



MORAY LOCAL REVIEW BODY

25 FEBRUARY 2021

SUMMARY OF INFORMATION FOR CASE No LR251

Planning Application 20/00879/PPP – Erect Dwellinghouse on site adjacent to Birkenband Cottage, Birnie, Moray

Ward 6 – Elgin City North

The proposed extension is contrary to Moray Local Development Plan 2020 for the following reasons:

1. The application proposes a new dwellinghouse on a site which would result in ribbon development, by joining up two other existing plots which would be contrary to the traditional dispersed settlement pattern in this area, contrary to policies DP1 - Development Principles and DP4 - Rural Housing.
2. The addition of a new dwellinghouse on this site would contribute to unacceptable build-up of new housing which would detract from the rural landscape character of the area, contrary to policies DP1 – Development Principles and DP4 - Rural Housing.

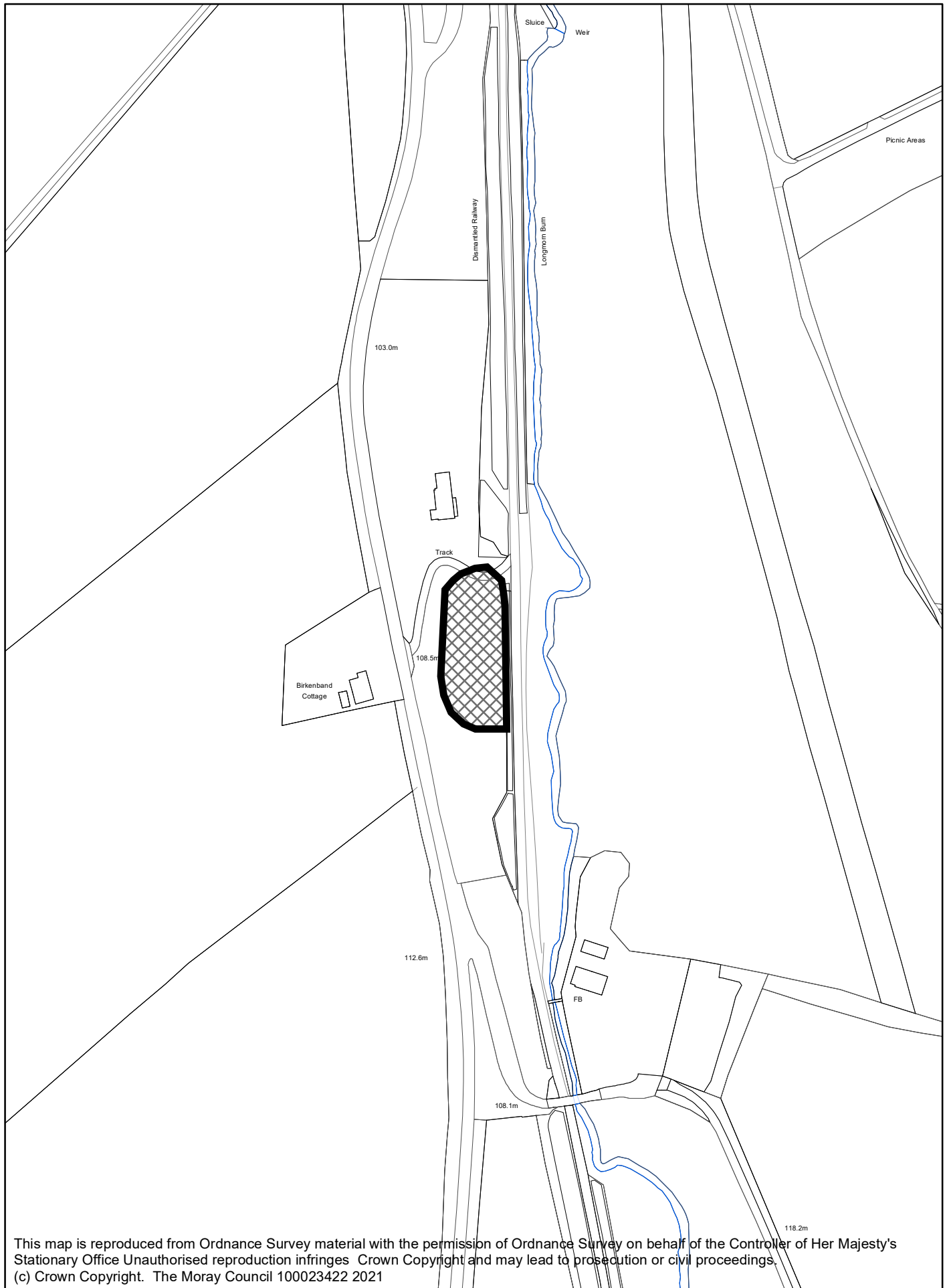
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

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



Location plan for Planning Application Reference Number : 20/00879/PPP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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 100281607-001

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)

Renew planning consent to erect dwellinghouse on Site Adjacent to Birkenbaud Cottage, Fogwatt, Elgin

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site Adjacent to Birkenbaud Cottage, Fogwatt, Elgin

Northing

856363

Easting

323610

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1959.00

Please state the measurement type used:

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

Existing Use

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

Undeveloped land

Access and Parking

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

☒ Yes ☐ No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; height: 80px; margin-top: 5px; padding: 5px;"> <p>New septic tank to soakaway</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

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.

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Neil Grant

On behalf of: Mr W Miller

Date: 15/07/2020

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

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

Site Investigation & Drainage Assessment

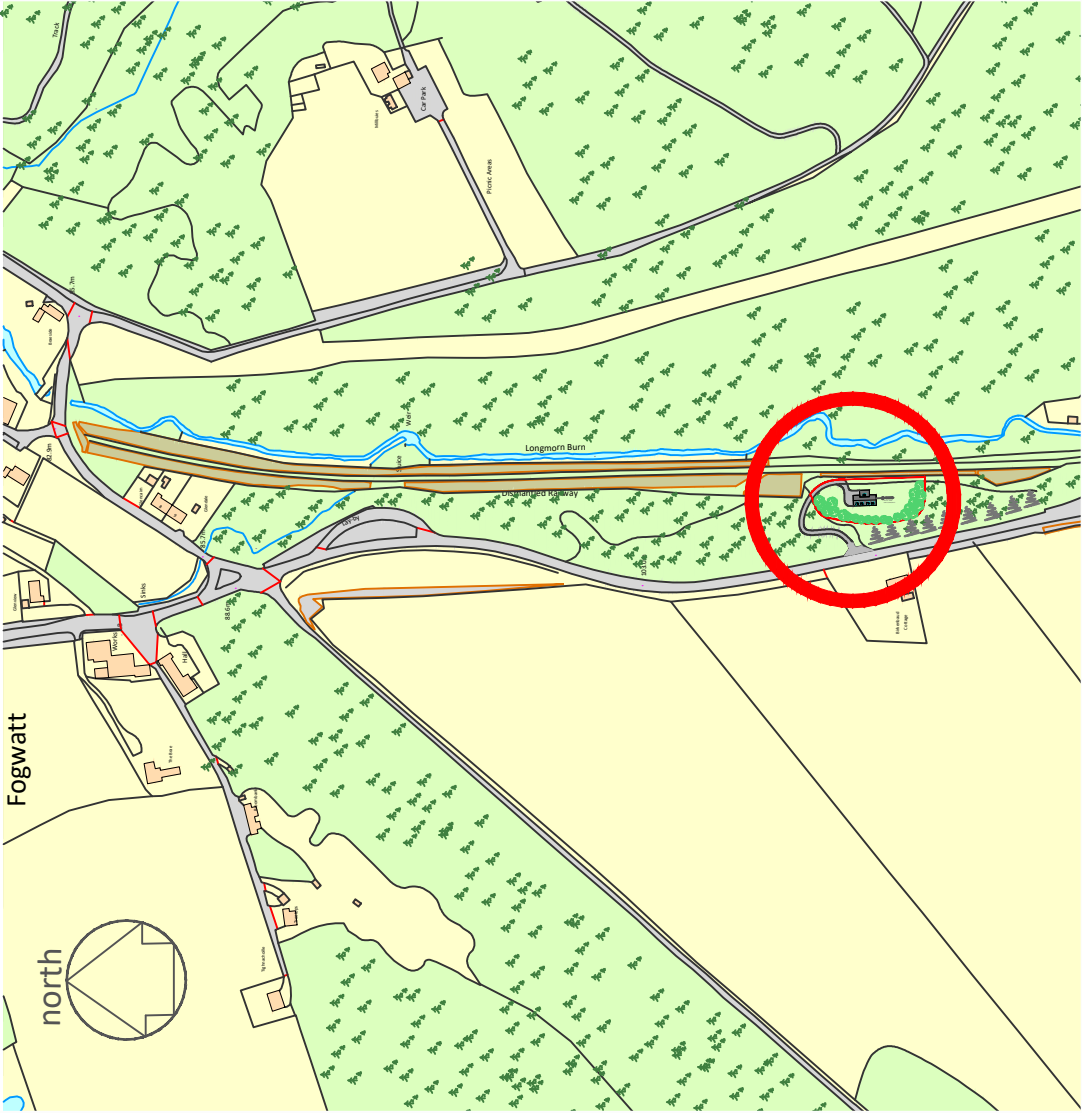
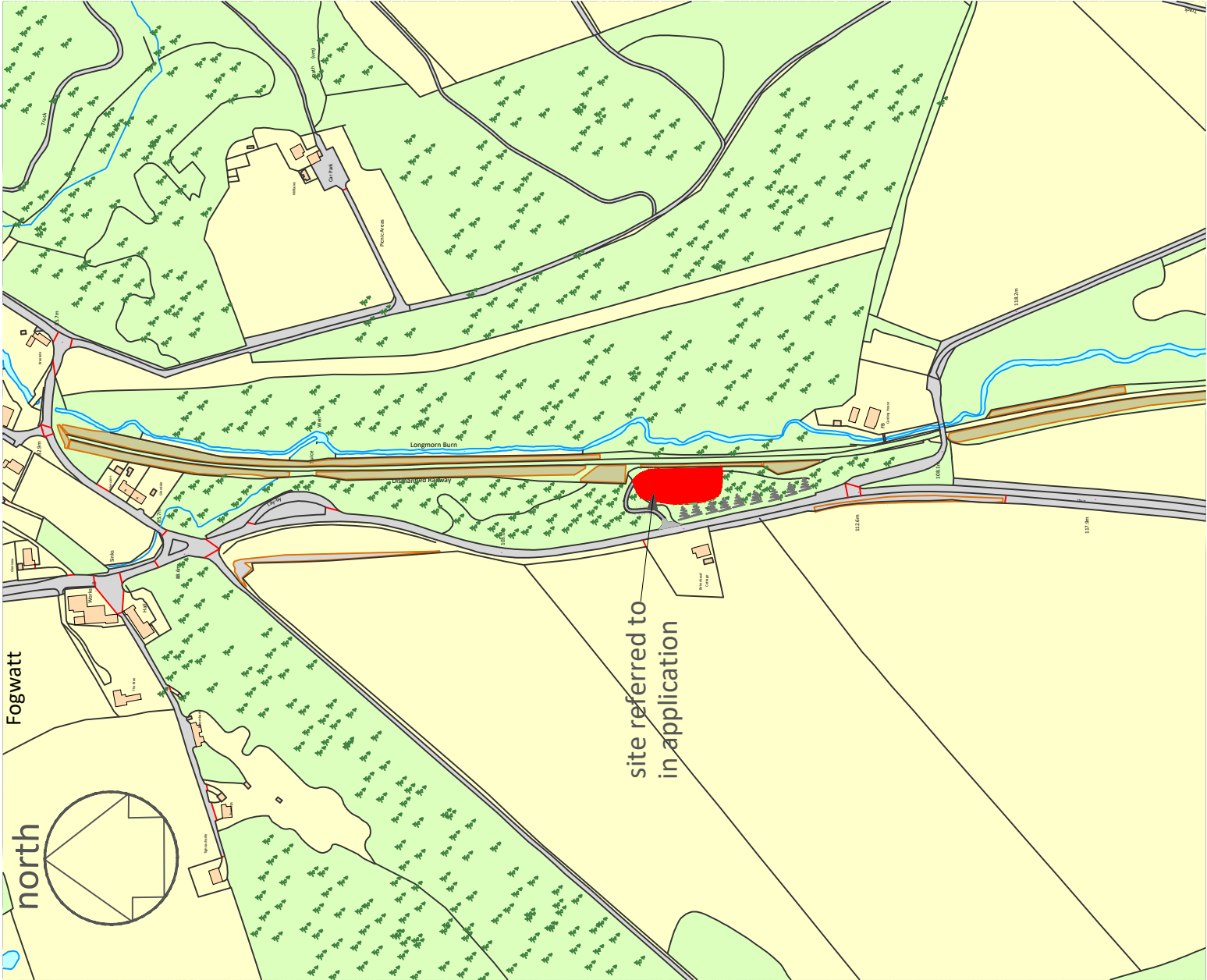
Declare – For Application to Planning Authority

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

Declaration Name: Mr Neil Grant

Declaration Date: 15/07/2020

Site adjacent to Birkenbaud Cottage, Fogwatt, Elgin



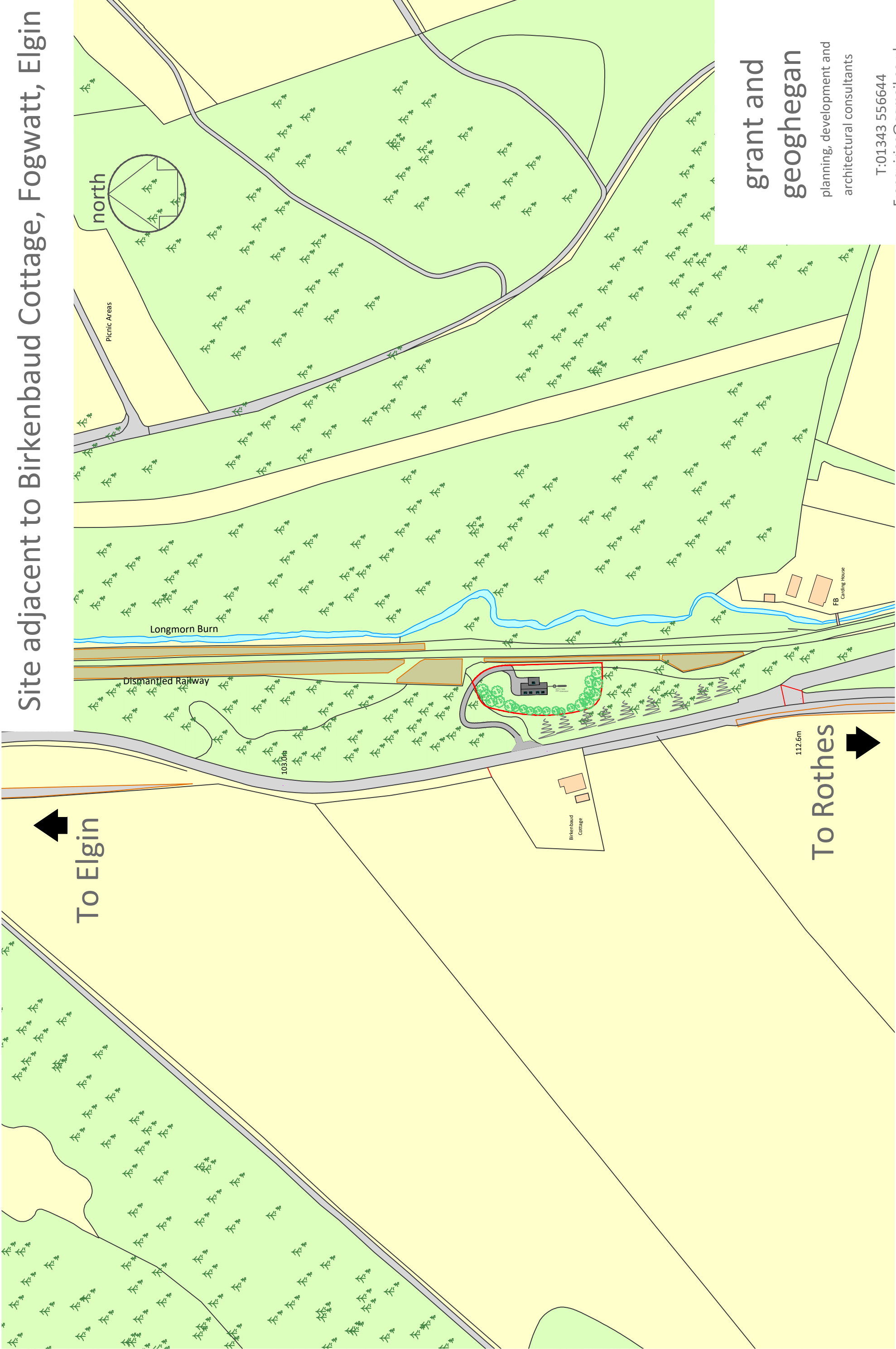
os map

grant and
geoghegan

planning, development and
architectural consultants

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

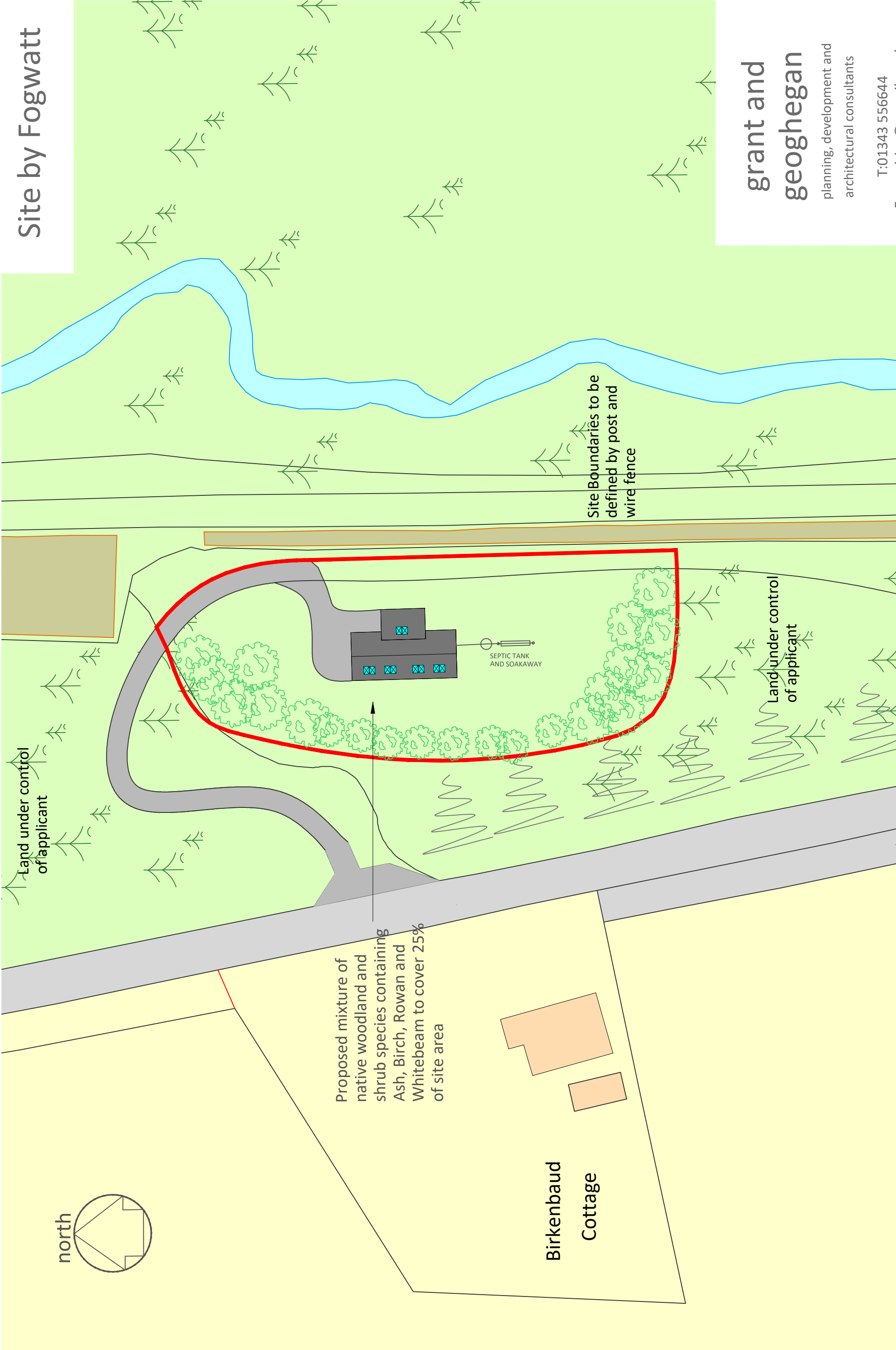
Site adjacent to Birkenbaud Cottage, Fogwatt, Elgin



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



Site by Fogwatt

grant and
geoghegan

planning, development and
architectural consultants

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

Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07557431702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

SITE ADJ TO BIRKENBAUD COTTAGE

Gary Mackintosh Bsc
gmsurveys@gmail.com

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Site Address:	2
Planning Reference:	2
Date:	2
Job Number:	2
Company Information:	2
Assessment completed by:	2
Site Description:	3
Soil Conditions:	3
Infiltration Testing:	3
Conclusion and Recommendations:	4
Surface Water Dispersal via Soakaway:	4

Client:

Billy Miller Contractor and Plant Hire Ltd

Site Address:

Site Adj to Birkenbaud Cottage

Fogwatt

By Elgin

Planning Reference:

TBC

Date:

23rd March 2020

Job Number:

0650

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

Site Description:

The site is located adjacent to Birkenbaud Cottge to the east side of the A941, south of Fogwatt, by Elgin. The proposals are to erect a single private dwelling and associated infrastructure.

The SEPA Flood maps have been consulted which indicate that the site lies out with any areas of fluvial flooding during a 1:200year event. The plans do however indicate significant surface water flooding within the site boundary. The site has a medium to steep gradient rising from east to west turning to a sharp slope at the site boundary rising to the west towards the A941. The former rail line embankment forms the east boundary. In order to gain access to the site the levels would require raising in the east area of the site to meet the level of the embankment to the east which will alleviate some of the potential water being trapped within the site. There is still the potential for surface waters to enter the site from the sharp slope to the west therefore mitigation measures will be required to ensure that the property and surrounding area is not adversely impacted during a 1:200year event.

GMC Surveys have been asked to carry out a site investigation in order to provide a drainage solution for the proposed development.

Soil Conditions:

Excavations were carried out using a mechanical digger on 24th February 2020 in order to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to a depth of 2.0m. The pits were left open and no ground water was encountered. The excavations provided existing ground conditions of:

200 - 300mm Topsoil with some roots, Light brown/orange loose to medium dense very gravelly Sands to a depth of 700mmbgl overlying light brown medium dense sandy rounded gravels with occasional cobbles proved to the depth of the excavations.

There was no evidence of fill material, contamination or water table present within the test holes.

Percolation/Soakaway Testing:

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

	1 st	2 nd	3 rd	Mean
Date of Test	24/02/2020	24/02/2002	24/02/2020	
TP01	1620s	2460s	2820s	2300s
TP02	2160s	2880s	3360s	2800s
Average Soil Vp	17.00s/mm			

Infiltration testing:

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	1.0m x 1.0m	1.0 – 1.8	4.97×10^{-5}

Conclusion and Recommendations:

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

The Vp rate is above the maximum threshold of 15s/mm therefore a ‘standard’ septic tank will be required to accommodate the foul water flows.

Foul Water Discharge via Soakaway:

The current proposals within the current application are for an indicative house design only therefore for the purposes of this report, a four bed property has been assumed. The minimum base area for the soakaway can therefore be shown as:

$$A = V_p \times PE \times 0.25 \text{ Therefore}$$

$$A = 17.00 \times 6 \times 0.25 = 25.50\text{m}$$

This area can be provided with soakaway plan dimensions of 5.1m x 5.0m at a depth of 0.45m below invert level, alternative dimensions may be used ensuring that the minimum base area of **25.50m²** is maintained.

Surface Water Dispersal via Soakaway:

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **5.0m x 2.0m at a depth of 1.5m** below the invert level based on the proposed contributing area of 180m² (roof area from plans) up to a 1 in 30year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix B.

In addition to the roof area and as noted within the introduction, surface water mitigation is recommended to prevent runoff entering the site from the slope to the west.

Please see calculations below detailing the suitability of a swale with infiltration beneath with dimensions of 89m in length x 0.75m width and 1.4m depth. The swale details can be found in Appendix B.

The Foul Water and Surface Water soakaway sizes together with the swale will require to be reviewed and confirmed on completion of the final house design to ensure all required features can be accommodated.

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

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



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SW 16.52

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Surveys, Setting Out Civil Engineering Design

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

Job No.	0650		
Sheet no.	1		
Date	23/03/20		
By	GM	Checked	Approved
Title			

Project **Site Adj to Birkenbaud Cottage, Fogwatt**
Title **Surface Water Soakaway**

Rectangular pit design data:-

Pit length	=	5 m	Pit width	=	2 m
Depth below invert	=	1.5 m	Percentage voids	=	30.0%
Imperm. area	=	180 m ²	Infilt. factor	=	0.00005 m/s
Return period	=	30 yrs	Climate change	=	35%

Calculations :-

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 10.5 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.000525 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 4.5 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	106.0	1.6	0.48	0.16	1.43
10 mins	82.1	2.5	0.71	0.31	2.14
15 mins	68.5	3.1	0.87	0.47	2.61
30 mins	48.2	4.3	1.13	0.94	3.39
1 hrs	32.3	5.8	1.31	1.89	3.93
2 hrs	21.1	7.6	1.27	3.78	3.80
4 hrs	13.5	9.7	0.73	7.56	2.18
6 hrs	10.4	11.2	0.00	11.34	0.00
10 hrs	7.5	13.4	0.00	18.90	0.00
24 hrs	4.2	18.1	0.00	45.36	0.00

Actual volume : $S_{\text{actual}} = 4.500 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 3.930 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 9.17 m²

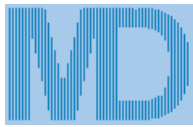
Actual a_{s50} : 10.50 m²

Minimum depth required: 1.31 m

Time to maximum 1 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 01:02 \text{ (hr:min)}$

Soakaway emptying time is OK.



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

Job No. 0650		
Sheet no. 2		
Date 23/03/20		
By GM	Checked	Approved

Project **Site Adj to Birkenbaud Cottage, Fogwatt**
Title **Surface Water Soakaway**

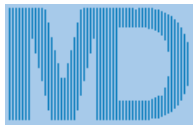
Location hydrological data (FSR):-

Location	=	FOGWATT	Grid reference	=	NJ2357
M5-60 (mm)	=	15.8	r	=	0.24
Soil index	=	0.15	SAAR (mm/yr)	=	870
WRAP	=	1	Area	=	Scotland and N. Ireland

Soil classification for WRAP type 1

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

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



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Sheet no.	1		
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By	GM	Checked	Approved
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Project **Site Adj to Birkenbaud Cottage, Fogwatt**
Title **Proposed Swale Requirements**

Data:-

Location hydrological data (FSR):-

Location	=	FOGWATT	Grid reference	=	NJ2357
M5-60 (mm)	=	15.8	r	=	0.24
Soil index	=	0.15	SAAR (mm/yr)	=	870
WRAP	=	1	Area	=	Scotland and N. Ireland

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Design data:-

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

Equivalent porosity (n1) = 0.45

Area drained = 1363 m²

Infiltration coefficient = 0.178 m/hr
Effective inf. coeff (q) = 0.1186667

Return period = 200 yrs

Climate change factor = 35%

Calculations :-

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

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

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

Results :-

Emptying time to 50% volume = 0:43 (hr:min)

hMax (Depth) = 1.4 metres

Time to maximum = 0:01 hr:min

Rainfall at maximum = 49.93mm/hr

Width (m) = 0.75

Length (m) = 89.0

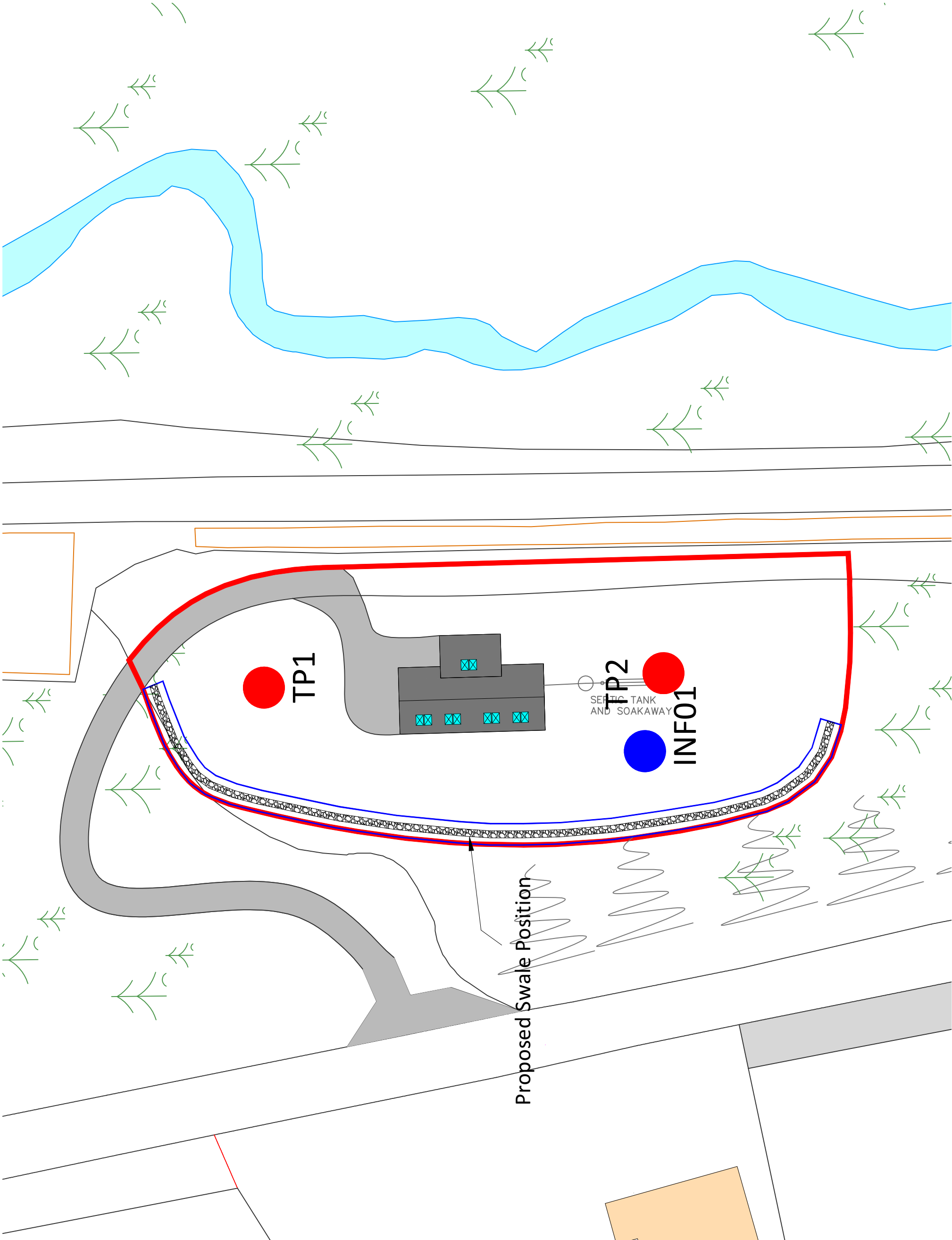
Total Infiltration area = 318.2m² (base area + sidewall area).

Total available volume = 42.08m³

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

APPENDIX A

Test Hole Location



REV	DESCRIPTION	BY	DATE	ISSUE			
STATUS							

gmcsurveys

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

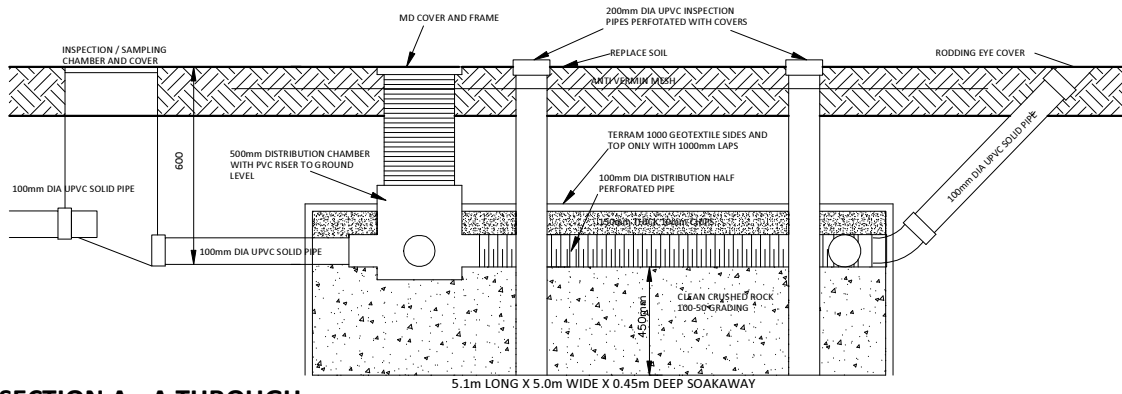
CLIENT:

Billy Miller
Contractor and Plant Hire Ltd

SITE:		Site Adj to Birkenbaud Cottage Fogwatt, By Elgin	
TITLE:		Test Hole Location/ Site Plan	
SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	MAR20	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
0650	Appendix A	-	

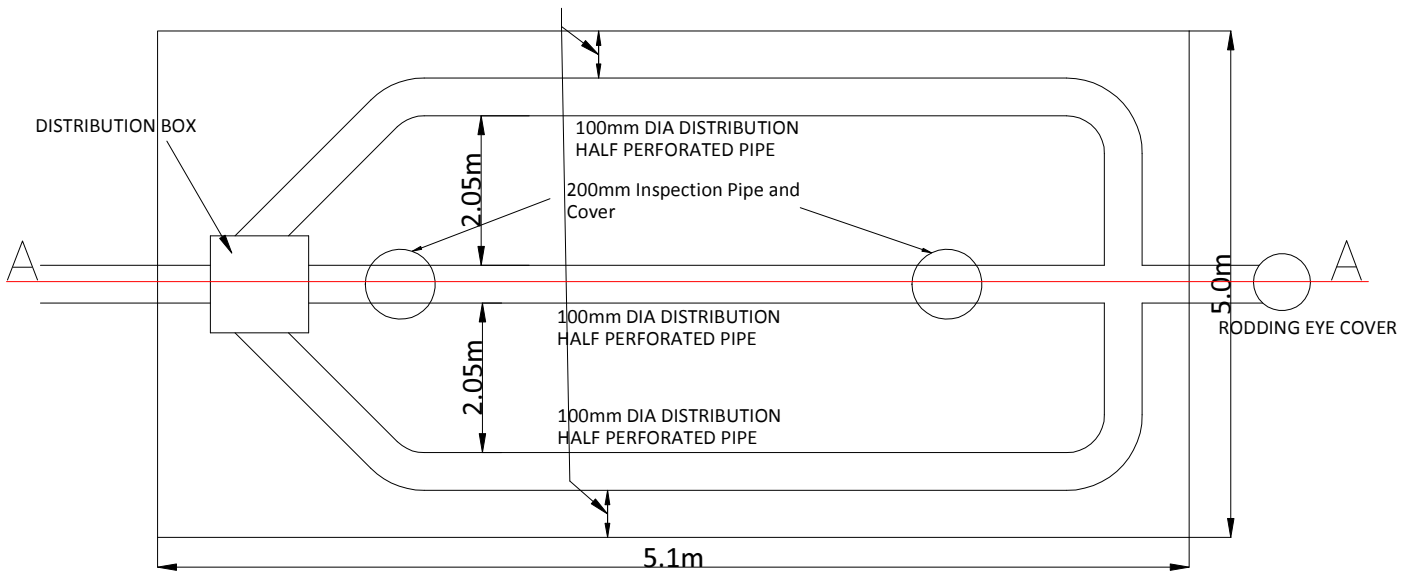
APPENDIX B

Soakaway/Swale Details and Certificates

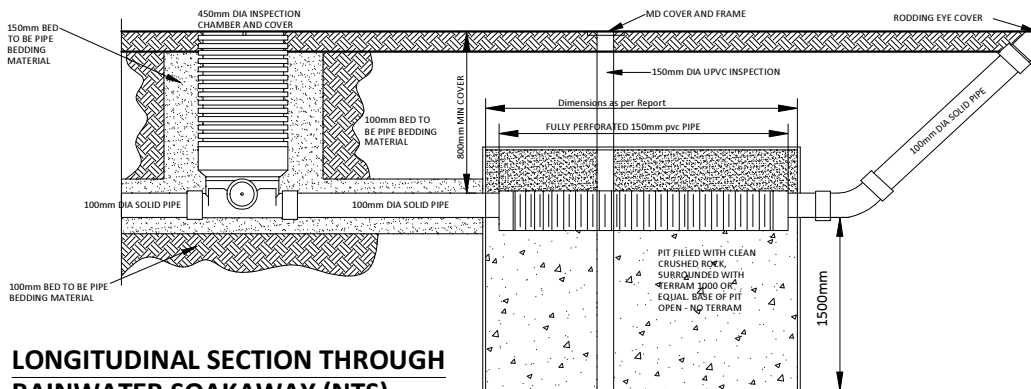


**SECTION A - A THROUGH
FOUL WATER SOAKAWAY (NTS)**

300mm FROM EDGE OF SOAKAWAY
TO PIPE AROUND PERIMETER



**PLAN VIEW
SOAKAWAY ARRANGEMENTS (NTS)**



**LONGITUDINAL SECTION THROUGH
RAINWATER SOAKAWAY (NTS)**

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

gmcsurveys

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT:

Billy Miller

Contractor and Plant Hire Ltd

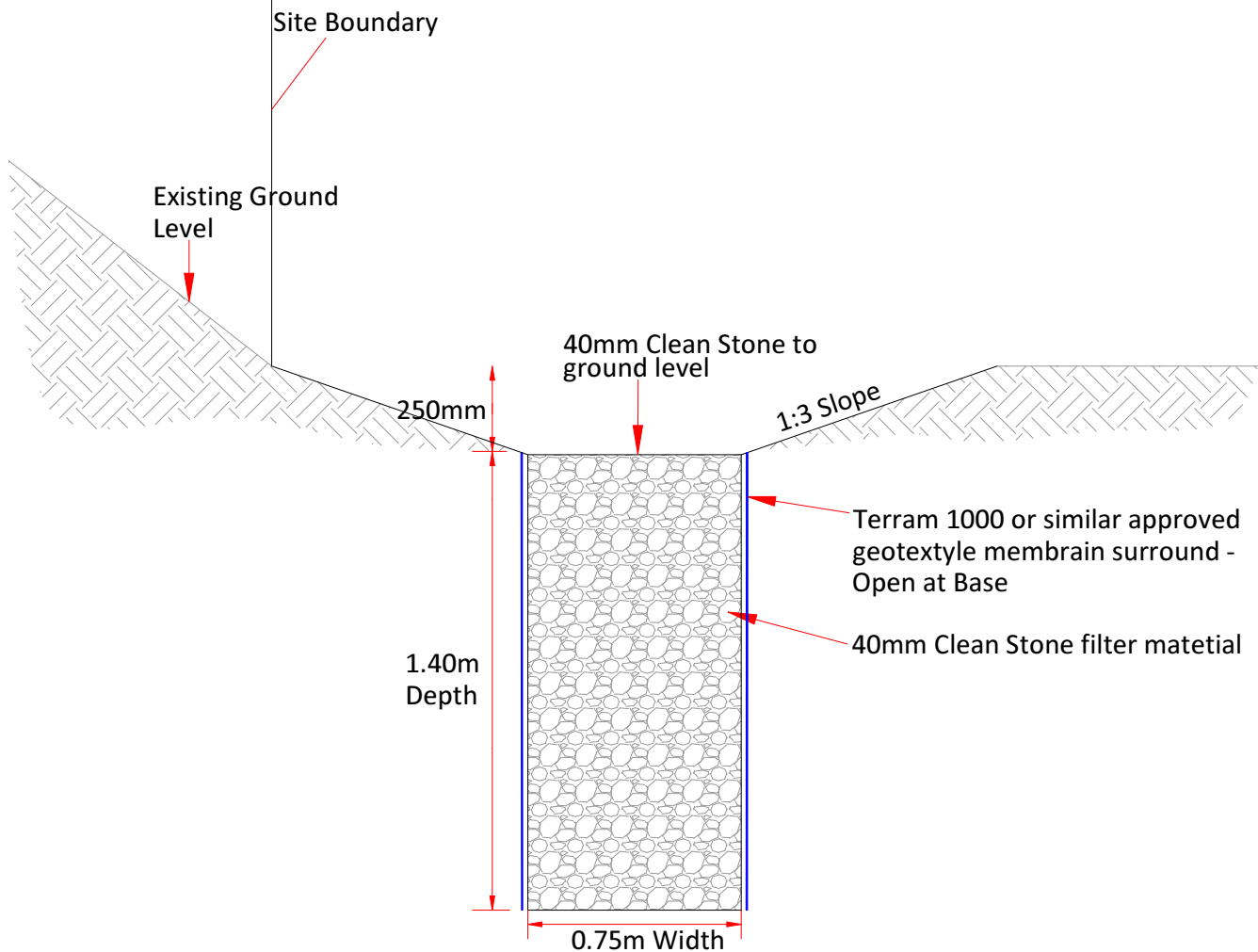
SITE:

Site Adj to Birkenbaud Cottage
Fogwatt, By Elgin

TITLE:

Soakaway Details

SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	MAR20	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
0650	Appendix B1	-	



Section Thoug Cut Off
Infiltration Bed

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

gmcsurveys

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT:

Billy Miller

Contractor and Plant Hire Ltd

SITE:

Site Adj to Birkenbaud Cottage
Fogwatt, By Elgin

TITLE:

Swale Details

SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	MAR20	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
0650	Appendix B2	-	

Certificate For Proposed Sub – Surface Soakaways
Foul Water

Applicants Name: Billy Miller Contractor and Plant Hire Ltd
Address: 1 Chanonry St, Elgin, IV30 6NF
Site Address: Site Adj to Birkenbaud Cottage, Fogwatt
Date of Tests: 24th February 2020
Weather Conditions: Dry/Clear

Percolation Test/Soakaway Sizing:

	1 st	2 nd	3 rd	Mean
Date of Test	24/02/2020	24/02/2020	24/02/2020	
TP01	1620s	2460s	2820s	2300s
TP02	2160s	2880s	3360s	2800s
Average Soil Vp	17.00s/mm			

Location: TP1
Average Soil Vp: 17.00s/mm
PE: 6
Base Area (min): 25.50m²

I hereby certify that I have carried out the above tests in full accordance with
BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building
Standards Technical Handbook (Domestic)

Signed: G Mackintosh Gary Mackintosh BSc. Date: 23rd March 2020

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

gmcsurveys

34 castle Street

Forres

Moray

IV36 1PW

T: 07557 431 702

E:gmcsurveys@gmail.com

Certificate For Proposed Sub – Surface Soakaways
Surface Water

Applicants Name: Billy Miller Contractor and Plant Hire
Address: 1 Chanonry St, Elgin, IV30 6NF
Site Address: Site Adj to Birkenbaud Cottage, Fogwatt
Date of Tests: 24th February 2020
Weather Conditions: Dry/Clear

Trial Pit Test – Surface Water:

Depth of Excavation: 1.8
Water Table Present: No

Infiltration Test:

Location: INF01
Infiltration Test Zone: 1.0 – 1.8mbgl
Infiltration Rate (m/s): 4.97×10^{-5}
Contributing Area: 180m²
Soakaway Size: 5.0m x 2.0m x 1.5 below the invert of the pipe (30year)

I hereby certify that I have carried out the above tests in accordance with the procedures specified in BRE Digest 365:1991.

Signed: G Mackintosh Gary Mackintosh BSc. Date: 23rd March 2020

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

gmcsurveys

34 castle Street

Forres

Moray

IV36 1PW

T: 07557 431 702

E: gmcsurveys@gmail.com

From: DeveloperObligations
Sent: 28 Jul 2020 09:17:11 +0100
To: DC-General Enquiries
Cc: Fiona Olsen
Subject: 20/00879/PPP Erect dwelling house on Site Adjacent To Birkenband Cottage
Birnie Moray
Attachments: 20-00879-PPP Erect dwellinghouse on Site Adjacent To Birkenband Cottage
Birnie.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.

Regards,

Beatrice Roka | Senior Infrastructure Growth/Obligations Officer (Strategic Planning and Development) |
Economic Growth and Development
Beatrice.Roka@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265



Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 28/07/2020

Reference: 20/00879/PPP

Description: Erect dwelling house on Site
Adjacent to Birkenband Cottage, Birnie Moray

Applicant: Mr W Miller

Agent: Grant And Geoghegan Limited

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 1 March 2018. 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/file118481.pdf>.

Summary of Obligations

Primary Education (<i>Contribution towards Linkwood Primary School</i>)	£ [REDACTED]
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards 5 Additional Dental Chairs and Pharmacy</i>)	£ [REDACTED]
Sports and Recreation	Nil
Total Developer Obligations	£ [REDACTED]
Affordable Housing	£ [REDACTED]
TOTAL	£ [REDACTED]

Breakdown of Calculation

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

3 bed = 1 SRUE

The assessment for developer obligations is therefore based on 1 SRUE.



Moray Council DEVELOPER OBLIGATIONS

Developer Obligations Discount for Small Scale Development

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

INFRASTRUCTURE

Education

Primary Education

This development generates 0.3 primary school pupils (1 SRUE x 0.3 primary pupils per SRUE). Pupils generated by this development are zoned to Linkwood Primary School and contributions will be sought towards the new build primary school. Therefore:

[REDACTED]

A contribution towards the land value for the serviced school site is also sought for the proportion of pupils attributable to this application. Based on a land value of [REDACTED] serviced site, the value proportioned to this development is:

[REDACTED]

Contribution towards Primary Education =

Secondary Education

Pupils generated by this development are zoned to Elgin High School. The school is currently operating at 80% capacity and the

additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

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

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

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

Linkwood Medical is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Linkwood Medical is currently operating at capacity. An additional Health Centre, 5 Additional Dental Chairs and an Additional Pharmacy will be required to accommodate the increase in population that is a direct result of development in Elgin and surrounding area. In



the interim, Linkwood Medical has been reconfigured to form additional consulting space and the additional patients arising from this development can be accommodated on this basis.

Contributions will be sought towards the additional dental chairs and pharmacy.

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Birnie 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:

[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 20/00879/PPP

Application Summary

Application Number: 20/00879/PPP

Address: Site Adjacent To Birkenband Cottage Birnie Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

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

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	4th August 2020
Planning Authority Reference	20/00879/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site Adjacent To Birkenband Cottage Birnie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069366
Proposal Location Easting	323168
Proposal Location Northing	856212
Area of application site (M²)	1959
Additional Comments	Concern with regard to build up. Site is just outwith designated Pressurised and Sensitive Area under MLDP 2020. Previously withdrawn and previously consulted Dev Plans on earlier app.
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QDJSPFBGFMB00
Previous Application	20/00414/PPP 11/01549/PPP
Date of Consultation	21st July 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr W Miller
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 20/00879/PPP

Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W Miller

Ward: 04_17 Fochabers Lhanbryde

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2020		DP4 Rural Housing	X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

The proposal is for an individual house in the countryside. This response focuses on DP4 – Rural Housing and specifically an assessment of whether the proposal constitutes unacceptable cumulative build up.

Planning History

There is a previous planning consent for a house on this site (11/01549/PPP) which has now lapsed. It should be noted that this proposal was determined under the terms of the Moray Local Plan 2008 and the housing in the countryside policy has changed since this proposal was assessed. Planning application (20/00878/PPP) for a single house was submitted under the previous Moray Local Development Plan 2015 and subsequently withdrawn.

The Moray Local Development Plan (LDP) 2020 was formally adopted on 27 July 2020 and the proposal is therefore assessed against the relevant policies within the LDP

DP4 Rural Housing and Cumulative Build-Up Guidance Note.

The site is immediately outwith a Pressurised and Sensitive Area, however this does not preclude consideration of cumulative build up. The Cumulative Build Up Guidance Note within the LDP 2020 sets out cumulative build up indicators to identify build up and assist assessment of when it is becoming unacceptable and these indicators are applicable across the whole of Moray.

Immediately adjacent to the site to the south there is a newly constructed house (16/00615/APP) and planning consent for a further house north of the site (12/01280/AMC) and another planning application (20/00879/PPP) further to the south which is currently pending consideration. It is considered that the level of development in the immediate vicinity of this site means the number of new houses would overwhelm the presence of older buildings, such that the new houses are the predominant component of the landscape. An additional house in this location therefore contributes to unacceptable build-up of development and would have a detrimental impact on the rural character of the area

Contact: Emma Gordon
email address:emma.gordon@moray.gov.uk
Consultee: Development Plans

Date 30 July 2020
Phone No 01343 5623292.

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

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to

track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using “redaction” software to avoid (or mask) the display of such information. Where appropriate other “sensitive” information within documents will also be removed prior to publication online.

Consultee Comments for Planning Application 20/00879/PPP

Application Summary

Application Number: 20/00879/PPP

Address: Site Adjacent To Birkenband Cottage Birnie Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved Unconditionally - Andy Stewart

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental protection manager

Planning Application Ref. No: 20/00879/PPP

Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W Miller

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 |
x |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below |
 |
| (d) Further information is required in order to consider the application as set out below |
<input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Ian M Douglas on behalf of Grant Speed

email address:ian.douglas@moray.gov.uk

Date27/07/19.....

.....

Phone

No

7049.....

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Access Manager

Planning Application Ref. No: 20/00879/PPP

Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W Miller

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 |
X |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | |
| (d) Further information is required in order to consider the application as set out below |
<input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Ian M Douglas

email address: ian.douglas@moray.gov.uk

Date 27/07/2020.....

.....

Phone

7049.....

No

MORAY COUNCIL
PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 20/00879/PPP

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 type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This development will require the drainage assessment. The drainage assessment provided follows an appropriate methodology. It will however need to be bespoke to include the details of the final design of the property.

Further information on requirements for the drainage assessment can be found in "Moray Council Flood Risk Management Supplementary Guidance for Flood Risk and Drainage" - www.moray.gov.uk/downloads/file124411.PDF.

Contact: Richard Knight Date 23/07/2020

email address: Richard.knight@moray.gov.uk Phone No

Consultee: The Moray Council, Flood Risk Management

Wednesday, 22 July 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: Site Adjacent To Birkenband Cottage, , Birnie, IV30 4NN
PLANNING REF: 20/00879/PPP
OUR REF: DSCAS-0018562-VND
PROPOSAL: Erect dwellinghouse

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.
- ▶ The nearest public main is approx. 650m from the proposed site.

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
Published
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."



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	4th August 2020
Planning Authority Reference	20/00879/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site Adjacent To Birkenband Cottage Birnie Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069366
Proposal Location Easting	323168
Proposal Location Northing	856212
Area of application site (M²)	1959
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QDJSPFBGFMB00
Previous Application	20/00414/PPP 11/01549/PPP
Date of Consultation	21st July 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr W Miller
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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: 20/00879/PPP

Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray for Mr W Miller

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: This proposal is for the erection of a new dwelling to be served via an existing access which is to serve a number of plots. One of the plots has already been occupied, and the access has been partly surfaced and a Lay-by constructed. The visibility splay to the north passes directly over the front garden of the recently developed plot, but earthworks have been completed and the visibility splay provided. However the required forward visibility splay does not appear to have been provided. The required visibility splays also have not been submitted for this proposal, and on that basis the following conditions would apply. The applicant should note that visibility splay drawings were previously accepted for an earlier associated planning application served via this access (12/01280/AMC).

Condition(s)

1. No development shall commence until a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 215 metres with all boundaries set back to a position behind the required visibility splays and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

2. No development shall commence until a detailed drawing (scale 1:200 or 1:500 which shall also include details to demonstrate control of the land) showing the works required to provide a forward visibility splay from the south of 215 metres and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the forward visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and thereafter the forward visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable acceptable vehicular access to the development in the interests of road safety through the provision of details currently lacking.

3. No development shall commence 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 showing the provision of 2 car parking spaces for a dwelling with three bedrooms or less, or 3 spaces for a dwelling with four bedrooms or more; and identifying the location where a future Electric Vehicle (EV) fast charging unit is to be connected to an appropriate electricity supply (minimum output 7kw and with a minimum of one parking space accessible to and located within 5 metres of the future charger unit); including details (written proposals and/or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future fast charging unit. Thereafter the car parking spaces and EV fast charger cabling and ducting shall be provided in accordance with the approved drawing prior to the first occupation of the dwelling house and 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 and the provision of infrastructure to support the use of low carbon transport.

4. Prior to the occupation of the dwelling house the vehicular access shall be constructed to the Moray Council specification and surfaced with bituminous macadam for a minimum of the first 10m of the access track, measured from the edge of the public carriageway. The width of the access shall be 5.5m for the first 15 metres measured from the edge of the public road and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

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

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

6. 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 formation of the required visibility splay will involve the removal of gorse and vegetation and the lowering of the bank/verge on the opposite side of the carriageway.

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

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

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

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

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

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

Date 24 July 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:	20/00879/PPP	Officer:	Fiona Olsen
Proposal Description/ Address	Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray		
Date:	07/10/20	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	21/07/20	No Objections
Contaminated Land	29/07/20	No Objections
Transportation Manager	24/07/20	No Objections subject to conditions and informatives
Scottish Water	22/07/20	No Objections
Planning And Development Obligations	28/07/20	Contributions Sought
Moray Access Manager	27/07/20	No Objections
Environmental Protection Manager	27/07/20	No Objections
Moray Flood Risk Management	28/07/20	Drainage Assessment required.
Strategic Planning And Development	30/07/20	Objection – The proposed dwellinghouse would contribute to an unacceptable build-up of housing in the immediate vicinity of this site and overwhelm the presence of older buildings and allow new housing to become the predominant component of the landscape in this area.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies
DP1 Development Principles		See below

DP4 Rural Housing		See below
EP7 Forestry Woodland and Trees	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

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: Wildlife flora and fauna to be completely protected.		
Comments (PO): This is an application for planning permission in principle on a site which is an existing scrubland/woodland. All trees are to be retained on site.		
Issue: Steadings may have resident bats and birds.		
Comments: This site does not have any existing buildings/structures on it. All on the site are to be retained.		
Issue: Species of mammal are in danger of extinction and should be protected.		
Comments: The proposal is not anticipated to impact upon any protected species .		
Issue: Every application should have an ecological impact survey supplied		
Comments: Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan is required to accompany the planning application. In this case as no building is to be demolished or any trees to be removed, a survey has not been required.		

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

Proposal

The application seeks planning permission in principal to erect a new dwellinghouse and associated services.

Site

The site is an existing parcel of overgrown land (with trees present) adjacent to Birkenband Cottage Birnie, Moray. It measures approx. 1959sqm.

To the immediate north of the site lies a newly constructed dwellinghouse (16/00615/APP refers) Further to the north lies an extant planning permission for a new house (12/01280/AMC refers). That permission has been implemented and will not lapse but the house has not been built to date. Finally, another application for a new dwellinghouse is currently under consideration which also lies to the north (20/00878/PPP refers)

To the west of the site lies a 'Pressurised and Sensitive' area as identified within the MLDP 2020.

Planning History

There was a previous planning consent for a house on this site (11/01549/PPP). No application to deal with matters specified in condition was lodged and this permission lapsed in November 2014. A planning application (20/00414/PPP) for a single house was submitted under the previous Moray Local Development Plan 2015 and subsequently withdrawn.

Policy Assessment (MLDP 2020)

Siting (DP1, DP4)

Policy DP4 refers to new housing in the open countryside and outlines that a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure. The proposed site is immediately beyond the boundary of an identified 'Pressurised and Sensitive Area' and therefore is assessed under the siting criteria for 'Areas of Intermediate Pressure'.

This criteria 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 the proposed new house (not including drain, ditches, fencing and road/tracks). The proposed site sits below the level of the public road to the west and therefore is shielded from view and also afforded a sufficient hillside backdrop. There are also a significant number of trees on either side of the site which provide acceptable containment to meet the first siting criteria of policy DP4.

DP4 also requires that a 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. As outlined, there is a neighbouring newly constructed house to the north of the site (16/00615/APP refers) and further to the north lies an extant consent for a dwellinghouse (12/01380/AMC refers). When taken together with these neighbouring plots, it is considered that the proposed dwellinghouse would contribute to an unacceptable build-up of housing in the immediate vicinity of this site. If approved, it would overwhelm the presence of older buildings and allow new housing to become the predominant component of the landscape, which would irreversibly alter the established rural character of the area.

Although the site is beyond the boundary of the identified 'Pressurised and Sensitive Area', this does not preclude consideration of cumulative build up. The Cumulative Build Up Guidance Note within the MLDP 2020 sets out cumulative build up indicators to identify build up and assist in assessing when it is becoming unacceptable and these indicators are applicable across the whole of Moray. In particular here, the addition of a new house on this site would also result in ribbon development which would join up other existing developments (to the north of the site) which would be contrary to the traditional dispersed settlement pattern.

Although there was previously planning permission in principle for a house on this site (11/01549/PPP refers), this permission was never commenced and has since lapsed. It is also noted that the original application in 2011 was considered at the same time as the neighbouring plot to the north (the newly constructed dwellinghouse - 16/00615/APP). However, the 2011 application was considered against the 2008 Moray Local Plan which contained no specific exclusions on the build-up of new housing in the countryside. This application has been assessed against the Moray Local Development Plan 2020 (MLDP 2020) which specifically excludes development which would create ribbon development or contribute to a build-up of new housing. As a result, the proposal for a new house on this site, although contained sufficiently by existing landform and trees, would create ribbon development and contribute to an unacceptable build up in this area which would irreversibly alter the rural character of the area. As a result the proposal is contrary to policies DP1 and DP4 and therefore the application is recommended for refusal.

Design and Materials (DP1, DP4)

This is an application for Planning Permission in Principle only and therefore should the application be approved, the design and materials of the proposed house would be matters specified in conditions, to be assessed as part of a further application. These conditions would need to ensure that the design requirements of policies DP1 and DP4 were met.

Amenity, Landscaping and Trees (DP1, DP4)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP4 requires that 15% of new house plot must be landscaped with native tree species to assist the development to integrate sensitively.

If the application were to be approved, boundary treatments and landscaping would be matters controlled by condition.

Existing trees lie on the site. The agent has confirmed that no trees are to be removed from the site as part of the development. Should the application be approved, this matter would also be controlled by condition.

Core Paths (PP3)

A disused railway line lies immediately to the east of the site and has been identified as an Aspirational Core Path. The Moray Access Manager was consulted on this application and has raised no objections. Comments were provided under a previously withdrawn application for this site (20/00413/PPP) which recommended that a condition be added to any final consent that the route should remain free of any obstruction in order to allow for potential future development of a cycle route. Therefore should the application be approved, this matter would require to be controlled by condition in line with policy PP3.

Access & Parking (DP1)

Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions and informatives to be added to any final consent and therefore proposal would be considered acceptable in terms of the access and parking requirements of policy DP1.

Drainage & Water Supply (DP1, EP12, EP13)

Details of a foul water treatment and soakaway are shown on the submitted plans. A Site Investigation and Drainage Assessment have been submitted which describe the proposed drainage arrangements and testing undertaken to ensure the site can be adequately drained. Moray Flood Risk Management have been consulted on the application and have raised no objections, however further details would require to be provided upon receipt of a full planning application.

It is proposed to connect the dwellinghouse to the public water supply. Scottish Water have been consulted and have raised no objections.

Therefore the proposal would meet the drainage and water supply requirements of policy DP1, EP12 and EP13.

Should the application be approved the agreed drainage design would also require to be a matter controlled by condition.

Developer Obligations and Affordable Housing (PP3, DP2)

A Developer Obligation towards healthcare and primary education and is sought as part of the application. An affordable housing contribution is also sought. The applicant has confirmed willingness to pay both of these, should the application be approved.

Recommendation

The proposal for a house in this location would create ribbon development and contribute to an unacceptable build of housing which would irreversibly alter the rural character of the area and as result is contrary to policies DP1 and DP4 and refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

HISTORY

Reference No.	Description			
20/00414/PPP	Erect dwellinghouse on Site Adjacent To Birkenband Cottage Fogwatt Moray			
	Decision	Withdrawn	Date Of Decision	01/06/20
11/01549/PPP	Planning Permission in Principle for new dwellinghouse at Site By Fogwatt Moray			
	Decision	Permitted	Date Of Decision	25/11/11

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises	20/08/20	
PINS	No Premises	20/08/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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DOCUMENTS, ASSESSMENTS etc. *

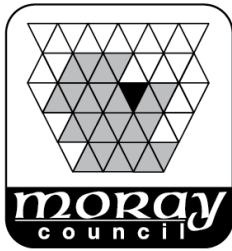
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Site Investigation and Drainage Assessment	
Main Issues:	Outlines testing undertaken to confirm ground suitability for both foul and surface water soakaways.	

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

**[Fochabers Lhanbryde]
Planning Permission in Principle**

TO Mr W Miller
 c/o Grant And Geoghegan Limited
 Unit 4
 Westerton Road Business Centre
 4 Westerton Road South
 Keith
 AB55 5FH

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

Erect dwellinghouse on Site Adjacent To Birkenband Cottage Birnie Moray

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

Date of Notice: **7 October 2020**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

0 The proposed extension is contrary to Moray Local Development Plan 2020 for the following reasons:-

1. The application proposes a new dwellinghouse on a site which would result in ribbon development, by joining up two other existing plots which would be contrary to the traditional dispersed settlement pattern in this area, contrary to policies DP1 - Development Principles and DP4 - Rural Housing.
2. The addition of a new dwellinghouse on this site would contribute to unacceptable build-up of new housing which would detract from the rural landscape character of the area, contrary to policies DP1 - Development Principles and DP4 - Rural Housing.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
010/0224/02		Block plan
010/0224/03		Location plan
010/0224/01		Site plan

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

N/A

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s) Name:

Mr W Miller

Address: Chanonry
Ind Est, Elgin

Postcode

Contact Telephone

1 Contact

Telephone 2 Fax

No E-mail*

Agent (if any)

Name: Grant & Geoghegan

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

Postcode: AB55 5FH

Contact Telephone 1: 01343 556644

Contact Telephone 2:

Fax No

E-mail: neil@gmail.co.uk

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

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

Yes No
X ☐

Planning authority

Moray Council

Planning authority's application reference number

20/00879/PPP

Site address

Site Adjacent To Birkenband Cottage Birnie Moray

Description of proposed
development

Erect dwellinghouse

Date of application

Thu 16 Jul 2020

Date of decision (if any)

07 Oct 2020

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

Grounds of Appeal stated in separate document.

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

Yes No
☐ ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

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

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

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

Checklist

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

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

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

Declaration

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

Signed Neil Grant

Date 6.1.21

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

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

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

Grounds of Appeal

Site adjacent to Birkenbank, Birnie, Moray

Issue Date:
6th January 2020

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1.0 Introduction

These grounds for review relate to the refusal of planning permission for a dwellinghouse at Longmorn, Moray and are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 7th of October 2020.

This statement responds to the reasons for refusal and addresses the proposal in relation to Development Plan Policies and relevant material planning considerations.

2.0 The Proposal

The application sought to obtain planning permission, in principle, for a single dwelling. As Member's will be aware, the extent of information required to support an in principle application is minimal however an indicative site layout is provided in the suite of plans to illustrate the maximum extent of development on this site.

In respect of detailed site matters, we can confirm the development would be served by the public water supply and private drainage (septic tank/soakaway and SUDS). Access will be from an existing track which extends from the A941.

The principle of development was established on this site under reference 11/01549/PPP, however detailed permission was not sought within the specified period nor was the application renewed so the permission lapsed and the application falls to be assessed against current planning policy.

3.0 Reasons for Refusal

The application under reference 20/00879/PPP was refused under delegated powers by the case officer on the 7th of October 2020. The reasons for refusal state that;

The proposed extension is contrary to Moray Local Development Plan 2020 for the following reasons:-

The application proposes a new dwellinghouse on a site which would result in ribbon development, by joining up two other existing plots which would be contrary to the traditional dispersed settlement pattern in this area, contrary to policies DP1 - Development Principles and DP4 - Rural Housing.

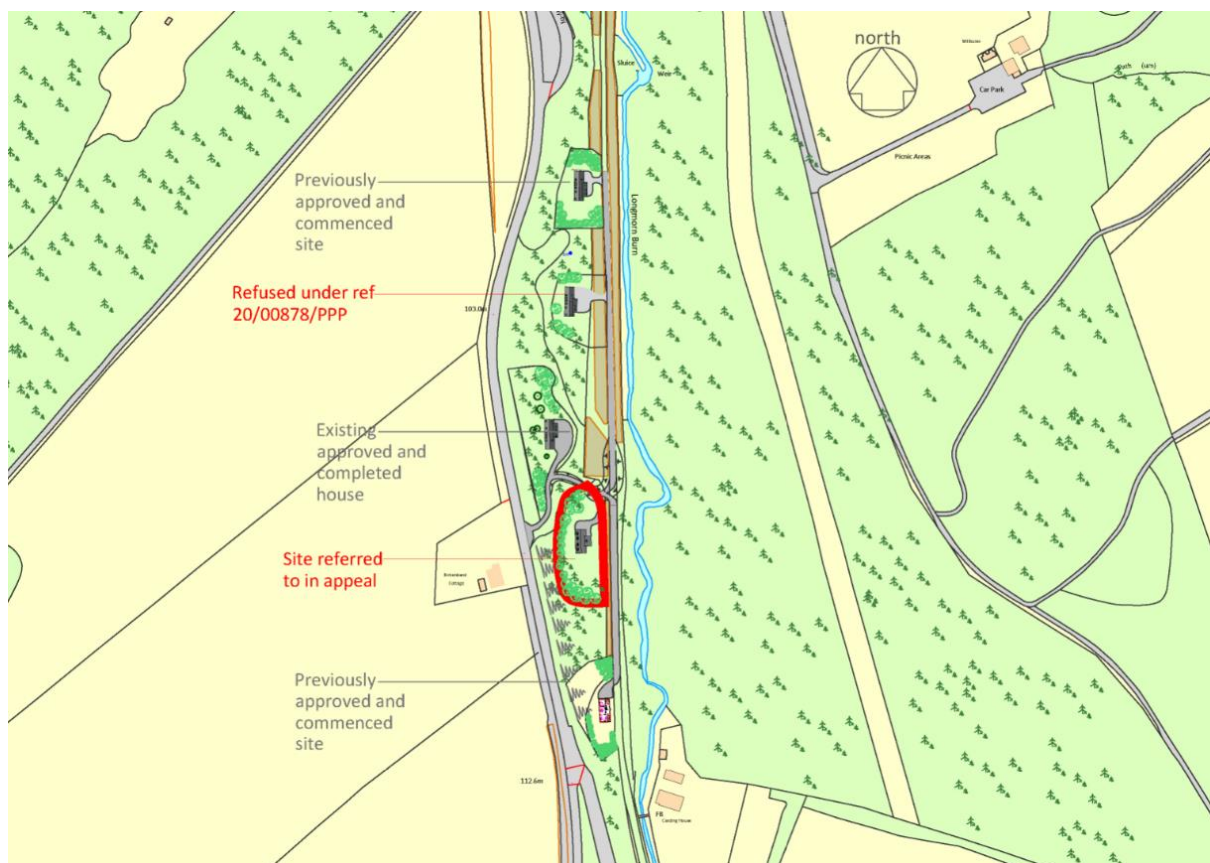
The addition of a new dwellinghouse on this site would contribute to unacceptable build-up of new housing which would detract from the rural landscape character of the area, contrary to policies DP1 - Development Principles and DP4 - Rural Housing.

There does not appear to be any reasonable justification in planning policy terms for the refusal of this application. The appellant does not consider this application to have been assessed on its own individual merits in light of the prevailing circumstances surrounding the site and respectfully contends that the proposal is fully in accordance with relevant planning policy and guidance.

4.0 Grounds of Appeal

Refusal Reason 1 – Ribbon Development

As the Officer correctly alludes to in this reason for refusal, this part of the Moray countryside is made up of small groups of houses and buildings dispersed throughout the rural area. However, the Officer recommends refusal citing that the approval of this application would result in ribbon development by joining up two other existing plots.



The subject site in the context of existing houses and approved plots

The above graphic illustrates how the addition of a new house in the manner proposed would fit into a dispersed cluster of houses and approved plots within a well contained area of land. As can be seen above, the proposal does not involve joining up any of the existing plots with the subject site- there remains significant separation and screening between plots.

In respect of ribbon development i.e. an accumulation of houses along a road, the appellant would point out that the site and neighbouring houses/ plots would not be visually linked in a manner consistent with the widely recognised definition of ribbon development. The plots all benefit from substantial screening from the A941 and clear views of the sites are restricted by the mature trees which dominate the visual experience of road users.



Plot not visible in northern view of the site from the A941.



Plot not visible in southern view of the site from the A941

It is acknowledged that the term ribbon development can be applied to buildings which are positioned back from the road, staggered, set at different angles and/ or left with gaps between them. However, the above photographs illustrate that there are no clear views of the plot from the road due to a combination of level difference, distance to the road and mature planting. The proposed development would have no impact upon the experience of road users and there are no clear views of the site from any other public vantage points.

In the circumstances, where none of the characteristics or negative impacts associated with ribbon development are in evidence, it can only be concluded that the proposal at hand does not meet with the definition of unacceptable ribbon development and that it would more accurately be described as unobtrusive infill development.

Refusal Reason 2 – Build-up

In respect of the tests in current lead policy DP4, the site is not within a “Pressured and Sensitive Area” and is in full accordance with the siting criteria prescribed in part d) of that policy:-

- The subject site benefits from a substantial backdrop of woodland and landform;
- The addition of a house on this site would not result in ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of the area due to its prominent roadside location;
- Artificial mounding, cut and fill and/ or clear felling of woodland are not proposed;
- The applicant wishes to meet and exceed the planting requirements set out in policy.

On the issue of build-up specifically, following the grant of planning on this site under reference 11/01549/PPP, the Officer appointed to determine the application submitted under reference 12/00244/PPP made the following assessment on the matter:-

“In this case the site is bounded by the dismantled railway to the east with mature woodland beyond, to the south and west by a steep wooded slope and to the north by further proposed house plot with mature woodland beyond therefore the development meets the boundary enclosure aspect of policy H8. The A941 road lies to the east beyond the steep slope and woodland. A further two approved house plots lie to the south of this site (11/01548/PPP and 11/01549/PPP).

Given the site location in what is a wooded valley area the proposed house will not be prominent in the surrounding landscape, however, given the presence of the two existing house plot approvals to the south and the additional proposed plot to the north careful consideration needs to be given to the potential build-up of new development in the area and the impact that this has on the character and appearance of the wider landscape.

Although the proposed house site is in relatively close proximity to the existing house plot approvals, there will only be a very limited level of build up or visual intrusion as a result of this development, this is on the basis that the house plots will be visually separated by the existing slope and woodland between them and therefore when driving past on the A941 which is the main public viewpoint of the development the houses will not be viewed together and therefore there will not be an unacceptable build-up of development or visual intrusion as a result of this development.”

Whilst we understand there has been a change in planning policy since the nearby site gained the grant of planning permission in 2012, there has not been a material change in circumstance in the vicinity of the site from what was before the appointed officer at that time. As Member’s can see here, the issue of build-up is addressed thoroughly in that report and it concludes that the addition of a further house to the north of the subject site would not lead to an unacceptable build-up of development given the separation between properties and sites.

Although planning policy has changed, the criteria by which build-up of development is assessed by Planning Officer’s has not changed and the Officer makes a robust assessment of the site and its surrounds in this context. The introduction of new guidance does not on its own mean the matter was given insufficient weight in the decision making process beforehand. The above paragraphs demonstrate that beyond any reasonable

doubt. In the absence of any further development in this location, it is clear that the appointed Officer's conclusions in 2012 remain as valid today as they were then.

5.0 Other determining issues

The steep banks surrounding these sites are prone to landslip and the appellant has already expended considerable resource in stabilising ground to make sure the area is safe. However, there is still considerable further work to do and although the appellant is happy to do the work as planned, it should be noted by Member's that it was on the premise of 5 plots and not 3.

Given the high upfront costs associated with suitably servicing these sites, we can confirm that the quantum of development required to undertake these works requires 5 planning approvals or the viability of the project is threatened. As these works are in the wider public interest, it should be noted that if planning permission is not forthcoming for this site then it is likely that the Council will have to fund all or part of the further groundworks required to ensure the wider area is safe.

6.0 Conclusion

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

We acknowledge that planning permission lapsed on this site and that it falls to be assessed in light of the new development plan. However, as has been shown in the body of this statement, the proposal can be supported under current planning policy and coupled with the fact that there has been no material change in circumstance at the site; we would respectfully contend that the principle of development in this location is acceptable.

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside. The proposal at hand essentially seeks to renew a historic permission which has been viewed positively before on account of its sensitivity and low environmental impact with wider benefits which are in the public interest.

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