



Moray Local Review Body

Thursday, 29 April 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Remote Locations via Video-Conference**, on **Thursday, 29 April 2021** at **09:30**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minute of Meeting dated 25 March 2021** **5 - 10**
Continuation Case
- 4 LR254 - Ward 1 - Speyside Glenlivet** **11 - 108**
Planning Application 20/01349/APP – Proposed dwellinghouse with integrated garage at Mulben View, Mulben
New Case
- 5 LR256 - Ward 2 - Keith and Cullen** **109 - 148**
Planning Application 20/01549/APP – Erection of 1.8m high timber boundary fence at 10 Isla Road, Newmill, Keith, AB55 6US

Summary of Local Review Body functions:

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

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

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

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

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

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

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

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

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

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

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

Minute of Meeting of the Moray Local Review Body

Thursday, 25 March 2021

Remote Locations via Video-Conference

PRESENT

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

APOLOGIES

Councillor George Alexander

IN ATTENDANCE

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

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

3 Minute of Meeting dated 25 February 2021

The Minute of the meeting of the Moray Local Review Body dated 25 February 2021 was submitted and approved.

4 LR253 - Ward 6 - Elgin City North

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

Under reference to paragraph 8 of the Minute of the meeting of the Moray Local Review Body (MLRB) dated 25 February 2021, the MLRB continued to consider a

request from the Applicant seeking a review of the decision of the Appointed Officer to refuse planning permission on the grounds that:

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

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

The Chair stated that, at the meeting of the MLRB on 25 February 2021, it was noted that the Applicant had included a Safety Statement that was not before the Appointed Officer at the time of considering the original planning application therefore it was agreed to defer the case until the next meeting of the MLRB to allow the Appointed Officer the opportunity to consider and comment on the Safety Statement. The Safety Statement was set out in Appendix 2 and the response to the Safety Statement was set out at Appendix 5.

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

Having received the Safety Statement and further comment from the relevant Officer, the Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor R McLean, having considered the case in detail was of the view that there was considerable community benefit from the proposal and that, as there was already a gym and dog day care in the industrial estate, change of use for the purpose of the proposal was acceptable. He noted the reasons for objecting to the proposals from the Transportation Service however was of the view that Transportation were being overly cautious therefore moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 20/01419/APP as in his opinion, the proposal complies with policies DP1 (Development Principles) and DP5 (Business and Industry) of the MLDP 2020. This was seconded by Councillor Ross as he was familiar with the area and knew that children walked the route regularly.

Councillor Coy, having considered the case in detail, welcomed the proposal however agreed with the view of the Appointed Officer in that the location of the proposal was not suitable for children and moved, as an amendment, that the MLRB agree to dismiss the appeal and uphold the decision of the Appointed Officer to refuse Planning Application 20/01419/APP. This was seconded by Councillor Bremner.

On a division there voted:

For the Motion (5):	Councillors R McLean, Ross, Cowie, Gatt and Powell
For the Amendment (3):	Councillors Coy, Bremner and Taylor
Abstentions (0):	Nil

Accordingly, the Motion became the finding of the Meeting and the MLRB agreed to grant planning permission in respect of Planning Application 20/01419/APP as the proposal complies with policies DP1 (Development Principles) and DP5 (Business and Industry) of the MLDP 2020.

5 LR254 - Ward 1 - Speyside Glenlivet

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

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

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

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

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

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that he had nothing to raise at this time. The Legal Adviser advised that the Applicant had included a letter of support from Health and Social Care Moray which he would like the Moray Local Review Body (MLRB) to consider however, if the MLRB wished to take the letter of support into consideration, then it should consider whether any further procedure would be required including deferring the case to allow the Appointed Officer the opportunity to comment on the letter of support.

The Chair sought the agreement of the MLRB to consider the new information and in the meantime defer the case until a future meeting of the MLRB to allow the Appointed Officer the opportunity to comment on the letter of support from Health and Social Care Moray. This was unanimously agreed.

Planning Application 20/00544/APP – Erect 7 detached dwellinghouses on Site Adjacent To 1-5 Station Road Portessie

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

The proposal would be contrary to the Buckie ENV5 designation and associated policies PP1, DP1, DP2, EP2, EP5 and EP7 of the Moray Local Development Plan (MLDP) 2020, in that the development would result in the loss of land within an ENV designation where these policies aim to protect and preserve the characteristics of ENV areas and where policy EP5 specifically excludes residential development within ENV designations.

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

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that he had nothing to raise at this time. The Planning Adviser advised that financial implications are not a material consideration in the determination of this appeal and that NPF4 has no legal status and should be given limited weight as a material consideration as it is an emerging framework and sets out the direction of travel for future policy but at this moment it has not been approved by the Scottish Government.

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

Councillor Cowie, being familiar with the site, queried why it was given an ENV designation as it had previously been a railway station and a development site.

In response, the Planning Adviser advised that the Report of Handling stated that the Reporter had stated that the established vegetation on the site effectively screens the built edge of Portessie from the open countryside and provides a valuable landscape setting to the settlement and that the development of the site would breach the natural limit of the village therefore recommended that it is reinstated as ENV5 as "Green Corridor" and that the recommendation from the Reporter was subsequently accepted by the Council and the MLDP 2020 modified accordingly. Therefore the ENV status of the site was beyond doubt.

Councillor Cowie disagreed with the findings of the Reporter and was of the view that the Applicant's proposals to retain the core path and cycle route, planting of trees, need for housing in the area and the possible increase to the school roll would benefit the Community.

Ms Webster, Principal Planning Officer (Strategic Planning and Development) advised that, based on projections calculated using the pupil product ratio, the proposed development would only increase the primary school roll by 3 pupils.

Councillor Coy, having considered the case in detail was of the view that the MLRB should determine the case based on the policies within MLDP 2020 which has been formally adopted by the Council and which has designated the site as ENV therefore moved that the MLRB dismiss the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 20/00544/APP as the proposal is contrary to the Buckie ENV5 designation and associated policies PP1 (Placemaking), DP1 (Development Principles), DP2 (Housing), EP2 (Biodiversity), EP5 (Open Space) and EP7 (Forestry, Woodlands and Trees) of the MLDP 2020. This was seconded by Councillor Bremner.

Councillor R McLean, having considered the case in detail and listened to the debate was of the view that the proposal was an acceptable departure from Policies PP1 (Placemaking), DP1 (Development Principles), DP2 (Housing), EP2 (Biodiversity), EP5 (Open Space) and EP7 (Forestry, Woodlands and Trees) of the MLDP 2020 based on community benefit in terms of housing and the school roll and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 20/00544/APP. This was seconded by Councillor Gatt.

On a division there voted:

For the Motion (3): Councillors Coy, Bremner and Taylor

For the Amendment (5): Councillors R McLean, Gatt, Cowie, Powell and Ross

Abstentions (0): Nil

Accordingly, the Amendment became the finding of the Meeting and the MLRB agreed to uphold the appeal and grant planning permission in respect of Planning Application 20/00544/APP subject to standard conditions and informatives and following the payment of developer obligations, as the application is considered to be an acceptable departure from policies PP1 (Placemaking), DP1 (Development Principles), DP2 (Housing), EP2 (Biodiversity), EP5 (Open Space) and EP7 (Forestry, Woodlands and Trees) of the MLDP 2020 based on community benefit in terms of housing and the school roll.



MORAY LOCAL REVIEW BODY

29 APRIL 2021

SUMMARY OF INFORMATION FOR CASE No LR254

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

Ward 1 – Speyside Glenlivet

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

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

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

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

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

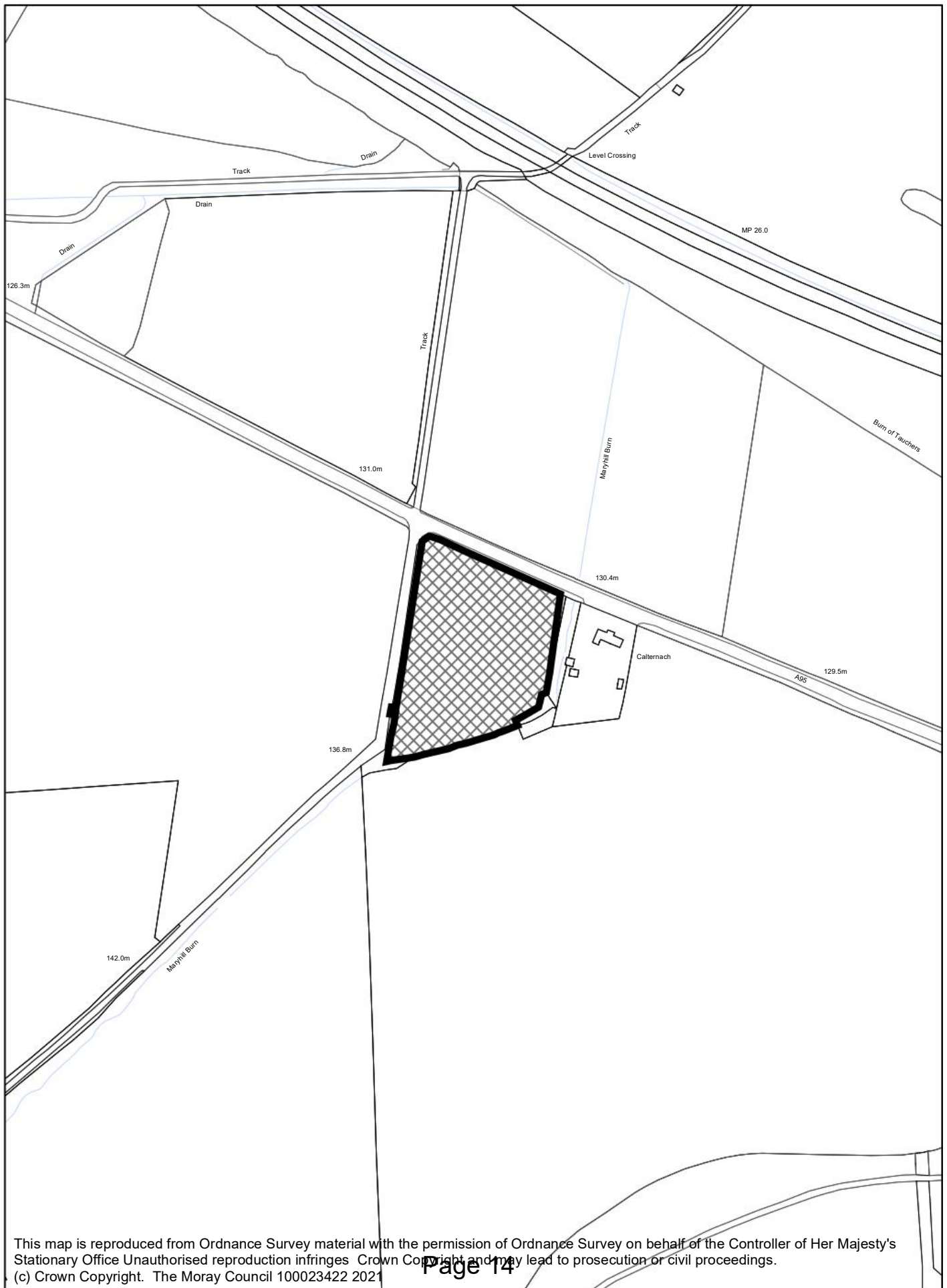
No Further Representations were received in response to the Notice of Review.

At the meeting of the Moray Local Review Body (MLRB) on 25 March 2021, the Chair sought the agreement of the MLRB to consider new information included in the Applicant's paperwork ie a letter of support from Health and Social Care Moray and in the meantime defer the case until a future meeting of the MLRB to allow the Appointed Officer the opportunity to comment on the letter of support from Health and Social Care Moray. This was unanimously agreed.

The Appointed Officer's response to the new information is attached at **Appendix 3**.



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





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100315226-001

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

Type of Application

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

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

Description of Proposal

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

Proposed new dwelling-house with integrated garage

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

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

Site Address Details

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

Please identify/describe the location of the site or sites

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

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

6126.00

Please state the measurement type used:

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

Existing Use

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

Unused farmland

Access and Parking

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

☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

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

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

0

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

5

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

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

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

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

What private arrangements are you proposing? *

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

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

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

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐ Yes

☒ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

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

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">1</div>
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.	
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>	
Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<h2 style="margin: 0;">Schedule 3 Development</h2>	
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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.	
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>	
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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<h2 style="margin: 0;">Certificates and Notices</h2>	
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? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is any of the land part of an agricultural holding? *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you have any agricultural tenants? *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you able to identify and give appropriate notice to ALL the other owners? *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<h2 style="margin: 0;">Certificate Required</h2>	
The following Land Ownership Certificate is required to complete this section of the proposal:	
Certificate B	

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Raymond Mitchell

Address:

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

Date of Service of Notice: *

10/10/2020

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Mr Mark Sievwright

On behalf of:

Date: 08/10/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Mark Sievwright

Declaration Date: 08/10/2020

Payment Details

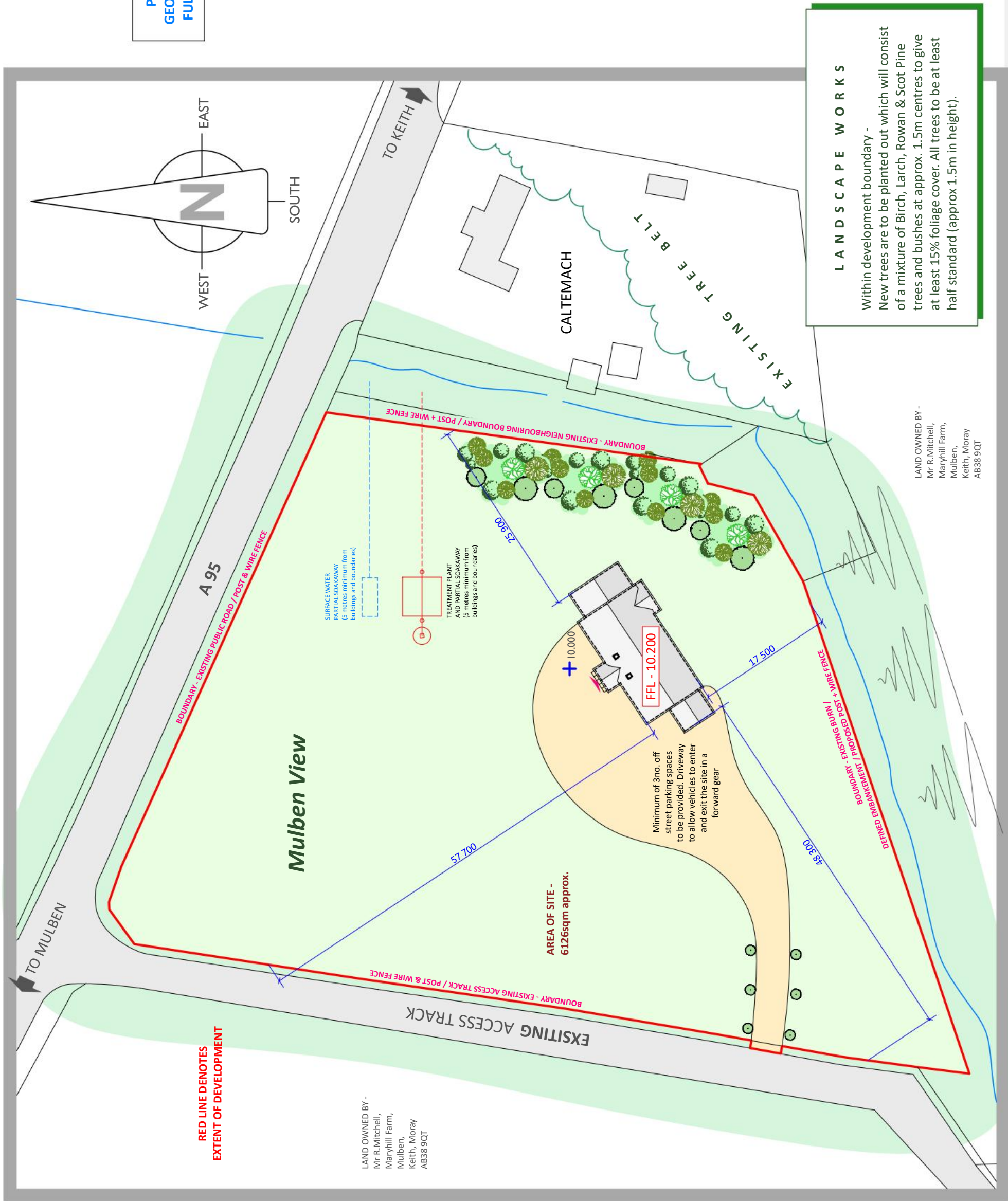
Online payment: 966932

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

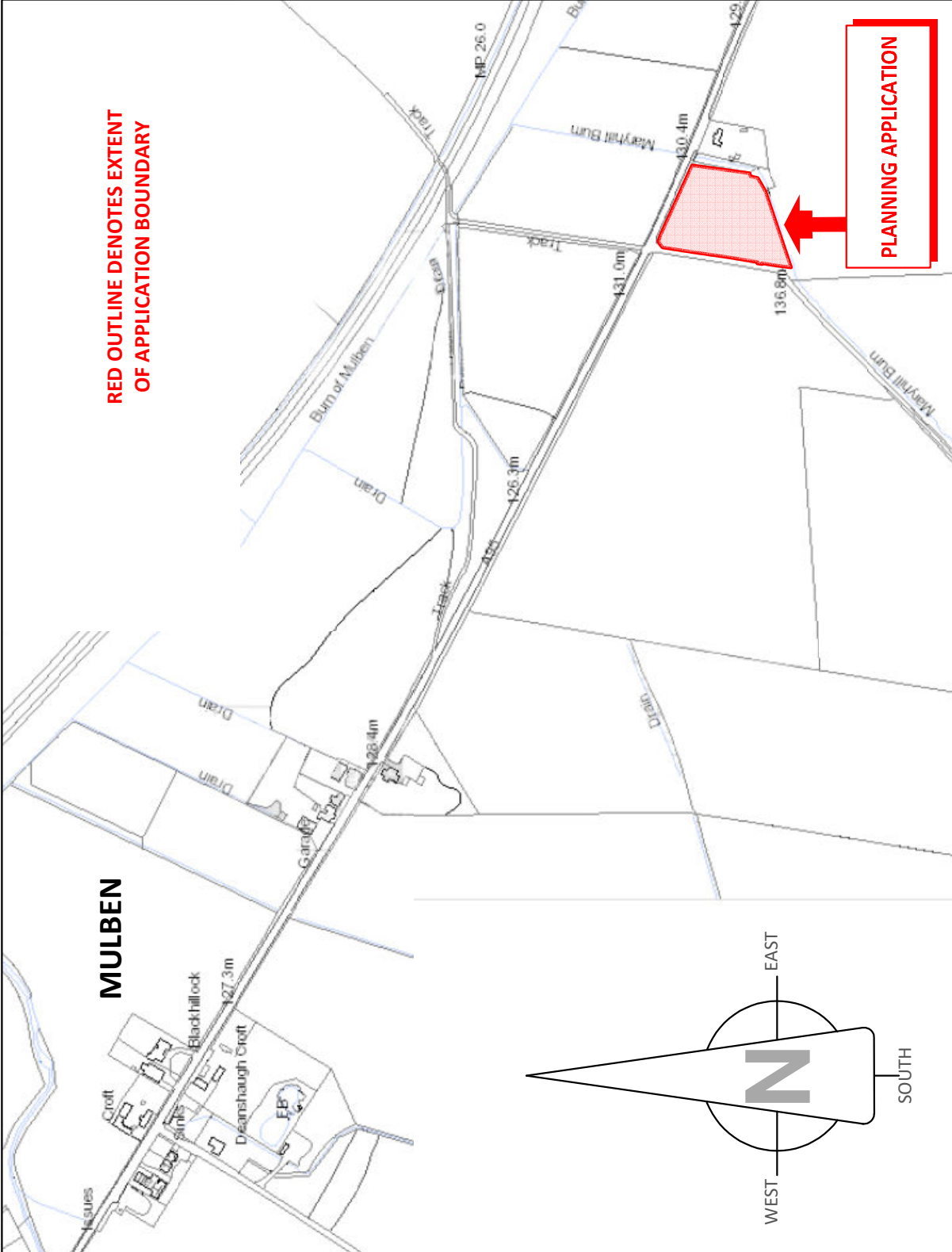
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Proposed new dwelling-house with integrated garage
at Mulben View, Mulben, Keith For Mr M.Siewwright

Site Plan



Mulben View



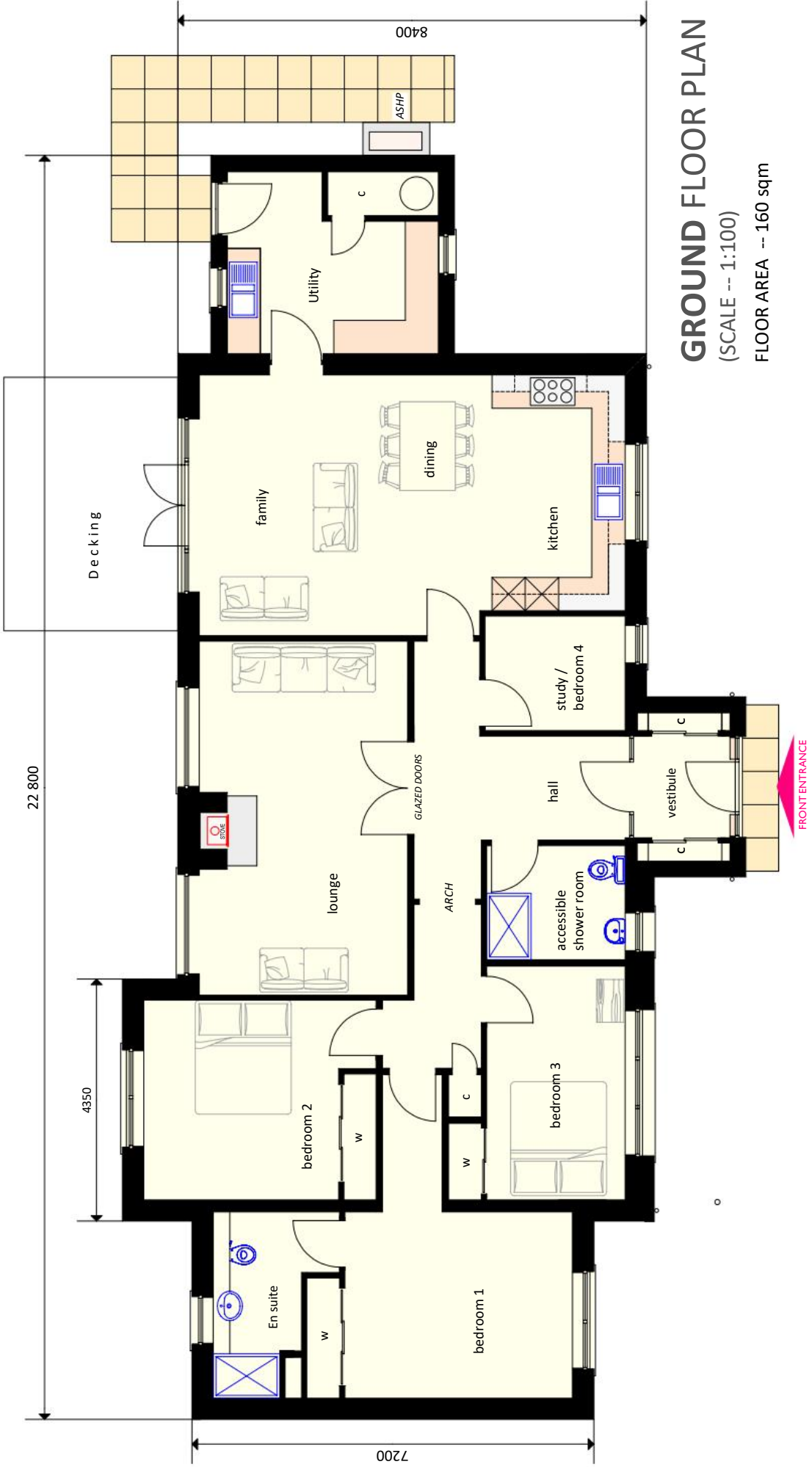
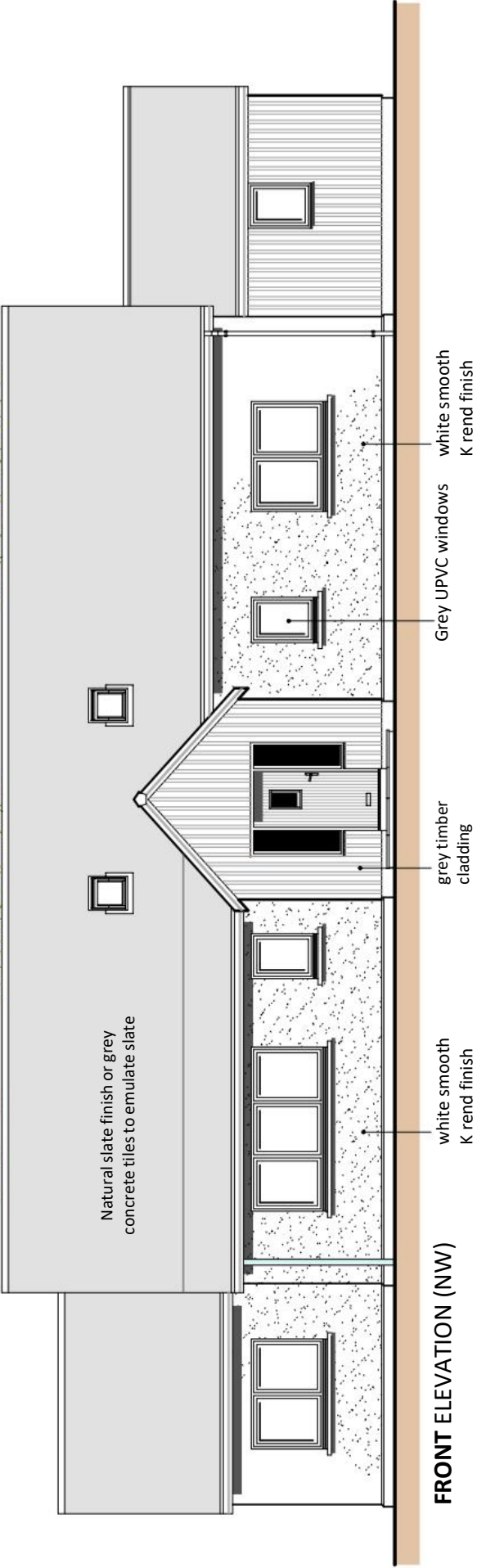
Location plan

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

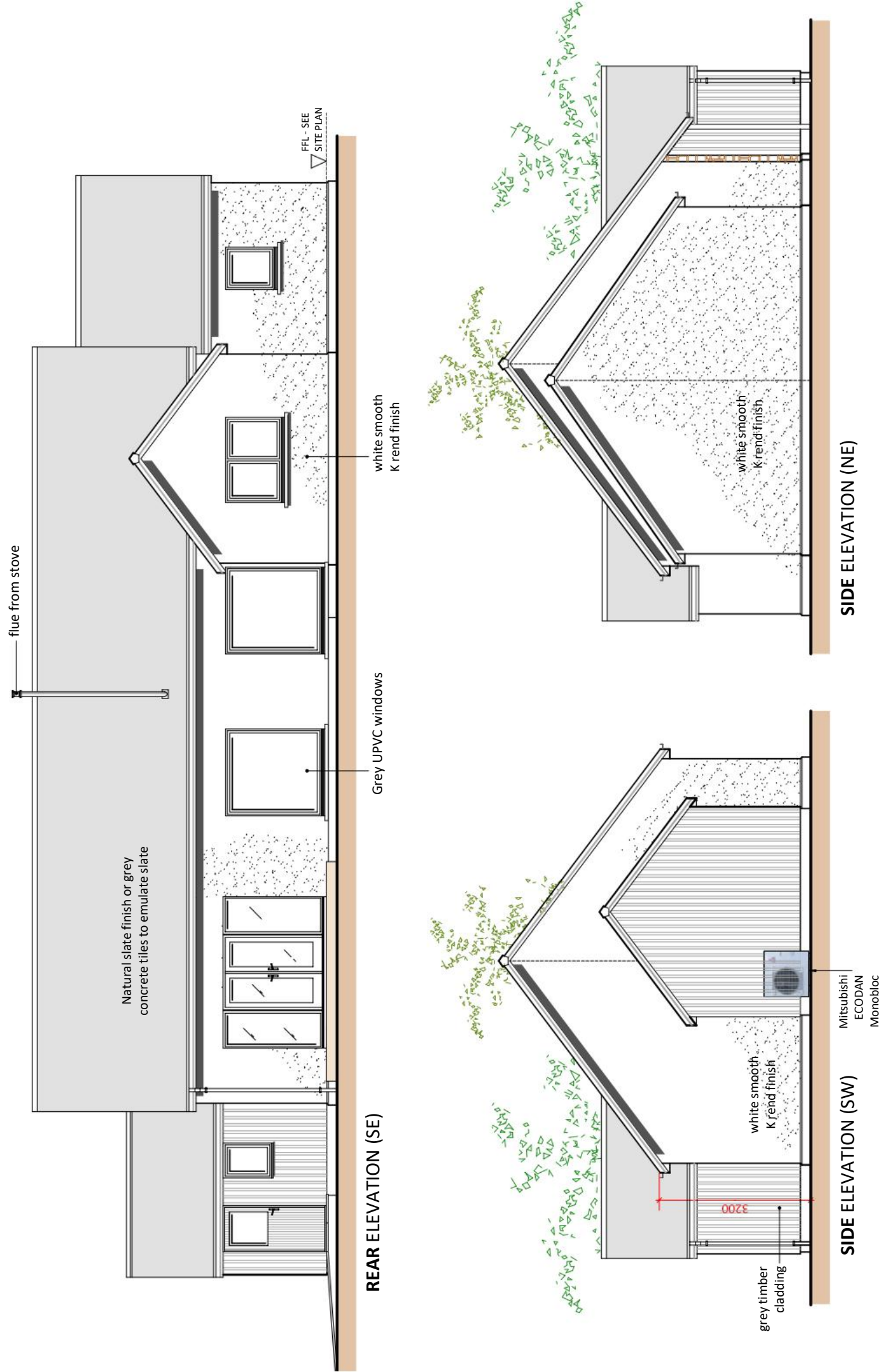
DATE
OCT 2020

SCALE
1:5000 (A4)

DRG. NO.
SIEV / LOC.P



M u l b e n V i e w





www.FergusonGeoTechnical.com

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

Site: Mulben View,
Mulben,
Keith

C/O: Mark Seivwright

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

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

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Indicative Sub-Surface Soakaway Construction

Certificate - Foul Water Soakaway

Certificate - Surface Water Soakaway

Introduction

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

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

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

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

Site Location & Initial Information

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

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

Site Work – Trial Pits

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

Percolation Testing

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

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

Infiltration Testing

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

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

Encountered Ground Conditions

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

Published Geology

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

Drainage Recommendations

Foul Water Discharge

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

Surface Water Disposal

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

Drainage Layout

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

System Maintenance

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

Regulations

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

Relevant Insurance

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

Author

Jack Ferguson

Mobile: 07766691245 Email: info@fergusongeotechnical.com

Drainage Consultant – Ferguson Geotechnical Ltd

BSc (Hons) Architectural Technology, Robert Gordon University

Attachments

Site Location Plan & Satellite Imagery

Indicative Test Location Plan

Indicative Drainage Layout

Trial Pit Logs FWS1 & SWS1

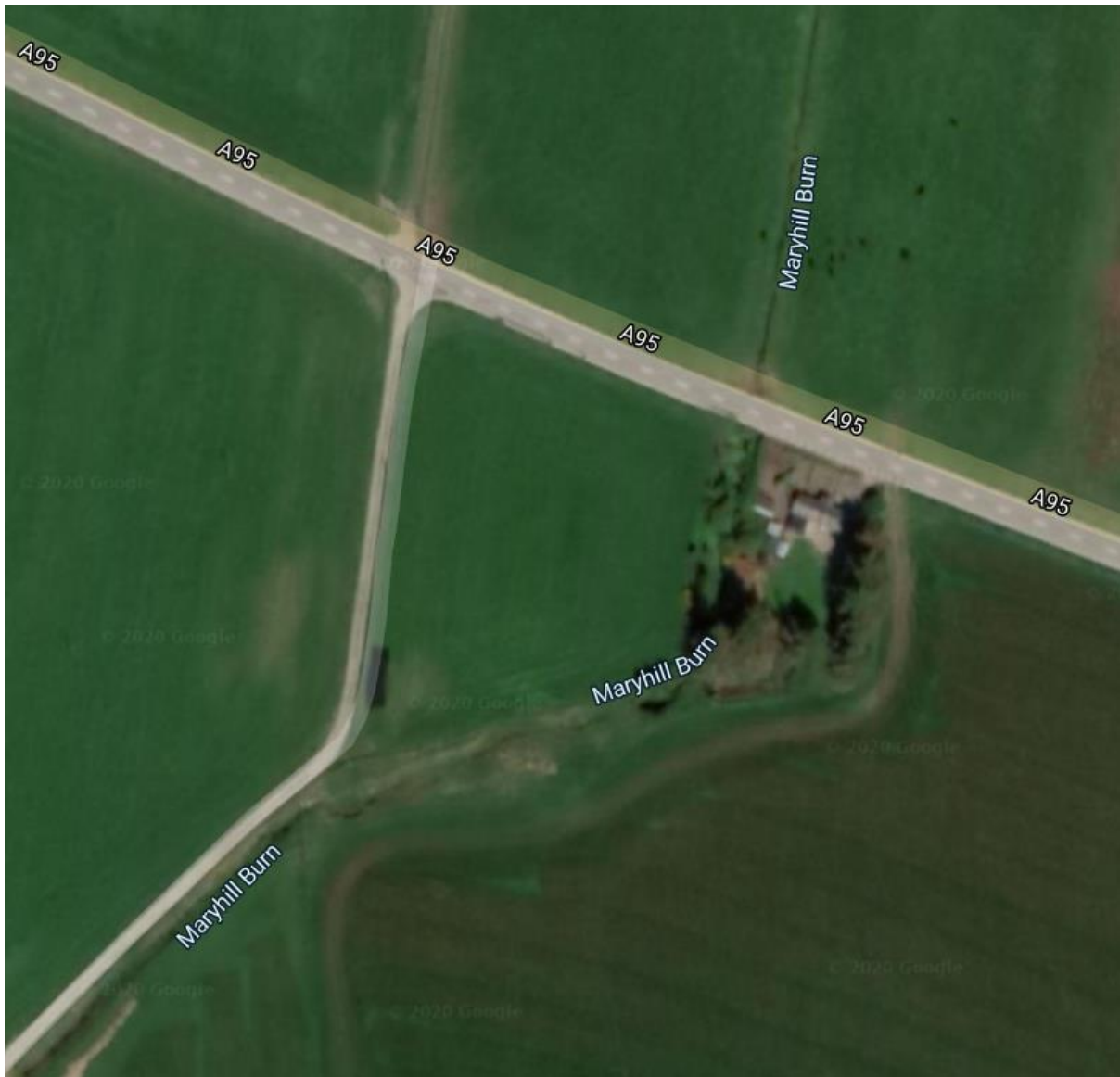
Indicative Sub-Surface Soakaway Construction

Attenuation Calculation

Certificate - Foul Water Soakaway

Certificate - Surface Water Soakaway

Site Location Plan & Satellite Imagery



Indicative Test Location Plan



Key

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

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

Indicative Drainage Layout



Key

Red Area – Proposed Foul Water Partial Soakaway Location.

Blue Area – Proposed Surface Water Partial Soakaway Location.

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



Ferguson

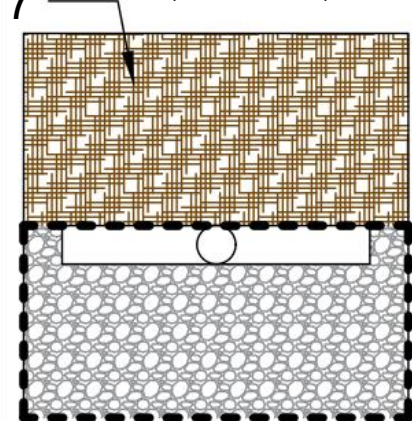
GEOTECHNICAL

Site:
Mulben View,
Mulben,
Keith

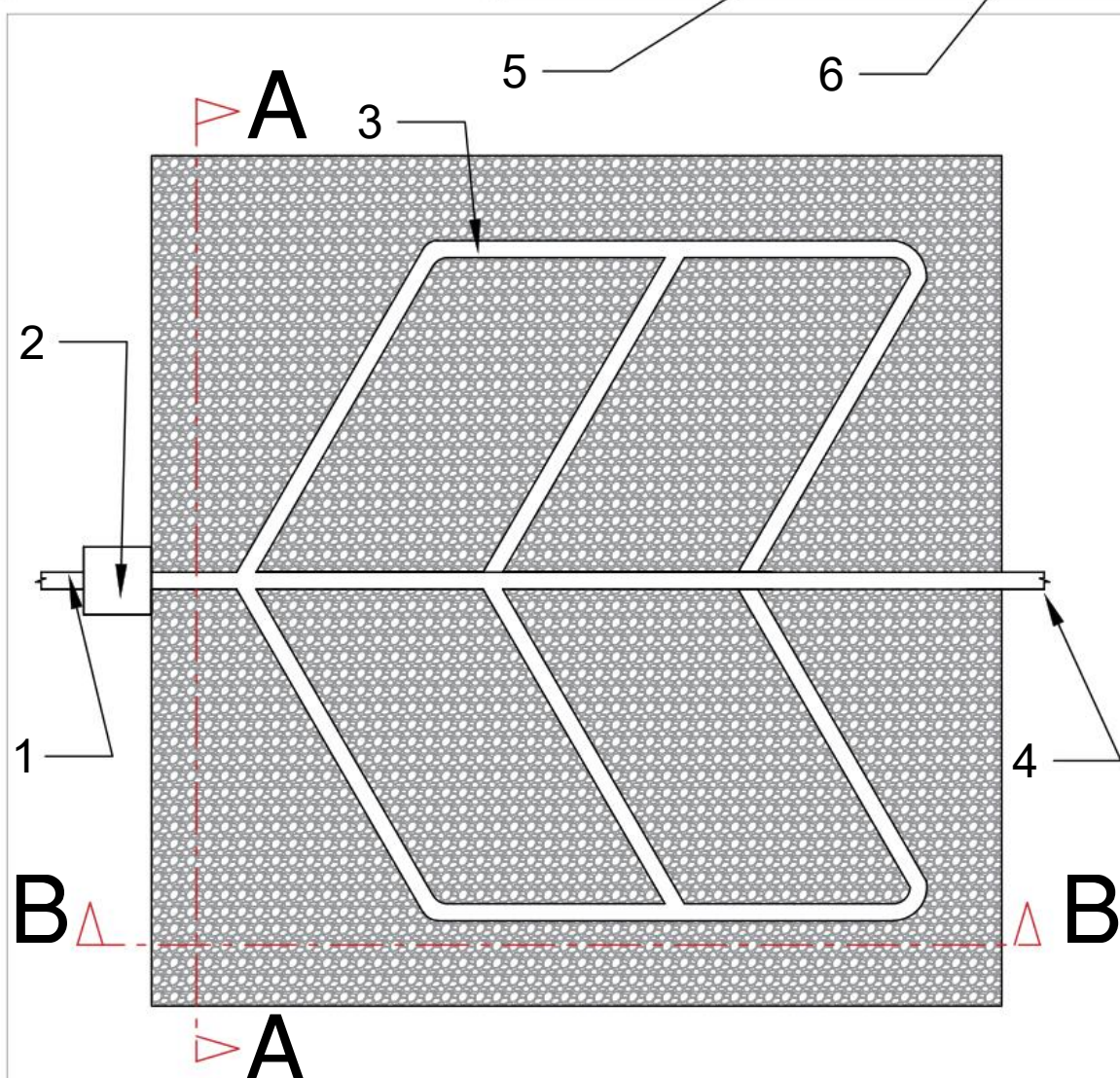
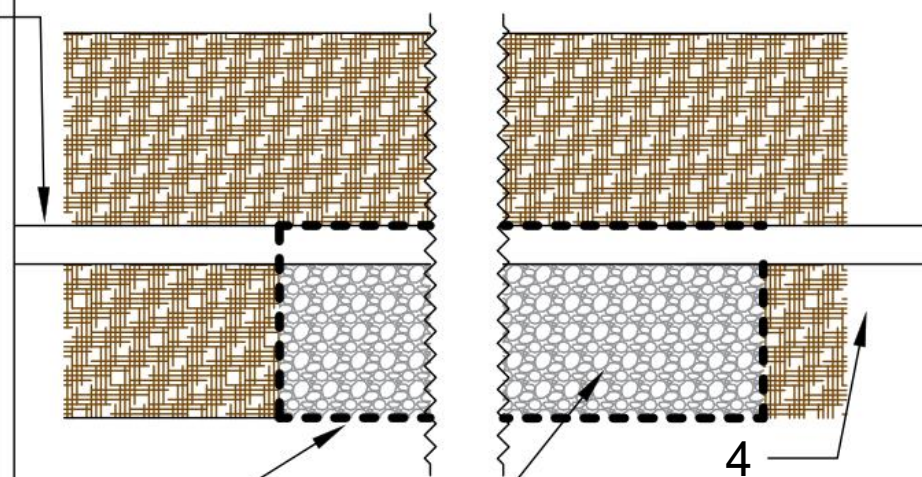
Trial
Pit No.
TP 1
&
TP 2

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

Partial Soakaway Design - Section AA
(Not to Scale)



Partial Soakaway Design - Section BB
(Not to Scale)



Partial Soakaway Design - Plan View

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



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Drawing

Partial Soakaway Design

Scale

Not to Scale

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

ATTENUATION DESIGN for M-30

Allowable discharge=

0.5 litres/sec

Area =

187 sq.m.

Rainfall Data

r = 16

d = 0.25

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

Therefore storage required for a M30 return period =

2.73 cu.m.

CAPACITY CHECK

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

Therefore total storage provided =

5.00 cu.m.

CERTIFICATE FOR PROPOSED FOUL WATER SUBSURFACE SOAKAWAY

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

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

Certificate

Address: c/o Mark Seivwright

Site address: Mulben View, Mulben, Keith

Date of test: 01/10/2020

Time: From 2:00PM

Encountered Ground Conditions

300mm Layer of Topsoil

950mm Layer of Grey Clayey Soils

Atleast 750mm of Black Saturated Clayey Soils

Ground Water Observations

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

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

Depth of Drains: 0.5m

Depth of Excavations: 2.00m

Percolation Test

FWS 1

Time Taken (mean of three times)

17340 s

Soil Percolation Value

Vp 115.6 s/mm

Population Equivalent

6

Recommendation

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

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

Signed:



Date: 06/10/2020

Name/Company: Ferguson Geotechnical Ltd, Jack Ferguson

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

Qualification: BSc (Hons) Architectural Technology, Drainage Consultant

CERTIFICATE FOR PROPOSED SURFACE WATER SOAKAWAY

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

Encountered Ground Conditions

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

Ground Water Observations

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

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

Depth of Drains: 0.5m

Depth of Excavations: 2.0m

Infiltration Test

Infiltration Test Zones
Average Soil Infiltration Rate
Surface Areas of Development

SWS1

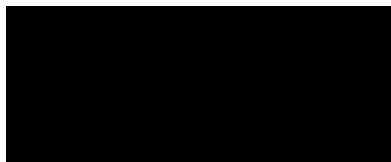
0.5m
 $f = 2.88 \times 10^{-6} \text{ m/s}$
187m²

Recommendation: -

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

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

Signed:



Date: 6th of October 2020

Name/Company: Ferguson Geotechnical Ltd, Jack Ferguson

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

Qualification: BSc (Hons) Architectural Technology, Drainage Consultant

Consultee Comments for Planning Application 20/01349/APP

Application Summary

Application Number: 20/01349/APP

Address: Mulben View Mulben Keith Moray

Proposal: Proposed dwellinghouse with integrated garage at

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

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

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

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

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 23/10/2020

Reference: 20/01349/APP

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

Applicant: Mr Mark Sieviewright

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

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

Summary of Obligations

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

Breakdown of Calculation

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

4 bed = 1.2 SRUE

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



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

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

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

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

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

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

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

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

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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

Contribution for Sports and Recreation Facilities = Nil



AFFORDABLE HOUSING

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

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultee Comments for Planning Application 20/01349/APP

Application Summary

Application Number: 20/01349/APP

Address: Mulben View Mulben Keith Moray

Proposal: Proposed dwellinghouse with integrated garage at

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 20/01349/APP

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

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

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

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

Friday, 16 October 2020

Local Planner
Development Services
Moray Council
Elgin
IV30 1BX



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

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

Dear Sir/Madam

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

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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



SW Public
General

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



So, how are we doing?

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



Please Note

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

Surface Water

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

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

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

General notes:

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



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

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

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



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



So, how are we doing?

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



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

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

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

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

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

Director, Roads Advice

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

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

TS Contact:-

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

Operating Company:-

NORTH EAST

Address:-

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

Telephone Number:-

01738 448600

e-mail address:-

NEplanningapplications@bearsotland.co.uk
--

DETAILS of works necessary within the trunk road boundary:-

Upgrade of existing access with the A95.
--

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

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

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

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

ADVISORY NOTES (to be passed to applicant):-

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

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

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

Transport Scotland Response Date:- 15-Dec-2020

Transport Scotland Contact:- John McDonald

Transport Scotland Contact Details:-

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

NB - Planning etc. (Scotland) Act 2006

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

Consultation Request Notification

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

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 20/01349/APP

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

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

Please

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

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

Condition(s)

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

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

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

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

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

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

Further comment(s) to be passed to applicant

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

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

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

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

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

Date 20 October 2020

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

REPORT OF HANDLING

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

RECOMMENDATION

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

CONSULTATIONS

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

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

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposals

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

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

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

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

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

Site

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

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

There has been no particular planning history on the site:

Policy Background

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

Principle

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

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

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

Siting - Landscape and Visual Impacts

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

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

enclosure or containment.

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

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

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

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

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

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

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

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

Siting - Cumulative Impacts

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

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

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

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

Design

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

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

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

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

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

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

Servicing

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

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

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

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

Environmental Impacts

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

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

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

Developer Obligations and Affordable Housing Contributions

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

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

Conclusion

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

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

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?

YES

Summary of main issues raised in each statement/assessment/report

Document Name: Drainage Assessment

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

Document Name: Supporting Statement

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

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

S.75 AGREEMENT

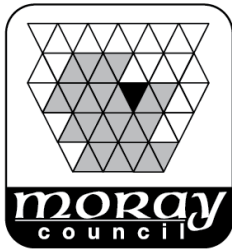
Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

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



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

REFUSAL OF PLANNING PERMISSION

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

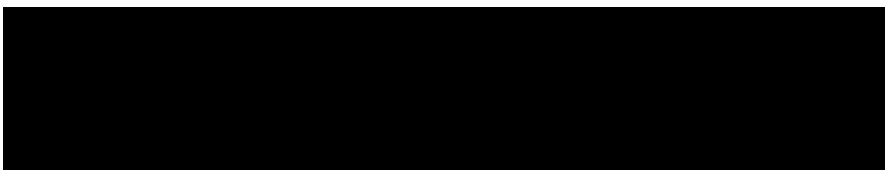
TO Mr Mark Sievwright
Malcolmburn
Mulben
Keith
Moray
AB55 6YB

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

Proposed dwellinghouse with integrated garage at Mulben View Mulben Keith Moray

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

Date of Notice: **13 January 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

N/A

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100366211-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="850037"/>	Easting	<input type="text" value="336285"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Proposed new dwelling-house with integrated garage

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

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

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

☐ Yes ☒ No

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

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

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

Application Details

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

20/01349/APP

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

13/10/2020

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

13/01/2021

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Stewart Reid

Declaration Date: 22/02/2021

Notice of Review

Supporting Statement

Background to Application

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

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

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

Notice of Review

Supporting Statement

Reasons for Refusal

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

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

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

Response to Points 1 and 2

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

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

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

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

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

2

Notice of Review

Supporting Statement

Reasons for Refusal

Continued...



Response to Point 3

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

3

Notice of Review

Supporting Statement

Conclusion

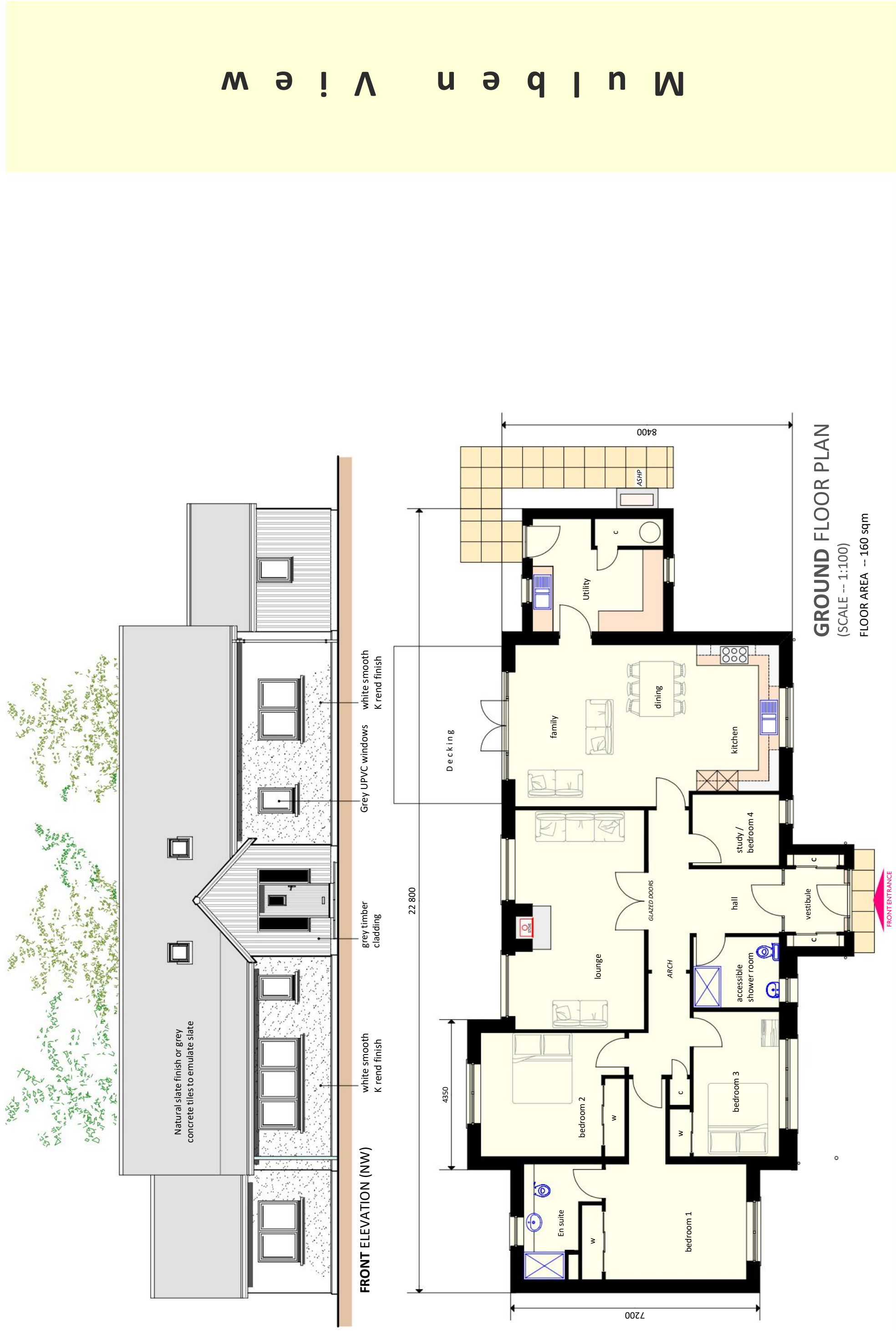
In conclusion, we respectfully ask the LRB panel to consider what this proposal means for the applicant. Mark and his family desperately require accommodation which is going to be suitable for Ellie and her needs especially as she grows older.

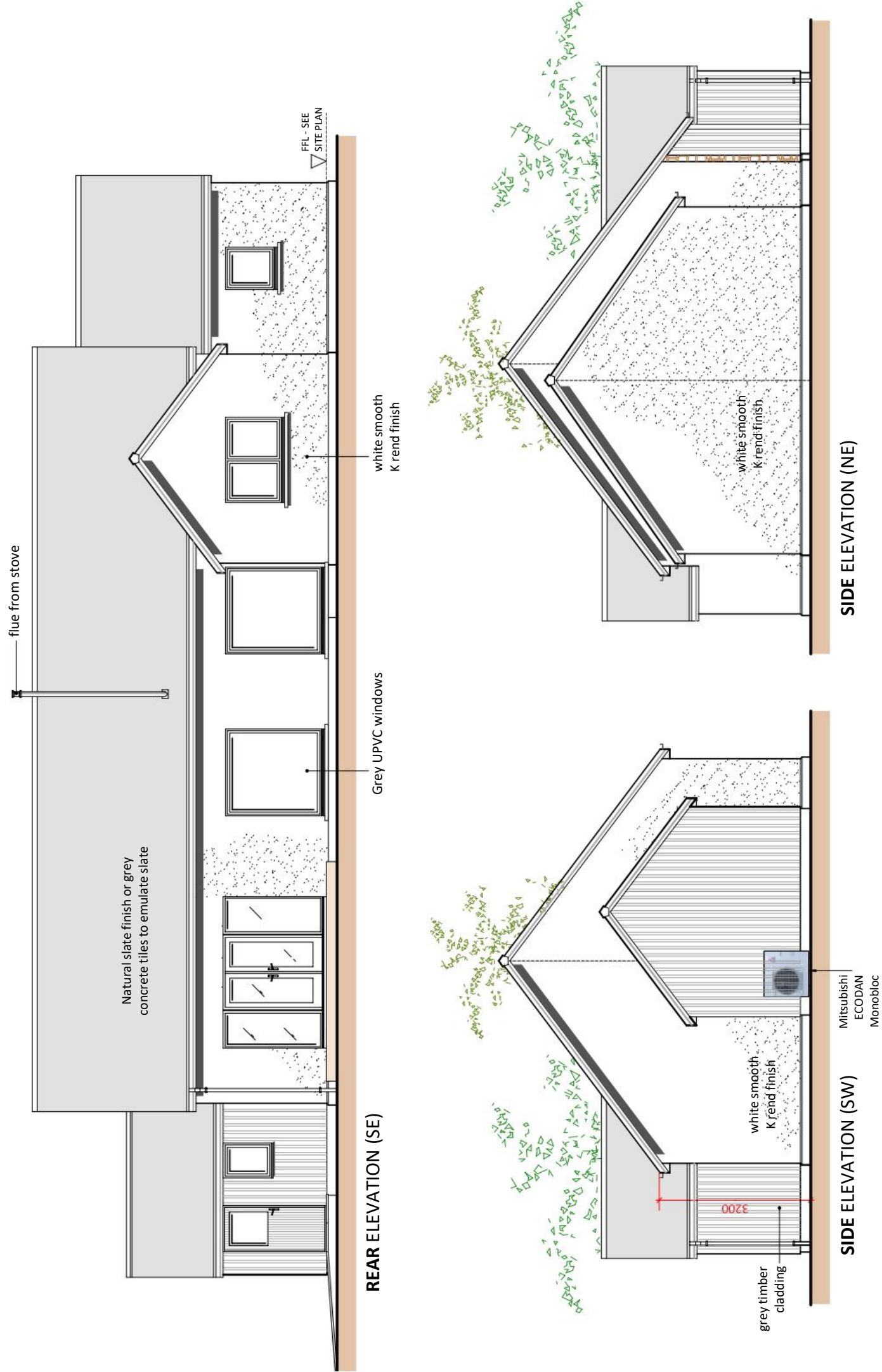
Secondly, Mark's business is agricultural and is based in Mulben. He needs to be based in Mulben.

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

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

W u n i q u e ! L

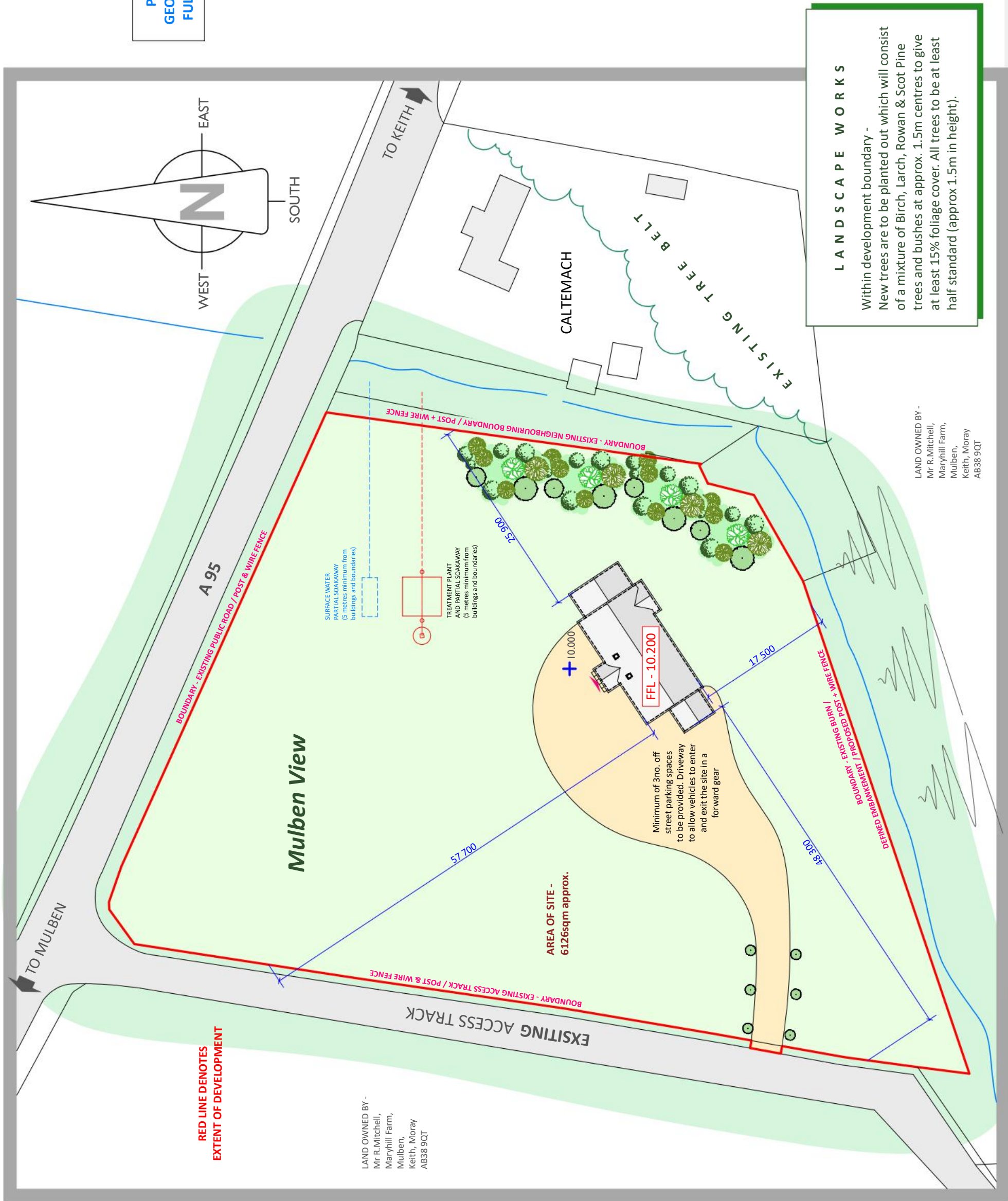


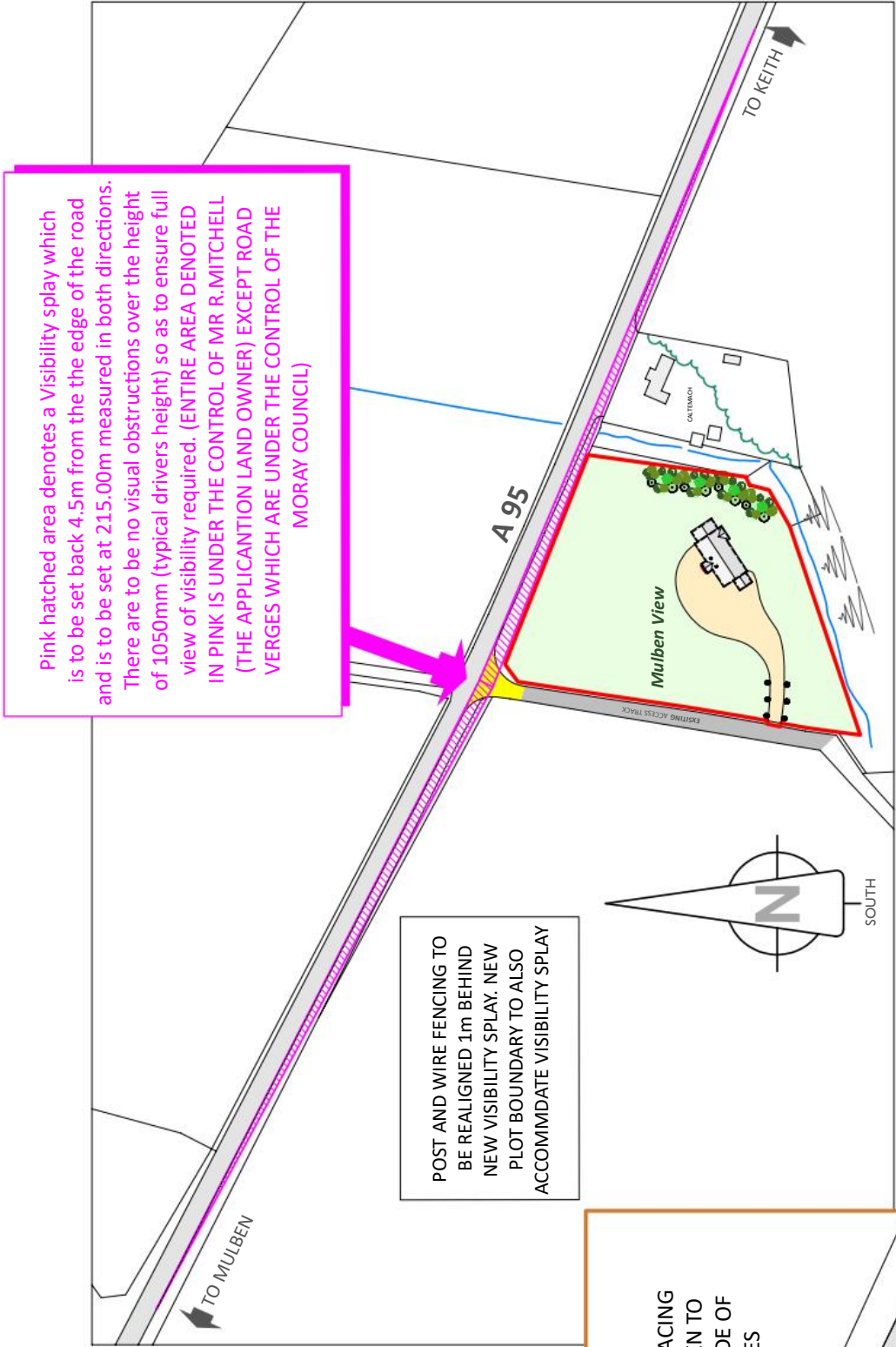


Mulben View

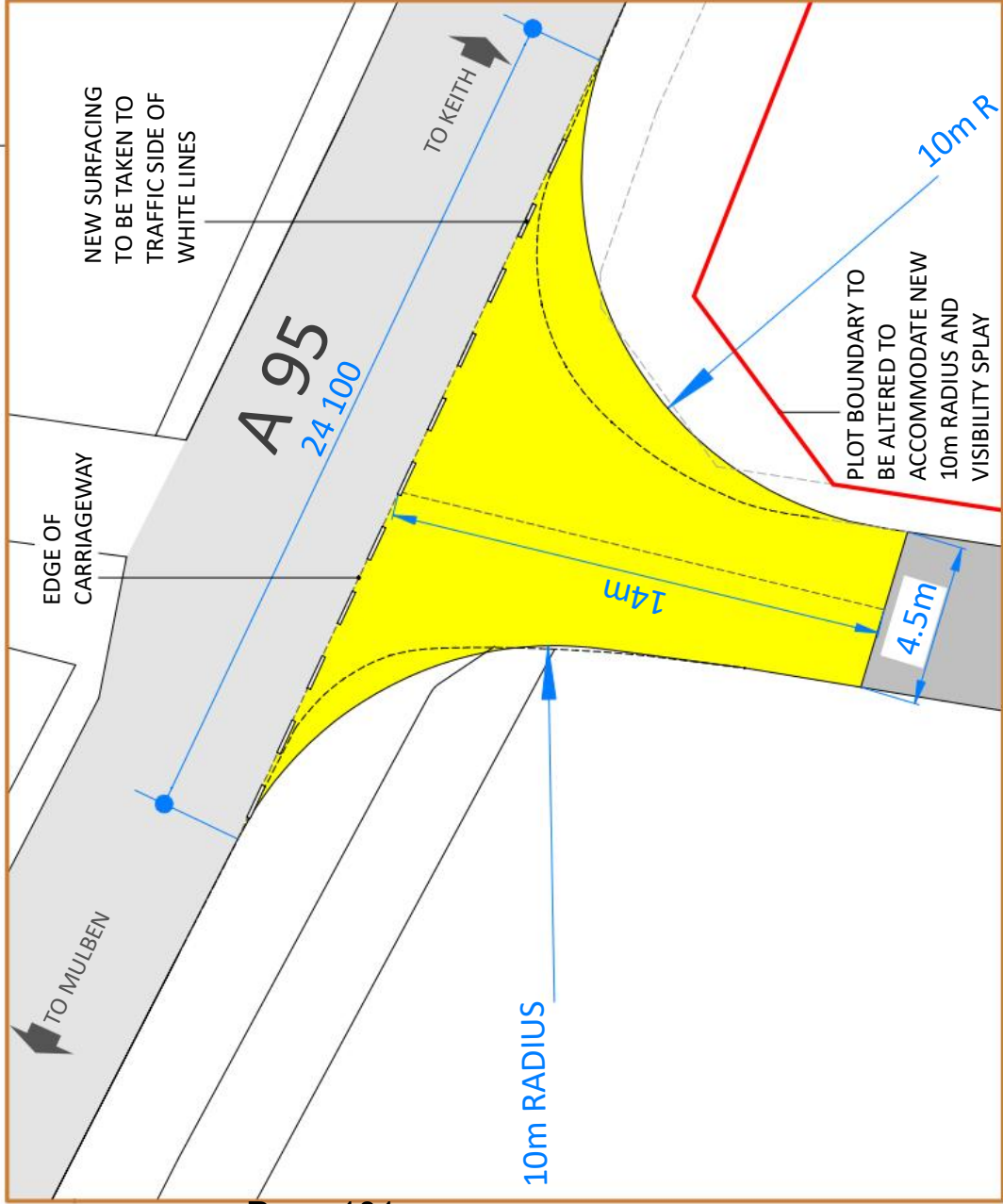
Proposed new dwelling-house with integrated garage
at Mulben View, Mulben, Keith For Mr M.Siewwright

Site Plan





VISIBILITY SPY PLAN (SCALE 1:2000)



PROPOSED WORKS (SCALE 1:200)

Specification

Yellow shade denotes area of existing track surface to be excavated to a depth of 350mm.

Excavation / surfacing to be taken back 10m from edge of existing carriageway.

Construct new road surface as follows -

- 1no. layer of 20mm HRA Surfacing
- 1no. layer of 50mm HRA Binder Course.
- 1no. layer of 225mm Type 1 sub-base.
- New surfacing to be stepped in to the existing carriageway by 150mm.

Yellow shade area = 116sqm approx.

ALL WORKS TO BEAR SCOTLAND / MORAY COUNCIL SATISFACTION

Drainage

Improved entrance bellmouth to be constructed to prevent surface water flowing on to the trunk road.



Health & Social Care Moray

Keith Health Centre
The Annex
Turner Street
AB55 5DJ
Tel: 01542 881009
19/02/2021

To whom this may concern

Please see the following reasons as to why as Ellie's Named Person I am supporting Ellie's parents with their request to obtain planning permission to build a purpose built accommodation in order to meet Ellie's growing needs:

I am sure your organisation is very aware of the following:

Article 27 no 1,

"State parties recognise the rights of every child to a standard of living adequate to the child's physical, mental, spiritual, moral and social development".

Article 27 no 3,

"in accordance of national conditions and within their means shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes particularly with regard to clothing and housing"

For Ellie's social, emotional and physical needs to be met in accordance to GIRFEC and SHANARRI Ellie needs the following:

- Wheel chair access to property
- Adequate space within the house for her to move around safely and be moved around the house safely.
- Property large enough to accommodate Ellie's equipment, this will only increase as she grows for example her wheel chair, her feeding chair, standing frame, sleep system etc. These pieces of equipment will increase in size as Ellie grows and gets older.
- Bathroom that's accessible and fit for purpose to meet Ellie's current personal care needs, adaptable enough to meet her personal care needs as she matures and grows. Also providing Ellie to maintain her dignity and respect.
- Access to all areas in the property so that Ellie can be included in all aspects of family life.
- Ellie needs access to safe secure out door space to promote her development and to allow her to take part in fun family time with her sibling.
- Ellie would benefit from hoists within the property as this will help with safe transfer of Ellie into a shower or bath as well as allow Ellie should she be able



to in the future promote her independence in this area. Ellie's parents currently have to lift Ellie up and down stairs to her bed this place Ellie at risk as her parents need two hands to lift her. It also places a very real physical strain on Ellie's parents as Ellie is growing and getting heavier.

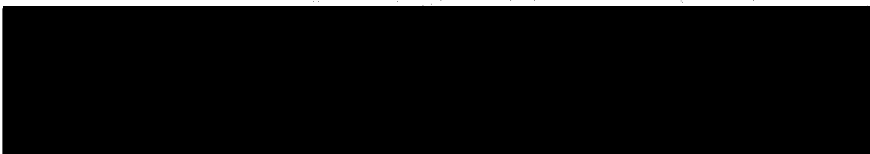
- The house would be better on the one level (but this will depend on size of plot)
- Ellie's care needs will continue to change as she gets older and will only increase as Ellie is entirely depend on her parents for all her needs, this will only increase in the future.
- Ellie would possibly benefit from shelter when transferring from house to car and car to house.

To conclude the information provided, although Ellie is now 3 years 9 months Ellie is fed by her parents, registered blind and entirely dependent on her parents for all her needs for example, Ellie is fed, she is played with, she is changed and her movements are restricted in all four limbs which require her parents to dress and undress her.

Ellie's communication is very limited and her parents anticipate all her needs and wants. Ellie also has epilepsy.

Ellie also has numerous professionals involved in her life. This is not normal for a child her age, Ellie's health needs remain as complex as they did when she was born. In my opinion her parents are doing a fantastic job and love her to bits. They do not need yet another fight on their hands to ensure they provide a safe comfortable house for their child. They would like to stay within the local area where they have lived for a number of years and feel part of the community. Where they have friends and professionals who are aware of Ellie's history and the family's story. This would ensure that they do not have to keep repeating it should they have to relocate as the current is not suitable. Ellie is also under MIDAS and any one of the professionals can provide further information should this be required.

Yours sincerely



Fiona H Cruden
Health Visitor

19/02/2021



APPENDIX 3

APPOINTED OFFICER'S RESPONSE TO NEW INFORMATION

COMMENTS ON ADDITIONAL INFORMATION

APPLICATION REFERENCE- 20/01349/APP

LRB CASE LR254

1 April 2020

The Planning Service's awareness of the family circumstances is reflected in the Report of Handling, where the applicant's originally submitted supporting statement is referred to as follows:

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

This is also reflected in the Report of Handling which states within the appraisal section:

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

Regrettably this remains the case and the further detail provided by Health and Social Care Moray does not alter our recommendation. There is no ability within the Moray Local Development Plan policy to take personal circumstances into account with a new houses. Furthermore personal circumstances are not considered to be a material consideration in land use planning terms.



MORAY LOCAL REVIEW BODY

29 APRIL 2021

SUMMARY OF INFORMATION FOR CASE No LR256

Planning Application 20/01549/APP – Erection of 1.8m high timber boundary fence at 10 Isla Road, Newmill, Keith, AB55 6US

Ward 2 – Keith and Cullen

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

The position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 – Development Principles of the Moray Local Development Plan 2020

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

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

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



**Location plan for Planning Application Reference Number :
20/01549/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100333383-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

RETROSPECTIVE PLANNING PERMISSION FOR NEW 1800MM HIGH BOUNDARY FENCE

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

☐ No ☐ Yes - Started ☒ Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

30/09/2020

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

CLIENT WAS NOT AWARE THEY REQUIRED PLANNING PERMISSION TO ERECT A HIGHER BOUNDARY FENCE

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:	Moray Coast Architectural Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andy	Building Name:	
Last Name: *	Stephenson	Building Number:	8
Telephone Number: *	07788 887086	Address 1 (Street): *	Coulardhill Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lossiemouth
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV31 6LE
Email Address: *	moraycoast@live.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	K	Building Number:	10
Last Name: *	APPROQUI	Address 1 (Street): *	ISLA ROAD
Company/Organisation		Address 2:	NEWMILL
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	MORAY
Mobile Number:		Postcode: *	AB55 6US
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

10 ISLA ROAD

Address 2:

NEWMILL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KEITH

Post Code:

AB55 6US

Please identify/describe the location of the site or sites

Northing

852325

Easting

343328

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

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.

Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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: Andy Stephenson

On behalf of: Mrs K APPRAOUI

Date: 16/11/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☐ Existing and Proposed elevations.
- ☐ Existing and proposed floor plans.
- ☐ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☐ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

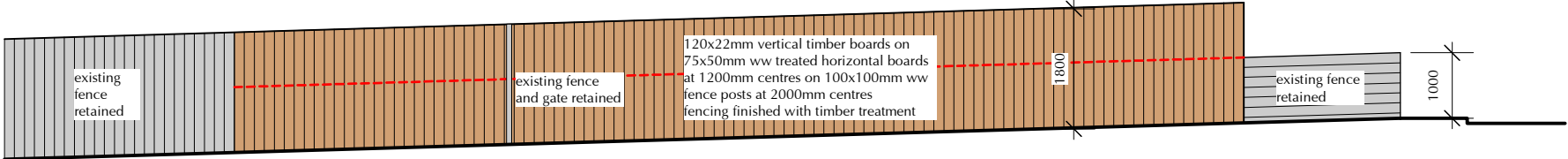
Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

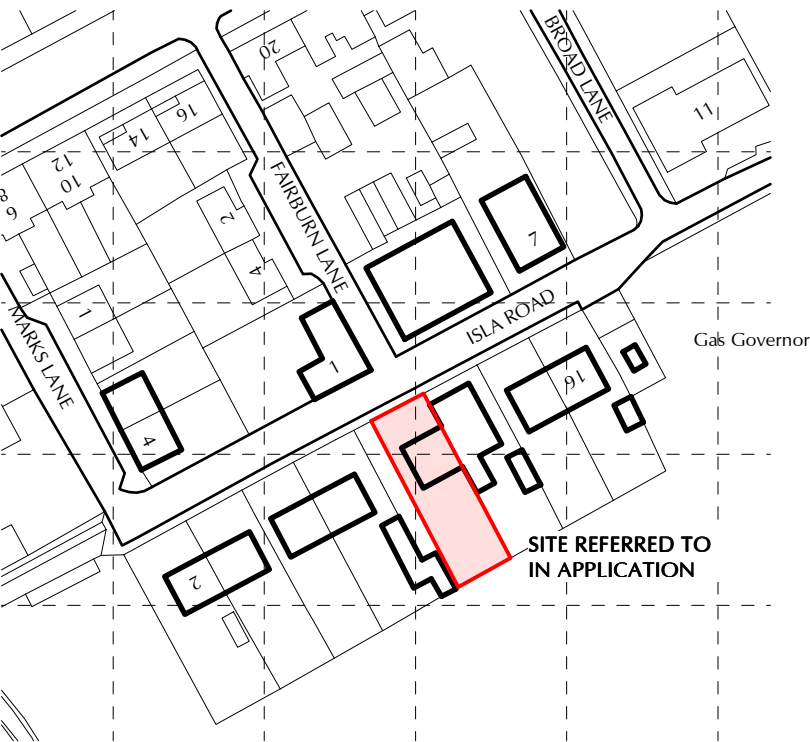
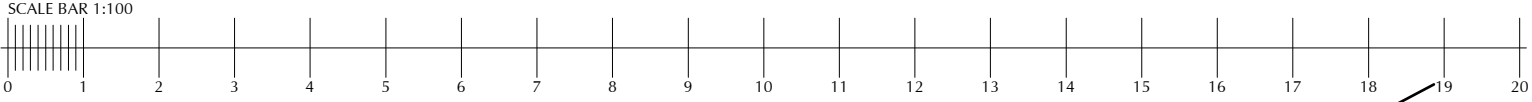
Declaration Name: Mr Andy Stephenson

Declaration Date: 16/11/2020

do not scale off drawings. all sizes to be checked and confirmed on site prior to commencement of works.
no work to commence on site prior to appropriate approvals being granted.
© this drawing is copyrighted to moray coast architectural consultants. no unauthorised reproduction of drawings is permitted without prior consent.

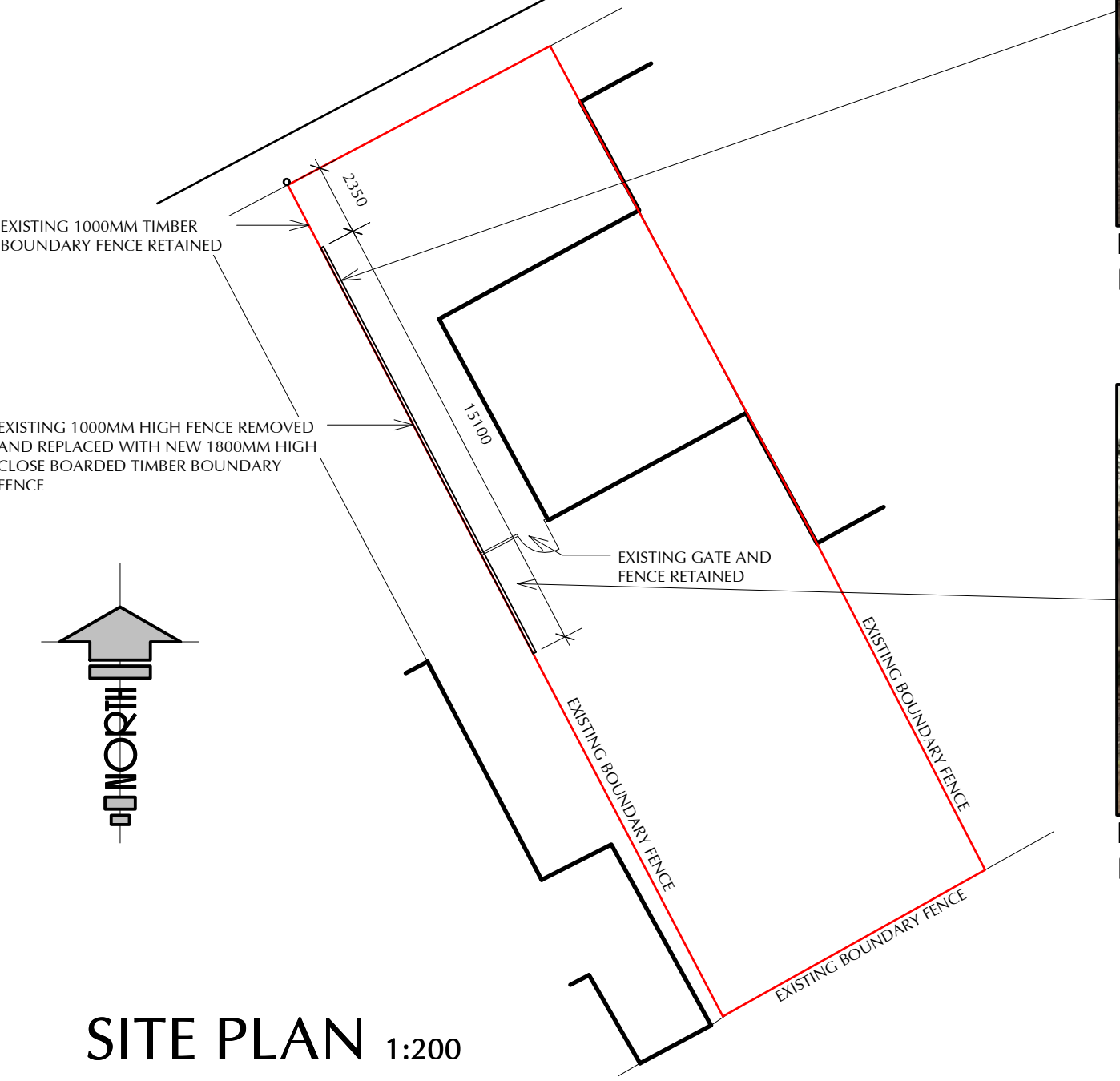
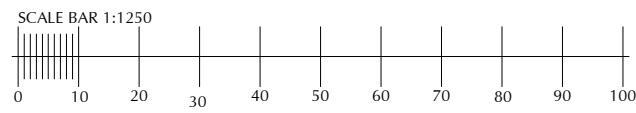


SOUTH - WEST BOUNDARY FENCE ELEVATION 1:100

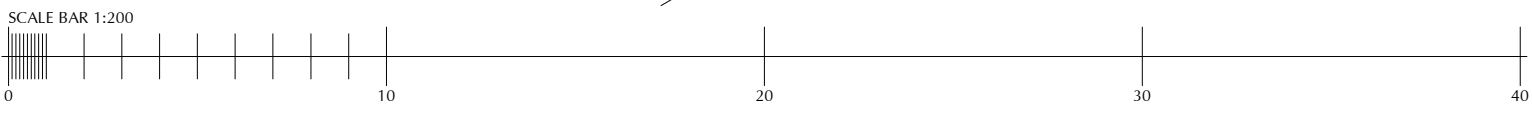


© Crown copyright 2020 Ordnance Survey 100053143

LOCATION PLAN 1:1250



SITE PLAN 1:200



PHOTOGRAPH ONE OF PROPOSED NEW BOUNDARY FENCE



PHOTOGRAPH TWO OF PROPOSED NEW BOUNDARY FENCE

moray coast
architectural consultants

8 coulardhill terrace, lossiemouth, moray, iv31 5le
mob: 07788 887086 tel: 01343 810567
email: moraycoast@live.co.uk www.moraycoast.co.uk
www.facebook.com/moraycoast

project:
RETROSPECTIVE PLANNING APPLICATION
FOR BOUNDARY FENCE AT 10 ISLA ROAD,
NEWMILL, KEITH AB55 6US FOR MR AND
MRS APPRAOUI

drawing title:
PLANNING APPLICATION
SITE AND LOCATION PLANS
drawing no.:
2021015.APPRAOUI.PP01A

date	amendment	rev

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	4th December 2020
Planning Authority Reference	20/01549/APP
Nature of Proposal (Description)	Retrospective consent to erect 1800mm boundary fence at
Site	10 Isla Road Newmill Keith Moray AB55 6US
Site Postcode	N/A
Site Gazetteer UPRN	000133029580
Proposal Location Easting	343328
Proposal Location Northing	852325
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QJXKWOBGKD200
Previous Application	
Date of Consultation	20th November 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs K Appraoui
Applicant Organisation Name	
Applicant Address	10 Isla Road Newmill Keith Moray AB55 6US
Agent Name	Moray Coast Architectural Consultants
Agent Organisation Name	
Agent Address	8 Coulardhill Terrace Lossiemouth Moray IV31 6LE
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 20/01549/APP

Retrospective consent to erect 1800mm boundary fence at 10 Isla Road Newmill Keith Moray for Mrs K Appraoui

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 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"/> |

Transportation has no objections to the proposed (retrospective) high fence.

Contact: AG

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

Consultee: TRANSPORTATION

Date 26 November 2020

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

8 Isla Road
Newmill
Keith
ABSS6US
9/12/2020

To Whom it may concern.

With reference to the letter we recieved that was dated 20th November 2020 from Teresa Ruggeri regarding neighbour notification for Retrospective consent to erect an 1800mm boundary fence between 10 Isla Road and our property at 8 Isla Road. Application Number 20/01549/APP.

I wish to exercise my "within 21 day" right to object to this planning permission being granted for the following reasons.

Firstly there is already a sufficient boundary fence between the properties which was built several years ago with mutual consent and we shared the cost with the Appraoui's. The extension they have added is built hard against and overlapping the old fence making it impossible to maintain it, hence leaving it vulnerable to the elements with and hence susceptible to

Page 1 of 1

The extension to their fence does project beyond the principal elevation / gable end of their house and I realise this is why they are applying for planning permission as it over the 1 meter allowed as per Scottish government law. As you can see from my pictures that the height of their fence is not in keeping with the rest of the street and no other fences above 1 meter extend beyond the principal elevations.

I am to believe that the "finished" side of the fence has to face outwards from your property, and it is constructed with the "good side" facing in towards their property.

When the "extension" to the fence was being erected we approached the contractor and asked if he had planning permission. We were told by Mr. Apprais to go away as he "knew the law". So hence as suggested on your neighbour notification notes "to discuss the proposal" with them is very difficult as they are unwilling to do so and made no approach to us before commencing the fence. So continuing to erect it with blatant disregard to Scottish law.

Recently the fence was further extended to within 2.4 meters of the pavement and this is when we wrote a letter of complaint to moray council to Mr Ian Drummond which has not been answered but now retrospective planning permission has been sought.

We would however be willing to accept a 2m high fence between our properties up to the principal elevation of our properties if the old fence was removed and the new fence built correctly and within government guidelines.

We do however object to the fence exceeding 1m beyond the principal elevation having read the Guidance of householder permitted development rights.

Regards

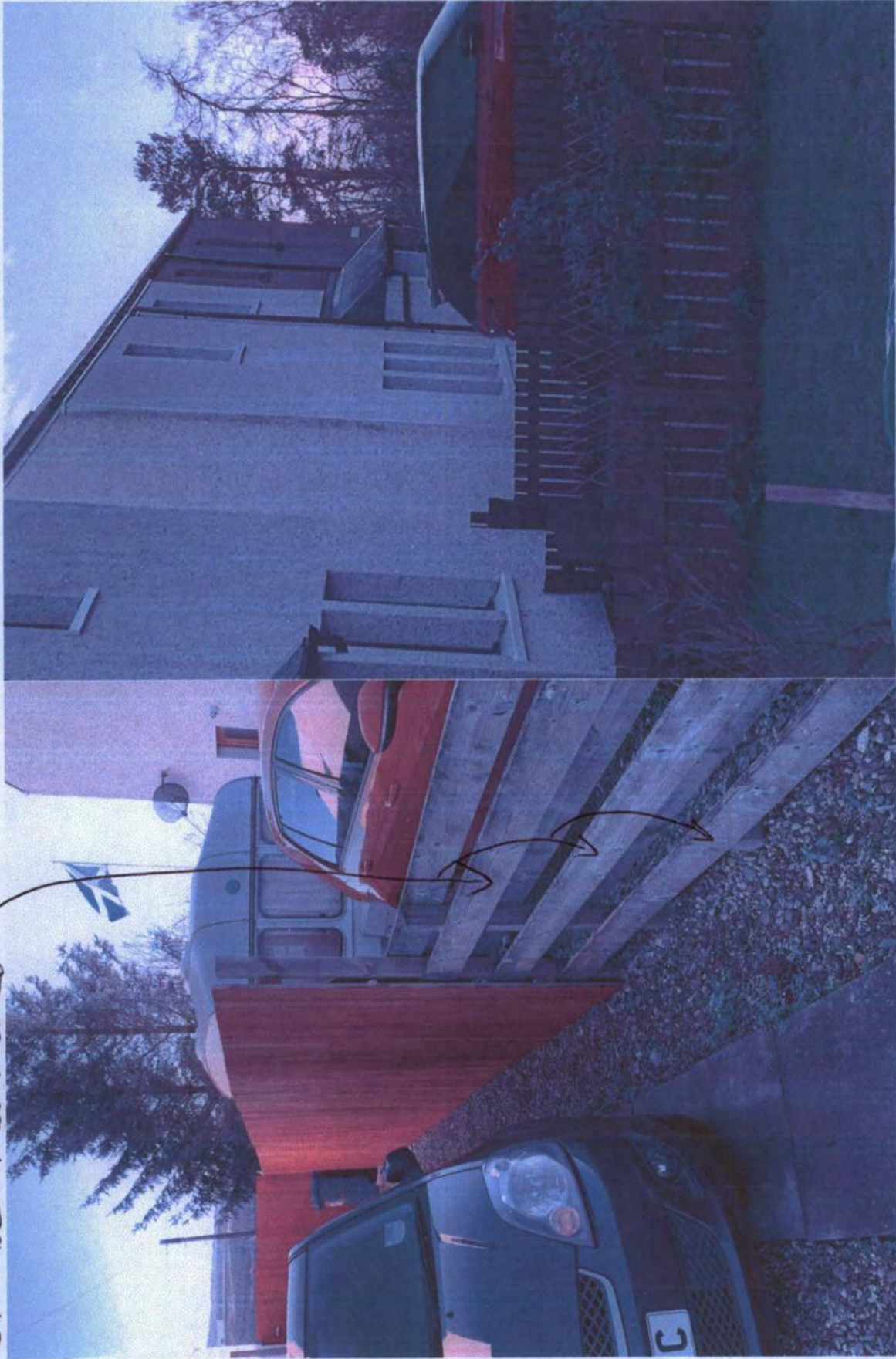
and

Home owners

P.S Photos taken on 2-12-2020
by myself

These parts of the "old existing" fence have been covered and can now not be maintained

20101549/APP



finished side faces their property.

Street view from 8-21st
Road showing no other "High" fences all within 1 meter height

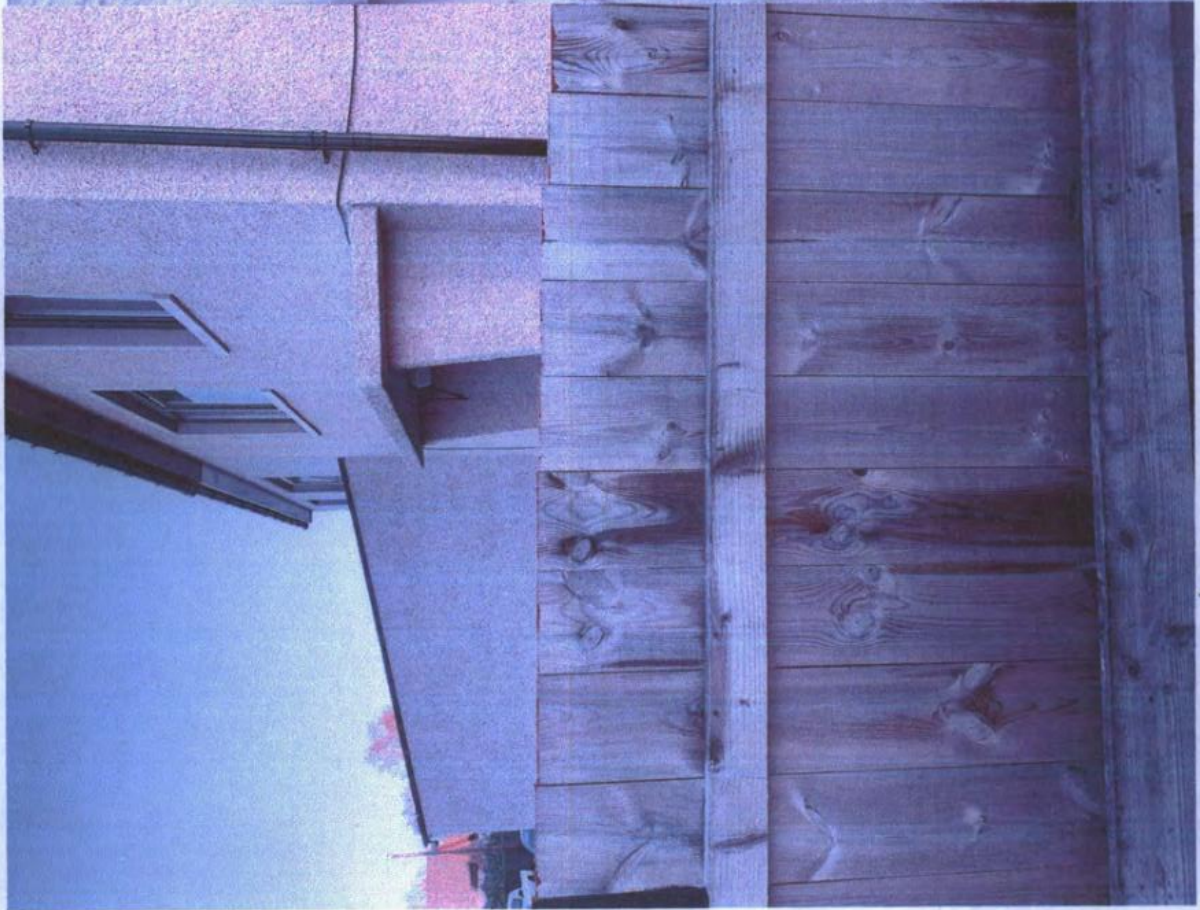
20101549 / APP



taken from 8 Isla road
Showing height exceeds 1m
beyond principal elevation of their House



20101549/APP



Showing ^{post} amount
principal elevation



existing fence which now inaccessible
for maintenance

REPORT OF HANDLING

Ref No:	20/01549/APP	Officer:	Andrew Miller
Proposal Description/ Address	Retrospective consent to erect 1800mm boundary fence at 10 Isla Road Newmill Keith Moray		
Date:	13/01/21	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transportation Manager	26/11/20	No objections.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

REPRESENTATIONS

Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Sufficient fence between the houses previously, doubling up of fence makes it hard to maintain the original fence. Comments (PO): Access for maintenance is not a planning matter and would be a private matter between the respective parties.		
Issue: A higher fence projecting forward of the front elevation of the house is not in keeping with the street. Comments (PO): This is considered in the evaluation of the case (see below).		
Issue: The finished side of the fence must point outwards from the property, this is not the case. Comments (PO): There is nothing in planning legislation or policy that requires the "finished side" of the fence to face outwards of the property.		

Issue: A number of comments relating to background of case.

Comments (PO): These are not relevant to the consideration of the application.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Site

A semi-detached house in Newmill, amongst a row of similar houses. The wider area is largely residential.

Proposal

Retrospective Planning Permission is sought for the erection of a 1.8 metre high timber fence forward of the principal elevation, per the submitted plan. The fence is between the driveways of this house and the neighbouring house (not attached) to the north.

Only the section forward of the principal elevation is assessed as part of this application, the remainder of it is "permitted development" (i.e. does not require planning permission).

Evaluation

Policy DP1 contains a number of criteria which ultimately seek to ensure all development is of the highest quality of design, suitable for its context. In this case, the application under consideration is retrospective, therefore the impact of it is already established. The house subject to this application is semi-detached and forms part of a row of similar houses, though the attached neighbour to the west has a large extension to the front of the house. Nonetheless, the prevailing character to the front of the houses in this section of the street is low rise fencing, typical of front elevations of many houses.

The fence is considered to interrupt the open aspect of the frontage of the houses (notwithstanding the neighbouring extension). Allowing this application may also set a precedence for further similar fences that would erode the character of the streetscape. The proposal is therefore not considered to comply with policy DP1.

The position of the fence does not impact on visibility for vehicles using the driveway of the house (or that of the neighbouring property to the west), noting that the Transportation Manager raised no objections to the application. Accordingly there is no conflict with policy PP3.

Recommendation - Refuse

REASON(S) FOR DECISION

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

The position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 - Development Principles of the Moray Local Development Plan 2020.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

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



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

REFUSAL OF PLANNING PERMISSION

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

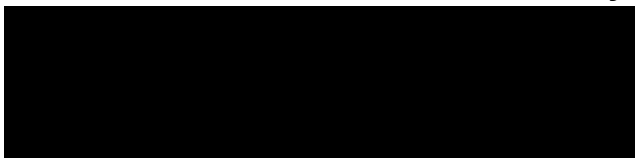
TO Mrs K Appraoui
c/o Moray Coast Architectural Consultants
8 Coulardhill Terrace
Lossiemouth
Moray
IV31 6LE

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

**Retrospective consent to erect 1800mm boundary fence at 10 Isla Road
Newmill Keith Moray**

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

Date of Notice: **13 January 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Fincance
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 - Development Principles of the Moray Local Development Plan 2020.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2021015.APPRAOUI.PP01A		Elevations, site and location plan

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

N/A

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	K	Forename	
Surname	APPRAOUI	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	10 ISLA ROAD	Address Line 1	
Address Line 2	NEWMILL	Address Line 2	
Town/City	KEITH	Town/City	
Postcode	AB55 6US	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	MORAY COUNCIL		
Planning authority's application reference number	20/01549/APP		
Site address	10 ISLA ROAD NEWMILL KEITH AB55 6US		
Description of proposed development	ERECTION OF 1.8M HIGH TIMBER BOUNDARY FENCE		

Date of application	18 NO 2020	Date of decision (if any)	13 JAN 2021
---------------------	------------	---------------------------	-------------

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

4. Nature of Application

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

5. Reasons for seeking review

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

6. Review procedure

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

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

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

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

7. Site inspection

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

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

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

8. Statement

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

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

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

OUR APPLICATION FOR A BOUNDARY FENCE WAS REFUSED DUE TO THE POSITION OF THE FENCE, FORWARD OF THE PRINCIPAL ELEVATION, INTERRUPTS THE OPEN ASPECT TO THE FRONT OF THE HOUSE, FAILING TO COMPLY WITH POLICY DP1 - DEVELOPMENT PRINCIPLES OF THE MORAY LOCAL DEVELOPMENT PLAN 2020

WE WANTED A FENCE ON THE BOUNDARY BETWEEN OURSELVES AND 8 ISLA ROAD TO GIVE AS PRIVACY FROM OUR NEIGHBOURS

OUR NEIGHBOUR AT 12 ISLA ROAD HAS AN EXTENSION TO THE FRONT OF THEIR HOUSE AND HARD TO THE BOUNDARY BETWEEN OUR PROPERTIES THAT EXTENDS FURTHER OUT THAN THE 1.8M TIMBER FENCE WE HAVE ERECTED. WE FEEL THAT THIS HAS SET A PRECEDENCE

ALTHOUGH THE DETERMINING OFFICER CONSIDERED THAT OUR FENCE INTERRUPTED THE OPEN ASPECT OF OUR PROPERTY WITHIN THE STREET ANY PERCEIVED INTERRUPTION IS MINOR IN COMPARISON TO MY IMMEDIATE NEIGHBOURS HUGE EXTENSION IN THEIR FRONT GARDEN WHICH WAS GIVEN FULL PLANNING PERMISSION IN JANUARY 2005.

WE BELIEVE THAT IF MEMBERS HAD THE OPPORTUNITY TO VISIT THE SITE THEY WOULD AGREE THAT A PREVIOUSLY APPROVED EXTENSION HAS MUCH MORE OF AN EFFECT ON THE STREET SCENE THAN OUR FENCE WHICH PROTRUDES JUST 3.8 METRES BEYOND OUR PRINCIPAL ELEVATION THEN REDUCES TO 1.0M FOR 2.35M UP TO THE EDGE OF OUR SITE.

IT IS ALSO WORTH NOTING THAT THE COUNCIL'S TRANSPORTATION SECTION HAD NO ISSUES WITH THE FENCE IN RELATION TO ROAD SAFETY BECAUSE IF IT HAD WE WOULD HAVE HAPPILY REMOVED OR REDUCED THE FENCE.

WE FEEL AS THOUGH WE ARE CAUGHT BETWEEN THE OFFICER WHO DETERMINED OUR FENCE AND THE MUCH MORE LENIENT APPROACH TAKEN BY ONE OF HIS FELLOW PLANNING OFFICER COLLEAGUES IN 2005 WHO SOUGHT IT FIT TO APPROVE A HUGE EXTENSION AT THE FRONT OF OUR NEIGHBOURS PROPERTY.

BEARING THE ABOVE IN MIND WE WOULD ASK FOR A SYMPATHETIC ASSESSMENT OF OUR APPEAL TO THIS PLANNING DECISION.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

ARCHITECTURAL SITE PLAN - 2021015.APPRAOUI.PP01A
SUPPORTING STATEMENT AND PHOTOGRAPH

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

10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Katrina

Date:

5/3/21

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

SUPPORTING STATEMENT AND PHOTOGRAPH

ALTHOUGH THE DETERMINING OFFICER CONSIDERED THAT OUR FENCE INTERRUPTED THE OPEN ASPECT OF OUR PROPERTY WITHIN THE STREET ANY PERCEIVED INTERRUPTION IS MINOR IN COMPARISON TO MY IMMEDIATE NEIGHBOURS HUGE EXTENSION IN THEIR FRONT GARDEN WHICH WAS GIVEN FULL PLANNING PERMISSION IN JANUARY 2005.

WE BELIEVE THAT IF MEMBERS HAD THE OPPORTUNITY TO VISIT THE SITE THEY WOULD AGREE THAT A PREVIOUSLY APPROVED EXTENSION HAS MUCH MORE OF AN EFFECT ON THE STREET SCENE THAN OUR FENCE WHICH PROTRUDES JUST 3.8 METRES BEYOND OUR PRINCIPAL ELEVATION THEN REDUCES TO 1.0M FOR 2.35M UP TO THE EDGE OF OUR SITE.

IT IS ALSO WORTH NOTING THAT THE COUNCIL'S TRANSPORTATION SECTION HAD NO ISSUES WITH THE FENCE IN RELATION TO ROAD SAFETY BECAUSE IF IT HAD WE WOULD HAVE HAPPILY REMOVED OR REDUCED THE FENCE.

WE FEEL AS THOUGH WE ARE CAUGHT BETWEEN THE OFFICER WHO DETERMINED OUR FENCE AND THE MUCH MORE LENIENT APPROACH TAKEN BY ONE OF HIS FELLOW PLANNING OFFICER COLLEAGUES IN 2005 WHO SOUGHT IT FIT TO APPROVE A HUGE EXTENSION AT THE FRONT OF OUR NEIGHBOURS PROPERTY.

BEARING THE ABOVE IN MIND WE WOULD ASK FOR A SYMPATHETIC ASSESSMENT OF OUR APPEAL TO THIS PLANNING DECISION.



SOUTH - WEST BOUNDARY FENCE ELEVATION 1:100

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

REFUSED

13 January 2021

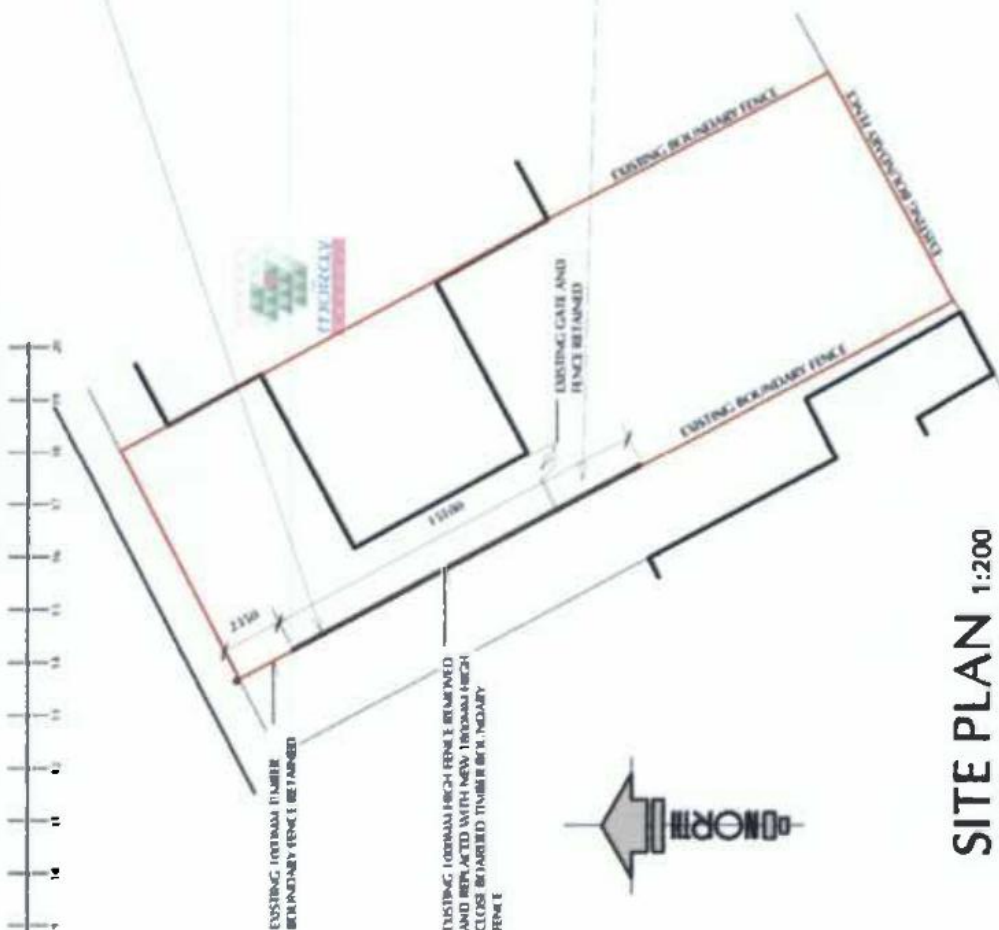
**Development Management
Environmental Services
The Moray Council**



**PHOTOGRAPH ONE OF PROPOSED
NEW BOUNDARY FENCE**



**PHOTOGRAPH TWO OF PROPOSED
NEW BOUNDARY FENCE**



SITE PLAN 1:200



LOCATION PLAN 1:1250

