2, Bowie Croft, Grange Crossroads, Keith.

An indicative site plan has been submitted in support of the proposal, which indicates an indicative house footprint within the site and access point onto the public road. Details of drainage, parking and landscaping are also shown.

The Site and Surroundings

The site comprises a rough area of scrub ground, interspersed with bushes and small trees and is bounded to the north, east and west by further rough ground covered with trees and bushes. To the south the site is bounded by a single track public road, with a further existing house known as Tillymoss on the opposite side of the public road.

There are a number of previous planning applications relating to this site dating back to an original consent granted in 2006 (06/00308/OUT) for the erection of a dwellinghouse. This original consent was then extended/renewed in 2011 and then again in 2014, however, all of these consents have now lapsed without any works to commence the developments taking place on site and as such this application requires to be assessed afresh, without taking into account any previous consents on site.

The relatively short stretch of road leading to the site from the B9018 and leading on a short distance past the site approx. a total of 1.2km in length, has been the subject of 8 new approved and constructed house sites, of which the associated application numbers are listed below and build up plan illustrating these approvals is appended to this report

- 11/01864/APP
- 07/01880/FUL
- 00/01252/FUL
- 12/01420/APP
- 05/01756/FUL
- 07/02492/FUL
- 07/02410/FUL
- 05/02665/FUL

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

Siting and Impact upon Landscape Character (MLDP 2020 Policies DP1 and DP4)

Policy DP4: Rural Housing of the Moray Local Development Plan (MLDP) 2020 contains the necessary criteria for assessing new rural housing in the countryside. In this case the site lies within an area of Intermediate Pressure and as such proposals must first and foremost comply with the following siting criteria,

Proposals for single houses must be well-sited and designed to fit with the local landscape character and will be assessed on a case by case basis taking account of the following siting and design criteria;

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.
4. 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm) to assist the development to integrate sensitively. Landscaping must be set back from the public road to ensure sightlines are safeguarded, a safe distance from buildings and positioned to maximise solar gain.

Policy DP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape and ensure no adverse privacy, amenity or overbearing impacts on neighbouring property.

The MLDP 2020 contains a further guidance note on Cumulative Build-up of housing in the countryside which details siting and design indicators to aid the assessment of cumulative build-up of housing

The proposed site does not lie within any specific build up hot spot, however, whilst visiting the area and based on the number of house consents in recent years within a kilometre of the site it is clear that the build up of new housing in this area is eroding the character of the countryside in this locality.

There are 5 cumulative build-up indicators in relation to the siting of new houses identified within the guidance which should be used when sites do not lie within the pressurised and sensitive areas. These are as follows,

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.

In this case, the number of new houses on this short stretch of road has overwhelmed 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. There are sequential visual effects of cumulative build-up of new housing experienced when travelling along road leading to and past the site and this incidence and inter-visibility of new houses result in these being a major characteristic of the landscape.

Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies DP1 and DP4 and associated Guidance Note on Cumulative Build-up of housing.

Although the proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, 15% tree planting and house design, these aspects do not override the main policy objection concerning an unacceptable build-up of housing and its associated impact upon the rural character of this particular location.

For the avoidance of doubt, whilst planning permission has been granted for a dwellinghouse on this site on 3 previous occasions, these previous consents have now lapsed and hold no material planning weight in the determination of this application. In addition a new Local Development Plan policy has been adopted in the intervening period, which is considerably more restrictive in terms of achieving acceptable new house site in the countryside, when compared to preceding local development plans.

Access/Parking (DP1)

Following consultation the Transportation Section has raised no objection to the proposal subject to conditions and informatives.

Water Supply and Drainage (EP12)

Whilst Moray Flood Risk Management requested that additional information be provided in support of this application, if the applications were being approved, a condition could have been attached to any consent to ensure the provision of any relevant drainage information at the approval of matters specified in condition stage and as such this lack of detailed information at this stage is not sufficient to justify a recommendation of refusal on this basis.

Scottish water has no objection to the use of the proposed water supply.

Developer obligations and affordable housing (PP3 and DP2)

An assessment has been carried out and a contribution has been identified towards healthcare and affordable housing, which the applicant has agreed to pay in the event of approval being given.

Recommendation

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

APPLICATION TYPE AND DECISION LEVEL	
Application type (as per hierarchy)	LOCAL
Decision Level	Delegated

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

CONDITIONS AND REASONS FOR APPROVAL (if applicable)

Conditions (including standard conditions)

N/A

REASON(S) FOR REFUSAL (if applicable)

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

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

INFORMATIVES – NOTES FOR APPLICANT

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

Reference No.	Version No.	Title/Description
3017-01		Site and location plan
		Location plan

DETAILS OF MATTERS SPECIFIED IN CONDITIONS (AMC PROPOSALS ONLY)

Details of matters in respect of which approval, consent or agreement which have been granted or refused.

Reference number of application for planning permission (PPP) in respect of which the condition(s) was imposed.

--

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AGREED WITH APPLICANT (S. 32A REFERS)
--

Any variation made/agreed with applicant?		NO
Description of variation:		

DURATION OF PERMISSION – DIRECTION BY LOCAL AUTHORITY TO USE DIFFERENT TIME PERIOD(S) (SECTION 58 AND 59 OF 1997 ACT REFERS)

Change in time-period(s) from that specified in S.58 and S.59 (standard time conditions)?		NO
Details of change and effect of Direction		
Duration of Consent – (Admin to update Decision screen – Date Temporary Consent Expires)		

NOTIFICATION TO SCOTTISH MINISTERS (UNDER CIRCULAR 3/2009)		
Covering letter details provided		NO
Checklist identifying information completed and saved (NOTSCO)		NO

NOTIFICATION TO HISTORIC SCOTLAND		
Non-standard covering letter required		NO
Checklist identifying information completed and saved (LBCNHS)		NO

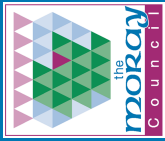
DOCUMENTS TO BE STAMPED APPROVED/REFUSED	
Full set of plans (see list above)	Y
Drainage Impact Assessment	
Method statements	
Maintenance scheme	
Other (please list below)	

1.

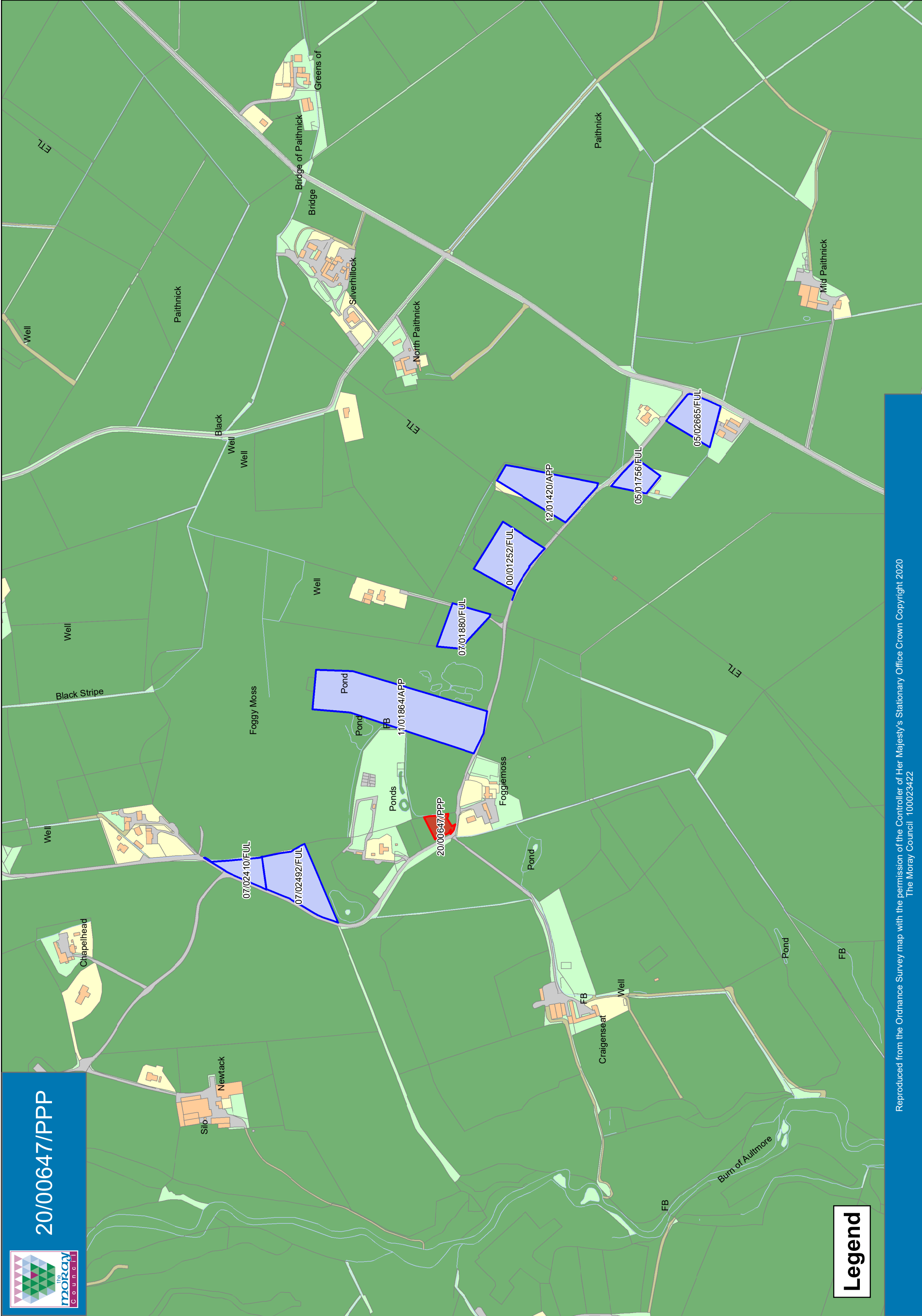
INFORMATION TO ACCOMPANY DECISION NOTICE	
Consultation responses	
Other (please state below)	

1.

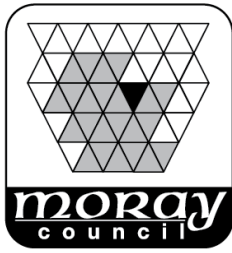
Planning Officer Signature Date:



20/00647/PPP



Legend



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

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Planning Permission in Principle**

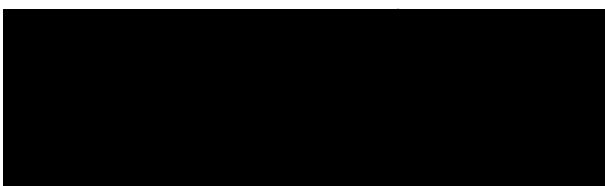
TO Mr Alastair Anderson
c/o Arthur Stone Planning & Architectural Design Limited
85 High Street
Newburgh
United Kingdom
KY14 6DA

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

Erect dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray

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

Date of Notice: **10 September 2020**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
PO Box 6760
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
3017-01		Site and location plan
		Location plan

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scot/eplanningClient

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100328254-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	info@arthurstoneplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Alistair"/>	Building Number: <input type="text" value="2"/>
Last Name: *	<input type="text" value="Anderson"/>	Address 1 (Street): * <input type="text" value="Croft Terrace"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Errol"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Perthshire"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH2 7UE"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="info@arthurstoneplanning.co.uk"/>	

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="853862"/>	Easting	<input type="text" value="346455"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erect dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to submitted document Statement of Reasons for Seeking Review

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

☐ Yes ☒ No

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

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

Statement of Reasons for Seeking Review, Report of Handling, Decision Notice and Site and Location Plan for 11/00011/APP, Report of Handling, Decision Notice and Site and Location Plan for 14/01967/APP.

Application Details

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

20/00647/PPP

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

25/05/2020

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

10/09/2020

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection will demonstrate the qualities of this site and illustrate that its characteristics in relation to 'build up' of development differ from those of other dwellings developed in the area and that the proposal will not detrimentally alter the rural character of the area (reasons used as the basis for the Council's refusal of the application).

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Alison Arthur

Declaration Date: 15/11/2020

Notice of Review of Planning Application 20/00647/PPP
Statement of Reasons for Seeking Review

**Erection of dwellinghouse on Plot 2, Bowie Croft,
Grange Crossroads, Keith**

Mr A Anderson

October 2020



Image capture: Aug 2011 © 2020 Google



Arthur Stone Planning
& Architectural Design



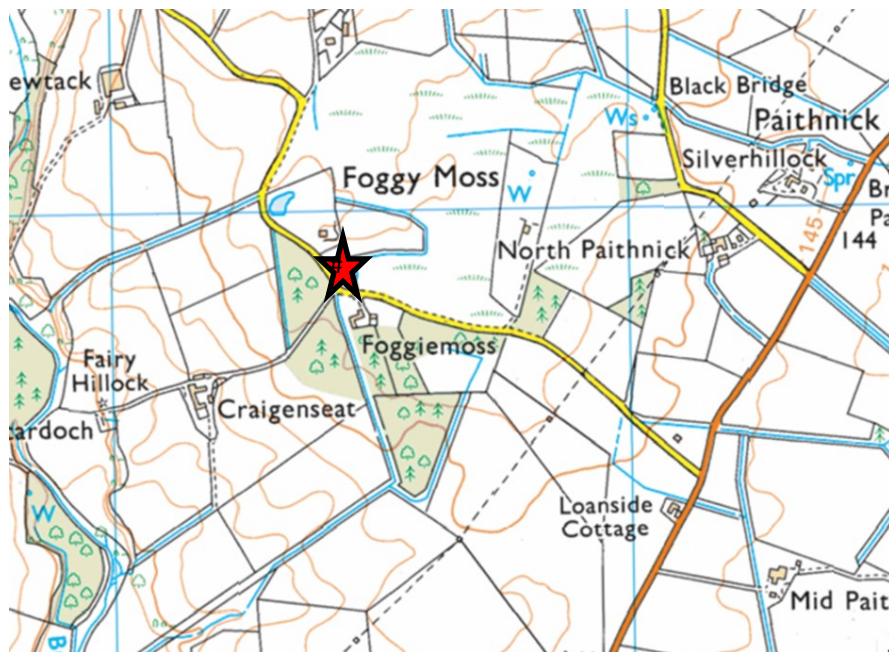
85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

www.arthurstoneplanning.co.uk
info@arthurstoneplanning.co.uk

Statement of Reasons for Seeking Review

- 1.0 Introduction**
- 2.0 Site Description and Proposal**
- 3.0 Planning History**
- 4.0 Planning Considerations**
- 5.0 Response to Reason for Refusal**
- 6.0 Conclusion**



1.0 Introduction

1.1 The applicant, Mr Anderson, submitted a planning application in principle (20/00647/PPP) in May 2020 for the erection of a dwellinghouse on land at Bowie Croft, Grange Crossroads, Keith.

1.2 The application was refused under delegated powers by the Council's appointed officer on 10th September 2020.

1.3 This statement provides a response to the reasons for refusal and aims to demonstrate that it is reasonable to conclude that the proposal meets with the terms of Moray Council's land use planning policies and guidance and that the approval of the application is justified.

1.4 In support of this proposal we make the following points:

- ♦ The characteristics of this application site make it a suitable location for a single dwellinghouse, gaining support from the Moray Local Development Plan 2020.
- ♦ The site has received various planning consents in recent years for a single house, both in principle and detailed.
- ♦ The site has previously been assessed by the Council as not detracting from the character of the surrounding rural area. Notably, this assessment was made subsequent to the consents for other new houses on Foggy Moss Road.
- ♦ There will be no conflict with surrounding land uses or the residential amenity of the nearby properties.
- ♦ There will be no adverse impact on the landscape or environmental capacity of the site, with significant opportunity for biodiversity and landscape enhancements through planting of native species.
- ♦ The proposal will generate minimal traffic with no impact on road capacity or road safety.
- ♦ There are no infrastructure constraints to the development of the site, including no issues of flooding, and contributions will be made towards healthcare and affordable housing.

2.0 Site Description and Proposal

2.1 This proposal relates to an area of rough pastureland, lying adjacent to Foggy Moss Road (U26H) an unclassified single track (no through) road leading from the B9018 approx. 6km north east of Keith. The site lies within a small cluster of properties, with Bowie Croft to the north of the site and directly adjacent, across Foggy Moss Road are two houses, Tillymoss and Foggiemoss.

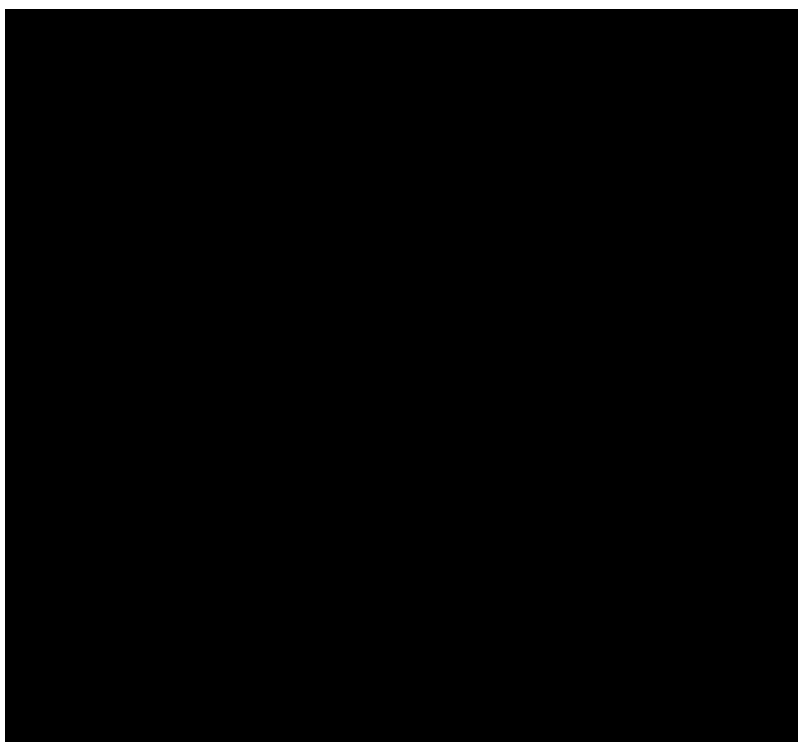
2.2 The site is a relatively flat area of land, with scrubby trees and bushes, part of an isolated area at Foggy Moss with low capability for agriculture (5.3) in contrast to the higher quality surrounding agricultural land.

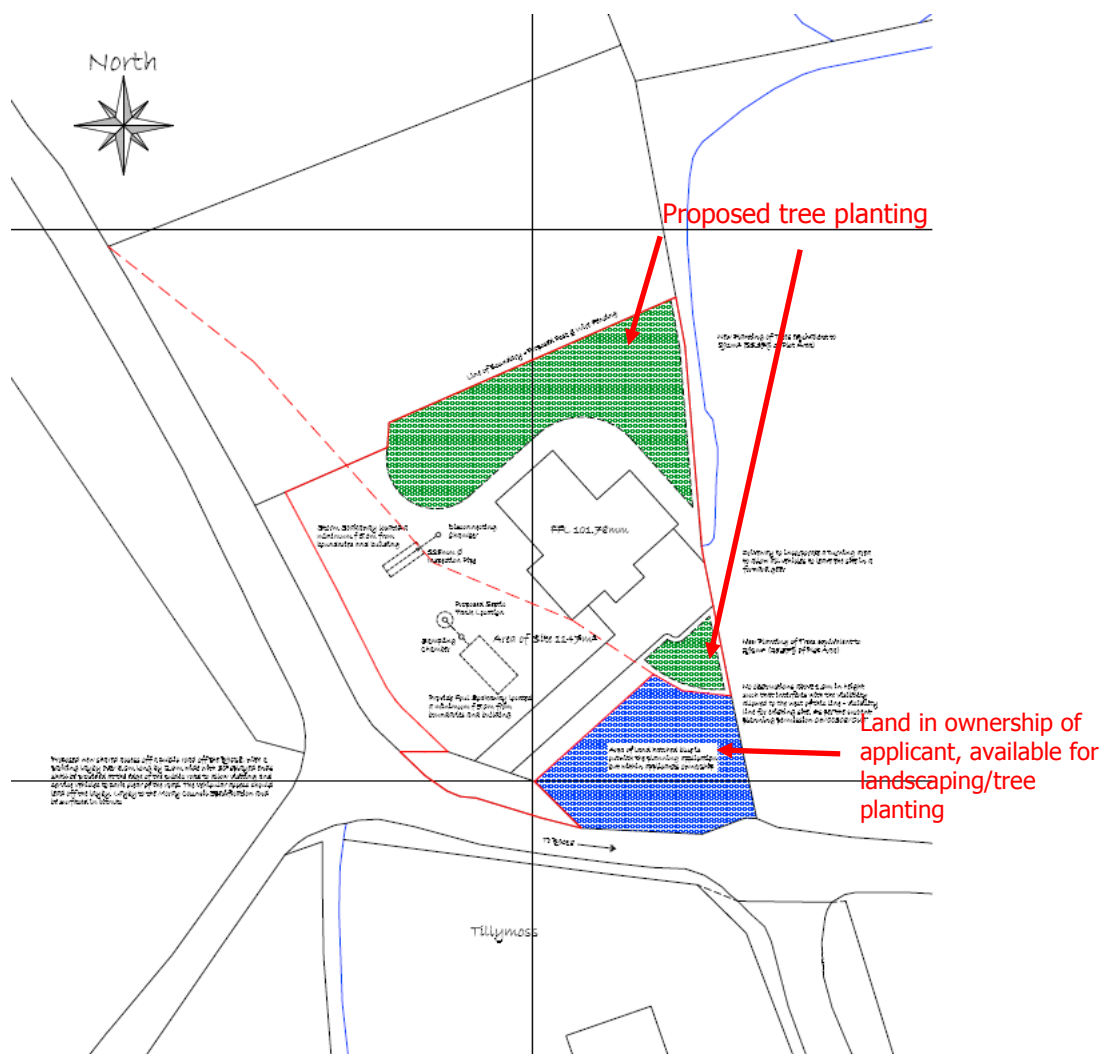
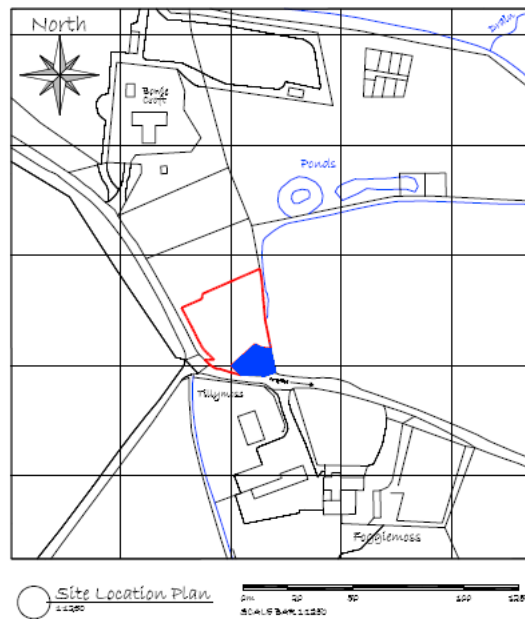
2.3 This planning application seeks permission in principle for a single dwellinghouse on the site. A similar site layout is proposed to that which had previously been approved, with the most recent consent lapsing at the end of 2017.

2.4 The applicant (landowner), was not able to develop the site within the approved timescale and now seeks renewed planning approval for a dwellinghouse on the site.

2.5 The notional plan submitted with the application illustrates a layout which we believe meets with the Council's policies. In this case the proposal is for a planning application in principle and the design approved by the lapsed consent (14/01967/APP) and illustrated in the Supporting Statement for this current application is only indicative. However, the applicant would intend to propose a traditional single storey or one-and-a-half storey property of well proportioned design in the future using materials such as natural stone, natural slate and traditional fenestration, having full regard to the Council's Design Criteria as set out in the Moray Local Development Plan.

2.6 The site will be attractively landscaped with native planting, enhancing the biodiversity and woodland cover of the Foggy Moss area, and making a positive contribution to the characteristics of this landscape.





[REDACTED]

[REDACTED]

3.0 Planning History

3.1 There are several planning consents for a dwellinghouse on this site, dating back to 2006:

- Application 06/00308/OUT established the principle of residential use on this site and was approved in April of 2006.
- A further application, 11/00011/APP, in 2011 followed the expiration of the previous 2006 consent and was approved in October 2011.
- In December 2014 the current owner received further planning consent (14/01967/APP) to extend the date of the consent notice for a further 3 years. Unfortunately, the site was not developed before the consent lapsed at the end of 2017.

3.2 The applicant reasonably assumed that given the history of consents on this site and the immediate surrounding area that gaining a renewed consent would not be troublesome in this case.

4.0 Planning Considerations

4.1 In assessing the application, the Council's officer was content with the proposal in terms of layout and design, residential amenity, access and parking, water supply and drainage, developer obligations and affordable housing. Only the siting of the proposal required further consideration. The Development Plan for consideration in determining the application was the Moray Local Development Plan 2020 (MLDP 2020)

4.2 The Report of Handling includes that:

- Transportation Section has no objection to the proposal.
- A condition attached to a consent will be sufficient to address drainage details at a detailed stage, meeting with Moray Flood Risk Management's requirements.
- The applicant is agreeable to contribute towards healthcare and affordable housing, as identified by the Council.
- The proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, tree planting and house design.

4.3 There were no representations to the proposal and therefore no concerns voiced regarding an additional house in this rural community or any specific concern in relation to any issue.

4.4 The Council officer's assessment of siting and impact on landscape character was the basis for the refusal of the application, despite the satisfactory assessment of other aspects of the proposal.

4.5 The Council's officer notes that the site has had consents in the past, but that the recently adopted MLDP 2020 is 'more restrictive' in relation to housing in the countryside. The characteristics **of this case** continue to provide a good landscape context for development of a dwellinghouse, in line with the up to date policy. The noted 'restrictions' of the policy do not automatically reject this proposal. We believe that assessment **of this case** in terms of the relevant policy criteria provides support for the proposal and the application can be assessed as 'well sited'. Indeed, the Report of Handling highlights this, stating that '*Proposals for single houses must be well-sited and designed to fit with the local landscape character and will be assessed on a case by case basis...*'

5.0 Response to Reasons for Refusal – Grounds for Appeal

The Reasons for Refusal state:

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

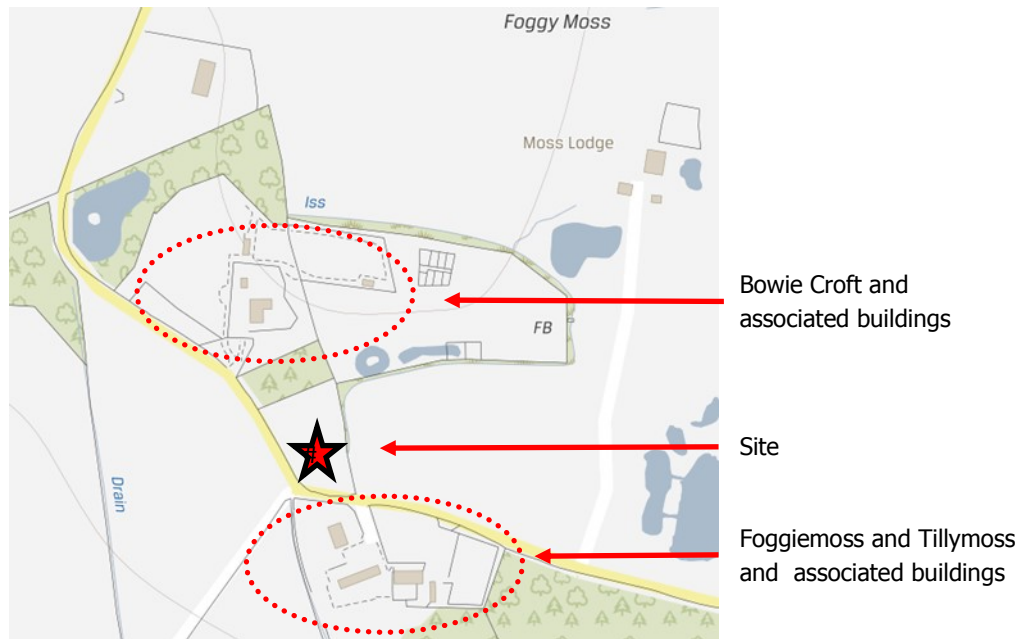
The traditional rural settlement pattern in this area is characterised by single house plots, farmsteads and small clusters of housing dispersed across the countryside, with ample separation between them. In this case the significant build-up of new housing along this short stretch of road within the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

5.1 With respect, we believe that the reasons for refusal are not adequately justified in the Council officer's assessment of the proposal and conclusion. We make the following points in support of the applicant's request for review and approval of this planning application and in response to the Reasons for Refusal.

5.2 We believe that a generalisation has been made in assessing the application, contrary to the need to consider the case 'on its own merits'. The reasons for refusal refer to *'In this case the significant build-up of new housing along this short stretch of road within the last 15 years, has led to an erosion of the traditional character of the landscape in this locality. The approval of a further house plot in this locality would exacerbate this issue'*.

5.3 The conclusion reached, that there has been an unacceptable build-up of new houses along Foggy Moss Road, does not automatically mean that this additional house would worsen the situation. The reason for refusal does not specify what aspects of the proposal *'would exacerbate this issue'* and there is no assessment in the Report of Handling as to why **this proposal** would worsen the situation. The site for this proposal does not share the same characteristics as the other new house developments and will not add to what is considered to be the unacceptable situation. This proposal is for a site which meets with the Council's siting criteria in MLDP 2020 Policy DP4: Rural Housing and lies within an existing small cluster of housing and other buildings. All, but one, of the other consents for new houses on Foggy Moss Road have been for single **isolated** houses.

5.4 Assessment of **this case** and its potential impact on the character of the area suggests that there can be an alternative and positive interpretation of the proposal, enabling it to be supported by the Council's policies and guidance.



Map illustrating location of the site within a surrounding cluster of houses and buildings.

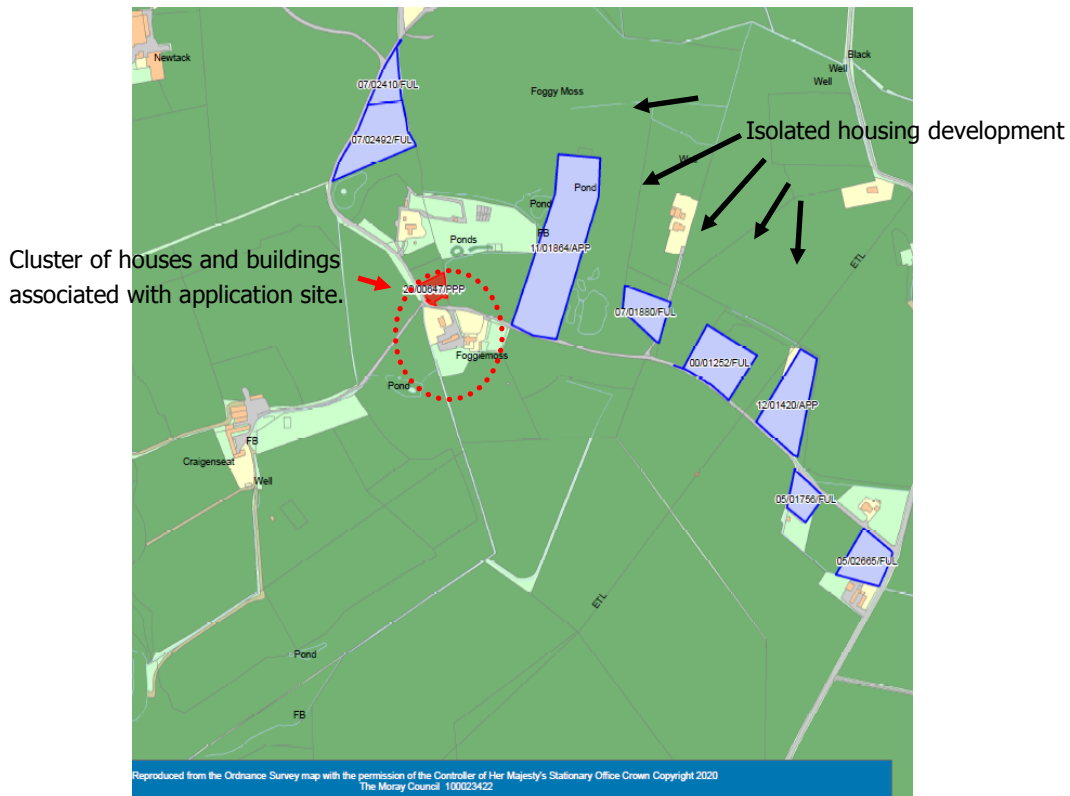
5.5 The site lies within a small cluster of houses and associated buildings formed with Foggiemoss and Tillymoss, with Bowie Croft to the north. The existing setting of the site and the potential to further enhance this through further new planting provides an appropriate location for an additional house, as indicated by an assessment in terms of the Council's siting criteria.

5.6 The Refusal concludes that, *'Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of Local Development Plan policy'*. We believe an assumption has been made that the impacts considered to arise from the other housing along Foggy Moss Road would also apply to this proposal. There is no assessment in the Report of Handling which supports this conclusion.

5.7 In the assessment and approval of the 2011 application (extended in 2014, lapsing in December 2017) for detailed permission for a house on this site, the Report of Handling included:

*'The settlement pattern of this part of Moray is typified by single and small clusters of houses dispersed throughout the rural area. The **introduction of the single proposed house into this area would not detract from this character or lead to an unacceptable build up of houses**'.* (11/00011/APP) approved October 2011.

5.8 **Importantly**, at the time of this consent, all but one of the planning applications (12/01420/APP) for housing on Foggy Moss Road had been approved and would have been a consideration in the assessment of that application. (shown on the Council's map on p10)



Moray Council Plan referred to in Report of Handling illustrating planning consent for new houses over last 15 years. All the sites, with the exception of the most easterly is isolated from any other development. This application site, in red, is part of a small cluster.

Policy DP4: Rural Housing

5.9 The MLDP 2020, Policy DP4: Rural Housing develops a spatial strategy to direct new housing to the least sensitive locations. The policy includes that no new housing will be permitted in pressurised and sensitive areas. This site is **not** within either of these restricted areas. The Justification for the policy includes that *'Siting criteria have been devised to direct development to appropriate sites that have adequate enclosure, containment and backdrop to allow them to integrate sensitively into the landscape'*.

5.10 This application site is within an area where the MLDP 2020 policy DP4: Rural Housing **promotes opportunity for single houses**, subject to meeting with four criteria.

5.11 We have responded to the Council's 'siting' criteria, as set out in Policy DP4: Rural Housing, below. We believe that the proposal complies with Criteria 1, 3 and 4 and these appear to be accepted by the Council's officer in the Report of Handling, i.e.

1. *There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house (the site is suitably enclosed with a wooded backdrop).*
3. *Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted. (none proposed, therefore complies with criterion)*
4. *15% of the plot must be landscaped with native tree species.....to assist the development to integrate sensitively... (substantial planting proposed on the ample land available, enhancing the existing planting in the area)*

5.12 MLDP 2020 Policy DP4: Rural Housing, Criterion 2 appears to be the basis for the reason for refusal of the application:

'2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.'

We have responded to the Council's assessment of the proposal in terms of this criterion, below.

Create Ribbon Development

5.13 The proposal will not create ribbon development, with the site forming part of a cluster of adjacent houses and other buildings. It will not alter the rural character or experience of this area, appearing in the wider landscape as part of a cluster of existing properties.

Contribute to an unacceptable build-up of housing

5.14 The MLDP 2020 contains a Policy Guidance Note on Cumulative Build Up to assist in the assessment of the above point 2. of the Siting Criteria. The Note is introduced as being *'To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of build up indicators have been developed'*.

5.15 The assessment made in the Report of Handling refers to three of the six Siting Indicators, as applying *'in this case'*:

- *The number of new houses overwhelms the presence of older buildings, such that new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive*
- *The incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.*
- *There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site.*

5.16 The only assessment made in the Report of Handling of the site in terms of these indicators is that *'The proposed site does not lie within any specific build up hot spot, however, whilst visiting the area and based on the number of house consents in recent years within a kilometre of the site it is clear that the build up of new housing in this area is eroding the character of the countryside in this locality'*.

5.17 The key test of policy DP4: Rural Housing is whether **this application** will **'contribute'** to any identified build up of housing which the Council officer has assessed as existing on Foggy Moss Road and that it is eroding the character of the countryside. Although there have been several consents in the area, over a number of years, it is our belief that a reasonable assessment of **this application** allows for the conclusion that this single house is acceptable in terms of Policy DP4. It will **not contribute** to the impacts referred to on Foggy Moss Road as it does not have the same characteristics as the other housing which have been considered to lead to an 'unacceptable' build-up of housing. This proposal forms part of an existing cluster of buildings, with the site providing an appropriate setting, and is not similar to the several isolated developments along Foggy Moss Road.

5.18 We refer again to para 5.7 relating to the previous consent for the site (made in the context of all but one of other consents on Foggy Moss Road) when the Council's assessment was ***'the introduction of the single proposed house into this area would not detract from this character or lead to an unacceptable build up of houses'***.

Detrimentially alter the rural character of an area due to its prominent or roadside location

5.17 The Report of Handling does not assess the application site in the context of this statement. Although it refers to the 'traditional character of the landscape' in several places the components or qualities which typify this landscape are not highlighted. It is unclear therefore how this proposal will be detrimental to the traditional character of the landscape. The only reference to the settlement characteristics of the landscape is in the reason for refusal which states that '*The traditional rural settlement pattern in this area is characterised by single house plots, farmsteads and small clusters of housing dispersed across the countryside with ample separation between them.*' Contrary to this statement being included in the reason for refusal, we contend that it provides support for this application.

5.18 Foggy Moss Road is a 2km length of unclassified (no through) single track road and it is likely that road usage will be low, other than for access to properties. The visual effect of any new housing will have an extremely limited number of receptors, likely to be no more than local residents. The site will not be viewed in the wider landscape.

5.19 We have referred to the relevant Landscape Character Assessment identifying that the application site lies within Landscape Character Type 288 Upland Farmland (SNH National Landscape Character Assessment 2019) a single area of mid elevation, coastal uplands, to the north-east of the Spey. Key characteristics in this up to date LCA review include '*Relatively well settled farmland area, with an even distribution of farms accessed by a network of rural roads*' and '*Small farmsteads often partially enclosed by isolated woodland pockets.*' The description of the settlement pattern is that '*the area is reasonably well settled, with small scale, frequent farms ...often partially enclosed by woodland pockets.*' The perception of the landscape includes that '*the eye is drawn to the large scale, undulating form of the skyline to the north....*'

5.20 The application site is not designated in the MLDP 2020 as a Special Landscape Area, with the landscape unit receiving a low score for its scenic qualities, largely consisting of open farmland with limited diversity both scenically and in terms of its naturalness in the Local Landscape Designation Review 2018 process.

5.21 The nature of the site and its situation, particularly in relation to Tillymoss and Foggymoss to its south and the number of buildings associated with these properties will have the characteristics of a farm cluster and will reflect the above settlement pattern characterising the area.

5.22 The surrounding wooded areas and shrub land, including considerable recent planting in the area, will provide a strong enclosed setting and backdrop for the proposal. In addition there is considerable opportunity within the site and on land out with, but in the ownership of the applicant, to enhance the landscape setting with additional planting. The proposed notional site layout is considered to allow for further planting to be achieved. A house in this location would not adversely impact on the distinctiveness of the rural qualities of this area.

Summary of Policy DP4: Rural Housing—Siting Criteria

Overall, we contend that this proposal can be considered to meet with the Siting Criteria of Policy DP4: Rural Housing and that this proposal can complement the traditional settlement pattern of the area. Its characteristics differ from other recent housing on Foggy Moss Road and therefore it will not add to any considered build up of housing.

MLDP 2020 Policy DP1: Development Principles

Policy DP1: Development Principles applies to all development and is an overarching policy setting out detailed criteria to be met in ensuring the siting, design and servicing requirements of development is met. The Report of Handling indicates that this proposal *'fails to satisfy the siting criteria of policies DP1 and DP4'* but it is not clear on what aspect of policy DP1 it fails to meet in terms of siting criteria. We contend that the proposal meets with the 'design' criteria in policy DP1 in terms of the location of the proposal. In terms of the relevant criteria:

- a) The proposal is of appropriate scale and character in terms of the surrounding area
- b) The proposal has the potential to integrate well into the surrounding landscape through its location, design and also the safeguarding of existing trees and new planting.
- c) A detailed landscape plan will be submitted with a further application to ensure the setting of the proposal enhances the surrounding area.
- e) The proposal will not adversely impact on neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- i) and j) The detailed house design will ensure maximum solar gain and will include low and zero carbon generating technologies.



6.0 Conclusion

6.1 The applicant, Mr Anderson, seeks the support of the Local Review Body in approving this application, enabling him to support and contribute to this rural community through the development of this house.

6.2 We contend that this site is an appropriate location for a rural house and can be considered to comply with the siting criteria of the Moray Local Development Plan 2020 Policies DP1: General Principles and DP4: Rural House and the associated Guidance Note on Cumulative Build-up of housing.

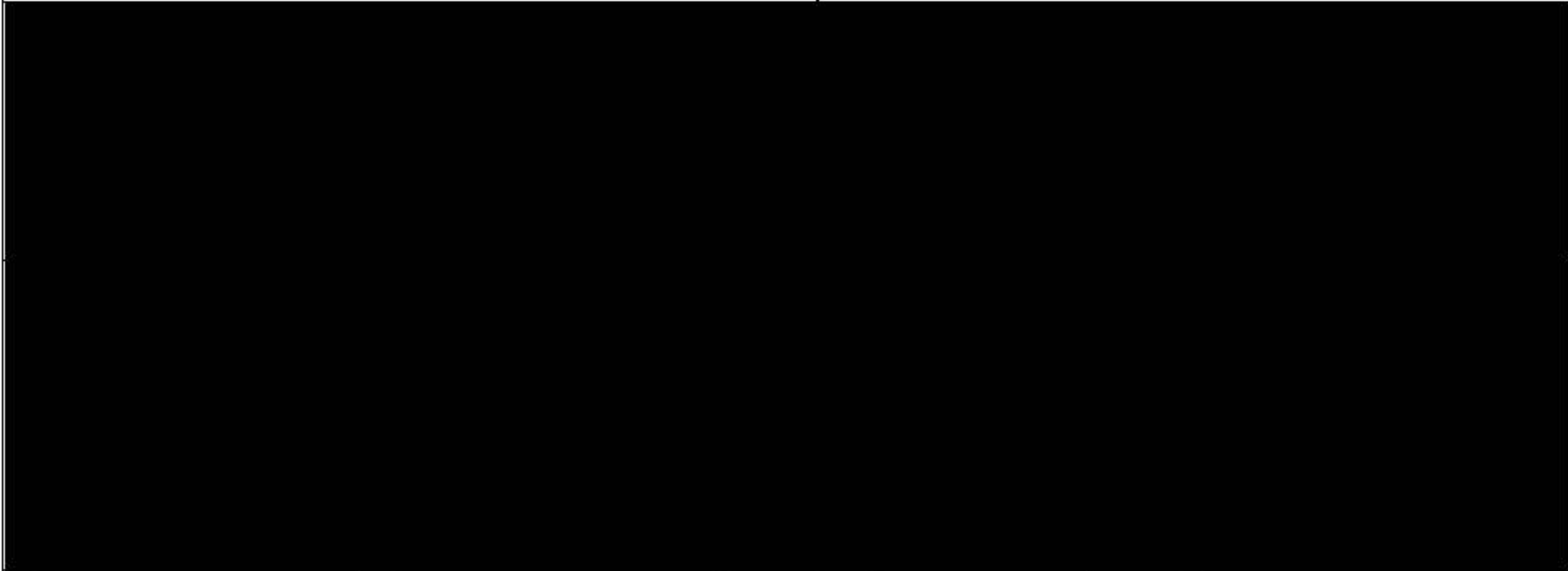
REPORT OF HANDLING

Ref No:	11/00011/APP	Officer:	Stuart Morrison
Proposal Description/ Address	Erection of dwellinghouse on Plot 2 Bowie Croft Keith Moray		
Date:	11.10.2011	Typist Initials:	GW

RECOMMENDATION		
Approve, without or with condition(s) listed below	Y	
Refuse, subject to reason(s) listed below		
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
Scottish And Southern Energy	21/03/11	No objections. No recommendations
Environmental Protection Manager		No response
Environmental Health Manager	17/03/11	No objections. No recommendations
Contaminated Land	15/03/11	No objection. Informative recommended.
Transportation Manager	26/04/11	Holding reply lifted. Conditions and informatives recommended.
Scottish Water	14/03/11	No objection. Note to applicant.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Whole of Policy 1	N	
Whole of Policy 2	N	
H8: New Housing in Open Countryside	N	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
EP5: SUDS	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
IMP1: Development Requirements	N	

REPRESENTATIONS		
Representations Received		YES
Total number of representations received		
Names/Addresses of parties submitting representations		
Name	Address	
		
Summary and Assessment of main issues raised by representations		
<p>Issue:</p> <ul style="list-style-type: none"> • Affecting natural environment • Lack of landscaping • Loss of value of property • Over-development of site • Precedent <p>Comments (PO):</p> <p>The wordings of these two objections are exactly the same so the issues covered will be the same for both representations.</p> <p>The representations are based on a fundamental objection to the principle of sub- dividing this plot. This principle was secured via applications 06/00308/OUT and 08/00073/FUL but the relevant consent periods have expired. Consequently, the principle of development is again assessed in the handling report.</p> <p>Affecting Natural Environment: - This development on its own will have no significant impact upon the natural environment. In addition, the site does not lie on an area of any interest to natural science.</p> <p>Lack of Landscaping: - in this regard, there was a condition imposed by Transportation on the previous consent which restricted the height of vegetation in a large portion of the site. As a result, the potential for planting on the site was restricted. This issue was addressed through alteration of the site boundary to allow for the required 25% planting. This is now considered to be acceptable.</p> <p>Loss of Value of Property: - This is not a material Planning consideration and will not be taken into account in the decision making process.</p> <p>Over- development of site: - the proposed dwelling will not result in over- development of the site.</p> <p>Precedent: - This application has to be assessed on its own merits, therefore there can be no account taken for the potential for precedent to be set.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Site Characteristics;

The application site relates to a relatively flat area of rough ground to the south east of Bowie Croft and to the north of Foggiemoss. The neighbouring properties are single storey and typify housing in rural Moray in terms of design. There are overhead lines running through the site. The application site is to be served by a private access from a single track road so, consequently, the applicant has proposed the installation of a passing place immediately to the front of the site.

Proposal;

The principle of residential development was confirmed on this site through application 06/00308/OUT on the 6th of April 2006. This application for detailed Planning Permission was made valid on the 11th of January 2011 which is outwith the expiration of 3 years from the date of the grant of outline planning permission as stipulated in condition 1 of the previous consent. As a result, this application falls to be assessed against the whole of policy H8 which includes re- assessing the principle of development on the site, as well as detailed site factors relating to the siting, design and layout of the proposed dwelling.

The application relates to the erection of a 1½ storey dwellinghouse, attached garage and associated works, including the formation of a vehicular access onto an adjoining single track public road.

Analysis;

Moray Structure Plan 1(e) and Moray Local Plan H8 and IMP1 - Policy 1 (e) of the Moray Structure Plan 2007 seeks to encourage well located and designed houses in the countryside that have low environmental impact. Policy H8 New of the MLP 2008 contains criteria for assessing the suitability of new rural house sites. These include the requirement that new sites 1) should not detract from the character or setting of existing buildings, or their surrounding area, 2) are not overtly prominent in the landscape i.e. located on a skyline or within an open setting such as central areas of fields etc and where otherwise prominent are offset by a natural backdrop and 3) have at least 50% established boundaries. The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design. Policy IMP1 of the MLP 2008 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy IMP3 requires payment of financial contributions where any measureable adverse or negative impact on existing infrastructure, community facilities or amenity is identified. Policies T2 and T5 require a safe and suitable access and adequate parking provision.

The settlement pattern of this part of Moray is typified by single and small clusters of houses dispersed throughout the rural area. The introduction of the single proposed house into this area would not detract from this character or lead to an unacceptable build up of houses.

The submitted plans for a 1½ storey dwelling with a 45 degree roof pitch and a 7.4 m ridge height is acceptable on this site. The previous consent did have a condition attached which stipulated a single storey dwelling but it is considered that a small difference in the overall height will not detract from the character of the area. In addition, the Transportation Section have set a restriction on any structure being above 1 metre in height in a large portion of the proposed garden ground- 1½ storeys will allow for more floor area whilst reducing the footprint of the dwelling. By reducing the footprint of the dwelling, there is more opportunity for planting at the site which is necessary to comply with H8. The house would also lie downhill from the adjacent approved house site to the north so can accommodate a house of the height proposed.

The original proposal could not achieve the required 25% planting as a 90m visibility envelope was required by the Transportation section which restricted vegetation to 1 metre in height. This has been addressed through the alteration of site boundaries to allow for additional landscaping.

In terms of design, the submitted house positioned towards the rear of the plot and being of broadly traditional design would satisfy the minimum provisions set out in policy H8.

Access/parking (Policies Moray Local Plan policies T2 and T5) – The proposal involves formation of a vehicular access onto the adjoining public road, lay-by and parking area at the front of the site. Following assessment, the Transportation Engineer has raised no objection to these aspects subject to conditions covering drainage, parking, access, a lay-by and the provision of satisfactory visibility splays.

The Planning Gain Unit initially identified the requirement for Roads contributions. However, Transportation did not identify such requirements and it was confirmed with the section that no such contribution should be sought. As a result this requirement has been removed from the application.

The proposal is considered to represent an acceptable form of development which accords with the Development Plan policies pertaining to safeguarding the rural character of the surrounding area and accordingly attracts a recommendation of approval.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description			
06/00308/OUT	Outline planning application for proposed new traditional single storey cottage and septic tank at Bowie Croft Foggiesmoor Crossroads Keith Moray			
	Decision	Permitted	Date Of Decision	06/04/06

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	No Premises	07/04/11	

DEVELOPER CONTRIBUTIONS (PGU)

Status	None identified
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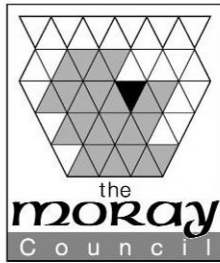
DOCUMENTS, ASSESSMENTS etc. *

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

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

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

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

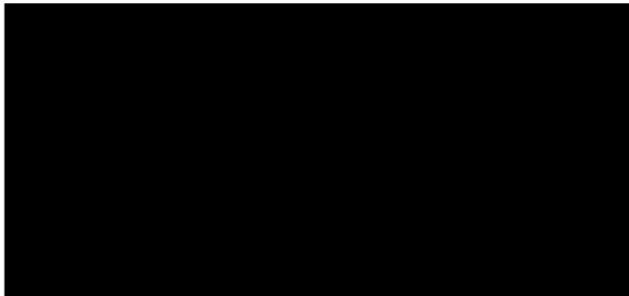


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

PERMISSION FOR DEVELOPMENT

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

TO



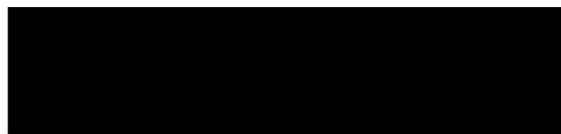
With reference to your application for planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby **GRANT** planning permission for the following development:-

Erection of dwellinghouse on Plot 2 Bowie Croft Keith Moray

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **17th October 2011**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
- 2 Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
- 3 Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
- 4 Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
- 5 That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken;
 - (d) the position of any children's play areas and public amenity open space. Details of the surface finishes, boundary enclosures and number, type (for example, inclusion of manufacturer's specification) and position of pieces of play equipment to be provided.
- 6 The roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.

- 7 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 8 An access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.
- 9 Parking provision shall be as follows:
 - No. of spaces shall be three
- 10 A turning area shall be provided within the curtilage of the site/each plot to enable vehicles to enter and exit in a forward gear.
- 11 Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.
- 12 A visibility splay of 2.4m x 90m shall be provided and maintained at the access in both directions, clear of any obstruction above 1.0m on height.
- 13 New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.
- 14 A forward visibility envelope of 90m shall be provided around the bend on the public road to the south and west of the site. The effect of this condition is that no obstruction will be permitted (such that interferes with visibility including planting) within the area between the red dotted line and the public road on the approved location and site plan.
- 15 That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
- 16 That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are

removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
- 3 To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
- 4 To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
- 5 In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
- 6 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 7 To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
- 8 To ensure acceptable infrastructure at the development access.
- 9 To ensure acceptable development in the interests of road safety.
- 10 To ensure acceptable development in the interests of road safety.
- 11 To ensure acceptable infrastructure at the development access.
- 12 To ensure acceptable Access and Visibility in the interests of road safety for the proposed development and other road users.
- 13 To ensure acceptable development in the interests of road safety.
- 14 To ensure acceptable Visibility in the interests of road safety for the proposed development and other road users.
- 15 In order that detailed consideration can be given to the landscaping of the site.

- 16 In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential source of contamination:

- Large mill pond (potentially infilled but details unknown) approximately 175 metres to the south east as indicated on map group B.

In addition, due to the past agricultural use of the site, there is always a potential for contamination to have arisen from, for example, farm tips, chemical storage or animal burial sites.

Map Group A 1868 - 1897 Ordnance Survey Maps
Map Group B 1898 - 1906 Ordnance Survey Maps
Map Group C 1930 - 1938 Ordnance Survey Maps
Map Group D 1959 - 1971 Ordnance Survey Maps
Map Group E 1969 - 1992 Ordnance Survey Maps
Map Group F Present Day Ordnance Survey Maps

The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council's website at www.moray.gov.uk/ContaminatedLand. Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to contaminated.land@moray.gov.uk

THE BUILDING STANDARDS MANAGER, has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application.

Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, telephone(01343) 563243.

Please note that any proposed discharges to land or the water environment will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. For further details refer to SEPA website
http://www.sepa.org.uk/water/water_regulation/regimes.aspx.

SCOTTISH WATER have commented as follows:

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

There are no public sewers in the vicinity of the proposed development.

Turriff Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the

Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to 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). This should be done through a deed of servitude.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant must contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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

Construction Consent for the roads will/will not be required under Section 21 of the Roads (Scotland) Act 1984.

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

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
E2010/106/002		Ground and Upper Floor Plan
E2010/106/003		Elevations
		Site and Location Plan

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

None

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

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, The 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.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act requires any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission.

Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development. Failure to submit the required Notice will be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions.

Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

Phased development – Under S.27B(2) of the 1997 Act where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. **The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.**

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 11/00011/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: _____ Date: _____

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

2. The full name and address of the landowner, if a different person:

3. Where a site agent is appointed, their full name and contact details:

4. The date of issue and reference number of the grant of planning permission:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 11/00011/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.

REPORT OF HANDLING

Ref No:	14/01967/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Extend planning consent 11/00011/APP for erection of dwellinghouse on Plot 2 Bowie Croft Grange Crossroads Keith Moray		
Date:	04/12/14	Typist Initials:	LRM

RECOMMENDATION

Approve, without or with condition(s) listed below		Y
Refuse, subject to reason(s) listed below		N
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
Scottish And Southern Energy	24/10/14	No objections
Environmental Health Manager	24/10/14	No objections
Contaminated Land	23/10/14	No objections
Transportation Manager	30/10/14	No objections subject to conditions and informatives as applied to previous consent
Scottish Water		No response received

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Whole of Policy 1	N	
Whole of Policy 2	N	
H8: New Housing in Open Countryside	N	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
EP5: SUDS	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
IMP1: Development Requirements	N	

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The application seeks to extend the duration of the planning permission initially granted under application 11/00011/APP. At the time of submission application 11/00011/APP had yet to expire.

There has been no change in development plan policy since the approval of the previous application on the site. The application is therefore recommended for approval subject to the same conditions as previously applied, minus the first 4 conditions which have been replaced with notes on the decision notice.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

There has been no change in material circumstances since the approval of the previous application on the site and as such this application for the renewal of permission is also recommended for approval.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description			
11/00011/APP	Erection of dwellinghouse on Plot 2 Bowie Croft Keith Moray			
	Decision	Permitted	Date Of Decision	11/10/11

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Herald	No Premises	27/11/14
PINS	No Premises	20/11/14

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?		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)			



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

PERMISSION FOR DEVELOPMENT

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

TO



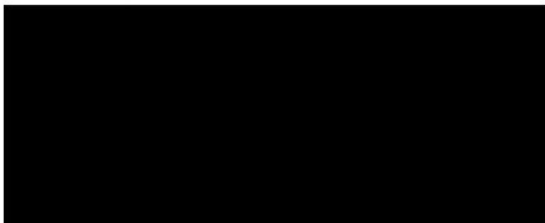
With reference to your application for planning permission under the above-mentioned Act as amended, the Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

**Extend planning consent 11/00011/APP for erection of dwellinghouse on Plot 2
Bowie Croft Grange Crossroads Keith Moray**

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **4th December 2014**



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

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The development hereby granted relates solely to the duration of the planning permission within which development must be begun (see "Important Notes about this Decision" below) and as hereby approved, the development forms part of and is related to the decision to grant planning permission under formal approval decision notice 11/00011/APP dated 17 October 2011 and the terms and conditions of that permission (Conditions 5 - 16) are hereby re-iterated and remain in force.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 To ensure an acceptable form of development having regard to the nature of the current proposal and to ensure the requirements for implementation of the development, including all design and site layout arrangements as previously approved are carried out in accordance with the earlier approved decision.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

There has been no change in material circumstances since the approval of the previous application on the site and as such this application for the renewal of permission is also recommended for approval.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT - S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

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ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

THE BUILDING STANDARDS MANAGER, has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

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

N/A

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

N/A

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

The terms, or summary of terms of the Agreement can be inspected at:-

N/A

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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The Moray Council

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2. The full name and address of the landowner, if a different person:

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4. The date of issue and reference number of the grant of planning permission:

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Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

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The Moray Council

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so may result in enforcement action be taken.**

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

APPROVED

17.10.2011

Development Management
Environmental Services
The Moray Council

AREA OUTLINED IN BLUE OWNED BY APPLICANT
GRANTED PLANNING 08/00073/FUL

New Planting of trees equivalent to
291 m2 (25.37% of plot area).

Line of Boundary: Proposed post and wire fence

surface water
sewerage min 5m
from boundary
and building

AREA OF SITE 1,147M2
(Bounded in Red)

proposed septic
tank position

proposed position of
ford water sewerage
min 5m from house
and boundaries

Driveway incorporate a turning area to
allow all vehicles to leave the site in a
forward gear.

No obstruction above 1.0 metres in
height such that interferes with
visibility allowed to the west of this
line - visibility line for exiting site. As
per current planning permission -
06/00308/OUT

Area of land hatched brown is outwith
planning application but within
applicants ownership

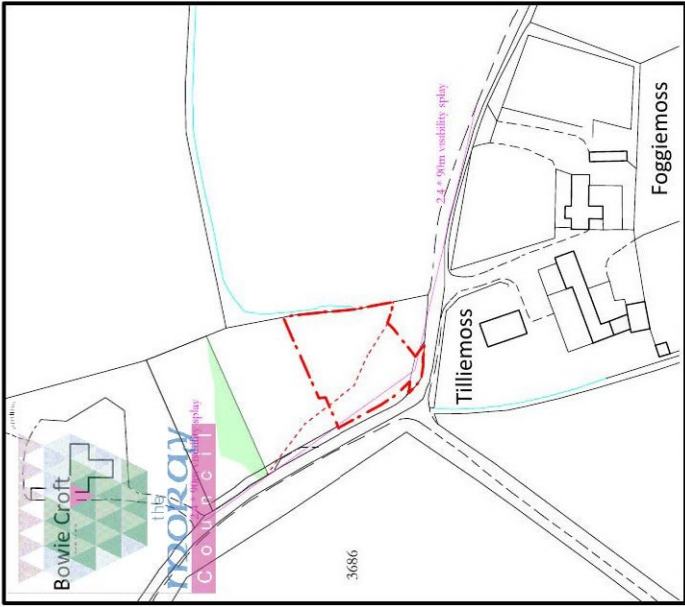
BT pole -
Datum level
100.000

Proposed new shared access off a public road off the
B9018, with parking layby over 8.0m long by 2.6m
wide with 30 degrees splayed ends shall be
provided at the edge of the public road to allow
visiting and service vehicles to park clear of the road.
The vehicular access should lead off the layby. Layby
to be to Moray Council specification and be surfaced
in bitmac.

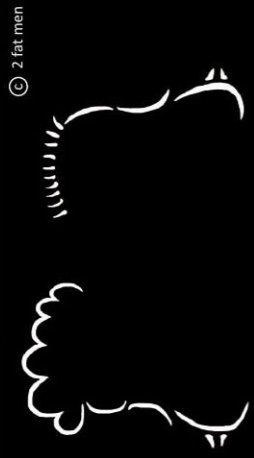
Site Plan

Location Plan

1:1250



Scale : As noted on Drawing

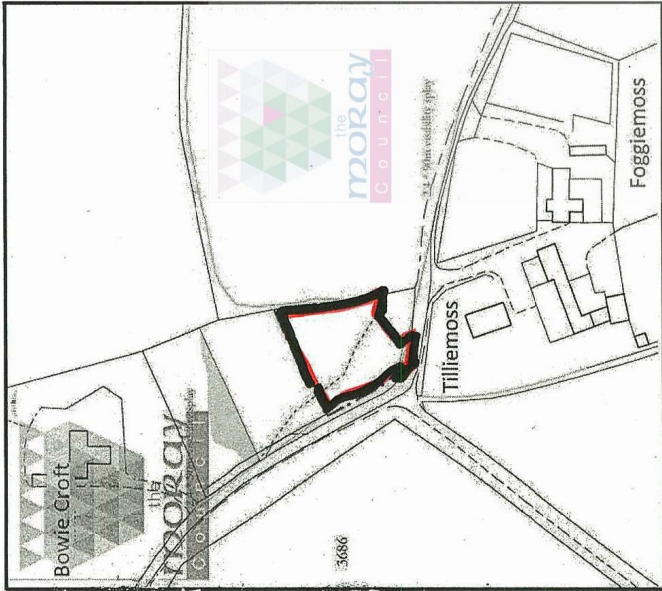


Client :	Genesis Properties (Scotland) Ltd.
Project :	Plot 2 Bowlie Croft, Moray
Drawing :	Location & Site Plan
mwhs	Aug 11

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

APPROVED
05/12/14

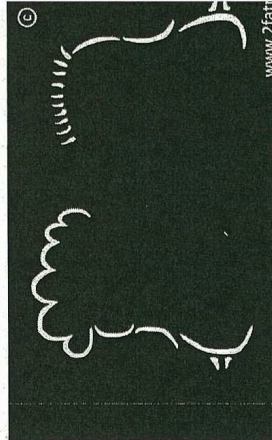
Development Management
Environmental Services
The Moray Council



Location Plan

1:1250

Scale : As noted on Drawing



Client : ALISTAIR R ANDERSON

Project : Plot 2 Bowrie Croft, Moray

Drawing : Location & Site Plan

