



## MORAY LOCAL REVIEW BODY

17 DECEMBER 2020

### SUMMARY OF INFORMATION FOR CASE No LR242

**Planning Application 20/00355/PPP – Erect dwellinghouse at site 450m Northwest of Ar Dachaidh, Roseisle, Elgin**

#### **Ward 5 – Heldon and Laich**

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 14 May 2020 on the grounds that:

The development is contrary to Policy IMP1: Developer Requirements and Policy H7: New Housing in the Open Countryside of the adopted Moray Local Development Plan 2015 and, as a material consideration, associated Supplementary Guidance on Housing in the Countryside and Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reasons:

- (a) It does not reflect the traditional pattern of settlement in the locality detracting from the character of the surrounding area.
- (b) Together with other development in the immediate vicinity at Clarkyhills it will have the effect of changing the rural character of the area.
- (c) Development on the proposed site would not be sensitively integrated into the surrounding landscape.

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

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

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

No representation was received from the Applicant in response to the Further Representations.

At the meeting of the Moray Local Review Body (MLRB) on 29 October 2020, the MLRB agreed to defer case LR242 to allow the Appointed Officer the opportunity to determine the planning application in accordance with the policies in the new MLDP

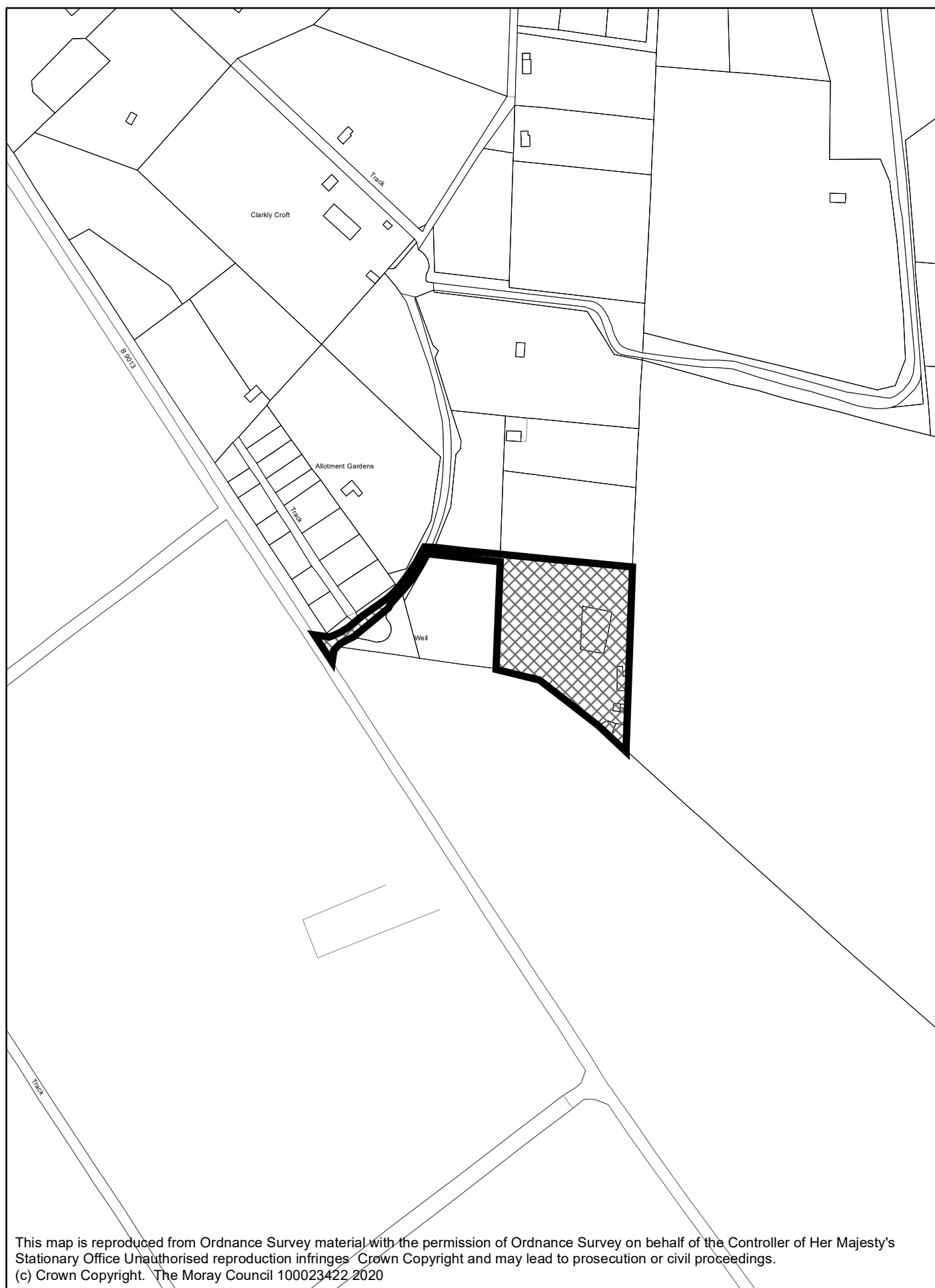
2020, and thereafter, allow the Applicant to make further representation on the Appointed Officers findings.

An Addendum to the original Report of Handling can be found at **Appendix 4**.

The Applicant's response to the addendum can be found at **Appendix 5**.



# Location plan for Planning Application Reference Number : 20/00355/PPP









## **APPENDIX 1**

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





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100242039-001

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)

Planning Permission in Principle to erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh, Roseisle, Elgin

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Grant and Geoghegan Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	Unit 4 Westerton Road Business
Last Name: *	Grant	Building Number:	
Telephone Number: *	07769744332	Address 1 (Street): *	4 Westerton Road South
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	KEITH
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB55 5FH
Email Address: *	neil@ggmail.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per grant and geoghegan
First Name: *	D	Building Number:	
Last Name: *	Ralph	Address 1 (Street): *	Unit 4 Westerton Road Business
Company/Organisation		Address 2:	4 Westerton Road South
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	Moray
Mobile Number:		Postcode: *	AB55 5FH
Fax Number:			
Email Address: *	neil@ggmail.co.uk		

## 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

867899

Easting

312710

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

5089.00

Please state the measurement type used:

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

## Existing Use

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

Undeveloped land

## Access and Parking

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

☒ Yes ☐ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></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? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input type="checkbox"/> New/Altered septic tank.</p> <p><input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>Packaged sewage treatment plant to soakaway</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></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? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></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? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p>

## Trees

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

☒ Yes ☐ No

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

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

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Neil Grant

On behalf of: Mr D Ralph

Date: 17/03/2020

☒ 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)

Site Access

Provide copies of the following documents if applicable:

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

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

Site Investigation & Drainage Assessment

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Neil Grant

Declaration Date: 17/03/2020

## Payment Details

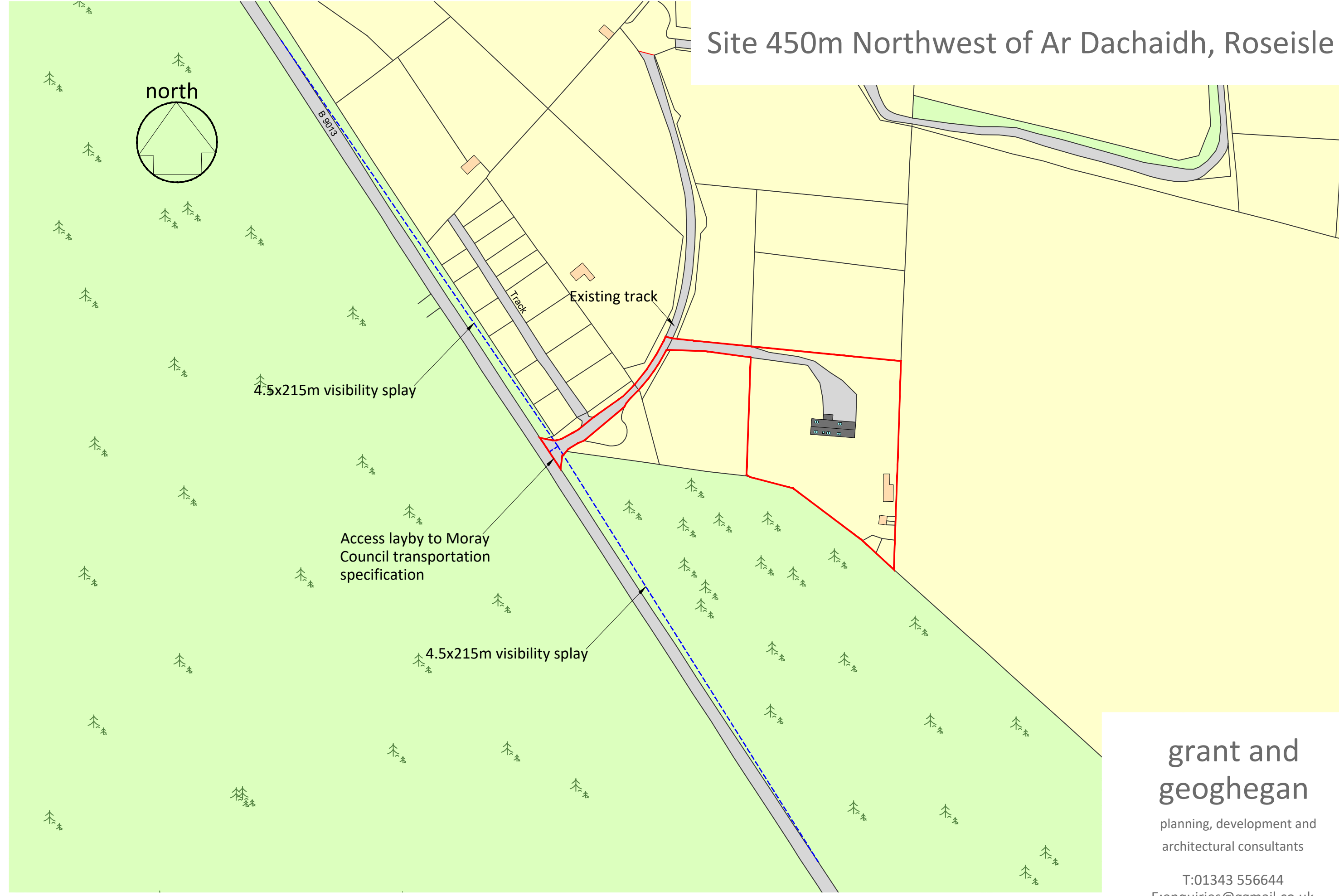
Online payment: 017880

Payment date: 17/03/2020 12:06:26

Created: 17/03/2020 12:06



Site 450m Northwest of Ar Dachaidh, Roseisle



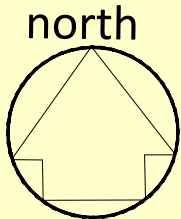
grant and  
geoghegan

planning, development and  
architectural consultants

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



Site 450m Northwest of Ar Dachaidh, Roseisle



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

Land under applicants control

Existing woodland

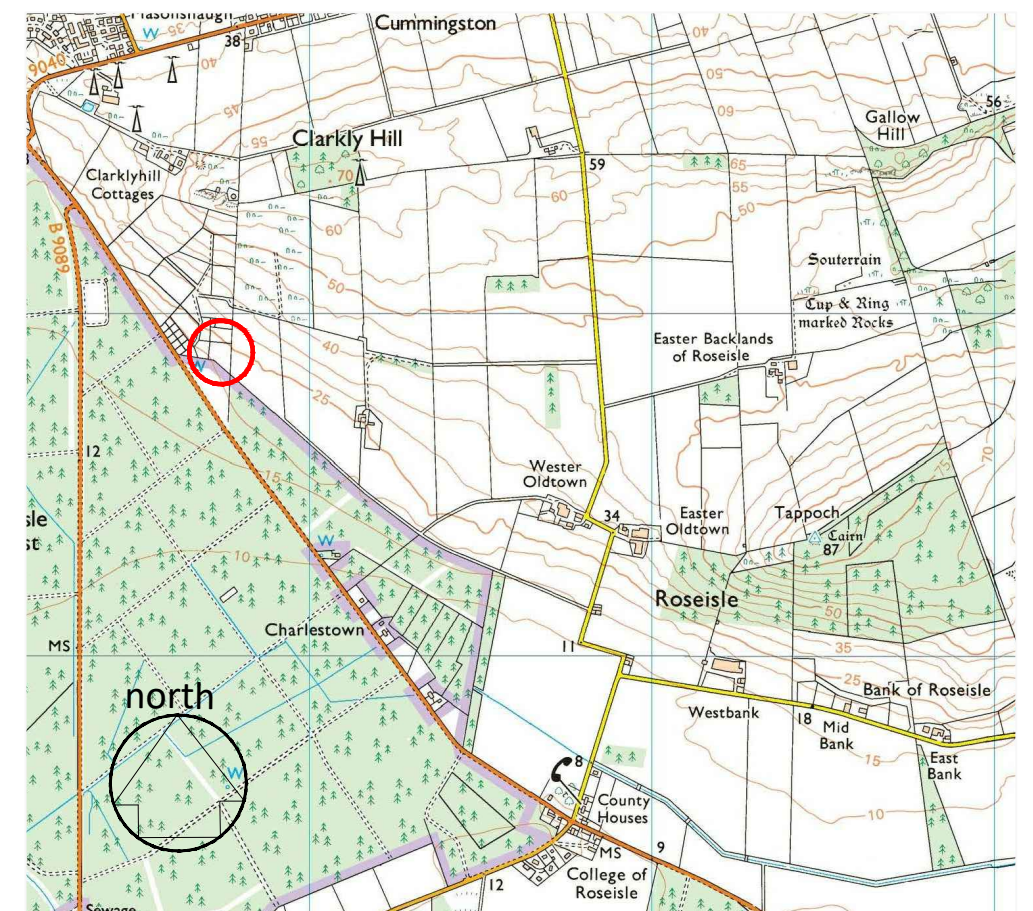
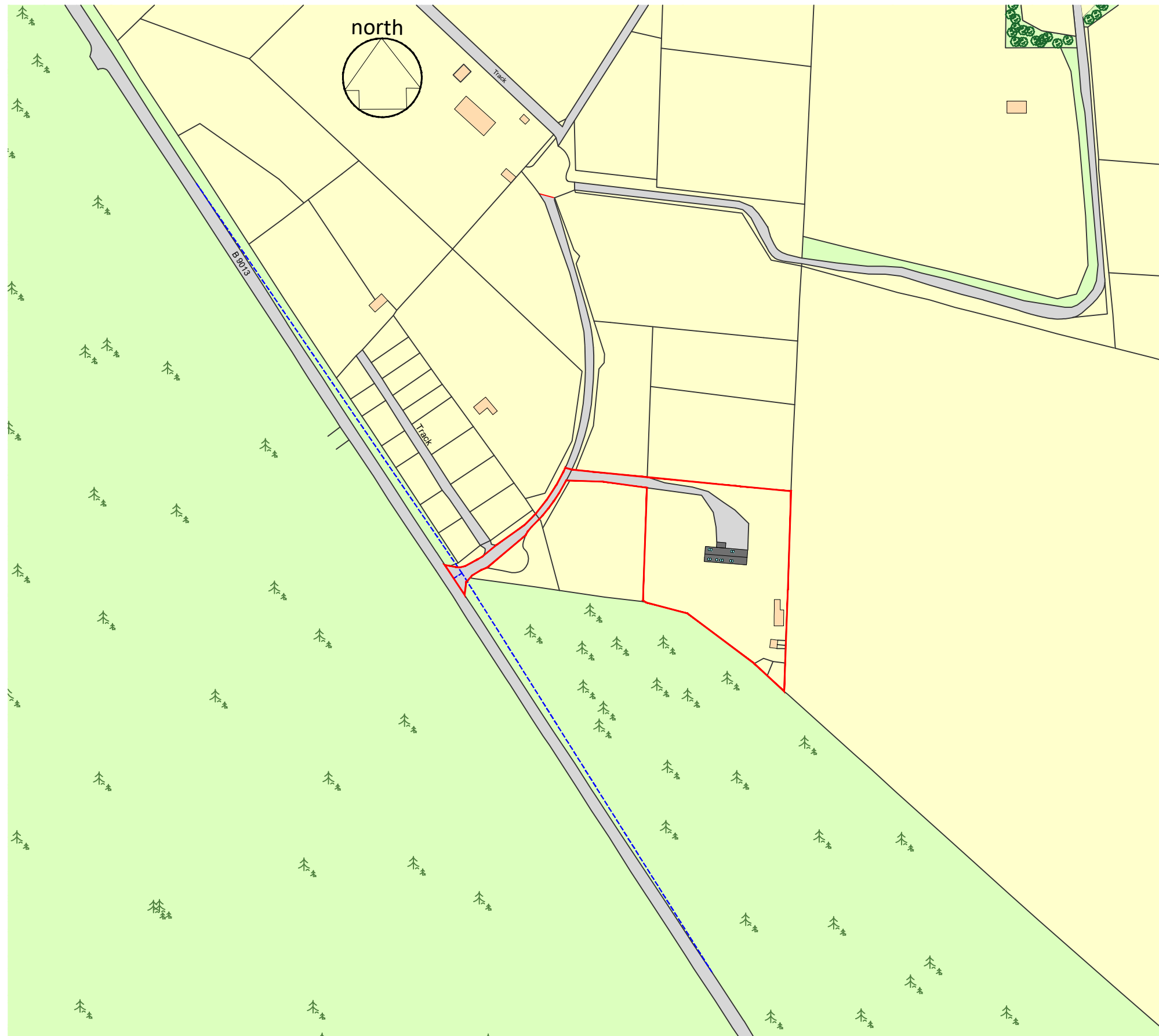
grant and  
geoghegan

planning, development and  
architectural consultants

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



# Site 450m Northwest of Ar Dachaidh, Roseisle



grant and  
geoghegan

planning, development and  
architectural consultants

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

Drawing Title	Scale at A3	Date:	Drawing No.
block plan	1:2000	march 20	016/871/02





Gary Mackintosh  
Email: [gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)  
Tel: 07753 384 192

# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

CLARKYHILL, BURGHEAD

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

***Client:***

Grant and Geoghegan

***Site Address:***

Site at Clarkyhill  
Burghead

***Planning Reference:***

N/A

***Date:***

16<sup>th</sup> March 2020

***Job Number:***

0983

***Company Information:***

Assessment completed by:

Gary Mackintosh BSc

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07753384192

***Introduction:***

The proposed site is located in Clarkyhill, near Burghead. The proposals are to erect a dwelling house and supporting infrastructure. The site is bounded agricultural land to all boundaries, with the access track to the west of the site. The site has a relatively flat gradient, sloping slightly down to the south. SEPA flood maps show no risk of flooding in the area of the site.

GMC Surveys were asked to carry out a site investigation in order to determine the existing soils and provide a drainage solution for the proposed dwelling.

***Soil Conditions:***

Excavations were carried out using a mechanical digger in February 2020 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.6m. The pits were left open and no ground water was encountered.

The excavations provided existing ground conditions of 300mm Topsoil overlying brown medium/ coarse sands with many cobbles to the extent of the test pit.

The trial pits were left open and there was no evidence of contamination or ground water within the trial pits.

Trial Pit Location can be found in Appendix A.

### ***Percolation/Soakaway Testing:***

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The results can be found in the table below.

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Mean
Date of Test	18/02/2020	18/02/2020	18/02/2020	
THo1	1090s	1260s	1380s	1245s
THo2	1260s	1440s	1500s	1400s
Average Soil Vp				8.8s/mm

### ***Infiltration testing:***

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	0.8mx 1.0m	0.5 – 1.5	4.35 x 10 <sup>-5</sup>

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

The natural ground is suitable for Traditional strip foundations designed in accordance with BS8110 – Structural use of Concrete.

Based on the onsite investigations it can be confirmed that the underlying soils are suitable for the use of standard stonefilled soakaways as a drainage solution for both foul and surface waters.

The Vp rate is below the maximum threshold of 15s/mm therefore a 'packaged sewage treatment plant' would be required, the final details of which are to be confirmed by the chosen supplier.

### ***Foul Water Discharge via Soakaway:***

As the Vp rate is below 15s/mm, in addition to the package sewage treatment plant, SEPA require that 3.6m<sup>2</sup> per person be allowed for a foul water soakaway, with a minimum size of 25 m<sup>2</sup>. The proposals are a 4 bed property therefore:

$$3.6 \times 6 \text{ (4Bedroom)} = \underline{21.6\text{m}^2} = \underline{25\text{m}^2}$$

This area can be provided with soakaway plan dimensions 5.5m x 4m at a depth of 0.45m below invert level, alternative dimensions may be used ensuring that the minimum base area of 25m<sup>2</sup> is maintained.

The minimum required volume for the treatment plant can be estimated as:

$$\text{PE} \times 180 + 2000$$

$$= 6 \times 180 + 2000 = 3080\text{Litres (from Flows and Loads Volume 4)}$$

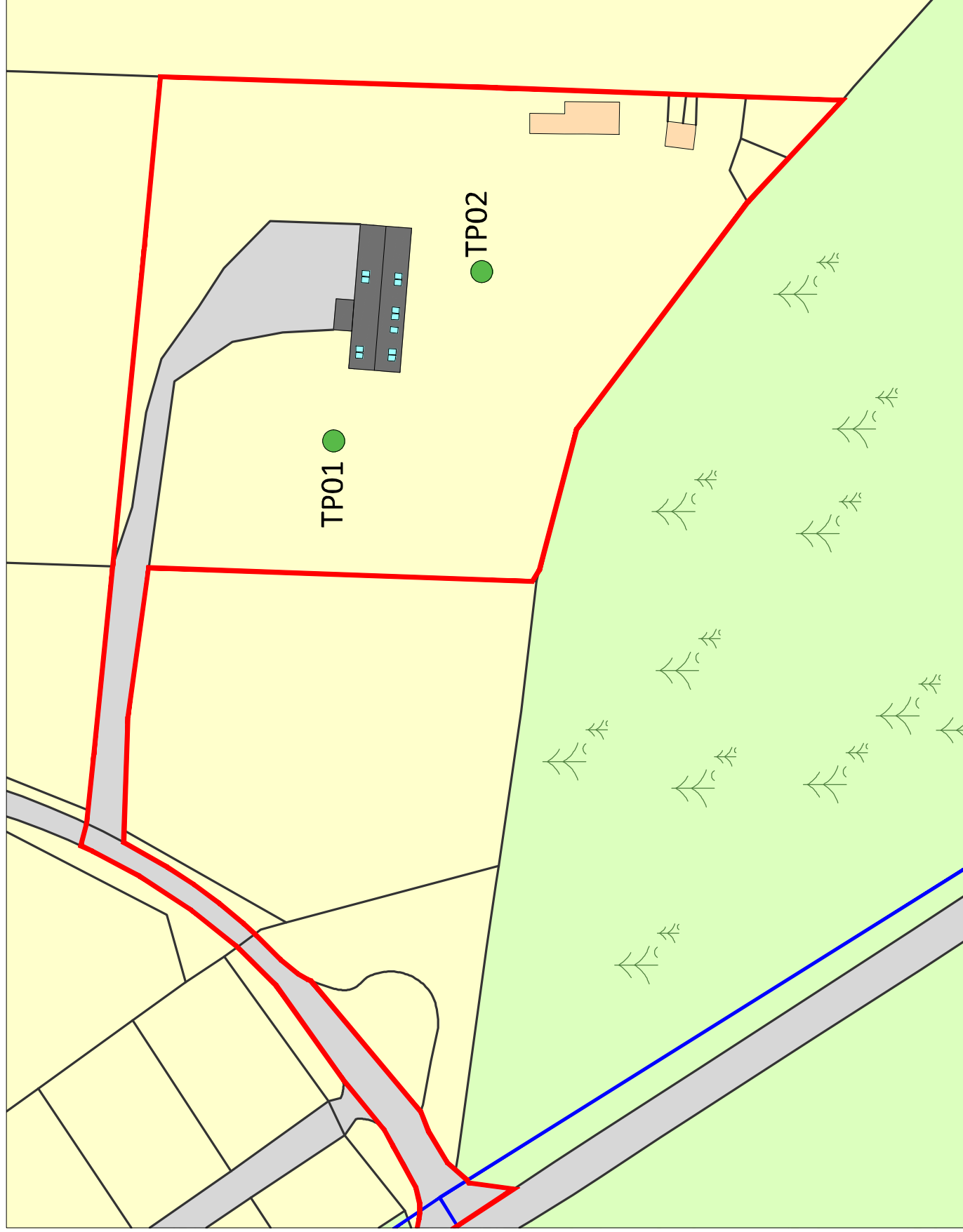
### ***Surface Water Dispersal via Soakaway:***

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **8m x 3.0m at a depth of 0.8m** below the invert level based on the proposed contributing area of 170m<sup>2</sup> (roof area of house) up to a 1 in 200 year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix B.

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

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



REV.	DESCRIPTION:	BY:	DATE:

gmcsurveys

**Surveys, Setting Out, Civil Engineering Design**  
T: 07557 431 702  
E: [gmc surveys@gmail.com](mailto:gmc surveys@gmail.com)

CLIENT: Grant and Geoghegan

**Proposed Development**  
**Clarkyhill, Burghead**

TITLE:	Test Pit Location
--------	-------------------

SCALE AT A1: ASDRAWN	DATE: MAR2020	DRAWING: GM	CHECKED:
PROJECT NO: 0983	DRAWING NO: Appendix A		



MasterDrain  
SW 16.12

**gmcsurveys**  
Surveys. Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street  
Forres IV36 1FN  
email: gmcsurveys@gmail.com  
Mobile: 07557 431 702

Job No. <b>0983</b>		
Sheet no. <b>1</b>		
Date <b>13/03/20</b>		
By <b>GM</b>	Checked	Approved

Project **Clarkyhill, Burghead**  
Title **BRE365 Trench calculations for BURGHEAD**

**Rectangular pit design data:-**

Pit length	=	7 m	Pit width	=	3.5 m
Depth below invert	=	.8 m	Percentage voids	=	30.0%
Imperm. area	=	170 m <sup>2</sup>	Infilt. factor	=	0.0000435 m/s
Return period	=	200 yrs	Climate change	=	35%

**Calculations :-**

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 8.4 \text{ m}^2$$

Outflow factor :  $O = a_{s50} \times \text{Infiltration rate} = 0.0003654 \text{ m/s}$

Soakaway storage volume :  $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 5.9 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m <sup>3</sup>	Depth (hmax) m	Outflow m <sup>3</sup>	Storage m <sup>3</sup>
5 mins	122.4	1.7	0.22	0.11	1.62
10 mins	95.6	2.7	0.34	0.22	2.48
15 mins	80.1	3.4	0.42	0.33	3.07
30 mins	56.8	4.8	0.57	0.66	4.17
1 hrs	38.5	6.5	0.71	1.32	5.22
2 hrs	24.8	8.4	0.79	2.63	5.79
4 hrs	15.6	10.6	0.73	5.26	5.34
6 hrs	11.8	12.0	0.56	7.89	4.15
10 hrs	8.3	14.1	0.13	13.15	0.93
24 hrs	4.5	18.3	0.00	31.57	0.00

Actual volume :  $S_{\text{actual}} = 5.880 \text{ m}^3$

Required volume :  $S_{\text{reqd.}} = 5.790 \text{ m}^3$

**Soakaway volume storage OK.**

Minimum required  $a_{s50}$  :  $8.27 \text{ m}^2$

Actual  $a_{s50}$  :  $8.40 \text{ m}^2$

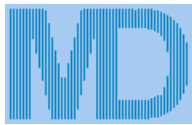
Minimum depth required:  $0.79 \text{ m}$

Time to maximum  $2 \text{ hrs}$

Emptying time to 50% volume =  $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 02:12 \text{ (hr:min)}$

**Soakaway emptying time is OK.**





MasterDrain  
SW 16.12

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Forres IV36 1FN  
email: gmcsurveys@gmail.com  
Mobile: 07557 431 702

Job No. <b>0983</b>		
Sheet no. <b>2</b>		
Date <b>13/03/20</b>		
By <b>GM</b>	Checked	Approved

Project **Clarkyhill, Burghead**  
Title **BRE365 Trench calculations for BURGHEAD**

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

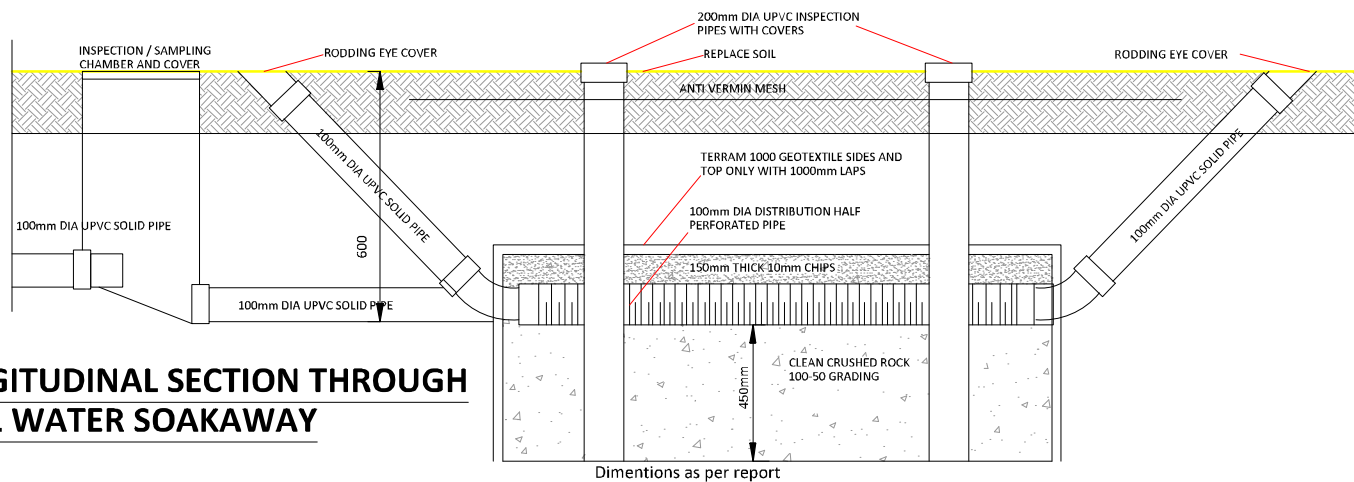
Location	=	BURGHEAD	Grid reference	=	
M5-60 (mm)	=	12.3	r	=	0.26
Soil index	=	0.15	SAAR (mm/yr)	=	600

Soil classification for WRAP type 1

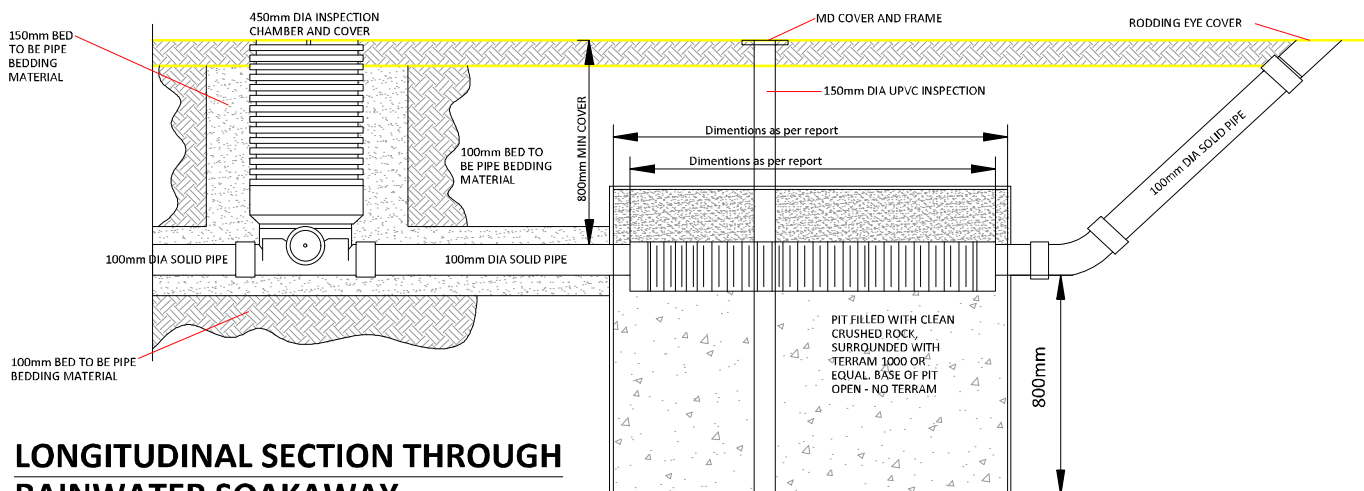
- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

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

## LONGITUDINAL SECTION THROUGH FOUL WATER SOAKAWAY



## LONGITUDINAL SECTION THROUGH RAINWATER SOAKAWAY



REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

**gmcsurveys**

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT: Grant and Geoghegan

SITE: Clarkyhill  
Burghead

TITLE: Soakaway Details

SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	MAR2020	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
0983	Appendix	-	

# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	21st April 2020
<b>Planning Authority Reference</b>	20/00355/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Site 450M Northwest Of Ar Dachaidh Roseisle Elgin
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133073087
<b>Proposal Location Easting</b>	312747
<b>Proposal Location Northing</b>	867884
<b>Area of application site (M<sup>2</sup>)</b>	5089
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q7DNK5BGKJK00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q7DNK5BGKJK00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	7th April 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr D Ralph
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	Grant And Geoghegan Limited
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Katherine Donnachie
<b>Case Officer Phone number</b>	
<b>Case Officer email address</b>	katherine.donnachie@moray.gov.uk
<b>PA Response To</b>	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.

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

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

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Contaminated Land

**Planning Application Ref. No:** 20/00355/PPP

**Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh Roseisle Elgin for Mr D Ralph**

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

**Please**

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

**Reason(s) for objection**

**Condition(s)**

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

**Further information required to consider the application**

**Contact:** Adrian Muscutt  
**email address:**  
**Consultee:**

**Date** 16 April 2020  
**Phone No** 3496

**Return response to**

**consultation.planning@moray.gov.uk**

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

**From:** DeveloperObligations  
**Sent:** 3 Apr 2020 10:18:19 +0100  
**To:** Katherine Donnachie  
**Cc:** DC-General Enquiries  
**Subject:** 20/00355/PPP Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh, Roseisle, Elgin  
**Attachments:** 20-00355-PPP Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh, Roseisle, Elgin.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](mailto:rebecca.morrison@moray.gov.uk) | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)  
01343 563583

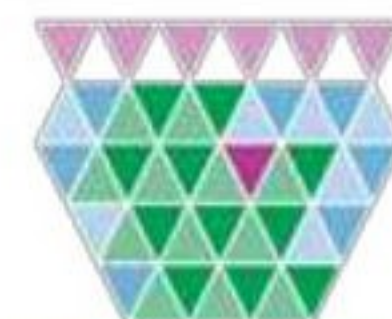
**moray**  
council







# Developer Obligations: ASSESSMENT REPORT



**moray**  
council

**Date:** 03/04/2020

**Reference:** 20/00355/PPP

**Description:** Site 450M Northwest Of Ar  
Dachaidh, Roseisle, Elgin

**Applicant:** Mr D Ralph

**Agent:** Grant And Geoghegan Limited

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

The LDP and SG can be found at  
[http://www.moray.gov.uk/moray\\_standard/page\\_100443.html](http://www.moray.gov.uk/moray_standard/page_100443.html)

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards extension at Moray Coast Medical Practice</i> )	
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	

## Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.

### Developer Obligations Discount for Small Scale Development

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



Moray Council **DEVELOPER OBLIGATIONS**



## INFRASTRUCTURE

### Education

#### **Primary Education**

Pupils generated by this development are zoned to Burghead Primary School. The school is currently operating at 78% 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 Lossiemouth High School. The school is currently operating at 66% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Secondary Education = Nil**

### Transport

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

**Contributions towards Transport = Nil**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per

General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

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).

Moray Coast Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Moray Coast Medical Practice is currently working beyond design capacity and existing space will be required to be extended.

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

**Contribution for Sports and Recreation Facilities = Nil**





## TERMS OF ASSESSMENT

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

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

## PAYMENT OF CONTRIBUTIONS

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

## INDEXATION

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

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





**MORAY COUNCIL  
PLANNING CONSULTATION RESPONSE**

**From:** The Moray Council, Flood Risk Management  
**Planning Application Ref. No:** 20/00355/PPP

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

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

**Reason(s) for objection**

**Conditions(s)**

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

**Further information required to consider the application**

Contact: Will Burnish Date Tuesday, 07 April 2020

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

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



# Consultation Request Notification – Development Plans

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	17th April 2020
<b>Planning Authority Reference</b>	20/00355/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Site 450M Northwest Of Ar Dachaidh Roseisle Elgin
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133073087
<b>Proposal Location Easting</b>	312747
<b>Proposal Location Northing</b>	867884
<b>Area of application site (M<sup>2</sup>)</b>	5089
<b>Additional Comments</b>	Your comments on potential build up of development close to settlement would be appreciated. We are also consulting you on another one in the vicinity.
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q7DNK5BGKJK00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q7DNK5BGKJK00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	3rd April 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr D Ralph
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	Grant And Geoghegan Limited
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Katherine Donnachie
<b>Case Officer Phone number</b>	
<b>Case Officer email address</b>	katherine.donnachie@moray.gov.uk
<b>PA Response To</b>	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.

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

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

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

Please respond using the attached form:-



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

## **MORAY COUNCIL PLANNING CONSULTATION RESPONSE**

**From: Development Plans**

**Planning Application Ref. No: 20/00355/PPP**

**Erect dwellinghouse on Site 450M Northwest Of Ar Dachaiddh Roseisle Elgin for Mr D Ralph**

**Ward: 05\_17 Heldon And Laich**

### **DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN**

*(For Structure/Local Plan Comment)*

		<b>Page No</b>	<b>Policy No(s)</b>	<b>Yes</b>	<b>No</b>
<b>1</b>	<b>Departure from Moray Local Development Plan 2015</b>		H7 Housing in the Countryside	X	
			IMP1 Developer Requirements	X	
			Housing in the Countryside SG	X	
<b>2</b>	<b>Further Discussion Required</b>				

**REASONING FOR THIS DECISION:**

## **POLICY COMMENTS**

The proposal seeks consent for an individual house in the countryside.

The key policy issues are set out below.

### **H7 Housing in the Countryside, IMP1 Developer Requirements and Housing in the Countryside SG**

The proposal fails to meet the requirements of H7 and IMP1 for the following reasons.

There are a number of existing houses on the ridge of Clarklyhill that are visible when travelling along the Burghead to Roseisle Road (B9013). When combined with a more recent house on the lower flank of the hill, allotment plots with associated sheds and buildings and a large crematorium building; the visual effect is a blurring of edge of Burghead. When taking account of the conditions presenting themselves on site and in the surrounding area an additional house in this location would have a detrimental landscape and visual impact and detract the rural character of this area.

On the basis of the above it is recommended that the proposal is refused.

**Contact: Emma Gordon**

**email address: [emma.gordon@moray.gov.uk](mailto:emma.gordon@moray.gov.uk)**

**Consultee: Development Plans**

**Date 6 May 2020**

**Phone No 01343 563292**

**Return response to**

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

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# **Consultee Comments for Planning Application 20/00355/PPP**

## **Application Summary**

Application Number: 20/00355/PPP

Address: Site 450M Northwest Of Ar Dachaidh Roseisle Elgin

Proposal: Erect dwellinghouse on

Case Officer: Katherine Donnachie

## **Consultee Details**

Name: Mr EH Consultations

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

Email: [ehplanning.consultations@moray.gov.uk](mailto:ehplanning.consultations@moray.gov.uk)

On Behalf Of: Environmental Health C12

## **Comments**

Approved Unconditionally by Andy Stewart on 2 April 2020.



# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	10th April 2020
<b>Planning Authority Reference</b>	20/00355/PPP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Site 450M Northwest Of Ar Dachaidh Roseisle Elgin
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133073087
<b>Proposal Location Easting</b>	312747
<b>Proposal Location Northing</b>	867884
<b>Area of application site (M<sup>2</sup>)</b>	5089
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q7DNK5BGKJK00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=Q7DNK5BGKJK00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	27th March 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr D Ralph
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Per Agent
<b>Agent Name</b>	Grant And Geoghegan Limited
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Katherine Donnachie
<b>Case Officer Phone number</b>	
<b>Case Officer email address</b>	katherine.donnachie@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

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two month determination period to be exceeded.
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Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No:** 20/00355/PPP

**Erect dwellinghouse on Site 450M Northwest Of Ar Dachaiddh Roseisle Elgin for Mr D Ralph**

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"/>            |

*This proposal is for the erection of a new dwelling, with access via an existing surfaced access which was previously used as the access to a micro-quarry. The following conditions would apply:*

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

1. No development shall commence until:

- i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 160 metres in both directions, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved 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.

2. 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 access.

3. 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.

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

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

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

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

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

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

**Contact: AG**

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

**Consultee: TRANSPORTATION**

**Date 02 April 2020**

**Return response to**

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

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31th March 2020

Moray Council  
Council Office High Street  
Elgin  
IV30 9BX

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

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

Dear Local Planner

**IV30 Elgin Ar Dachaidh Site 450M Northwest Of  
PLANNING APPLICATION NUMBER: 20/00355/PPP  
OUR REFERENCE: 790802  
PROPOSAL: Erect dwellinghouse on**

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

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

#### **Water**

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

#### **Foul**

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

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

#### **Infrastructure close to boundary**

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

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).

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

#### **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."*

#### **Surface Water**

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

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

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

#### **General notes:**

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

**Site Investigation Services (UK) Ltd**  
**Tel: 0333 123 1223**  
**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**  
**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the

developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

Yours sincerely

**Pamela Strachan**  
Planning Consultations Administrator

**From:** Claire Herbert  
**Sent:** 30 Mar 2020 10:00:15 +0000  
**To:** Planning Consultation  
**Cc:** Katherine Donnachie  
**Subject:** Planning application 20/00355/PPP - Archaeology comments

**Planning Reference:** 20/00355/PPP  
**Case Officer Name:** Katherine Donnachie  
**Proposal:** Erect dwellinghouse  
**Site Address:** Site 450M Northwest Of Ar Dachaidh Roseisle Elgin  
**Site Post Code:**  
**Grid Reference:** NJ 1274 6788

Having considered the above application, which occupies an area adjacent to the regionally significant archaeology site NJ16NW0115, An extensive area of Iron Age and Medieval settlement, I would ask that the following condition is applied:

***Programme of archaeological works***

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

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

A full specification for archaeological works can be provided by ourselves, but we would expect works to comprise an archaeological metal detecting survey of the site followed by an archaeology watching brief / monitored topsoil strip. All works to be undertaken by a suitably qualified archaeological contractor.

Kind regards,  
Claire

**Claire Herbert MA(Hons) MA MCIfA**

**Archaeologist**  
Archaeology Service

Infrastructure Services  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

01467 537717  
07825356913

[claire.herbert@aberdeenshire.gov.uk](mailto:claire.herbert@aberdeenshire.gov.uk)

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

[www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

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22 APR 2020

J. E. Allan (Mr)  
94 Franklin Place  
Westwood  
EAST KILBRIDE  
Glasgow G75 8LS

MANAGER, DEVELOPMENT  
MANAGEMENT & BUILDINGS STANDARDS  
11/04/2020

Sir/Madam

(I) P/APPLICATIONS 20/00365/APP +  
20/00355 PPP + 20/00389 APP + 20/00400/APP  
+ (II) 20/00368 APP + 20/00354/ PPP + 20/  
00423/APP + 20/00278/APP + 20/00413/PPP +  
20/00387/APP + 20/00414/PPP + 20/00424/APP  
+ 20/00242/APP + 20/0045/APP

PLEASE ENSURE THAT FULL PROTECTION  
IS GIVEN TO ALL WILDLIFE FLORA &  
FAUNA ON EACH SITE

THE NESTING SEASON HAS NOW  
COMMENCED BIRDS CANNOT BE DISTURBED  
UNTIL FLIDELINGS HAVE FLOWN TO  
NEST

BATS HEDGEHOGS ETC EXTINCTIVE ALL  
POSSIBLE PROTECTION SO TOO WITH HUMBLE-  
BEES AND MOLE

WILL PLANNING AP 20/00278/APP  
CALLING FOR 48 RESIDENTIAL UNITS  
WILL THERE BE A NUMBER OF SOCIAL  
HOUSING UNITS AT AFFORDABLE RENT?



Work carried out on a Listed  
Building on Ashmont Road within  
a Conservation to the Street  
Standards

Applicants subject to a condition  
of Planning Permission that trees  
and wild flowers be planted  
so too have

Yours faithfully



PS Please, both Applicants and Planners  
stay safe and well. To the Ellen Next  
York would like to come and visit  
to say hello!



## **REPORT OF HANDLING**

<b>Ref No:</b>	20/00355/PPP	<b>Officer:</b>	Katherine Donnachie
<b>Proposal Description/ Address</b>	Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh Roseisle Elgin		
<b>Date:</b>	13.05.2020	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Contaminated Land	17/04/20	No comments.
Planning And Development Obligations	03/04/20	Developer contributions required towards health care provision – applicant has indicated willingness to pay obligations.
Moray Flood Risk Management	07/04/20	No objections.
Development Plans (Environment)	07/05/20	Development does not comply with Policies IMP1 and H7. Together with other developments in the vicinity (house, crematorium, allotments, sheds and buildings) the visual effect is a blurring of the edge of Burghead. An additional house would have a detrimental landscape and visual impact and detract from the rural character of the area.
Environmental Health Manager	06/04/20	No objections.
Transportation Manager	02/04/20	No objections subject to conditions being attached requiring details of the provision, maintenance and control of visibility splays onto the public road together with standard conditions on parking and turning provision.
Scottish Water	31/03/20	Public water supply available at Glenlatterach treatment plant – capacity to be confirmed by submission of pre development inquiry form. No waste water infrastructure in area. Records show the proposals may impact on Scottish Water assets in the area and the developer must contact the Asset Impact team in this regard.

Aberdeenshire Council Archaeology Service	01/04/20	Site lies adjacent to a regionally significant archaeology site comprising an extensive area of Iron Age and Medieval settlement whereby a condition should be attached requiring an archaeological written scheme of investigation to be approved and carried out.
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
<b>Moray Local Development Plan 2015</b>		
PP3: Placemaking		Refer to observations
H7: New Housing in the Open Countryside	Y	Refer to observations
EP5: Sustainable Urban Drainage Systems		Refer to observations
EP9: Contaminated Land		Refer to observations
EP10: Foul Drainage		Refer to observations
T2: Provision of Access		Refer to observations
T5: Parking Standards		Refer to observations
IMP1: Developer Requirements	Y	Refer to observations
IMP3: Developer Obligations		Refer to observations
BE1: Sch Monuments and Nat Designations		Refer to observations
<b>2020 Proposed Local Development Plan</b>		
PP1 Placemaking		
PP3 Infrastructure & Services		
DP1 Development Principles		
DP4 Rural Housing		
EP13 Foul Drainage		
EP14 Pollution, Contamination & Hazards.		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<b>Issue:</b> Impact on wildlife.		

**Comments (PO):** The application site involves horse grazing land already so there will be limited impact upon wildlife. There would be sufficient space for tree planting on site if the application was supported and conditions could be attached to this end.

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

### **Proposals**

This application seeks planning in principle consent to erect a new house in the countryside. It is therefore only the principle of development which is up for consideration with no details of design or siting being considered.

It is proposed to take access from the B9013 Elgin to Burghead public road via an existing access track. Connection to public water supply is proposed with foul and surface waters to be disposed of by soakaway.

### **Site**

The application site is a large one, measuring some 60 metres wide by almost 90 metres deep at its longest boundary (east.) It is part of an agricultural field currently used for horse grazing with some field shelters located in the eastern part of the site which is bounded by a stone dyke with fields beyond. The site is bounded to the south by woodland and on the other two sides (north and west) by further grazing land. A new access will be formed cutting eastwards through the fields from the existing unsurfaced track which serves other properties, quarry to the north and allotments to the west. It is located to the east of the B9013 Elgin to Burghead road some 600 metres south of the settlement of Burghead, and there is hedging alongside this road.

Aside from the allotments, horse grazing, and associated field shelters (with applications for field shelters in the area approved in the past - 04/00276/FUL, 05/02814/FUL) there are a number of other developments in the immediate area here as follows.

To far north at Clarkyhills consent was granted in 2012 (11/01689/MIN) for the establishment of a micro quarry (less than 0.5 ha) to extract stone by mechanical means with no blasting. Consent was granted on the basis that the location and form of excavation would not be detrimental to the appearance of the wider locality given the scale and nature, being considered to be a relatively small quarry with extraction at a level unlikely to cause disturbance in the wider locality. This consent is still live. An application is currently pending for planning in principle to erect a house on this quarry site (20/00356/PPP).

To the north west of the application site an agricultural notification was approved for the erection of an agricultural store (03/01777/AGR.) A further application to convert the storage loft of this building to living accommodation was approved in 2011 (11/00461/APP) and has been implemented. This application followed on from enforcement investigations into the use of the building. (A house for security purposes was previously refused here - 07/01798/FUL).

Further to the north-west and beside the public road consent was granted, following a successful appeal to the Local Review Board, for a Funeral Chapel and associated car parking. A subsequent application was approved in 2016 (16/01184/APP) for a crematorium building instead, within the site of the approved Funeral Chapel, and this is now built.

Further north-west, and just north of the crematorium site, in 2012 full planning permission was refused for a house site in the corner of a grazing field on the basis of its prominence (11/01840/APP.) This decision was upheld by the Local Review Board on the basis of being overly prominent, and encouraging a build-up of development in the immediate vicinity of Burghead leading to pressure for unplanned expansion of the settlement. There have also been houses approved in the

past at Clarkyhills Cottages to the far north west over the rise of the hill at Clarkyhills.

## **APPRAISAL**

### **Policy Background**

Section 25 of the 1997 Town and Country Planning (Scotland) Act as amended requires applications to be determined in accordance with the Development Plan (in this case this is the adopted Moray Local Development Plan 2015) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee of Moray Council, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council. Minimal weight will be given to it, with the 2015 MLDP being the primary consideration until the Proposed Plan is adopted. It is against this background that this application is being assessed in terms of whether it complies with the policies of the adopted Moray Local Development Plan.

### **Principle**

The application site lies outwith the settlement of Burghead as designated in the Moray Local Development Plan 2015. Accordingly Policy H7 New Housing in the Open Countryside of the Moray Local Development Plan applies. This presumes in favour of new housing in the open countryside providing it meets various criteria on siting and design. As this is an application for planning in principle there are no details of design or detailed siting to be considered, so it is simply the principle of whether or not the site itself complies with policy for the siting of new housing in the open countryside that is up for consideration, along with the suitability of the proposed servicing.

## **Siting - Landscape and Cumulative Impacts**

### **Policy Background**

Policy H7 New Housing in the Open Countryside of the Moray Local Development Plan 2015 presumes in favour of new housing in the open countryside providing it meets various criteria on siting and design. In particular it requires that new development:

- reflects the traditional pattern of settlement, is sensitively integrated with the surrounding landform using natural backdrops particularly where the site is clearly visible in the landscape.
- has at least 50% of the site boundaries long established and capable of distinguishing the site from the surrounding land.
- does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development.
- does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area, noting that particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications.

Policy IMP 1 Developer Requirements also sets out that new development should be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area with criteria to be met set out in more detail including the need for the scale, density and character to be appropriate to the surrounding area and for the new development to be integrated in the landscape.

Policy H7 on New Housing in the Countryside is also supplemented by Supplementary Guidance on Housing the Countryside which explains at the outset that the development strategy for Moray as set out in the Local Development Plan substantiates that most new rural housing should take place within rural communities whilst allowing for some new housing on well-located sites that have minimal environmental impact. It highlights that to prevent mistakes of the past being repeated, undesirable precedents of poorly located, sited and designed development will not be accepted as a relevant material consideration when determining planning applications. This guidance sets out that when assessing the "traditional" pattern of development this means the arrangement of vernacular

building in the locality and does not include buildings of modern construction. It also highlights that even where a proposal may reflect the traditional pattern of development it may not always be appropriate. For example a proposal which contributes to a build-up of development that is considered to undermine the rural character of the area, including open appearance and ambience.

This supplementary guidance is supported by a Guidance Note on Landscape and Visual Impacts of Cumulative Build- Up of Housing in the Countryside approved in January 2018 which is a material consideration when determining planning applications for housing in the countryside where cumulative build up is an issue. This guidance note focuses on eight study areas identified as housing in the countryside hot spots and also contains cumulative build- up indicators which provide further detail on assessing build- up of development and determining when it is unacceptable in area outwith the identified study areas. In this case the application does not lie within one of the identified hot spots. However given the proximity of the site to the settlement of Burghead and the evidence of some pressure for new housing in the vicinity is important to consider the potential for cumulative build up on this case.

Set against this policy background the key matters to consider are the landscape and visual impacts of the development, and any cumulative impacts.

### **Landscape and Visual Impacts**

The site is essentially a grazing field containing some field shelters in its eastern part. It is a large house plot with post and wire boundaries on two sides and woodland to the rear, together with stone dyke to the east. Supplementary Guidance on Housing in the Open Countryside sets out that, as required by policy H7, at least 50% of the site boundaries of a proposed site must be long established capable of distinguishing the site from the surrounding land. It goes on to explain that this includes dykes, hedgerows, watercourses, woodland, track and roadways and does not include newly formed features. Whilst there two of the boundaries to this large site are established there is not a strong sense of visual enclosure here.

At present this area, on a main approach into Burghead from the south, is an open landscape, albeit with some roadside screening from existing roadside hedging and also tree plantations to the far south and on the other (west) side of the public road around the football grounds. This landscape slopes up from the public road rising to Clarkyhills where gorse planting is a strong landscape feature on the rise of the hill. The traditional pattern of development here would have been scattered rural development on the approach to Burghead where development would have been historically concentrated in the village. At present this open rural character has been changed to a degree by incremental development such as the crematorium and the house (formerly agricultural building) at Clarkyhills, both of which are prominent in the landscape. There are other ancillary new features in the landscape of a more temporary nature such as the allotments, horse grazing and incidental structures here. It is considered that any further development here would serve to blur the distinction between Burghead and its rural setting to an unacceptable degree and would adversely affect the rural character of the area.

Although the application site is located back from the public road and will be screened from views from the south on the main road by existing woodland, it will still be viewed at points from the public road. Its location here, in combination with the other developments at Clarkyhills, will not be reflective of the local traditional landscape character and is not considered to comply with Policies H7 and IMP1.

### **Cumulative Impacts**

Moray Council guidance on the landscape and visual impacts of cumulative build-up of houses in the countryside covers the whole of Moray and sets out cumulative build- up indicators to identify build-up and to determine when it becomes unacceptable. These indicators in relation to siting include

- where the number of new houses overwhelms the presence of older buildings.
- the incidence and inter-visibility of new houses results in these being a major characteristic in

- the landscape, with a prominence of new houses from key viewpoints.
- there are sequential visual effects experienced from travelling along roads in the vicinity.

Set against this background is considered that the development, together with the application currently pending to the north in the quarry site has the potential to contribute to a build-up of development where the number of houses could have the effect of changing the rural character of the area contrary to Policy H7. However, it is the combination with other buildings in the landscape here that will have the greatest landscape impact at present and it is this change to the rural character that is of particular concern.

### **Servicing**

Policy T2 Provision of Access of the Adopted Moray Local Development Plan 2015 requires that new development be designed to provide the highest level of access for end users, providing safe entry and exit from the development and to provide appropriate mitigation to the existing transport network where required to address the impacts of new development on the safety and efficiency of the transport network. T5 Parking Standards requires that development complies with the Council's parking standards.

In this respect the development is accessed via an existing shared track where it is understood that the applicant controls the land at the junction onto the public road which is necessary to provide and safeguard the appropriate visibility splays and upgrading being sought by the Transportation Team. There is also space within the site to provide adequate car parking and turning provision. On this basis the development is considered to comply with policies T2 and T5 subject to the imposition of appropriate planning conditions if the application were supported.

Policy EP10: Foul Drainage and Policy EP5: Surface Water Drainage seek to ensure that suitable, sustainable servicing arrangements are made. In this respect a satisfactory drainage assessment has been provided setting out the proposals for disposal of surface and foul water and the relevant consultee (Flood Risk Management Team) is satisfied with the arrangements. (Connection to the public water supply is proposed.) In these circumstances the application is considered to comply with Policies EP4 and EP10.

### **Environmental Impacts**

Policy IMP 1 Developer Requirements seeks to ensure that conservation, and where possible enhancement, of the natural environment is achieved. In this case if the development proceeded there would be limited impact on the natural environment with the site being horse grazing land with ample space for landscaping to be carried out within the site whereby there is not considered to be a particular impact on the natural environment in terms of flora and fauna.

Policy EP9: Contaminated Land seeks to ensure that any necessary remediation of potentially contaminated land is undertaken. In this case the Council Contaminated Land Team has no comments.

Policy BE1: Scheduled Monuments and National Designations seeks to ensure that sites of local archaeological importance or the integrity of their settings are protected from development which would have an adverse impact. In this case the development is adjacent to a regionally significant archaeology site - an extensive area of Iron Age and Medieval settlement. The Archaeology service has advised that a written scheme of archaeological investigation and programme of archaeological works would be required if development were permitted. This could be readily addressed by an appropriate planning condition to ensure compliance with policy if the application was supported.

### **Developer Obligations**

Policy IMP3: Developer Obligations of the adopted Moray Local Development Plan 2015 sets out that contribution will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The

Developer Obligations Officer has calculated that a contribution towards healthcare is required in this case. If the application were supported this contribution would require to be paid, and the applicant has indicated willingness to pay in this case. However as the application is not considered to comply with planning policy and is being recommended for refusal the payment has not been sought. Such payment would require to be secured if, for example, any future appeal was successful.

On this basis the application is considered to be capable of complying with Policy IMP3.

### Conclusion

The proposed development is not considered to comply with Local Development Plan policies due to the siting of the proposed development which will does not reflect the traditional pattern of development and will detract from the rural character. Accordingly refusal is recommended.

### OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Moray Council Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Housing in the Countryside Jan 2018.

### HISTORY

Reference No.	Description		
	Decision		Date Of Decision

### ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
PINS	Departure from development plan No Premises	23/04/20	
Northern Scot	Departure from development plan No Premises	23/04/20	

### DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
--------	-------------

### DOCUMENTS, ASSESSMENTS etc. \*

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Assessment	
Main Issues:	Sets out no risk of flooding or evidence of contamination. Percolation tests demonstrated that ground conditions suitable for use of standard stone filled soakaways as drainage solution for both surface and foul waters.	

### S.75 AGREEMENT

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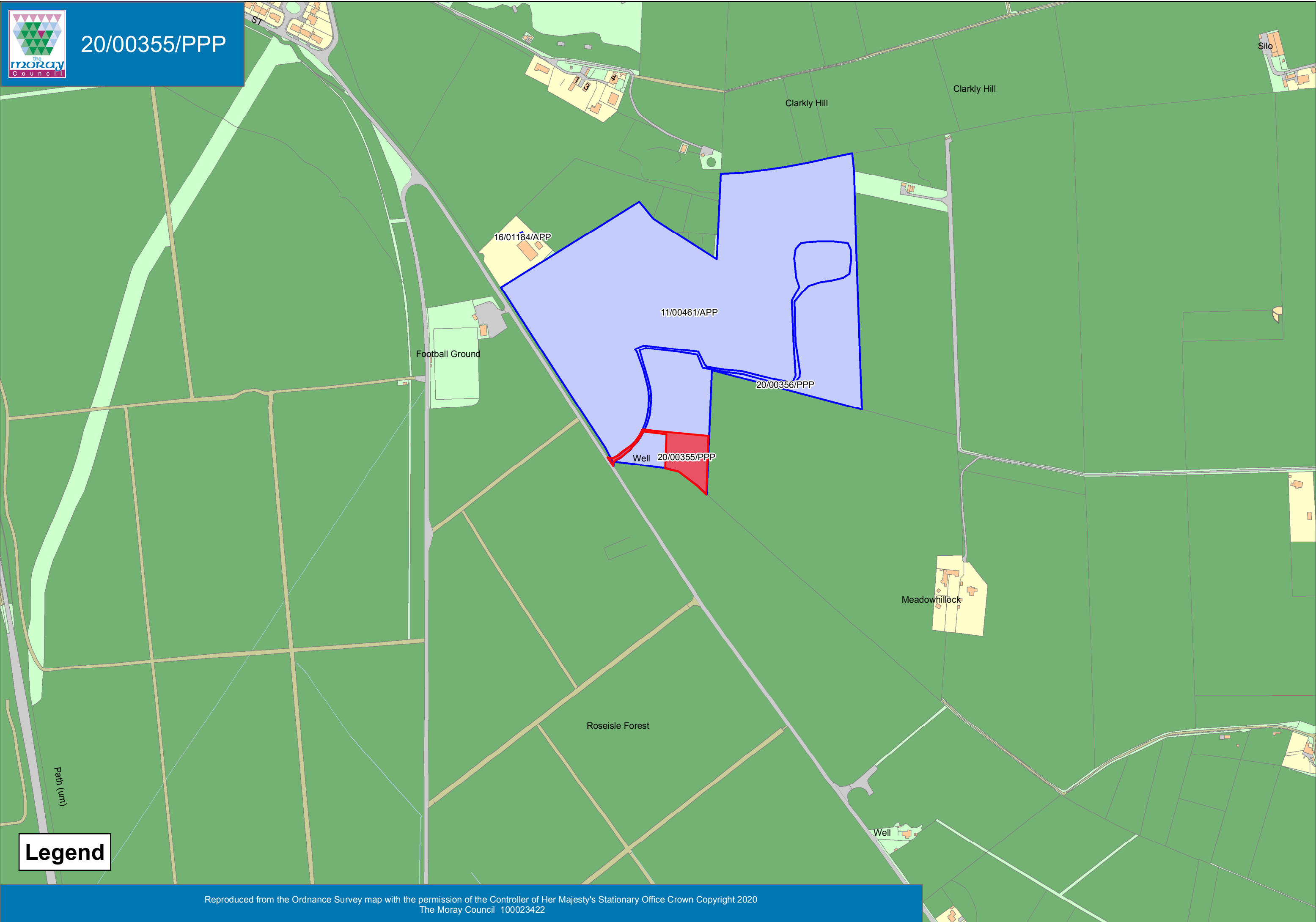
Summary of terms of agreement:
Location where terms or summary of terms can be inspected:

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)			





20/00355/PPP



Legend



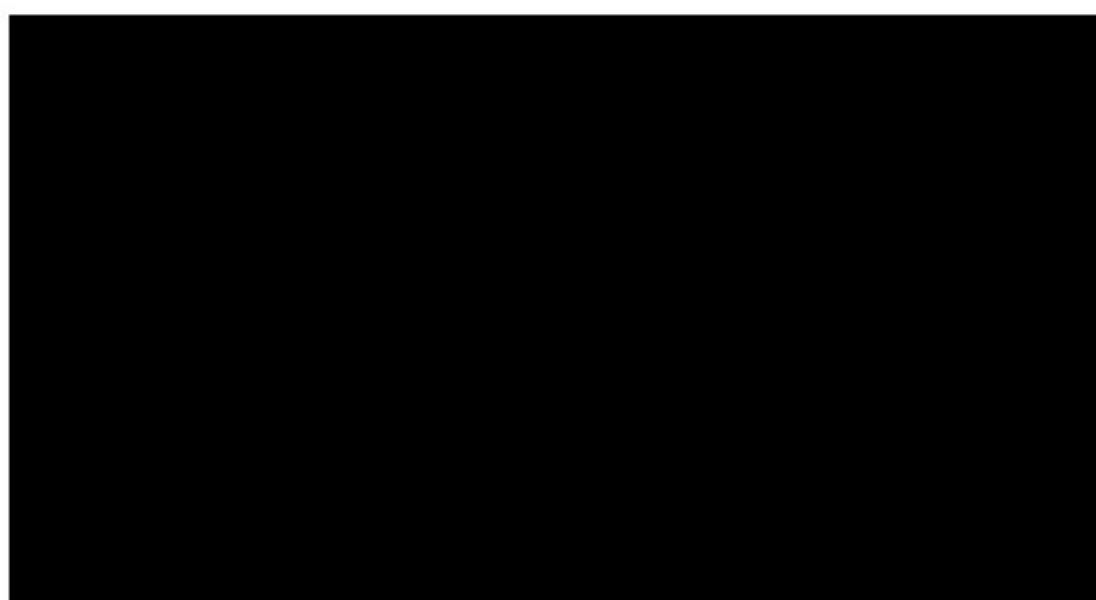


MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich]  
Planning Permission in Principle

TO



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 Site 450M Northwest Of Ar Dachaidh Roseisle Elgin**

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

Date of Notice: 14 May 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 development is contrary to Policy IMP 1: Developer Requirements and Policy H7; New Housing in the Open Countryside of the adopted Moray Local Development Plan 2015 and, as a material consideration, associated Supplementary Guidance on Housing in the Countryside and Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reasons:

- (a) It does not reflect the traditional pattern of settlement in the locality detracting from the character of the surrounding area.
- (b) Together with other development in the immediate vicinity at Clarkyhills it will have the effect of changing the rural character of the area.
- (c) Development on the proposed site would not be sensitively integrated into the surrounding landscape.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
016/2113/03		Site access
016/871/02		Site plan
016/2113/01		Location plan

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

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





# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

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

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

**Use BLOCK CAPITALS if completing in manuscript**

## Applicant(s)

Name: Mr D Ralph

Address:

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name: Grant & Geoghegan

Address: Unit 4 Westerton Road Business Centre,  
4 Westerton Road South, Keith

Postcode: AB55 5FH

Contact Telephone 1: 01343 556644

Contact Telephone 2:

Fax No

E-mail: neil@ggmail.co.uk

Mark this box to confirm all contact should be  
through this representative: X

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No  
X ☐

Planning authority

Moray Council

Planning authority's application reference number

20/00355/PPP

Site address

Site 450M Northwest Of Ar Dachaidh Roseisle Elgin

Description of proposed  
development

Erect dwellinghouse

Date of application

18 March 2020

Date of decision (if any)

14 May 2020

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

**Nature of application**

- |  |                          |
|--|--------------------------|
| 1. Application for planning permission (including householder application)   | X                        |
| 2. Application for planning permission in principle  | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/> |

### Reasons for seeking review

- |   |                          |
|---|--------------------------|
| 1. Refusal of application by appointed officer  | X                        |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/> |

### Review procedure

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

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

- |   |                          |
|---|--------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/> |
| 2. One or more hearing sessions                                   | <input type="checkbox"/> |
| 3. Site inspection  | <input type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | X                        |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

### Site inspection

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

- |  | Yes | No                       |
|--|-----|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | X   | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X   | <input type="checkbox"/> |

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

### Statement

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

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

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

Grounds of Appeal stated in separate document.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

We understand the refused plans will form part of the appeal papers which Member's will be able to draw on. No further information is required in this instance.

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

---

**Checklist**

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

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

---

**Declaration**

**I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed

Neil Grant

Date

04/08/2020

# **grant & geoghegan ltd.**

**Chartered Planning Development and Architectural Consultants**

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

T: 01343 556644  
E: [enquiries@ggmail.co.uk](mailto:enquiries@ggmail.co.uk)

## **Grounds of Appeal**

**Site 450m Northwest of Ar Dachaidh, Roseisle**

**Issue Date:**  
10<sup>th</sup> August 2020

# CONTENTS

**1.0.** Introduction

**2.0.** The Proposal

**3.0.** Reason for Refusal

**4.0.** Grounds of Appeal

**5.0** Moray Local Development Plan 2020

**6.0.** Conclusion

## 1.0 Introduction

These grounds for review of a decision to refuse planning permission in principle for a dwellinghouse on land 450 metres north west of Ar Dachaidh, Roseisle are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 5<sup>th</sup> of May 2020.

This appeal statement responds to the reasons for the refusal and address the proposal in relation to Development Plan Policies and relevant material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended).

## 2.0 The Proposal

The proposal seeks planning permission in principle for a single dwelling served by the public water supply and private drainage (septic tank/soakaway and SUDS). Access is proposed from the B9013 Elgin to Burghead Road.

The extent of information required to support applications for planning permission in principle is minimal however, we would note that appropriately worded conditions can be imposed which clearly define design criteria and that the scale of the proposals can be controlled by the Council through the assessment of a Full or Matters Specified in Conditions application.

## 3.0 Reasons for Refusal

The application was refused under the Council's Scheme of Delegation by the case officer on the 5<sup>th</sup> of May 2020. The reasons for refusal state that;

*The development is contrary to Policy IMP 1: Developer Requirements and Policy H7; New Housing in the Open Countryside of the adopted Moray Local Development Plan 2015 and, as a material consideration, associated Supplementary Guidance on Housing in the Countryside and Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reasons:*

- (a) It does not reflect the traditional pattern of settlement in the locality detracting from the character of the surrounding area.*
- (b) Together with other development in the immediate vicinity at Clarkyhills it will have the effect of changing the rural character of the area.*
- (c) Development on the proposed site would not be sensitively integrated into the surrounding landscape.*

## 4.0 Grounds of Appeal

**Refusal Reason 1 – It does not reflect the traditional pattern of settlement in the locality detracting from the character of the surrounding area.**

It is difficult for us to see exactly how the appointed officer has come to this conclusion. The Moray Countryside is characterised by single and small groups of buildings dispersed throughout the rural area. In this case, Criteria (b) of policy H7 states “it does not detract from the character or setting of existing buildings or their surrounding area **when added to an existing grouping** or create inappropriate ribbon development”.

There is quite clearly a dispersed housing group with associated outbuildings in this location contained by a combination of woodland, dry stone dyke, landform and the public road. The subject site forms part of this group and would quite clearly constitute infill development, respecting the separation between properties and reflecting existing plot sizes.

From any reasonable standpoint, it is clear that the addition of a sensitively sited development in the manner proposed in this application would not have a significant detrimental impact upon the character or setting of existing buildings or the surrounding area.

**Refusal Reason 2 - Together with other development in the immediate vicinity at Clarkyhills it will have the effect of changing the rural character of the area.**

There is a clear commitment in National Planning Policy and Guidance to the principle of well sited and designed new housing in the countryside. This is transposed into policy H7 of the Moray Local Development Plan and its associated supplementary guidance, including the Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside.

Although we recognise that the larger area in which the application site is located has been the subject of development pressure in recent years, it is paramount that each application is assessed on its own individual merits. In this context, the Development Plans response states the following;

*“There are a number of existing houses on the ridge of Clarklyhill that are visible when travelling along the Burghead to Roseisle Road (B9013). When combined with a more recent house on the lower flank of the hill, allotment plots with associated sheds and buildings and a large crematorium building; the visual effect is a blurring of edge of Burghead. When taking account of the conditions presenting themselves on site and in the surrounding area an additional house in this location would have a detrimental landscape and visual impact and detract the rural character of this area.”*

We would contend that the subject site is extremely well screened from public vantage points. It is bounded to the south by mature planting and it would be virtually impossible for road users to see the house from the road. Therefore, in any reasonable assessment of the site and its surrounds, it can only be concluded that the proposal at hand will not contribute to the experience of build-up in this location and the distance between the site and the settlement boundary of Burghead will serve to ensure the distinction between the built up area and the countryside remains unaffected.

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

**Refusal Reason 3 – Development on the proposed site would not be sensitively integrated into the surrounding landscape.**

In reality, the proposal benefits from substantial screening/ backdrop in all views and the coherent visual relationship between the proposal and existing development mean that a recommendation of refusal based on an adverse impact on the landscape is highly questionable, particularly given the landscape and visual impact of existing man-made structures (water tank, communications masts, pylons, overhead lines etc) at the top of Clarkly Hill and in the immediate vicinity of the site.

In its landscape context, the appellants would contend that a domestic structure on this site can be accommodated sensitively and the proposed development can be seen to compliment the wider dispersed settlement pattern, respect and reflect the separation and amenity of existing houses and once established will integrate successfully with its surroundings.



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

It is important to note that the introduction of a house onto this site is in full accordance with PAN72 because it adds to an existing grouping and owing to its coherent relationship with existing properties does not detract from the rural character of the surrounding landscape. The guidance reiterates the importance of locating new houses in existing groups in relation to sustainable development criteria such as location and infrastructure needs.

The consolidation of an existing housing group in the way proposed, with all the servicing benefits associated with such a project, point to a well-balanced development that deserves the support of the Local Authority.

## 5.0 Moray Local Development Plan 2020

The preceding paragraphs relate specifically to the Officer's assessment of the proposals in relation to the Moray Local Development Plan 2015. We understand Members will also be minded to assess the proposals against the requirements of policy DP4 Rural Housing in the Moray Local Development Plan 2020. In this policy context, we would set out the following:-

### Siting Criteria

- The proposed development would benefit from substantial screening and backdrop made up of existing mature woodland in line with policy requirements (Reporter's recommendations);
- The addition of this new house would not result in ribbon development, contribute to an unacceptable build-up of housing nor would it detrimentally alter the rural character of the area due to its prominence or roadside location;
- The proposal would not be on artificially elevated ground, it would not require cut and fill and the clear felling of woodland would not be required to accommodate it.
- The site already benefits from an established woodland setting and the proposals will include substantial planting, meeting and exceeding policy requirements.

The design criteria set out in this policy would be addressed in any subsequent detailed planning application. It should also be noted that the subject site is not within a pressured and sensitive area or within a special landscape area. As can be seen above and in the preceding paragraphs, there is an overwhelmingly positive case for the development whichever development plan policies are applied.

## 6.0 Conclusion

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

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside. The lead policies for testing the acceptability of the site as a suitable location for a house in the countryside are Policy H7 (as per the reasons for refusal) and new policy DP4 which both contain (similar) specific criteria about the siting of new dwellings.

These Grounds of Appeal and the submitted plans clearly show that the reasons for refusal do not sit comfortably with the criteria set out in either of these policies, including all relevant supplementary guidance.

During the course of the application, the proposal has been shown to have been acceptable in relation to other relevant Local Development Plan policies and guidance and there are no outstanding objections from consultees.

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



## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**



Ms Lissa Rowan  
Education, Communities & Organisational  
Development Democratic Services  
Moray Council  
21/08/2020  
Dear Ms Rowan

REFERENCES LR/LR [REDACTED] -242  
My Input With Plans To Planning  
Applications [REDACTED] +  
20/003555 PPA Work To Express My  
Wish That All Wildlife Flora Fauna  
On Each Site Be Fully Protected To Law  
That Is Unbalanced But Wish ~~to~~ TO  
Make Some Re-iteration

Prior To Lockdown  
It Appears That Moles, With Little  
If Any Local Protection, Would Be Given  
Local Protection Before The Year  
Ended With The Covid 19 Situation  
Being What It Is This May. Delay  
Again My Request Is That This Be  
Anticipation

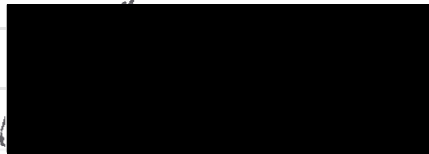
By This Time Your MLRB  
Is Committed With Whatever Outcome.  
Henceforth May Have Come Into Higher-  
Nation Care Must Be Taken Not To  
Put Them In Danger Population  
Numbers Throughout The UK At  
An Alarming Rate. The Same May  
Be Said Of Bats Some Species Choo-  
Takes Rather Than Bunnings. It Is  
Their Mating Season At This Time

## II

They will cause birth in the spring  
time. No time may be cut down unless  
it is absolutely certain that  
birds will not be put at risk.

Thus cut down should  
be removed as soon as possible!  
Other wildlife from fauna  
as in para 2. If work cuts  
ahead it is likely to be in  
the autumn, possibly more apart,  
it should be considered what  
might come then during the  
seasons of the date, time and  
venue of the work to be  
advised but it is unlikely that  
I shall be able to attend.

Yours faithfully



PS Will Hinges be destroyed? This  
should not be the case they provide  
protection and shelter for smaller  
birds so too spiders and other  
insects! What of ants? Is an  
ecological/environmental impact  
survey required

PPS Is there anything of  
archaeological interest on site

## Lissa Rowan

---

**From:** DeveloperObligations  
**Sent:** 01 September 2020 13:00  
**To:** Lissa Rowan  
**Cc:** Katherine Donnachie  
**Subject:** FW: 20/00355/PPP Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh, Roseisle, Elgin

Hi Lissa,

Please find attached confirmation on willingness to pay the affordable housing contribution under Policy DP2 Housing of the LDP2020 for the above planning application

Thanks  
Rebecca

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



---

**From:** neil@ggmail.co.uk [mailto:neil@ggmail.co.uk]  
**Sent:** 25 August 2020 5:38 PM  
**To:** DeveloperObligations  
**Subject:** RE: 20/00355/PPP Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh, Roseisle, Elgin

Hi this is fine

---

**From:** DeveloperObligations <DeveloperObligations@moray.gov.uk>  
**Sent:** 25 August 2020 09:16  
**To:** 'neil@ggmail.co.uk' <neil@ggmail.co.uk>  
**Subject:** 20/00355/PPP Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh, Roseisle, Elgin

Dear Sir(s)

Please find attached an assessment which includes a commuted payment towards affordable housing.

The Moray Local Review Body (LRB) will determine the case against the Moray Local Development Plan 2020 (LDP 2020) which was adopted on 27<sup>th</sup> July 2020. Policy DP2 Housing of the LDP2020 sets out a requirement for a commuted payment towards affordable housing for proposals of 1-3 units. Therefore a contribution towards Affordable Housing is being sought.

I would be grateful if you could confirm within 7 days if you are willing to pay the affordable housing commuted payment set out in the Affordable Housing assessment. Please note this is without prejudice to the final decision on

your application. Should the LRB be minded to approve your application, then I will contact you to seek payment at a later date.

Should you not respond to this email then I will assume that you do not agree with the assessment and are not willing to pay the contribution, and I will inform Committee Services accordingly. Please note this will be taken into consideration by the LRB when determining your application in terms of compliance with policy DP2 (Housing) of the Moray Local Development Plan 2020.

For queries regarding Affordable Housing these should be directed to the Development Management case officer who dealt with your application in the first instance. Please note that due to current circumstances homeworking is being undertaken, therefore it will not be possible to reach the department via phone.

Kind regards,  
Rebecca

**Rebecca Morrison** | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development

[rebecca.morrison@moray.gov.uk](mailto:rebecca.morrison@moray.gov.uk) | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)







## **APPENDIX 4**

# **ADDENDUM TO REPORT OF HANDLING**



## **ADDENDUM TO REPORT OF HANDLING**

<b>Ref No:</b>	20/00355/PPP	<b>Officer:</b>	Katherine Donnachie
<b>Proposal Description/ Address</b>	Erect dwellinghouse on Site 450M Northwest Of Ar Dachaidh Roseisle Elgin		
<b>Date:</b>	05.11.20	<b>Typist Initials:</b>	

### **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

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>2020 Proposed Local Development Plan</b>		
PP1 Placemaking		Refer to observations
PP3 Infrastructure & Services		Refer to observations
DP1 Development Principles	Y	Refer to observations
DP2 Housing		Refer to observations
DP4 Rural Housing	Y	Refer to observations
EP13 Foul Drainage		Refer to observations
EP14 Pollution, Contamination & Hazards.		Refer to observations
EP8 Historic Environment		Refer to observations

### **POLICY ASSESSMENT OF PROPOSAL AGAINST 2020 LOCAL DEVELOPMENT PLAN**

#### **Policy Background**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

Since this application was assessed and refused in May 2020 the Moray Local Development Plan 2020 has been adopted. The application will now be assessed below against the policies of this Plan as requested by the Local Review Board.

## Principle

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

A pressurised and sensitive area lies some 900 metres to the west of the application site –the site itself lies within an area of intermediate pressure. Within such areas the siting and design criteria of Policy DP4 apply. As this is an application for planning in principle there are no details of design to be considered, so it is simply the principle of whether or not the site itself complies with the siting criteria of Policy DP4 that is up for consideration, along with the suitability of the proposed servicing.

## Siting – Landscape and Visual Impacts

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

- There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed house. These features must be immediately adjoining the site (i.e. on the boundary) Field drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
- The new house must not create ribbon development, contribute to an unacceptable build- up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
- Artificial mounding, cut and fill and /or clear felling woodland to create plots will not be permitted.
- 15% of the plot must be landscaped with native tree species with detail provided within this particular criterion setting out what would be required.

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

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

The application site is essentially a grazing field containing some field shelters in its eastern part. It is a large house plot with post and wire boundaries on two sides and woodland to the rear, together with stone dyke to the east. Policy DP4 of the 2020 Plan (DP4) expressly requires that there must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for a proposed new house. It also expressly states that post and wire fencing does not provide adequate enclosure or containment. (This differs from the

requirements of the 2015 Plan which simply sought that 50% of the site boundaries be long established and capable of distinguishing the site from surrounding land) In this case it is considered that the proposed plot, forming part of a wider grazing field with two boundaries defined by post and wire fencing, stone dyke to east and woodland to south does not provide acceptable enclosure or containment for a new house as required by policy DP4. The backdrop of trees to the south is not considered to be sufficient to provide the required level of containment and enclosure.

At present the surrounding area, on a main approach into Burghead from the south, is an open landscape, albeit with some roadside screening from existing roadside hedging and also tree plantations to the south and on the other (west) side of the public road around the football grounds. This landscape slopes up from the public road rising to Clarkyhills where gorse planting is a strong landscape feature on the rise of the hill. The traditional pattern of development here would have been scattered rural development on the approach to Burghead where development would have been historically concentrated in the village. At present this open rural character has been changed to a degree by incremental development such as the crematorium and the house (formerly agricultural building) at Clarkyhills, both of which are prominent in the landscape. There are other ancillary new features in the landscape of a more temporary nature such as the allotments, horse grazing and incidental structures here. It is considered that any further development here would serve to blur the distinction between Burghead and its rural setting and would detrimentally alter the rural character of the area.

Although the application site is located back from the public road and will be screened from views from the south on the main road by existing woodland, it will still be viewed at points from the public road. It is not considered that a new house here would meet the DP4 and DP1 policy requirements to be well-sited to fit in with the local landscape character and integrate into the surrounding landscape, lacking as noted earlier the degree of enclosure and containment required by policy.

### **Siting - Cumulative Impact**

Given the proximity of the site to the settlement of Burghead and the evidence of some pressure for new housing in the vicinity, it is important to consider the potential for cumulative build up on this case. As noted earlier Policy DP4 is supported by a policy guidance note on cumulative build up which sets out that cumulative build-up of rural housing is occurring across Moray and can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings, and identifiable clusters of suburban development. To help identify where build up is becoming an issue and having unacceptable landscape and visual impacts a number of siting and design build up indicators have been developed against which applications can be assessed. These indicators in relation to siting are:

- 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 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.
- new housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern.

At the time of the assessment against the policies of the 2015 Plan an application was pending (20/00356/PPP) for a new house to the north in the quarry site and the implications of the build-up associated with that application and the current one were considered to have the potential to contribute to a build-up of development where the number of houses could have the effect of changing the rural character of the area contrary to Policy H7 of the 2015 Plan. That house site has now been refused. However as was noted with the assessment against the 2015 Plan policies, it is the combination with

other existing buildings in the landscape here that will have the greatest landscape impact at present and it is this change to the landscape character that is of particular concern.

## **Servicing**

Policy PP3 Infrastructure and Services of the 2020 Plan sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 Development Requirements also sets out the need for appropriate servicing and access. (This is similar to the previous requirements of Policies T2 Provision of Access and T5 Parking Standards of the 2015 Plan) In this respect the development is accessed via an existing shared track where it is understood that the applicant controls the land at the junction onto the public road which is necessary to provide and safeguard the appropriate visibility splays and upgrading being sought by the Transportation Team. There is also space within the site to provide adequate car parking and turning provision. A new requirement of Policy PP3 Infrastructure Services of the 2020 Plan relates to the requirement for access to electric charging points to be provided for new residential development. This could be readily addressed by planning conditions requiring such provision to be shown at the detailed planning application stage.

On this basis the development is considered to comply with policies subject to the imposition of appropriate planning conditions if the application were supported.

Policy DP1 Development Requirements of the 2020 Plan requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul Drainage. (These policies are similar to the previous policies EP10: Foul Drainage and EP5: Surface Water Drainage of the 2015 Plan) In this respect a satisfactory drainage assessment has been provided setting out the proposals for disposal of surface and foul water and the relevant consultee (Flood Risk Management Team) is satisfied with the arrangements. Connection to the public water supply is proposed. In these circumstances the application is considered to comply with policies.

## **Environmental Impacts**

Similarly to Policy IMP 1 Developer Requirements of the 2015 Plan, Policy DP1 Development Principles of the 2020 Plan requires new development to demonstrate how it will conserve and enhance the natural environment. In this case if the development proceeded there would be limited impact on the natural environment with the site being horse grazing land with ample space for landscaping to be carried out within the site whereby there is not considered to be a particular impact on the natural environment in terms of flora and fauna. Policy DP1 also requires submission of a detailed landscape plan with applications and given that this case is for planning in principle consent this requirement could be secured by planning condition if the application were supported. Similarly the requirement of policy DP4 Rural Housing for 15% of the plot to be landscaped could be readily addressed by planning condition should the application be supported.

Policy DP1 Development Requirements of the 2020 Plan also largely repeats the previous requirements of Policy EP9: Contaminated Land of the 2015 Plan, seeking to ensure that proposals address and mitigate any contaminated land issues. In this case the Council Contaminated Land Team has no comments.

Finally on environmental impacts, similarly to Policy BE1: Scheduled Monuments and National Designations of the 2015 Plan, Policy EP8 Historic Environments of the 2020 Plan seeks to ensure that there is no adverse effect on sites of local archaeological importance or the integrity of their settings. In this case the development is adjacent to a regionally significant archaeology site - an extensive area of Iron Age and Medieval settlement. The Archaeology Service has advised that a written scheme of archaeological investigation and programme of archaeological works would be required if development were permitted. This could be readily addressed by an appropriate planning condition to ensure

compliance with policy if the application was supported.

### **Developer Obligations and Affordable Housing Contributions**

Similarly to the requirements of Policy IMP3: Developer Obligations of the 2015 Local Development Plan, Policy PP3: Infrastructure and Services of the 2020 Plan sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Team originally calculated that a contribution towards healthcare was required in this case. If the application were supported this contribution would require to be paid, and the applicant previously indicated willingness to pay in this case.

Under the policies and guidance of the new 2020 Plan the “cap” on developer obligations for single houses has been removed and the level of contributions required to be reassessed by the Team. This has now been done and the applicant has indicated willingness to pay the increased contribution. As the application is not considered to comply with planning policy and is being recommended for refusal payment has not been sought to date. Developer obligations would require to be secured (whether up-front payment or through legal agreement) if any appeal was successful.

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

### **Conclusion**

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

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

### **RECOMMENDATION**

Refuse for the following reasons:

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

1. It would not fit with the local landscape character of the area and would not be integrated into the surrounding landscape.
2. There is not an acceptable level of enclosure and containment for a new house.
3. Together with other development in the immediate vicinity at Clarkyhills it would have the effect of detrimentally altering the rural character of the area.







## **APPENDIX 5**

# **APPLICANT'S RESPONSE TO ADDENDUM**



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## **Grounds of Appeal**

**Site 450m Northwest of Ar Dachaidh, Roseisle**

**Issue Date:**  
23<sup>rd</sup> November 2020

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**2.0.** The Proposal

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## 1.0 Introduction

These grounds for review of a decision to refuse planning permission in principle for a dwellinghouse on land 450 metres north west of Ar Dachaiddh, Roseisle are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). The original notice of review was lodged within the prescribed three month period from the refusal of permission dated the 5<sup>th</sup> of May 2020.

Since then, following the adoption of the Moray Local Development Plan 2020, the appointed officer has provided an addendum to the Report of handling which assesses the proposals against the policies of the new Plan. This appeal statement responds to the updated reasons for refusal and addresses the proposal in relation to Development Plan Policies and relevant material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended).

## 2.0 The Proposal

The proposal seeks planning permission in principle for a single dwelling served by the public water supply and private drainage (septic tank/soakaway and SUDS). Access is proposed from the B9013 Elgin to Burghead Road.

## 3.0 Reasons for Refusal

The updated reasons for refusal state that;

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

- (a) It would not fit with the local landscape character of the area and would not be integrated into the surrounding landscape.*
- (b) There is not an acceptable level of enclosure and containment for a new house.*
- (c) Together with other development in the immediate vicinity at Clarkyhills it would have the effect of detrimentally altering the rural character of the area.*

This submission seeks to examine the proposal against the wording of Policy DP4 in the context of the proposal at hand. We have not sought to present this as an overly sophisticated exercise- it is our view that Planning Policies do not need to be over-interpreted.

## 4.0 Grounds of Appeal

The new rural housing policy has introduced a spatial strategy that seeks to direct new housing to the least sensitive locations in Moray. In order to achieve this, “Pressured and Sensitive Areas” have been identified (page 51 of the MLDP 2020) and the policy sets out that no new housing will be supported in these areas.

The first policy test is whether a proposal is within one of these areas and we can confirm that it is not. The subject site is with an “Area of Intermediate Pressure”. Policy DP4 sets out siting criteria which defines what constitutes an acceptable site for a new single house in the Moray countryside. The stated aim is to ensure that proposals are well-sited and designed to fit with local landscape character.

We have assessed the proposal against these criteria in the following sections;

- 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.**

The subject site is extremely well screened from public vantage points. It is bounded to the south by mature planting (which the applicant is in control of) that prevents clear views of the site from the public road and there are no clear views of the site from any other public vantage points. Further, these trees provide containment and backdrop to the site which will ensure it integrates well into its rural surrounds.

Overall it is considered that the proposal is fully in accordance with the screening/ containment aspect of Policy DP4 and the related Supplementary Guidance on Housing in the Countryside. In doing so it also satisfies the requirements of Policy DP1 which requires development to be integrated into the landscape and of a character appropriate to the surrounding area.

- 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.**

The approval of this planning application does not give rise to ribbon development. Further, it will not give rise to an unacceptable build-up of development in this location.

The site forms a dispersed housing group with associated outbuildings contained by a combination of woodland, landform and the public road. The subject site forms part of this group and would quite clearly constitute infill development, respecting the separation between properties and reflecting existing plot sizes.

The distance between the site and the settlement boundary of Burghead will also serve to ensure the distinction between the built up area and the countryside remains unaffected. In terms of rural character, we would contend that the introduction of a dwellinghouse in this location would complement the existing, traditional settlement pattern.

- 3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.**

The proposal will not involve any of the above. Members will be able to impose suitably worded conditions to ensure the development proceeds in line with best practice in these regards, should they be minded to allow the appeal.

- 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.**

We can confirm the applicant's intention to implement a long term landscaping plan of native species trees to complement the existing mature stand which currently screens and encloses the site. As above, suitably worded conditions can be used to give Member's comfort that this matter is addressed satisfactorily, if minded to allow the appeal.

## 5.0 Conclusions

The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise.

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside. These Grounds of Appeal and the submitted plans clearly show that the reasons for refusal do not sit comfortably with the criteria set out in policy DP4 and in this context we would set out the following;

- The proposed development would benefit from substantial screening, backdrop and containment made up of existing mature woodland in line with policy requirements (Reporter’s recommendations);
- The addition of this new house would not result in ribbon development, contribute to an unacceptable build-up of housing nor would it detrimentally alter the rural character of the area due to its prominence or roadside location;
- The proposal would not be on artificially elevated ground, it would not require cut and fill and the clear felling of woodland would not be required to accommodate it.
- The site already benefits from an established woodland setting and the proposals will include substantial planting, meeting and exceeding policy requirements.

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