

23/01906/APP
19th December 2023

**Domestic extension at 37 Beils Brae Urquhart Elgin
Moray
for Mr Neal MacPherson**

Comments:

- Application is being reported to the Committee as it's submitted by an Officer that is involved in the statutory planning process.
- No representations have been received.

Procedure:

- None.

Recommendation

- Grant planning permission subject to the following conditions:

Conditions/Reasons

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Two existing car parking spaces shall be retained within the site throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

3. No development shall commence until the tree protection measures detailed in submitted Tree Protection Plan have been implemented in full. For the avoidance of doubt the tree protection barrier should comply with BS5837:2012.

Reason: In order to ensure adequate measures to protect retained trees are in place.

Reason(s) for Decision

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

The proposal accords with the relevant provisions of the National Planning Framework 4 and Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal.
- Damage or destroy the breeding sites or resting places of such animals.

Furthermore, where it is proposed to carry out works that will affect a European Protected Species or their shelter/breeding places, whether or not they are present, a licence is required from the appropriate licensing authority.

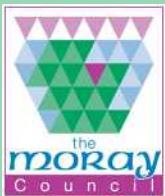
THE TRANSPORTATION MANAGER, has commented that:-

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
023-1	Location plan
023-2	Site plan
023-4	Proposed floor plans
023-5	Proposed elevations
023-6	Proposed elevations
	Tree Protection Plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number: 23/01906/APP

Site Address:

37 Beils Brae
Urquhart
Elgin
Moray
IV30 8XQ

Applicant Name:

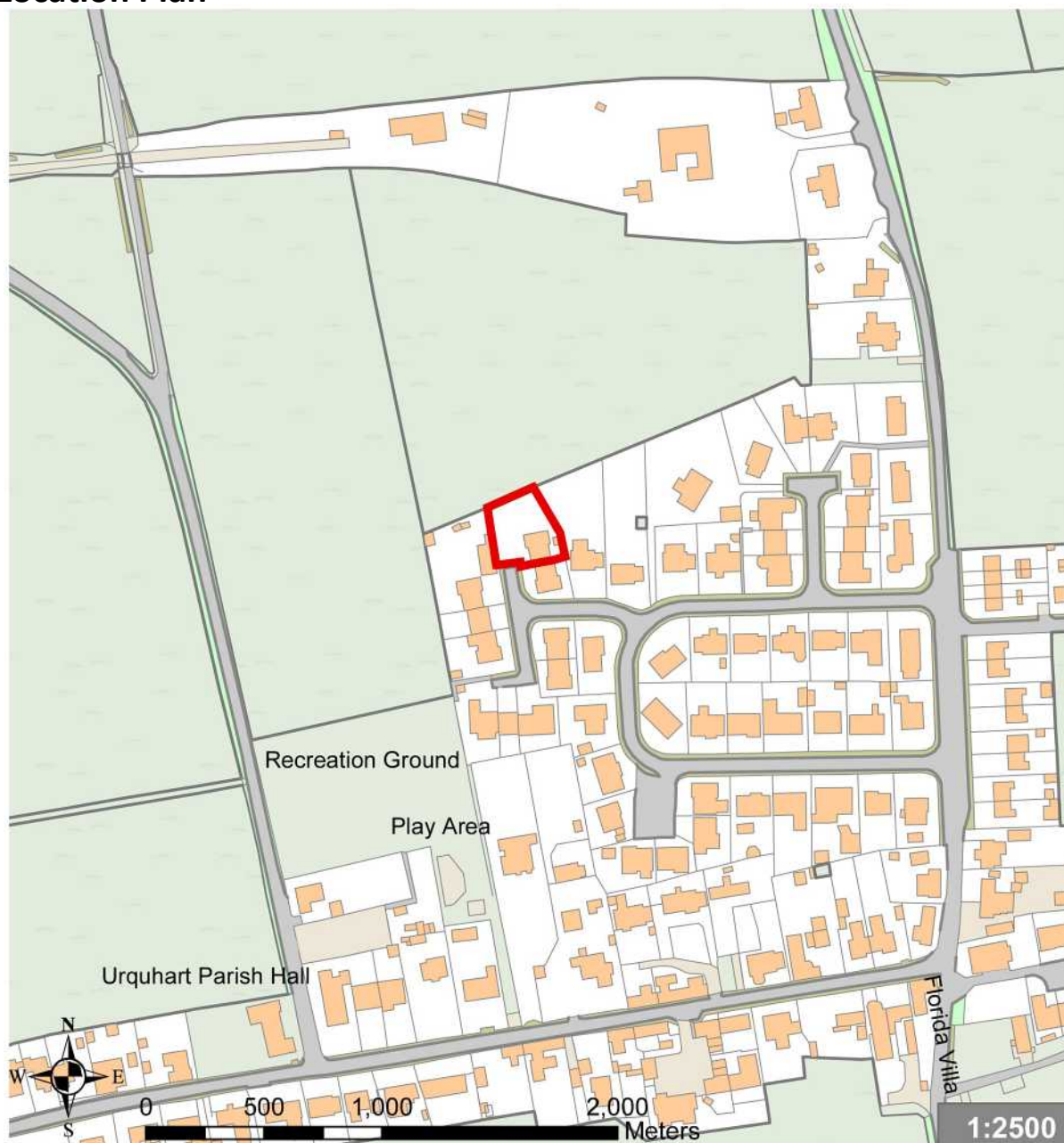
Mr Neal MacPherson

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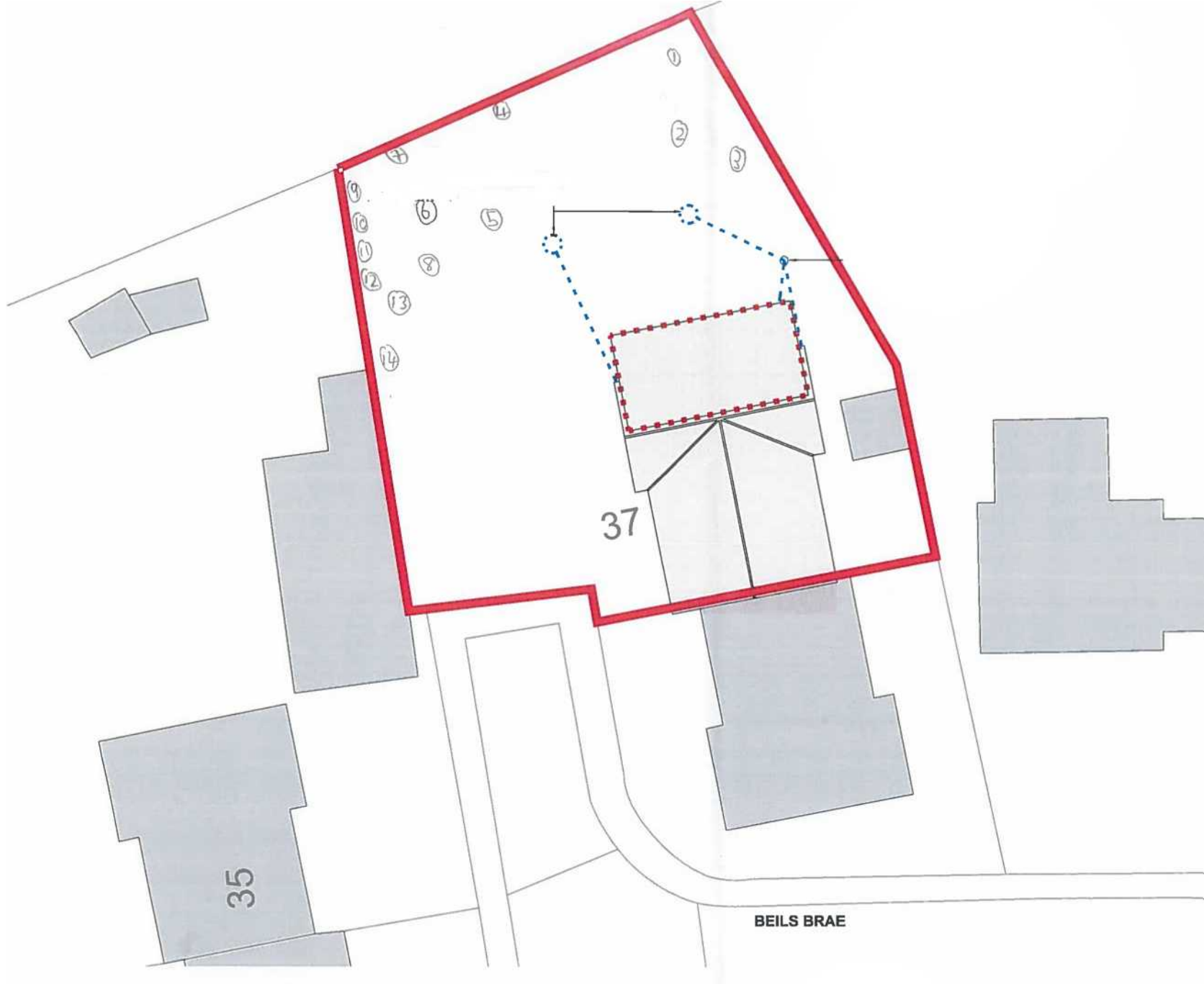
Location Plan



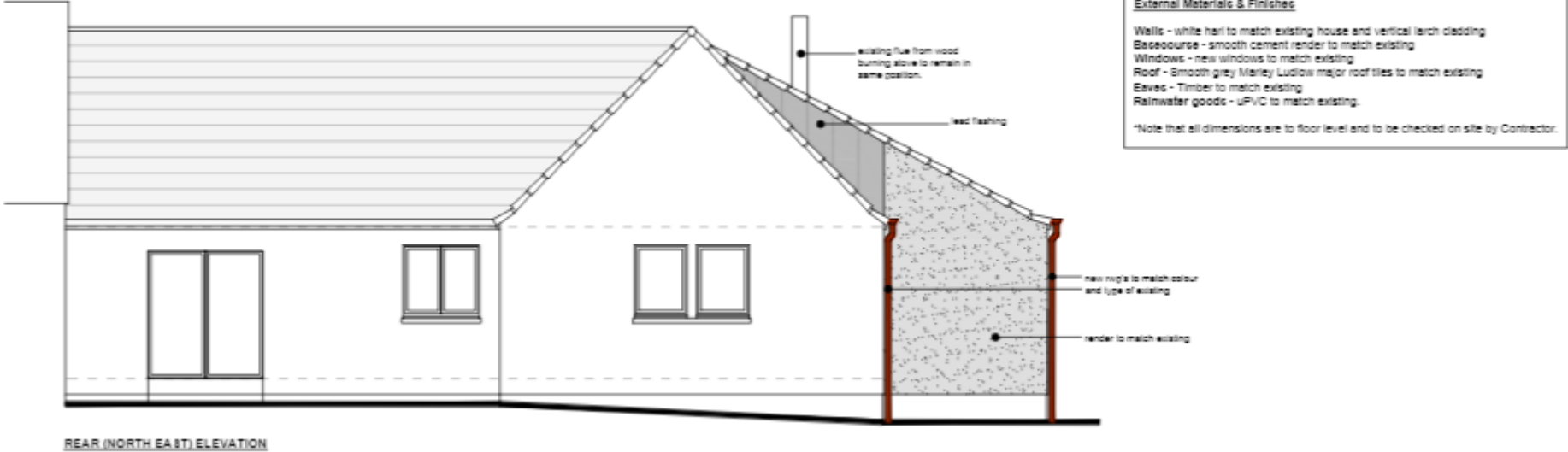
Site Location



Site Plan



NE elevation



SW and NW elevations



FRONT (SOUTH WEST) ELEVATION



SIDE (NORTH WEST) ELEVATION

External Materials & Finishes

- Walls - white harl to match existing house and vertical larch cladding
- Basecourse - smooth cement render to match existing
- Windows - new windows to match existing
- Roof - Smooth grey Marley Ludlow major roof tiles to match existing
- Eaves - Timber to match existing
- Rainwater goods - uPVC to match existing.

*Note that all dimensions are to floor level and to be checked on site by Contractor.



Photo location plan



Scale: 1:542 @ A4



Photo 1



Photo 2



PLANNING APPLICATION: 23/01906/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. **THE PROPOSAL**

- Planning permission is sought in this case for the erection of a single storey extension to the rear of 37 Beils Brae, Urquhart.
- The proposed extension would project from the north elevation and have a footprint of 26 sqm. It would comprise a music room accessed via the existing living room and an extension to an existing bedroom which includes additional floor space, a wardrobe and en-suite.
- Proposed external material finishes comprise harl and smooth grey Marley Ludlow roof tiles (on a pitched roof) both to match existing.
- Two new surface water soakaways are proposed to the north of the extension.

2. **THE SITE**

- 37 Beils Brae is located in a residential area within the village of Urquhart.
- The site is bounded to the east, west and south by neighbouring dwellings. An agricultural field lies to the north beyond the rear garden.
- The northern part of the site is covered by the ENV2 Beils Brae 'Amenity Greenspace' designation as identified in the Moray Local Development Plan 2020 and a Tree Preservation Order.

3. **HISTORY**

3.1 None.

4. **POLICIES**

Sustainable Places

Policy 1- Tackling the Climate and Nature Crises

Policy 2 - Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 6 – Forestry, Woodland and Trees

Liveable Places

Policy 16 - Quality homes

Policy 22 – Flood risk and water management

Moray Local Development Plan 2020

Development Policies

DP1 – Development Principles

Environment Policies

EP1 - Natural Heritage Designations

EP5 – Open Space

EP7 – Forestry, Woodlands and Trees

ENV2 - Beils Brae, Urguhart

5. ADVERTISEMENTS

5.1 None.

6. CONSULTATIONS

Contaminated Land – No objection.

Environmental Health - No objection.

Transportation – No objection, subject to condition regarding parking provision.

Moray Flood Risk Management – No objection.

7. OBJECTIONS-REPRESENTATIONS

7.1 None.

8. OBSERVATIONS

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 (MLDP), unless material considerations indicate otherwise.

8.2 The main planning considerations are detailed below:-

8.3 **Siting and Design (NPF4 Policy 16; MLDP Policy DP1, EP5 and ENV2 Beils Brae)**

NPF4 Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

- 8.4 Moray Local Development Plan 2020 Policy DP1 Development Principles requires the scale, density, and character of development to be appropriate to the surrounding area, be integrated into the surrounding area, conserve and enhance the natural and built environment, and not adversely impact upon neighbouring properties in terms of privacy, daylight, or overbearing loss of amenity. Policy EP5 seeks to safeguard designated open space from development that is not related to its current use.
- 8.5 The proposed single storey pitched roof extension is in scale and keeping with the property and surrounding area. The external materials proposed are acceptable and will allow for the extension to integrate with the existing dwelling. The design and positioning of the proposed extension will have no adverse impact on the amenity of neighbouring properties within terms of privacy, overshadowing or loss of daylight.
- 8.6 The position of the proposed extension lies outwith the ENV2 designation.
- 8.7 Drawing from the above considerations the proposals comply with Policies NPF4 Policy 16 and MLDP Policies DP1 and EP5.
- 8.8 **Trees (NPF4 Policy 6; MLDP Policy EP7)**
NPF4 Policy 6 and MLDP Policy EP7 seek together to protect woodland and trees.
- 8.9 The northern part of the site is covered by a Tree Preservation Order (TPO). The position of the proposed extension lies outwith the TPO area, and the proposed surface water soakaways within the TPO.
- 8.10 There are a number of trees located within the garden of 37 Beils Brae and these include Beech, Silver Birch, Sycamore, Holly and Leylandii. The applicant has submitted a tree protection plan (and supporting information) which details the location of the trees and protection measures (heras fencing) to be employed during works. The plan shows that the trees are all a sufficient distance from the extension and proposed drainage and therefore will not be impacted as a result of the proposal. With this in mind the proposal accords with policies 6 and EP7.
- 8.11 **Protected Species (NPF4 Policy 3; MLDP Policy EP1)**
NPF4 Policy 4 Natural Places and Policy EP1 (d) European Protected Species requires that for any development where a protected species has the likelihood to be present, a survey will be required to accompany the application to ensure there will be no adverse impact on the species.
- 8.12 The applicant has submitted information and accompanying photographs which confirms that they have found no evidence of bats past or present using their property. On this basis the proposal will not impact bats and the policies are met.
- 8.13 **Climate Change and Biodiversity (NPF4 Policies 1, 2 & 3)**
The proposal is for a modest domestic extension on an existing property and will result in minimal impact in terms of climate change. As such, the NPF4 Policies 1 Tackling the Climate and Nature Crisis and 2 Climate Mitigation and

Adaptation do not hold significant consideration for this application. Similarly, biodiversity enhancement would not be commensurate with the scale and nature of this development and as such would not deviate from policy 3.

REASON(S) FOR DECISION

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

The proposal accords with the relevant provisions of the National Planning Framework 4 and Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

Author/Contact

Emma Mitchell

Ext: 01343 563326

Officer:

Planning Officer

Beverly Smith

Development Management & Building Standards Manager